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Nina Kinsey  
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**Dyddiad/Date:** 9 December 2021

Annwyl / Dear Ms Kinsey,

**Town and Country Planning Act 1990 (as amended) ('The 1990 Act')**  
**The Developments of National Significance (Wales) Regulations 2016 (as amended)**  
**('The DNS Regulations')**  
**The Developments of National Significance (Procedure) (Wales) Order 2016 (as amended)**  
**('The DNS Procedure Order')**

**BWRIAD / PROPOSAL:** SOLAR FARM; CIRCA 30 MW OVER 65 HA, LIFESPAN OF UP TO 40 YEARS,

**LLEOLIAD / LOCATION:** BRYN-Y-RHYD FARM, LLANEDI, PONTARDULAIS, SA4 0FD.

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales (NRW) on the above application, which we received on 27 October 2021.

**We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding birds. If this information is not provided, we would object to this planning application. Further details are provided below.**

**We also advise that based on the information submitted to date, a condition regarding a Landscape Environment and Management Plan and lighting should be attached to any planning permission granted. Without the inclusion of these conditions we would object to this planning application.**

Condition 1: Landscape Environment Management Plan – final version

Condition 2: Lighting Plan

### **Protected species**

Species protected under Wildlife and Countryside Act 1981 - Birds

Section 7.3.26 of the Environmental Statement (ES) (Prepared by Pegasus Group, September 2021) states that specific bird surveys have not been carried out and includes the reasons for this. Whilst we welcome the proposed mitigation, we still cannot ascertain whether this is sufficient to overcome any potential impacts on any ornithological interest on site as no detailed survey work has been conducted.

The extended phase 1 survey was conducted over two days (21st and 22nd July 2020). This is not a sufficient level of survey, in relation to timing, or the number of visits, to properly assess the ornithological interest of the application site.

Section 7.4.63 of the ES states, with particular relation to skylark, but does however apply to other bird species on site, that "...the breeding season was largely over at the time of survey so this is unlikely to accurately represent the number of territories which might have been present".

In addition, with regard to woodcock it states: "Woodcock are unlikely to be found on site, rather sheltering within the woodland and copses off site which will be protected by a 1015m buffer from the array. For this reason and considering their movement at night (when no construction would occur), the likelihood of impacts on woodcock is low." However, this assessment fails to take fully into account the ecology of woodcock. This species uses open fields and farmland to feed in at night i.e. the habitats found within the application boundary. Therefore, without nocturnal surveys to assess the use of the site it is not possible to conclude a low likelihood of impact at this stage.

We therefore reiterate our position during pre-application; further survey in relation to birds on site is required. We can agree that there is unlikely to be significant impacts on goshawk given the habitats on site; no further survey is required for this species.

We have previously informed the applicant of our stance in our statutory pre-application response 30 April 2021 (CAS-142583-L2Y8) and provided further detail to the applicant via our charged pre-application service on the scope of these surveys.

### European Protected Species

We are satisfied that any potential impacts associated with the species we highlighted, namely bats, dormice, otter and water vole, can be managed by the inclusion of the two conditions noted above, on any consent granted. Further information is detailed below.

We agree that a European Protected Species (dormouse) licence should be obtained from NRW under Regulation 55 of The Conservation of Habitats and Species Regulations 2017 before any works on site commence that may impact upon dormice. This includes development works and any long-term dormouse habitat works. Please note that the granting of planning permission does not negate the need to obtain a licence.

We welcome the report on the additional ecological survey work contained within ES Appendix 7.6 'Brynryd Solar Farm, further Ecological Surveys' by Clarkson Woods, dated September 2021. Following our review we note that:

- dormice are considered likely to be present on site due to two characteristically chewed hazelnuts founds in the east of the site
- no significant roosts of horseshoe bats are considered to be present in any of the farm buildings surveyed and that site appears to support a moderate diversity of bats
- no evidence of water voles was noted on the site and the species is considered likely to be absent from the application site

- no evidence of otters was noted on the site

With reference to paragraphs 16 and 17 of the Planning Environment and Decisions Wales (PEDW) assessment of the ES, we can confirm that this additional information does not substantially change our statutory pre-application advice and that the information prepared by the applicant is sufficient to inform determination on this aspect.

