

DELEGATED REPORT

Application No:	P/23/0091
Site Address:	Penydarren Boys And Girls Club Gellifaelog Old Road Dowlais CF47 9HH
Development:	Erect 6 floodlights around football pitch
Case Officer:	Marlene Ferreira
Site Visit:	27th April 2023
Application Expiry Date:	6th June 2023
Consultation reply date expired:	4th May 2023

APPLICATION SITE

The application site relates to an existing football field/pitch, which forms part of the Penydarren Boys and Girls Club, in the area of Dowlais. The pitch, which is flat and large, is served by a clubhouse which lies on the western side of the football field. The site appears to be served by two accesses directly off Gellifaelog Old Road, from the north and from the west. It is currently enclosed by palisade fencing, mesh fencing, blockwork walls and a grassed earth bund.

The area surrounding the football pitch is varied in character. It comprises the club's car park and a public house immediately to the west and Gellifaelog Old Road beyond, a gravelled area the north (also owned by the applicant) and Gellifaelog Old Road beyond, a waste and recycling facility immediately to the east, and residential properties and Esso Petrol Station to the south.

PROPOSED DEVELOPMENT

This application seeks planning permission to install 6 floodlights around the football pitch to replace existing floodlights.

A total of 6, 15 metre high steel columns with a total of 14, Philips Optivision gen 3.5, luminaires would be installed around the pitch. The colour source would be cool white and the colour temperature would be 5700k. These would be in use 3-4 times per week, between October and March, namely between the hours of 5pm and 8pm.

One column would be installed on each of the four corners of the field/pitch, each comprising 2 luminaires, and one column would each be installed centrally on either side of the field/pitch, each comprising 3 luminaires. (It is noted that the lighting report, Football LED – 300 LUX, refers to 16 luminaires and the agent has confirmed that this is an error, as only 14 luminaires are proposed).

The application form confirms that these works relating to this proposal were completed in January 2023 and this proposal is therefore retrospective. Further discussions with the agent has revealed that the lighting columns were already in place. Thus, this application seeks retrospective permission for the 14 luminaires only. Indeed, this application is a re-submission of application P/21/0195 for the erection of 6 floodlights, which was refused due to the absence of ecology information.

PLANNING HISTORY

P/21/0195 – Erection of 6 floodlights – Refused: 25th January 2023

Reason for refusal:

No information has been provided to demonstrate that the development would not cause harm or result in any significant loss of habitat or populations of protected species (bats). As such the proposal is contrary to Policies EnW1 and EnW3 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

P/18/0170 - New 3G pitch – Approved: 17th July 2018

P/08/0019 - Extension of training area, associated retaining walls, 2 No floodlights and parking bays – Approved: 15th April 2008

P/04/0227 - Football stand – Approved: 2nd July 2004

P/98/0067 - Installation of floodlighting for training areas plus landscaping – Approved: 16th April 1998

CONSULTATION

Head of Engineering and Highways

No objection.

Planning Policy Officer

No objection.

Planning Ecologist

Objection raised:

1. *The illuminance plan shows lux contours down to 2lux (contours down to at least 0.2lux are required). There appears to be significant light spillage into the surrounding area and this includes the nearby buildings*

and habitat around the boundaries. All efforts/methods to reduce the light spill must be employed/used (through, for example, a change in luminaire height or angle, or by the addition of baffles).

2. *The luminaires have a colour temperature of 5700K. Luminaires must be changed to a warmer colour temperature of ideally 2700k or a maximum of 3000k.*

Environmental Health Manager

No objection, subject to conditions.

Natural Resources Wales

No objection:

The bat report submitted in support of the application has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted.

PUBLICITY

In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012, letters were sent to nearby properties and three site notices were displayed within the vicinity of the site. A total of 3 representations were received following this publicity exercise. The concerns raised were as follows:

- The floodlights are imposing on my property. The lighting has moments that it affects the rear of the properties, bedrooms in particular, when they have late matches;
- I don't know if the Council is aware of the large spectator matches that take place at this club. During games, there are problems getting access in and out of our parking area. The club grounds become full and cars park on the pavements and grass verges making it unsafe for road users and pedestrians, as well as restricting access for emergency services;
- The noise generated from the late games, as well as the lights, can be disruptive to our sleeping habits;

Members were advised of the representations received but have not requested that the application be considered at Planning Committee. As such, the application will progress to be determined under delegated powers by the Director of Neighbourhood Services.

