

Request for Information – 8537 The Former Valley Works at Rhydymwyn
All correspondence held by Welsh Government Nature Conservation Branch

Each email chain is numbered and starts on a new page.

1

From: Worker, Chris (ESH - ECM)
Sent: 30 January 2012 08:11
To: 'Defra Official 1'; 'CCW official 1'; Berry, Jonathan (DH - CADW); 'andy.roberts@flintshire.gov.uk'; 'Defra Official 2'
Cc: 'Defra Official 3'; 'Amanda.Davies@flintshire.gov.uk'; 'Jerry.Spencer@flintshire.gov.uk'; Fielding, Leasa (DESD - NAMU -NCB)
Subject: RE: Rhydymwyn: Building Conservation & Ecology Implementation Plan

I'm free 29th & 7th. I'd either arrive early and hot-desk, or be a little late (trains arrive 0845 or 1045!).

NB as the train from Shrewsbury arrives 1003, 1030 makes good sense for the rest of you. Don't move it on my account.

>Chris Worker

Swyddog Polisi Cadwraeth Natur - Nature Conservation Policy Officer

-----Original Message-----

From: Defra Official 1
Sent: 27 January 2012 15:13
To: Worker, Chris (ESH - ECM); CCW Official 1; Berry, Jonathan (DH - CADW); andy.roberts@flintshire.gov.uk; Defra Official 2
Cc: Defra Official 3; Amanda.Davies@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk; Fielding, Leasa (DESD - NAMU -NCB)
Subject: Rhydymwyn: Building Conservation & Ecology Implementation Plan

The consensus seems to be to hold the meeting at a location away from any potential lobbying is most appropriate.

The CCW Offices at Newtown seem to be a good midpoint & a 10.30 start is suggested.

Some suggested dates are Wednesday 22 February, Wednesday 29 Feb or Wednesday 7 March.

This meeting will be to agree a high level strategic approach to the implementation of the Building Conservation & Ecology Plan.

All parties will be welcome to undertake a site inspection at another time.

I'd be grateful if you could confirm your available dates.

Regards

Defra Official 1

-----Original Message-----

From: Worker, Chris (ESH - ECM) [<mailto:chris.worker@wales.gsi.gov.uk>]

Sent: 23 January 2012 11:55

To: CCW Official 1; Defra official 1; Berry, Jonathan (DH - CADW)

Cc: Defra Official 3; Defra official 2; Amanda.Davies@flintshire.gov.uk;
andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk; Fielding, Leasa (DESD - NAMU - NCB)

Subject: RE: Rhydymwyn: Building Conservation & Ecology ImplementationPlan

We'd like to see the site at some point, but feel it would be better to have a first meeting well away from the site to avoid any risk of attracting lobbying from interest groups.

>Chris Worker

Swyddog Polisi Cadwraeth Natur - Nature Conservation Policy Officer

-----Original Message-----

From: CCW Official 1

Sent: 23 January 2012 11:27

To: Defra official 1; Worker, Chris (ESH - ECM); Berry, Jonathan (DH - CADW)

Cc: Defra official 3; Defra official 2; Amanda.Davies@flintshire.gov.uk;
andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk

Subject: Re: Rhydymwyn: Building Conservation & Ecology ImplementationPlan

Dear All

I am happy to meet on site or at Newtown

Thanks

CCW Official 1

>>> Defra Official 1

23/01/2012 10:54 >>>

All

Further to Defra official 2's note below, we would be grateful to receive a view.

Regards

Defra Official 1

From: Defra official 2
Sent: 17 January 2012 09:58
To: 'andy.roberts@flintshire.gov.uk'
Cc: 'Amanda.Davies@flintshire.gov.uk'; Defra official 3; Worker, Chris (WAG-EPC); 'Jerry.Spencer@flintshire.gov.uk'; 'jonathan.berry@wales.gsi.gov.uk'; 'CCW official 1'; Defra official 1
Subject: RE: Rhydymwyn: Building Conservation & Ecology Implementation Plan

Andy

There is undoubted merit in your proposal to meet on site, especially to resolve first hand practical issues posed by the conservation and ecology issues. Newtown was suggested as accessible to colleagues travelling from Cardiff and also as a neutral location for the first meeting.

I am open minded and would invite attendees to confirm whether they prefer a site meeting or somewhere off site. If attendee could express their preference that would be helpful.

Defra official 2

From: andy.roberts@flintshire.gov.uk
[<mailto:andy.roberts@flintshire.gov.uk>]
Sent: 17 January 2012 09:36
To: Defra official 2
Cc: Amanda.Davies@flintshire.gov.uk; andy.roberts@flintshire.gov.uk; Defra official 3; Worker, Chris (WAG-EPC); Jerry.Spencer@flintshire.gov.uk; jonathan.berry@wales.gsi.gov.uk; CCW official 1; Defra official 1
Subject: Re: Rhydymwyn: Building Conservation & Ecology Implementation Plan

Defra official 2

Many thanks for the invite. This seems a very positive and practical way forward. I have spoken to both conservation and ecology colleagues who would also wish to attend and whilst I can see the merit of a central location to meet, it would also make some sense to meet at the site in the visitor centre. This would enable a discussion as well as a visual inspection which for issues like vegetation clearance around buildings for example, may assist in agreeing things there and then.

Regards, Andy

Andy Roberts
Planning Strategy Manager

Defra official 2

12/01/2012 10:53

To

"Worker, Chris (WAG-EPC)" <chris.worker@wales.gsi.gov.uk>, "CCW Official 1, "Andy Roberts (Flintshire)" <andy.roberts@flintshire.gov.uk>, <Amanda.Davis@flintshire.gov.uk>, <Jerry.Spencer@flintshire.gov.uk>, <jonathan.berry@wales.gsi.gov.uk>

Subject : Rhydymwyn: Building Conservation & Ecology Implementation Plan

Dear All

I am contacting you with a view to arranging a meeting to discuss and hopefully agree a building conservation and ecology implementation plan to facilitate maintenance to the scheduled and listed buildings on the Valley Works site. I believe you will all be aware of the conservation report prepared for Defra which sets out a programme of conservation works, but implementation will hang on whether this can be completed without prejudice to protected species and the ecology benefits developed since 2002.

I am mindful that if any work is to be successfully undertaken at this site it will require co-operation and agreement from all of the statutory bodies involved with regulation and compliance ensure that the interests of building conservation and ecology/wildlife conservation are properly assessed, weighed and balanced. As the public sector owner of the site, I am keen to ensure that Defra has the support of other public sector bodies and that we remain wholly within the law in terms of impacts.

There is huge local interest in the site, so it seems vital that the regulatory bodies discuss their views about feasibility and implementation of works, and reach a consensus to ensure that Defra, as owner, can proceed with agreed works using approved method statements under the supervision and support of colleagues from the Local Authority and Government bodies.

Your names have been suggested as the key people to engage in this process.

Subject to finding a suitable venue, I would like to invite you to join a consultative group and participate in an initial meeting to discuss how Defra should proceed. It has been suggested that Welsh Government offices in Newtown might serve as a convenient venue.

If you could signal your ability to participate I shall look to set up a meeting in the near future.

Regards

Defra official 2

2

From: Defra official 1

Sent: 28 February 2012 11:11

To: Berry, Jonathan (DH - CADW); CCW official 1; andy.roberts@flintshire.gov.uk; Worker, Chris (ESH - ECM); Jerry.Spencer@flintshire.gov.uk; Fielding, Leasa (DESD - NAMU -NCB)

Cc: Defra official 3; Defra official 2

Subject: Rhydymwyn - Site Bat Protocol

All

Good to meet you yesterday & thank you for taking the time to travel to Newtown to discuss the site.

Please find attached the draft Bat Protocol for Buildings 45, 58 7 98 prepared by NEWW, which is circulated for comment.

As discussed yesterday, this document needs to be agreed with the Statutory bodies along with any implications for those seeking access to or undertaken maintenance of these buildings with resident bat populations. It will also give credibility to the final Protocol.

I'd be grateful to receive any comment or your agreement to the proposed protocol at your earliest possible convenience, to allow the implementation of control measures to enable the bat population to thrive.



PROTOCOL BATS
2012 Draft.pdf

Regards

Defra official 1

From: Worker, Chris (ESH - ECM)
Sent: 29 February 2012 11:28
To: 'Defra official 2'
Cc: Fielding, Leasa (DESD - NAMU -NCB)
Subject: RE: Rhydymwyn Valley Site: Potential Management Transfer to CADW

Defra official 2

Could I suggest we need to take a measured approach to this suggestion? Might it be better if a joint heritage and nature (&H&S) legislation compliance regime of the kind we discussed were developed and 'bedded in' before considering this matter further?

