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31/07/2020

Annwyl Mr Cross/Dear Mr Cross

BWRIAD/PROPOSAL: ERECTION OF DETACHED DWELLING, GARAGE AND ASSOCIATED ACCESS/DRIVEWAY.

LLEOLIAD/LOCATION: LAND TO THE SOUTH OF EVIEON MAES MEYRICK, HEOLGERRIG.

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales about the above, which we received on 6 July 2020.

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

Requirement 1: European Protected Species – Great Crested Newt - Further information is required to demonstrate the proposal will not be detrimental to the maintenance of the favourable conservation status of European Protected Species – Great Crested Newt (GCN).

Requirement 2 : Cwm Glo a Glyndyrys Site Special Scientific Interest (SSSI) - Further information is required to demonstrate that the proposal will not pose an unacceptable risk to the Cwm Glo a Glyndyrys Site of Special Scientific Interest (SSSI).

Once these requirements have been addressed, we may seek conditions to secure controls in relation to the above.

Please find further details on our requirements below.

We have reviewed the following information submitted in support of this application:

- Proposed Development: Land to the South of Eivion, Maes Meyrick, Heolgerrig, Merthyr Tydfil, Ecological Assessment, prepared by BE Ecological Ltd, dated January 2020.

Requirement 1 - European Protected Species – Great Crested Newts (GCN)

There are records for GCN adjacent to the proposed development site and a pond lies within approximately 100m of the proposed development site. Therefore, we consider that there is a reasonable likelihood that the habitat with the application site may be of importance to a GCN population.

Legislation and policy

Great Crested Newts are a 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'.

These requirements are translated into planning policy through Planning Policy Wales (PPW) December 2018 and Technical Advice Note (TAN) 5, Nature Conservation and Planning (September 2009). The planning authority should take them into account when considering development proposals where a European Protected Species is present.

Advice on application

We note from the report that the presence of GCN are assumed within the development boundary, due to the close proximity of the waterbody and the suitability of terrestrial habitat within the site. The report states that additional surveys are not required as *'it is considered that there is sufficient population data already in the public domain to allow a licence application without further surveys'*. However, insufficient information is provided currently to assess the likely impact on GCN.

We therefore advise that the following information is provided prior to determination of the application;

- The extent of and a description of the habitat suitable to support GCN that will be impacted by the proposed works and;
- Details of the methods proposed to reduce impacts both during and post development.

We would be pleased to review our position and provide further advice when consulted on the information specified above.

Requirement 2 - Cwm Glo a Glyndyrys Site of Special Scientific Interest (SSSI).

The proposed development is immediately adjacent to the Cwm Glo a Glyndyrys SSSI.

We note that the Ecological Appraisal report assumes that the marsh fritillary butterfly will use the application site and that its larval food plant devil's-bit scabious *Succisa pratensis* occurs on site. We also note that the report indicates that there are proximity risks from development.

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.

Cwm Glo a Glyndyrys 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.

Although the Ecological Appraisal report draws attention to the recent records for marsh fritillary and presence on the adjacent SSSI, there have been no marsh fritillary surveys undertaken as part of this application. The vegetation and habitat survey is also only to a Phase 1 level. The report sets out some general mitigation principles for marsh fritillary, but these are not detailed or specific to the site. We, therefore advise that there is insufficient information to be able to assess the scale of impact to marsh fritillary meta-population that uses the SSSI.

We, therefore advise that more detailed survey of the red and blue line areas should be provided to establish the nature of the vegetation and clearly map the areas with potential to support marsh fritillary. Areas to be lost and areas to be retained should be clearly mapped along with any proposals to manage retained areas to enhance their condition and potential to support marsh fritillary. As the web survey season is imminent, it would be sensible to carry out this habitat survey during the web survey season, as any web survey evidence will be of use.

Further detail should be provided regarding avoidance, minimisation, mitigation, compensation and enhancement measures. This should be clear on what is proposed by the applicant. Based on this information, as an assessment of the potential effect of the sites loss to the local marsh fritillary population/meta-population should be provided.

The ecological assessment also mentions a description of a vegetated strip along the boundary of where the SSSI meets the proposed development site. This mitigation measure of using buffer zones is indicated as being intended to prevent long term damage to the SSSI by invasive species and unauthorised access. However, the proposed buffer zone proposal also requires further clear detail of what is proposed, including the width of the strip (at least 5m), height and material of fencing, lighting, a CEMP and a long-term habitat management plan.

We would be pleased to review our position and provide further advice when consulted on

the information specified above.

In summary, we have significant concerns with the proposed application as submitted and recommend additional information is submitted which addresses the issues raised above.

Further advice to applicant

We note that the site is partially within the DCWW Cilfynydd Sewerage Catchment and that the proposed method of foul water disposal is via septic tank. The site is approximately 118 metres away from the nearest sewer network pipe and therefore we consider it would be unreasonable to expect the proposed dwelling to connect to the mains system. As such, we have no objection to the principle of using a septic tank for foul water disposal. However, no details of the proposed tank and its discharge point have been provided. The Applicant should be advised that the septic tank system and its discharge point will need to be appropriately designed and sited, so as not to cause any damage to the adjacent Cwm Glo a Glyndyrys Site Special Scientific Interest (SSSI).

The Applicant should also note, it is a legal requirement to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold preapplication discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our [website](#). Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the [NetRegs website](#), which provides further information.

We have no record of any licensed groundwater abstractions. However, there is potential for there to be private boreholes in the area that do not meet the requirements for licensing. The applicant should check that there are no private boreholes within 50 metres of the proposed sewage discharge.

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

Andrew Hurst

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