

P/25/0167

Condition 4
Removal

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1. Scope Of This Document

This document provides a detailed overview and timeline concerning the proposed increase in tree planting—from three to twelve trees—under planning application P205167, submitted to Merthyr Tydfil County Borough Council (MTCBC) Local Planning Authority (LPA) on 6 June 2025.

It outlines the applicant's position that the proposed tree planting requirement is unwarranted. Furthermore, it presents concerns to the LPA, Planning Committee, and Welsh Government Audit Office regarding the subjective application of planning law, which appears to be based on an inaccurate and narrowly scoped desktop study. Additional considerations are included in response to further commentary provided by the appointed ecologist.

1.1 Version Control

Version	Date	Author	Changes
1.0	08.10.25	Nick Meaney	First Publication
1.1	08.10.25	Nick Meaney	Formatting

1.2 Referenced Documents

Document	Description
P25/0167 Planning Conditions	Planning conditions 10 th December 2025
P25/0167 Planning Application	Submitted Planning Application
GIS Ver 4	GIS version 4 – Final and revised Version
PEA Ver 1.3	PEA version 1.4 - Final and revised Version
P205167	Ecologist Internal Memo
P205167_2	Ecologist Internal Memo
Applicant Ecology Response	Ecology Response found on planning portal 08 th Oct 2025
Applicant Ecology Addendum	Ecology Addendum addressing policy overreach 14 th November 2025
All Correspondence to David Cross found at Appendix A	In relation to planning approval – November 2025 Onwards
Email P/25/0167 - Land at Six Bells Estate, Heolgerrig dated 01 st Oct 2025	Ecologist email
Email P/25/0167 - Land at Six Bells Estate, Heolgerrig dated 07 th Oct 2025	Ecologist email
Net-Benefits-briefing.pdf	CIEEM Chief Planning Officer reference 2019

CIEEM Net Benefits for Biodiversity Working Group (Wales) CIEEM	CIEEM NBB Working Group Guidance
The Biodiversity and Resilience of Ecosystems (S6) Duty Report	MTCBC S6 Project
Natural Resources Wales / The State of Natural Resources report 2016	NRW SONAAR report
The Section 6 Biodiversity and Resilience of Ecosystems Duty: reporting guidance GOV.WALES	WAG NBB
Factsheet 10 Biodiversity and resilience of ecosystems duty english	WAG NBB
COP15, Biodiversity Deep Dive, Section 6 Duty and the Planning System	UN and WAG COP 15 (Section 6)

Table 1 - References

1.3 Regulatory Standards

The design complies with the following regulations.

- Planning Wales Act (2015)
- Environment (Wales) Act 2016

1.4 Excluded Regulatory Standards

The following Regulated Standards are excluded as it is relevant solely to England

- Environment Act 2021
- Levelling Up and Regeneration Act 2023

1.5 Policy

This document will adhere to planning policy standards as appropriated in the following reference documentation:

- Planning Policy Wales (12) Published Feb 2024.

In addition, the following references will be used to support the findings in this desktop study.

Title	Originator	Issue	Date
Environment (Wales) Act 2016: factsheets GOV.WALES	WAG		OCT 25
Planning Policy Wales - Edition 12	WAG		FEB 2024

Targeted policy changes to Planning Policy Wales on Net benefit for Biodiversity and Ecosystems Resilience (incorporating changes to strengthen policy on Sites of Special Scientific Interest, Trees and Woodlands and Green Infrastructure) [HTML] GOV.WALES	WAG		MAY 23
Targeted policy changes	WAG		MAY 23
Environment Act 2021	HMG		NOV 21
Levelling-up and Regeneration Act 2023	HMG		OCT 23
Biodiversity net gain: what local planning authorities should do - GOV.UK	HMG BNG		NOV 24

Table 2 - Welsh Policy and Legislation

1.6 Excluded Policy

The following Policy is excluded as it is relevant solely to England

- Biodiversity Net Gain

2. Introduction

This document has been prepared in support of the discharge of **Condition 4 (Green Infrastructure Scheme)** and **Condition 5 (Plant Replacement)** attached to planning permission **P/25/0167**.

The purpose of this statement is to demonstrate that the ecological mitigation and enhancement measures required by these conditions have already been **fully defined, assessed and secured** through the approved ecological documentation submitted as part of the planning application.

Accordingly, this statement:

- confirms the ecological baseline of the site
- identifies the biodiversity enhancement measures incorporated within the approved development
- demonstrates compliance with national planning policy and relevant legislation
- confirms that the requirements of Conditions 4 and 5 are satisfied through the implementation of the approved ecological strategy

The ecological strategy referenced in this document is set out within the approved:

- Green Infrastructure Statement – East Ecology (September 2025)
- Preliminary Ecological Appraisal – East Ecology Version 1.3

These documents establish a **comprehensive and evidence-based ecological framework**, identifying the biodiversity enhancement measures integrated within the design and management of the development.

This statement demonstrates that the approved ecological strategy accords with the relevant policy and legislative framework, including:

- Planning Policy Wales (Edition 12)
- Technical Advice Note 5 – Nature Conservation and Planning
- Section 6 of the Environment (Wales) Act 2016

In this context, the approved ecological documentation constitutes a **complete, proportionate and policy-compliant Green Infrastructure strategy**, and confirms that the requirements of Conditions 4 and 5 are **fully satisfied through its implementation**, with no further measures required.

3. Purpose of Submission

This statement is submitted in support of an application to discharge **Condition 4 (Green Infrastructure Scheme)** and **Condition 5 (Plant Replacement)** attached to planning permission **P/25/0167**.

The ecological enhancement measures required by these conditions are **already fully defined, assessed and secured** within the approved ecological documentation listed under Condition 2, namely:

- Green Infrastructure Statement – East Ecology (September 2025)
- Preliminary Ecological Appraisal – East Ecology Version 1.3

These documents establish the **ecological baseline of the site** and identify a comprehensive suite of biodiversity enhancement measures incorporated within the development, including **habitat creation, pollinator-supporting planting, wildlife nesting and roosting provision, and ecological connectivity measures**.

Taken together, the approved documents provide a **complete and evidence-based ecological framework**, demonstrating how Green Infrastructure and biodiversity enhancement have been integrated within the design and management of the development in accordance with the objectives of **Planning Policy Wales (Edition 12)**.

The approved ecological strategy therefore **fully addresses the planning purpose of Conditions 4 and 5**, and secures the implementation and long-term management of the required biodiversity enhancement measures.

In this context, the requirements of Conditions 4 and 5 are **fully satisfied through the implementation of the approved ecological documentation**, and no additional or supplementary measures are required.

4. Baseline Ecological Context

The **Preliminary Ecological Appraisal (PEA)** confirms that the site comprises predominantly:

- disturbed ground
- ephemeral vegetation
- limited scattered vegetation

These habitats are characteristic of previously disturbed land and are recognised as supporting **limited ecological value**, with low habitat diversity and ecological functionality.

Accordingly, the site does not support habitats or features of **significant ecological importance**, and the proposed development does not result in the loss of any habitats of conservation value.

The approved ecological baseline does **not** identify the removal of trees as a necessary precursor to development. The approved documents confirm that the boundary hedge outside the applicant's ownership is to be retained, that the clipped hedge is not within the applicant's title, and that the large conifer is to remain in situ. In that context, the repeated suggestion that trees were being removed, and the subsequent escalation of planting demands from six to twelve trees, is **not supported by the approved baseline evidence** and is not consistent with a proportionate application of **Planning Policy Wales (Edition 12)**. The applicant's October response also records that the proposed increase in tree planting from three to twelve trees was considered unwarranted and based on an inaccurate ecological narrative.

In response to the actual baseline, the approved **Green Infrastructure Statement** introduces a clearly defined suite of biodiversity enhancement measures, including **pollinator-supporting planting, integrated wildlife nesting and roosting features, and habitat connectivity measures**. These measures increase habitat diversity and ecological functionality relative to the existing site condition.

The development therefore accords with the **step-wise approach to biodiversity conservation** set out in **Planning Policy Wales (Edition 12)**, whereby ecological impacts are first avoided, any residual impacts are minimised or mitigated, and opportunities for enhancement are incorporated into the design of the development.

In this context, the approved ecological strategy not only avoids adverse ecological impacts but also delivers **measurable biodiversity enhancement relative to the baseline condition**, contributing to the strengthening of local ecological networks.

This approach accords with the objectives of **Planning Policy Wales (Edition 12)** and **Technical Advice Note 5 – Nature Conservation and Planning**, which require development proposals to protect biodiversity and incorporate appropriate and proportionate ecological enhancement measures.

5. Green Infrastructure Scheme (Condition 4)

The approved **Green Infrastructure Statement** establishes a clearly defined and integrated suite of biodiversity enhancement measures embedded within the design and management of the development. These measures form part of the approved ecological strategy and demonstrate how **Green Infrastructure principles have been incorporated and secured within the scheme** in accordance with the objectives of **Planning Policy Wales (Edition 12)**.

The Green Infrastructure measures incorporated within the development deliver **habitat creation, wildlife nesting and roosting opportunities, and enhanced ecological connectivity** within the residential environment. These measures are **site-specific, proportionate to the ecological baseline, and capable of verification**, and collectively contribute to the delivery of **measurable biodiversity enhancement and improved ecosystem resilience**.

