



**Swansea Council  
Appropriate Assessment (Regulation 63)  
Conservation of Habitats and Species Regulations 2017**

**Date appropriate assessment recorded: 25/05/2019**

**Planning application: 2020/0173/FUL** - Construction of solar farm to include the installation of solar panels to generate up to 9.99MW of electricity with substations, transformers, security cameras, fencing, grid connection and associated development

**Location of application:** Carn Nicholas Farm Track From Brokesby Road Bonymaen Swansea SA1 7BL

**Name of international nature conservation sites:** Crymlyn Bog SAC

### **1. Introduction**

1.1 This is a record of the Habitats Regulations Assessment for the proposed construction of a solar farm to include the installation of solar panels to generate up to 9.99MW of electricity with associated infrastructure, undertaken by Swansea Council (SC) as the Planning Authority. This assessment is required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017, in accordance with the EC Habitats Directive (Council Directive 92/43/EEC). As the 'competent authority' under the Regulations SC can grant permission for the project. Having considered that the plan or project may be likely to have a significant effect on Crymlyn Bog SAC and that the project is not directly connected to the management of the site, an appropriate assessment has been undertaken to examine the implications of the proposal in view of the sites' conservation objectives.

### **2. Description of the Proposed Development**

2.1 Construction of a solar farm to include the installation of solar panels to generate up to 9.99MW of electricity with substation, transformers, security cameras, fencing, grid connection and associated development.

2.2 The site is approximately 300m away from Crymlyn Bog SAC. No SAC habitats are present on the application site.

2.3 The planning reference documents available to view on-line (or at Council Offices):

<https://property.swansea.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

### **3. Information regarding the European and Ramsar Sites**

3.1 The proposed development site lies approximately 300m from Crymlyn Bog SAC and Ramsar Site. The reasons for the site's designations are set out in the Crymlyn Bog SAC citation, which can be viewed on the JNCC website <https://sac.jncc.gov.uk/site/UK0012885>. Further information can also be found within the site management plan <https://naturalresources.wales/media/675011/crymlyn-bog-sac-english.pdf>

Features relevant to the site are as follows:

#### **3.2 Crymlyn Bog SAC**

Crymlyn Bog SAC is a multiple interest site which has been selected for the presence of three interest features that qualify under Annex I of the Habitats Directive. For the qualifying habitats the SAC is considered to be one of the best areas in the UK for:

- Transition mires and quaking bogs
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*

and to support a significant presence of:

- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

The features are distributed throughout the SAC with no single feature occupying the entire SAC and with features overlapping in some locations. Crymlyn Bog SAC also overlaps wholly with Crymlyn Bog SSSI.

3.3 In assessing the impact of any plan or project on Crymlyn Bog SAC, Swansea Council as the competent authority must consider impacts on any part of the site and areas adjacent to the site where the development may affect the interest features listed above, either directly or indirectly through deterioration or disturbance.

3.4 The following reference documents provide further details, and have been used to inform the assessment:

- Site citation for the SAC including the site conservation objectives, set out in the Core Management Plan for Crymlyn Bog.
- Test of Likely Significant Effect for this application
- Conservation of Habitats and Species Regulations 2017

#### 4. Likelihood of Significant Effects

4.1 If a proposed development is not directly connected to the management of the site for nature conservation, then a competent authority must determine whether the proposal is likely to have a significant effect on the European site or European offshore marine site. An Appropriate Assessment is required where there is a probability or risk that the plan or project will have significant effects on a site. The decision on whether an Appropriate Assessment is necessary should be made on a precautionary basis. The consideration of the likelihood of significant effects is a form of screening process or risk assessment which should be repeated if a project significantly changes during consideration by the planning authority.

4.1.1 The development project should be considered '**likely**' to have such an effect if the planning authority is unable, on the basis of objective information, to exclude the possibility that the project could have significant effects on any "European site", either alone or in combination with other plans or projects.

4.1.2 An effect will be '**significant**' in this context if it could undermine the site's conservation objectives.

4.1.3 The competent authority has to consider the impacts of a proposal on the features for which a site is designated and must undertake a Test of Likely Significant Effect as required under regulation 63 of the Conservation of Habitats and Species Regulations 2017. This was completed on 25/11/2019.

4.2 The proposed development is not directly connected with or necessary to the management of the SAC.

4.3 The following features and conservation objectives have been identified as potentially being affected by the proposed development as recorded in the TLSE. The conservation objectives are those cited in the Crymlyn Bog SAC Management Plan.