Chris Worker

Swyddog Polisi Cadwraeth Natur - [Nature Conservation Policy Officer](#)

From: Defra official 2
Sent: 29 February 2012 09:01
To: Berry, Jonathan (DH - CADW)
Cc: Defra official 1; Worker, Chris (ESH - ECM)
Subject: Rhydymwyn Valley Site: Potential Management Transfer to CADW

Jonathan,

I raised the question of Welsh management of the Rhydymwyn site at the meeting on Monday.

The site is clearly of some historic merit and a proportion of the operational management problems Defra experiences is that we are not seen as being directly connected with Wales and the Welsh people. Given the particular mix of merits of this site and the need for continued ,managed access I see a potential opportunity to increase the identity of the site within Wales and given the experience for CADW in managing historic sites and buildings there is perhaps an opportunity to explore a transfer of operational site management and preservation to CADW.

I would see the ownership of the site being retained by Defra but the operational management transferring to CADW, potentially supported by WG and CCW. The degree of management transfer would need to be agreed as Defra will need to retain some control and access to tunnels complex and associated buildings to fulfil obligations to the OPCW (Organisation for the Proliferation of Chemical Weapons) which is mainly make no chemical weapons and provide international inspector access on 24 hours notice. This proposal would allow CDAW (and CCW) set the conservation and ecology agenda for the land and buildings and develop an appropriate level of supervised public access.

I would be willing to recommend to my Minister that Defra full funds CADW to undertake this task until at least 2018. The level of funding linked to current operating costs and the split of management duties determined between the parties. I say 2018 because international inspection is likely to end which opens up wider funding avenues beyond this date.

I see this as a potential long term opportunity to bring informed management to the site, and may present the right leadership to take the site forward in a manner which would be welcomed by local people.

I would be grateful if you could sound out this idea with your Directors to see whether there is scope for further dialogue.

Regards

Defra official 2

From: Defra official 2
Sent: 29 February 2012 12:07
To: Worker, Chris (ESH - ECM); Berry, Jonathan (DH - CADW)
Cc: Fielding, Leasa (DESD - NAMU -NCB); Defra official 1
Subject: RE: Rhydymwyn Valley Site: Potential Management Transfer to CADW

Chris

I suspect this is a note for Jonathan, but I do feel the obvious barrier to the introduction of a successful compliance regime that secures local support is the perception that Defra are standing over management strategy, enforcement of the legislative framework and influencing the outcome. If we can remove this perception, and I think a management role for CADW, if they are willing, would help achieve this the site can move forward and perhaps re-engage with the stakeholders. Without over egging the devolved administration point, I do think the perceived lack of Welsh influence is making things harder than perhaps they might be.

Regards

Defra official 2

From: Worker, Chris (ESH - ECM) [<mailto:chris.worker@wales.gsi.gov.uk>]
Sent: 29 February 2012 11:28
To: Defra official 2
Cc: Fielding, Leasa (DESD - NAMU -NCB)
Subject: RE: Rhydymwyn Valley Site: Potential Management Transfer to CADW

Defra official 2

Could I suggest we need to take a measured approach to this suggestion? Might it be better if a joint heritage and nature (&H&S) legislation compliance regime of the kind we discussed were developed and 'bedded in' before considering this matter further?

Chris Worker

Swyddog Polisi Cadwraeth Natur - [Nature Conservation Policy Officer](#)

5

From: CCW official 1

Sent: 02 March 2012 12:51

To: Defra official 2; Richards; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)

Cc: andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk

Subject: Fwd: Fw: Location of a Container on the Rhydymwyn Valley Site- Update

Dear All

Please see the below.



PROPOSED
CONTAINER LOCATI

It would seem to us that consideration should now be given to a moratorium on new plans or projects, until completion of an integrated heritage site management plan for the site.

The integrated plan would cover the historical and ecological interests, together with relevant legislation/legal constraints.

To help, the audit of relevant legislation applicable to the above site includes/could include:

- (1) Listed Building legislation
- (2) Scheduled Ancient Monument legislation
- (3) Habitats Directive including implications for
 - (i) SACs (River Dee and Bala Lake SAC, and possibly Alyn Valley Woods SAC
 - (ii) Annex IV European Protected Species (All species of bat, otter, great crested newt)
 - (iii) Implications of previous derogation (ie designation of buildings 45, etc as long term dedicated bat roosts
- (4) Linked to 3 the Conservation of Habitats and Species Regulations 2010 (as amended) including clear reference to Reg 9 (1) as this requires all public bodies to ensure compliance with the Habitats Directive;
- (5) Wildlife and Countryside Act 1981 in respect of reptiles, EPS, nesting birds
- (6) Natural Environment and Rural Communities Act 2006 (Section 40 and 42) , including reference to reptiles, common toad
- (7) Water Framework Directive: EAW input required
- (8) Contaminated land legislation: (Chris - can you advise? I suspect relevant statutory bodies could include EAW and possibly FCC Environmental Health)
- (9) Other: Health and Safety legislation; ?Quarries and Mines Act legislation (in respect of the tunnels)

Cheers

CCW official 1

>>> <Sarah_Slater@flintshire.gov.uk> 02/03/2012 11:55 >>>

Hi CCW official 1,

Mr Barber is considering use of building 59 instead of 49 for the container. I've emailed Karl for info on bat use - his response is below.
I've informed Mr Barber that licence may also be required here as well, you may be contacted.

I'm sure you're aware but this is pre-app advice it is confidential so we cannot discuss the plan with NEWWildlife

response:

.....In the main there are signs of bats in just about every building on site, apart from the gatehouse.

Just off the top of my head, the bats found in the buildings is as followed, however, this is not exhaustive and is obviously subject to change!

B12 (Gatehouse): No evidence

B40/41: Long-eared bats

B45: Pipistrelles, Lesser horseshoes, Long-eared bats

B50: Long-eared or pipistrelle bat roost high up in crack between walls

and roof

B58: Lesser horseshoes, Long-eared bats

B59: Long-eared or pipistrelle bat roost high up in crack between walls

and roof, possible lesser feeding perches

B97: Lesser horseshoe, Daubenton?s, Whiskered/Brandt?s, Natterer?s, Pipistrelle spp, Long-eared bats

Most of the buildings in the Danger Area are made of brick with cavity

wall s. There are a lot of cracks in most of the buildings that probably

have some bat usage, though without the use of an endoscope I can?t quantify this. However, a lot of the larger cracks, when I checked the

other year, had bat droppings in them. Several of the buildings are used

by lesser horseshoe bats as either day perches or feeding perches.

Does that help?

Can I ask what the reason behind the question is? We have not heard of anything being planned for any of the buildings on site so we are wondering what the reason behind the enquiry is.

Cheers

Sarah Slater
Swyddog Bioamrywiaeth / Biodiversity Officer
Adran Amgylchedd
a Chadwraeth / Environment & Conservation Section
Cyfarwyddiaeth Amgylchedd / Environment Directorate
Cyngor Sir Y Flint / Flintshire County Council
Neuadd y Sir / County Hall
Yr Wyddgrug / Mold
CH7 6NF

Ffon / Tel: 01352 703263
e-bost / e-mail: sarah.slater@flintshire.gov.uk

----- Forwarded by Sarah
Slater/EnvironmentAndRegeneration/Flintshire/GB
on 02/03/2012 11:48 -----

01/03/2012 19:10

To
Jerry_Spencer@flintshire.gov.uk
cc
Sarah_Slater@flintshire.gov.uk, Daniel_McVey@flintshire.gov.uk,
Fax to

Subject
Re: Fwd: Location of a Container on the Rhydymwyn Valley Site

Jerry,

Thank you for the help.
There is no intention to modify the buildings named and the container will

not be fixed. DEFRA require us to be able to move it at any time they wish.

We have moved on a little in that we now see that there are access problems with P6 (Building 45) for this size container and subsequently we

would wish to locate the container in P4 which has no access problems.

We

did document the proposed arrangement for siting the unit in P4. I have

attached this again.

I understand there no issues with bats in P4.

We are aware that we will have to address the derogation issue in P6 (Building 45) in the short term as that building is of international historical importance. We have a strong possibility of major funding for

its development and we will probably import an expert to manage our way

through any potential issues. I am sure we will be able to come to a mutually advantageous solution.

One final question, would the future location of containers on the site

outside the buildings need Planning Permission.

Best Regards

Colin

Colin

I have discussed this with Dan and we have come to the view that placing

the container will only require listed building consent if it is to be

fixed to the ground or if other work is needed which will alter any part

of the structure including the floor. If it is just going to sit on the

ground then it will not require LBC.

It may be necessary to obtain a license from the Welsh Government in view

of the presence of the bat roost.

Best regards

Jerry Spencer

Conservation and Design Officer / Swyddog Cadwraeth a Dylunio

Planning / Cynllunio

Environment Directorate / Cyfarwyddiaeth yr Amgylchedd

28/02/2012 09:24

To
"Jerry Spencer \>" <"\"jerry.spencer\""@flintshire.gov.uk>
cc

Fax to

Subject
Fwd: Location of a Container on the Rhydymwyn Valley Site

Jerry,

Can you help with this?