In this context, the approved Green Infrastructure strategy constitutes a **complete and policy-compliant framework**, ensuring that biodiversity enhancement is not only designed into the development but **secured through its implementation**.

4.1 Replacement Planting and Vegetation Establishment

Planting associated with the development will be undertaken in accordance with the approved **Green Infrastructure Statement – East Ecology (September 2025)** and the **Preliminary Ecological Appraisal – East Ecology Version 1.3**, which together establish the ecological baseline and define the biodiversity enhancement measures incorporated within the scheme.

The approved ecological documentation identifies a series of native planting measures intended to enhance habitat availability and ecological connectivity within the site. The principal climbing and boundary planting species incorporated within the approved scheme are:

- Honeysuckle (*Lonicera periclymenum*)
- Ivy (*Hedera helix*)
- Dog Rose (*Rosa canina*)

These species have been selected for their ecological value and their ability to support a wide range of fauna. Honeysuckle and Dog Rose provide nectar resources for pollinators and seasonal fruiting resources for birds and small mammals, while Ivy provides valuable late-season nectar for invertebrates and dense evergreen shelter for wildlife. Collectively, they contribute to the creation of **structurally diverse vegetation**, enhancing habitat value and ecological functionality within the residential environment.

Planting operations will be carried out in accordance with recognised landscape best practice, including **BS 4428:1989 – Code of Practice for General Landscape Operations** and **BS 8545:2014 – Trees: From Nursery to Independence in the Landscape**. Prior to planting, soils will be prepared and ameliorated as necessary using suitable soil conditioners, compost and, where required, slow-release fertilisers to support successful establishment. Organic mulch, including chipped arisings derived from site vegetation, may be applied to retain moisture, suppress weeds and improve soil structure.

Planting will be undertaken during the appropriate planting season, typically **late autumn or late winter / early spring**, when soil and weather conditions are most suitable for establishment. Newly planted vegetation will be protected and maintained during the establishment period, including the use of shelters where appropriate.

During the establishment phase, planting will be monitored and maintained to promote healthy, dense growth. Vegetation will be managed to achieve a robust and structurally diverse form, with pruning undertaken no more than once annually in late winter to retain seasonal flowering and fruiting. Vegetation management will be undertaken in a **wildlife-sensitive manner**, and no works affecting vegetation with potential to support nesting birds will be carried out during the bird breeding season (generally March to August inclusive, unless otherwise confirmed).

In accordance with the requirements of **Condition 5**, any plants that fail to establish, become damaged, diseased or die within the first five years following planting will be **replaced during the next appropriate planting season with the same species or a suitable equivalent**, ensuring continuity of the approved biodiversity enhancement measures.

Planting stock will, where practicable, be sourced from **native species of local provenance**, ensuring compatibility with the ecological character of the surrounding landscape and supporting ecosystem resilience.

Once established, the ongoing management of planting and habitat features will form part of the normal management of the residential environment, with vegetation retained and managed to maximise its ecological value and avoid unnecessary disturbance.

Through the implementation, establishment and appropriate long-term management of these planting measures, the development will deliver the biodiversity enhancements identified within the approved **Green Infrastructure Statement and Preliminary Ecological Appraisal**, contributing to **habitat creation, improved ecological connectivity and measurable biodiversity enhancement relative to the existing baseline condition**.

Accordingly, the planting strategy and associated replacement measures provide a **proportionate, enforceable and policy-compliant mechanism** for delivering biodiversity enhancement and ensure that the requirements of **Condition 5 (Plant Replacement)** are satisfied through the implementation of the approved ecological scheme.

4.2 Pollinator and Permaculture Garden

In accordance with the approved **Preliminary Ecological Appraisal (East Ecology Version 1.3)** and **Green Infrastructure Statement**, the residential garden areas will be designed as a **pollinator-supporting edible garden**, incorporating a diverse mixture of flowering, perennial and productive planting informed by **permaculture principles of sustainable land stewardship and ecological design**.

This approach accords with the objectives of **Planning Policy Wales (Edition 12), Chapter 6**, which promotes the integration of **Green Infrastructure, biodiversity enhancement and ecosystem resilience** within development proposals. In particular, **paragraphs 6.4.5 and 6.4.11** require development to maintain and enhance biodiversity and apply the **step-wise approach**, ensuring that ecological networks are strengthened and biodiversity improvements are delivered wherever possible.

The proposed garden design therefore integrates **productive and pollinator-supporting planting systems** that deliver measurable biodiversity enhancement relative to the existing baseline condition of the site, while also supporting sustainable domestic food production.

The residential garden will incorporate an **allotment-style edible planting scheme**, structured to maximise ecological functionality and efficient use of space. The planting strategy focuses on **root vegetables, herbaceous crops and climbing species**, arranged to provide seasonal flowering resources and structurally diverse vegetation layers.

The planting scheme will include but is not limited to :

- **Nectar-rich flowering and culinary herbs**, including Borage (*Borago officinalis*), Thyme (*Thymus vulgaris*), Chives (*Allium schoenoprasum*), Oregano (*Origanum vulgare*), Mint (*Mentha spp.*) and Calendula (*Calendula officinalis*), providing nectar and pollen resources for bees, butterflies and hoverflies while also serving edible and medicinal functions.
- **Root vegetable and tuber crops**, including Potato (*Solanum tuberosum*), Carrot (*Daucus carota subsp. sativus*), Beetroot (*Beta vulgaris*), Parsnip (*Pastinaca sativa*), Radish (*Raphanus sativus*), Turnip (*Brassica rapa*), Onion (*Allium cepa*), Garlic (*Allium sativum*) and Leek (*Allium porrum*), supporting productive use of the soil profile and seasonal food production.
- **Climbing and vertical crops**, including Runner Bean (*Phaseolus coccineus*), French Bean (*Phaseolus vulgaris*), Pea (*Pisum sativum*), Climbing Squash (*Cucurbita maxima*) and Courgette (*Cucurbita pepo*), enabling efficient vertical use of space while providing additional flowering resources for pollinators.
- **Ground-layer and leafy crops**, including Wild Strawberry (*Fragaria vesca*), Lettuce (*Lactuca sativa*), Spinach (*Spinacia oleracea*) and Swiss Chard (*Beta vulgaris subsp. cicla*), providing productive ground cover and continuous harvesting opportunities.

Together, these planting systems create a **multifunctional and ecologically productive garden environment**, combining food production with biodiversity enhancement. The integration of flowering herbs, climbing crops and root vegetables provides continuous seasonal resources for pollinators and invertebrates while maintaining soil productivity through crop diversity.

Planting and establishment will be undertaken in accordance with recognised landscape best practice, including **BS 4428:1989 – Code of Practice for General Landscape Operations** and **BS 8545:2014**, ensuring appropriate soil preparation, planting methods and establishment management.

This approach demonstrates how residential gardens can function as **productive Green Infrastructure**, delivering biodiversity enhancement, supporting pollinator populations and promoting sustainable land use in accordance with the objectives of **Technical Advice Note 6 – Planning for Sustainable Rural Communities** and **Planning Policy Wales (Edition 12)**.

4.3 Permaculture Garden Management and Crop Rotation

The edible garden will be managed using **permaculture-informed cultivation practices**, ensuring that productive planting areas remain **ecologically functional, sustainable and resilient over the long term**, while continuing to support biodiversity.

Permaculture-based management emphasises **low-impact land stewardship, soil regeneration and the maintenance of ecological balance**, enabling the garden to function as a **self-sustaining and resource-efficient system**. These practices ensure that planting areas remain productive while also providing **continuous habitat and foraging opportunities for pollinators, invertebrates and other wildlife**.

Organic garden waste and suitable household food waste will be **recycled on site through composting**, creating a closed-loop system in which nutrients are returned to the soil. This process contributes to **improved soil structure, increased organic matter and enhanced soil biodiversity**, reducing reliance on external inputs and supporting long-term soil fertility.

Through this approach, the garden operates as a **multifunctional and regenerative landscape**, combining food production with biodiversity enhancement and contributing to the delivery of **Green Infrastructure and ecosystem resilience**. This reflects the principles of **sustainable resource management and efficient land use** promoted within **Technical Advice Note 6 – Planning for Sustainable Rural Communities**, and accords with the objectives of **Planning Policy Wales (Edition 12)**.

4.4 Soil Health and Organic Management

Soil health will be maintained through the application of **organic matter incorporation, low-disturbance cultivation techniques and regenerative soil management practices**, ensuring that soil structure, fertility and biological activity are sustained and enhanced over the long

term. Organic compost generated from **garden waste and suitable household food waste** will be **recycled on site and returned to the soil**, creating a **closed-loop nutrient cycle** that improves nutrient availability, enhances soil structure and supports a diverse and resilient soil microbiome.

Mulching using organic materials such as composted plant matter, leaf litter or straw will be used to:

- retain soil moisture and regulate soil temperature
- suppress weed growth and reduce the need for intervention
- increase soil organic matter and improve soil structure
- support soil invertebrates, fungi and microbial activity

These practices contribute to the development of **healthy, biologically active and structurally stable soils**, supporting long-term productivity, improved water infiltration and enhanced drought resilience. The recycling of household food waste through composting also reduces reliance on external inputs and supports **sustainable resource management within the site**.

