

INTERNAL MEMORANDUM

To: David Cross
From: Ecologist
Ask for: Matt Davies
Ext: 5278
Memo number: 1
Date: 09th July 2020

SUBJECT: P/20/0138 | Erection of detached dwelling, garage and associated access/driveway
| Land To The South Of Evieon Maes Meyrick Heolgerrig Merthyr Tydfil

Comments below relate generally to this application and specifically to the submitted Ecological Assessment report (dated January 2020) as prepared by BE ECOLOGICAL LTD.

GENERAL COMMENTS

Historic/archaeological interest

The remains of the building onsite, whilst not listed, is of at least local importance. It appears in the National Monuments Record for Wales, named as 'Beili-Glas', a Post Medieval building (supposedly once an ale-house). It also appears in the Welsh Archaeological Trusts' Historic Environment Records as 'Cottage site Upper Cwm Glo'.

In addition, to the south of the cottage site there is another record from the National Monuments Record for Wales for 'Beili-Glas Enclosed Fields' as recorded on 1905 map – stone/tree lined boundaries survive in plan.

All these features would require an archaeological watching brief. Comments may have been appropriate from Moira Lucas had she still been in-post. Would an equivalent person in a neighbouring authority be consulted?

Also, outside of the redline boundary, but within the blue-line boundary there is another record from the National Monuments Record for Wales for 'Harris Workings Tramway' (eastern extension of tramway 262217. Tramway survives as track/footpath following present field boundaries as on 1905 map – preserving the route as a footpath is recommended.

NB reference - <https://historicwales.gov.uk/>

Step-wise approach

Has the step-wise approach been adhered to in terms of planning this development? See PPW Ed 10 (pp 140-141) and the MTCBC First Replacement Local Development Plan (pp 59-60).

1. Has it been demonstrated how the proposed development could 'avoid' harmful effects by considering alternative sites where less harm/no harm or gain could be achieved?
2. If harm cannot be avoided, have the harmful effects been 'minimised' by ensuring that features of benefit to biodiversity are maintained on site?
3. Only then should 'mitigation' measures be outlined to further reduce any harmful effects.
4. Where harmful effects cannot be avoided, minimised or mitigated, 'compensation' should be sought.
5. Throughout the step-wise approach. 'enhancement' must be achieved wherever possible.

Applying the step-wise approach to this site, before anything else can be finally considered in terms of mitigation, compensation and enhancement for the site, steps 1 and 2 need to be explored. The proposed development will cause harm to this site, so have alternative sites been considered? And, if so have the harmful effects been minimised designing the scheme around features of benefit to biodiversity where feasible? NB the result of the ecological survey work should, in theory, inform the design of the scheme. The submitted plans show the house position, outside areas, retaining walls, plus the access road. There is no indication of what will happen to the remaining areas of the site?

MINOR ISSUES

1.3 SITE DESCRIPTION

The NON-TECHNICAL SUMMARY states that the site has scattered trees. These are not mentioned in the 'site description' section.

Latin names for common and creeping bent are the wrong way around. Latin names for smooth meadow grass and crested dog's-tail incorrect spellings. NB scientific names for species should be presented in italics (or underlined).

1.4 PROPOSED DEVELOPMENT

There is insufficient detail regarding the exact nature of the development. Exactly what habitat is proposed to be removed to facilitate the development and what will be retained? What is proposed for the remaining habitat? The ecological report should be written in the context of this so that adverse impacts on ecological features can be fully assessed and appropriate mitigation, compensation and enhancement measures recommended.

1.5 STUDY AREA

Figure 3 – habitat survey results plan - does not show details of the habitat 20m from the site boundaries. Neither are these areas mentioned within the report.

2.3 Should cite 'Planning Policy Wales (Edition 10, December 2018)'

3.1 SUMMARY

This mentions 'one Site of Special Scientific Interest within 2000m of the proposed development site'. The report does not provide details of the exact position of the SSSI in relation to the site, i.e., it is immediately adjacent to the eastern boundary.

3.3 METHODOLOGY

The unique reference number for the SEWBRc data search is not included within the report. This needs to be included. Listing all species returned by the record search in an Appendix is not really helpful. A table summarising the data would be of more use and a better way of presenting the data.

Table 2 – UK designated sites within 2km of **Frontier Medical Group** development site – **cut and paste error?**

In addition, the table does not mention the assemblage of grassland fungi as a special feature of the SSSI designation.

PROPOSED DEVELOPMENT PLANS

Proposed development plans need to be included within the ecological report with ecological assessments made in relation to and referencing the plans for the site.

TERMINOLOGY

As per similar comments regarding previous reports. I find some of the terms used in the impact assessment overcomplicated and unhelpful. For example, terms like 'slight' and 'neutral' are used and phrases such as 'an uncertain short term medium term adverse impact'. If these are to be used in reports they need to be better defined/explained or preferably just simplified.