Regards

Colin

----- Original Message -----

Subject:
Location of a Container on the Rhydymwyn Valley Site
Date:
Tue, 28 Feb 2012 09:12:43 +0000
From:
Daniel_McVey@flintshire.gov.uk
To:

Mr Barber,

I have looked over your enquiry to place a storage container within one of the listed buildings at the above site. Planning permission would not be required as it is within a building and I do not think this would be a change of use. Listed Building consent will be required because of the potential affect on the listed building. Jerry Spencer in our conservation department should be able to give you some advice on any affects on the listed building.

Regards

Dan McVey

Planning Support Officer | Swyddog Cynnal Cynllunio

Planning | Cynllunio

Environment | Amgylchedd

Flintshire County Council | Cyngor Sir y Fflint

Tel | Ffôn | 01352 703266

From: Worker, Chris (ESH - ECM)
Sent: 02 March 2012 14:44
To: 'CCW official 1'; 'Defra official 2 Richards'; Fielding, Leasa (DESD - NAMU - NCB)
Cc: 'andy.roberts@flintshire.gov.uk'; 'Jerry.Spencer@flintshire.gov.uk'
Subject: RE: Fw: Location of a Container on the Rhydymwyn Valley Site- Update

I agree with CCW official 1 re a temporary moratorium while we do the work we discussed on Monday.

I met official (EAW) at another site yesterday; he had recently examined the stream/culvert at Rhydymwyn; he had heard about our meeting on Monday and enquired about it. He is keen to bring the Water Framework Directive requirements into an integrated approach to regulatory requirements (NB can I suggest we avoid the word 'management' in this context as it can imply management of 'desirable' as well as 'required' matters).

Apparently the presumption in the WFD that waterways should be returned to a 'natural' state would be inappropriate and challenging in this case.

One issue seems to be that if the river were 're-naturalised', it would be more difficult to contain/manage any releases of water-borne pollutants. Retention 'as is' could be supported in terms of the other regulatory requirements.

The bat information below indicates that in addition to the key roosts there may be more generalised bat presence/activity across the site than was previously thought.

This suggests that, applying the red/amber/green methodology now being developed, the whole site might be viewed as 'amber' rather than 'green'(with the key roosts as 'red'); this would make the whole site subject to consideration for licensing.

This need not obstruct upkeep and development, in fact a 'whole site' approach can bring flexibility. It would also ensure any plan or project was subject to the Habitats Directive's 'three tests' even if it did not require planning permission - ie that there are Imperative Reasons of Overriding Public Interest in doing the work, that there is no satisfactory alternative, and that the project will not be detrimental to favourable conservation status of the species.

>Chris Worker

Swyddog Polisi Cadwraeth Natur - Nature Conservation Policy Officer

>Llywodraeth Cymru - Welsh Government

> Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR

0300 062 2259

-----Original Message-----

From: CCW official 1

Sent: 02 March 2012 12:51

To: Defra official 2; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU - NCB)

Cc: andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk

Subject: Fwd: Fw: Location of a Container on the Rhydymwyn Valley Site- Update

Dear All

Please see the below.

It would seem to us that consideration should now be given to a moratorium on new plans or projects, until completion of an integrated heritage site management plan for the site.

The integrated plan would cover the historical and ecological interests, together with relevant legislation/legal constraints.

To help, the audit of relevant legislation applicable to the above site includes/could include:

- (1) Listed Building legislation
- (2) Scheduled Ancient Monument legislation
- (3) Habitats Directive including implications for
 - (i) SACs (River Dee and Bala Lake SAC, and possibly Alyn Valley Woods SAC
 - (ii) Annex IV European Protected Species (All species of bat, otter, great crested newt)
 - (iii) Implications of previous derogation (ie designation of buildings 45, etc as long term dedicated bat roosts
- (4) Linked to 3 the Conservation of Habitats and Species Regulations 2010 (as amended) including clear reference to Reg 9 (1) as this requires all public bodies to ensure compliance with the Habitats Directive;
- (5) Wildlife and Countryside Act 1981 in respect of reptiles, EPS, nesting birds
- (6) Natural Environment and Rural Communities Act 2006 (Section 40 and 42) , including reference to reptiles, common toad
- (7) Water Framework Directive: EAW input required
- (8) Contaminated land legislation: (Chris - can you advise? I suspect relevant statutory bodies could include EAW and possibly FCC Environmental Health)
- (9) Other: Health and Safety legislation; ?Quarries and Mines Act legislation (in respect of the tunnels)

Cheers

CCW official 1

>>> <Sarah.Slater@flintshire.gov.uk> 02/03/2012 11:55 >>>

Hi CCW official 1,

Mr Barber is considering use of building 59 instead of 49 for the container. I've emailed Karl for info on bat use - his response is below.

I've informed Mr Barber that licence may also be required here as well,

you may be contacted.

I'm sure you're aware but this is pre-app advice it is confidential so we cannot discuss the plan with NEWWildlife

response:

.....In the main there are signs of bats in just about every building on site, apart from the gatehouse.

Just off the top of my head, the bats found in the buildings is as followed, however, this is not exhaustive and is obviously subject to change!

B12 (Gatehouse): No evidence

B40/41: Long-eared bats

B45: Pipistrelles, Lesser horseshoes, Long-eared bats

B50: Long-eared or pipistrelle bat roost high up in crack between walls

and roof

B58: Lesser horseshoes, Long-eared bats

B59: Long-eared or pipistrelle bat roost high up in crack between walls

and roof, possible lesser feeding perches

B97: Lesser horseshoe, Daubenton's, Whiskered/Brandt's, Natterer's, Pipistrelle spp, Long-eared bats

Most of the buildings in the Danger Area are made of brick with cavity

walls. There are a lot of cracks in most of the buildings that probably

have some bat usage, though without the use of an endoscope I can't quantify this. However, a lot of the larger cracks, when I checked the

other year, had bat droppings in them. Several of the buildings are used

by lesser horseshoe bats as either day perches or feeding perches.

Does that help?

Can I ask what the reason behind the question is? We have not heard of

anything being planned for any of the buildings on site so we are wondering what the reason behind the enquiry is.

Cheers

Sarah Slater

Swyddog Bioamrywiaeth / Biodiversity Officer

Adran Amgylchedd

a Chadwraeth / Environment & Conservation Section
Cyfarwyddiaeth Amgylchedd / Environment Directorate
Cyngor Sir Y Flint / Flintshire County Council
Neuadd y Sir / County Hall
Yr Wyddgrug / Mold
CH7 6NF

Ffon / Tel: 01352 703263

e-bost / e-mail: sarah.slater@flintshire.gov.uk

From: Defra official 2
 Sent: 05 March 2012 10:32
 To: CCW official 1; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)
 Cc: andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk; Defra official 1
 Subject: RE: Few: Location of a Container on the Rhydymwyn Valley Site- Update

Dear All,

Given the concern over the potential impact on the bat population and my own reservations as to how you physically insert a shipping container into the buildings, whether it be Building 45 or 59, I think we need a more pragmatic option. I am tempted to offer siting at the site close to the main gatehouse on the basis that this would not be in breach of planning policy and would be viewed as permitted development. I think we would look to find a location contiguous to an existing made path or roadway and if possible partially screened.

If this would be supported by the collective, then this is the compromise offer to RVHS in the interim.

As to a complete moratorium on proposals until the "compliance plan" is agreed, whilst this is desirable I suspect it will be hard to prevent proposals coming forward, especially if there is any suggestion that the plan may constrain stakeholders access to site or their activities. I think I will add this point to the draft response to the MP which I hope to circulate for comment/contribution later this week.

Regards

Defra official 2

-----Original Message-----

From: CCW official 1
 Sent: 02 March 2012 12:51
 To: Defra official 2; Worker, Chris (WAG-EPC); Leasa (DESD - NAMU -NCB) Fielding
 Cc: andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk
 Subject: Fwd: Fw: Location of a Container on the Rhydymwyn Valley Site- Update

Dear All

Please see the below.

It would seem to us that consideration should now be given to a moratorium on new plans or projects, until completion of an integrated heritage site management plan for the site.

The integrated plan would cover the historical and ecological interests, together with relevant legislation/legal constraints.

