

Subject: P/25/0167 – Discharge of Conditions 2, 3, 4, 5 and 6

Date: 19.12.25

Land Adjacent Six Bells Estate, Heolgerrig

Dear David Cross,

I write further to recent correspondence regarding the discharge of **Conditions 2, 3, 4, 5 and 6** attached to planning permission **P/25/0167**.

This document is submitted in support of the **discharge of five planning conditions** attached to planning permission **P/25/0167**, namely **Conditions 2, 3, 4, 5 and 6**. It is intentionally focused on the **lawful scope of condition discharge**, the approved plans and ecological baseline, and the correct application of **Planning Policy Wales Edition 12 (PPW12)**, associated Welsh Government guidance, and established planning case law.

This submission should be read **in conjunction with**, and not in substitution for, the following documents already on the planning record:

- **Ecology Response – October 2025** (*P250167_Response_Oct*), which set out the applicant's position on the approved ecological baseline, the application of the StepWise and DECCA frameworks, and the proportionate delivery of Net Benefit for Biodiversity;
- **Ecology Addendum dated 14 November 2025**, which confirmed that ecology did not constitute a reason for refusal, recorded the absence of ecological harm or mitigation dependency, and addressed the escalation and misapplication of management and landscaping expectations; and
- **Correspondence to your good self, David Cross dated 19 November 2025**, which forms part of the procedural history and provides contextual background, but does not alter the approved ecological evidence, baseline, or the decision-stage planning judgment.

Taken together, those documents establish that the development was assessed and found acceptable at decision stage on the basis of the **approved plans**, including the **Preliminary Ecological Appraisal** and **Green Infrastructure Statement**, and without reliance on additional Green Infrastructure documentation, long-term landscape or habitat management arrangements, pre-commencement controls beyond those imposed, or perpetual obligations.

The purpose of this submission is therefore **not** to re-open assessment or introduce new evidence. Its sole function is to demonstrate, by reference to the approved evidence base, national policy, legislation and case law, that **Conditions 2, 3, 4, 5 and 6**

are capable of lawful discharge, and that no additional or replacement requirements fall within the proper scope of condition discharge.

This document should be read as a **confirmatory discharge submission**, addressing compliance with the planning permission as granted, rather than as an invitation to revisit matters already resolved at decision stage.

Condition 2 – Approved Plans and Documents (Ecological Baseline)

Condition 2 explicitly approves the **Preliminary Ecological Appraisal (PEA)** and the **Green Infrastructure Statement (GIS)** as part of the planning permission. These documents therefore establish the **only lawful ecological baseline** for the development and the agreed **Net Benefit for Biodiversity (NBB)** position.

Those approved documents confirm that:

- no trees were removed;
- no hedgerows were removed;
- no pre-emptive site clearance occurred;
- no protected species are present or reliant on the site; and
- no ecological mitigation is required to make the development acceptable.

In accordance with **PPW12 Chapter 6**, including the **StepWise approach at paragraphs 6.4.8–6.4.11**, biodiversity enhancement is delivered only at the final enhancement stage and through proportionate, policy-based measures. There is no dependency on mitigation, compensation or long-term management to secure acceptability.

The ecological baseline and NBB position were therefore fixed at decision stage under **section 70 of the Town and Country Planning Act 1990 (as applied in Wales)**. The discharge process cannot lawfully redefine or replace that baseline.

In reaching that decision, the Local Planning Authority was required to determine the application in accordance with the development plan unless material considerations indicated otherwise. The approved PEA and GIS therefore form part of the material considerations relied upon in granting permission and cannot be displaced or revisited through the condition discharge process.

Condition 2 is fully satisfied.

Condition 3 – Boundary Treatment

A **1.5-metre fence already exists around the entirety of the site**, forming the established boundary condition.

The proposal rationalises this arrangement by:

- retaining **1.5 metres along the frontage** to respect the street scene; and
- providing **1.8 metres along side and rear boundaries** to safeguard privacy and residential amenity.

