

**Cllr Chris Holley**  
**Convener, Service Improvement &**  
**Finance Scrutiny Performance Panel**

**BY EMAIL**

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*Our Ref:* DH/HS  
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*Date:* 13 February 2020

Dear Cllr Holley

Thank you for your letter dated 6 January 2020. Please find response below.

#### **QUESTION**

**What is being done in Swansea to ensure there is capacity to regulate and ensure ecological constraints are followed?**

#### **RESPONSE**

Swansea Council has only limited responsibility for monitoring and regulating protected sites and species within the County. Sites and species are protected by national law, international law and government policy, and all public authorities in Wales have a duty to conserve and enhance biodiversity (species diversity and species richness) as part of their policy and decision making.

Anyone causing harm or disturbance to sites or species that are protected by these laws is potentially committing a wildlife crime, and where this is witnessed it should be reported to the police. The police and National Wildlife Crime Unit have an investigative and enforcement role in tackling action which contravenes legislation governing the protection of the UK's wild animals and plants. The RSPCA can also deal with wildlife crime.

Natural Resources Wales (NRW) is the regulatory authority in Wales for a wide range of environmental legislation and responsible for issuing licences to ensure sites and species are protected. Examples of this are in relation to Sites of Special Scientific Interest, European protected species licensing, marine licensing, etc. For most activities NRW undertakes compliance assessment and, where necessary, takes formal enforcement action.

Respective Council departments, in particular Housing, Estates and Education, are responsible for ensuring ecological constraints are followed on land within their ownership and control. Currently these departments buy in ecological services to ensure compliance with regulations.

Where planning applications are submitted to the Council, the potential to impact on ecological networks and features of importance for biodiversity forms part of the assessment of the proposal. Conditions are imposed on any planning permission granted to ensure appropriate provision for their safeguarding, mitigation and/or compensatory measures such as through on/off site habitat creation.

These conditions are discharged in the normal manner prior to commencement or occupation of development, however this does not usually include a requirement for future monitoring/maintenance. The Council does not have an officer that monitors compliance with those conditions that remain applicable to the tens of thousands of historic planning permissions that have been granted, let alone the incalculable number of specific conditions that relate to ecological matters. This has been attempted previously and proven to be totally unfeasible. Furthermore, the Council has no power to take action where protected species or habitats are harmed as a result of works that do not require planning permission. Such crimes are matters for NRW and/or the police.

Since April 2019, the Council has only had one permanent (0.8) Planning Ecologist responsible for providing ecological advice on over 2500 pre-application enquiries and planning applications per annum, discharging ecological matters conditions, etc. This has proven to be an inadequate resource. Accordingly, since the beginning of this year an additional temporary, part-time (0.5) Planning Ecologist has been appointed by diverting resources and funding from elsewhere within the Council's Natural Environment Section. It is acknowledged that this is an unsustainable, short-term solution, but it potentially enables in-house ecological advice to be provided to other departments in addition to dealing with the sheer volume of planning applications. This is important as for 20/21 onwards an additional £25k income target has been identified for the Council's Natural Environment Section, which given staff resources can only realistically be achieved through paid-for ecological advice. This is an ambitious target but is the only means of ensuring the temporary Planning Ecologist post is made permanent and extended to a full time position thereby increasing the capacity to regulate and ensure ecological constraints are followed. Furthermore, in recognition of the new and additional biodiversity obligations introduced by Section 6 of the Environment (Wales) Act, it is also proposed to create and fund from additional revenue budget, a new post Section 6 officer post within the Natural Environment section from April 2020.

Yours faithfully



**Y CYNGHORYDD/COUNCILLOR DAVID HOPKINS  
AELOD Y CABINET DROS GYFLWYNO A PHERFFORMIAD  
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