



City and County of Swansea

Notice of Meeting

You are invited to attend a Meeting of the

Scrutiny Performance Panel - Climate Change and Nature

At: Multi-Location Meeting - Gloucester Room, Guildhall / MS Teams

On: Tuesday, 3 October 2023

Time: 10.00 am

Convenor: Councillor Sara Keeton

Membership:

Councillors: C M J Evans, E W Fitzgerald, J A Hale, O G James, M H Jones, M W Locke, B J Rowlands and W G Thomas

Agenda

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|----------|--|----------------|
| 1 | Apologies for Absence | |
| 2 | Disclosure of Personal and Prejudicial Interests www.swansea.gov.uk/disclosuresofinterests | |
| 3 | Prohibition of Whipped Votes and Declaration of Party Whips | |
| 4 | Minutes of Previous Meeting(s) To receive the minutes of the previous meeting(s) and agree as an accurate record. | 1 - 2 |
| 5 | Public Question Time Questions must be submitted in writing, no later than noon on the working day prior to the meeting. Questions must relate to items on the agenda. Questions will be dealt with in a 10-minute period. | |
| 6 | Water Quality, Management and Pollution Control <i>David Hopkins, Cabinet Member for Corporate Service and Performance</i> <i>Carol Morgan, Head of Housing & Public Health</i> <i>Tom Price, Team Leader - Pollution Control</i> <i>Hamish Osborn / Sarah Bennett, Natural Resources Wales</i> | 3 - 10 |
| 7 | Planning Enforcement: Nature and Biodiversity Discussion on how to encourage people to look at biodiversity within planning applications, for example, checklist/toolkit on biodiversity. | 11 - 15 |

David Hopkins, Cabinet Member for Corporate Service and Performance
Ian Davies, Development Manager Planning and City Regeneration

8 Work Plan 2023-24

16 - 17

Next Meeting: Tuesday, 28 November 2023 at 10.00 am



Huw Evans
Head of Democratic Services
Date: 26 September 2023

Contact: Liz Jordan 01792 637314

Agenda Item 4



City and County of Swansea

Minutes of the **Scrutiny Performance Panel - Climate Change and Nature**

Remotely via Microsoft Teams

Tuesday, 4 July 2023 at 10.00 am

Present: Councillor S E Keeton (Chair) Presided

Councillor(s)
E W Fitzgerald
M W Locke

Councillor(s)
J A Hale

Councillor(s)
M H Jones

Other Attendees

David Hopkins

Cabinet Member – Corporate Service and Performance

Officer(s)

Liz Jordan
Mark Wade

Scrutiny Officer
Director of Place

Apologies for Absence

Councillor(s): C M J Evans, O G James and B J Rowlands

1 Appointment of Convener

Cllr Sara Keeton was appointed as Convener of the Panel.

2 Disclosure of Personal and Prejudicial Interests

No disclosures of interest were received.

3 Prohibition of Whipped Votes and Declaration of Party Whips

No declarations were made.

4 Minutes of Previous Meeting(s)

Panel agreed the Minutes of the meeting on 2 May 2023 as an accurate record of the meeting.

5 Public Question Time

The Chair responded to a question that was asked about the Panel's work plan for 2023/4, and whether there would be Panel discussion on the proposed Skyline development on Kilvey Hill in relation to environmental impact and the Council's climate change action plan, given upcoming Council consideration of a Planning

Application. She stated that it would not be appropriate for Scrutiny to discuss specific Planning applications and/or matters subject to Planning process, however legal advice would be sought about the possible discussion of environmental concerns relating to the development.

6 Draft Work Plan 2023-24

Panel discussed and agreed its work plan for 2023-24.