This approach accords with **PPW12 Chapters 3 and 4**, which require developments to protect private amenity, provide defensible space and respect context. It is also consistent with local precedent and has been confirmed as acceptable in principle by Highways Development Control.

Condition 3 will be satisfied upon submission and approval of the amended drawings, which will be provided separately. **The applicant's boundary treatment approach is enclosed for clarity and reference**, as set out in the document titled "**Boundary Treatment – Final**", and confirms that **no change in principle, policy position or development acceptability is involved**

Condition 4 – Approved baseline, scope of discharge and statutory position

Approved baseline and scope of discharge

Condition 4 must be read in conjunction with Condition 2, which approves the plans and documents that define the ecological and Green Infrastructure baseline for the development. The role of Condition 4 is limited to confirming compliance with that approved baseline. It does not require, and cannot lawfully be used to justify, the submission of additional or replacement Green Infrastructure documentation, landscape or habitat management plans, or revised ecological assessments beyond those already approved at decision stage.

Condition 2 of the Decision Notice explicitly approves the **Preliminary Ecological Appraisal (PEA)** and **Green Infrastructure Statement (GIS)**. These documents formed part of the **material considerations** relied upon in granting planning permission and therefore establish the **sole lawful ecological baseline** for the development and the agreed **Net Benefit for Biodiversity (NBB)** position.

The approved PEA and GIS confirm that:

- no trees or hedgerows were removed;
- no pre-emptive site clearance occurred;
- no protected species are present or reliant on the site; and

- no ecological mitigation is required to make the development acceptable in planning terms.

In accordance with **Planning Policy Wales Edition 12 (PPW12)**, including the **StepWise approach at paragraphs 6.4.8–6.4.11**, biodiversity enhancement is applied **only at the final stage of the hierarchy**, must be **proportionate and evidence-led**, and cannot lawfully create a dependency on mitigation, compensation or **long-term management** where **no ecological baseline loss or impact has been identified**.

Under **section 70 of the Town and Country Planning Act 1990 (as applied in Wales)**, the Local Planning Authority exercised its planning judgment at decision stage on the basis of the approved evidence, including the PEA and GIS, having regard to the development plan and other material considerations. The **Town and Country Planning (Development Management Procedure) (Wales) Order 2012** makes clear that the condition discharge process is **procedural in nature**, existing solely to confirm compliance with the terms of the permission as granted. It does **not** provide a lawful mechanism to re-open, redefine, supplement or replace matters that were conclusively resolved at decision stage.

Landscape / Habitat Management Plan

The requirement now being advanced for a **Landscape, Habitat, Management, Maintenance and Monitoring Plan** is **not supported by the approved ecological evidence**, was **not relied upon to grant planning permission**, and is **inconsistent with the structure and proportional, evidence-led application of Planning Policy Wales Edition 12 (PPW12)**.

As **no habitat loss or ecological impact has been identified**, the **StepWise hierarchy** set out in **Planning Policy Wales Edition 12** does not progress beyond the **final enhancement stage**. In those circumstances, requiring a landscape or habitat management plan improperly **bypasses the StepWise sequence**, **misapplies the DECCA framework**, and in effect **recasts voluntary enhancement as mitigation**, notwithstanding that no mitigation was required to render the development acceptable. This approach is inconsistent with PPW12's evidence-led and proportionate application of biodiversity policy and conflicts with **Welsh Government Circular 016/2014**, which requires planning conditions to be **necessary, directly related to the development, and reasonable in scale and kind**.

Section 6 of the Environment (Wales) Act 2016 places a duty on **public authorities**, not on applicants, to seek to maintain and enhance biodiversity in the exercise of their functions. That duty is discharged in the planning context through the **evidence-led and proportionate application of Planning Policy Wales Edition 12**. It does **not** provide a

lawful basis to impose long-term, ongoing or perpetual management obligations on a development where **no ecological harm, impact pathway or mitigation dependency has been identified.**

Failure to engage and policy misalignment

During **October and November 2025**, the applicant repeatedly invited the Authority to identify **any specific policy provision, StepWise stage or DECCA criterion** that was considered unmet, and to engage constructively to correct or refine the approach if required. In the same period, the applicant formally requested sight of the **Council-led biodiversity scheme documentation** referenced by the Authority, including **Case Study 2 – Nature’s Gift Garden** (as cited at **P25/0617 Response Ecology, paragraph 10.4.1**), in order to assist alignment with local practice and objectives.

