

BIODIVERSITY AND DEVELOPMENT SPG

Chapter 6 APPENDICES

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Appendix 1: Protected Sites, Habitats And Species In Swansea

- A.1.1 This Appendix supports Step A: of the Stepwise Process which requires that the Applicant gains a good /sound understanding of the ecological constraints and opportunities of a site at the earliest stage in the application process. A Development Checklist provides applicants with guidance on the type and timing of habitat and species of surveys and ecological assessments that are likely to be required to be submitted in support of a planning application. (See Figures A1.1, A1.2 and A1.3) Guidance is also provided on the implications of development on areas supporting priority species, and /or habitats and on protected sites in the context of the relevant framework of environmental legislation and policy. (See Figures A1.4, A1.5, A1.6, A1.7)
- A.1.2 All information is correct at the time of publication. Further legislation and policy will be produced in response to increased understanding of the natural environment and changing circumstances, not least Britain's departure from the European Union. It is therefore intended that the Head of Planning and City Regeneration, or an appropriate delegated officer, will be authorised (add relevant minute reference) to make factual updates to the legislation and policy information outlined in this SPG. It is the responsibility of the developer to ensure that their proposals meet current legislative and policy requirements.



Figure A1.1: Checklist for Protected/Priority Species Surveys likely to be required for terrestrial development sites		Type of Species Survey likely to be Required	Checklist
Development Types			
1. Conversion, modification, demolition or removal of buildings –			
1.a	agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams*	Barn owls Bats Breeding Birds	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1.b	buildings and structures with weather boarding and/or hanging tiles; or	Bats Amphibians	<input type="checkbox"/> <input type="checkbox"/>
1.c	pre-1960 detached buildings and structures - that are within 200m of woodland and/or water	Barn owls	<input type="checkbox"/>
1.d	pre-1914 buildings and structures – that are within 400m of woodland and/or water*	Great crested newts Nesting birds Otters	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
1.e	pre-1914 buildings and structures with gable ends or slate roofs, regardless of location	Bats Nesting birds	<input type="checkbox"/> <input type="checkbox"/>
2. Development affecting built structures:			
2.a.	tunnels, mines, kilns, ice-houses, military fortifications, air raid shelters, cellars and similar underground ducts and structures	Bats	<input type="checkbox"/>
2.b.	bridge structures, aqueducts and viaducts (especially over water and wet ground)	Bats Breeding birds Otters Water voles	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

3. Illumination/floodlighting of:		
3.a churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water	Bats Badgers Barn owls Breeding birds Otters	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3.b agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams	Bats Barn owls Breeding birds	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3.c rivers, streams, canals, lakes, ponds or other aquatic habitats (water bodies)	Amphibians Bats Breeding birds Otters Water voles Fish Aquatic invertebrates	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
3.d areas of scrub or woodland	Barn owls Bats Breeding birds Dormouse Otters	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4. Felling, removal or lopping of:		
4.a woodland	Bats Badgers Dormouse	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4.b hedgerows and/or lines of trees with connectivity to woodland or water bodies	Otters Plants Breeding Birds	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4.c old and veteran trees that are older than 100 years	Bats Barn owls	<input type="checkbox"/> <input type="checkbox"/>
4.d mature trees with obvious holes, cracks or cavities (and also large dead trees)	Breeding birds Plants Invertebrates	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
4.e removal of mature/semi-mature trees on river banks	Bats Breeding birds Otters	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