POLICY CONTEXT

National Development Framework

- Future Wales: the National Plan 2040 (February 2021)

Policy 1 – Where Wales Will Grow

‘The Welsh Government supports sustainable growth in all parts of Wales. In three National Growth Areas there will be growth in employment and housing opportunities and investment in infrastructure. The National Growth Areas are: Cardiff, Newport and the Valleys, Swansea Bay and Llanelli, Wrexham and Deeside...’

Policy 2 – Shaping Urban Growth and Regeneration – Strategic Placemaking

‘The growth and regeneration of towns and cities should positively contribute towards building sustainable places that support active and healthy lives, with urban neighbourhoods that are compact and walkable, organised around mixed-use centres and public transport, and integrated with green infrastructure...’

Policy 9 – Resilient Ecological Networks and Green Infrastructure

‘To ensure the enhancement of biodiversity, the resilience of ecosystems and the provision of green infrastructure, the Welsh Government will work with key partners to: identify areas which should be safeguarded and created as ecological networks for their importance for adaptation to climate change, for habitat protection, restoration or creation, to protect species, or which provide key ecosystems services, to ensure they are not unduly compromised by future development; and identify opportunities where existing and potential green infrastructure could be maximised as part of placemaking, requiring the use of nature-based solutions as a key mechanism for securing sustainable growth, ecological connectivity, social equality and well-being. Planning authorities should include these areas and/or opportunities in their development plan strategies and policies in order to promote and safeguard the functions and opportunities they provide. In all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.’

Policy 33 – National Growth Area – Cardiff, Newport and the Valleys

‘Cardiff, Newport and the Valleys will be the main focus for growth and investment in the South East region. Strategic and Local Development Plans should recognise the National Growth Area as the focus for strategic economic and housing growth; essential services and facilities; advanced manufacturing; transport and digital infrastructure...The Welsh Government supports co-ordinated regeneration and investment in the Valleys area to improve well-being, increase prosperity and address social inequalities. The Welsh Government will work with regional bodies, local authorities, businesses, the third sector, agencies and stakeholders to support investment, including in the manufacturing sector, and to ensure a regional approach is taken to addressing socio-economic issues in the Valleys...’

National Planning Policies

- Planning Policy Wales (Edition 12, February 2024)

Paragraph 3.3 discusses good design and states *'...is fundamental to creating sustainable places where people want to live, work and socialise. Design is not just about the architecture of a building but the relationship between all elements of the natural and built environment and between people and places. To achieve sustainable development, design must go beyond aesthetics and include the social, economic, environmental, cultural aspects of the development, including how space is used, how buildings and the public realm support this use, as well as its construction, operation, management, and its relationship with the surrounding area...'*

Paragraph 3.4 goes on to discuss the objectives of good design which are characterised into 5 key aspects, these being *'... Access – ensuring access for all; Character – sustaining or enhancing local character, promoting legible development, a successful relationship between public and private space, quality, choice and variety, innovative design; Community Safety – Ensuring attractive, safe public spaces, security through natural surveillance; Environmental Sustainability – Achieving efficient use and protection of natural resources, enhancing biodiversity and designing for change; Movement – Promoting sustainable means of travel...'*

Paragraph 4.5.1 discusses recreational spaces *'...Recreational spaces are vital for our health, well-being and amenity, and can contribute to an area's green infrastructure. They provide a place for play, sport, healthy physical activity and a place to relax often in the presence of nature, and they contribute to our quality of life. Networks of high quality, accessible green spaces and recreation spaces will also promote nature conservation, biodiversity and provide enjoyable opportunities for residents and visitors to participate in a wide range of physical activities. These activities are important for the well-being of children and adults and for the social, environmental, cultural and economic life of Wales...'*

