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Addendum to Response to Ecology Department NBB Interpretation.

Dated: 14th November 2025

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Contents

1.	Scope of this document.....	4
1.1	Version Control	4
1.2	Supporting Documents.....	4
1.3	Introduction.....	4
1.4	Executive Summary.....	5
2.	Outstanding Issues From Ecology Response – 08 October 2025 (Still Not Addressed)	7
2.1	Retrospective Pre-emptive Clearance.....	7
2.2	Use of English Legislation	7
2.3	Incorrect Baseline Assignment	7
2.4	Incorrect Vegetation Ownership	8
2.5	Misuse of Superseded Documents	8
2.6	Tree Loss Assertions.....	8
2.7	Misinterpretation of DECCA / StepWise	9
2.8	Failure to Identify Unmet PPW12 Criteria	9
2.9	Requirements Without Policy Basis	9
3.	MTCBC Biodiversity Schemes – Request for Supporting Documentation (Still Not Provided).....	10
4.	Hedgerow Requirement – Please Provide Legislative or PPW12 Basis	11
5.	Net Benefit for Biodiversity (NBB) – Please Identify the Alleged Shortfall	13
6.	Proportionality and Consistency With Other Local Schemes	14
6.1	Comparative Local Example – P/23/0295 Collier’s Row, Heolgerrig	14
6.2	Comparison With Major Schemes – 5-Year and 10-Year Requirements	14
6.3	Disproportionate Application to a Single-Plot Domestic Curtilage.....	16
6.3	Key Questions Requiring Formal Clarification.....	16
6.4	Risk of Arbitrary, Unreasonable and Unlawful Application	16
7.	Summary of Clarifications Required (Ecology Being Used as a Potential Reason for Refusal.....	17
7.1	The legislative or PPW12 basis for requiring mandatory hedgerow installation 17	
7.2	A full written response to all unresolved issues from my 08 October 2025 ecology submission (Sections 1.1–1.9)	17

INTERNAL

7.3	Clarification on the use of MTCBC community biodiversity schemes as reference points	18
7.4	Identification of the exact PPW12 / Environment (Wales) Act s.6 criteria allegedly unmet.....	18
7.5	The statutory or PPW12 basis for requiring a 25-year ecological management plan	18
7.6	Confirmation that delays arise from incorrect ecological interpretation, not from the applicant's evidence.....	19

1.Scope of this document

This document provides a formal response to the ecologist’s recent correspondence concerning the assessment of the proposed works and should be read alongside my document dated 08 October. It also serves as an **addendum** to that document. The document clarifies the applicable pre-emptive site-clearance policy requirements, sets out the statutory and **PPW12** basis for any requested planting or long-term **(25-year)** management obligations, and seeks confirmation of the specific **PPW12** or **Section 6** criteria the LPA considers to be unmet. It further addresses the source of the current delay, noting that it stems from internal misinterpretation of policy rather than any deficiency in the ecological evidence already provided by the applicant.

1.1 Version Control

Version	Date	Author	Changes
1.0	14.11.25	Nick Meaney	First Publication

1.2 Supporting Documents

Document	Description
Pre-Application	PA/24/0039
Planning Application	P25/0167
Ecology Response 08 th Oct	Ecology Response

1.3 Introduction

This addendum should be read in conjunction with my previous response to the ecologist dated 08th Oct 2025. It is assumed that all documents have been read by the planning officer, management and technical personnel.

1.4 Executive Summary

This application has been subject to prolonged and avoidable delay due to repeated errors within the ecological consultation process and significant administrative failures on the planning portal. The current ecological requirements being imposed—namely a new species-rich hedgerow, a wildflower/grassland area, and a 25-year management plan—are **disproportionate, unsupported by PPW12, and inconsistent with both Welsh law and local precedent.**

Despite the applicant submitting a complete Preliminary Ecological Appraisal (PEA v1.3), a Green Infrastructure Statement (GIS v4), and multiple clarifications, the Ecologist has:

- Applied **non-Welsh legislation**, including English BNG metrics and the Environment Act 2021 for **pre-emptive site clearance**, which have **no legal status in Wales.**
- Attempted to impose an **unlawful retrospective biodiversity baseline** predating the adoption of PPW12.
- Relied on **incorrect and superseded documents**, leading to ongoing factual inaccuracies.
- Asserted failures against PPW12, StepWise, and DECCA but **has not identified a single specific paragraph, criterion, or stage** alleged to be unmet.
- Imposed ecological demands that exceed those used for **major 42-unit developments**, despite this proposal involving **no habitat loss, no priority habitats, and no protected species.**

In addition to these ecological issues, there has been a serious procedural failure regarding the **planning portal**, which has contained:

- **Missing consultee withdrawals**, including Dŵr Cymru and a neighbouring resident.
- **Superseded documents still displayed as active**, misrepresenting the applicant's ecological submissions.
- **Incorrect or outdated information influencing internal and external decision-makers**, contrary to the DMPWO 2012 and PPW12 duties of transparency, accuracy, and fairness.