5. Proposals affecting ponds with respect to		
5.a. applications within 500m of a pond marked on an OS map	Great crested newts	<input type="checkbox"/>
	Amphibians	<input type="checkbox"/>
5.b. applications which directly impact on any pond	Aquatic invertebrates	<input type="checkbox"/>
	Water voles	<input type="checkbox"/>
	Otters	<input type="checkbox"/>
	Fish	<input type="checkbox"/>
6. Proposals affecting water bodies:		
6.a. in or within 200m of rivers, streams, canals, lakes, reedbeds or other aquatic habitats (water bodies)	Bats	<input type="checkbox"/>
	Otters	<input type="checkbox"/>
	Great crested newts	<input type="checkbox"/>
	Amphibians	<input type="checkbox"/>
	Breeding Birds	<input type="checkbox"/>
	Plants	<input type="checkbox"/>
	Reptiles	<input type="checkbox"/>
	Water Voles	<input type="checkbox"/>
	Fish	<input type="checkbox"/>
	Aquatic invertebrates	<input type="checkbox"/>
7. Proposals located in or immediately adjacent to:		
7.a. quarries	Bats	<input type="checkbox"/>
7.b. natural cliff faces and rock outcrops with crevices or caves (see also specific guidance on marine/coastal developments).	Breeding birds	<input type="checkbox"/>
7.c. derelict land (brown field sites), allotments and railway land	Bats	<input type="checkbox"/>
	Badgers	<input type="checkbox"/>
7.d. arable or pasture land	Breeding Birds	<input type="checkbox"/>
	Brown hare	<input type="checkbox"/>
7.e. apparently unmanaged habitats (e.g. scrub, rank grassland)	Plants	<input type="checkbox"/>
	Reptiles	<input type="checkbox"/>

8. Renewable Energy¹		
8.a. Multiple wind turbines	Bats	<input type="checkbox"/>
8.b. Single wind turbines	Breeding birds	<input type="checkbox"/>
https://www.gov.uk/guidance/wild-birds-surveys-and-monitoring-for-onshore-wind-farms	Nesting birds	<input type="checkbox"/>
8.c. Solar arrays	Vantage point bird surveys	<input type="checkbox"/>
9. Householder Development]		
See also Householder Design Guide SPG	Bats,	<input type="checkbox"/>
www.swansea.gov.uk/ldp/spg	Barn owls,	<input type="checkbox"/>
	Breeding birds	<input type="checkbox"/>
	Great crested newts	<input type="checkbox"/>

¹ for offshore energy see effects of marine development in Swansea Marine Planning Guide on Council's website www.swansea.gov.uk

Figure A1.2 Ecological Survey Seasons – Terrestrial Species

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec
Badgers												
Bats (Hibernation Roosts)												
Bats (Summer Roosts)												
Bats (Foraging/Commuting)												
Birds (Breeding)												
Birds (Over-Wintering)												
Dormice												
Great Crested-Newts Terrestrial												
Great Crested Newts Aquatic												
Other amphibians												
Invertebrates												
Otters												
Reptiles												
Water Voles												
Habitats/Vegetation												

KEY: Optimal Survey Time  Sub Optimal 

Figure A1.3 Section 7 Species and Habitats likely to be found in Swansea’s Marine/Coastal/Estuarine locations

TYPE OF CONSENT	S7/ EPS SPECIES			S7 HABITATS	
Marine/Estuarine: Marine works where the LPA jurisdiction extends into main rivers and estuaries					
Planning Permission may be required	Allis and twaite shad European eel Otter River and sea lamprey Sea trout	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>		Blue mussel beds Coastal saltmarsh Intertidal mudflats Seagrass beds Sheltered muddy gravels	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Coastal: Works below Mean High Water Springs (MHWS)					
Marine Licence	<i>Overwintering birds such as</i> Eurasian curlew Ringed plover Sanderling <i>and other species such as</i> Bar-tailed godwit Black-headed gull Chough Herring gull	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	<i>Coastal plant species including:</i> Sea stock Small flowered catchfly Prickly saltwort Shore dock Burnt orchid Fen orchid Basil thyme Juniper	Coastal saltmarsh Coastal vegetated sand dunes Coastal vegetated shingle Maritime cliff and slopes	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
Intertidal: Developments taking place in the intertidal zone or across the land/sea boundary, for example a slipway					
Planning permission Marine Licence	Native oyster Sand eel	<input type="checkbox"/> <input type="checkbox"/>		Blue mussel beds Intertidal boulder communities Intertidal mudflats Peat and clay exposures Sabellaria alveolata reefs (<i>honeycomb worm reefs</i>)	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>

