
From: South East Planning <southeastplanning@cyfoethnaturiolcymru.gov.uk>
Sent: 14 June 2023 13:02
To: Planning DC
Subject: P/23/0131 - Bishop Hedley High School (Major) - NRW Response NRW:01165727
Attachments: Bishop hedley SPA.pdf; P_23_0131 V1.pdf

Categories: Red Category

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Annwyl David

Amgaeaf ein hymateb i'r cais uchod, ac os oes gennych unrhyw ymholiadau, mae croeso i chi gysylltu â mi.

Cofion Cynnes

Dear David

Please find attached our response to the above application, if you have any queries please do not hesitate to contact me.

Kind Regards
Claire McCorkindale

Tîm Cynllunio Datblygu / Development Planning Team
Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn / Tel: 03000 653098
www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Yn falch o arwain y ffordd at ddyfodol gwell i Gymru trwy reoli'r amgylchedd ac adnoddau naturiol yn gynaliadwy / Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.

Croesewir gohebiaeth yn Gymraeg a byddwn yn ymateb yn Gymraeg, heb i hynny arwain at oedi / Correspondence in Welsh is welcomed, and we will respond in Welsh without it leading to a delay.



**Cyfoeth
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Cymru
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Resources
Wales**

Ein cyf/Our ref: CAS-210103-P7R9
Eich cyf/Your ref:

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20/03/2023

Annwyl Syr/Madam / Dear Sir/Madam,

STATUTORY PRE-APPLICATION CONSULTATION - TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (WALES) ORDER 2012 AS AMENDED.

BWRIAD / PROPOSAL: Proposed demolition of existing school buildings and construction of a 3-16 school at the site of the existing, including sports facilities, and associated works (including landscaping, access and engineering works, temporary staff car park and construction compound, and temporary classrooms)

LLEOLIAD / LOCATION: Bishop Hedley High School, Gwaunfarren Road, Penydarren, Merthyr Tydfil, CF47 9AN

Thank you for providing a requisite notice to us under Article 2D of the above Order. We received a copy of your proposed application on 21 February 2023.

We have concerns with the application as proposed because inadequate information has been provided. To overcome these concerns, you should provide further information in your planning application regarding European Protected Species (Bats). If this information is not provided, we may object to the planning application when formally consulted by the planning authority. Further details are provided below.

We also advise that based on the information submitted to date, we would ask the planning authority to include a condition regarding pollution prevention on any planning permission granted. Without the inclusion of this condition by the planning authority we would be likely to object to the planning permission.

European Protected Species (Bats)

We note that the bat report submitted in support of the above application (Preliminary Ecological Assessment and Bat Survey by Ecological Services Ltd, dated 2 November 2022 V1) has identified that bats are present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the Planning Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We note that three of the buildings to be demolished have been surveyed for bats and that a confirmed bat roost was present in one of the buildings surveyed (named Building 1). However, the redline boundary also includes buildings 4, 5 and 6 which have not yet been surveyed.

The Bat Survey states:

" Additional bat activity surveys of the buildings within the southern half of the site will be required. It is understood that the building works will be undertaken in stages on site, with the first stage being to demolish the buildings within the northern half of the site and build a new school building in its place. Then the buildings to the south of the site will be demolished and a new arrangement of buildings and playing fields created. It is likely to be a number of years prior to the work within the southern half of the school being completed. Therefore, activity surveys on Buildings 4, 5 and 6 have not been undertaken at present. Activity surveys on Buildings 4, 5 and 6 will be undertaken at least 1 year prior to building works commencing. "

However, none of the other plans and documents submitted in support of the proposal appear to refer to the phased approach set out above. We also note the demolition plan does not indicate a phased approach.

All buildings proposed to be affected by the proposals will need to be surveyed prior to any planning permission being granted for their demolition/ alteration.

Therefore, we advise that the formal planning application is accompanied by full bat survey results and appropriate mitigation proposals for all buildings and trees with bat roosting potential that may be affected by the proposals and clarification on any phasing of works.

Additional comments

Whilst we consider that the level of bat survey of the three buildings surveyed so far to be acceptable in this instance, we have been unable to locate details of any mitigation proposals for the two individual pipistrelle roosts to be lost. The mitigation proposals for the loss of the roosts are required prior to determination of the application and we advise that they are submitted to the LPA as part of the formal planning application.

Pollution Prevention

The application site is bordered by a watercourse. Therefore, due to sensitive nature of the location and to help protect the water environment during construction, we would ask the planning authority to include a condition regarding pollution prevention on any planning permission granted

Condition: No development, including site clearance, shall commence until a site wide CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use
- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

Additional pollution prevention advice

Advice on the positioning of any wheel washes and cement mixers can be found in Section 3 of the guidance for pollution prevention (GPP) 5: "Works and Maintenance in or near Water", which can be found here <https://www.netregs.org.uk/media/1418/gpp-5-works-and-maintenance-in-or-near-water.pdf>

To ensure the safe storage and disposal of fuels used oils on site, please refer to [GPP 8: Safe storage and disposal of used oils | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#)

Please refer to Pollution Prevention Guidance (PPG) 6 for guidance and information on all aspects of construction work that can affect the environment. [PPG 6: Working at construction and demolition sites | NetRegs | Environmental guidance for your business in Northern Ireland & Scotland](#)

Invasive Non-Native Species

We note and agree the approach regarding the eradication of Japanese Knotweed at the site as set out in the Preliminary Ecological Assessment, by Thomson Environmental Consultants dated April 2021.

