

Iles, Nicholas (CCRA - Planning)

From: Planning Directorate Mailbox
Sent: 09 December 2020 10:04
To: Decisions Branch - Ministerials/Gweinidogol - Cangen Benderfyniadau
Subject: FW: You have been forwarded an enquiry from the First Point of Contact Centre.
Ref:04652128
Attachments: Ruperra Call In Request final.pdf; Ruperra SSSI Citation 2011.pdf

Please see the email below which has been sent to the Planning Directorate Mailbox. Could you please deal with the query or pass to a relevant colleague for action.

I would be grateful for an e-mail acknowledgement that the enquiry is being dealt with or has been replied to.

Many thanks,

From: Customer Help <CustomerHelp@gov.wales>
Sent: 09 December 2020 09:28
To: Planning Directorate Mailbox <Planning.Directorate@gov.wales>
Subject: You have been forwarded an enquiry from the First Point of Contact Centre. Ref:04652128

Please see the following email received in the Welsh Government's mailbox.

Could you please deal with the query or pass to a relevant colleague for action within the standard 15 working day timescale.

PLEASE ADVISE OF RESPONSE TO THIS CORRESPONDENCE SO THAT RECORDS CAN BE UPDATED

My apologies if this is not your line of work - could you please forward to a relevant colleague, or advise if this is the case.

Regards/Cofion

Desg Gymorth Cydwasanaethau / Shared Service Helpdesk

Canolfan Cydwasanaethau Corfforaethol / Corporate Shared Service Centre

Cyllid a Gwasanaethau Corfforaethol / Finance and Corporate Services

Llywodraeth Cymru / Welsh Government
Parc Cathays / Cathays Park
Caerdydd / Cardiff

CF10 3NQ
Ffôn/Phone: 0300 060 4400
E-bost / E-mail: cymorth@llyw.cymru / customerhelp@gov.wales

Enquiry:

Fwd: Request to call in planning application - Ruperra Castle

Good morning,
Please help. We are trying to send a call-in request to your Planning Directorate () but have failed to do so with the information we have; all emails are rejected for both his and the general planning email. If you are able to forward this to that division, we would be very grateful. Otherwise please let me know how we can get through to them

Regards,

----- Forwarded message -----

From: .
Date: Tue, 8 Dec 2020 at 23:16
Subject: Request to call in planning application - Ruperra Castle
To:
Cc:

Good morning,
Please find attached a letter from Ruperra Conservation Trust in which we as trustees have made a request for a planning application to be called in and determined by the Welsh Ministers. As the application directly affects a Site of Special Scientific Interest including our own land, we are very concerned. I have also attached the SSSI citation for your information.
Regards,

Additional Instructions:

Customer:

Enquiry Number:

HR-775823-Q3G9

Enquiry Date:

09/12/2020 09:27

Ruperra Conservation Trust

December 7th, 2020.

Welsh Government

Dear Mr.

REQUEST TO CALL IN PLANNING APPLICATIONS AT RUPERRA CASTLE

We are writing to ask you to consider calling in four planning applications currently being considered by Caerphilly County Borough Council (CCBC) so that they can be determined by the Welsh Ministers in accordance with the procedure set out in Planning Policy Wales.

Ruperra Conservation Trust owns and manages Coed Craig Ruperra, a 153 acre broadleaved woodland immediately to the north of Ruperra Castle near Caerphilly. The Castle and Coed Craig Ruperra woodland have been designated as a Site of Special Scientific Interest (SSSI) because of the presence of a maternity colony of rare Greater Horseshoe Bats.

The owner of the Castle has recently submitted the following planning applications to CCBC to develop some of the Castle out-buildings for residential use, and to create a new bat house in an old greenhouse store:

- 19/0787/ COU and 19/0788/LBC Conservation Repairs to the Former Dairy and Laundry and Change of use to the Stables and Coach House Building
- 19/0789/COU and 19/0790/LBC Ruperra Castle Greenhouse Store

The Trust has submitted detailed comments on the proposals to CCBC who are expected to consider the applications at their next Planning Committee meeting after the final date for comments (December 18th).

However, we believe that the potential threat to the Greater Horseshoe Bats, and to the SSSI including our woodland more generally from the proposed developments, raises planning issues of more than local importance and that therefore it would be appropriate for these planning applications to be called in and determined by the Welsh Ministers.

The Greater Horseshoe Bat colony in the old Generator Block at the Castle is currently increasing slightly each year because it is in a suitably large old building, largely undisturbed by noise or lighting. The bats have the required space to light-sample inside before emerging into the dark

Ruperra Conservation Trust
07984 665958 www.ruperra.org.uk ruperra@gmail.com
Registered office: Orchard Bungalow, Chatham, Machen, Caerphilly CF83 8SB
Company no 03186952 Charity no 1054796

corridor of vegetation which joins directly to our adjacent ancient woodland and to nearby pasture where they can forage.