To help, the audit of relevant legislation applicable to the above site includes/could include:

- (1) Listed Building legislation
- (2) Scheduled Ancient Monument legislation

- (3) Habitats Directive including implications for
- (i) SACs (River Dee and Bala Lake SAC, and possibly Alyn Valley Woods SAC)
 - (ii) Annex IV European Protected Species (All species of bat, otter, great crested newt)
 - (iii) Implications of previous derogation (ie designation of buildings 45, etc as long term dedicated bat roosts)
- (4) Linked to 3 the Conservation of Habitats and Species Regulations 2010 (as amended) including clear reference to Reg 9 (1) as this requires all public bodies to ensure compliance with the Habitats Directive;
- (5) Wildlife and Countryside Act 1981 in respect of reptiles, EPS, nesting birds
- (6) Natural Environment and Rural Communities Act 2006 (Section 40 and 42) , including reference to reptiles, common toad
- (7) Water Framework Directive: EAW input required
- (8) Contaminated land legislation: (Chris - can you advise? I suspect relevant statutory bodies could include EAW and possibly FCC Environmental Health)
- (9) Other: Health and Safety legislation; ?Quarries and Mines Act legislation (in respect of the tunnels)

Cheers

CCW official 1

8

From: Defra official 2
Sent: 05 March 2012 10:58
To: Worker, Chris (ESH - ECM)
Cc: andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk; Defra official 1; CCW official 1; Fielding, Leasa (DESD - NAMU - NCB)
Subject: RE: Few: Location of a Container on the Rhydymwyn Valley Site- Update

Thanks Chris.

It would be helpful to have the views of colleagues at Flintshire as their view is essential to whether this alternative provision could be pursued.

Defra official 2

-----Original Message-----

From: Worker, Chris (ESH - ECM) [<mailto:chris.worker@wales.gsi.gov.uk>]
Sent: 05 March 2012 10:55
To: Defra official 2
Cc: andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk; Defra official 1; CCW official 1; Fielding, Leasa (DESD - NAMU - NCB)
Subject: RE: Few: Location of a Container on the Rhydymwyn Valley Site- Update

Defra official 2

Sounds sensible to me; my understanding was that a moratorium would be to temporarily park such proposals as would need permitting under aspects of the (many) regulations. Proposals and activities with no regulatory implications/requirements could still proceed.

Hence, if this container could be put somewhere that had no regulatory requirements, that would be fine. This would also meet the 'alternatives test', by being the least harmful/burdensome alternative.

>Chris Worker

Swyddog Polisi Cadwraeth Natur - Nature Conservation Policy Officer
>Llywodraeth Cymru - Welsh Government
> Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR
0300 062 2259

-----Original Message-----

From: Defra official 2
Sent: 05 March 2012 10:32
To: CCW official 1; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU - NCB)
Cc: andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk; Defra official 1
Subject: RE: Few: Location of a Container on the Rhydymwyn Valley Site- Update

Dear All,

Given the concern over the potential impact on the bat population and my own reservations as to how you physically insert a shipping container into the buildings, whether it be Building 45 or 59, I think we need a more pragmatic option. I am tempted to offer siting at the site close to the main gatehouse on the basis that this would not be in breach of planning policy and would be viewed as permitted development. I think we would look to find a location contiguous to an existing made path or roadway and if possible partially screened.

If this would be supported by the collective, then this is the compromise offer to RVHS in the interim.

As to a complete moratorium on proposals until the "compliance plan" is agreed, whilst this is desirable I suspect it will be hard to prevent proposals coming forward, especially if there is any suggestion that the plan may constrain stakeholders access to site or their activities. I think I will add this point to the draft response to the MP which I hope to circulate for comment/contribution later this week.

Regards

Defra official 2

-----Original Message-----

From: CCW official 1

Sent: 01 May 2012 09:49

To: Individual

Cc: Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)

Subject: Re: FW: Report on Rhydymwyn

Individual

Thank you for this.

You have previously raised questions regarding CCW's (and WG's) advice to DEFRA in respect of the above site, and at the Newtown meeting in particular.

To reiterate, CCW and WG (Conservation Branch) gave advice in respect of compliance with species protection legislation.

Furthermore, we considered the concept of an integrated site management plan that covers historic and ecological issues to represent the based way forward for the site. This plan will (hopefully) cover site management and maintenance, and subsequently public awareness, access and education

In preparing the plan, reviews need to be carried out in respect of

- (i) Applicable statutory UK and European legislation applicable to the site;
- (ii) Relevant policies;
- (iii) Independent review of the bat interest;

In terms of the PMT report, CCW considers this report only considered historical heritage interests of the site.

This report included consideration of historic feature maintenance requirements. The next stage is to integrate historic and ecological heritage management/maintenance requirements within the provisions of an overarching plan.

In our view, the PMT report also included possible "future heritage proposals". These issues were not discussed in Newtown as they did not relate to immediate maintenance of ecological/heritage features.

Thanks

CCW official 1

9

From: CCW official 1

Sent: 05 March 2012 11:33

To: Defra official 2; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)

Cc: Defra official 1; andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk

Subject: RE: Few: Location of a Container on the Rhydymwyn Valley Site-Update

Hi Defra official 2

Thank you for this.

We are pleased to note that DEFRA, as landowner, is considering not to allow the placement of a container in one of the buildings utilized by bats, and that an alternative option could be considered.

CCW advice in respect of this site is specifically related to ensuring compliance with nature conservation legislation. Your suggestion, based on the content of your email, is not likely to cause a breach of this legislation.

Do we know the purpose of why a container is required? Is it in connection with the use of the site by Theatre Cymru. We previously been informed by third parties about a three day event in building 45. In terms of compliance, this activity is considered very likely to cause a breach of species protection legislation.

The recent case(s) highlights the need for an integrated site management plan. This will need to consider

- (i) Relevant legislation;
- (ii) Maintenance requirements for historical and ecological features
- (iii) Access, interpretation, etc

We suggested a moratorium on new events so that an objective assessment of appropriate future proposals for the site can be made.

However, there is no reason why new projects cannot be approved if it can be demonstrated that they are (a) compliant with all applicable legislation, (B) are not detrimental to the maintenance of historical or ecological features; and (iii) will not cause prejudice too or bias the outcomes of (iii).

Thanks

CCW official 1

05/03/2012 10:32

Dear All,

Given the concern over the potential impact on the bat population and my own reservations as to how you physically insert a shipping container into the buildings, whether it be Building 45 or 59, I think we need a more pragmatic option. I am tempted to offer siting at the site close to the main gatehouse on the basis that this would not be in breach of planning policy and would be viewed as permitted development. I think we would look to find a location contiguous to an existing made path or roadway and if possible partially screened.

If this would be supported by the collective, then this is the compromise offer to RVHS in the interim.

As to a complete moratorium on proposals until the "compliance plan" is agreed, whilst this is desirable I suspect it will be hard to prevent proposals coming forward, especially if there is any suggestion that the plan may constrain stakeholders access to site or their activities. I think I will add this point to the draft response to the MP which I hope to circulate for comment/contribution later this week.

Regards

Defra official 2

From: Jerry_Spencer@flintshire.gov.uk [mailto:Jerry_Spencer@flintshire.gov.uk]
Sent: 05 March 2012 12:27
To: Defra official 2; Daniel_McVey@flintshire.gov.uk
Cc: andy.roberts@flintshire.gov.uk; Worker, Chris (ESH - ECM); Jerry.Spencer@flintshire.gov.uk;
Fielding, Leasa (DESD - NAMU -NCB); CCW official 1; Defra official 1
Subject: RE: Few: Location of a Container on the Rhydymwyn Valley Site- Update

Defra official 2

Your proposal to site the container in the open seems a helpful and straightforward way forward. I'm not sure this would be permitted development as it would be outside the building and therefore quite likely a development in its own right. Please hold while I check with my colleague Dan Mcvey in Development Management. Any need for planning permission need not be seen a block on the proposal but it would delay it by 4 or 5 weeks.

Regards

Jerry

Jerry Spencer
Conservation and Design Officer / Swyddog Cadwraeth a Dylunio
Planning / Cynllunio
Environment Directorate / Cyfarwyddiaeth yr Amgylchedd
Flintshire County Council / Cyngor Sir y Fflint
County Hall / Neuadd y Sir
Mold / Yr Wyddgrug CH7 6NF
Tel/Ffon: 01352 703215
Fax/Ffacs: 01352 756444

From: Defra official 2

Sent: 05 March 2012 15:13

To: Worker, Chris (ESH - ECM); CCW official 1; Berry, Jonathan (DH - CADW); Fielding, Leasa (DESD - NAMU -NCB); andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk

Subject: Ministerial Correspondence: Rhydymwyn MP for Delyn David Hanson



2012.03.05 MC
Rhydymwyn Hanson.

<<2012.03.05 MC Rhydymwyn Hanson.doc>>

Dear All

You will recall that the local MP expressed interest in the meeting of 27th before it had taken place. I have drafted the attached response, which is slightly longer than I would have normally committed to, but I think it provides a clear summary of the meeting and the immediate actions arising. Bearing in mind this summary speaks for the collective, I thought it would be helpful to have your contribution and agreement to the response proposed.

Given this is Ministerial correspondence I need to get a response back to Private Office by 4.00 p.m. tomorrow. (sorry we have very tight turnarounds on this stuff), it would be helpful to have contributions and hopefully agreement on the content by 2.00 p.m. tomorrow.

