

Test of Likely Significant Effect under Reg. 63 of The Conservation of Habitats and Species Regulations 2017.

Application ref.	P2019/5243
Description	Change of use from B8 (Storage & Distribution) to B2 (General Industrial), erection of storage building, cycle racks, waste compound, plant compound; installation of roof flues, windows and louvres to main building; and new car parking and servicing layout.
Location	Unit 3, (Zone 3) Kenfig Industrial Estate, Margam

TAN 5: Technical Advice Note 5: Nature Conservation and Planning, Annex 3

Regulation 63(1) of The Conservation of Habitats and Species Regulations 2017 with regard to assessment of implications for European Sites states that:

“A competent Authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which-

- (a) is likely to have a significant effect on a European site or a European Offshore marine site (either alone or in combination with other plans or projects), and*
- (b) is not directly connected with or necessary to the management of the site.*

Must make an appropriate assessment of the implications for the plan or project for that site in view of that's site's conservation objectives.

(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable it to determine whether an appropriate assessment is required.

Natural Resources Wales are the appropriate nature conservation body, who were consulted on the application and have stated:

“We have reviewed the planning permission submitted to us, and from the information provided we do not consider that the proposed development affects a matter listed on our consultation topics We therefore do not have any comment to make on the proposed development.”

The Council's Biodiversity Officers reviewed this statement and advised that a Test of Likely Significant Effect should still be carried out.

Step 1: To identify which European site in Great Britain (or within a European offshore marine site) are applicable to this assessment.

Response:

2. Dunes with *Salix repens* ssp. *argentea* (*Salicion arenariae*)
3. Humid dune slacks
4. Hard oligo-mesotrophic waters with benthic vegetation of *Chara* spp.
5. Atlantic salt-meadows (*Glauco-Puccinellietalia maritimae*)
6. Petalwort
7. Fen Orchid

Ecological Objectives for Relevant Features

Vision For Feature 1 and 2

- Dunes with *Salix repens* and humid dune slacks will occur as part of the dune system, their location will be determined by natural processes and appropriate grazing management.
- A range of successional stages will be found in both features.
- Factors affecting the features will be under control.

Vision For Feature 3

- Fixed dunes with herbaceous vegetation (grey dunes) will occur where older, shifting dunes become more stabilised and in early successional stages become colonised by lichens and other species indicative of the transition from less mobile habitat.
- The habitat will encompass a range of successional stages throughout the area, determined by patterns of natural factors and grazing.
- Grey dunes will comprise a significant part of the dune system but will increase and decrease in extent and location as natural processes determine the landscape of the dune systems.
- All factors are under management control.

Vision For Feature 4

- Submerged *Chara* beds (mainly *Chara aspera* and *C. virgata*) growing in relatively shallow water form the predominant submerged macrophyte vegetation throughout most of the lake.
- *Chara* occur at more than 50% frequency along regular surveillance transects within the Western and Central arms.
- Charophyte species and uncommon pondweeds such as *Potamogeton gramineus* and *P. x nitens* are present in other embayments and pools, including *Tolypella glomerata* in dune pools.
- The lake is spring-fed so nutrient levels remain low. One of the main nutrients (phosphorus) reaches no more than 25 micrograms per litre in regular sampling areas. Nitrogen levels in the water are low (less than 1 milligram per litre) and declining or stable.
- The lake water is clear, but well vegetated with dense beds of submerged and marginal plants. A Secchi disc is visible on the lake bed in the deepest part of the lake (2.6m).
- Water depth is relatively stable, fluctuating naturally with groundwater.
- Reed, swamp and fringing bur-reed are restricted to shallow zones – covering not more than 10 % of the site.

construction of a storage building, cycle store and associated compound area for external plant and machinery and waste storage. Due to the scale of these construction works, it is unlikely that there would be any significant emission to air during the construction process or during the operation of these aspects of the development.

The proposal includes the addition of external roof flues, comprising 16 - 3m high reinforced plastic flues and 32 – 1m high stainless steel flues. While at first this might identify potential for additional air quality impacts, the submissions indicate that:-

- (para 1.15 planning statement) The nature of the cathode process and constituent materials result in a manufacturing process that has a very low environmental impact, with water released during the drying of the cathode being the main waste stream. Waste from the process, other than water, is minimal, as all inputs form the end product. Effluent from the process will be sent off site for disposal or if meeting local Regulations, for example, vessel washing, will be filtered to remove solids such as carbon and released through the foul water system. The waste is of a neutral pH and any organic content will be verified before release. (emphasis added)
- (para 1.16) Water vapour will be released at high level through extract ducts similar to fume hood systems. If required, the vapour can be treated with a bleach scrubber to remove any sulphurous smell that may have been retained in the vapour from the drying process. However, Oxis Energy's experience to date from its manufacturing facility at Culham, is that the release of this water vapour has not led to any issues with odours or complaints concerning sulphur smells
- (para 3.2) The proposed manufacturing process will take place within the main building and involves a process that has a very low environmental impact, with water vapour release being the only waste omission.

Having regard to this, while emissions to air are identified as those matters where potential hazards could arise, it is considered that these would be restricted to water vapour such that there would be no additional air quality impact arising from the proposal which might be considered to be significant in terms of the ecological objectives for which the site was designated. This view has been formed utilising CCW/ Biodiversity Unit's Sensitivity Matrix 1 & 2.

Step 4: Identification of developments/ projects to consider under cumulative impacts.

There are currently no existing plans, projects, application or permission (not yet implemented or under construction) within the public domain to be considered cumulatively in association with the current project.

Step 5: Assessing Likely Significant Effect

The purpose of this step is to ascertain if the development/project will have a likely significant effect either alone or in combination on the identified ecological objectives. This basically means that if you can show that the plan