The construction work and removal of trees associated with the planned developments and the subsequent increase in light, noise and traffic of a residential development (of which this is only Phase 1) will disturb the Greater Horseshoe Bat colony which could be lost forever. We believe that the applicant's proposals for a new bat house as some kind of mitigation have a low chance of success. For example, Macintosh (2016) found that only 18% of bat maternity roosts successfully transferred to alternatives provided as mitigation.

As previously mentioned, Greater Horseshoes are some of the rarest bats in the UK. The Ruperra Castle colony is one of only five maternity colonies in Wales and their presence is the reason why Ruperra Castle and Coed Craig Ruperra woodland were designated in 2011 as a Site of Special Scientific Interest. As a result the colony has been cited by Natural Resources Wales as of national and international importance (SSSI citation letter of 2011).

In our view the high risk of serious harm to the colony resulting from the proposed developments would run counter to a number of national standards and statutory measures intended to protect our native wildlife, including:

Wildlife and Countryside Act 1981

Greater Horseshoe Bats are included on the list in Schedule 5 of animals which are protected.

Environment (Wales) Act 2016

Greater Horseshoe Bats are included in the list of priority species of national importance for Wales published under section 7 which means that they are "...living organisms... of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales".

Well-being of Future Generations (Wales) Act 2015

The Act includes a *Resilient Wales Goal* which is defined as "A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change,"

Conservation of Habitats and Species Regulations 2017

All bats are protected under this legislation. This includes making it an offence to deliberately disturb wild animals of any such species. The definition of disturbance in paragraph 41(2) includes: (i) to impair their ability to survive, to breed or reproduce, or to rear or nurture their young, or in the case of animals of a hibernating or migratory species, to hibernate or migrate; or (ii) to affect significantly the local distribution or abundance of the species to which they belong.

Planning Policy Wales (Edition 10)

Paragraph 6.4.17 states that "SSSIs can be damaged by developments within or adjacent to their boundaries.... There is a presumption against development likely to damage a SSSI and this presumption should be appropriately reflected in development plans and development management decisions."

In summary, we are concerned that the potential threat to the national population of Greater Horseshoe Bats is significant and raises planning issues of more than local importance. We believe that it runs counter to the Welsh Government's stated policies and legislation to protect biodiversity, as well as the presumption against damage to SSSIs in Planning Policy Wales. Therefore we believe that it would be appropriate for the planning applications to be called in and determined by the Welsh Ministers in accordance with the procedure set out in Planning Policy Wales.

Yours sincerely,

On behalf of Ruperra Conservation Trust

Attachment: SSSI Citation, Ruperra Castle and Woodlands SSSI

References:

Mackintosh, M. 2016. Bats and licensing: a report on the success of maternity roost compensation measures. Scottish Natural Heritage Commissioned Report No. 928.

**CYNGOR CEFN GWLAD CYMRU
COUNTRYSIDE COUNCIL FOR WALES**

SITE OF SPECIAL SCIENTIFIC INTEREST CITATION

CAERPHILLY RUPERRA CASTLE AND WOODLANDS

Date of Notification: 30 March 2011

National Grid Reference: ST223867

O.S. Maps: 1:50,000 Sheet number: 151

1:10,000 Sheet number: ST 28 NE

Site Area: 62.60 ha

Description:

The site is of special interest as the only known nursery roost for the greater horseshoe bat *Rhinolophus ferrumequinum* in the Mid and South Glamorgan Area of Search and one of only five known nursery roosts of this species in Wales. The buildings at Ruperra Castle, situated in Lower Machen, Caerphilly, support a colony of greater horseshoe bats of national and international importance.

The greater horseshoe bat occurs throughout central and southern Europe and extends eastwards across Asia as far as Japan. However, it is a rare species in Europe, and has suffered a considerable decline in central Europe. Within Great Britain, the breeding population is confined to south west England and southern Wales and comprises an estimated 6,600 animals. The Welsh population is at the north-western extremity of the species' range.

The building known as the generator block is used by the greater horseshoe bats to give birth and raise their young between spring and autumn. The old castle cellar is used by some of the greater horseshoe bats and by a small number of lesser horseshoe bats *Rhinolophus hipposideros* as a hibernation roost during the winter.

Coed Craig Ruperra, the woodland area to the north of the roost, is well used by the bats for foraging and commuting to more distant feeding and roosting areas.

Other protected species present within the site include a breeding population of the great crested newt *Triturus cristatus* in the ornamental pond within the castle grounds and the common dormouse *Muscardinus avellanarius*, which is present in Coed Craig Ruperra.