#### **a) Crymlyn Bog Special Area of Conservation (SAC)**

##### ***Habitat features:***

- Transition mires and quaking bogs
- Calcareous fens with *Cladium mariscus* and species of the *Caricion davallianae*
- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (*Alno-Padion*, *Alnion incanae*, *Salicion albae*)

4.4 The possible effects with regard to the above features and conservation objectives of the SAC were recorded as follows:

**Issue 1:** Potential construction/operational phase impacts on water quality.

The construction phase of the development could generate an increase in the concentrations of some pollutants, in particular suspended solids and contaminants from the mobilisation of silts and sediments during earth works and from the movement of heavy plant. Also to a lesser extent heavy metals may leach into the sub soil during construction, these sources of contaminants may find their way into the groundwater regime or into nearby watercourses via surface water runoff, the drainage network is in hydrological connectivity to Crymlyn Bog SAC, therefore the SAC will act as a receptor for any pollutants generated by construction or the operation of the development. Construction plant and/or vehicular traffic using the site once the development is operational, may also generate a diffuse pollution source, specifically oils and hydrocarbons from spills or leaks, which represent a risk of point source pollution.

On the basis of this information, it was considered, following the precautionary principle, that the proposed development may have a significant effect on Crymlyn Bog SAC.

#### **5. Appropriate Assessment and Consideration of Restrictions and Conditions**

**5.1** The following constitutes an assessment of the effects of the proposed development on water quality within Crymlyn Bog SAC.

**5.2** The conservation objectives for Crymlyn Bog SAC are set out in the document titled 'CORE MANAGEMENT PLAN INCLUDING CONSERVATION OBJECTIVES FOR CRYMLYN BOG / CORS CRYMLYN SPECIAL AREA OF CONSERVATION (SAC)/CRYMLYN BOG RAMSAR SITE'. Those conservation objectives which are considered to potentially be affected by the proposal alone and in combination with other plans and projects are detailed in section 4.3 of this appropriate assessment record. It is concluded that these conservation objectives may be affected due to the potential for the development to contribute to deterioration in water quality within the site.

**5.3** The construction phase of the development could generate an increase in the concentrations of some pollutants, in particular suspended solids and contaminants from the mobilisation of silts and sediments during earth works and from the movement of heavy plant. Also to a lesser extent heavy metals may leach into the sub soil during construction, these sources of contaminants may find their way into the groundwater regime or into nearby watercourses via surface water runoff, the drainage network is in hydrological connectivity to the SAC, therefore the site will act as a receptor for any pollutants generated by construction or the operation of the development. Construction plant and/or vehicular traffic using the site once the development is operational, may also generate a diffuse pollution source, specifically oils and hydrocarbons from spills or leaks, which represent a risk of point source pollution.

**5.4** In order to mitigate these potential impacts a Construction Environmental Management Plan (CEMP) has been submitted in support of the application.

Implementation of the measures outlined within the CEMP during both construction and operational phases of the proposed development will limit the risk of a significant pollution incident. Following implementation of mitigation measures, no adverse effect on site integrity of Crymlyn Bog SAC is anticipated as a result of the proposed project from changes to water quality.

On the basis of the submitted information and taking account of the conservation objectives of the site it is considered that the proposal would not contribute to deterioration of water quality within Crymlyn Bog SAC alone or in combination with other plans and projects.

The implementation of the CEMP will be enforced through an appropriately worded planning condition.

## **6. The Integrity Test**

In light of the best scientific knowledge in the field, the planning authority is convinced that there would be no adverse effect on the integrity of Crymlyn Bog SAC as a result of water quality changes from construction and operational impacts that could occur alone or in combination with other plans and projects. No reasonable scientific doubt remains as to the absence of such effects because of conditions and restrictions that will be imposed on the consent as detailed in 5.4.

## **7. Monitoring**

7.1 Swansea Council will monitor compliance of the planning conditions that will deliver measures to prevent pollution and contamination of the water environment. This is undertaken as part normal compliance with planning conditions and obligations. The authority will monitor, and if necessary, use planning enforcement powers to ensure compliance by the developer of these conditions.

## **8. Conclusion**

8.1 The proposed development is unlikely to have a significant effect on Crymlyn Bog SAC as the proposal is not likely to undermine the site's conservation objectives, provided the submitted CEMP and drainage strategy are implemented and adhered to throughout all project phases.

8.2 The conclusion of this assessment is that while potential adverse effects were identified (section 4.4) these can be mitigated for by adopting the measures detailed in Section 5.4 of this Appropriate Assessment Record.

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