The adoption of low-disturbance cultivation techniques reduces soil compaction and preserves soil carbon, contributing to improved ecosystem functioning and long-term soil stability. Collectively, these measures establish a **regenerative soil management approach**, enabling the garden to function as a **self-sustaining and ecologically productive system** that supports both plant growth and biodiversity.

This approach accords with the principles of **sustainable land management, resource efficiency and responsible stewardship of natural resources** promoted within **Technical Advice Note 6 – Planning for Sustainable Rural Communities**, and contributes to the delivery of **ecosystem resilience and multifunctional Green Infrastructure** in accordance with **Planning Policy Wales (Edition 12)**.

4.5 Crop Rotation Strategy

The productive planting areas will be managed using a **structured crop rotation system typical of small-scale allotment cultivation**, forming an integral component of the site's **permaculture-based land management approach**. This system is designed to maintain soil fertility, optimise nutrient cycling and minimise pest and disease pressures, ensuring the long-term sustainability and productivity of the planting areas.

A **four-stage rotational system** will be implemented, comprising:

1. Legumes (Nitrogen-Fixing Crops)

Including Peas (*Pisum sativum*), Runner Beans (*Phaseolus coccineus*) and French Beans (*Phaseolus vulgaris*), which fix atmospheric nitrogen through symbiotic root bacteria, enriching soil fertility and reducing the need for external fertiliser inputs.

2. Leaf Crops

Including Lettuce (*Lactuca sativa*), Spinach (*Spinacia oleracea*) and Swiss Chard (*Beta vulgaris* subsp. *cicla*), which benefit from the elevated nitrogen levels established by the preceding legume phase and contribute to efficient nutrient uptake.

3. Root Crops

Including Carrot (*Daucus carota* subsp. *sativus*), Beetroot (*Beta vulgaris*), Parsnip (*Pastinaca sativa*), Radish (*Raphanus sativus*) and Turnip (*Brassica rapa*), which utilise balanced soil conditions and contribute to soil structure through root penetration and aeration.

4. Tuber Crops

Including Potato (*Solanum tuberosum*), which performs effectively following root and leaf crop cultivation and assists in soil conditioning, improving tilth and preparing the soil for subsequent planting cycles.

This rotational approach supports **balanced nutrient cycling, soil regeneration and the maintenance of soil structure**, while reducing the risk of pest and disease build-up associated with continuous monoculture. The diversity of crops within the rotation enhances **soil biological activity**, supports beneficial organisms and contributes to overall ecological resilience within the garden system.

In combination with organic soil management practices, this system establishes a **regenerative cultivation framework**, reducing reliance on external inputs and enabling the garden to function as a **self-sustaining and resource-efficient system**.

This approach reflects the principles of **sustainable land stewardship, resource efficiency and productive land use** promoted within **Technical Advice Note 6 – Planning for Sustainable Rural Communities**, and contributes to the delivery of **ecosystem resilience and multifunctional Green Infrastructure** in accordance with **Planning Policy Wales (Edition 12)**.

4.6 Wildlife-Sensitive Garden Management

Garden management practices will be implemented to actively support **biodiversity, habitat continuity and ecological connectivity**, ensuring that the site functions as a **coherent and ecologically productive landscape** over the long term.

Management measures will include:

- retention and management of **nectar-rich flowering herbs** such as **Borage, Thyme and Oregano**, providing essential forage resources for pollinators
- maintenance of flowering vegetation to ensure **continuous seasonal nectar and pollen availability** throughout the growing season
- avoidance of vegetation clearance during the **bird breeding season** (generally March–August inclusive, unless otherwise confirmed)

- allowing **natural flowering, fruiting and seed-setting cycles** to occur, supporting invertebrates, birds and small mammals

These measures will facilitate the development of a **functioning garden ecosystem**, providing foraging, shelter and breeding opportunities for a range of species while maintaining ecological connectivity within the residential environment.

Once established, the garden will be managed as part of the normal residential setting, with an emphasis on **low-intervention, ecologically sensitive management practices**. The integration of **productive planting, pollinator-supporting species and organic soil management** ensures that the garden continues to deliver **sustained biodiversity enhancement alongside small-scale food production**.

The use of **perennial planting systems and diverse crop structures**, characteristic of allotment-style cultivation, will contribute to **improved soil structure, increased organic matter, enhanced moisture retention and reduced soil disturbance**. These practices support **soil microbiological health, long-term fertility and resilience**, enabling the garden to function as a **stable and regenerative system**.

Collectively, this approach establishes a **multifunctional Green Infrastructure asset**, in which ecological enhancement, productive land use and sustainable management are fully integrated. The garden therefore delivers habitat provision, pollinator support and ecological connectivity, while also supporting sustainable domestic cultivation.

This management strategy accords with the principles of **sustainable land stewardship, resource efficiency and productive land use** promoted within **Technical Advice Note 6 – Planning for Sustainable Rural Communities**, and supports the delivery of **ecosystem resilience and Net Benefit for Biodiversity** in accordance with **Planning Policy Wales (Edition 12), Chapter 6**, and the Council’s biodiversity duty under **Section 6 of the Environment (Wales) Act 2016**.

4.7 Swift Nesting Provision

In accordance with the approved **Preliminary Ecological Appraisal (East Ecology Version 1.3)** and **Green Infrastructure Statement**, two integrated swift nesting boxes will be installed within the **north elevation of the dwelling at a height of approximately 5 metres or greater above ground level**, as recommended within the ecological assessment.

The nesting features will utilise **PRO UK rendered build-in swift boxes**, the model specified within the approved ecological documentation as suitable for integration within the building fabric.

Swift (*Apus apus*) populations have experienced a significant national decline, primarily as a result of the loss of traditional nesting cavities within buildings. The incorporation of integrated

swift nesting features within new development provides **purpose-built nesting opportunities that replicate the crevice habitats historically used by this species**, thereby contributing to species recovery within the built environment.

Positioning the boxes on the **north-facing elevation** ensures appropriate environmental conditions by minimising the risk of overheating, while also maintaining the **clear, unobstructed flight access required for swift entry and exit**. Integrated nesting units provide a **durable, maintenance-free solution** that is fully compatible with modern construction methods and ensures long-term retention of nesting habitat.

The provision of these features represents a **clearly defined, site-specific and proportionate biodiversity enhancement measure**, directly addressing the objectives of the approved ecological strategy. The installation is readily verifiable through site inspection and contributes to the creation of nesting habitat for a declining species, thereby strengthening local ecological networks.

Accordingly, the incorporation of integrated swift nesting boxes accords with the biodiversity enhancement measures identified within the approved ecological documentation and supports the objectives of **Planning Policy Wales (Edition 12), Chapter 6**, which promotes the integration of wildlife features within development to deliver **biodiversity enhancement and ecosystem resilience**.

4.8 Bat Roost Provision

In accordance with the approved **Preliminary Ecological Appraisal (East Ecology Version 1.3)** and **Green Infrastructure Statement**, one integrated bat roost feature will be incorporated within the **south elevation of the dwelling**.

The roosting provision will utilise an **integrated bat box such as the Vivara Pro build-in woodstone bat box, or equivalent bat access brick**, as specified within the approved ecological documentation.

Integrated bat boxes provide **durable, purpose-built roosting cavities within the fabric of buildings** and are widely recognised as an effective biodiversity enhancement measure within residential development. These features replicate the **crevice-style roosting habitats** commonly used by bats in traditional buildings and provide suitable roosting opportunities for a range of urban bat species.

The bat roost feature will be positioned on the **south-facing gable elevation**, at an appropriate height above ground level and, where practicable, located away from windows, external lighting and potential predator perches. This positioning provides **favourable thermal conditions for roosting bats**, while also maintaining suitable access for commuting and foraging.

In addition, the development will maintain and utilise **dark corridors and linear vegetated features** (including boundary planting and garden vegetation) to facilitate **bat movement and foraging connectivity** across the site. Lighting within the vicinity of these features will be

managed to minimise light spill, thereby preserving **dark flight corridors** in accordance with recognised bat conservation guidance.

The incorporation of both **integrated roosting features and functional bat corridors** ensures that the development provides not only roosting opportunities but also **connected habitat for commuting and foraging**, thereby supporting local bat populations within the wider landscape.

This measure forms part of the wider **Green Infrastructure strategy** for the site and represents a **clearly defined, proportionate and site-specific biodiversity enhancement**, capable of verification through implementation.

Accordingly, the provision of bat roosting habitat and associated movement corridors accords with the approved ecological documentation and supports the objectives of **Planning Policy Wales (Edition 12), Chapter 6**, which promotes the integration of wildlife features and ecological connectivity within development to deliver **biodiversity enhancement and ecosystem resilience**.

4.9 Hedgehog Connectivity

Boundary fencing would typically incorporate hedgehog access gaps (approximately 15 cm × 15 cm) to allow the free movement of small mammals between garden areas and the wider surrounding environment.

While such measures are generally recognised as supporting habitat permeability and ecological connectivity, it is important to consider the specific site context. The development is located in close proximity to Heolgerrig High Street, a well-used arterial route where there is a known and observed risk of hedgehog mortality resulting from vehicle collisions.

In this instance, facilitating unrestricted movement beyond the immediate residential curtilage may increase the likelihood of hedgehogs accessing this high-risk corridor. As such, the provision of hedgehog access gaps could inadvertently contribute to increased wildlife mortality, contrary to the overarching objective of biodiversity enhancement and protection.

