

INTERNAL MEMORANDUM

To: Rebecca Owens
From: Matt Davies (Ecologist)
Ext: 5278
Memo number: 1
Date of previous memo: -
Date: 04/03/2024

SUBJECT: P/24/0039 | Erection of replacement bridge and associated works | Feeder Pipe Bridge (footbridge Crossing River Taff) To The South Of Fiddlers Elbow Viaduct Off Tramroadside Treharris

Documents submitted in support of the above application are listed below.

1. Feeder Pipe Bridge. Preliminary Ecological Appraisal. P01. Date 20/09/2022. Redstart.
2. Feeder Pipe Bridge, Abercynon. Preliminary Ecological Appraisal Report for Rhondda Cynon Taf Borough Council. Version 2.0. Date: 10/01/2024. Temple.
3. Updated Otter Survey Memo Report. Temple. Reference: T7028. Date: 13th March 2023.
4. Abercynon Feeder Pipe Bridge. Bat Surveys Report for Rhondda Cynon Taff Borough Council. Version 2.0. Date: 9th January 2024. Temple.
5. Feeder Pipe Bridge Replacement, Abercynon Invasive Species Survey. Temple. Reference: T7028. Date: 10th March 2023 – Updated 12th December 2023.
6. Abercynon Feeder Pipe Bridge. Arboricultural Impact Assessment Report for Baker Hicks. Version 3.0. Date: 12th January 2024.
7. Feeder Pipe Bridge, Abercynon. Preliminary Ground Level Tree Assessment for North and South Report for Rhondda Cynon Taff Borough Council. Version 1.0. Date: 09/01/2024. Temple.
8. Crane Platform & Access Road Drawing No. CRXSS056-BBR-00-XX-DR-W-001 P2 Sheet 1. Received: 26/02/24
9. Crane Platform & Access Road Drawing No. CRXSS056-BBR-00-XX-DR-W-001 P2 Sheet 2. Received: 26/02/24

COMMENTS

Planning conditions:

1. A detailed **Compensation, Management and Maintenance Plan** for the Woodland (SINC & Priority Habitat) affected by the scheme is required. NB the

plan on Page 38 of Document 6 shows significant tree removal to the south east of the river, within the Lower Taf and Edwardsville SINC.

2. A **Construction Environmental Management Plan (CEMP)** will be submitted to fully set out the measures to protect the river from silting and pollution events. *NB this should cover both the installation and removal of the compound area and crane platform.*
3. A combined **Precautionary Working Method Statement** inclusive of dormouse (on a precautionary basis), reptiles, amphibians and hedgehog will be required.
4. The **ecological enhancement measures** (e.g., bird and bat boxes, hibernacula etc) will be **marked on all relevant architect drawings**, plans and/or elevations along with full details of numbers, model types and specifications. The boxes will be constructed from woodstone or woodcrete for reasons of longevity.
5. A specialist contractor should be contacted to advise on the most suitable method of treatment for the site in terms of Invasive Non-Native Species (INNS). An **Invasive Non-Native Species (INNS) Method Statement** will be supplied to the LPA ecologist for written approval.

1-5 will be secured via appropriately worded pre-commencement planning conditions. Written approval from the LPA ecologist will be required for discharge.

6. The otter survey undertaken on 21st February 2023 as described in Document 3 is acceptable. A further pre-construction inspection for resting or breeding otter (specifically for holts and lying-up places) is to be undertaken by a suitably qualified ecologist. A summary of the results will be supplied to the LPA ecologist within 14 days.

QUESTION – Document 8 features a photograph of the South Abutment (Wall) Elevation. There appear to be opportunities for otter resting up places within the rock and stone. Were these areas surveyed for otter during the 2023 otter survey?

NB written approval will not be required for #6. The results of the otter check will dictate the subsequent actions (if the results are negative works may proceed, if the results are positive, a derogation licence from NRW will be needed to allow works to be undertaken within the law).

OTHER COMMENTS AND QUESTIONS

This is also an opportunity to add built-in features (suitable for roosting bats) to the new bridge as a more permanent feature.

It is suggested that this might be considered for the Issued for Construction (IFC) package. When would a decision on this be made?

NRW were consulted for P/23/0147 – would NRW need to comment separately for this application or would their comments in relation to P/23/0147 suffice?

The next edition of Planning Policy Wales (PPW12) is due to be published in later this year. On the 11th October 2023, ahead of the full document being published, the new Chapter 6 came into force with immediate effect.

PLANNING POLICY WALES 12

The commissioned ecologist must take PPW 12, Chapter 6 into account where relevant to this application.

The main changes to policy (that are or may be relevant to this application) are as follows:

Green Infrastructure: stronger emphasis on taking a proactive approach to green infrastructure, the submission of a proportionate green infrastructure statement with planning applications and signposting Building with Nature standards.

Net Benefit for Biodiversity and the Step-wise Approach: further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. The use of the green infrastructure statement as a means of demonstrating the stepwise approach is made explicit. A simplified diagram of the policy approach has been developed (which will be further refined in the consolidated version of PPW12). The importance of strategic collaboration to identify and capture larger scale opportunities for securing a net benefit for biodiversity is recognised.

Protection for Sites of Special Scientific Interest: strengthened approach to the protection of SSSIs, with increased clarity on the position for site management and exemptions for minor development necessary to maintain a 'living landscape'. Other development is considered unacceptable as a matter of principle. Exceptionally, a planned approach may be appropriate where necessary safeguards can be secured through a development plan

Trees and Woodlands: closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right tree in the right place.

INFORMATIVES

The following informatives will be added to the decision notice if planning permission is granted:

EUROPEAN OTTER

Warning: this planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

The European Otter is protected under UK and European legislation. It is an offence to deliberately kill, injure, capture or disturb an otter or to recklessly damage or destroy their breeding sites or resting places.

If works are planned that are known will impact otter in the ways detailed above, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/list-of-protected-species/otter-licensing/?lang=en>.

If work has already commenced and otters are found, or if any evidence that otters are using the site as a resting place is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

BATS

Warning: this planning permission does not provide consent to undertake works that require a European Protected Species (EPS) licence.

All bats and their roosts are protected under UK and European legislation. 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 works are planned on a building/tree/structure in which bats are found to be roosting, Natural Resources Wales (NRW) must be contacted. on 0300 065 3000 or at <https://naturalresources.wales/permits-and-permissions/species-licensing/apply-for-a-protected-species-licence/bat-licences/?lang=en>.

If work has already commenced and bats are found, or if any evidence that bats are using the site as a roost is found, work should cease and NRW should be contacted immediately.

Under these circumstances, an EPS licence is likely to be required to undertake the works within the law.

NESTING BIRDS

All birds, their nests and eggs are protected by law under the Wildlife and Countryside Act 1981 (as amended) while they are breeding.

If works to any trees, hedgerows and/or other nesting bird habitat (including buildings/structures with suitable features) are to be undertaken, they will take place outside of the bird nesting season. If the works must be undertaken during the nesting season (generally from 1st March until 31st August, although birds are known to nest outside of these dates in suitable conditions), a breeding bird survey will be required and must be carried out by a suitably qualified ecologist. Any active nests identified will be protected until the young have fledged.

Where a Schedule 1 species (as defined in the Wildlife and Countryside Act - <https://www.legislation.gov.uk/ukpga/1981/69/schedule/1>) is involved, compensation for impacts, e.g., loss of nesting sites, will be devised and implemented.