

Appendix 6

Neath Port Talbot Council report on need for an Appropriate Assessment under the Conservation of Habitats and Species Regulations 2010 in relation to planning application reference no: P2012/1061

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 2010.

P2012/1061

Emergency backup STOR (Short Term Operating Reserve) compound to support the National Grid with associated switchgear and boundary treatments.

Coed Darcy Urban village. Llandarcy Neath.

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).

This opinion has been made in consultation with the Authority's Biodiversity Unit, and CCW.

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 SAC and Crymlyn Bog RAMSAR, Kenfig and Coedydd Nedd a Mellte (Pontneddfechan waterfalls)



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P2012/1061
Development Control
Application Documents - DC
Officer Report

TOLS HABITAT REGS

Response

In this case the following site is applicable:

Crymlyn Bog SAC and Crymlyn Bog RAMSAR

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 P2010/1268 is not connected with or necessary for site management of the sites identified in step 1.

Step 3.

Taking account of advice from CCW, 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 Biodiversity Unit and CCW have completed a Sensitivity Matrix 1 & 2, which identifies the sites, and the potential hazards.

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

Identified site features taken from information provided by the Authority's Biodiversity Unit.

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 cotton-grass *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:

Note worthy 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

Note worthy flora:

Eriophorum gracile

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 Water quality and supply, and air quality are identified as those matters where potential hazards could arise. 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.

List development with permission of in the planning process which are yet to be constructed which should be considered cumulatively.

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.

This phase of development lies outside of the catchments within which the ground water flows towards the bog. As such there are no impacts to consider.

Cumulative Impacts

There are no significant effects of water quality or supply in combination with any other project or proposed development as there is no initial impact on water quality or supply

Air Quality

The application is supported with an Air Quality Assessment. This has been considered by CCW in their response.

CCW state that; "Based on the information presented in the Air Quality Report, CCW is satisfied that aerial emissions from this proposal are not likely to give rise to significant effects on the Crymlyn Bog SAC and Ramsar site. Therefore an Appropriate Assessment is not required under the Conservation and Habitats and Species Regulations 2010.

It is considered that taking CCW's views into account that the proposed development would not result in any impact upon the protected site from air quality.

Cumulative Impacts

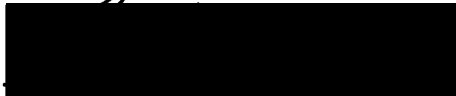
The application P2005/0393 for the urban village as a whole was assessed under the habitats regulations, and an appropriate assessment undertaken, this took into full consideration the site as a whole and any cumulative impacts. There are no material changes which would alter this previous view. The development has no initial impacts, and as such it is considered that there are no cumulative impacts.

No new significant impacts are raised from this proposal

Conclusion.

It is considered that the proposed development would by itself, or in combination with any other development/ project would not likely have a significant effect on the Crymlyn Bog SAC and Crymlyn Bog RAMSAR sites. As such an Appropriate section is not required.

Signed..



Dated.....

21/1/13

Presented to