The meeting ended at 10.20 am

Agenda Item 6



Report of the Cabinet Member for Corporate Service and Performance

Climate Change and Nature Scrutiny Performance Panel – 3rd October 2023

Overview on Water Quality and Water Management

| | |
|---------------------------------------|---|
| Purpose | To brief the Climate Change and Nature Scrutiny Panel on work carried out by Housing and Public Health. |
| Content | An overview on water quality and water management. |
| Councillors are being asked to | To consider the information and give views |
| Lead Councillor(s) | Councillor David Hopkins |
| Lead Officer(s) | Tom Price. Divisional Environmental Health Officer. Pollution Control and Private Sector Housing |
| Report Author | Tom Price 01792 635600 pollution@swansea.gov.uk |
| Legal Officer | Debbie Smith |
| Finance Officer | Peter Keys |
| Access to Services Officer | Rhian Miller |

1. Introduction

- 1.1 Natural Resources Wales (NRW) collects detailed scientific data on the cleanliness of our bathing waters (mostly beaches) every year between May and September. Detailed reports are available for bathing water quality data on the NRW website <https://naturalresources.wales/guidance-and-advice/environmental-topics/water-management-and-quality/water-quality/bathing-water-quality/?lang=en>
- 1.2 Our coastal waters are hugely improved by large and sophisticated treatment schemes. We monitor water quality to protect public health using standards set in a European Directive transposed to the Bathing Water Regulations 2013.

- 1.3 The standards protect public health but recognise that seawater is a natural variable environment. Bad weather will result in higher numbers of bacteria.
- 1.4 Gower beaches easily pass the standards but Swansea Bay is a little more complex.
- 1.5 In order to protect public health and avoid a detrimental effect on tourism, the Pollution Control team participated in a multi-agency, EU-funded project called 'Smart Coasts' which was a Wales/Ireland cross border programme.
- 1.6 In 2011, intensive sampling of seawater from the Designated Sample Point (opposite the Guildhall Slip) on Swansea Bay and various inputs into the Bay and monitoring of other environmental parameters, such as solar radiation, was carried out. This data enabled the development of a prediction model for Swansea Bay in real time. The model predicts the mean bacterial concentration, which determines the water quality in health terms. This information can be passed to the public so an informed decision can be made about whether to swim.
- 1.7 This approach protects public health and improves compliance with the standards.
- 1.8 During the summer water quality information for Swansea Bay is displayed on signs by the Slip. Results are updated hourly between 8am and 8pm. The water quality can change throughout the day depending on sunlight, wind direction, river flows and the tide.
- 1.9 The results are also broadcast via our Twitter account. To get up to date information simply follow @SwanseaBayWater. Unfortunately, due to the change of ownership of Twitter there has been an issue with the automatic updates to Twitter and so a temporary website was produced for the season result.swanseabayprediction.co.uk
- 1.10 The Robotic Process Automation System was in operation again this season. The 'Robot' is trained to use the same rules a human would follow, if they were doing the process manually, which means the system can run without the need for manual intervention. This method of running a Bathing Water Prediction model is the first in Wales and could be rolled out to other areas in the future.
- 1.11 The Pollution Control team carries out weekly sampling at Rhossili and Broughton Bay, two non-designated bathing waters (surface waters that have not been identified by Welsh Government, for example, as not having large number of bathers) throughout the bathing season. This data is shared with NRW.

2. Water Pollution - Incidents

- 2.1 The Pollution Control & Private Sector Housing Division provides a 24-hour response for water related incidents.
- 2.2 Incidents can include:
- Oil spills at sea
 - Fuel oil spills on land
 - Sewage issues relating to cesspits/septic tanks
 - Major drainage misconnection issues
 - Construction sites.
- 2.3 Officers have developed a very good working relationship with colleagues in the local NRW Team over many years and collaborative approaches are taken during investigations where regulatory crossover may occur.

3. Water Quality

- 3.1 River Tawe – The Team operates and maintains the aeration system, within the river due to the barrage, during the summer months to assist mixing within the water column for dissolved oxygen and salinity concentrations. Sampling is also undertaken at other locations on the Tawe for events and at the request of other council departments. This system was upgraded in October 2022 and serviced in September 2023.
- 21 new diffusers have been installed upstream fed from a compressor cabinet at White Rock
 - 27 new diffusers have been installed fed from a compressor cabinet at Pipehouse Wharf (5 upstream, 22 downstream)
 - 14 new diffusers have been installed by the barrage.
 - There are 15 existing diffusers downstream from White Rock
- 3.2 Private Drinking Water Supplies - The Team carries out risk assessments and monitoring of private water supplies (supply of water not from a water undertaker or licensed supplier) in line with The Private Water Supplies (Wales) Regulations 2017. There are approximately 125 known private water supplies in the council's area.
- 3.3 Drought Liaison Group – An officer has been attending the Drought Liaison Group meetings, chaired by Welsh Government, called this summer due to prolonged dry spells and the potential for impact upon insufficiency of water supplies.
- 3.4 Swimming Pool samples - The Team monitors the water quality of the council-managed pools and a few private pools on a quarterly basis.