Paragraphs 6.4.2, 6.4.3 and 6.4.5 relate to biodiversity and protected species and explain that *'...The Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty). This duty applies to public authorities in the exercise of their functions in relation to Wales and will help maximise contributions to achieving the well-being goals. The Nature Recovery Action Plan supports this legislative requirement to reverse the decline in biodiversity, address the underlying causes of biodiversity loss by putting nature at the heart of decision-making and increasing the resilience of ecosystems by taking specific action focused around the 6 objectives for habitats and species.... The planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement¹²⁴. Recognising that development needs to take place and some biodiversity may be impacted, the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced well-being... Development plan strategies, policies and development proposals must consider the need to: • support the maintenance and enhancement of biodiversity and the resilience of ecosystems... ensure statutorily and non-statutorily designated sites and habitats are properly protected and managed and their role at the heart of resilient ecological networks is safeguarded;... safeguard protected species and species of principal importance and*

existing biodiversity assets from direct, indirect or cumulative adverse impacts that affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water, air and soil, including peat; and secure the maintenance and enhancement of ecosystem resilience and resilient ecological networks by improving diversity, extent, condition, and connectivity...'

Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species (not including non native invasive species), locally or nationally and must work alongside nature and it must provide a net benefit for biodiversity and improve, or enable the improvement, of the resilience of ecosystems. A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site...'

Paragraph 6.8.1, 6.8.3 and 6.8.4 refers to lighting and states '*... There is a need to balance the provision of lighting to enhance safety and security to help in the prevention of crime and to allow activities like sport and recreation to take place with the need to protect the natural and historic environment including wildlife and features of the natural environment such as tranquillity; retain dark skies where appropriate; prevent glare and respect the amenity of neighbouring land uses; and reduce the carbon emissions associated with lighting ...Lighting to provide security can be particularly important in rural areas or for specific purposes such as defence or to create calming environments. Where this is the case, planning authorities should adopt policies for lighting, including the control of light pollution, in their development plans. Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution...Planning authorities can attach conditions to planning permissions for new developments that include the design and operation of lighting systems, for example, requiring energy-efficient design and to prevent light pollution*'.

- Technical Advice Notes (TAN's)

TAN 5: Nature Conservation and Planning (2009)

Paragraph 4 refers to nature conservation in development control and states the following:

Paragraph 4.1.1 states that '*...the development control process is a critical stage in delivering the protection and enhancement of nature conservation required by PPW and the following can help in achieving these objectives:*

- *adopting the five-point approach to decision-making - information, avoidance, mitigation, compensation and new benefits;*
- *ensuring that planning applications are submitted with adequate information, using early negotiation, checklists, requiring ecological surveys and appropriate consultation;*
- *securing necessary measures to protect, enhance, mitigate and compensate through planning conditions and obligations;*
- *carrying out effective planning enforcement;*
- *identifying ways to build nature conservation into the design of new development...'*

Paragraph 4.3.4 states that '*...the information submitted with the planning application should be proportional to the likelihood of effects on nature conservation interests and to their potential significance...*'

TAN 12: Design (2016)

Paragraph 4 discusses the delivery of good design and states the following:

4.1 Design is a process of analysis and synthesis: analysing, identifying and diagnosing problems and barriers, then solving them through critique, research, development and testing. Design is a creative means by which to realise innovation and add value. Design for the built environment plays a key role in economic growth and in raising the quality of the places where we live and work.

5.14.5 The development should take positive steps to provide adequate public lighting, but also to minimise unnecessary light pollution in their schemes for enhancement of the public realm. Lighting should be considered as an integral and creative part of the design of the public realm. Consideration should be given to methods of directing light more accurately; reducing carbon emission from the energy use of street lighting; reducing glare by use of low profile reflectors and ensuring appropriate rather than excessive levels of illumination.