Despite these repeated invitations, **no policy citation, evidential explanation or supporting scheme documentation has been provided**, and no substantive engagement has taken place to justify the additional requirements now being pursued.

No **policy citation, evidential justification or supporting scheme documentation** has been provided in response to those requests, nor has any explanation been given as to how the additional requirements now being pursued are grounded in Planning Policy Wales, the approved evidence base, or the decision-stage planning judgment.

When considered alongside the **42-dwelling development approved under planning reference P/23/0197**, the policy overreach in the application of **Condition 4** becomes clear. In that case, extensive landscaping and ecological controls—including a **Landscape Ecological Management Plan, habitat compensation, reptile translocation, and 10-year management arrangements**—were imposed expressly because the development involved **identified habitat loss, protected species impacts, and ecological mitigation dependencies**, as evidenced by the submitted **Ecological Impact Assessment** and associated plans. Those requirements were therefore **habitat-led, impact-driven, and proportionate to the scale and effects of the development.**

By contrast, the present permission relates to a **single dwelling** which, as confirmed by the approved **PEA and GIS**, involves **no habitat loss, no removal of trees or hedgerows, no protected species presence, and no mitigation requirement.**

Notwithstanding that materially different baseline, the requirements now being pursued under **Condition 4**—including **pre-commencement controls, expanded landscaping obligations, long-term or perpetual management expectations**, and demands for

replacement Green Infrastructure documentation—seek to impose a level of control comparable to, or exceeding, that applied to the 42-unit scheme, but **without any corresponding ecological impact or dependency**. This represents a clear **misapplication of Planning Policy Wales Edition 12**, which requires a **judgement-led and proportionate response to evidenced effects**, and demonstrates that Condition 4 is being used to extend control beyond what was necessary to grant permission, rather than to secure compliance with the approved baseline.

Perpetuity and pre-commencement control

Condition 4 further escalates control by requiring landscaping and biodiversity measures to be retained in perpetuity, and by framing the condition as a pre-commencement “**no development shall take place until...**” restriction, thereby extending control beyond what is necessary to secure planning acceptability and into matters already resolved at decision stage.

Planning Policy Wales Edition 12 does **not** require biodiversity enhancements within **private domestic curtilage** to be managed in perpetuity, nor does it support the imposition of long-term management obligations where no ecological harm or mitigation dependency has been identified. PPW12 requires a proportionate, evidence-led and judgement-based application of biodiversity policy, with enhancement applied at the final stage of the StepWise approach only where appropriate. In parallel, **Welsh Government Circular 016/2014** makes clear that pre-commencement conditions must be **strictly necessary** to make development acceptable in planning terms and should not be imposed where their purpose can be achieved through standard implementation or where no harm would arise from commencement. In this case, the approved ecological evidence confirms that no ecological mitigation is required prior to commencement and that no adverse effects could arise from development starting, such that neither a perpetuity obligation nor a pre-commencement restriction is justified in policy or law.

Request for a further Green Infrastructure Statement

The request for a further **Green Infrastructure Statement** is particularly problematic. **Condition 4 is expressly framed as a pre-commencement condition**, such that no development can lawfully take place prior to its discharge. In those circumstances, **no works can occur, no site conditions can change, and the approved Net Benefit for Biodiversity position cannot alter**. Requiring a replacement or additional GIS in the absence of any change to the development or baseline therefore serves no planning purpose and amounts to an attempt to re-open matters already determined under **section 70 of the Town and Country Planning Act 1990 (as applied in Wales)**,

contrary to the limited and procedural function of condition discharge under the **Town and Country Planning (Development Management Procedure) (Wales) Order 2012**.

