



# Eitem(au) Atodol

## Pwyllgor Cynllunio

Dydd Mawrth, 2 Mehefin 2020

### Eitem Agenda

a Update Sheet

1 - 19

**Huw Evans**  
**Pennaeth Gwasanaethau Democrataidd**  
**Dydd Gwener, 22 Mai 2020**

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**Cyswllt: Gwasanaethau Democrataidd - 636923**

# Agenda Item 5a

## Planning Committee – 2<sup>nd</sup> June 2020

### Update Sheet

#### Agenda Item No. 4 Deferrals/Withdrawals

Item	App. No.	Site Location	Officer Rec.
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#### Agenda Item no. 5 Determination of Planning Applications

Item	App. No.	Site Location	Officer Rec.
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1	2020/0173/FUL	Carn Nicholas Farm, Track From Brokesby Road, Bonymaen, Swansea, SA1 7BL	Approve
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Since the report was prepared, the local Ward Member for Bonymaen, Cllr Mandy Evans, has written in to express her support for the proposals. In summary, the letter states that the community support the application for this important renewable energy development that would serve circa 3,000 households annually and can see the benefits associated with it in light of the Climate Emergency declared by the Council. The proposal would retain the existing field boundaries and add to the hedgerow and woodland landscape elements, aiding biodiversity with full consideration given to the impacts of construction traffic which is welcomed.

The full letter is attached as Appendix A to this Update Sheet.

The Officer Report notes that the Council's Ecologist was due to undertake a Test of Likely Significant Effect which would be reported verbally at Committee (P49). This has been completed and concluded that there would be a significant effect without mitigation and resulted in the need for an Appropriate Assessment (AA). This AA has been undertaken and has concluded that there are no significant effects anticipated on the surrounding designated SAC/SSSI subject to mitigation including that the submitted CEMP and drainage strategy are implemented and adhered to throughout all project phases.

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The Test of Likely Significant Effect and Habitat Regulations Assessment are attached as Appendices B and C to this Update Sheet.

The Council's Ecologist has provided comments and also requested additional survey effort with regards to Great Crested Newts and Reptiles. However, it must be remembered that there is an extant permission covering the majority of the site. Further to this, the request was made 2 working days prior to Committee and colleagues were consulted in February. Comments at this juncture would have allowed the applicant to respond appropriately. The survey season for Great Crested Newts is optimal in April and May and sub-optimal in June and the applicant may struggle to get these completed in this short timeframe before the end of the survey season. Allied to this, it should also be noted that Natural Resources Wales has not raised concern with regards to Great Crested Newts as the ponds lay outside of the development site. It is therefore not considered necessary or reasonable to request these surveys at this time. With regards to reptiles, the submitted Ecological Management Plan (EMP) already includes reptile mitigation.

However, the Ecologist has requested additional detail be included in the EMP and requested an external lighting plan which are considered reasonable and necessary. The comments of the Ecologist are attached as Appendix D.

In light of the above, Condition 8 would be amended as follows:

“Prior to the commencement of development including any site clearance works, and notwithstanding the details submitted to date, an amended Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority to include:

- greater detail regarding the process of monitoring and monitoring targets as well as the triggering of remediation, to include outline proposed remedial actions;
- details of the organisation/personnel who

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are to be responsible for the implementation of the plan;

- the inclusion of habitat enhancements in the form of bat and bird boxes; and
- details of the annual reporting to the Council providing evidence of the previous years and the proposals for the following years management.

The development shall thereafter be implemented and managed in accordance with the approved Biodiversity Management Plan.

Reason: To ensure the satisfactory long term landscaping, screening and biodiversity benefits for the development in accordance with LDP Policies ER6, ER8, ER9 and ER11.”

In addition, a new Condition (18) would be added to read as follows:

“Notwithstanding the details indicated on the approved plans and prior to the installation of any external lighting, a scheme of external lighting for the construction and operational phases of the development shall be submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be implemented in accordance with the approved details and shall be retained as approved for the duration of the development.

Reason: To mitigate detrimental impacts to local wildlife within and surrounding the site in accordance with LDP Policies ER6, ER8 and ER9.”

