

**Test of Likely Significant Effect under Reg. 61 of The Conservation (Natural Habitats & c) Regulations 1994 and as amended to the Conservation of Habitats and Species Regulations 2017.**

P2023/0356 - Proposed ground mounted solar PV array with a generating capacity of up to 1.3MW, including development of ancillary structures, fencing and landscaping works

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

*Regulation 48 of The Conservation (Natural Habitats, & c) Regulations 1994\*, 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 in Great Britain (or within 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.*

*Shall make an appropriate assessment of the implications for the site in view of that's site's conservation objectives.*

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

*\* The regulations have been updated and are now the Conservation of Habitats and Species Regulations 2017 (as amended). Regulation 48 of the 1994 version is now regulation 63 of the 2017 version.*

**STEP 1.**

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

The sites are: Crymlyn Bog Special Area of Conservation (SAC) and Ramsar, as well as the Pant y Sais Site of Special Scientific Interest (SSSI), Kenfig SAC and Coedydd Nedd a Mellte SAC (Pontneddfechan waterfalls).

**Response**

In this case the following sites are applicable:

Crymlyn Bog SAC and Ramsar and Pant y Sais SSSI. Kenfig SAC and Coedydd Nedd a Mellte are considered too distance from the proposed development site for there to be a reasonable suggestion that an impact could occur.

## **STEP 2.**

*Is the development/project directly connected with or necessary to site management for nature conservation of the European site?*

**Yes:** No further action required.

**No:** If any part of the development is not connected with or necessary for site management, the whole project must be subject to the procedures of regulation 48. If no, proceed to step 3.

## **Response**

The development proposed under planning application P2023/0356 is not connected with or necessary for site management of the sites identified in step1.

## **STEP 3.**

*Taking account of advice from NRW, Local Planning Authorities should consider whether the effect of the proposal on the site/sites, either individually or in combination with other proposals, is likely to be significant in terms of the ecological objectives for which the site was designated.*

The following identifies the specific ecological objectives for which the site/sites were designated;

### **Crymlyn Bog**

#### **Crymlyn Bog SAC Features:**

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

#### **Crymlyn Bog Ramsar Features:**

##### ***Criterion 1***

Largest example of valley floodplain topogenous mire in South Wales, and one of the largest surviving fens in the west of Britain. Very few other sites are known to support a comparable complexity and diversity of vegetation. Habitats Directive Annex I features present on the SAC include those listed above.

### *Criterion 2*

Supports a substantial population of the nationally-rare slender cottongrass *Eriophorum gracile*, and a rich invertebrate fauna including many rare and highly localised species.

### *Criterion 3*

The site supports 199 vascular plant species including 17 regionally uncommon and one nationally rare.

Further information relating to the Crymlyn Bog Ramsar designation:

Noteworthy fauna:

*Dolomedes plantarius*

*Crossocerus vagabundus*

*Pteromicra leucopez*

*Cephalops perspicuus*

*Gyrinus suffriani*

The nationally scarce hornet robberfly *Asilus crabroniformis* occurs on the drier grassland slopes bordering the fen

Noteworthy flora:

*Eriophorum gracile*

### Conservation Status and Objectives

The calcareous fen has been recorded to be in an unfavourable state due to vegetation becoming overgrown, this is largely thought to be due to lack of management. With appropriate management this may be addressed and the current range of the habitat could potentially be expanded. The transition mire is also recorded as unfavourable due to a loss of transition mire vegetation; this is thought to be a result of the lack of grazing and/or an increase in nutrient input. In part, appropriate management and grazing will improve some areas although others are too wet to graze. The nutrient enrichment appears to relate to input largely from the Crymlyn Brook and from the area around Upper Glan y Wern Farm, for which management options are planned. In addition, it is also possible that the extent of the transition mire may be more extensive than originally thought. The alluvial forest is however considered to be in unfavourable recovering condition and will continue to improve with age. Further information can be found in the core management plan for Crymlyn Bog from NRW.

Apart from 35ha in the northern part of Crymlyn Bog the rest of the SAC is also a Ramsar site. The topogenous mire incorporates the calcareous fen and transition mire included in the SAC designation. In addition, to these habitats the Ramsar designation also includes numerous species that are supported by the said mentioned habitats.

### Response

It is considered that in this case, taking into consideration the project proposed, and the ecological objectives of the sites identified that the impacts upon air quality and

water quality and supply are identified as those matters where potential hazards could arise.

#### **STEP 4: IDENTIFICATION OF DEVELOPMENTS/PROJECTS TO CONSIDER UNDER CUMULATIVE IMPACTS.**

*List developments with permission or in the planning process which are yet to be constructed which should be considered cumulatively.*

P2005/0393 – Outline application for an urban village comprising approx. 4,000 dwellings 41,200sq m of b1 business uses; up to 3,800 sq m of retail (gross) and 8,000 sq m of other commercial, education, community facilities, highways, drainage, services, infrastructure, car parking and landscaping. - Approved 08/02/2008

P2023/0550 - Widening and resurfacing of existing access and construction of new security gates, adjoining walls, piers and proposed bin storage area (part retrospective)

P2024/0036 – Construction of a drive-through coffee shop along with associated access, parking (including 16 EV charging bays) and landscaping