As demonstrated by the Council's delegated decision-making in comparable single-dwelling schemes, including **planning reference P/23/0066 (Land at Colliers Row)**, a **Green Infrastructure Statement did not form part of the decision-stage evidence relied upon to determine planning acceptability**. In that case, planning permission was granted on the basis of the submitted application material, with landscape and ecological matters addressed—where considered necessary—**through conditions regulating implementation**, rather than through the approval of a Green Infrastructure Statement forming part of the operative baseline. This confirms that a GIS was **not required in order to establish ecological acceptability at decision stage**, nor treated as a prerequisite to the grant of permission.

By contrast, in the present case a **Green Infrastructure Statement has been submitted, approved and expressly incorporated into the Decision Notice under Condition 2**, and therefore forms part of the **lawful and operative baseline** against which the development was assessed and granted permission under **section 70 of the Town and Country Planning Act 1990 (as applied in Wales)**. Seeking to require a **further or replacement GIS** at discharge stage—where **no change to the development, site conditions or ecological evidence has occurred**—would invert the proper planning sequence and exceed the **procedural scope of condition discharge** as defined by the **Town and Country Planning (Development Management Procedure) (Wales) Order 2012**. Such an approach would amount to an attempt to **re-open decision-stage matters through discharge**, rather than to confirm compliance with the permission as granted, and is therefore **neither procedurally justified nor lawful**.

Planning Policy Wales Edition 12 does **not** prescribe or mandate the submission of a **Green Infrastructure Statement** as a statutory requirement for planning applications. Rather, PPW12 establishes principles for the consideration of green infrastructure and biodiversity which may, depending on local practice and scale of development, be addressed through a range of evidential formats. Any expectation for a GIS therefore arises, if at all, from **local validation requirements or practice**, not from PPW12 itself.

In this context, the planning application at **Land at Colliers Row (P/23/0066)**—submitted and determined after the publication of PPW12—was granted planning permission **without a Green Infrastructure Statement forming part of the decision-stage evidence or the approved baseline**. This confirms that, even following the introduction of PPW12, a GIS was **not treated as a mandatory or determinative requirement** for single-dwelling development in Merthyr Tydfil. By contrast, in the present case a **Green Infrastructure Statement has already been submitted**,

approved and incorporated into the Decision Notice under Condition 2, thereby exceeding what PPW12 requires and establishing a fixed ecological baseline.

Against that background, the insistence on a **further or replacement GIS** at discharge stage cannot be justified by reference to PPW12, local practice, or procedural necessity. It represents an attempt to elevate a non-mandatory document into a determinative requirement after permission has been granted, contrary to the **decision-stage planning judgment under section 70 of the Town and Country Planning Act 1990 (as applied in Wales)** and the limited scope of condition discharge under the **Town and Country Planning (Development Management Procedure) (Wales) Order 2012**.

The approved **Green Infrastructure Statement** remains **valid, operative and determinative**. Requiring a replacement or additional GIS in circumstances where **no change to the development, site conditions or ecological baseline has occurred** serves **no planning purpose** and improperly seeks to **re-open the planning merits outside the statutory planning cycle**. Such an approach is contrary to **section 70 of the Town and Country Planning Act 1990 (as applied in Wales)**, exceeds the limited procedural scope of condition discharge under the **Town and Country Planning (Development Management Procedure) (Wales) Order 2012**, and conflicts with **Welsh Government Circular 016/2014**, which restricts the use of planning conditions to matters that are **necessary to make development acceptable, directly related to the development, and proportionate in scale and kind**.