These administrative inaccuracies have materially distorted the public record and the internal assessment of the application—resulting in an appearance of unresolved objections where none existed. They have also contributed to a premature internal

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recommendation for refusal, made **before** consultee information was complete, validated, or accurately published.

Most importantly, a substantial number of the core clarification points submitted in the applicant's **08 October 2025 Ecology Response** remain unanswered now being **relied upon for refusal**, including:

- The statutory or PPW12 basis for a mandatory planting and a 25-year management plan.
- Identification of the precise PPW12 or Section 6 criteria the LPA considers unmet.

In summary, ecology is currently being used as a potential ground for refusal **without a lawful evidential basis**, while planning portal errors have further undermined transparency, fairness, and due process. A correct, policy-compliant ecological assessment—and rectification of the public record—is essential before any valid planning recommendation can be made.

2. Outstanding Issues From Ecology Response – 08 October 2025 (Still Not Addressed)

The following clarification points remain unanswered:

2.1 Retrospective Pre-emptive Clearance

No explanation has been given for how PPW12 Section 6.4.16 can be applied **retrospectively** to events alleged between 2018–2021, when PPW12 was not adopted until **February 2024** and contains **no retrospective enforcement power**.

2.2 Use of English Legislation

No justification has been provided for the ecologist's continued reliance on:

- The **Environment Act 2021** (England only)
- The **LURA Act 2023** (England only)
- **BNG metrics and enforcement windows** (England only)

These legislative frameworks **do not apply in Wales**, as previously highlighted.

2.3 Incorrect Baseline Assignment

No lawful basis has been given for assigning an NBB baseline to **“May 2018”**, despite there being **no statutory mechanism** in Wales to impose retrospective biodiversity baselines.

2.4 Incorrect Vegetation Ownership

No response has been provided regarding the ecologist's repeated references to hedging and vegetation **not located within my land ownership**, despite this being clearly corrected in GIS v4 and PEA v1.3.

2.5 Misuse of Superseded Documents

There has been no confirmation that assessments based on **superseded ecological documents** have ceased, despite this concern being explicitly raised on 08 October.

2.6 Tree Loss Assertions

No clarification has been provided regarding the ecologist's incorrect assumption that trees were lost by the applicant, despite the fact that:

- **No trees were removed by me, and**
- **PPW12 Section 6.4.42 applies only where actual tree loss has occurred.**

Despite this, the ecologist incorrectly applied an escalating tree-replacement requirement up to a 6:1 ratio, which has no basis in PPW12, no basis in the Environment (Wales) Act 2016, and no basis in the site evidence, as no tree loss occurred.

Concerningly the ecologist's most recent comments **continue to reference tree planting "in the form of a native, species-rich hedgerow"**, even though:

- **No tree loss occurred,**
- **No hedgerow was removed,**
- **The existing tree and hedge lies outside my ownership, and**
- **Neither PPW12 nor the Environment (Wales) Act 2016 requires the creation of a new hedgerow under these circumstances.**

The continued reliance on a **non-existent tree-removal scenario**, combined with repeated references to tree planting in hedge form, renders the hedgerow requirement—and the connected 25-year management obligation—**unsupported, disproportionate, and procedurally unsound**.

2.7 Misinterpretation of DECCA / StepWise

No explanation has been given as to why the NBB assessment approach resembled English **BNG-style enforcement**, despite Wales adopting the **DECCA and StepWise** frameworks, which:

- Do **not** use numerical metrics
- Do **not** enforce retrospective baselines
- Require **proportionate** enhancements

2.8 Failure to Identify Unmet PPW12 Criteria

The ecologist has not specified:

- Which **exact PPW12 paragraphs**,
- Which **DECCA elements**, or
- Which **StepWise stages** remain unmet by the submitted PEA and GIS.