On this basis, it is considered appropriate to omit hedgehog access gaps from the boundary treatment design for this development. This approach reflects a precautionary, site-specific response, ensuring that biodiversity measures do not unintentionally expose protected or priority species to avoidable harm.

Alternative biodiversity enhancements, as set out within the approved Green Infrastructure strategy, will continue to provide meaningful ecological benefit without introducing additional risk associated with adjacent highway infrastructure.

6. Biodiversity Enhancement and Planning Policy Wales (Edition 12)

Planning Policy Wales (Edition 12) establishes a **robust national policy framework requiring development proposals to maintain and enhance biodiversity and promote ecosystem resilience** through the integrated delivery of **Green Infrastructure and ecological design**.

Chapter 6 of PPW12 confirms that the planning system has a **central role in protecting, maintaining and strengthening ecological networks**, and requires development proposals to incorporate **biodiversity enhancement measures as an integral and proportionate component of design**. In particular, the policy requires the delivery of **Net Benefit for Biodiversity (NBB)** through the application of the **step-wise approach**, ensuring that ecological impacts are avoided, minimised, mitigated and enhanced where appropriate.

This approach aligns with the principles set out within **Technical Advice Note 6 – Planning for Sustainable Rural Communities**, which promotes **sustainable land management, efficient use of land resources and responsible environmental stewardship**, including the integration of productive and ecologically functional landscapes within development.

Taken together, these policy frameworks establish that development should **not only avoid harm but actively deliver measurable ecological improvements**, contributing to biodiversity conservation, environmental sustainability and the resilience of ecological systems within the built environment.

Within this policy context, Planning Policy Wales promotes the delivery of biodiversity enhancement measures including:

- habitat creation and restoration
- wildlife nesting and roosting opportunities
- pollinator-supporting planting
- ecological connectivity between habitats
- integration of biodiversity features within buildings and landscape design

The approved **Green Infrastructure Statement** directly incorporates and secures these principles through the provision of **pollinator-supporting planting, integrated wildlife nesting and roosting features, habitat connectivity measures and native vegetation planting**, all of which are clearly defined within the approved ecological documentation.

The **Preliminary Ecological Appraisal** confirms that the site currently supports habitats of **limited ecological value**, and therefore establishes a baseline against which enhancement can be measured. In response, the approved scheme introduces a **proportionate and site-specific suite of biodiversity enhancement measures** that deliver **measurable Net Benefit for Biodiversity relative to the baseline condition**, increasing habitat diversity, ecological functionality and connectivity.

These measures contribute to the **strengthening of local ecological networks** and demonstrate full compliance with the requirements of Chapter 6 of Planning Policy Wales.

In addition, the **permaculture-informed planting and garden management strategy** reflects the principles of **sustainable land stewardship, productive land use and resource efficiency** promoted within **Technical Advice Note 6**, supporting soil health, biodiversity enhancement and long-term ecosystem resilience within the residential environment.

Accordingly, the approved ecological strategy not only accords with policy but **fully delivers the objectives of Planning Policy Wales (Edition 12)** and **Technical Advice Note 6**, providing a **complete, proportionate and policy-compliant Green Infrastructure framework** for the development.

In this context, the biodiversity enhancement measures secured through the approved documentation represent the **appropriate and sufficient response required by national policy**, and no additional or supplementary measures are necessary to satisfy the policy objectives or make the development acceptable in planning terms.

7. Net Benefit for Biodiversity

Planning Policy Wales (Edition 12) requires development proposals to apply the **step-wise approach to biodiversity conservation**, which prioritises:

1. avoiding damage to biodiversity
2. minimising impacts where avoidance is not possible
3. mitigating ecological impacts
4. providing biodiversity enhancement

This approach ensures that development proposals not only **protect existing ecological features where possible**, but also deliver **measurable biodiversity enhancement and improved ecosystem resilience**, contributing to the strengthening of ecological networks.

The ecological strategy prepared for the development has been designed in **full accordance with this step-wise methodology**.

The **Preliminary Ecological Appraisal** confirms that the site comprises predominantly **disturbed ground and ephemeral vegetation**, supporting habitats of **limited ecological value**. The development therefore avoids the loss of habitats or features of ecological significance, satisfying the first stage of the step-wise approach by **avoiding adverse ecological impacts at source**.

In response to this baseline, the approved scheme incorporates a **clearly defined, site-specific and proportionate suite of biodiversity enhancement measures**, including:

- nectar-rich planting to support pollinators
- integrated wildlife nesting features within the building fabric
- bat roosting provision and associated commuting corridors
- habitat connectivity for small mammals through hedgehog access gaps and boundary planting (TBD)

These measures are **explicitly secured within the approved ecological documentation**, are capable of **objective verification through site inspection**, and collectively increase habitat diversity, ecological functionality and connectivity within the site.

As a result, the development moves beyond simple impact avoidance and mitigation to deliver **tangible and measurable ecological enhancement**, strengthening local ecological networks within the surrounding residential environment.

In this context, the approved ecological strategy not only complies with the **step-wise approach** but demonstrably delivers **Net Benefit for Biodiversity (NBB)** relative to the established baseline condition, in accordance with the requirements of **Planning Policy Wales (Edition 12), Chapter 6**, and the statutory duty to maintain and enhance biodiversity.

Furthermore, the scale and nature of the enhancement measures are **proportionate to the ecological baseline of the site**, ensuring that the response is aligned with the principles of proportionality embedded within national policy.

Accordingly, the biodiversity enhancement measures secured through the approved ecological documentation represent a **complete, proportionate and policy-compliant response**, fully satisfying the ecological requirements necessary to make the development acceptable in planning terms.

In these circumstances, any requirement for additional or supplementary ecological measures would **not be necessary to achieve policy compliance**, would represent a **duplication of the approved ecological strategy**, and would risk exceeding the scope of what is required under the **legal tests for planning conditions set out in Circular 016/2014**.

Final Summary and Conclusion

The approved **Green Infrastructure Statement** and **Preliminary Ecological Appraisal** establish a clear, evidence-based and policy-compliant ecological framework for the development, defining a proportionate suite of biodiversity enhancement measures that are fully secured under Condition 2.

These measures have been designed in accordance with the **step-wise approach set out in Planning Policy Wales (Edition 12)** and demonstrably deliver **Net Benefit for Biodiversity relative to the established baseline condition**, which is confirmed to comprise habitats of limited ecological value.

The approved ecological strategy incorporates clearly defined, measurable and enforceable features—including **pollinator-supporting planting, integrated wildlife nesting and roosting provision, and habitat connectivity measures**—which collectively enhance habitat diversity, strengthen ecological networks and contribute to ecosystem resilience within the site.

In this context, the development is **fully acceptable in planning terms** with regard to biodiversity and Green Infrastructure, and the ecological requirements of national policy have been **comprehensively satisfied through the approved documentation**.

Conditions 4 and 5 do not secure any additional measures beyond those already approved and implemented, and any requirement for further or ongoing obligations—particularly where they extend beyond a standard establishment and replacement period—would be **unnecessary, disproportionate and inconsistent with the legal tests for planning conditions set out in Circular 016/2014**.

Accordingly, the approved ecological documentation provides a **complete and sufficient mechanism for delivering biodiversity enhancement**, and it is respectfully requested that the Local Planning Authority **confirms the discharge of Conditions 4 and 5 without further requirement**.

8. Green Infrastructure Integration

Planning Policy Wales (Edition 12) establishes that **Green Infrastructure (GI) must be embedded as a fundamental component of development**, recognising that vegetation, ecological features and landscape design are critical to the delivery of **ecosystem resilience, environmental quality and sustainable place-making**.

Chapter 6 of PPW12 requires development proposals to incorporate **multifunctional Green Infrastructure**, capable of delivering **biodiversity enhancement, ecological connectivity and Net Benefit for Biodiversity (NBB)** through the application of the **step-wise approach**. This requires not only the avoidance of ecological harm, but the **active integration of enhancement measures within the design and long-term management of development**.

The approved **Green Infrastructure Statement** establishes a **comprehensive, site-specific and fully integrated ecological strategy**, identifying a clearly defined and proportionate suite of biodiversity enhancement measures embedded within both the **physical design and operational management** of the development.

These measures include:

- **Native climber planting** along boundary treatments, including **Honeysuckle (*Lonicera periclymenum*)**, **Ivy (*Hedera helix*)** and **Dog Rose (*Rosa canina*)**, providing **seasonal nectar and pollen resources, shelter and structural habitat**, and contributing to **functional ecological connectivity** within the site
- **Alternatively, an edible garden planting scheme may be incorporated**, comprising fruiting species and pollinator-friendly plants to deliver biodiversity enhancement in a manner appropriate to the residential context.

- A **permaculture-informed edible garden system**, incorporating flowering plants, productive crops and structurally diverse vegetation, creating a range of **micro-habitats that support pollinators, invertebrates and birds**, while also delivering **soil regeneration, resource efficiency and long-term ecological stability**. This approach reflects the principles of **sustainable land stewardship and productive land use** promoted within **Technical Advice Note 6 – Planning for Sustainable Rural Communities**

- **Integrated wildlife nesting and roosting features**, including **swift nesting boxes and bat roost provision**, delivering **permanent, purpose-built habitat** for species reliant on the built environment and contributing to the **strengthening of local ecological networks**

- **Habitat permeability measures**, including **hedgehog access gaps (TBD) and connected boundary planting**, ensuring the site functions as part of a **wider ecological network** and reducing fragmentation associated with residential development

Collectively, these measures demonstrate that the development delivers **multifunctional Green Infrastructure**, integrating habitat creation, biodiversity enhancement and ecological connectivity in a manner that is **proportionate to the ecological baseline and consistent with national policy requirements**.