Finally, additional advice notes would be attached regarding bats, badgers, nesting birds, hedgehogs and the reptile survey.

2	2019/2236/RES	Cwmrhydyceirw Quarry Co Ltd , Great Western Terrace, Cwmrhydyceirw, Swansea, SA6 6LL	Approve
3	2019/2523/S73	Land At Upper Bank, Nantong Way, Pentrechwyth, Swansea	Approve

The agent has written in and requested that the

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following points be brought to Member's attention to provide context and reassurance:

- A) The report explains that there have been several variations to the original planning permission. There is of course a considerable context to this, not least the need for additional land acquisition, unknown physical constraints, and services/utility/other elements that were unknown and unidentified at the point of purchase - which all required significant reworking of proposals and changes etc. These changes were not of course of the applicants making or even desired by them, rather necessitated to be undertaken in order to bring forward a deliverable scheme.
- B) In terms of the inability to construct a permanent access, the timescales for this, and any uncertainty over its provision, it is considered key to stress that there is a contractual obligation from the developer with the Council to construct the new permanent access (and other services such as the pumping station). Moreover, this obligation is secured by the deposit of a £750,000 cash bond, held by the Council. Clearly all of this provides absolute certainty that a permanent solution will be provided and secured. Moreover, it is clearly in the applicant's interest to facilitate this provision as soon as practicably possible - not least as this will see the return of the substantial cash bond currently deposited with you.
- C) The Local Highways Authority does not object to the proposal.

*Please ask for:*

*Direct Line:*

*E-Mail:*

*Our Ref:*

*Your Ref:*

*Date:*

Councillor Mandy Evans  
01792 416903 / 07949751456  
[cllr.mandy.evans@swansea.gov.uk](mailto:cllr.mandy.evans@swansea.gov.uk)

Planning Office

Re 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 | Carn Nicholas Farm Track From Brokesby Road Bonymaen Swansea SA1 7BL.**

**As a ward Councillor in the Bonymaen Ward, please accept this as my support for the above application.**

Solar farms provide a source of renewable energy. Energy is captured using solar panels and, using inverters and transformers, converted to a form suitable for connection to the grid.

They can only be developed where a range of primary site development criteria are met, as follows:

- a) There is a suitable solar resource
- b) Land is available
- c) There is a suitable electrical connection
- d) Site sensitivities and potential impacts of development – there must be no clear barriers to potential development and preferably a relatively low impact on the local area.

This application encompass all this criteria.

**The community welcome the application, and have n understanding of the positive impact this application will have in the community.**

**I fully support the in-depth considerations for safety of construction traffic and the arrangements that are made to ensure**

- a) Llanerch Rd is kept free of mud and dirt.
- b) Temporary signage to direct drivers and prevent construction traffic using unsuitable roads.
- c) The sub station is on private land and is fenced.
- d) Community safety has been taken into account in the design and construction arrangements of the proposed development. The solar farm site is, and will be retained as private land, and therefore there will be no public access.

**The application is supported by me as,**

- a) The proposal is for a solar farm to generate electricity from a sustainable source, and The UK Government has a legal obligation in relation to generating renewable energy.
- b) Swansea Council declared a climate emergency in June 2019.
- c) This scheme will therefore provide enough electricity to supply approximately 3,000 homes annually and save approximately 4,300 tonnes of CO2.
- d) It is anticipated that as much as possible of the equipment and workers needed for the project would be sourced locally (subject to usual commercial tendering arrangements, suitability and availability).
- e) In addition to providing a sustainable source of energy, the proposal includes additional planting which assists with the climate emergency, and also provides for lasting biodiversity and landscape benefits.
- f) The location is not constrained by any statutory designations. It has suitable irradiation, access and grid connection for a solar farm.
- g) The landowner is willing for the land to be used for generating renewable energy whilst also enabling a grazing function to continue.

Therefore the site meets the key requirements for solar electricity generation.

It is considered that the proposal would provide a valuable source of energy without any unacceptable effects and with gains extending beyond the life of the solar farm.

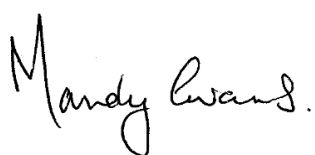
The proposal would retain the existing field boundaries and add to the hedgerow and woodland landscape elements.

