



**Cyfoeth
Naturiol
Cymru
Natural
Resources
Wales**

Ein cyf/Our ref: CAS-165416-D8K8
Eich cyf/Your ref: P/21/0261

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

24/09/2021

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD / PROPOSAL: PROVISION OF DWELLING (LIVE/WORK) TOGETHER WITH PARKING, LANDSCAPING AND ECOLOGICAL ENHANCEMENTS.

LLEOLIAD / LOCATION: LAND SOUTH OF UNIT 7, EFI INDUSTRIAL ESTATE, MERTHYR TYDFIL, CF47 8RB.

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 7 September 2021.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition: European Protected Species – Lighting Plan

Please note, without the inclusion of this condition we would object to this planning application. Further details are provided below.

European Protected Species

We have reviewed the 'Preliminary Ecological Appraisal' prepared by Elite Ecology, dated August 2021 submitted in support of the above application. The report confirms suitable roosting features for bats were identified around the trees and rock face.

Legislation & Policy

Bats and their breeding sites and resting places are protected under the Conservation of Habitat and Species Regulations 2017. Where these species 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 purpose of preserving public health of safety, or for other imperative reasons of overriding public interest, including those of a social and 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 protected species on the site of that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

Therefore, we advise the inclusion of a condition requiring the submission of a lighting plan which demonstrates that the rockface and the river corridor, as well as any new ecological planting, will be kept dark.

Condition: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas, in particular the retained rockface, the river corridor and any new ecological enhancement planting.
- Details of lighting to be used both during construction and operation.
- Measures to monitor light spillage once development is operational.

The lighting shall be installed and retained as approved during construction and operation.

Justification: A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species and their habitats and commuting corridors.

Flood Risk

Our Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Map (DAM) as contained in TAN15.

We note that no built development is proposed within this area. Given this and the location of flood risk shown to be affecting the application site (and in the absence of a flood consequences assessment), we consider the proposals could be acceptable, subject to the developer being made aware of the potential flood risks to these areas.

In areas at risk of flooding, we recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development.

We refer the Applicant to our [website](#) for further advice and guidance available. Additional guidance including the leaflet 'Prepare your Property for flooding' can be found [here](#).

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties' can be found [here](#).

Flood Risk Activity Permit

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Taff, a designated "main river". Further advice and guidance are available on our [website](#).

Advice to Applicant

We recommend you consider the future insurability of this development now. Although we have no involvement in this matter we would advise you to review the Association of British Insurers published paper '[Climate Adaptation: Guidance on Insurance Issues for New Developments](#)', to help you ensure any properties are as flood proof as possible and insurable.

Pollution Prevention

Due to the proximity of the site to the River Taff, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works and maintenance in or near water' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>.

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