2.9 Requirements Without Policy Basis

Numerous elements previously requested—geocells, multiple tree-planting ratios, long-term maintenance obligations, vegetation impositions—have all been applied **without citing any Welsh policy or legal authority**, despite repeated requests on 08 October for such citations.

None of these issues have been addressed, therefore using ecology as an additional reason to refuse the application—when the applicant has complied with all Welsh policy, submitted revised PEA/GIS documents, and provided all clarification requested—is procedurally unsound. It indicates potential predetermination and raises serious concerns that the ecological review is being used as a defensive mechanism to support an already-formed refusal position rather than an objective, policy-based assessment. This constitutes a misuse of the ecological function, undermines the statutory Section 6 duty, and further contributes to the pattern of maladministration already evidenced.

3. MTCBC Biodiversity Schemes – Request for Supporting Documentation (Still Not Provided)

In my 08 October 2025 ecology response, I requested further information on the **MTCBC-led biodiversity schemes**, including:

- **Case Study 2 – Nature’s Gift Garden**, and
- **Case Study 3 – The Marsh Field (PCH)**

as part of the justification for the approach being taken to my application.

In that response, I specifically requested that the Council provide the **full supporting documentation for these schemes**, including (but not limited to):

- The **original ecological baseline assessments**
- Any **Net Benefit for Biodiversity (NBB) justification** or equivalent internal reasoning
- Any **Section 6 Environment (Wales) Act 2016 analysis** used when those schemes were approved
- The **management plans, monitoring arrangements and reporting outputs** relied upon
- Any relevant **committee reports, decision notices or internal guidance** that explain how these schemes were designed to meet NBB in practice

This information is necessary in order to understand:

1. **Exactly how MTCBC has interpreted and applied NBB and the Section 6 duty in its own projects**, and
2. Whether the Council is applying **the same standard and reasoning** to my small, single-plot residential application.

Despite this clear and reasonable request, **none of the supporting documentation for these schemes has been provided**, nor has there been any explanation as to how they are considered relevant to my proposal.

I therefore again request that:

- The full supporting documentation for **Nature’s Gift Garden** and **The Marsh Field (PCH)** is disclosed, and

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- The Council explains **precisely how, if at all, these schemes are being used to inform or justify the ecological position being applied to my application.**

Until this information is provided, references to these schemes risk creating **an opaque and inconsistent decision-making context**, and may amount to a misapplication or selective use of policy.

4. Hedgerow Requirement – Please Provide Legislative or PPW12 Basis

Your latest comments on **11th Nov 2025** state that a new **native, species-rich hedgerow** must be created, based on the following requirement:

“Inclusion of:

- a. Tree planting – this can be in the form of a native, species-rich hedgerow; and**
- b. A native, species-rich wildflower/grassland area.”**

However, the factual and policy position is as follows:

- **No tree or hedgerow has been removed** from the site at any stage.
- **The existing northern hedge is not within the applicant’s ownership** and cannot lawfully be altered.
- **The PEA (v1.3) confirms that no habitat loss or mitigation requirement exists.**
- **PPW12 Section 6.4.42** (3:1 replacement planting) applies **only to the loss of trees**, and no tree loss has occurred.
- **Enhancements already proposed**—bat box, swift boxes, native climbers, hedgehog permeability, and permaculture planting—**meet PPW12’s NBB requirements**, with no evidence provided to show any deficit.
- **No part of PPW12, the LDP, or the Environment (Wales) Act 2016** requires the creation of a new hedgerow where none has been removed or impacted.

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Accordingly, please confirm in writing:

- a. **The statutory basis, PPW12 paragraph, or adopted LDP policy that makes hedgerow planting mandatory where no hedge or tree has been lost.**
- b. **The specific section of the Environment (Wales) Act 2016 that creates a duty to install a hedgerow in these circumstances.**
- c. **Whether this proposed hedgerow is being classed by the Ecologist as:**
 - **Mitigation** (to address an ecological impact),
 - **Compensation** (for habitat loss), or
 - **A discretionary enhancement** (not required by policy or law).

At present, this requirement appears **unsupported by any Welsh legislation, PPW12 provision, LDP policy, or ecological evidence**. Before it can be given any weight, the Council must identify the legal or policy mechanism through which this obligation is being imposed.