Regards

Defra official 2

12

From: Defra official 2
Sent: 05 March 2012 15:26
To: CCW official 1; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)
Cc: Defra official 1; andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk
Subject: RE: Few: Location of a Container on the Rhydymwyn Valley Site-Update

CCW official 1

Thank you for your e-mail.

To be clear Defra would be happy to allow additional storage on site, subject to compliance with all the relevant legislation. In the case in point, I had previously expressed concern as to how you might get a shipping container into any of the buildings. In the circumstances what appear clear is that a pragmatic solution is needed which avoids direct conflict with the legislative framework.

I am grateful that my alternative proposal is unlikely to breach the relevant legislation, but I think we would consult with CCW prior to any alternative location being agreed.

The container has been requested to store presentation, historic and display materials held by RVHS used on the site. If we can accommodate this request I would like to do so as similar smaller demands for storage have been made by others, and it eases storage pressures on the limited space within the Visitors Centre.

Your pragmatic support to how we manage future requests in respect of the site is helpful. Whilst in an ideal world a complete halt would be desirable, my fear is it will take us time to develop the plan and in the meantime stakeholders will want to develop their interests. What you have proposed is very similar to line taken by my staff in recent months to avoid suggestion of obstruction.

Regards

Defra official 2

-----Original Message-----

From: CCW official 1
Sent: 05 March 2012 11:33
To: Defra official 2; Worker, Chris (WAG-EPC); Leasa (DESD - NAMU -NCB) Fielding
Cc: Defra official 1; andy.roberts@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk
Subject: RE: Few: Location of a Container on the Rhydymwyn Valley Site-Update

Hi Defra official 2

Thank you for this.

We are pleased to note that DEFRA, as landowner, is considering not to allow the placement of a container in one of the buildings utilized by bats, and that an alternative option could be considered.

CCW advice in respect of this site is specifically related to ensuring compliance with nature conservation legislation. Your suggestion, based on the content of your email, is not likely to cause a

breach of this legislation.

Do we know the purpose of why a container is required? Is it in connection with the use of the site by Theatre Cymru. We previously been informed by third parties about a three day event in building 45. In terms of compliance, this activity is considered very likely to cause a breach of species protection legislation.

The recent case(s) highlights the need for an integrated site management plan. This will need to consider

- (i) Relevant legislation;
- (ii) Maintenance requirements for historical and ecological features
- (iii) Access, interpretation, etc

We suggested a moratorium on new events so that an objective assessment of appropriate future proposals for the site can be made.

However, there is no reason why new projects cannot be approved if it can be demonstrated that they are (a) compliant with all applicable legislation, (B) are not detrimental to the maintenance of historical or ecological features; and (iii) will not cause prejudice too or bias the outcomes of (iii).

Thanks

CCW official 1

>>> "Defra official 2>
05/03/2012 10:32 >>>
Dear All,

Given the concern over the potential impact on the bat population and my own reservations as to how you physically insert a shipping container into the buildings, whether it be Building 45 or 59, I think we need a more pragmatic option. I am tempted to offer siting at the site close to the main gatehouse on the basis that this would not be in breach of planning policy and would be viewed as permitted development. I think we would look to find a location contiguous to an existing made path or roadway and if possible partially screened.

If this would be supported by the collective, then this is the compromise offer to RVHS in the interim.

As to a complete moratorium on proposals until the "compliance plan" is agreed, whilst this is desirable I suspect it will be hard to prevent proposals coming forward, especially if there is any suggestion that the plan may constrain stakeholders access to site or their activities. I think I will add this point to the draft response to the MP which I hope to circulate for comment/contribution later this week.

Regards
Defra official 2

From: Jerry_Spencer@flintshire.gov.uk [mailto:Jerry_Spencer@flintshire.gov.uk]

Sent: 05 March 2012 17:01

To: Defra official 2

Cc: andy.roberts@flintshire.gov.uk; Worker, Chris (ESH - ECM); Jerry.Spencer@flintshire.gov.uk; Berry, Jonathan (DH - CADW); Fielding, Leasa (DESD - NAMU -NCB); CCW official 1; Defra official 1; Sarah_Slater@flintshire.gov.uk

Subject: Re: Ministerial Correspondence: Rhydymwyn MP for Delyn David Hanson

Defra official 2

I recall the meeting as having a very positive outcome. Initial fears that local conflicts would potentially derail any positive public sector action were assuaged, as those present all agreed that those actions needed to comply with the spirit of the two sets of legislation are in fact mutually supportive. In short, looking after the buildings in the manner proposed in the consultants' report also looks after the wildlife habitat.

The meeting agreed to draw up a compliance plan to show what actions will be carried out to maintain the buildings, including the quick wins. The meeting also agreed that there may be aspirations on the part of the main interest groups that may pose potential conflicts, but that these are not essential to the more strategic compliance plan and can easily be deferred for another time.

Whilst your letter incorporates the above agreements, it is also unduly pessimistic about the situation. You twice refer to the considerable potential for conflict between the listed building and wildlife legislation as they impact on the site. I suggest that your letter might be reduced in length in order to give greater clarity to the positive plan of action that was agreed at the meeting. Naturally I would be grateful to hear others' views on this.

Best regards

Jerry

Jerry Spencer
Conservation and Design Officer / Swyddog Cadwraeth a Dylunio
Planning / Cynllunio
Environment Directorate / Cyfarwyddiaeth yr Amgylchedd
Flintshire County Council / Cyngor Sir y Fflint
County Hall / Neuadd y Sir
Mold / Yr Wyddgrug CH7 6NF
Tel/Ffon: 01352 703215
Fax/Ffacs: 01352 756444

From: Defra official 2

Sent: 06 March 2012 08:29

To: Jerry_Spencer@flintshire.gov.uk

Cc: andy.roberts@flintshire.gov.uk; Defra official 3; Worker, Chris (ESH - ECM);
Jerry.Spencer@flintshire.gov.uk; Berry, Jonathan (DH - CADW); Fielding, Leasa (DESD - NAMU -NCB);
CCW official 1; Defra official 1; Sarah_Slater@flintshire.gov.uk

Subject: RE: Ministerial Correspondence: Rhydymwyn MP for Delyn David Hanson

Jerry

Thank you for your speedy response.

I take it from your response that you are content with the agreed action points, and happy that I have reflected all the actions agreed last Monday. I note your concern that the letter is too pessimistic. It is writing in a cautious manner so as to avoid creating expectation which we subsequently may be unable to deliver. I would prefer to increase the positive spin once we know more and can report agreed works. The devil here is undoubtedly in the detail of the works.

You also mention shorting the letter to add clarity. I would prefer to report the totality of the agreed actions now, but I would welcome suggestions on the aspects that might be omitted to reduce the length.

Defra official 2

15

From: CCW official 1
Sent: 12 March 2012 18:06
To: Fielding, Leasa (DESD - NAMU -NCB)
Subject: Re: FW: Rhydymwyn - Site Bat Protocol

Hi

I have commented on this. We consider this to be a sensible approach to safeguarding the natural heritage interest of the site.

Cheers

CCW official 1

>>> "Fielding, Leasa (DESD - NAMU -NCB)"
<Leasa.Fielding@Wales.GSI.Gov.UK> 12/03/2012 14:15 >>>
HI CCW official 1

Did you have any comments on the attached for Defra official 1?

Thanks
Leasa

Leasa Fielding

Nature Conservation Policy Manager/ Rheolwr Polisi Cadwraeth Natur
Nature, Landscape and Outdoor Recreation Branch / Cangen Natur, Tirwedd
a Hamdden Awyr Agored
Welsh Government/ Llwyodraeth Cymru

Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR
0300 062 2191

-----Original Message-----

From: Defra official 1

Sent: 28 February 2012 11:11
To: Berry, Jonathan (DH - CADW); CCW official 1;
andy.roberts@flintshire.gov.uk; Worker, Chris (ESH - ECM);
Jerry.Spencer@flintshire.gov.uk; Fielding, Leasa (DESD - NAMU -NCB)
Cc: Defra official 3; Defra official 2
Subject: Rhydymwyn - Site Bat Protocol

All

Good to meet you yesterday & thank you for taking the time to travel to Newtown to discuss the site.

Please find attached the draft Bat Protocol for Buildings 45, 58 7 98 prepared by NEWW, which is circulated for comment.

As discussed yesterday, this document needs to be agreed with the Statutory bodies along with any implications for those seeking access to or undertaken maintenance of these buildings with resident bat populations. It will also give credibility to the final Protocol.

I'd be grateful to receive any comment or your agreement to the proposed protocol at your earliest possible convenience, to allow the implementation of control measures to enable the bat population to thrive.

Regards

Defra official 1

16

From: Defra official 1

Sent: 13 March 2012 09:11

To: Berry, Jonathan (DH - CADW); CCW official 1; andy.roberts@flintshire.gov.uk; Worker, Chris (ESH - ECM); Jerry.Spencer@flintshire.gov.uk; Fielding, Leasa (DESD - NAMU - NCB)

Cc: Defra official 3; Defra official 2

Subject: Rhydymwyn - Site Bat Protocol

All

Thank you to colleagues to have responded on this.