TAN 16: Sport, Recreation and Open Space (2009)

Paragraph 4.4 points out that '*...Local planning authorities should assess the compatibility of noise generating recreational and sporting activities with other uses. The siting, location and intensity of use of such activities should be given special regard in order to minimise their impact on the amenity of local residents and on the surrounding area. Local planning authorities need to balance the positive contributions of leisure pursuits to the area and user enjoyment, against local environmental quality and possible nuisance to other people.*'

Paragraph 4.7 highlights '*...The provision of floodlighting at sport and outdoor recreational facilities can allow for more efficient use of such facilities through extended opening hours. However, when determining planning applications, local planning authorities should ensure that the amenity of people living nearby is fully considered, and there is no unacceptable adverse impact on the character of the locality, including its visual amenity, or on features of nature conservation importance. Any permission granted may need to be subject to conditions, for example, limiting the hours during which the lights may be operated and/or the frequency of their use, or requiring the installation of downlighting, lit floorscapes, shielding or of particular types of light. Modern lighting systems can greatly reduce glare and stray light. They can be more energy efficient, particularly where they use power from renewable sources, and should be installed wherever possible...*'

Local Planning Policies

Merthyr Tydfil County Borough Council Replacement Local Development Plan (LDP) 2016-2031:

Policy SW4 – Settlement boundaries

Policy SW10 – Protecting and Improving Open Spaces

Policy SW11 – Sustainable design and Placemaking
Policy SW13 – Protecting and Improving Local Community Facilities
Policy EnW1 – Nature Conservation and Ecosystem Resilience
Policy EnW4 – Environmental Protection

- Supplementary Planning Guidance (SPG's)

SPG Note 4 - Sustainable Design (July 2013)

SPG Note 5 – Nature and Development (May 2015)

Paragraph 4 refers to the requirement of adequate information and states:

4.3 For planning applications to be properly considered by the Council, applicants are required to submit sufficiently detailed information to enable the developments' impact on biodiversity interests to be assessed.

4.4 The level and detail of information required will depend on the nature and scale of the proposal and characteristics of the natural resource. At an early stage in the process it is recommended that discussions take place between the applicant and the Council's ecologist prior to an application being submitted.

PLANNING CONSIDERATIONS

The issues to consider under the assessment of this application relate to whether the proposed development would be acceptable in this location in principle, and whether it would be acceptable with regard to its impact upon the character and appearance of the area, the amenities of nearby residents, highway safety and ecology.

Principle of Development

The application site relates to an existing football club, located off Gellifaelog Road and lies within the settlement boundary - Primary Growth Area. Development in this location is supported by LDP Policy SW4 provided it complies with all relevant LDP policies and other material considerations.

The site is also recognised as a community facility. As such, LDP Policy SW13 is also a relevant policy consideration. In this instance, the proposal seeks to replace the luminaires serving the field/pitch at the football club. This would improve the lighting serving the field/pitch, particularly during the winter months, whilst also potentially encouraging and increasing the use of the club. The proposal would therefore serve to enhance the community facility and accord with LDP Policy SW13.

Character and Appearance

The proposed development, as discussed earlier seeks retrospective permission to install 14 new luminaires, Philips Optivision gen 3.5. The 15 metre high columns are already existing as explained previously, and as such, are not considered under the assessment of this application.

In respect of the installation luminaires, these would replace the luminaires previously in situ. The luminaires would therefore be installed in the same location and at the same height as those previously existing and would continue to serve the field/pitch at the football club. As such, the appearance of the site and surrounding area is not considered to have been significantly altered or affected by the proposed development. Thus, the proposed works would not be considered to have a significant adverse impact on the character or appearance of the area. In this respect, it should be noted that previous permissions have been granted for floodlighting (luminaires and columns) at this site (P/98/0067 and P/08/0019). The proposal would therefore accord with LDP Policy SW11.

Residential Amenity

The replacement luminaires have been considered in respect of their impact upon the nearest residential properties, situated off New Road, which back onto the football club.