This would enhance biodiversity linkages, visual amenity and landscape character.


The application documentation includes a range of reports from specialists and a planning statement. All these assessments and reports confirm that the application proposals are appropriate and would enable a valuable contribution to renewable energy obligations to be made. Therefore it is considered that the application should receive Council support and planning permission be granted for the proposed solar farm.

**This application has the support of the community, and I fully support this application as it will have a positive impact in the community of Bonymaen.**

Yours faithfully



**Councillor Mandy Evans**

<p><b>Record of Assessment of Likely Significant Effect on a European Site</b></p>	
<p><b>PART A</b>  <i>To be completed by relevant technical/project officer in consultation with Conservation/Ecology section and NRW</i></p>	
<p><b>1. Type of permission/activity:</b></p>	<p>Full Planning Application</p>
<p><b>2. Planning application number</b></p>	<p>2020/0173/FUL</p>
<p><b>3. National Grid reference:</b></p>	
<p><b>4. Site reference:</b></p>	<p>Carn Nicholas Farm Track From Brokesby Road Bonymaen Swansea SA1 7BL</p>
<p><b>5. Brief description of proposal</b></p>	<p>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</p>
<p><b>6. European site name(s) and status:</b></p>	<p>Crymlyn Bog SAC &amp; Crymlyn Bog Ramsar Site</p>
<p><b>7. List of features of interest to the EMS</b></p>	<ul style="list-style-type: none"> <li>• Transition mires and quaking bogs</li> <li>• Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i></li> </ul> <p>and to support a significant presence of:</p> <ul style="list-style-type: none"> <li>• Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (<i>Alno-Padion</i>, <i>Alnion incanae</i>, <i>Salicion albae</i>)</li> </ul>
<p><b>8. Conservation objectives: will the proposal undermine the conservation objectives? If no then plan may be granted.</b></p>	<p>In the absence of mitigation measures – possibly. Appropriate Assessment will be required.</p>
<p><b>9. Is the proposal directly connected with or necessary to the management of the site for nature conservation?</b></p>	<p>No</p>
<p><b>10. Case History/additional information</b></p>	<p>► <b>The development</b></p> <p>Construction of solar farm to include the installation of solar panels to generate up to 9.99MW of electricity with associated infrastructure.</p> <p>The development is located within approximately 700m of Crymlyn Bog SAC, the proposed substation is also located adjacent to a watercourse which provide hydrological connectivity to the SAC. The site location adjacent to the watercourse is approximately 300m upstream from the SAC.</p> <p>Due to this hydrological link, Swansea Council as the Competent Authority has carried out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application.</p> <p>No designated SAC habitats are present on the application site.</p> <p>The development is explained in more detail in planning application 2020/0173/FUL.</p>



	<p>► <b>The test of likely significant effect</b></p> <p>In determining planning applications, local planning authorities should have regard to the Habitats Directive in the exercise of their planning functions in order to fulfil the requirements of the Habitats Directive in respect of the land use planning system.</p> <p>The consideration of the likelihood of significant effects is a form of screening process or risk assessment. The planning authority must consider whether the proposed development would be likely to have a significant effect on any European site or European offshore marine site alone and in combination with other plan or projects. In doing so, it must adopt a precautionary approach.</p> <p>► <b>What potential hazards have the potential to affect the interest features of the Crymlyn Bog SAC?</b></p> <ul style="list-style-type: none"> <li>• Construction and operational impacts on water quality.</li> </ul> <p>The potential effects on the water environment from the construction of the proposed development include the following:</p> <ul style="list-style-type: none"> <li>• the mobilisation of sediment laden runoff or contamination, which could enter local watercourses and drains;</li> <li>• the potential risk of chemical and fuel (oil) spillages entering local watercourses and drains;</li> <li>• disposal of construction site foul water.</li> </ul> <p>The potential effects on the water environment from the operation of the proposed development include the following:</p> <ul style="list-style-type: none"> <li>• the potential risk of chemical and fuel (oil) spillages entering local watercourses and drains;</li> </ul> <p>► <b>What are the potential impacts on the features (and their conservation objectives) of Crymlyn Bog SAC?</b></p> <p>Potential adverse effect on features of the Crymlyn Bog SAC (and its conservation objectives) from changes in <b>water quality</b> through construction and operational impacts which could enter local watercourses.</p> <p>► <b>Discussion - Potential construction/operational phase impacts on water quality.</b></p> <p>The potential effects on the water environment from the construction and operation of the proposed development include the following:</p> <ul style="list-style-type: none"> <li>• The potential risk of changes in <b>water quality</b> through construction/operational impacts.</li> </ul> <p>Taking the above factors into account it is considered possible that the development will result in significant effects on the water quality of Crymlyn Bog SAC.</p> <p>Therefore an Appropriate Assessment will be required.</p>
<p><b>11. Is the potential scale or magnitude of any effect likely to be significant?</b></p>	
<p><b>a) Alone?</b> (explain conclusion)</p>	<p>Without counteracting/mitigation measures with regard to the potential impacts from the construction and operation phase, it cannot be concluded that there will be no likely significant effects on the Crymlyn Bog SAC features and conservation objectives.</p>
<p><b>b) In combinatio</b></p>	<p>N/A as significant effects alone cannot be ruled out.</p>

