

Test of Likely Significant Effect under Reg. 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

P2022/0563 - Outline planning application for the development of up to 152 dwellings (including affordable housing), associated infrastructure, public open space and landscaping

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

Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended), 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).

STEP 1.

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

Response

In this case the following sites are applicable:

Crymlyn Bog SSSI, SAC and Ramsar site, Pant y Sais SSSI and the Crymlyn Burrows SSSI are both within a 1km radius of the application site

Kenfig SAC and Coedydd Nedd a Mellt 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 P2022/0563 is not connected with or necessary for site management of the sites identified in step 1.

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.

Pant y Sais SSSI and Fen

This shares many similarities with Crymlyn Bog but is on a much smaller scale. Both sites are next to each other and form part of a National Nature Reserve. The reed and sedge beds are home to a range of wetland plants, birds and insects. Running alongside Pant y Sais is the Tennant Canal. Along with a variety of birds the sites are home to a host of plants and animals including many dragonflies and damselflies. High-lights are hairy dragonfly, variable damselfly, scarce blue-tailed damselfly, ruddy darter, keeled skimmer, black darter they are also home to the fen raft spider, Britain's largest arachnid.

Crymlyn Burrows SSSI

Several plant species with local distribution occur within the site including rock sea lavender *Limonium binervosum*, dittander *Lepidium latifolium*, rock hutchinsia *Hornungia petraea*, round leaved wintergreen *Pyrola rotundifolia*, dutch rush

Equisetum hyemale and the variegated horsetail Equisetum variegatum. The rare fen orchid Liparis loeselii is found occasionally within the slacks, whilst the sea stock Matthiola sinuata which was re-recorded in 1964 following its earlier disappearance, is widespread along the strandline and in the dunes. The rare strandline beetle Eurynebria complanata has been recorded from the site. There are also significant populations of Yellow Bartsia, Cyperus Sedge, Distant Sedge and Dotted Sedge.

The area is used by significant numbers of migrant and overwintering wading birds, feeding across the extensive intertidal sand and mud flats. At high tide these birds have to find a safe roost, and use a number of suitable sites around the coast of the Bay, including Crymlyn Burrows SSSI.

The main species found in the Crymlyn roost are Sanderling *Calidris alba*, Dunlin *Calidris alpina*, Ringed Plover *Charadrius hiaticula*, Oystercatcher *Haematopus ostralegus*, Curlew *Numenius arquata* and Redshank *Tringa tetanus*, with Sanderling regularly present in nationally significant numbers (>1% of the UK wintering population) and redshank occasionally breeding on the site. There are also recent records of the schedule 1 species Little Ringed Plover *Charadrius dubis*. Roosting waders feed across the wider Swansea Bay and move up and down with the tide.

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

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

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 – Approved 22/04/2025

P2025/0294 - The erection of 8 industrial/storage units (B2 use) and associated parking, bicycle storage and external areas – Approved 24.10.2025

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.

Crymlyn Burrows lies to the south of the application site on the southern side of a major road (A483 Fabian Way) which runs East to West and parallel to the main Swansea to London railway line and Swansea University Bay Campus. Crymlyn Bog lies to the North of the application site on the other side of the Tennant Canal, which also runs East to West and parallel to the Main Swansea to London railway line. Submitted Site Investigation and Ecology Reports identify existing water features between the application site and the designated sites, which act as effective hydrological barriers between them and the risks to controlled waters can be managed to an acceptable level through implementation of pollution control measures.

A Construction Environmental Management Plan has been conditioned to address any pollution incident as cover for a worst-case scenario. 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.

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 sites' special features. As such, it is considered that there is no risk to the integrity of wetland features and there are unlikely to be any significant effects on water quality or supply from this development.

Air Quality.

The Local Authority has reviewed the submitted Air Quality assessment which accompanies the planning application and which states the outcomes of the modelling exercise show that predicted deposition in all cases comfortably sits within Environmental permitting as being not significant.

The submitted Transport Assessment concludes that the proposed development is anticipated to generate a total of 644 two-way trips and will have no significant air quality impacts upon the integrity of the nearest designated sites. A Construction Environmental Management Plan has been conditioned to address any pollution and construction traffic issues as cover for a worst-case scenario.

The Local Authority agrees with the overall conclusions of the submitted technical reports and do not consider the emissions or depositions associated with the proposed development to be significant in terms of impacting on nearby designated ecological sites. As such, based on the available evidence, it is considered that the proposed development would not raise a likely significant effect with regard to air quality impact.

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 submitted technical air quality and drainage reports have been interpreted to mean that there will be no adverse air quality or water quality and supply impacts from associated with the proposed development, either on its own or in a cumulative context with other projects. The Local Authority 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 SSSIs as a result of the proposed residential development.

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 SSSI/SAC/Ramsar and Crymlyn Burrows 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: ...28/10/24... ..

H. E. Bower