P2025/0068 - Variation of condition 2 (time limit) of outline planning permission P2019/5560 dated 17/02/2022 (industrial unit development) to extend the time period for submission of the reserved matters by a further two years – Approved 01/04/2025

#### **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 or project will not have a likely significant effect either alone or in combination then it will be screened out. The consents that progress to require an Appropriate Assessment will include any consent that you can show is having a likely significant effect alone or in combination and those consents which you are unsure if they are having a likely significant effect alone or in combination.*

*The first thing to establish is whether or not there is a potential hazard or mechanism by which the plan or project could affect the interest features of the site. It is necessary to establish if the interest features are sensitive to this hazard. This involves identifying the link or pathway by which the hazard could affect the sensitive interest features, and assessing the probability of harm to these features.*

*Finally it is necessary to establish whether the potential scale or magnitude of any effect for each hazard is likely to be significant. An effect should be considered significant when it is neither negligible nor inconsequential. This judgement must be made on the basis of the permitted activity both alone and/ or in combination with other impacts, from existing LPA permissions and those from other competent authorities.*

#### **Response**

### **Water Quality and Supply.**

The Local Authority's Ecologist has reviewed information submitted in support of the application and NRW have advised that, due to the site's possible connection to minor watercourses, which form a hydrological link to the protected sites, as well as the potential pollution risk during construction, measures must be included within a Construction Environmental Management Plan to address any pollution incident as cover for a worst case scenario. This can be addressed by attaching a suitably worded planning condition as significant effects are considered unlikely. Special consideration will also need to be given to surface water drainage as part of any separate SAB application to ensure no adverse impact on hydrology.

The Technical Note produced by CB3 Consult describes the configuration of the solar panels and gives details of their fixing and spacing. It also comments that the erection and fixing will be arranged so as not to interfere with existing drainage channels. In addition three Glass Reinforced Plastic (GRP) enclosures housing the switchgear will be constructed off concrete plinths. Currently drainage of the Site is by infiltrating the top soil and being distributed through the top and sub soil into the existing ground water system and the Site drains from west to east and south to north. CB3 Consult state that the drainage strategy is maintaining the existing drainage strategy of allowing water from the solar panels to fall onto the surrounding areas and infiltrate in to the top soil leading to it being distributed into the top soil and existing ground water system will not alter the existing surface water drainage regime or the volume of water entering the ground water system. They conclude that *'Any exceedance flows or excess run off will drain to the existing field drainage system with no change to the volume of run off generated post development compared to the current arrangement'*.

Based on the available evidence, the Local Authority is satisfied that this aspect of the planned development is unlikely to have adverse impacts on the Calcareous Fen and Raised Mire features of Crymlyn Bog SAC. As such, it is considered that there is no risk to the integrity of the wetland features within the SACs and there are unlikely to be any significant effects on water quality or supply from this development.

### **Air Quality.**

The Local Authority's Ecologist has reviewed information submitted in support of the application and which states the applicants have modelled emissions which takes in receptor locations from five distances from the Site, based in Crymlyn Bog SAC, Crymlyn Burrows SAC, Pant Y Sais SSSI and Earlswood Road Cutting and Ferryboat Inn Quarries. The outcomes of the modelling exercise show that predicted deposition in all cases lies below a 1% threshold and this comfortably sits within Environmental permitting as being of no significance. The Technical Note produced by Greenavon Air Quality Consultants states that the development will generate around 20 vehicle trips per day during construction and decommissioning stages, with neither process expected to last for more than a short period of time. As such they state that *annual average daily traffic ('AADT')* generated by the proposal will be far less than 20.

Criteria provided in the Design Manual for Roads and Bridges (referenced in documentation) to screen out the impact of traffic upon designated ecological sites

include AADT flows of 1000 vehicles or 200 heavy duty vehicles, and Greenavon conclude that the proposed development will have no significant impact upon the integrity of the SAC.

The Local Authority's Ecologist has advised they have no adverse comments to make regarding this application and agree with the overall conclusions of the report and do not consider the emissions or depositions associated with the proposed development to be significant in terms of impacting on nearby designated sites.

It is therefore considered that the proposed development would not raise a likely significant effect with regard to air quality.

### **Cumulative Impacts.**

Due to the size and scale of the proposed development and the minimal air emissions and water quality effects anticipated, there are unlikely to be any significant effects on air quality or water quality and supply in combination with any other project or proposed development.

### **Conclusion.**

The developer's Ecologist has interpreted the technical air quality and drainage reports to mean that there will be no change in the amount or rate of run off from when compared to the current drainage in similar weather circumstances and neither will there be air quality impacts from emissions associated with the development, either on its own or in a cumulative context with other projects. The developer's Ecologist therefore concludes that there will be no negative impacts, in terms of excessive water flows or contaminants or from airborne emissions, upon the SAC or SSSI as a result of the proposed Solar Farm development. The Council concurs with this conclusion.

It is considered that the proposed development would by itself, or in combination with any other development/project be unlikely have a significant effect on Crymlyn Bog SAC/Ramsar and Pant y Sais SSSI. As such, an Appropriate Assessment is not required. This opinion has been made taking into consideration the information provided by the applicant, and in consultation with the Authority's Biodiversity Unit.

### **Recommendation: Appropriate Assessment Not Required.**

Case Officer                      Name: Claire Hall

Signature: 

Presented to                      Name:.....  .....

Date:.....4/4/25.....