<p><b>n with other plans or projects?</b> (Explain conclusion and which plans/projects have been included, including those associated with other functions).</p>		
<p><b>12. Conclusion: Is the proposal likely to have a significant effect 'alone or in combination' on a European site?</b> (justification – attach any relevant supporting information)</p>	<p><b>Yes</b> Without counteracting/mitigation measures with regard to the potential impacts from the construction and operation phase, it cannot be concluded that there will be no likely significant effects on the Crymlyn Bog SAC features and conservation objectives. See sections 10, 11a and 11b.</p>	
<p><b>13. CCS Officer name/Date</b></p>	<p>Kate Davies, Planning Ecologist 25/05/2020</p>	
<p><b>14. NRW comment on assessment :</b></p>		
<p><b>14. NRW Officer:</b></p>		<p><b>Date:</b></p>
<p><b>IF THE PROPOSAL IS LIKELY TO HAVE A SIGNIFICANT EFFECT AN APPROPRIATE ASSESSMENT WILL BE REQUIRED (see part B for suggested scope).</b></p>		
<p><b>Part B - SUGGESTED SCOPE OF THE APPROPRIATE ASSESSMENT:</b> Consider appropriate restrictions or conditions that address the potential construction phase contamination impacts on water quality.</p>		
<p><b>16. NRW Comment on scope of appropriate assessment:</b></p>		
<p><b>17. Name of NRW Officer:</b></p>		<p><b>Date:</b></p>





**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.

**Kate Davies**  
**Planning Ecologist**

## ECOLOGICAL REPORT

<b>APPLICATION No.</b>	2020/0173/FUL
<b>ADDRESS</b>	Carn Nicholas Farm Track From Brokesby Road Bonymaen Swansea SA1 7BL
<b>PROPOSAL</b>	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

### OUTCOME OF ECOLOGICAL INVESTIGATION

**We are unable to support this application in the absence of the following information:**

- **Greater survey effort regarding great crested newts and reptiles.**

#### **Documents Received**

Preliminary Ecological Appraisal Carn Nicholas, Corylus Planning & Environmental Ltd, 2020

Carn Nicholas Biodiversity Management Plan, Corylus Planning & Environmental Ltd, 2020

Carn Nicholas Drainage Report, Corylus Planning & Environmental Ltd, 2020

#### **Great Crested Newt**

Great crested newts are protected under the Conservation of Habitats and Species Regulations 2017. They are protected from deliberate killing and injury, as well as disturbance. Their breeding and resting places are also protected.

A number of ponds were identified during the phase 1 survey which supported average, below average and poor HIS scores for great crested newts. However, HSI is not a replacement for detailed survey and cannot confirm presence or absence. As the species is known to be present at the nearby Cors Crymlyn SAC / Crymlyn Bog SSSI we do not consider this to be a sufficient survey effort to confidently predict their absence from the site. Due to the ground works associated with the development and its proximity to Crymlyn Bog we recommend that an eDNA survey is carried out in the first instance, the results of which will inform further survey effort if required.