The revised protocol needs to be finalised & issued shortly hence I would be grateful if comments can be submitted by 16 March. No comment returns required please. After this date, it will be assumed a no comment return is submitted.

Regards

Defra official 1

17

From: Defra official 1
Sent: 13 March 2012 09:15
To: Fielding, Leasa (DESD - NAMU - NCB)
Subject: RE: Rhydymwyn - Site Bat Protocol

Leasa

Many thanks for your response on this.

Amendments noted.

Regards

Defra official 1

-----Original Message-----

From: Fielding, Leasa (DESD - NAMU - NCB) [<mailto:Leasa.Fielding@Wales.GSI.Gov.UK>]
Sent: 13 March 2012 08:46
To: Defra official 1
Subject: RE: Rhydymwyn - Site Bat Protocol

Defra official 1

I understand CCW official 1 has already commented on this that CCW consider this to be a sensible approach to safeguarding the natural heritage interest of the site. Would it be possible to change the references to Welsh Assembly Government to Welsh Government if the document is being edited

Thanks
Leasa

Leasa Fielding

Nature Conservation Policy Manager/ Rheolwr Polisi Cadwraeth Natur Nature, Landscape and Outdoor Recreation Branch / Cangen Natur, Tirwedd a Hamdden Awyr Agored Welsh Government/ Llwyodraeth Cymru

Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR
0300 062 2191

-----Original Message-----

From: Defra official 1
Sent: 28 February 2012 11:11
To: Berry, Jonathan (DH - CADW); CCW official 1; andy.roberts@flintshire.gov.uk; Worker, Chris (ESH - ECM); Jerry.Spencer@flintshire.gov.uk; Fielding, Leasa (DESD - NAMU - NCB)
Cc: Defra official 3; Defra official 2
Subject: Rhydymwyn - Site Bat Protocol

All

Good to meet you yesterday & thank you for taking the time to travel to Newtown to discuss the site.

Please find attached the draft Bat Protocol for Buildings 45, 58 7 98 prepared by NEWW, which is circulated for comment.

As discussed yesterday, this document needs to be agreed with the Statutory bodies along with any implications for those seeking access to or undertaken maintenance of these buildings with resident bat populations. It will also give credibility to the final Protocol.

I'd be grateful to receive any comment or your agreement to the proposed protocol at your earliest possible convenience, to allow the implementation of control measures to enable the bat population to thrive.

Regards

Defra official 1

18

From: CCW official 1

Sent: 02 April 2012 12:10

To: Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)

Cc: CCW official 2

Subject: Fwd: Rhydymwyn Vallet Nature Reserve

For your information

CCW official 1

19

From: CCW official 1
Sent: 03 April 2012 11:41
To: Defra official 2 ; Worker, Chris (ESH - ECM); Berry, Jonathan (DH - CADW)
Cc: Defra official 1; Fielding, Leasa (DESD - NAMU -NCB)
Subject: RE: Rhydymwyn : Bat Protocol

Hi Defra official 2

Thank you for this.

In respect of bat surveys

1. I am aware that NEWW have been monitoring the buildings. 3 No. LHB's were recently recorded.
2. We advise that bat surveys must be carried by licensed bat workers within buildings known to support bats.
3. In view of the below, it appears that intentional surveys are allegedly being carried out by unlicensed and untrained individuals within known bats roosts. In view of this, I have therefore forwarded my email to NWP.

Thanks

CCW official 1

>>> "Defra official 2>
03/04/2012 09:59 >>>
Chris

Thank you for your response.

I think the point I was trying to make is the fact my Minister appeared to suggest, if only indirectly, that there needs to be a balance between protection and use. Certain stakeholders see the need to protect species, and the consequential restrictions this imposes, as a unreasonable constraint on their use and enjoyment of these buildings. I also understand that in recent days members of the History Society have been inspecting the buildings looking for evidence of bats. I am keen

to
ensure the control measures imposed are well founded in law,
proportionate to the need to protect species and sufficiently robust
to
allow my Minister to defend our approach, if challenged.

I do agree that access licences need to be considered as part of
updated
site management rules, but we are some way away from this and we need
a
pragmatic position to be going on with.

The protocol is the document prepared by NEWW circulated to you, CCW
and
Flintshire following our meeting last month, which I believe you
agreed
without amendment. NEWW has been prepare a clean final draft which we
will re-circulate for final comment prior to implementation.

If you need a further copy of the draft please let Nigel know and he
will forward a copy.

Regards

Defra official 2

From: Worker, Chris (ESH - ECM) [<mailto:chris.worker@wales.gsi.gov.uk>]

Sent: 03 April 2012 09:28

To: Defra official 2; CCW official 1; Berry, Jonathan (DH -
CADW)

Cc: Defra official 1

Subject: RE: Rhydymwyn : Bat Protocol

For Information- The Law Commission is looking at the full range of
wildlife species legislation in England and Wales. Their advice to
the
respective governments will be subject to consultation this summer,

and

we expect to include a response to that advice in the Environment Bill (Wales) currently scheduled for 2014.

We need to be aware that every site is different, and the types of human

use of buildings vary greatly. The occupation of houses often benefits

bats by providing their roosts with warmth from human heating systems.

Is Mr Armfield proposing occasional acts of worship in these buildings?

If not, then his assertions do not compare like with like. The comparison between churches and decommissioned facilities for weapons of mass destruction seems rather strained.

Part of our joint approach could be to look at licensing certain activities. These could then be done in a way that would ensure that conservation status was maintained, alternatives were considered, and imperative reasons of overriding public interest were analysed.

Could I see a copy of the protocol Mr Armfield refers to? It would seem to be something our group should be looking at.

Chris Worker

Swyddog Polisi Cadwraeth Natur - Nature Conservation Policy Officer

Llywodraeth Cymru - Welsh Government

Rhodfa Pa

darn, Llanbadarn Fawr, Aberystwyth, Ceredigion, SY23 3UR

From: Worker, Chris (ESH - ECM)
Sent: 03 April 2012 13:47
To: 'CCW official 1
Cc: Fielding, Leasa (DESD - NAMU -NCB)
Subject: RE: Bat Protocol Revised 3 April 2012

CCW official 1

could we suggest the bat protocol would benefit from a preamble explaining that the buildings were retained specifically for bats, and that's why the protocol is needed.

Chris Worker

Swyddog Polisi Cadwraeth Natur - [Nature Conservation Policy Officer](#)
Llywodraeth Cymru - [Welsh Government](#)
Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, **SY23 3UR**

0300 062 2259

From: CCW official 1
Sent: 03 April 2012 12:02
To: Individual
Cc: CCW official 1; Worker, Chris (ESH - ECM)
Subject: Bat Protocol Revised 3 April 2012

Hi Individual

Draft with minor amendment

Thanks

CCW official 1

NB WE DO NOT HOLD THE IN-PROCESS DRAFT REFERRED TO.

From: Defra official 1

Sent: 23 April 2012 16:13

To: Worker, Chris (ESH - ECM); CCW official 1; Berry, Jonathan (DH - CADW)

Cc: Jerry.Spencer@flintshire.gov.uk; Fielding, Leasa (DESD - NAMU -NCB); Defra official 2

Subject: Rhydymwyn - Legislation Framework

Further to the meeting in Newtown, please find attached the list of works from the Purcell's report, with columns added to identify the relevant legislation relating to Ecology & Conservation.

The definitions under the column "Category of Task" are:

B – Backlog maintenance (e.g. structural issue which requires repair)

IMP – Improvement (e.g. slight modification to guttering to prevent future blocking)

STC – Short Term Cyclical (e.g. gutter clearance)

LTC – Long Term Cyclical. (e.g. re-decoration)

We are seeking to arrange a date for the next meeting in mid May & would be grateful to receive the completed schedule by 14 May.

Regards

Defra official 1



Task Matrix v1 March
2012.xlsx

<<Task Matrix v1 March 2012.xlsx>>

From: Jerry_Spencer@flintshire.gov.uk [mailto:Jerry_Spencer@flintshire.gov.uk]

Sent: 25 April 2012 14:13

To: Defra official 1

Cc: Worker, Chris (ESH - ECM); Jerry.Spencer@flintshire.gov.uk; Defra official 2; Berry, Jonathan (DH - CADW); Fielding, Leasa (DESD - NAMU -NCB); CCW official 1; andy.roberts@flintshire.gov.uk

Subject: Re: Rhydymwyn - Legislation Framework

Dear Defra official 1

The buildings which are listed are subject to the provisions of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990.

The PMT report indicates which these are. Subject to my agreement as conservation officer representing the planning authority that the works are repairs or maintenance, no consent under that legislation will be required.