The proposed development, as highlighted earlier, seeks to replace the luminaires on the existing columns. Whilst some objections have been received and state that the use of the floodlights during matches affect the rear of dwellings along New Road, in particular bedrooms, the light spillage diagrams show that the areas beyond the field/pitch and surrounding the application site would have a light spill of 2lux. Furthermore, given the location of the existing columns and their distance of approximately 50 metres from the nearest residential dwellings, and approximately 35m from the rear garden boundary of the nearest property (16 New Road), the proposed replacement luminaires (which would only be in use between October and March, during the hours of between 5pm and 8pm) would not be deemed to have a significant adverse impact upon the amenities of these occupiers. Indeed, the club's field/pitch has been illuminated by floodlighting for over 15 years, and the replacement luminaires would therefore not be considered to have an impact which would be significantly different to that previously experienced by these neighbouring occupiers to warrant the refusal of the application. In this respect, it should be noted that no objections have been received from the Environmental Health Officer with regards to this proposal. The proposed development would therefore accord with LDP Policies SW11 and EnW4.

It is noted that other concerns have been raised in the letters of objection received, which relate to noise, disturbance and indiscriminate parking which objectors state tend to occur when matches are played at the club. Whilst these concerns have been noted, the use of the site is long established and there are no planning restrictions in respect of its hours of operation. As such, the other concerns raised by the objectors cannot be considered under the assessment of this application. It is advised however that other council departments and public bodies, such as Environmental Health and the Police, would normally deal with such matters.

Highway Safety

The proposal has been reviewed by the Head of Engineering and Highways. Since the proposal relates to the replacement of the former luminaires with new luminaires, no concerns or objections have been raised. As such, the proposal would accord with LDP Policy SW11.

Ecology

Given the nature of the development and its siting within 1000m of a designated site (Site of Important Nature Conservation (SINC) Bryniau) and within 1000 metres of recorded priority and protected species, including bats, birds and invertebrates, the Council's Ecologist was consulted on the proposal. It is important to note that under the last application for the same nature of development (P/21/0195), the Council's Ecologist requested the submission of a bat activity survey. The requested information was not submitted in support of the application. The application was therefore refused, as mentioned earlier, since it could not be demonstrated that the proposed development would not cause harm or result in any significant loss of habitat or populations of protected species (bats).

This application has been accompanied by a Preliminary Roost Assessment (PRA). Whilst this report is now dated (more than two years old), it concluded the following:

- *'...The local biodiversity records provided by SEWBRc returned 196 species records including 168 records for bat species and 28 records for bird species locally. Some of these records however were too old to be considered viable. There are seven records for bat species within 500m of the club house building.*
- *There are no Sites of Species Scientific Interest (SSSIs) on or adjacent to the application site. The nearest SSSI are 'Cwm Tâf Fechan Woodland,' which is located approximately 2.2km northwest of the site and 'Cwm glo a Glyndyrys,' which is located approximately 2.6km southwest of the site. Two SINC's are located close to the club house building, 'Afon Tâf Fechan,' is approximately 2.4km northwest and Afon Tâf is located approximately 2.4km west of the site.*
- *In terms of habitat & connectivity, the habitat in the immediate vicinity of the club house is mixed, comprising other buildings, and made surfaces, such as roads and pavements.*
- *Fragmented broadleaved woodlands are scattered throughout the settlement of Merthyr Tydfil and the closest and most significant locally, are a run of scattered standard deciduous trees which line the main service roads to the north, south and east. This treeline form a significant linear feature in the landscape and provides connectivity north, south and east through the settlement of Merthyr Tydfil, and to the wider landscape. In addition, this provides connectivity to a significant woodland feature approximately 350m south of the site.*
- *The playing surface is covered in astroturf. The grounds are well maintained and offer little/no opportunities for foraging animals.*
- *The Brecon Beacon National Park is located approximately 2.4km north of the site and dominates the landscape to the north.*
- *No evidence of bats was recorded internally or externally. In respect of hibernating bats, it is considered that the features identified within the PRA are not considered to be suitable at offering the hibernating conditions that bats prefer.*
- *A single feature of interest was recorded, this being a gap between the barge board and the wall plate which ran the length of the western elevation. This feature offers access to the interior roof space of the club house. However, no evidence of bat activity was*

recorded. While this feature is considered to offer a moderate risk for supporting a bat roost it is not directly impacted upon by the new floodlights given their siting and orientation.

