

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

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

ebost/email:
southeastplanning@cyfoethnaturiolcymru.gov.uk
Ffôn/Phone: 03000 65 3114

12/02/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: CONVERSION OF BUILDING TO OFFICES WITH ASSOCIATED INTERNAL AND EXTERNAL RENOVATION WORKS. CREATION OF BAT ROOST STRUCTURE AND THE ERECTION OF A NEW EXTENSION WITH A NEW PEDESTRIAN ACCESS AND BRIDGED WALKWAY. CONSTRUCTION OF A NEW ROOF WITH DORMER WINDOWS AND ROOF LIGHTS TO PROVIDE ADDITIONAL ACCOMMODATION. THE CONSTRUCTION OF A NEW CAR PARK AND CYCLE STORE WITH ACCESS FROM PARK TERRACE AND OTHER ASSOCIATED WORKS.

LLEOLIAD / LOCATION: FORMER YMCA BUILDING, PONTMORLAIS WEST, MERTHYR TYDFIL, CF47 8UT.

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 27 January 2021.

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.

Condition 1: Include the following documents within the condition identifying approved plans and documents on the decision notice:

- Drawing entitled, 'Roof Plan as Proposed', prepared by Davies Sutton Architects, reference 3510_GA_355, revision F, dated August 2019.
- Drawing entitled, 'Ecological Mitigation Strategy', prepared by Davies Sutton Architects, reference 3510_GA_700, revision B, dated March 2020.
- 'Ecological Impact Assessment', prepared by Wildwood Ecology, revision B, dated 07/01/2021.

Condition 2: Lighting Plan is submitted and approved to ensure lighting details are agreed prior to installation.

European Protected Species

We have reviewed the afore mentioned documents submitted in support of the above application. We note the proposals to convert the former YMCA building into a series of commercial units and the potential impacts upon bats, including low numbers of day roosting common pipistrelle, brown long eared and lesser horseshoe bat species.

Legislation and Policy

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017. 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 purposed of preserving public health and 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 your 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.

On the basis of the above information, in this instance we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range, provided the following conditions are applied to any permission the Local Planning Authority is minded to grant.

Condition 1: The following documents to be included within the condition identifying approved plans and documents on the decision notice:

- Drawing entitled, 'Roof Plan as Proposed', prepared by Davies Sutton Architects, reference 3510_GA_355, revision F, dated August 2019.
- Drawing entitled, 'Ecological Mitigation Strategy', prepared by Davies Sutton Architects, reference 3510_GA_700, revision B, dated March 2020.
- 'Ecological Impact Assessment', prepared by Wildwood Ecology, revision B, dated 07/01/2021.

Condition 2: A detailed lighting plan to be submitted and approved by the Local Planning Authority, ensuring dark flight corridors and access points for bats are retained.

European Protected Species Licence

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.

The planning permission does not provide consent to undertake works that require an EPS licence. It is an offence to deliberately capture, kill or disturb 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 commence until the Applicant has been granted a licence issued 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>.

NRW may wish to discuss aspects of the proposed bat mitigation with the Applicant in more detail at the EPS licence application stage. Please be advised that we will also seek additional information into the design of the access points to ensure reduced light spill, drafts and/or bird access into the bat mitigation.

Please note, that any changes to plans between planning consent and the EPS licence application may affect the outcome of the licence application.

Please note, that a grant of planning permission will not negate the need to obtain a licence.

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

Paige Minahan

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