5. Net Benefit for Biodiversity (NBB) – Please Identify the Alleged Shortfall

You have again stated that Net Benefit for Biodiversity (NBB) has not been achieved. In light of your recommendation for refusal, a **precise and technically reasoned explanation** is now required.

To progress this matter, please provide:

a. Identification of the exact PPW12 or Section 6 Duty criteria that you consider unmet.

General references to PPW12 or the s.6 Duty are insufficient; the specific paragraphs, DECCA elements, or StepWise stages must be identified if they are being relied upon as refusal grounds.

b. Confirmation of which specific component of the submitted PEA (v1.3) or GIS (v4) allegedly fails to deliver NBB.

Both documents follow the Welsh NBB framework, and no technical shortfall has been cited to date.

The proposal currently delivers the following biodiversity enhancements:

- Integrated bat box
- Two integrated swift boxes
- Native climbers with pollinator value
- Hedgehog permeability
- Increased floral diversity via permaculture planting
- No habitat loss requiring mitigation

Given these measures, and given that the site contains **no Section 7 habitats, no protected species constraints, and no ecological losses**, a **clear technical justification** must now be provided for asserting that NBB is not achieved.

A refusal on ecological grounds cannot lawfully proceed without identifying the specific evidential and policy-based reasons for that conclusion.

6. Proportionality and Consistency With Other Local Schemes

I must also raise a significant concern regarding **proportionality**. The ecological requirements currently being imposed on this single-plot domestic application—namely:

- a **new native species-rich hedgerow**,
- a **wildflower/grassland area**, and
- a **25-year ecological management plan**

are far more onerous (**CPO Letter 2022**) than anything applied to comparable small-scale developments within the local authority area, and even exceed the obligations imposed on **major housing schemes** with demonstrably higher ecological impacts.

6.1 Comparative Local Example – P/23/0295 Collier’s Row, Heolgerrig

A directly comparable scheme is **P/23/0295 – Plot 5 Collier’s Row**, which involved:

- **One detached dwelling (Plot 5)**
- **A Landscape & Ecology Management Plan limited to five years**
- **No long-term (25-year) management obligations imposed on the householder**

This demonstrates that for single-plot applications, MTCBC has historically required **minimal and proportionate** ecological commitments.

6.2 Comparison With Major Schemes – P/23/0197 Requirements

To further emphasise the disproportionate nature of the ecological requirements now being imposed on this single-plot domestic proposal, I refer to the major development at **Swansea Road (P/23/0197)**—a **42-dwelling scheme** carrying significantly greater ecological sensitivity, risk, and policy obligations than my application.

(a) Ecological Impact Assessment (Ethos, December 2023) – 5-Year Management Proposed

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The Ecological Impact Assessment (EclA) for this 1.5ha site—prepared by Ethos Environmental Planning—proposed a **5-year Landscape and Ecological Management Plan (LEMP)**. This was considered proportionate despite the site containing:

- **Section 7 Priority Habitats** (acid grassland and dwarf shrub heath),
- **Confirmed woodland loss,**
- **A slow-worm population requiring protected species management,**
- **An extensive invertebrate assemblage of county importance,**
- **Multiple bat species commuting/foraging across the site,**
- **Japanese Knotweed,** and
- **Major ground engineering works** resulting in permanent habitat loss and re-profiling.

Even with this level of ecological constraint, the EclA recommended:

- **A 5-year LEMP,**
- Short- to medium-term monitoring tied to habitat restoration, and
- **No requirement whatsoever for a 25-year management plan.**

(b) Internal Ecology Memo (Matt Davies, 08/01/2024) – 10-Year Management Mandated

Following internal review, the Council's Ecologist extended the requirement to a **10-year management plan**—but *only because* the scheme involved:

- Restoration of **substantial areas of Section 7 habitats,**
- **Significant woodland loss** (0.44ha),
- **Reptile translocation** and receptor site creation,
- Preservation of **important bat commuting and foraging corridors,**
- **Large-scale habitat creation** to replace lost S7 habitat, and
- **Major engineering-related re-profiling,** requiring long-term ecological reinstatement.

Even under these **exceptionally complex, high-impact conditions,** the management period required was **10 years—not 25 years.** There are many other examples.

6.3 Disproportionate Application to a Single-Plot Domestic Curtilage

In stark contrast:

- My site contains **no Section 7 habitats**,
- **No protected species**,
- **No habitat loss**,
- Only minimal low-value vegetation (as independently confirmed in the PEA and GIS),
- No engineering works affecting biodiversity,
- No ecological receptors requiring long-term management.