I have previously advised that most of the works proposed by Purcell Miller Triton are maintenance or repair and that they do not require consent. This authority would positively welcome them because in the absence of adequate maintenance to date, the historic buildings are at risk.

At our meeting it was agreed that the works which need to be done now are not contentious and that they are in the interests of all parties.

Clearance of the gutters and drain pipes; repairs to the roofs; removal of self seeded trees and bushes within let's agree 1.5 metres of the walls of the listed buildings, and any other maintenance to the buildings identified in the PMT report is in the interests both of the historic fabric and the nature conservation. Protecting the buildings also protects the habitat of the endangered species. Through this exchange of e mails, others will correct me if I have missed something.

I cannot speak in detail for the nature conservation perspective, but here the issues to be resolved before commencement of works need to be agreed between yourselves and the responsible bodies. There is a requirement for example to avoid certain works at certain times to avoid disturbance to protected species and to ensure the use of any materials is within the law.

I would suggest that you invite the nature conservation interests to state what these issues are in order that you can take them into account when preparing a schedule of works. This technical discussion is best undertaken on a bilateral basis rather than in a round table format.

Following that, I recommend that you prepare a schedule of works and circulate this prior to our next meeting. The meeting will then have a clear purpose and outcome which will be to sign off a programme and a timetable for the works.

Beyond these basic maintenance measures, the nature conservation and heritage organisations which are interested in the site may have other aspirations and these will need to be assessed on a case by case basis.

However we agreed to separate those aspirations off from the real need to act now on maintenance and I would hope that by our next meeting there will be a plan in place for all to agree on.

Best regards

Jerry Spencer

Conservation and Design Officer / Swyddog Cadwraeth a Dylunio Planning / Cynllunio Environment
Directorate / Cyfarwyddiaeth yr Amgylchedd Flintshire County Council / Cyngor Sir y Fflint County
Hall / Neuadd y Sir
Mold / Yr Wyddgrug CH7 6NF
Tel/Ffon: 01352 703215
Fax/Ffacs: 01352 756444

From: Worker, Chris (ESH - ECM)

Sent: 25 April 2012 14:09

To: 'Defra official 1

Cc: 'Jerry.Spencer@flintshire.gov.uk'; Fielding, Leasa (DESD - NAMU -NCB); 'Defra official 2'; Berry, Jonathan (DH - CADW); 'CCW official 1'; Fielding, Leasa (DESD - NAMU -NCB)

Subject: RE: Rhydymwyn - Legislation Framework

Thanks Defra official 1,

I think it would be helpful if a tranche of this work could be scheduled for as soon as feasible, to be done under EPS licence. This would demonstrate that there are appropriate procedures in place that can (and should) be followed in order to do things on the site. We would then be in a much stronger position to take a robust stance with proposals that seek to circumvent or work outside the legislative requirements.

regards

Chris Worker

Swyddog Polisi Cadwraeth Natur - [Nature Conservation Policy Officer](#)

Llywodraeth Cymru - [Welsh Government](#)

Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, **SY23 3UR**

0300 062 2259

From: CCW official 1
Sent: 10 July 2012 16:45
To: Defra official 2; Defra official 1
Cc: Amanda Davies; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)
Subject: Defra Rhydymwyn Site

Defra official 2

We have been approached by third sector organizations in respect of the progression of the proposed integrated heritage management plan for the site. The merits of an integrated plan were discussed at the public sector meeting in Newtown.

This scope of this plan would likely include consideration of:

- (i) Relevant legislation applicable to the site;
- (ii) Building and natural heritage conservation requirements. It would therefore consider core issues such as building maintenance, targeted species management, and species surveillance
- (iii) Third party access and use of the site for educational/interpretational purposes

In our view an overarching plan is likely reduce potential issues associated with the site. It could also help to clarify any perceived uncertainties regarding future aspirations in respect of the use of the site.

We look forward to hearing from you.

Best wishes

CCW official 1

From: CCW official 1
Sent: 21 September 2012 12:01
To: Individual
Cc: Defra official 1; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)
Subject: Re: Rhydymwyn Valley/PMT Report

Dear Individual

Thank you very much for your email in regarding the above.

We wish to confirm that CCW has not received or has advised on an integrated site management plan for Rhydymwyn Valley.

As you will be aware, the site supports the following

(i) A lesser horseshoe bat nursery roost (one of only c.3 known nursery roosts for the species in Flintshire winter) and one of c.15 known in the Clwyd Area of Search). The lesser horseshoe bat is listed in Appendices II and IV of the Habitats Directive and under Section 42 of the Natural Environment and Rural Communities Act 2006;

(ii) Great crested newt. This species is listed in Appendices II and IV of the Habitats Directive and under Section 42 of the Natural Environment and Rural Communities Act 2006;

(iii) Reptile assemblage including grass snake, common lizard and slowworm. The reserve is considered to be one of the most important sites for reptile in the Clwyd Area of Search

The site owing its location, will function as an HD Article 10 stepping stone between Halkyn Mountain SAC and Alyn Valley Woods SAC.

European Parliament resolution on the Implementation of EU Biodiversity Legislation states:

26. Recalls that the establishment of a coherent NATURA 2000, requires the maintenance of those features of the landscape which are of major importance for wild flora and fauna#; calls therefore on the Commission and Member States to actively engage in maintaining and developing the connectivity of protected areas, whether terrestrial or marine, as well as agricultural areas of high nature value;

Article 10

27. Supports the findings of the European Environment Agency when it states that the conservation status of species and habitats protected under the EU Habitats Directive is a cause for concern and that we should not 'focus all our efforts on preserving islands of biodiversity, while losing nature everywhere else', as this reflects the views very often expressed by European citizens in their petitions to the European Parliament;

I trust the above will be of assistance to you.

Thanks

CCW official 1

>>> individual > 21/09/2012 10:58 >>>

Hi CCW official 1

I'm enquiring on behalf of FofRV and NEWW for if there had been any progress on the production of a Management Plan for the Valley integrating buildings/history and wildlife which it was understood would be an outcome of the meeting held in Newtown earlier this year.

Whilst the history element appears to forge confidently ahead, the community and nature elements are unsure, and feel this Management Plan is essential for defining the way forward with an interest in the Site.

We receive many reports from visitors to the Valley on tours conducted by the RVHS that the wildlife value of the Site is promoted of no importance, leading visitors to question why it is a Nature Reserve which we find increasingly worrying.

It would be appreciated if you could provide us with an update on the production of a Management Plan.

Regards.
Individual

From: Worker, Chris (ESH - ECM)
Sent: 12 January 2012 15:15
To: Fielding, Leasa (DESD - NAMU -NCB)
Subject: FW: Rhydymwyn: Building Conservation & Ecology Implementation Plan

Chris Worker

Swyddog Polisi Cadwraeth Natur - [Nature Conservation Policy Officer](#)
Llywodraeth Cymru - [Welsh Government](#)
Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, **SY23 3UR**

0300 062 2259

From: Defra official 2
Sent: 12 January 2012 10:54
To: Worker, Chris (ESH - ECM); CCW official 1; Andy Roberts (Flintshire);
Amanda.Davis@flintshire.gov.uk; Jerry.Spencer@flintshire.gov.uk; Berry, Jonathan (DH - CADW)
Cc: Defra official3; Defra official 1
Subject: Rhydymwyn: Building Conservation & Ecology Implementation Plan

Dear All

I am contacting you with a view to arranging a meeting to discuss and hopefully agree a building conservation and ecology implementation plan to facilitate maintenance to the scheduled and listed buildings on the Valley Works site. I believe you will all be aware of the conservation report prepared for Defra which sets out a programme of conservation works, but implementation will hang on whether this can be completed without prejudice to protected species and the ecology benefits developed since 2002.

I am mindful that if any work is to be successfully undertaken at this site it will require co-operation and agreement from all of the statutory bodies involved with regulation and compliance ensure that the interests of building conservation and ecology/wildlife conservation are properly assessed, weighed and balanced. As the public sector owner of the site, I am keen to ensure that Defra has the support of other public sector bodies and that we remain wholly within the law in terms of impacts.

There is huge local interest in the site, so it seems vital that the regulatory bodies discuss their views about feasibility and implementation of works, and reach a consensus to ensure that Defra, as owner, can proceed with agreed works using approved method statements under the supervision and support of colleagues from the Local Authority and Government bodies.

Your names have been suggested as the key people to engage in this process.

Subject to finding a suitable venue, I would like to invite you to join a consultative group and participate in an initial meeting to discuss how Defra should proceed. It has been suggested that Welsh Government offices in Newtown might serve as a convenient venue.

If you could signal your ability to participate I shall look to set up a meeting in the near future.