4. Integrated Assessment Implications

- 4.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations

(Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.
- Deliver better outcomes for those people who experience socio-economic disadvantage
- Consider opportunities for people to use the Welsh language
- Treat the Welsh language no less favourably than English.
- Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.

4.1.1 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.

4.1.2 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.

4.2 The work undertaken by the Pollution Control and Private Sector Housing Team aims to mitigate potential adverse impacts on bathing water quality, water pollution incidents and adverse impacts on water quality. The bathing water model is a long-term initiative to enable accurate prediction of bathing water quality in Swansea Bay, through collaboration with NRW.

The response to water pollution incidents is an essential service for the prevention of further environmental implications such as fish health in the River Tawe and public health impacts for recreational water use.

Council officers work on a regular basis with NRW and DCWW in areas concerning water pollution and water quality. We have a collaborative approach to scope out positive responses to improve environmental issues that can arise in watercourses and drainage networks, where legal responsibilities and solutions are often shared.

5. Financial Implications

5.1 Revenue to fund the existing monitoring set out in this report is contained within existing budgets. Additional interventions would require additional funding opportunities and would need to be assessed individually.

6. Legal Implications

6.1 There are no legal implications associated with this report.

Background Papers: None

Appendices:

Appendix A:

Integrated Impact Assessment Screening Form

Integrated Impact Assessment Screening Form

Please ensure that you refer to the Screening Form Guidance while completing this form.

Which service area and directorate are you from?

Service Area: Public Health & Housing

Directorate: Place

Q1 (a) What are you screening for relevance?

- New and revised policies, practices or procedures
- Service review, re-organisation or service changes/reductions, which affect the wider community, service users and/or staff
- Efficiency or saving proposals
- Setting budget allocations for new financial year and strategic financial planning
- New project proposals affecting staff, communities or accessibility to the built environment, e.g., new construction work or adaptations to existing buildings, moving to on-line services, changing location
- Large Scale Public Events
- Local implementation of National Strategy/Plans/Legislation
- Strategic directive and intent, including those developed at Regional Partnership Boards and Public Services Board, which impact on a public bodies functions
- Medium to long term plans (for example, corporate plans, development plans, service delivery and improvement plans)
- Setting objectives (for example, well-being objectives, equality objectives, Welsh language strategy)
- Major procurement and commissioning decisions
- Decisions that affect the ability (including external partners) to offer Welsh language opportunities and services
- Other

(b) Please name and fully describe initiative here:

An overview on water quality and water management for the Climate Change and Nature Scrutiny Panel

Q2 What is the potential impact on the following: the impacts below could be positive (+) or negative (-)

| | High Impact | | Medium Impact | | Low Impact | | Needs further Investigation | No Impact |
|-------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|-------------------------------------|--------------------------|-----------------------------|-------------------------------------|
| | + | - | + | - | + | - | | |
| Children/young people (0-18) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Older people (50+) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Any other age group | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Future Generations (yet to be born) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Disability | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Race (including refugees) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Asylum seekers | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Gypsies & travellers | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Religion or (non-)belief | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sex | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Sexual Orientation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Gender reassignment | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Welsh Language | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Poverty/social exclusion | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Carers (inc. young carers) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Community cohesion | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Marriage & civil partnership | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Pregnancy and maternity | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Human Rights | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Integrated Impact Assessment Screening Form

**Q3 What involvement has taken place/will you undertake e.g. engagement/consultation/co-productive approaches?
Please provide details below – either of your activities or your reasons for not undertaking involvement**

