

INTERNAL MEMORANDUM

To: David Cross
From: Matt Davies (Ecologist)
Ext: 5278
Memo number: 2
Date of Memo 1: 23/08/2021
Date: 20/10/2021

SUBJECT: P/21/0291 | CONVERSION OF STABLE BUILDING TO BEDROOMS | PONTYGWAITH FARM PONTYGWAITH TREHARRIS CF46 5PD

Documents submitted in support of the above application (NB Document 2 is an updated version following previous comments/queries in memo #1, dated 23/08/21):

1. Pontygwaith Farm, Treharris. Preliminary Bat Roost and Nesting Bird Assessment and Walkover Survey of Area Proposed for New Store. Acer Ecology. Revision 1.0, dated 22/01/21.
2. Pontygwaith Farm, Treharris. Bat Survey Report. David Clements Ecology Ltd. v 2.1, dated 05/10/21.

Comments:

Comments from memo #1 in black below. Further comment in green.

Bats

Is there a reason no pre-dawn re-entry survey was undertaken?

This has been adequately explained within the new version.

Para 5.1.8 – the use of Type 1F roofing felt is specified. Will access be provided for bats into the roof space of the stables? This would be preferable and a statement to this effect needs to be added.

Clarification is still required here – will bats have access to the roof-space of the stables following the works? If so, where are the potential access points?

Para 5.1.4 mentions 'temporary' mitigation features (bat boxes on suitable nearby trees). Para 5.1.6 mentions bat boxes placed on trees as enhancement features. I assume the boxes referred to in 5.1.4 and 5.1.6 will be the same boxes? Might be good to clarify this and specify the number of boxes that will be erected. In addition, para 5.1.4 uses the phrase 'consideration should be given'. This needs to be re-worded as enhancement is a requirement (in accordance with the Environment (Wales) Act 2016). So the language used needs to be that the boxes 'will' be erected.

These changes have been made and are acceptable.

Para 5.1.5 again uses the same phrase – 'consideration should be given'. Again, a change of language is needed as these measures are required. The number of boxes needs to be specified.

These changes have been made and are acceptable.

Positions of all bat boxes (on trees and integrated within the building) need to be marked on all relevant plans and drawings.

This has been included within the report and is acceptable.

Para 5.1.9 - It needs to be established whether external lighting is proposed. In addition, a plan setting out those areas to remain dark (informed by foraging and commuting bat activity during the surveys) plus dark routes to allow access to the bat boxes (as referred to above).

A plan showing the proposed dark areas has been added. Para 5.1.8 states that *'The new lighting scheme will ensure the peripheral habitats do not receive nocturnal light levels in excess of 0.5lux within 2m of the canopy of any retained trees'*.

Are details of the lighting scheme that demonstrate these light levels available? Are details of the specification of the proposed luminaires available?

NB I would like to see a modified tile incorporated into the roof covering in the position of the lifted tile (emergence point for the soprano pipistrelle during the June survey).

The access point (lifted tile) will remain in situ. This is acceptable.

As the building is a confirmed bat roost, the following informative will be used within the decision notice (if planning is granted):

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 kill, injure, capture or disturb a bat or to recklessly 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. To undertake 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/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>

In addition, MTCBC (as the competent authority for planning) have a duty to assess whether NRW are likely to grant a derogation licence and so will need to apply the three licensing tests (as set out within the Habitats and Species Regulations 2017):

1. A licence can be granted for the purposes of "preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. The appropriate authority shall not grant a licence unless they are satisfied "that there is no satisfactory alternative".
3. The appropriate authority shall not grant a licence unless they are satisfied "that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

David – you will need to apply the tests 1 & 2 and I will apply test 3 (following receipt of the outstanding information regarding access to the roof space of the stables and the lighting scheme).

Nesting birds

Similar to above – change of language ('consideration should be given'), number and specification of boxes to be stated with positions marked on all relevant plans/drawings.

These changes have been made and are acceptable.