Regards

Defra official 2

From: Worker, Chris (ESH - ECM)
Sent: 08 February 2012 09:46
To: Fielding, Leasa (DESD - NAMU -NCB)
Subject: FW: Rhydymwyn: Building Conservation & Ecology Implementation Plan

Chris Worker

Swyddog Polisi Cadwraeth Natur - [Nature Conservation Policy Officer](#)
Llywodraeth Cymru - [Welsh Government](#)
Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, **SY23 3UR**

0300 062 2259

From: Berry, Jonathan (DH - CADW)
Sent: 16 January 2012 14:53
To: Worker, Chris (ESH - ECM); 'Defra official 2'; 'CCW official 1'; 'Andy Roberts (Flintshire)'; 'Amanda.Davis@flintshire.gov.uk'; 'Jerry.Spencer@flintshire.gov.uk'
Cc: Defra official 3; Defra official 1; Fielding, Leasa (DESD - NAMU -NCB)
Subject: RE: Rhydymwyn: Building Conservation & Ecology Implementation Plan

Dear Defra official 2,

I am writing to confirm that I am content to represent Cadw on the proposed consultative group. I lead on twentieth century military sites related work within Cadw and was involved with the original historic environment designations at Rhydymwyn.

I look forward to receiving further details in due course.

Many thanks,

Jon Berry

Jonathan Berry
Regional Inspector of Ancient Monuments and Archaeology (South East Wales) /
Arolygydd Rhanbarthol Henebion ac Archaeoleg (De-ddwyrain Cymru)
Historic Environment Branch / Cangen Amgylchedd Hanesyddol
Cadw, Plas Carew, 5/7 Cefn Coed, Parc Nantgarw, Cardiff / Caerdydd CF15 7QQ
 01443 33 60 73
 07968 60 98 38
 jonathan.berry@wales.gsi.gov.uk / jonathan.berry@cymru.gsi.gov.uk

Follow Cadw / Dilynwch Cadw:

www.cadw.wales.gov.uk | www.cadw.cymru.gov.uk
www.facebook.com/pages/Cadw/254566024556911 | www.mobile.twitter.com/cadwwales |
<http://mobile.twitter.com/cadwcymru>
www.youtube.com/user/cadwwales | www.flickr.com/photos/cadwwales



Help our environment - only print this if really necessary / Helpwch yr amgylchedd -
peidiwch ag argraffu hon os nad oes gwir raid.

From: Worker, Chris (ESH - ECM)
Sent: 16 January 2012 09:49
To: 'Defra official 2'; 'CCW official 1'; 'Andy Roberts (Flintshire)'; 'Amanda.Davis@flintshire.gov.uk';
'Jerry.Spencer@flintshire.gov.uk'; Berry, Jonathan (DH - CADW)
Cc: 'Defra official 3, Defra official 1'; Fielding, Leasa (DESD - NAMU -NCB)
Subject: RE: Rhydymwyn: Building Conservation & Ecology Implementation Plan

Thanks John, we would welcome a meeting of the public sector & statutory bodies concerned to ensure a coordinated approach. Both Leasa Fielding (our Nature Conservation Policy Manager, cc'd above) and myself would like to attend. The CCW offices in Newtown would seem to be a usefully neutral location, but we would be happy to consider others, and would welcome a site visit at some stage.

Chris Worker

Swyddog Polisi Cadwraeth Natur - [Nature Conservation Policy Officer](#)
Llywodraeth Cymru - [Welsh Government](#)
Rhodfa Padarn, Llanbadarn Fawr, Aberystwyth, Ceredigion, **SY23 3UR**

0300 062 2259

28

From: CCW official 1
Sent: 05 April 2012 10:57
To: Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)
Subject: RE: Fwd: Re: Follow up on FOI request on Bats at Rhydymwyn

CCW official 1

>>> "Defra official 1
05/04/2012 10:37 >>>
Individual

Thank you for copying me into this note.

I welcome the willingness to engage with my staff in York to try to work through issues and I shall endeavour in return to be as open and constructive as possible, acknowledging however there will undoubtedly be issues upon which we will not agree or be able reach a compromise on.

Hopefully you will understand the need for consultation with Welsh Government colleagues to ensure that Defra as an owner (not a policy maker) is aligned to Welsh policy and works with those bodies charged with overseeing the legislation in Wales. Defra has to respect the position of Welsh Government in such matters. We now have a dialogue with all the appropriate bodies and look forward to making sensible progress with regard to wildlife and historic buildings.

The position on Bats wasn't discussed in detail at Newtown, but it was noted that preservation of the buildings would support the bat habitat and as such there was scope of a win/win outcome if the methodology for preservation was appropriately balanced. I have replied separately on the bat protocol but think it is worth confirming that I recognise the need to improve the data capture on the bat population using an independent source to increase our understanding and better inform how we manage access to key buildings in response. I am sure that colleagues at CCW and Welsh Government would support this move.

Regards

Defra official 2

From: Individual
Sent: 05 April 2012 00:53
To: Defra official 1
Cc: Defra official 2
Subject: Re: Fwd: Re: Follow up on FOI request on Bats at Rhydymwyn

Individual,

I have replied to this and copied it to DEFRA because it is a relevant place to comment.
I have not had the opportunity today to speak to you and there have been developments including a most encouraging message from DEFRA in York which was very open concerning the site and future developments. As part of this I wish us to not issue FOI requests but try to obtain the information from York. I know the message attached relates to a previous FOI but would you leave me to be the interface with DEFRA York, although I do agree but it is legitimate to ask for information on other sites in the UK where the public are totally excluded from such a massive building because of bat activity.

For further information we had no place in the meeting you mention.

The meeting in Newtown was called by DEFRA and brought together the statutory bodies with a view to agreeing a joint plan for the site, including implementing the recommendations of the PMT Report within the protective legislation which applies to the site. DEFRA needed agreement with CADW and the Welsh Government concerning the nature of the work necessary and how it would be implemented. Their own analysis of the recommendations pointed to potential conflicts between building

preservation and nature conservation. DEFRA felt the right way forward was to interface with colleagues in Wales and allow those with the responsibility for the legislation to direct how DEFRA tackles implementation.

Part of

this appears to have been a report on the bat presence in Building 45 sourced from NEWW and presented by CCW. This was the only report considered by CCW before it made its recommendations concerning access to Building 45. The DEFRA decision to act on it and close the building from April to October was righteous considering the evidence and we will obey the protocol no matter how unreasonable we feel it is.

As we now have the original data we can see the CCW recommendations are mostly spin and of little substance. We should now bundle the data with the protocol and distribute it to our contacts in the bat community around the UK and also our friends in the European group. We will then be in a position to present a more balanced view and hopefully have the protocol modified. We will also be using our many contacts in WAG to have this protocol changed.

Regards

Individual

PS I was also shocked by the Bat Protocol and will reply to it separately

----- Original Message -----

Subject:

Re: Follow up on FOI request on Bats at Rhydymwyn

Date:

Wed, 04 Apr 2012 17:42:59 +0100

From:

Individual

To: Defra official 1

<>

Thank you for your reply and follow up.
We have seen the new protocol for building 45.

We will not get into an argument about this matter.
I would however record that our assessment differs from that
presented
in the document.

I would ask you to read our proposals for access to building 45
which Mr
Barber has sent you with an open mind.

I have been associated with the Shropshire bat group for over
20
years
with respect to access to buildings and mine workings
containing
bats in
summer and winter.

I can assure you that the interpretation of the law relating to
bats by
Mr Martin and selected members of CCW with respect to building
45 does
not follow custom and practice for very many other bat habitats
and
roosts in England and Wales.

I hope that we can have rational interchange about these
matters and I
would be happy to attend any meetings that DEFRA have with
other
bodies
(such as the Newtown meeting) to present another point of
view.

Many thanks

Member R.V.H.S.

29

-----Original Message-----

From: CCW official 1

Sent: 01 May 2012 09:49

To: Individual

Cc: Individual; Worker, Chris (ESH - ECM); Fielding, Leasa (DESD - NAMU -NCB)

Subject: Re: FW: Report on Rhydymwyn

Individual

Thank you for this.

You have previously raised questions regarding CCW's (and WG's) advice to DEFRA in respect of the above site, and at the Newtown meeting in particular.

To reiterate, CCW and WG (Conservation Branch) gave advice in respect of compliance with species protection legislation.

Furthermore, we considered the concept of an integrated site management plan that covers historic and ecological issues to represent the based way forward for the site. This plan will (hopefully) cover site management and maintenance, and subsequently public awareness, access and education

In preparing the plan, reviews need to be carried out in respect of

(i) Applicable statutory UK and European legislation applicable to the site;

(ii) Relevant policies;

(iii) Independent review of the bat interest;

In terms of the PMT report, CCW considers this report only considered historical heritage interests of the site.

This report included consideration of historic feature maintenance requirements. The next stage is to integrate historic and ecological heritage management/maintenance requirements within the provisions of an overarching plan.

In our view, the PMT report also included possible "future heritage proposals". These issues were not discussed in Newtown as they did not relate to immediate maintenance of ecological/heritage features.

Thanks

CCW official 1