Other Matters

Please note, if further information is prepared to support an application, it may be necessary for us to change our advice in line with the new information.

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

In addition to planning permission, you are advised to ensure all other permits/consents/licences relevant to the development are secured. Please refer to our [website](#) for further details.

Further advice on the above matters could be provided prior to your planning application being submitted, however there would be a charge for this service. Additional details are available on our [website](#).

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Mrs Claire McCorkindale

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales



**Cyfoeth
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Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-218757-P4W7
Eich cyf/Your ref: P/23/0131

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Ffôn/Phone: 03000 65 3098

14/06/2023

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: Demolition of existing school and construction of a new school building within the existing site, including sports facilities and associated landscaping, access and engineering works, temporary staff car park, construction compound and classrooms during construction

LLEOLIAD / LOCATION: Bishop Hedley High School, Gwaunfarren Road, Merthyr Tydfil, CF47 9AN

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 25 May 2023.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding European Protected Species. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding pollution prevention should be attached to any planning permission granted. Without the inclusion of this condition, we would object to this planning application.

We received a statutory pre-application consultation notice for this proposal and provided a substantive response to that consultation on 20 March 2023. We have reviewed the submitted Pre-Application Consultation (PAC) Report, dated April 2023, by Willmott Dixon, reference 3889CA submitted in support of the application. We note the applicant's response to our comments in relation to European Protected Species (Bats) at Section 4.4.

However, as explained below, this response does not address the EPS concerns set out in our letter of 20 March 2023, reference CAS-210103-P7R9 a copy of which is attached.

European Protected Species (Bats)

We note that section 4.4 of the PAC report in relation to European Protected Species (EPS) states "*The delivery programme for the school means that unfortunately, we are unable to wait for the surveys to be completed before the application is submitted*".

We also note that the preface in the updated Preliminary Ecological Assessment and Bat Survey by Ecological Services Ltd, dated 2 February V2 acknowledges the outstanding bat surveys, which are due to be undertaken during the current bat survey season. It says that additional information will be submitted in due course and prior to the determination of the application.

As such, our concerns in relation to EPS as set out in our letter of 20 March 2023, remain.

The bat report submitted in support of the above application (Preliminary Ecological Assessment and Bat Survey by Ecological Services Ltd, dated 2 February 2023 V2) has identified that bats are present at the application site.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that the Planning Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We note that three of the buildings to be demolished have been surveyed for bats and that a confirmed bat roost was present in one of the buildings surveyed (named Building 1). However, the redline boundary also includes buildings 4, 5 and 6 which have not yet been surveyed.

The Bat Survey states:

" Additional bat activity surveys of the buildings within the southern half of the site will be required. It is understood that the building works will be undertaken in stages on site, with

the first stage being to demolish the buildings within the northern half of the site and build a new school building in its place. Then the buildings to the south of the site will be demolished and a new arrangement of buildings and playing fields created. It is likely to be a number of years prior to the work within the southern half of the school being completed. Therefore, activity surveys on Buildings 4, 5 and 6 have not been undertaken at present. Activity surveys on Buildings 4, 5 and 6 will be undertaken at least 1 year prior to building works commencing. "

However, none of the other plans and documents submitted in support of the proposal appear to refer to the phased approach set out above. We also note the demolition plan does not indicate a phased approach.

All buildings proposed to be affected by the proposals will need to be surveyed prior to any planning permission being granted for their demolition/ alteration.

Therefore, full bat survey results and appropriate mitigation proposals for all buildings and trees with bat roosting potential that may be affected by the proposals should be submitted in support of the proposal prior to determination of the application.

We will provide further advice on submission of the outstanding survey results and mitigation proposals.

Pollution Prevention

As the proposed development is located in a sensitive location, bordered by a watercourse, and has the potential to affect water quality, appropriate pollution prevention measures should be employed to protect the water environment during construction. Therefore, the following condition should be included on any planning permission your authority is minded to grant.

Condition: No development, including site clearance, shall commence until a site wide CEMP has been submitted to and approved in writing by the Local Planning Authority. The CEMP should include:

- Construction methods: details of materials, how waste generated will be managed;
- General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Soil Management: details of topsoil strip, storage and amelioration for re-use.
- CEMP Masterplan: details of the extent and phasing of development; location of landscape and environmental resources; design proposals and objectives for integration and mitigation measures.
- Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use

- Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details
- Landscape/ecological clerk of works to ensure construction compliance with approved plans and environmental regulations.

The CEMP shall be implemented as approved during the site preparation and construction phases of the development.

Justification: A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development and implemented for the protection of the environment during construction.

We note the submission of the Project Environment Plan, by Willmott Dixon, reference RMS-PL-025-Rev B in support of the application. However, this does not provide sufficient details of the measures that should be in place to protect the environment during the site preparation and construction phases.

The applicant is advised to refer to the Guidance for Pollution Prevention (GPP) documents available on the NetRegs website: <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>

Other Matters

Our comments above only relate specifically to matters included on our checklist, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details.

If you have any queries on the above, please do not hesitate to contact us.

Yn gywir / Yours faithfully

Claire McCorkindale

Cynghorydd - Cynllunio Datblygu / Advisor - Development Planning
Cyfoeth Naturiol Cymru / Natural Resources Wales