

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

ebost/email:
southeastplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 3098

Merthyr Tydfil County Borough Council
Unit 5
Triangle Business Park
Pentre Bach
Merthyr Tydfil
CF48 4TQ

26/02/2020

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: DEMOLISH ALL TERRACE PROPERTIES AND GARAGES

LLEOLIAD / LOCATION: TAFF AND CRESCENT STREET, MERTHYR VALE, MERTHYR TYDFIL

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 29 January 2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Conditions 1 & 2 - European Protected Species

Condition 3 – Flood Risk Management – Unrestricted access to flood warning kiosk to be maintained

Further details are provided below.

European Protected Species

We have considered the 'Ecological Impact Assessment Report for Merthyr Tydfil Council, dated Nov 2019 by Wildwood Ecology' submitted in support of the application.

We note that evidence of maternity roosts of Daubenton's bats, common pipistrelle and soprano pipistrelle bats within the complex of buildings on site. A number of non-breeding roosts are also present.

As the proposal is to demolish the buildings and clear the site, bats and their roosts will be impacted by the proposed works.

We note that surveys to confirm the presence of protected species have been difficult to undertake, due to the complexity of the site and the health and safety issues surrounding it.

The river corridor adjacent to the site is suitable for use by otter. Therefore, there is potential for them to be impacted by the proposed works as they move along the river corridor.

British bats and otter are European Protected Species, legally protected under The Conservation of Habitats and Species Regulations 2017. Legal protection relates to the animals themselves and the places they use to rest and breed.

Where a European Protected Species is present and 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. One of these requires that the development authorised will 'not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status (FCS) in their natural range'.

We note the recommendations set out in the Ecological Impact Assessment Report and welcome the retention of the block of flats as provision for bats. However, we note that no detailed provision is made for the long term management and security of the building, no information has been submitted with regards to the proposed lighting scheme if any, and no detailed scheme of work has been provided.

We therefore recommend that the following conditions are applied to any permission your authority is minded to grant. Subject to the implementation of the mitigation measures required by these conditions, we do not consider that the development is likely to be detrimental to the maintenance of the populations of otter and of the bat species concerned at a favourable conservation status in their natural range;

Condition 1 Inclusion of the following document within the condition identifying approved plans and documents on the decision notice:

- Ecological Impact Assessment Report for Merthyr Tydfil Council, dated Nov 2019, by Wildwood Ecology

Condition 2

No development or phase of development, including site clearance, shall commence until a Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan should include:

- Details of the bat mitigation, including measures for management and long term site security;

- Retention of a riverside corridor of a minimum of 7m, to allow for continued commuting and foraging for otter;
- A plan showing habitat to be lost, habitat to be created and areas to be retained;
- Details of protective measures to be taken to minimise the impacts including timing of works, duration of works and conservation measures to be implemented including the retention of dark corridors for commuting and foraging;
- Details of initial aftercare and long-term maintenance of the site;
- Details of measures to prevent or reduce incidental capture or killing and;
- Actions to be taken in the event previously unidentified species are found.

The Conservation Plan shall be carried out in accordance with the approved details.

Justification: To ensure that an approved Conservation Plan is implemented, which protects species affected by the proposed demolition.

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: A European Protected Species (EPS) licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/ or receive an unlimited fine.

Development should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorising the specified activity/ development to go ahead. To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000, or at <https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>.

We may wish to discuss aspects of the proposed bat mitigation with the applicant in more detail at the EPS licence application stage. Please note that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

Flood Risk Management

Our Flood Risk Map, which is updated on a quarterly basis confirms the application site lies entirely within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15 and within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Taff, a designated main river. Our records also show that this site has previously flooded from the River Taff during the December 1979 flood event.

Given the nature of the proposal, we do not require the submission of a Flood Consequences Assessment to support the application. However, the applicant needs to be aware that we have a flood warning kiosk (Merthyr Vale) which is located at the end of Taff Street. The kiosk must not be affected by the works and access to it needs to be maintained during and following completion of the demolition.

Condition 3

Therefore, we request that a suitably worded condition is imposed on any consent issued, to ensure access to the flood warning kiosk will be available at all times, for maintenance purposes, throughout the demolition works and following completion. Lack of access to the kiosk could result in a disruption to our flood warning duties and service.

We also recommend to the applicant that the demolition materials are stockpiled either side of the road (i.e. along the line of the houses) to allow a flood flow route through the centre if required.

Advice to the applicant - waste

We note the application form states that "Clean crushed material to be retained on site." This may require an environmental permit or exemption under The Environmental Permitting (England and Wales) Regulations 2016. An environmental permit or exemption must be in place before any waste activity takes place on site. Information on exemptions that would require registration with NRW is available at :

<https://www.gov.uk/guidance/register-your-waste-exemptions-environmental-permits>

If the demolition waste is only to be stored temporarily it may qualify for the Non Waste Framework Directive exemption, which does not require registration:

<https://www.gov.uk/guidance/waste-exemption-nwfd-2-temporary-storage-at-the-place-of-production--2>

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