Baseline integrity and process

Finally, it appears that the current position seeks to proceed on the basis of a **new or revised ecological baseline**, different from that relied upon to assess and determine the application. The approved **Preliminary Ecological Appraisal** and **Green Infrastructure Statement** constitute the **sole lawful, operative and determinative ecological baseline** for this development and formed part of the **material considerations** underpinning the grant of planning permission. That baseline cannot be **retrospectively displaced, supplemented or redefined** through the condition discharge process, nor can condition discharge be used to initiate a **parallel, substitute or second-stage planning exercise** outside the statutory framework established by **section 70 of the Town and Country Planning Act 1990 (as applied in Wales)**, the **Development Management Procedure (Wales) Order 2012**, and **Planning Policy Wales Edition 12**.

Planning conditions may only be imposed where they are **necessary to make development acceptable in planning terms**. They cannot lawfully be used to improve a development, to secure aspirational or best-practice outcomes, or to impose controls that were **not relied upon in granting planning permission**. In this case, the development was found acceptable on ecological grounds at decision stage **without**

reliance on long-term management arrangements, replacement Green Infrastructure documentation or perpetual controls. The imposition of such requirements at discharge stage would therefore extend **beyond the proper purpose and lawful scope of planning conditions**, and would represent an impermissible attempt to revisit matters already resolved through the grant of permission.

Application of the Newbury tests

Taken together, the **perpetuity requirement, pre-commencement restriction, landscape and habitat management plan requirement**, and the **request for a further Green Infrastructure Statement** cannot be sustained when assessed against the established tests in *Newbury District Council v Secretary of State for the Environment*. They serve **no planning purpose**, as the development was found acceptable on ecological grounds at decision stage **without reliance on additional Green Infrastructure documentation, management plans, pre-commencement controls or perpetual obligations**. They do **not fairly or reasonably relate to the development**, given that **no trees or hedgerows were removed, no habitat loss has occurred, no protected species are present, and no mitigation or compensation is required** to secure acceptability. They are also **unreasonable and disproportionate**, imposing long-term and perpetual controls on a **single-dwelling development** where **no ecological harm, impact pathway or dependency exists**, and going materially beyond what is required by **Planning Policy Wales Edition 12** and **Welsh Government Circular 016/2014**. The additional controls sought under **Condition 4** therefore fail **all three limbs of the Newbury tests** and exceed the **lawful scope of condition discharge**.

Conclusion

For the reasons set out above, **Condition 4 is satisfied through implementation of the approved Preliminary Ecological Appraisal and Green Infrastructure Statement alone**. The ecological baseline and **Net Benefit for Biodiversity** position were fixed at decision stage as part of the planning judgment exercised under **section 70 of the Town and Country Planning Act 1990 (as applied in Wales)**, having regard to the development plan and other material considerations. The development was found acceptable in planning terms on that basis, **without reliance on additional Green Infrastructure documentation, landscape or habitat management plans, pre-commencement controls or perpetual management obligations**.

The extensive analysis above demonstrates that the additional requirements now being pursued under Condition 4 represent a **fundamental mischaracterisation of the scope and purpose of condition discharge**. They seek to revisit matters conclusively resolved at decision stage, to elevate non-mandatory documents into determinative requirements after permission has been granted, and to impose controls that are

neither evidence-led nor proportionate to the scale or impacts of the development. In doing so, they improperly conflate post-decision compliance with re-determination, contrary to the procedural framework established by the **Town and Country Planning (Development Management Procedure) (Wales) Order 2012**.

When assessed as a whole, the perpetuity requirement, pre-commencement restriction, landscape and habitat management plan requirement, and demand for a further Green Infrastructure Statement **serve no planning purpose, do not fairly or reasonably relate to the development**, and are **unreasonable and disproportionate**, failing all three limbs of the **Newbury** tests. They go materially beyond what is required by **Planning Policy Wales Edition 12**, conflict with **Welsh Government Circular 016/2014**, and extend control beyond what was necessary to grant permission, rather than securing compliance with the permission as issued.

Any attempt to impose additional or replacement requirements at discharge stage would therefore exceed the **lawful scope and purpose of planning conditions**, represent an impermissible attempt to re-open the planning merits, and undermine the integrity of the decision-stage judgment and approved baseline.