The approved ecological strategy therefore **not only accords with Planning Policy Wales but fully delivers its objectives**, providing **measurable Net Benefit for Biodiversity**, strengthening local ecological networks and enhancing ecosystem resilience within the built environment.

In this context, the approved Green Infrastructure framework represents a **complete, robust and policy-compliant solution**, and satisfies the ecological requirements necessary to make the development acceptable in planning terms.

Accordingly, no additional or supplementary Green Infrastructure measures are required to achieve compliance with **Planning Policy Wales (Edition 12)**, and any such requirement would represent an **unnecessary and disproportionate duplication of the approved ecological strategy**, contrary to the established principles governing the use of planning conditions.

9. Alignment with the Council's Biodiversity Duty

Under **Section 6 of the Environment (Wales) Act 2016**, public authorities must **seek to maintain and enhance biodiversity and promote the resilience of ecosystems** in the exercise of their functions. This duty is a **continuous and proactive obligation**, and is a **material consideration in the determination of planning applications**, requiring local planning authorities to ensure that development proposals deliver **positive and proportionate biodiversity outcomes**.

Merthyr Tydfil County Borough Council's Biodiversity and Resilience of Ecosystems Duty Report (2022) confirms that the planning system is a **primary mechanism for delivering this statutory duty**, identifying development management as a key tool through which biodiversity

enhancement, habitat creation and ecological connectivity are secured across the County Borough.

The report emphasises that development proposals should incorporate **practical, deliverable and proportionate biodiversity enhancement measures**, particularly within urban environments, including **pollinator-supporting planting, wildlife features and connected habitats**.

The approved ecological strategy for the development directly reflects and delivers these objectives. The incorporation of **pollinator-supporting planting, integrated wildlife nesting and roosting features, bat roost provision, and habitat connectivity measures through hedgehog access gaps and native vegetation planting** provides a **clearly defined and site-specific suite of enhancements** consistent with the Council's biodiversity priorities.

The **Preliminary Ecological Appraisal** confirms that the site currently supports habitats of **limited ecological value**, establishing a baseline against which enhancement can be measured. In response, the approved scheme introduces **new habitat features and ecological functionality**, delivering **measurable biodiversity enhancement relative to the existing condition** and contributing to the strengthening of local ecological networks.

In this context, the development does not merely align with the Council's biodiversity duty, but **actively delivers it**, demonstrating how development can function as a **mechanism for achieving statutory biodiversity objectives within the built environment**.

The ecological measures are **proportionate to the scale and baseline of the site, clearly defined, and capable of verification**, ensuring that the duty is fulfilled in a manner that is both **effective and consistent with national policy requirements**, including **Planning Policy Wales (Edition 12)**.

Accordingly, the approved ecological strategy represents a **complete, proportionate and policy-compliant response**, fully satisfying the requirements of Section 6 of the Environment (Wales) Act 2016. Any requirement for additional or supplementary measures would **not materially enhance compliance with the statutory duty**, and would risk imposing obligations that are **disproportionate to the scale and ecological context of the development**.

10. Alignment with Council Biodiversity Initiatives

The Council has actively promoted biodiversity enhancement through practical initiatives such as the **Nature's Gift Garden at Troedyrhiw Park**, which transformed a previously hard-surfaced area into a **biodiverse, multifunctional planted environment** incorporating:

- edible plants
- medicinal plants
- aromatic herbs

- pollinator-friendly flowers
- drought-tolerant planting

This project provides a clear and locally relevant example of how **small-scale, garden-based interventions can deliver meaningful ecological outcomes**, including improved habitat diversity, enhanced pollinator support and increased ecological functionality within an urban setting.

By integrating **nectar-rich, productive and climate-resilient planting**, the Nature's Gift Garden demonstrates the effectiveness of **multifunctional, low-impact design approaches** in delivering **biodiversity enhancement, ecosystem resilience and community value**, consistent with the objectives of **Planning Policy Wales (Edition 12)**.

The **permaculture-informed planting strategy** proposed within the residential garden directly reflects the same principles demonstrated by the Council's own initiative. The scheme incorporates **diverse, layered planting structures**, including pollinator-supporting species, edible crops and structurally varied vegetation, creating a network of **interconnected micro-habitats** that provide foraging, shelter and nesting opportunities for **pollinators, invertebrates, birds and small mammals**.

Permaculture design promotes **sustainable land stewardship, efficient resource use and regenerative land management**, enabling garden environments to function as **self-sustaining ecological systems**. These principles align closely with **Technical Advice Note 6 – Planning for Sustainable Rural Communities**, which encourages the integration of **productive and ecologically functional landscapes**, and with **Planning Policy Wales (Edition 12)**, which promotes **multifunctional Green Infrastructure and ecosystem resilience**.

The proposed landscaping strategy therefore **mirrors and applies the Council's own demonstrated approach to biodiversity enhancement**, translating these principles into a residential context through **practical, deliverable and proportionate measures**.

In this context, the development is not only **fully aligned with national planning policy**, but is also **consistent with the Council's own established practice and strategic objectives** for biodiversity enhancement within the County Borough.

Accordingly, the proposed permaculture-based planting scheme represents a **policy-compliant, evidence-based and locally consistent approach**, demonstrating how residential garden spaces can function as **integral components of wider Green Infrastructure networks**, supporting ecological connectivity and biodiversity enhancement across the local area.

Given that the proposed approach reflects both **national policy requirements and the Council's own demonstrated biodiversity strategy**, any requirement for additional or alternative measures would need to be clearly justified and proportionate, and should not extend beyond what is necessary to achieve the objectives already demonstrated by the approved scheme.

11. Implementation of Ecological Measures

The biodiversity enhancement measures identified within the approved **Green Infrastructure Statement** and **Preliminary Ecological Appraisal** will be **implemented in full as an integral component of the development**, in accordance with the approved ecological strategy.

These measures are **embedded within the design, construction and operational phases** of the development and are therefore **secured as part of the completed scheme**, ensuring that biodiversity enhancement is not ancillary but **inherent to the development itself**.

The implementation programme is as follows:

Swift nesting boxes	Installed within the building fabric prior to occupation
Bat roost box	Installed within the building fabric prior to occupation
Boundary planting	Installed during the first available planting season following completion of construction works
Hedgehog access gaps	Incorporated within boundary fencing during construction

Table 3 - Ecological Enhancements

These measures provide **clearly specified, site-specific and permanent ecological features**, contributing to **habitat creation, nesting and roosting opportunities, and enhanced ecological connectivity** within the site and its wider context. The measures are **objectively defined and capable of straightforward verification through site inspection**, ensuring compliance with the requirements of **enforceability and precision** under Circular 016/2014.

In addition to these structural features, the residential garden areas will be managed using **permaculture-informed planting and land management practices**, forming part of a **long-term ecological management framework**. This approach incorporates **diverse, layered and productive planting systems**, including nectar-rich species, edible crops and perennial vegetation, creating a network of **interconnected micro-habitats** that support **pollinators, invertebrates, birds and small mammals**.

This integrated approach enables the site to function as a **self-sustaining and ecologically productive system**, supporting biodiversity enhancement while maintaining soil health, resource efficiency and long-term ecological stability. The use of low-impact management practices ensures that ecological value is **maintained and enhanced over time**, rather than diminishing post-construction.

Permaculture-based management reflects the principles of **sustainable land stewardship, regenerative land use and resource efficiency** promoted within **Technical Advice Note 6 – Planning for Sustainable Rural Communities**, and contributes to the delivery of

multifunctional Green Infrastructure in accordance with **Planning Policy Wales (Edition 12), Chapter 6**.

The implementation and ongoing management of these measures therefore ensure that the development delivers **measurable biodiversity enhancement and Net Benefit for Biodiversity (NBB)** relative to the established baseline condition, while also strengthening ecological connectivity within the surrounding residential environment.

Accordingly, the implementation programme provides a **robust, proportionate and fully secured mechanism for delivery**, ensuring that the biodiversity enhancement measures required by Conditions 4 and 5 are **implemented, established and maintained in a verifiable manner**.

In this context, the approved ecological strategy represents a **complete and sufficient framework**, and no additional or supplementary measures are required to satisfy the conditions or achieve compliance with:

- Planning Policy Wales (Edition 12)
- Technical Advice Note 5 – Nature Conservation and Planning
- Technical Advice Note 6 – Planning for Sustainable Rural Communities
- Section 6 of the Environment (Wales) Act 2016

The development therefore delivers biodiversity enhancement in a manner that is **proportionate to the ecological baseline, consistent with national policy and fully compliant with the requirements of the planning permission**.

12. Replacement Planting (Condition 5)

In accordance with **Condition 5**, any planting which becomes damaged, diseased or fails within a period of **five years from the date of planting** will be **replaced during the next available planting season**.

Replacement planting will be undertaken using the **same species or a suitable equivalent**, ensuring that the **species composition, planting structure and ecological function** of the approved scheme are maintained throughout the establishment period. This mechanism secures the successful establishment of planting and ensures continuity of the **biodiversity enhancement measures identified within the approved ecological strategy**.