PROXIMITY TO & PROTECTION OF DESIGNATED SITES

4.1.1.2 CGAG – impact characterisation

The phrase 'species spill-over' is used. I am unsure what this means? This needs more explanation.

4.1.1.4 CGAG – mitigation measures

This paragraph mentions maintaining a tall vegetated strip along the eastern boundary of the site (basically, a 'buffer zone'). **The buffer strip should be at least 5m in width to properly protect the SSSI.** The list of mitigation measures is less extensive than the list for Cwm Glo SINC (4.2.1.4) or the list for Winchfawr West SINC (4.2.2.4). **All these lists must match**, e.g., 4.1.1.4 should also mention the width of any buffer zone; fencing (height and type of fencing should be specified); lighting; a habitat management plan (NB this would need to be submitted for approval prior to determination of planning). Similarly, a CEMP should be stipulated in the mitigation measures within paragraph 4.2.1.4.

4.2.1.1 Cwm Glo SINC – evaluation

Here it is stated that the SINC is located immediately to the site's eastern and southern boundaries. For completeness this should also mention the north eastern section of the boundary. Perhaps a plan showing the site in relation to the adjacent designated sites would help.

TREES, SCRUB

5.4 CONSTRAINTS

This section describes some of the onsite habitat as scattered trees and scrub. The scrub is described as being no more than 8m in height. The JNCC Handbook for Phase 1 habitat survey describes scrub as being usually less than 5m tall so it may be that some of this habitat has been misidentified. Historic mapping demonstrates the onsite trees are likely to be historic hedgerow field boundaries that have become unmanaged over time – this is borne out by the record from the National Monuments Record for Wales for 'Beili-Glas Enclosed Fields' as recorded on the 1905 map. In this context this habitat takes on a greater importance, i.e. an important hedgerow, both ecologically and historically. Given the age and historical relevance, the hedgerow may meet the criteria for an 'important hedge' and receive protection under The Hedgerow Regulations 1997. In addition, Hedgerows are listed in Section 7 of the Environment (Wales) Act 2016 as a habitat of principal importance for the purpose of maintaining and enhancing biodiversity on relation to Wales. **This all needs to be considered in relation to the proposed scheme for the site – what is the position for the house, garage and access road that would best minimise adverse impacts on important features of the site.**

GRASSLAND

5.5.1.3 Semi-improved grassland

The species list has a range of indicator species that are found in several grassland classifications, for example neutral grassland and acid grassland.

In addition, the presence of such species as common bent, crested dog's-tail and common knapweed would indicate MG5 or MG6 NVC categories. MG5 is included in the list of neutral grassland types identified as being of greatest value by the SSSI selection criteria (NCC, 1989). MG5 grasslands can provide habitat for communities of macrofungi, including waxcaps and pinkgills.

Neutral Lowland Meadows are also listed in Section 7 of the Environment (Wales) Act 2016 as a habitat Act as habitat of principal importance for the purpose of maintaining and enhancing biodiversity on relation to Wales.

5.6.3.1 Semi-improved grassland – evaluation

'The grassland is of a type associated with neutral to acidic soils generally found in more upland areas.'

NB acid grassland at this altitude is therefore classed as lowland acid grassland – again, a habitat type included under Section 7 of the Environment (Wales) Act as habitat of principal importance for the purpose of maintaining and enhancing biodiversity on relation to Wales.

In accordance with the Act, MTCBC as an LPA must have regard to Section 7 habitats. Specific recommendations must be included within the report regarding appropriate avoidance, minimisation, mitigation, compensation, and enhancement measures for this important habitat type(s) to be agreed prior to determination.

A Phase 2 survey (NVC) of the grassland is warranted, given the species present and the site's proximity to the Cwm Glo SSSI.

Given the presence of potential MG5 and the site's proximity to the Cwm Glo SSSI, **a survey for onsite grassland fungi would be appropriate.** Traditional surveys for grassland fungi are only possible in the late summer and autumn. NB novel eDNA techniques for identifying fungi are increasingly being used and can be employed at any time of the year.

NB Plate 8 (photograph of DBS) shows at least one species not mentioned in the species list. A species of rush can be observed, possibly compact rush, although the quality of the image does not allow full identification.

WATERCOURSE

The proposed plans show the access road crossing the onsite stream. The stream is marked on the OS map with the word 'Spreads'. A term which means a place where a stream spreads into a marshy area. **There are no photographs to illustrate this habitat – these are required. Protection measures for this habitat must be provided to be included within the report and the CEMP.**

BATS

Roosting bats

5.5.1.1 Scattered trees

'None of the trees was considered to offer potential bat roosting features'.

6.1.4 Bats – Results

Trees described as thin and smooth with no PRFs.