Condition : Landscape Environment Management Plan (LEMP)

No development shall commence until a final version of the Landscape Ecological Management Plan for the provision, management and maintenance of the landscape and ecological features at the site has been submitted to and approved by the Local Planning Authority.

A draft LEMP (June 2021) has been included in Appendix 7.3. We advise that a number of changes, detailed below, are required to ensure the document is enforceable.

- The management plan diary is to specify months/years for each proposed activity.
- The hedgerow management should be timed earlier than February/March due to early nesting birds.
- Monitoring of dormice is required in May and September in years 1, 3, 5, 7, 10 and every 5 years thereafter. The results of the monitoring are to be provided in writing to the Local Planning Authority and to the National Dormouse Monitoring Programme c/o Peoples Trust for Endangered Species (PTES) by 31<sup>st</sup> October in each year that monitoring is due.
- It should include a commitment for a written review of the effectiveness of the LEMP every 5 years from the commencement of works, with a revised LEMP (if appropriate) submitted for the Local Planning Authorities written agreement prior to implementation.

**Justification:** A LEMP should be submitted to ensure necessary landscape and environmental management measures are agreed prior to commencement and implemented to ensure the site's landscape and environmental features are adequately managed long term.

Condition: Lighting Plan

We understand lighting will be used during winter months for construction which has a potential to impact on protected species. Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas, specifically hedgerows.
- An Environmental Lighting Impact Assessment against conservation requirements for protected species.
- Light modelling images to present the night time effects of lighting on building elevations and ground surfaces from key viewpoints

- Details of lighting to be used both during construction and/or operation.

**Justification:** A lighting plan should be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, protected sites, habitats, and commuting corridors.

### **Protected Sites**

The following protected sites are within 2km of the application site:

- Caeau Afon Gwili Site of Special Scientific Interest (SSSI)
- Graig Fawr SSSI

Pollution prevention measures should be implemented to prevent any impact on the protected sites, particularly during construction.

Caeau Mynydd Mawr Special Area of Conservation (SAC) lies within 3 km of the site, which supports an important population of Marsh Fritillary butterflies. A walkover survey has been carried out with a representative of Carmarthenshire County Council and found no signs of supporting habitat for Marsh Fritillary. As such, we are satisfied that no further surveys of Marsh Fritillary butterfly are required.

We advise that the grassland enhancement will be focused towards the creation of suitable habitat e.g. for Devils-bit Scabious plant, such as through plug planting. We note that the details can be revised when more information is provided.

We support the suggestion outlined in Ecology section (7) and the LEMP to manage fields in the NRW priority area under a 'grassland restoration and enhancement plan'. The applicant may wish to consider how appropriate low density grazing between mid-July and March, as conditions allow, to enable vegetation to grow and set seed, will be managed.

### **Habitat Regulations Assessment**

In addition, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires the Planning Environment and Decision Wales as the competent authority, to undertake an appropriate assessment of any plan or project which is likely to have significant effects, either alone or in combination with other plans and projects, on the SAC.

The applicant will need to provide sufficient information for the competent authority to be able to carry out a Habitat Regulations Assessment (HRA).

### **Pollution Prevention**

We have reviewed the Outline Construction and Environmental Management Plan (CEMP) prepared by Pegasus Group, July 2021, contained within the ES. We welcome the amendments regarding vehicle refueling and silt management. All recommendations/pollution prevention measures should be implemented on site.

### **Landscape and Visual Impact**

The site lies approximately 8km from the Brecon Beacons National Park boundary at its closest point. It is outside the 5km study area and zone of theoretical visibility. At distances over 8km the proposals would have no effect on the National Park.

### **Other Matters**

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our [website](#). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our [website](#) for further details

If you have any queries on the above, please do not hesitate to contact us.

Yn ddiffuant / Yours sincerely

**Rhian Isaac**  
**Ymgynghorydd Cynllunio Datblygu/Development Planning Advisor**  
**Cyfoeth Naturiol Cymru / Natural Resources Wales**