This approach reflects **established landscape and ecological management practice**, whereby a defined establishment and replacement period is used to secure planting success, after which ongoing management becomes a matter for the landowner rather than continued planning control. As such, the requirements of Condition 5 provide a **proportionate and effective mechanism for delivery**, without imposing unnecessary or excessive long-term obligations.

The ecological mitigation and enhancement measures required to satisfy **Conditions 4 and 5** are already **fully defined, assessed and secured** within the approved **Green Infrastructure Statement** and **Preliminary Ecological Appraisal**. These documents establish a **clear, robust and evidence-based ecological framework**, identifying a **site-specific and proportionate suite of biodiversity enhancement measures**.

The approved ecological strategy demonstrably accords with the relevant national policy and legislative framework, including:

- Planning Policy Wales (Edition 12)
- Technical Advice Note 5 – Nature Conservation and Planning
- Section 6 of the Environment (Wales) Act 2016

and delivers **measurable biodiversity enhancement and Net Benefit for Biodiversity relative to the baseline condition of the site**.

Welsh Government guidance set out in **Circular 016/2014 – The Use of Planning Conditions** confirms that conditions must be **necessary, relevant, enforceable, precise and reasonable**. In this context, the ecological measures required by Conditions 4 and 5 are **already clearly specified, secured through approved documentation, and capable of objective verification through implementation**.

Accordingly, the approved ecological documentation provides a **complete, proportionate and policy-compliant framework**, and the implementation of these measures fully satisfies the requirements of Conditions 4 and 5.

In these circumstances, no additional or supplementary measures are required, and any further requirements would represent an **unnecessary and disproportionate extension of control beyond that required to make the development acceptable in planning terms**, contrary to the principles set out in **Circular 016/2014**.

13. Legal Tests for Planning Conditions

The approved ecological strategy demonstrates **full and robust compliance with the requirements of Planning Policy Wales (Edition 12), Chapter 6**, including the delivery of **Net Benefit for Biodiversity (NBB)** through the application of the **step-wise approach**, and accords with the principles of **Technical Advice Note 6 – Planning for Sustainable Rural Communities**, which promotes sustainable land management and the integration of **productive, ecologically functional landscapes**.

The **Preliminary Ecological Appraisal** confirms that the site comprises habitats of **limited ecological value**, thereby establishing a clear baseline against which enhancement can be measured. In response, the approved **Green Infrastructure Statement** introduces a **clearly defined, site-specific and proportionate suite of biodiversity enhancement measures**, which are fully secured through the approved documentation.

These measures deliver **measurable biodiversity enhancement relative to the baseline condition**, including improved habitat diversity, ecological functionality and connectivity, and therefore satisfy the requirements of national policy in respect of **biodiversity enhancement, Green Infrastructure integration and ecosystem resilience**.

In this context, the development is **fully acceptable in planning terms** with regard to ecology and Green Infrastructure, and the requirements of national policy have been **comprehensively met through the approved ecological documentation**.

Welsh Government guidance set out in **Circular 016/2014 – The Use of Planning Conditions** confirms that planning conditions must satisfy six established legal tests. A condition must be:

- necessary
- relevant to planning
- relevant to the development
- enforceable
- precise
- reasonable in all other respects

These tests ensure that conditions are imposed **only where required to make development acceptable in planning terms**, and that they remain **proportionate, justified and directly related to the development and its impacts**. Failure to satisfy any one of these tests renders a condition **unsound in planning terms**.

Given that the ecological strategy required by national policy has already been **fully defined, assessed and secured under Condition 2, Conditions 4 and 5 do not secure any additional measures necessary to achieve policy compliance or acceptability**.

Accordingly:

- the conditions are **not necessary**, as the development is already acceptable in planning terms without further requirements
- the conditions are **unreasonable and disproportionate**, insofar as they seek to impose additional or ongoing obligations beyond those already secured and justified

In particular, any requirement for additional planting or extended management obligations—especially where they extend beyond a **standard establishment and replacement period**—would exceed what is required by national policy, would not be justified by the **ecological baseline of the site**, and would represent an **unwarranted extension of planning control**.

In this context, the role of planning conditions is to **secure mitigation and enhancement where necessary**, not to **duplicate, extend or intensify requirements beyond those already required to achieve policy compliance**.

Accordingly, the approved ecological documentation provides a **complete, proportionate and policy-compliant framework**, and demonstrates that the requirements of **Conditions 4 and 5 have already been fully satisfied**.

The approved ecological documentation secured under Condition 2 therefore already forms the controlling mechanism for biodiversity delivery, rendering any additional requirements under Conditions 4 and 5 duplicative and unnecessary.

Any additional or ongoing requirements would therefore fail the tests of **necessity, reasonableness and proportionality** set out in **Circular 016/2014**, and should not be applied.

12.1 Necessity

Conditions 4 and 5 seek to impose **additional and supplementary planting requirements**, including trees and shrubs, together with **ongoing maintenance obligations in perpetuity**. However, the ecological strategy necessary to make the development acceptable in planning terms was **already fully established, assessed and approved** through the **Green Infrastructure Statement** and **Preliminary Ecological Appraisal**, secured under Condition 2.

In this context, the imposition of further planting requirements represents a **direct duplication of the approved ecological framework** and is **not necessary to make the development acceptable in planning terms**, given that the relevant biodiversity enhancement measures are already **clearly defined, secured and capable of implementation**.

Furthermore, the requirement for planting and maintenance **“in perpetuity”** represents a **significant and unjustified departure from established planning practice**, where planting conditions are ordinarily limited to a **defined establishment and replacement period (typically five years)**. Beyond this period, ongoing management is not normally subject to continuing planning control but is instead a matter for the landowner.

The imposition of perpetual obligations therefore constitutes an **unwarranted and disproportionate extension of planning control**, which is neither required to achieve policy compliance nor justified by the **scale, nature or ecological baseline of the site**. As such, it fails to satisfy the principles of **necessity and proportionality** set out in **Circular 016/2014 – The Use of Planning Conditions**.

It is also material that the **underlying justification for additional tree planting is not supported by the approved ecological evidence base**. The **Preliminary Ecological Appraisal** and **Green Infrastructure Statement** do not identify the removal of trees or the loss of arboricultural features requiring compensation. The subsequent requirement for the provision of **six, and then twelve, replacement trees** is therefore **unsupported by the approved baseline**, lacks evidential justification, and is inconsistent with the principle of **proportionate response** embedded within **Planning Policy Wales (Edition 12)**.

The approved ecological documentation identifies a **site-specific and proportionate suite of biodiversity enhancement measures**, including planting, habitat creation, wildlife features and ecological connectivity. These measures collectively provide a **complete Green Infrastructure framework**, directly addressing the purpose for which Conditions 4 and 5 were

imposed and delivering **measurable biodiversity enhancement and Net Benefit for Biodiversity**.

Accordingly, the approved ecological strategy **fully satisfies the planning purpose of Conditions 4 and 5**, and secures the biodiversity enhancement necessary to make the development acceptable in planning terms.

In these circumstances:

- the conditions are **not necessary**, as the required ecological outcomes have already been secured under Condition 2
- the conditions are **unreasonable and disproportionate**, insofar as they seek to impose additional and ongoing obligations beyond those required by policy and justified by the site context

Moreover, the requirement for planting and maintenance **“in perpetuity” extends beyond what is required to secure acceptable development**, and represents a **disproportionate and unjustified burden** when assessed against the ecological baseline and scale of the proposal.

In this context, the role of planning conditions is to **secure necessary mitigation and enhancement**, not to **duplicate approved measures or impose additional requirements beyond those required to achieve policy compliance**.

Accordingly, Conditions 4 and 5, insofar as they seek to impose additional or ongoing requirements beyond those secured within the approved ecological strategy, **fail the tests of necessity, reasonableness and proportionality** set out in **Circular 016/2014**, and should not be relied upon to justify further control.

12.2 Relevance to Planning and to the Development

The ecological enhancements proposed for the site are **directly related to the development and embedded within its design and delivery**, forming an integral and inseparable component of the approved scheme. These measures deliver biodiversity enhancement in accordance with:

- Planning Policy Wales (Edition 12)
- Technical Advice Note 5 – Nature Conservation and Planning
- Section 6 of the Environment (Wales) Act 2016

The ecological measures secured within the approved **Green Infrastructure Statement and Preliminary Ecological Appraisal** therefore **fully meet and discharge the planning objectives which Conditions 4 and 5 were intended to secure**, including **habitat creation, pollinator support, wildlife nesting and roosting provision, and ecological connectivity**.

These measures are **clearly specified, site-specific and proportionate to the ecological baseline of the site**, which is confirmed to comprise habitats of limited ecological value. They are secured through approved documentation and are **capable of implementation**,

monitoring and verification, thereby satisfying the requirements of **precision and enforceability** set out in **Circular 016/2014**.

Collectively, the approved measures deliver **measurable biodiversity enhancement, increased habitat diversity and strengthened ecological functionality**, contributing to **Net Benefit for Biodiversity (NBB)** and improved ecosystem resilience in accordance with national planning policy.

In this context, the approved ecological strategy ensures that the development is **fully acceptable in planning terms**, with all relevant biodiversity and Green Infrastructure objectives **comprehensively satisfied through the approved scheme**.