No specific consultation has been carried out for bathing water, water pollution incidents and private drinking water supplies as they are legislative function and public health focused. The water quality work undertaken by the council includes a co-productive approach with officers from Welsh Government (WG), Natural Resources Wales (NRW), Dwr Cymru Welsh Water (DCWW), Public Health Wales (PHW), UK Health Security Agency (UKHSA)

Q4 Have you considered the Well-being of Future Generations Act (Wales) 2015 in the development of this initiative:

- a) Overall does the initiative support our Corporate Plan's Well-being Objectives when considered together?
Yes No
- b) Does the initiative consider maximising contribution to each of the seven national well-being goals?
Yes No
- c) Does the initiative apply each of the five ways of working?
Yes No
- d) Does the initiative meet the needs of the present without compromising the ability of future generations to meet their own needs?
Yes No
-

Q5 What is the potential risk of the initiative? (Consider the following impacts – equality, socio-economic, environmental, cultural, legal, financial, political, media, public perception etc...)

High risk

Medium risk

Low risk

Q6 Will this initiative have an impact (however minor) on any other Council service?

Yes No If yes, please provide details below

The work that is carried out assists colleagues in tourism, leisure, cultural service, education, highways to maintain and provide their services to the public and visitors to Swansea

Q7 Will this initiative result in any changes needed to the external or internal website?

Yes No If yes, please provide details below

Q8 What is the cumulative impact of this proposal on people and/or communities when considering all the impacts identified within the screening and any other key decisions affecting similar groups/ service users made by the organisation?

(You may need to discuss this with your Service Head or Cabinet Member to consider more widely if this proposal will affect certain groups/ communities more adversely because of other decisions the organisation is making. For example, financial impact/poverty, withdrawal of multiple services and

Integrated Impact Assessment Screening Form

whether this is disadvantaging the same groups, e.g., disabled people, older people, single parents (who are mainly women), etc.)

It is considered that there could be medium impact for the majority of the groups/characteristics set out in Q2 as all members of the population could be impacted by reduced bathing water quality and water pollution incidents. It is essential that this proactive public health work is carried out to reduce this potential negative impact. There is a relatively small percentage of the population served by private drinking water supplies and so the impact could be consider low. However, this is an essential service for those households and tourism businesses.

Outcome of Screening

Q9 Please describe the outcome of your screening using the headings below:

- **Summary of impacts identified and mitigation needed (Q2)**
- **Summary of involvement (Q3)**
- **WFG considerations (Q4)**
- **Any risks identified (Q5)**
- **Cumulative impact (Q7)**

The work undertaken by the Pollution Control and Private Sector Housing Team aims to mitigate potential adverse impacts on bathing water quality, water pollution incidents and adverse impacts on water quality.

The bathing water model is a long term initiative to enable accurate prediction of bathing water quality in Swansea Bay, through collaboration with NRW.

The response to water pollution incidents is an essential service for the prevention of further environmental implications such as fish health in the River Tawe and public health impacts for recreational water use.

Council officers work on a regular basis with NRW and DCWW in areas concerning water pollution and water quality. We have a collaborative approach to scope out positive responses to improve environmental issues that can arise in watercourses and drainage networks, where legal responsibilities and solutions are often shared.

(NB: This summary paragraph should be used in the **‘Integrated Assessment Implications’** section of corporate report)

Full IIA to be completed

Do not complete IIA – please ensure you have provided the relevant information above to support this outcome

NB: Please email this completed form to the Access to Services Team for agreement before obtaining approval from your Head of Service. Head of Service approval is only required via email.

| |
|---|
| Screening completed by: |
| Name: Tom Price |
| Job title: Divisional Environmental Health Officer. Pollution Control and Private Sector Housing |
| Date: 22nd September 2023 |
| Approval by Head of Service: |
| Name: |
| Position: |
| Date: |