- The floodlights would generally be used 3 to 4 evenings a week between October until March (5pm - 8pm). Taking the evidence into account and considering the nature of the works, the feature identified at the western elevation of club house will likely remain unaffected by the development. The floodlights are located at the east of club house and there would be no direct light spill on this feature during the limited time the lights are in use (October - March). This feature would be most likely of interest to bats during the summer months (May - September).

- The site is impacted on by adjacent artificial street lighting on Gellifaelog Old Road but more significantly by security floodings at the adjacent recycling centre site. While the floodlights which are the focus of the development are restricted in use to the winter months, when bats are in the most part hibernating (October- March), the adjacent (off-site) security lights which directly impact the playing field are in use all year.

- The use of the proposed lights will be strictly limited and will only be used during the winter months when bats are less active. It is therefore considered that the proposed development is unlikely to impact on bat interest at the site.

- In terms of nesting birds, the survey has not recorded nesting birds having previously used the club house building or other building at the site.

- The run of scattered standard deciduous trees which line the main service roads to the north, south and east provide potential interest for roosting and foraging bats (in addition to nesting opportunities for many bird species). This treeline forms a significant linear feature in the landscape and provides connectivity north, south and east through the settlement of Merthyr Tydfil, and to the wider landscape. In addition, this provides connectivity to a significant woodland feature approximately 350m south of the site. Due to the quality of this adjacent habitat, it is considered that the proposed works would benefit from the inclusion of artificial roost boxes on the southern elevation of trees 1-9...

The Council's Ecologist has reviewed the report submitted and has not disagreed with the conclusions reached. However, he has confirmed that the proposed development, although retrospective, would have to conform to the advice contained in Guidance Note 08 – Bats and Artificial Lighting.

The document Guidance Note 08 – Bats and Artificial Lighting, prepared by the Bat Conservation Trust (2018), as referred to above, seeks to provide advice to developers, local authorities and other public bodies in respect of their duties to protect bats when installing lighting.

The document states that *'...Due to the decline in bat numbers over the last century and the importance of specific roost requirements in their life cycle, all species of bat and their roost sites (whether bats are present at the time or not) are fully protected under international and domestic legislation. The international protection (the EC Habitats Directive) has been transposed into national laws by means of the Conservation of Habitats and Species Regulations 2017 (England and Wales), the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) (Scotland) and the Conservation (Natural Habitats, etc) Regulations (Northern Ireland) 1995 (as amended). Commonly the*

regulations are referred to as the *Habitats Regulations*. This makes it illegal to kill, injure, capture, or cause disturbance that affects populations of bats, obstruct access to bat roosts, or damage or destroy bat roosts. Individual bats are protected from 'intentional' or 'reckless' disturbance under the *Wildlife and Countryside Act 1981* (as amended).

'...Lighting in the vicinity of a bat roost causing disturbance and potential abandonment of the roost could constitute an offence both to a population and to individuals (Garland and Markham, 2007). It is therefore important that the use of an area by bats is thoroughly assessed before artificial lighting is changed or added in the vicinity of a roost or where bats may commute or forage... Local authorities have a duty to ensure impacts upon legally protected species are avoided, and impacts upon bats are a material consideration in any planning permission. Furthermore, local authorities typically have specific planning policies ensuring that impacts upon wildlife, including bats, are avoided within development...'

It goes on to highlight the impacts on bats, roosts, commute and foraging and states that *'...For bats, artificial lighting is thought to increase the chances of predation, and therefore bats may modify their behaviour to respond to this threat (Speakman et al 1991, Jones et al 1994). Many avian predators will hunt bats which may be one reason why bats avoid flying in the day...'*

'...Illuminating a bat roost can cause disturbance (Downs et al 2003) and this may result in the bats deserting the roost or even becoming entombed within it (Packman et al 2015). Light falling on a roost access point will at least delay bats from emerging and this shortens the amount of time available to them for foraging (Boldogh et al 2007). As the main peak of nocturnal insect abundance occurs at and soon after dusk, a delay in emergence means this vital time for feeding is missed. This has been shown to have direct impacts on bats' reproductive ecology, such as slower growth rates and starvation of young (Duverge et al 2000). In addition, the associated flightpath to and from the access point is just as valuable and vulnerable as the roost itself. Severing a key flightpath some distance from the roost could cause desertion in its own right...'