Accordingly, the approved ecological documentation constitutes a **complete, robust and policy-compliant framework**, which fully secures the biodiversity enhancement measures necessary to make the development acceptable.

In these circumstances, no additional or supplementary measures are required, and any further requirements would represent an **unnecessary, disproportionate and unjustified duplication of measures already secured**, contrary to the principles set out in **Circular 016/2014 – The Use of Planning Conditions**.

12.3 Enforceability and Precision

The ecological measures described within the approved **Green Infrastructure Statement and Preliminary Ecological Appraisal** provide a **clearly defined, site-specific and unambiguous suite of biodiversity enhancement features**, including:

- pollinator-supporting planting
- integrated swift nesting boxes
- integrated bat roost provision
- hedgehog access gaps
- native vegetation planting

These measures are **explicitly specified within the approved ecological documentation**, including their nature, purpose and method of integration within the development, and are therefore **precise in scope and not open to interpretation**.

The measures are also **physically deliverable and readily observable**, and are capable of **objective verification through site inspection**, both at the point of implementation and throughout the lifetime of the development. This ensures that compliance can be **consistently monitored and confirmed without reliance on subjective judgement or further specification**.

Accordingly, the approved ecological strategy satisfies the requirement of **precision**, in that it clearly defines what is to be delivered, and **enforceability**, in that the measures are **capable of being implemented, inspected and secured in practice**.

In this context, the approved documentation establishes a **robust, self-contained and fully verifiable framework for ecological delivery**, ensuring that the intended biodiversity enhancement measures are both **secured and achievable**.

The requirements of **Circular 016/2014 – The Use of Planning Conditions** are therefore fully met, and no further detail, clarification or additional measures are necessary to satisfy the tests of **precision and enforceability**.

Any requirement for additional specification would represent an **unnecessary duplication of clearly defined measures already secured**, and would not materially improve the ability of the Local Planning Authority to monitor or enforce compliance.

12.4 Reasonableness

Planning conditions must be **reasonable in all other respects and proportionate to the scale, nature and impact of the development**, in accordance with the legal tests set out in **Circular 016/2014 – The Use of Planning Conditions**. The material planning purpose of Conditions 4 and 5 has already been fully achieved through the approved ecological strategy.

In this case, the ecological mitigation and enhancement measures required to satisfy **Conditions 4 and 5** are **already fully defined, assessed and secured** within the approved **Green Infrastructure Statement** and **Preliminary Ecological Appraisal**. The implementation of these approved documents therefore **fully delivers the purpose and intended outcomes of the conditions**, including biodiversity enhancement, habitat creation and ecological connectivity.

In these circumstances, any requirement for additional or materially different ecological measures beyond those already approved would **not be necessary to make the development acceptable in planning terms**, and would constitute an **unjustified duplication of the approved ecological strategy**.

The ecological baseline of the site—confirmed to comprise habitats of **limited ecological value**—requires a response that is **proportionate and commensurate with that baseline**. The approved ecological strategy provides such a response. The imposition of additional requirements, particularly those extending beyond a **standard establishment and replacement period**, would therefore be **disproportionate to both the scale of the development and its ecological context**, and would represent an **unwarranted extension of planning control**.

It is also material that the approved approach to biodiversity enhancement **reflects the principles and outcomes demonstrated through the Council’s own biodiversity initiatives**, including the **Nature’s Gift Garden at Troedyrhiw Park**, which utilises comparable **garden-scale, multifunctional planting** to deliver ecological benefits. The proposed scheme is therefore **locally consistent, policy-aligned and reflective of established best practice within the County Borough**.

In this context, the requirement for planting and maintenance “**in perpetuity**” represents an **unjustified and excessive extension of planning control beyond the period necessary to secure establishment, contrary to established practice and Circular 016/2014**, where such conditions are typically limited to a **defined establishment and replacement period (commonly five years)**. Beyond this period, ongoing management is not ordinarily subject to planning control but is a matter for the landowner.

The imposition of perpetual obligations would therefore be **unnecessary to achieve policy compliance, disproportionate to the ecological baseline of the site, and inconsistent with both established planning practice and the Council’s own approach to biodiversity enhancement**. There is no policy basis within Planning Policy Wales (Edition 12) requiring additional planting or ongoing obligations beyond those already secured through the approved ecological strategy

Accordingly, any requirement for additional measures or ongoing obligations beyond those secured within the approved ecological documentation would **fail the tests of necessity, reasonableness and proportionality** set out in **Circular 016/2014**.

The approved ecological documentation therefore constitutes a **complete, robust and policy-compliant Green Infrastructure framework**, which fully satisfies the requirements of **Conditions 4 and 5** without the need for further or ongoing intervention.

14. Planning Policy Wales (Edition 12) and the Legal Tests for Planning Conditions

Planning Policy Wales (Edition 12) establishes the **national policy framework for the protection, maintenance and enhancement of biodiversity in Wales**. Chapter 6 confirms that planning authorities must **promote ecosystem resilience and secure Net Benefit for Biodiversity (NBB)** through the application of the **step-wise approach**, ensuring that ecological impacts are **avoided, minimised, mitigated and enhanced** in a structured and proportionate manner.

Paragraph 6.4.11 of PPW12 makes clear that this methodology is **fundamental to the delivery of resilient ecological networks**, and must be applied in determining whether development is **acceptable in planning terms**.

The ecological strategy submitted with the application demonstrates **full and robust compliance with these requirements** through the approved **Preliminary Ecological Appraisal (PEA)** and **Geographic Information System (GIS) baseline evidence**, which together establish the ecological condition of the site and define a **clearly evidenced, site-specific and proportionate suite of biodiversity enhancement measures**.

These documents provide a **comprehensive evidential framework**, demonstrating that the development delivers **measurable biodiversity enhancement relative to the baseline condition**, and therefore satisfies the requirements of Planning Policy Wales in respect of **biodiversity enhancement, ecological connectivity and ecosystem resilience**.

In the context of the discharge of planning conditions, Welsh Government guidance contained within **Circular 016/2014 – The Use of Planning Conditions** confirms that conditions must satisfy six established legal tests:

- necessary
- relevant to planning
- relevant to the development
- enforceable
- precise
- reasonable in all other respects

These tests require that conditions are imposed **only where they are necessary to make development acceptable in planning terms**, and that they remain **proportionate, justified and directly related to the development and its impacts**.

Conditions 4 and 5 were imposed to secure the delivery of **Green Infrastructure and biodiversity enhancement**. However, the ecological strategy already approved through the PEA and GIS documentation provides a **complete, integrated and policy-compliant framework** for delivering these measures, and therefore **fully satisfies the purpose for which the conditions were imposed**.

The ecological features identified within the approved documentation—including **pollinator-supporting planting, integrated wildlife nesting and roosting features, bat roost provision and habitat connectivity measures**—are **clearly defined, unambiguous and capable of objective verification through site inspection**, thereby satisfying the requirements of **precision and enforceability**.

Furthermore, the scale, type and extent of the ecological enhancements are **proportionate to the ecological baseline of the site**, which is confirmed to comprise habitats of **limited ecological value**, and are therefore fully aligned with the principles of **proportionality embedded within Planning Policy Wales**.

In this context, the approved ecological documentation demonstrates that the requirements of **Conditions 4 and 5 have already been comprehensively addressed, secured and delivered through the approved Green Infrastructure strategy**.

Any requirement for additional or supplementary ecological measures beyond those already defined within the approved documentation would:

- **not be necessary** to make the development acceptable in planning terms
- represent a **duplication of measures already secured**
- constitute a **disproportionate and unjustified extension of planning control**

and would therefore fail the tests of **necessity, reasonableness and proportionality** set out in **Circular 016/2014**.

Accordingly, the ecological framework established through the approved PEA and GIS evidence provides a **complete, robust and policy-compliant mechanism for delivering Net Benefit for Biodiversity**, in accordance with **Planning Policy Wales (Edition 12)** and the **Environment (Wales) Act 2016**.

On this basis, the requirements of **Conditions 4 and 5 are fully satisfied through the implementation of the approved ecological strategy**. In this context, the proper role of planning conditions is to **secure necessary mitigation and enhancement**, not to **duplicate, extend or intensify requirements beyond those justified by policy or the site-specific evidence base**.

15. Planning Consistency and Policy Alignment

Planning Policy Wales (Edition 12) establishes the **primary national policy framework for the protection, maintenance and enhancement of biodiversity and the promotion of ecosystem resilience in Wales**. It requires that biodiversity considerations are **integrated into the design and assessment of development proposals** as a fundamental component of sustainable place-making.

Chapter 6 of PPW12 confirms that planning authorities must secure **Net Benefit for Biodiversity (NBB)** through the application of the **step-wise approach**, ensuring that ecological impacts are **avoided, minimised, mitigated and enhanced** in a structured and proportionate manner. Paragraph 6.4.11 further establishes that this methodology is essential to **building resilient ecological networks** and must be applied in determining whether development is **acceptable in planning terms**.

The ecological strategy submitted with this application demonstrates **full, robust and policy-compliant adherence to these requirements** through the approved **Preliminary Ecological Appraisal (PEA)** and **Geographic Information System (GIS) baseline evidence**. Together, these documents establish the ecological condition of the site and define a **clearly evidenced, site-specific and proportionate suite of biodiversity enhancement measures**.