Please return the completed form to accessservices@swansea.gov.uk

Agenda Item 7



Report of the Cabinet Member for Corporate Services & Performance

Climate Change and Nature Scrutiny Performance Panel – 3rd October 2023

Planning Enforcement: Nature and Biodiversity (Discussion on how to encourage people to look at biodiversity within planning applications, for example, checklist/toolkit on biodiversity)

| | |
|---------------------------------------|--|
| Purpose | To provide an overview of how the Planning System seeks to incorporate Nature and Biodiversity in the decision-making process |
| Content | This report includes a summary relevant planning policies and supplementary planning guidance in relation to Nature and Biodiversity and how these policies are applied to the decision making process |
| Councillors are being asked to | Consider the information and give their views |
| Lead Councillor(s) | Cllr David Hopkins, Cabinet Member for Corporate Services and Performance |
| Lead Officer(s) | Phil Holmes – Head of Planning and City Regeneration, Ian Davies – Development Manager |
| Report Author | Ian Davies - Development Manager ian.davies@swansea.gov.uk Tel : 07970 680549 |
| Legal Officer | Sally Ann Evans |
| Finance Officer | Peter Keys |
| Access to Services Officer | Rhian Miller |

1. Background

- 1.1 The Development Plan is at the heart of the planning system with a requirement set in law that planning decisions must be taken in line with the Development Plan unless material considerations indicate otherwise (Section 38 of The Planning and Compulsory Purchase Act 2004)

- 1.2 In Wales, the Development Plan consists of both National and Local Planning policies. National Planning Policy is set out by Welsh Government in the following documents:
- Future Wales - The National Plan 2040
 - Planning Policy Wales (Edition 11, February 2021)
- 1.3 Future Wales – the National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.
- 1.4 Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.
- 1.5 Local Planning Policy is set out the Swansea Local Development Plan 2010-2025 – the LDP. The LDP provides a clear planning framework to address key issues facing the County, providing certainty and the basis for efficient planning decisions. Its policies and proposals will enable the delivery of sustainable development, and ensure that social, economic, environmental and cultural well-being goals are all suitably balanced in the decision-making process so that the right development occurs in the right place.

2 Nature and Biodiversity in the Planning System

- 2.1 Policy 9 of Future Wales states that in all cases, action towards securing the maintenance and enhancement of biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated. Policy ER 9 of the LDP supports this and states that proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. In addition, policies ER 6 (Designated Sites of Ecological Importance) and ER 9 (Ecological Networks and Features of Importance for Biodiversity) seek to protect sites that are important for biodiversity.
- 2.2 When the Local Planning Authority (LPA) considers applications for planning permission, one of the issues that needs to be considered is whether the proposal takes action towards securing the maintenance and enhancement of nature and biodiversity. As part of the consideration of this issue, Development Management officers consult with Planning Ecologists who appraise the applications and provide advice on the acceptability or otherwise of a proposal. The Planning

Ecologists also advise on the requirement for any further survey work, as well as mitigation/compensation/enhancement measures and the Conditions and Informatives that should be included on any Decision Notice. The Planning Ecologists ensure that the applicants demonstrate that they have considered the Stepwise Approach, to help deliver net benefit for biodiversity (Identify & Assess, Avoid, Respond & Design, Mitigate, Compensate, Enhance, Manage and Monitor). The Stepwise Approach is explained in full within the Biodiversity and Development Supplementary Planning Guidance (SPG) (see 2.3). In some cases, the application proposals will make provision for ecological enhancement and where the provision is acceptable, a condition is attached to the planning permission requiring the development to be undertaken in accordance with the approved details. In cases where no details are provided, or the details provided are inadequate, a condition will be attached to any planning permission granted requiring details of ecological enhancement measures and an implementation timetable to be submitted and approved before development commences. The condition also requires the scheme to be implemented in accordance with the approved scheme and timetable.

