



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-179178-X4W5
Eich cyf/Your ref: P/21/0412

Rivers House,
St Mellons Business Park,
St Mellons,
Cardiff,
CF3 0EY

Merthyr Tydfil County Borough
Council,
Unit 5 Traingle Business Park,
Pentrebach,
Merthyr Tydfil,
CF48 4TQ

ebost/email:
southeastplanning@cyfoethnaturiolcymru.gov.uk
Symudol / Mobile: 07971 847091

22/02/2022

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROPOSED DWELLING AND ASSOCIATED GARAGE WITH MINOR WORKS ON THE JUNCTION OF HEOLGERRIG ROAD

LLEOLIAD / LOCATION: LAND ADJACENT TO 17 BEECHWOOD DRIVE, HEOLGERRIG

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 27 January 2022.

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 protected sites. 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, the document identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of this condition and document we would object to this planning application.

Protected Sites - Cwm Glo a Glyndyrys Site of Special Scientific Interest (SSSI)

We note the following document submitted in support of the application:

- *'Preliminary Ecological Appraisal & Preliminary Roost Assessment for Bats for Land off Heolgerrig, Merthyr Tydfil'* by Koru Ecology Associates, dated 17 December 2021 (Appraisal)

The appraisal identifies Devil's bit scabious on site as part of the Phase 1 walkover survey. We note that the grassland has been characterised as semi-improved neutral grassland. However, we advise that from the photographs and description it appears the site could

potentially be flower rich. The flower rich nature coupled with the presence of devil's bit scabious (larval foodplant of marsh fritillary) means that there is the potential that the site could be used by the marsh fritillary.

Paragraph 6.4.14 of *Planning Policy Wales* states that proposals must be carefully assessed to ensure that effects on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated.

The SSSI supports marsh fritillaries, with recent records of them being present. This species provides an important quality element of the notified marshy grassland feature of the SSSI. Sufficient information on the application site should be provided with the application to consider potential impacts on the SSSI.

While the Appraisal mentions the presence of devil's bit scabious, there is no mention of the marsh fritillary butterfly and potential impacts. We advise further assessment of the potential for the grassland to be used by the marsh fritillary butterfly and also consideration of how the development might affect areas of habitat on the site.

Protected Species

We note the following document submitted in support of the application:

- '*Preliminary Ecological Appraisal & Preliminary Roost Assessment for Bats for Land off Heolgerrig, Merthyr Tydfil*' by Koru Ecology Associates, dated 17 December 2021 (Appraisal)

Sections 5.6.13 and 5.6.14 of the Appraisal advise that although records of Great Crested Newts, a European Protected Species, are within 250 m and water vole a Fully Nationally Protected Species, 100 m, the site is unlikely to support these species.

GCN and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. Where GCN 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. Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. In this case, the proposed development is unlikely to give rise to the need for a licence application.

Section 6.4.1 and Section 8 (Appendix 1) of the Appraisal provides a methodology for site strip during clearance work. The methodology requires that should any evidence of GCN or water vole presence be unexpectedly discovered during works on site, all operations must immediately cease and not recommence until the applicant's ecologist and NRW have been consulted for advice.

We concur with Section 6.4.1 and Section 8 (Appendix 1) of Appraisal and advise that you should only grant planning permission if the Appraisal identified above is included in the approved plans and documents condition on the decision notice. Inclusion of the Appraisal would address the concerns that we have identified and we would not object to the proposal.

Foul Drainage

Further advice to Local Planning Authority

No information has been provided regarding the disposal of foul waters from the proposed development. We refer you to Welsh Government Circular 008/2018 on the use of private sewerage in new developments, and specifically paragraphs 2.3-2.5, which stress the first presumption must be to provide a system of foul drainage discharging into a public sewer. We advise you that the proposed development is in a publicly sewered area.

Please consult us again if foul sewage from the proposed development is to be disposed of by a private sewerage system.

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

Kate Glover

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