The applicant accordingly and respectfully requests confirmation that **Condition 4 will be discharged on the basis of the approved PEA and GIS**, without the introduction of any additional, replacement or escalated requirements.

Condition 5 – Landscaping Implementation and Replacement (Legal Position)

Condition 5 regulates the **timing, implementation and replacement** of planting comprised within the **approved landscaping details**. It is an implementation condition only and does not reopen, expand or redefine the scope of landscaping, ecological assessment or biodiversity enhancement approved as part of the planning permission.

Condition 5 must be read in conjunction with Condition 2, which approves the plans and documents that define the landscaping and ecological baseline for the development. The role of Condition 5 is limited to the implementation and replacement of planting comprised within those approved details. It does not require, and cannot be used to justify, the submission of additional landscaping or ecological information beyond that already approved.

The approved landscaping details are those contained within the **approved plans**, the **Green Infrastructure Statement (GIS)** and the **Preliminary Ecological Appraisal (PEA)**, which together formed part of the evidential basis upon which planning

permission was granted. These documents therefore define the lawful and operative landscaping baseline for the development.

Under **section 70 of the Town and Country Planning Act 1990 (as applied in Wales)**, the Local Planning Authority determined the application at decision stage having regard to the development plan and other material considerations, including the approved landscaping and ecological strategy. The scope of Condition 5 must therefore be interpreted consistently with that decision and cannot be used to introduce additional landscaping requirements, revised planting strategies or ecological controls not relied upon to make the development acceptable.

In accordance with the express wording of Condition 5:

- all planting, seeding or turfing comprised in the approved landscaping details will be carried out in the **first planting and seeding season following occupation of the dwelling or completion of the development**, whichever is the sooner; and
- any trees or plants which, within a period of **five years from completion**, die, are removed or become seriously damaged or diseased will be replaced in the next planting season with others of a **similar size and species**, in accordance with the approved details.

This satisfies the stated purpose of the condition, namely to ensure visual amenity and proportionate biodiversity enhancement, and accords with:

- **Planning Policy Wales Edition 12**, which requires landscaping and biodiversity measures to be proportionate, evidence-led and directly related to the development;
- **Policy SW11** of the Merthyr Tydfil County Borough Council Replacement Local Development Plan, which seeks high-quality design and appropriate landscaping; and
- **Policy EnW1**, which supports biodiversity enhancement where justified and proportionate.

Condition 5 does **not** require the submission of additional landscaping schemes, habitat creation proposals, ecological management plans or monitoring regimes, nor does it alter the ecological baseline or Net Benefit for Biodiversity position established at decision stage. Any attempt to impose additional requirements beyond the implementation and replacement obligations expressly stated in the condition would exceed the lawful scope of condition discharge and would not be supported by policy or legislation.

Conclusion

For the reasons set out above, **Condition 5 is satisfied through the implementation and, where necessary, replacement of planting strictly in accordance with the approved landscaping details and the timescales specified in the condition.** No further information or submissions are required, and the applicant respectfully requests confirmation that **Condition 5 can be discharged accordingly.**

Condition 6 – External Lighting

The approved **Preliminary Ecological Appraisal (PEA)** and **Green Infrastructure Statement (GIS)** confirm that **no bats are present**, no roosts exist, and no commuting or foraging habitat is affected by the development. On that basis, **no bat surveys were required at application stage**, and none are required at discharge stage. The inclusion of **bat boxes** within the scheme is proposed as a **voluntary biodiversity enhancement measure only**, delivered at the final enhancement stage of the StepWise approach under **Planning Policy Wales Edition 12**. Their provision does not indicate ecological impact, mitigation dependency or the presence of bat-sensitive receptors, and does not create any reliance on lighting control to secure planning acceptability. Accordingly, the approved ecological evidence demonstrates that external lighting does not give rise to ecological harm and does not require further assessment or control beyond standard residential lighting practice.