- 2.3 In order to ensure development within Swansea maintains and enhances the County's biodiversity and delivers long term ecosystem resilience, the Council has produced Supplementary Planning Guidance (SPG) entitled 'Biodiversity and Development'. This document provides guidance to augment LDP policies ER 6, ER 8 and ER 9 and provide clarity on the interpretation of those policies. The SPG can be viewed via the following link: [Biodiversity and Development - Swansea](#). This aligns with the Council's duties under s6 of the Environment (Wales) Act 2016 and the Resilient Wales Goal of the Well Being of Future Generations Act 2015 and is consistent with National Development Plan (Future Wales) Policy. The SPG guides applicants on how to consider biodiversity at each stage of the development management process. It provides the framework to demonstrate that proposals have responded to a robust ecological understanding of a site, and that appropriate ecological mitigation, compensation, enhancement and aftercare will be provided. Officers have promoted the policy requirements and SPG in workshops with stakeholders so that they are aware of the requirements and advice available.
- 2.4 In addition to the SPG, there is advice regarding Biodiversity and Development on the Swansea Council website including: [Sustainable Drainage Systems \(SuDS\) & Biodiversity](#), [Biodiversity Enhancements](#), [Ecological Survey & Assessment Process](#), [Protected Species & Development Licences](#) and [Natural Environment Legislation & Policy](#). There is also information on [Tree Preservation Orders \(TPOs\)](#) and [wildlife crime](#).

- 2.5 The onus on ensuring any development complies with the approved plans and conditions rests with the developer. Whilst conditions are attached to planning permissions to ensure schemes are acceptable, it does not always follow that the conditions are complied with. Where development is not undertaken in accordance with the approved plans or conditions, a breach of planning control occurs, and the Local Planning Authority could take enforcement action to remedy any such breach of planning control.
- 2.6 Where a complaint is received that a condition has not been complied with, officers will investigate and where a breach is identified, seek to ensure compliance. Initially, this will be through negotiation, but can be through the service of a formal enforcement notice if negotiation is unsuccessful. Consequently, if it is established that a biodiversity-related condition is breached, the above course of action will be taken to secure compliance with the condition.
- 2.7 The vast majority of complaints in respect of alleged breaches of planning control investigated by the Development Management Team are as a result of complaints received by the department. In 2022/23, 412 complaints were received for investigation. This volume of work, together with a backlog that increased during the Covid Pandemic, means that there is no capacity within the Development Management Team to undertake pro-active monitoring of planning permissions.
- 2.8 It should be noted that, except in the case of 'major development' (20 major applications received 2022/23), there is no statutory requirement for a developer to notify the LPA that development is commencing. As a result, there is no mechanism for the LPA to check whether conditions attached to a planning permission have been discharged as they have not been informed that the planning permission has been implemented. Although the mechanism exists for conditions to be discharged through a Discharge of Conditions application, there is no process that notifies the LPA that the conditions are implemented on site and/or in accordance with the approved plans.
- 2.9 It should also be noted that once development lawfully commences, there is no time limit for the works to be completed. Planning conditions that require developers to take action will contain trigger points. These triggers relate to timescales for submitting details for approval and/or timescales for undertaking the works required by condition. The timescale for biodiversity conditions will be dependent on the nature of the requirement (e.g. a mitigation strategy for a protected species or provision of an ecological enhancement). Even if the LPA is aware that development has commenced there are no resources available to continually monitor development to ensure that implementation timescales are met as there is no specific date for compliance – it will vary depending on when development is completed.

- 2.10 The scrutiny performance panel is also requested to note that biodiversity conditions are only one type of condition attached to a planning permission and there are conditions in relation to areas such as highways, drainage, external materials that also need to be complied with.

3. Conclusions/Key Points Summary

- 3.1 Whilst the LPA is actively using the decision-making process to maintain and enhance biodiversity, secure the resilience of ecosystems and green infrastructure assets, the ability of the LPA to ensure compliance with approved plans and conditions is severely restricted by the resources available to pro-actively monitor development. Developers are the key component in ensuring that their developments maintain and enhance biodiversity and ecosystem resilience. Continued awareness-raising and engagement with applicants, developers and the wider public is therefore essential to increase understanding of the role they can play in helping to deliver nature recovery.