Yet the Ecology Officer is imposing requirements that **exceed those applied to a 42-dwelling major development**, and exceed by a factor of **2.5 times** the longest plan required on any major scheme in Merthyr Tydfil.

6.3 Key Questions Requiring Formal Clarification

Given the above, I must formally request clarification on the following:

1. **On what policy or statutory basis is a 25-year management requirement being imposed on a single-plot development, when even major, multi-dwelling schemes with high ecological sensitivity have only been subject to 5–10 year plans?**
2. **If a five-year management plan was acceptable for P/23/0295 and the Swansea Road 42-unit scheme, why is an obligation 5x to 25x greater now being sought for a much smaller, low-impact domestic plot?**
3. **Can the Authority confirm that ecological requirements are being applied consistently across all applications, and provide precedent examples of any other single dwelling being required to deliver a 25-year LEMP?**

6.4 Risk of Arbitrary, Unreasonable and Unlawful Application

Until these proportionality issues are addressed, the current requirements appear:

- **Inconsistent with established local precedent**

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- **Disproportionate to the scale and impacts of the development**
- **Not grounded in any Welsh legislation, policy or guidance**
- **Substantially more onerous than those imposed on major developments**
- **At risk of being considered arbitrary, procedurally unfair, and outside the bounds of reasonable planning practice**

At present, the requirement for a 25-year ecological management plan appears **unsupported by any Welsh legislation, PPW12 provision, adopted LDP policy, or ecological evidence**. Before such an obligation can be afforded any weight or considered reasonable, the Council must clearly identify the **specific statutory, policy, or guidance mechanism** through which a 25-year term is being imposed on a single-plot residential development, particularly when far larger schemes within the County have only required 5–10 years of management.

7. Summary of Clarifications Required (Ecology Being Used as a Potential Reason for Refusal)

Given that ecological matters are now being cited as a basis for either continued delay or potential refusal, it is essential that the following points are addressed **clearly, in writing, and with reference to the correct statutory and policy framework**:

7.1 The legislative or PPW12 basis for requiring mandatory hedgerow installation

– Please identify the exact regulation, **PPW12 paragraph**, or **LDP policy** that makes the planting of a new native hedgerow compulsory for a single-plot domestic development, particularly where no hedgerow has been removed.

7.2 A full written response to all unresolved issues from my 08 October 2025 ecology submission (Sections 1.1–1.9)

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– These points are fundamental to the lawful assessment of ecology and have remained unanswered to date. Without a response, any ecology-based refusal would lack evidential or procedural foundation.

7.3 Clarification on the use of MTCBC community biodiversity schemes as reference points

– Please provide the full baseline, NBB reasoning, Section 6 analysis, and management documentation for the Council-led schemes ***Nature's Gift Garden*** and ***The Marsh Field (PCH)***, as previously requested, so that I may review and apply any relevant methodology to my own proposal.

7.4 Identification of the exact PPW12 / Environment (Wales) Act s.6 criteria allegedly unmet

– If ecology is being relied upon as a potential refusal ground, the LPA must specify:

- the precise PPW12 paragraph(s),
- the specific DECCA elements, and
- the StepWise stages that it believes have not been satisfied.

To date, no such criteria have been identified, rendering any ecology objection unsubstantiated.

7.5 The statutory or PPW12 basis for requiring a 25-year ecological management plan

– Please identify any Welsh legislation, **PPW12 paragraph**, or adopted metric that **mandates a 25-year plan** for a **single domestic dwelling**, especially where:

- no priority habitat exists;
- no habitat loss is occurring;
- all enhancements have been provided through the PEA/GIS; and
- far larger, higher-impact schemes in Merthyr only required a proposed 5, then mandated 10 years.

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7.6 Confirmation that delays arise from incorrect ecological interpretation, not from the applicant's evidence

– The record shows that delays have resulted from:

- **reliance on English BNG legislation (incorrect),**
- **attempts to apply unlawful retrospective baselines (incorrect),**
- **use of superseded documents, and**
- **misinterpretation of submitted evidence.**

A written confirmation is requested to ensure that the application is not prejudiced by procedural or interpretive errors within the ecology consultation process.

Once the above is provided, I will update my documents accordingly.

Kind regards,

Nick Meaney