The report has no example photographs to demonstrate the state of the trees and the lack of PRFs, citing lack of access due to scrub. **Trees that are to be removed need a full preliminary ground level roost assessment, followed by any subsequent aerial PRF inspection surveys and/or bat activity surveys (as appropriate), to rule out use by roosting bats prior to determination of planning.**

Commuting and foraging bats

According to the Bat Surveys for Professional Ecologists, Good Practice Guidelines (Collins 2016) the onsite habitats are at least of Moderate suitability for commuting and foraging bats. In such cases, bat transect surveys and automated/static bat detector surveys are recommended, if these habitats are to be lost or impacted upon. **These surveys would be required prior to determination of planning.**

AMPHIBIANS

5.5.2.2 Amphibian & great crested newt

The remains of the former onsite building need to be highlighted as suitable for sheltering or hibernating amphibians (and also reptile species).

The report recommends an NRW development licence is applied for. **NRW need to be consulted regarding GCN on this site.** Ideally, before consultation, the ecological report will need to include the clear rationale for not undertaking a survey for newts in the suitable onsite terrestrial habitat (that includes features suitable for hibernation) and much more detail regarding the content of any method statement (avoidance, mitigation, compensation, enhancement) that would accompany a licence application.

DORMICE

5.5.2.3 Dormouse

There is suitable onsite habitat for dormice and good connectivity to other areas of suitable habitat. If this is the case, then **a dormouse survey is required (regardless of the lack of records) prior to determination of planning. NRW will need to be consulted.**

OTTER

5.5.2.4 Otters

Otters cannot be ruled out from visiting the site given habitats present and recent records. As such, **precautionary measures should be outlined** to ensure safety in the unlikely event they may find their way onto the site (e.g., covering open trenches overnight or providing a means of escape etc).

WATER VOLE

There are nearby records for water vole. The report states that the habitat onsite is not suitable for water vole due to there being no permanent watercourses. However, it is well-known that viable water vole populations can exist without access to a watercourse. There are many examples of terrestrial water vole populations, for example, across parts of mainland Europe and in the UK (Sound of Jura, western Scotland around Ullapool, parts of 'urban' Glasgow, in Newcastle-upon-Tyne, on Reed Island in the Humber Estuary). In addition, in Wales, The Wildlife Trusts and Natural Resources Wales are increasingly focussing survey and conservation efforts in, for example, upland areas, where water voles

have managed to persist relatively unnoticed in marshy grasslands and other wet habitats. In addition, the nearest record for water vole to the site does not appear to be on or near a watercourse.

As the route of the proposed access track crosses this habitat, a water vole survey will be required prior to determination of planning.

BADGERS

5.5.2.6 Badgers

As much of the scrub onsite was reported to be impenetrable, there may still be the possibility of an onsite sett. **Actions should be set out to be undertaken if a sett is discovered on site.**

REPTILES

5.5.2.8 Reptiles

This section states there was a single record for slow worm within 2km.

6.3.5.1 Desk study

This section says something different:

‘There are records of lizard, grass snake and slow worm within 1500m of the site. It should be assumed that low numbers of slow worm (*Anguis fragilis*) and common lizard (*Lacerta vivipara*) and grass snake (*Natrix natrix*) use the site. It is likely that the population densities of these species are at low levels due to the small size of the site.’

This needs to be clarified and amended.

6.3.7 Reptiles – impact characterisation

‘It is anticipated that the site will be largely cleared of vegetation, thereby removing the majority of the suitable habitat for this group.’

Will the site be largely cleared of vegetation? Or are there areas that are proposed to be retained? **If there are retained areas, then the reptile mitigation strategy should be seeking to keep reptiles onsite if possible and on land within the ownership of the applicant rather than encouraging them into the neighbouring SSSI (permission from NRW would be needed for this).**

A reptile survey will be required (prior to determination of planning) to assess the species and numbers of animals involved so that appropriate mitigation, compensation, and enhancement measures can be specified. As previously mentioned, the preferred option would be to retain the animals onsite.

INVERTEBRATES

6.5.1 Summary

This mentions ‘small boarded fritillary’. Is this meant to be ‘small pearl-bordered fritillary’?

6.5.3.2 Invertebrates – impact characterisation

Much more detail is required regarding avoidance, minimisation, mitigation, compensation, enhancement measures for invertebrates. Survey for marsh fritillary is required prior to determination of planning.

HEDGEHOG

There is no mention of hedgehog within the document. This needs to be rectified.

LIGHTING

A lighting plan is required demonstrating consideration for nocturnal species including, for example, dormice, bat species and invertebrate species. This will be partially informed by the results of the bat transect and static detector survey and the dormice survey. The following guidance is relevant here:

<https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

CEMP

A Construction and Environment Management Plan (CEMP) is required to be submitted and agreed prior to determination of planning.

HMP

A five-year Habitat Management Plan (HMP) should be submitted for approval prior to determination of planning.

JKW

Japanese Knotweed (JKW) is found onsite. A management plan for its management/removal should be submitted for approval prior to determination of planning.

ENHANCEMENTS (in accordance with the Environment (Wales) Act 2016)

There is no detail regarding enhancement for the scheme. This is required. **Appropriate enhancement measures must be clearly set out with specifications and must be included in all relevant submitted plans/drawings for the proposed development prior to determination of planning.**