'...In addition to causing disturbance to bats at the roost, artificial lighting can also affect the feeding behaviour of bats. There are two aspects to this. One is the attraction that light from certain types of light sources has to a range of insects; the other is the presence of lit conditions posing a barrier to movement...'

'...Many night-flying species of insect are attracted to light, especially those light sources that emit an ultraviolet component or have a high blue spectral content. This is particularly a problem if it is a single light source in a dark area...'

'...When considering how bats move through the landscape, artificial lighting has been shown to be particularly harmful if used along river corridors, near woodland edges and near hedgerows. In mainland Europe, in areas where there are foraging or 'commuting' bats, stretches of road are left unlit or lighting is designed in such a way as to avoid bat colonies being cut off from their foraging grounds. Studies have shown that continuous lighting in the landscape, such as along roads or waterways, creates barriers which many bat species cannot cross, especially the slower-flying species (Fure, A. 2012), even at very low light levels...'

'...Even bat species that have been shown to opportunistically forage in lit conditions (see above) have subsequently been recorded being impacted by artificial lighting. In our cities,

for example, common pipistrelles – the UK's most numerous species – have been recorded avoiding gaps that are well lit, thereby creating a barrier effect (Hale et al 2015)...

The document discusses external lighting in detail. In respect of LED (Light Emitting Diodes) installations, it states that *'...It is an instant light source. LED is available in a number of colour temperatures. Older installations tend to use 'cool white' (blueish colour) at >5700° Kelvin. More recently, 4000°K has become more commonly used. 'Warm white' (more yellow/orange colour) at around 3000°K and as low as 2700°K can now be used with little reduction in lumen output. LED typically features no UV component and research indicates that while lower UV components attract fewer invertebrates, warmer colour temperatures with peak wavelengths greater than 550nm (~3000°K) cause less impacts on bats (Stone, 2012, 2015a, 2015b)...*

With regards to lighting and the planning system, the document discusses the role of the local planning authority and their ecologist and states that *'...local authorities also have a duty to ensure impacts upon legally protected species are avoided...'*

'...In addition to lighting on the application site the ecologist may also need to assess the effects of proposed illumination on habitat beyond the site boundary; for example, along roads and paths where proposed lighting connects to existing street lighting to cover access to the development and beyond. Surveys for lighting and bat activity to cover these areas may be required outside the proposed development's red line boundary...'

The information submitted with the application indicates that the lux levels contour down to 2lux and that the luminaires would have a colour temperature of 5700k. The Council's Ecologist therefore concluded that the proposed replacement luminaires would not conform with the advice contained in Guidance Note 08 – Bats and Artificial Lighting. Indeed, the proposal shows that there is significant light spillage into the surrounding area, which includes nearby buildings, and habitats around the boundaries since illuminance levels are above 0.2lux. Furthermore, the colour temperature of the luminaires does not meet the stipulated 3000k.

The Council's Ecologist has therefore requested that light spill in the surrounding area be reduced, either by a change in the luminaire height, angle or by the addition of baffles and that the colour temperature be altered to 2700k or 3000k. Whilst it is recognised that the football club is a sports facility, the guidance above clearly states that the *'...Warm white' (more yellow/orange colour) at around 3000°K and as low as 2700°K can now be used with little reduction in lumen output...* Thus, the reduction in output of light would be minimal and have been approved for use on other sports pitches/facilities (under application P/21/0332 and P/22/0256) and have proved to be suitable and efficient in ensuring the continued use of the facility.

The agent was therefore emailed on 21st April 2023 requesting that the proposal be amended, as requested by the Council's Ecologist.