#### **Reptiles**

Note that all British reptiles are protected under Schedule 5 of the Wildlife and Countryside Act 1981 as amended. It makes it an offence to intentionally kill or injure adder, grass snake, slow worm and common lizard.

The PEA states the following with regards to reptiles 'During the field survey, the banks between fields, the scrub, margins of the semi-improved grassland and marshy grassland habitats were deemed suitable for foraging, refuge and dispersal, the banks also providing suitable hibernation habitat'. The desk study also found records of



common lizard, grass snake and slow worm. Common lizard is also listed within the Kilvey Hill SINC citation.

It is therefore considered a precautionary works approach will not be an acceptable form of mitigation. A reptile survey will be required to identify any reptile population within the site and to inform a suitable mitigation strategy.

### **Designated Sites Statutory**

The proposed development is located a relatively short distance (approximately 0.3 km, at its nearest point) to Crymlyn Bog SAC and SSSI, which also includes the Crymlyn Bog and Pant y Sais NNR and Crymlyn Bog Ramsar site. The development is hydrologically connected to the SAC, as such a HRA will be prepared.

### **Non-statutory**

The development site is located partially within and adjacent to Kilvey Hill SINC.

Policy ER 6: Designated Sites of Ecological Importance of the LDP states the following: Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
  - ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts;
- and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

In assessing the potential harm the Council will consider:

- The individual and cumulative effects which will include impacts during construction;
- The role of the site in the ecological connectivity network; and
- Whether effective mitigation and/or compensation measures have been provided.

The connection/cable route will result in the temporary loss/modification of marshy grassland and scrub within the SINC, as well as the permanent loss of 0.3ha of semi-improved grassland to facilitate the substation.

It is acknowledged that cable works within the areas of marshy grassland will be avoided as far as possible and that the works avoid marshy grassland priority areas. However, this area of marshy grassland falls within the regional corridor and forms part of the focal and core networks. Therefore, to maintain the connectivity within this area no net loss or fragmentation should be ensured. The proposal to reinstate the turfs after laying the cables and the inclusion of reinstated areas along the cable route to be a focus of the BMP monitoring to ensure there has been no long-term impact upon the SINC and marshy grassland network is welcomed. However, we will required further detail within the BMP regarding the monitoring targets and details over remedial actions should they be required.

### **Biodiversity Management Plan**

We welcome the submitted biodiversity management plan document. However, we request that the document is updated in line with the comments given in this document. Namely the following:

- greater detail regarding the process of monitoring and monitoring targets as well as the triggering of remediation, to include outline proposed remedial actions;
- details of the organisation/personnel who are to be responsible for the implementation of the plan;
- the inclusion of habitat enhancements in the form of bat and bird boxes; and
- details of the annual reporting to the Council providing evidence of the previous years and the proposal's for the following years management.

### **Condition**

Prior to commencement of works on site, the applicant will submit a revised Biodiversity Management Plan (BMP) to the satisfaction of the Local Planning Authority.

### **Bats**

The development site and adjacent areas support suitable foraging habitats for bats. The report also states that the mature trees along the access track support potential roost features for bats. It is noted that these trees will be retained and protected from development impacts. Please therefore note the lighting strategy and ensure a suitable no works buffer is implemented around any trees identified as supporting bat roost potential.

**Please also include the standard bat informative.**

### **Condition:**

If any works are proposed to any mature trees on-site, a bat tree roost assessment survey and any subsequent inspections or emergence/re-entry surveys shall be undertaken by a licensed ecologist prior to any works and submitted to the LPA for approval.

### **Badger**

The report states that the drier and more wooded areas could support badger setts, although no evidence was identified during the survey. The overall habitat on site offered foraging potential for badgers.

**Please therefore include the standard badger informative.**

### **Birds**

The development site supports suitable habitat to support nesting birds. We welcome the enhancements with regards to hedgerow and grassland management which will provide benefits for farmland birds within the site. We also request that a range of bird boxes are also provided on suitable trees within the site.