Remarks:

Both species of horseshoe bats, common dormouse and great crested newt are specially protected under Schedule 5 of the Wildlife and Countryside Act (as amended), Schedule 2 of the Conservation of Habitats and Species Regulations 2010 and Annex IV of the EC Habitats Directive. They are all listed on the Section 42 list of habitats and species of principal importance in Wales and are UK Biodiversity Action Plan priority species.

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Ruperra Castle Preservation Trust
Ymddiriedolaeth Diogelu Castell Rhiwperrau

To: Hefin David MS

15 December 2020

Dear Hefin,

REQUEST TO CALL IN PLANNING APPLICATIONS : RUPERRA CASTLE

We would be pleased if you would forward this letter to Julie James MS urging her to consider calling the planning applications for conversion and listed building consent for outbuildings at Ruperra Castle, Caerphilly namely:

**19/0787/ COU and 19/0788/LBC Conservation Repairs to the Former Dairy and Laundry and Change of use to the Stables and Coach House Building; and
19/0789/COU and 19/0790/LBC Ruperra Castle Greenhouse Store.**

All four planning applications raise planning issues of more than local importance in terms of heritage, as well as nature conservation, habitats, climate change and the Wellbeing of Future Generations. We consider that if Caerphilly County Borough Council (CCBC) do not refuse them - it would be appropriate for them to be called in and determined by the Welsh Ministers for the following reasons:

(i) National importance of the heritage, landscape and ecology in combination - in an area relatively untouched by development: These proposals would have an unacceptable adverse impact on an area with a unique combination of heritage buildings in an unparalleled landscape setting, which provides relatively undisturbed habitats for a number of protected species. Its landscape has been recognised as outstanding, and its national importance has been recognised by its layers of heritage and ecological designations, and latterly by its inclusion in an area identified as Green Belt in the Plan for Wales.

(ii) Unacceptable adverse heritage impact: Ruperra Castle Preservation Trust (RCPT) has been highlighting the plight of the nationally highly significant heritage site at Ruperra Castle for 25 years. In that time the Listed Buildings and Registered Park and Garden have all deteriorated significantly, with few repairs having been undertaken by successive owners. Although conversion may appear relatively innocuous and might be assumed to "preserve" a few of the outbuildings, these proposals are a classic case of planning creep. The Stables and Bothy conversions are described as Phase 1, but come with no publicly available overall plan for what is left of a once grand, historically and culturally significant estate. Moreover what is described as Phase 1 should be described as Phase 2, as a manege has been given

permission and has been built - already damaging the setting of the SAM and Grade 2* Listed Castle.

(iii) Unacceptable adverse ecological impact: Phasing to minimise ecological impact is specifically prohibited under EIA Regulations.

There is a significant risk that the work involved in construction, and the noise and light disturbance arising from occupation, would impact adversely on the Greater Horseshoe Bat colony in the Grade 2 listed Generator Block. The colony is currently increasing only slightly each year. The Generator Block links to a dark corridor of vegetation adjoining ancient woodland, the former kitchen garden and fields where they forage. However, substantial clearance around the outbuildings and in the Registered gardens in Summer 2018 by the current owner led to his NRW licence being withdrawn before the first work since 1941 to repair the Castle could be finished. Further clearance work in this area would disturb the Greater Horseshoe Bat colony and as a result they could be lost forever. Local bat experts say that the applicant's proposals for a new bat house as mitigation are wholly unsuitable.

To our knowledge no repair work has been undertaken on the Generator Block since its unsafe chimney was demolished, despite bats needing warm and dry conditions in their roosts. The tarpaulin which covers part of the roof was placed there by the Valleys Bat Group, not the owner.

(iv) Health and safety of future occupants: The Castle is in a dangerous condition, as acknowledged in the applicant's Heritage Impact Statement and in CCBC's Buildings at Risk Register. The south-east tower has collapsed already, and the north west tower - the one nearest to the parking area - has substantial cracks. There would clearly be significant risks to future occupants and visitors if these developments were permitted.

For all the above reasons we urge the Minister to call in these applications.

Yours sincerely,

Trustee, Ruperra Castle Preservation Trust

Registered in Cardiff/Cofrestrwyd yng Nghaerdydd .Rhif 6656134 Charity Number/Rhif Elisen 1135940
Chair/Cadair Kay Powell powellks@gmail.com Sec.Ysgr patjonesjenkins@googlemail.com 01656 741622

Registered address Cyfeiriad cofrestredig / Areithin, Heol Ton, Ton Kenfig, CF33 4PS.

Website / Wefan www.ruperra.wales