4. Legal implications

- 4.1 None

5. Finance Implications

- 5.1 None

6. Integrated Assessment Implications

- 6.1 Not required

***Glossary of terms:** Please add glossary of terms if you are using acronyms*

SPG – Supplementary Planning Guidance

LPA – Local Planning Authority

PPW – Planning Policy Wales (Edition 11) Feb 2021

TAN – Technical Advice Notes

LDP – Swansea Local Development Plan 2010-2025

Background papers:

None

Appendices:

Biodiversity SPG: <https://www.swansea.gov.uk/biodiversityspg>

Biodiversity and Development Guidance Notes:

<https://www.swansea.gov.uk/biodiversitydevelopmentguidance>

Agenda Item 8

CLIMATE CHANGE AND NATURE SCRUTINY PERFORMANCE PANEL WORK PLAN 2023/24

| | |
|---|---|
| <p>Meeting 1 4 July 2023</p> <p>10am</p> | <p>Appointment of Convener</p> <p>Draft Work Plan 2023-24</p> |
| <p>Meeting 2 3 October 2023</p> <p>10am</p> | <p>Water Quality, Management and Pollution Control <i>Cllr David Hopkins, Cabinet Member for Corporate Service and Performance</i> <i>Relevant Officers (Tom Price / Carol Morgan)</i> <i>Representatives from Natural Resources Wales TBC</i></p> <p>Planning Enforcement: Nature and Biodiversity (Discussion on how to encourage people to look at biodiversity within planning applications, for example, checklist/toolkit on biodiversity) <i>Cllr David Hopkins, Cabinet Member for Corporate Service and Performance</i> <i>Ian Davies, Development Manager, Planning and City Regeneration</i></p> |
| <p>Meeting 3 28 November 2023</p> <p>10am</p> | <p>Environmental Tourism briefing (suggested at last year's work planning conference) <i>Cllr Robert Francis-Davis, Cabinet Member for Investment, Regeneration and Tourism</i> <i>Steve Hopkins, Tourism and Marketing Manger</i></p> |
| <p>Meeting 4 30 January 2024</p> <p>10am</p> | <p>Nature and Biodiversity Update (including Monitoring Delivery of Corporate Priority/Objective – Maintain & Enhance Nature & Biodiversity in Swansea) <i>Invited to attend:</i> <i>Cllr David Hopkins, Cabinet Member for Corporate Service and Performance</i> <i>Paul Meller – Natural Environment Section Manager</i> <i>Deborah Hill – Nature Conservation Team Leader</i></p> <p>Public Electric Vehicle Charging Provision <i>Invited to attend:</i> <i>Cllr Andrea Lewis – Cabinet Member for Service Transformation</i> <i>Stuart Davies, Head of Highways and Transportation</i> <i>Matthew Bowyer, Group Leader Highways and Transportation</i> <i>Chloe Lewis, Team Leader Highways and Transportation</i></p> |
| <p>Meeting 5 19 March 2024</p> | <p>Local Flood Risk Management – Annual Update (including discussion on Drainage Systems/Services) <i>Invited to attend:</i></p> |

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| <p>10am</p> | <p><i>Cllr Andrew Stevens – Cabinet Member for Environment and Infrastructure</i> <i>Stuart Davies – Head of Highways and Transportation</i> <i>Mike Sweeney – Team Leader, Highways and Transportation</i></p> <p>Air Quality Management <i>Invited to attend:</i> <i>Cllr David Hopkins, Cabinet Member for Corporate Service and Performance</i> <i>Carol Morgan, Head of Housing and Public Health</i> <i>Tom Price – Team Leader, Pollution Control</i></p> |
| <p>Meeting 6 14 May 2024</p> <p>10am</p> | <p>Climate Change Update (update on battery disposal to be included) <i>Invited to attend:</i> <i>Cllr Andrea Lewis - Cabinet Member for Service Transformation</i> <i>Relevant Officers (Geoff Bacon / Rachel Lewis)</i></p> <p>Achievement against Corporate Priorities / Objectives / Policy Commitments <i>Cllrs Andrea Lewis / David Hopkins / Andrew Stevens? / Cyril Anderson</i></p> <p>Panel Review of the Year</p> |

Future work programme items:

- Impact of New Housing Developments on the Environment - concerns around housing developments and impact on the environment, including flooding / flood risk. TBC (from work planning conference).
Discuss under item - **Local Flood Risk Management (March 2024)?**