### **Condition:**

No clearance of grassland, trees, shrubs, scrub (including gorse and bramble) or empty buildings shall be undertaken during the bird nesting season, March to September

**Please also include the standard nesting bird informative.**

### **Hedgehog**

Records show that there is the potential for hedgehogs to be present in the area. Hedgehogs are protected under Schedule 6 of the Wildlife and Countryside Act (WCA) 1981, which prohibits killing and trapping by certain methods. They are also a UK Priority species. The species is therefore considered one of the UK's target species to avoid further population decline. On this basis, the following Informative must be added to any permission granted:

To avoid killing or injuring of hedgehogs it is best practice for any brash piles to be cleared by hand. Any trenches on site should be covered at night or be fitted with mammal ramps to ensure that any animals that enter can safely escape. Any open pipework with an outside diameter of greater than 120 mm must be covered at the end of each work day to prevent animals entering/becoming trapped.

### **Condition:**

All trenches and excavations must be fenced off or covered-over at night to prevent any animals (hedgehogs, badgers, otters, brown hare and other species) from falling in and becoming trapped. If this is not possible an adequate means of escape must be provided (i.e. a gently graded side wall or provision of gently sloped wooden plank or equivalent). Any exposed pipes and trenches must be checked for trapped wildlife each morning before starting construction activities.

### **Condition:**

In order to retain habitat connectivity for Species of Principal importance, such as hedgehogs, boundary treatments should not be flush to the ground as described in Section 5 of the BMP.

### **CEMP**

#### **Condition**

The development shall be implemented as outlined in the Proposed Carn Nicholas Solar Farm: Drainage and CEMP Report for Novus RS Ltd (Report reference: 111/Drainage/v3)', dated February 2020, by Corylus Planning & Environmental Ltd.

### **Lighting strategy**

A sensitive lighting strategy, designed to ensure that the habitats adjacent to the site and the retained/proposed habitat areas are not lit during the construction, or operation phases of the development must be submitted. The strategy must outline avoidance of impacts of lighting on bats and other nocturnal species. This lighting strategy should be submitted to the LPA and agreed with the LPA Planning Ecologist.

The lighting strategy must detail measures to ensure that protected species using the site for commuting and foraging purposes can continue to do so, without disturbance. The lighting strategy must be placed as a condition on any planning permission granted.

### **Condition:**

A lighting strategy must be submitted and agreed with the LPA, prior to any planning permission being granted. The lighting plan shall reflect the Bat Conservation Trust's Bats and Lighting in the U.K. (2018) guidance, with levels kept to 2700-3000 Kelvin.

**Solar panels**

The solar panels should be designed to minimise the potential adverse effect on flying aquatic insects. It has been shown that solar panels act as an ecological trap, adversely affecting flying aquatic insect populations. This effect can be reduced by breaking up the panels with white framed borders and grid which divides the panel into smaller segments.

**Please include the following informative statement**

Aquatic insects can be attracted to the polarised light reflected by photovoltaic panels; this can lead to either the death of the insect or disruption to its breeding pattern, which will lead to an accumulative negative impact on insect population particularly near water bodies.

Patterns of painted glass (non-polarizing, white cell borders) on the solar panels will break up the polarised light and reduce the attractant affect.

**Ecological On-site Supervision of Works**

**Condition:**

Pre-construction/site clearance checks for protected species (i.e. bats, nesting birds, reptiles, badger, otter etc.) shall be undertaken by a licensed ecologist/Ecological Clerk of Works (ECoW). The construction phase will also be monitored by the ECoW for compliance with legislation, planning conditions and relevant good practice guidelines.

**Ecological enhancement**

Planning Policy Wales Edition 10 (2018): Biodiversity and Ecological Networks section 6.4 Paragraph 6.4.3, The Environment (Wales) Act 2016 enhanced biodiversity and resilience of ecosystems duty (Section 6 Duty) and TAN 5 Section 40(1) of the Natural Environment and Rural Communities Act (NERC) 2006 all encourage developments in Wales to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally.

**Condition:**

Before development works commence on site, a scheme of Ecological Enhancement Measures (in the form of a combination of bat and bird boxes) to be provided on suitable trees within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Enhancement Measures shall be shown on an Architectural drawing and shall be fully provided no later than 6 months within the completion of the development and shall be retained as such in perpetuity.

Kate Davies  
Planning Ecologist

29/05/2020