Application of the Newbury tests

Taken together, any requirement for additional bat surveys, bat-specific lighting assessments or associated controls under Condition 6 cannot be sustained when assessed against the established tests in *Newbury District Council v Secretary of State for the Environment*. They serve **no planning purpose**, as the development was found acceptable on ecological grounds at decision stage without reliance on bat mitigation or lighting controls, and the approved PEA and GIS confirm the absence of bats, roosts or bat-sensitive receptors. They do **not fairly or reasonably relate to the development**, given that no commuting or foraging habitat is affected and no ecological impact pathway has been identified. They are also **unreasonable and disproportionate**, imposing additional controls where no ecological harm or dependency exists, and going beyond what is required by **Planning Policy Wales Edition 12** or Welsh Government guidance. Taken together, any additional bat or lighting-related requirements under Condition 6 therefore fail all three limbs of the Newbury tests and exceed the lawful scope of condition discharge.

Conclusion

For the reasons set out above, **Condition 6 is satisfied on the basis of the approved Preliminary Ecological Appraisal and Green Infrastructure Statement alone**. The ecological evidence confirms the absence of bats, roosts and bat-sensitive receptors, and the acceptability of the development was established at decision stage **without reliance on bat mitigation measures or external lighting controls**. In accordance with the wording of the condition, **no external lighting is proposed to be installed**, and the condition is therefore capable of being discharged on that basis.

Relationship to EPS informative

The applicant notes the inclusion of a standard **European Protected Species (EPS) informative** relating to bats. This informative is generic in nature and reflects statutory protections that apply nationally, irrespective of site circumstances. Its inclusion does **not** indicate the presence of bats, roosts or bat-sensitive receptors on or adjacent to the site, nor does it identify any ecological risk or mitigation requirement specific to this development.

The approved **PEA and GIS** confirm that **no bats are present**, no roosts exist, and no commuting or foraging habitat is affected. The development was therefore found acceptable at decision stage without reliance on bat surveys, mitigation measures or lighting controls. The EPS informative does not alter that evidential position, does not establish a new ecological baseline, and cannot be relied upon to justify additional controls, surveys or assessments at discharge stage.

Accordingly, while the applicant fully acknowledges and will comply with statutory wildlife legislation should circumstances unexpectedly change, the presence of the EPS informative does not provide a planning basis for further requirements under Condition 6 and should not be interpreted as implying bat presence or ecological constraint where none has been identified.

Any attempt to require bat surveys, bat-specific lighting assessments or additional controls in circumstances where **no external lighting is to be installed** would serve no planning purpose, fail the tests of necessity, relevance and proportionality, and be inconsistent with **Planning Policy Wales Edition 12, Welsh Government Circular 016/2014**, and the established **Newbury** principles.

The applicant therefore respectfully requests confirmation that **Condition 6 will be discharged on the basis that no external lighting shall be installed**, without the introduction of additional or replacement requirements.

Overall Conclusion

For the reasons set out in this submission:

- **Condition 2** is fully satisfied by the approved **Preliminary Ecological Appraisal** and **Green Infrastructure Statement**, which together establish the lawful ecological baseline and Net Benefit for Biodiversity position relied upon to grant planning permission.
- **Condition 3** will be satisfied upon submission and approval of the amended boundary treatment drawings, which reflect the agreed approach and do not alter the principle or acceptability of the development.
- **Condition 4** is satisfied through implementation of the approved ecological documents alone. The additional requirements sought fall outside the lawful scope of condition discharge and are not supported by **Planning Policy Wales Edition 12**, Welsh Government guidance, or established case law.
- **Condition 5** is satisfied by the approved landscaping details and operates solely to secure implementation and replacement planting within the parameters of the approved baseline.
- **Condition 6** is satisfied on the basis of the approved ecological evidence, which confirms the absence of bat-sensitive receptors and demonstrates that no further survey or assessment is required.

The applicant therefore respectfully requests confirmation that the **discharge of Conditions 2, 4, 5 and 6** can proceed on the basis set out above, and that **Condition 3** will be discharged following approval of the amended boundary drawings.

Yours sincerely,

Nicholas Meaney