On the 27th April, the agent responded and confirmed that *'...A colour temperature of 3,000 kelvin is often considered too warm (orange) for sports lighting and would not comply with BS EN 12193:2018. Advice should also be taken from the league the club play in regarding the colour temperature as I am sure this would be below the minimum. I would recommend that the best way forward would be for the ecologist to point out the*

areas that they have concerns about bat activity and we work with them to try and shield the light away from this area.

Worst case all the blades in the floodlights will need to be replaced however we need to strongly try and avoid this because a 3,000 kelvin system will not be suitable for the club...'

On the 4th May 2023, 9th June 2023, 27th June 2023, 24th November 2023, 5th April 2024 and 3rd January 2025, the agent was emailed to confirm that the Council's Ecologist continues to have concerns with the application, as previously raised. No amended or additional information was received during these times.

Whilst emails from the lighting provider with the agent and applicant during the above timeline, revealed that a 3000K floodlight was available, it was further explained that this was rarely used for sports pitches, and the lighting provider questioned whether the club had a specification for lighting. No further information was received.

On the 16th September 2025, the agent was once again emailed to request any outstanding information be submitted the 17th October 2025. However, it is confirmed that no additional or amended information has been received.

Following confirmation that no additional or amended information has been received, the Council's Ecologist has provided further comments as follows:

'...There have been repeated requests for information (as specified above), however, it has not been provided. The objection to the application in terms of ecology therefore remains...'

Furthermore, the Council's Ecologist has also noted that since commenting on the application in 2023, further guidance in respect of lighting has been published, namely Good Practice Guidance: Planning for the Conservation and Enhancement of Dark Skies in Wales (2025). This document contains advice specifically in respect of the use of lighting in sports, and highlights that *'...The required light levels for professional playing standards will be different between various sports but the following principles should be applied:*

- *Properly angled and fully shielded lighting that directs all light to the playing surface. No upward spill.*
- *Consider using low reflective playing surfaces.*
- *Ensure lighting is fully controllable - lights off when pitches are not in use – light levels dimmable for practice/training sessions.*
- *Colour Temperature < 3000k will reduce glare.*
- *Limit hours of use.*

As a result, having taken account of the above information, it is considered that whilst the submitted PRA report concludes that no evidence of bats were found, it is important to note that this proposal is retrospective and as such, it appears that the luminaires had already been installed prior to the survey work being undertaken (since the works were completed in January 2023 and the survey report was carried out in February 2023). Furthermore, the report concludes that the site and surrounding area offers opportunities and interest for commuting, roosting and foraging bats. However, the proposed luminaires, do not meet the required colour temperature and would also result in excessive light spillage in the surrounding area. As such, the proposed development would be considered

to have an adverse impact upon protected species. Although it is acknowledged that floodlighting has been used at the site for over 15 years, as discussed earlier in the report, it should be recognised that the current policies and guidance surrounding protected species and artificial lighting has led to stricter controls. Thus, the development as proposed, would not accord with LDP Policy EnW1.

CONCLUSION

The proposed luminaires are acceptable in respect of their impact on the character and appearance of the area, nearby residential properties or upon highway safety, however, they would have an unacceptable impact upon protected species. As such, the proposal would not accord with the relevant policies and guidance.

The duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 ("the WBFG Act") has been taken into consideration when determining this application. In reaching the following recommendation, the ways of working set out at section 5 of the WBFG Act have been considered and thus the proposal is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives set out as required by section 8 of the WBFG Act.

Accordingly, the following recommendation is made:

RECOMMENDATION: BE REFUSED for the following **REASON:**

1. The proposed luminaires, with a lux level contour down to 2lux and a colour temperature of 5700k, would result in excessive light spillage in the surrounding area and cause harm and disturbance to potential bat populations. As such, the proposed development would be considered to have an adverse impact upon protected species and is therefore contrary to Policy EnW1 of the Merthyr Tydfil County Borough Council Replacement Local Development Plan.

RECOMMENDATION ENDORSED



Director of Neighbourhood Services

DATE: 31.10.2025