These approved documents provide a **comprehensive and defensible evidential framework**, demonstrating that the development delivers **measurable biodiversity enhancement relative to the baseline condition**, including improved habitat diversity, ecological functionality and connectivity, in accordance with **Planning Policy Wales (Edition 12)** and the **Environment (Wales) Act 2016**.

In considering the discharge of planning conditions, Welsh Government guidance contained within **Circular 016/2014 – The Use of Planning Conditions** confirms that conditions must satisfy six established legal tests:

- necessary
- relevant to planning
- relevant to the development
- enforceable
- precise
- reasonable in all other respects

These tests require that conditions are imposed **only where necessary to make development acceptable in planning terms**, and that they remain **proportionate, justified and directly related to the development and its impacts**. Failure to satisfy any one of these tests renders a condition **unsound in planning terms**.

Conditions 4 and 5 were imposed to secure appropriate **Green Infrastructure and biodiversity enhancement**. However, the ecological strategy required to achieve these objectives has already been **fully defined, assessed and secured** through the approved PEA and GIS documentation under Condition 2.

The ecological features identified within the approved documentation—including **pollinator-supporting planting, integrated swift nesting provision, bat roost features and habitat connectivity measures**—are **clearly specified, unambiguous and intrinsically linked to the development**, and are capable of **objective verification through site inspection**, thereby fully satisfying the requirements of **precision and enforceability**.

Furthermore, the scale, type and extent of the ecological enhancements are **proportionate to the ecological baseline of the site**, which is confirmed to comprise habitats of **limited ecological value**, and are therefore fully aligned with the principles of **proportionality embedded within Planning Policy Wales**.

In this context, the approved ecological documentation demonstrates that the **planning purpose of Conditions 4 and 5 has already been fully achieved, secured and capable of delivery through the approved Green Infrastructure strategy**.

Any requirement for additional or materially different ecological measures beyond those already defined within the approved documentation would:

- **not be necessary** to make the development acceptable in planning terms
- result in the **duplication of measures already secured**
- constitute a **disproportionate and unjustified extension of planning control**

and would therefore fail the tests of **necessity, reasonableness and proportionality** set out in **Circular 016/2014**. The approved ecological documentation secured under Condition 2 therefore already forms the controlling mechanism for biodiversity delivery, rendering any additional requirements under Conditions 4 and 5 duplicative and unnecessary.

Accordingly, the ecological framework established through the approved PEA and GIS evidence constitutes a **complete, robust and policy-compliant mechanism for delivering Net Benefit for Biodiversity**, fully satisfying the requirements of **Planning Policy Wales (Edition 12)** and the **Environment (Wales) Act 2016**.

On this basis, the requirements of **Conditions 4 and 5 are fully satisfied through the implementation of the approved ecological strategy**. The proper role of planning conditions is to **secure necessary mitigation and enhancement**, not to **duplicate, extend or intensify requirements beyond those justified by policy or the site-specific evidence base**.

15. Proportionality of Ecological Measures

Planning Policy Wales (Edition 12) establishes that ecological mitigation and enhancement measures must be **proportionate to the scale, nature and impact of the development**, ensuring that any requirements imposed are **commensurate with the ecological baseline and the extent of identified effects**. This principle is fundamental to determining whether development is **acceptable in planning terms**, and underpins both policy compliance and the application of planning conditions.

The approved **Preliminary Ecological Appraisal** confirms that the site comprises predominantly **disturbed ground and ephemeral vegetation of limited ecological value**, and that the proposed development does not result in the loss of habitats or features of ecological significance. The development therefore satisfies the initial stages of the **step-wise approach** by avoiding adverse ecological impacts at source.

In response to this baseline, the approved **Green Infrastructure Statement** introduces a **clearly defined, site-specific and proportionate suite of biodiversity enhancement measures**, including **pollinator-supporting planting, integrated wildlife nesting and roosting features, bat provision and habitat connectivity through hedgehog access gaps**.

These measures are **secured through the approved documentation**, are capable of **implementation and verification**, and deliver **measurable biodiversity enhancement relative to the baseline condition**, including increased habitat diversity, ecological functionality and connectivity. As such, they fulfil the requirements of **Planning Policy Wales (Edition 12)** in respect of biodiversity enhancement and ecosystem resilience.

The scale, type and extent of these measures are **directly aligned with the ecological characteristics of the site and the scale of the development**, ensuring that the ecological response is both **appropriate and proportionate**. This reflects the established principle—consistently applied in planning appeal decisions—that ecological mitigation and enhancement must be **commensurate with the impacts of development and no more than is necessary to achieve acceptability in planning terms**.

In this context, the approved ecological strategy represents a **balanced and policy-compliant response**, delivering **Net Benefit for Biodiversity** without exceeding what is required by the site-specific evidence base.

Accordingly, the ecological measures secured through the approved documentation fully satisfy the **planning purpose of Conditions 4 and 5**, providing a **complete, sufficient and proportionate Green Infrastructure framework**.

Any requirement for additional or extended ecological measures would therefore:

- **not be necessary** to make the development acceptable in planning terms
- be **disproportionate to the ecological baseline and scale of the proposal**
- represent an **unjustified duplication or extension of measures already secured**

and would consequently fail the principles of **proportionality embedded within Planning Policy Wales (Edition 12)**, as well as the legal tests set out in **Circular 016/2014 – The Use of Planning Conditions**.

16. Conclusion

The ecological enhancement measures required by **Conditions 4 and 5** are **fully defined, assessed and secured** within the approved **Green Infrastructure Statement** and **Preliminary Ecological Appraisal**, which form part of the approved application under **Condition 2 of planning permission P/25/0167**.

These documents establish a **clear and robust ecological baseline**, identify a **proportionate, site-specific and evidence-led suite of biodiversity enhancement measures**, and provide a **comprehensive and policy-compliant framework** for the delivery of **Green Infrastructure** within the development.

The approved ecological strategy incorporates a range of **clearly specified, measurable and deliverable biodiversity enhancements**, including **pollinator-supporting planting, integrated wildlife nesting and roosting features, bat provision and habitat connectivity measures**. These features are intrinsically linked to the development and collectively deliver **measurable biodiversity enhancement relative to the baseline condition**, including increased habitat diversity, ecological functionality and connectivity.

The ecological strategy therefore accords with, and demonstrably delivers, the objectives of:

- Planning Policy Wales (Edition 12), including the delivery of **Net Benefit for Biodiversity (NBB)** through the step-wise approach and the integration of Green Infrastructure
- Technical Advice Note 5 – Nature Conservation and Planning
- Section 6 of the Environment (Wales) Act 2016

The approved ecological measures also reflect the **principles and outcomes promoted through the Council's own biodiversity initiatives**, demonstrating **consistency between national policy, local strategy and established best practice**.

Furthermore, the approved ecological documentation demonstrates that the biodiversity enhancement measures are:

- **proportionate** to the ecological baseline of the site, which comprises habitats of limited ecological value
- **clearly defined, unambiguous and site-specific**, leaving no uncertainty as to what is required
- **enforceable and capable of objective verification** through site inspection

And therefore, fully satisfy the legal tests for planning conditions set out in **Circular 016/2014 – The Use of Planning Conditions**, including **precision, enforceability and reasonableness**.

In this context, the ecological strategy already approved by the Local Planning Authority constitutes a **complete, self-contained and sufficient framework** for delivering biodiversity enhancement and Green Infrastructure on the site, and ensures that the development is **acceptable in planning terms**.

Conditions 4 and 5 do not secure any additional measures beyond those already approved. Any requirement for further or ongoing obligations—particularly where they extend beyond a **standard establishment and replacement period**—would:

- **not be necessary** to make the development acceptable in planning terms
- be **disproportionate to the ecological baseline and scale of the development**
- represent an **unjustified duplication and unwarranted extension of planning control**

And would therefore fail the tests of **necessity, reasonableness and proportionality** set out in **Circular 016/2014**.

Accordingly, the ecological mitigation and enhancement measures required to satisfy **Conditions 4 and 5 are fully secured and capable of delivery through the implementation of the approved ecological documentation**, which provides a **robust and policy-compliant mechanism for achieving biodiversity enhancement and ecosystem resilience**.

The approved ecological documentation secured under Condition 2 therefore already forms the controlling mechanism for biodiversity delivery, rendering any additional requirements under Conditions 4 and 5 duplicative and unnecessary. The material planning purpose of Conditions 4 and 5 has already been fully achieved through the approved ecological strategy.

In these circumstances, Conditions 4 and 5 do not meet the tests of necessity or reasonableness set out in Circular 016/2014, as the development is already acceptable in planning terms and the required ecological outcomes have been fully secured under Condition 2. The approved ecological documentation therefore provides a complete, proportionate and policy-compliant mechanism for biodiversity delivery, and no further requirements are justified

On this basis, it is respectfully requested that the Local Planning Authority **confirms the discharge of Conditions 4 and 5 without the need for further or additional requirements**.

17. Appendix A

Emails



Subject_ P_25_0167 –
Discharge of Conditio



Subject_ P_25_0167 –
Discharge of Conditio

Documents



P250167 Applicant
response David Cross



P250167 Applicant
S73 Application MTCE

Complaint



P250167 MTCBC
Complaint Response.i



P250167 MTCBC
Complaint Nick Mean