Figure A1.4: PROTECTION OF SPECIES In Swansea - Legal and Policy Framework

	LDP Policy	Feature	Legislation and Policy	Examples in Swansea	Implications for Development / Legal Requirements
Species of International Importance	Policy ER 8	European Protected Species (EPS)	Species list on Schedule 2 (fauna) and Schedule 4 (flora) of the Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitat Regulations)	Bats (all species), Dormouse European otter Great crested newt. Harbour porpoise Shore dock Fen orchid	Schedule 2 and 4 EPS are protected from: intentional or reckless killing, injury, disturbance or capture, as are their breeding and resting places. The Council as the Local Planning Authority has a duty to have regard to the <i>EC Habitats Directive and Wild Birds Directive</i> as part of the planning process.
		Wild Birds of international importance <i>Habitats Directive Annex 2</i> <i>Birds Directives Annex 1 - Species</i>	The Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitat Regulations)	See SAC and SPA Sites in Table A1.6 below.	Protected through the designation of SAC/SPA sites OR a site of sufficient diversity and area of habitat for wild birds. As a competent authority, the LPA have a duty to undertake a HRA.

	LDP Policy	Feature	Legislation and Policy	Examples in Swansea	Implications for Development / Legal Requirements
Species of National or Local Importance (continued)	Policy ER 8	Badger	Protection of Badgers Act (1992)	Badgers	This Act protects badgers and their setts, and makes it illegal to: <ul style="list-style-type: none"> • <i>Wilfully capture, injure or kill a wild badger</i> • <i>Be in possession of a live or dead badger</i> • <i>Destroy or obstruct access to an active badger sett</i> NRW Licence may be required to: close or to interfere with a Badger sett; cause disturbance to Badgers. Badger setts are protected from intentional or reckless interference.
		Wild Mammals	Wild Mammals (Protection) Act 1996	Hedgehog Badger	This Act makes it an offence to inflict unnecessary suffering on wild mammals. The Act provides an animal welfare protection to all wild species of mammals.
		All Wild Birds	Wildlife and Countryside Act (1981) (as amended) Schedule 1	All wild birds	All wild birds, their nests and their eggs are protected under the Act. It is an offence intentionally to: <ul style="list-style-type: none"> • Kill, injure or take any wild bird, • Take, damage or destroy the nest of a Golden Eagle, White-tailed Eagle or Osprey (even if disused), • Take, damage or destroy the nest of any wild bird whilst it is in use or being built, • Take, damage or destroy an egg or any wild bird, Or to possess any live or dead wild bird or the egg of any wild bird, or any derivative
		Schedule 1: Birds	Wildlife and Countryside Act (1981) (as amended) Schedule 1	Barn Owl Peregrine Falcon Red Kite Chough Kingfisher Bittern Common scoter	Many rare birds are listed on Schedule 1, which makes it an offence intentionally or recklessly to: <ul style="list-style-type: none"> • <i>Disturb a Schedule 1 bird while it is building a nest or is in, on or near a nest containing eggs or young; or</i> • <i>Disturb dependent young of such a bird</i>

	LDP Policy	Feature	Legislation and Policy	Examples in Swansea	Implications for Development / Legal Requirements
Species of National or Local Importance (continued)	Policy ER 8	Schedule 5 Protected Animals (not including Birds)	Wildlife and Countryside Act (1981) (as amended) Schedule 5	Water vole Marsh fritillary Small blue butterfly Fen raft spider Slow worm Grass snake Adder Common toad Smooth newt Allis and Twaite shad.	Species have different levels of protection, including protected from intentional killing, injury or taking, or destruction; protected from harm at all times; or whilst nesting. Species should be protected and enhanced.
		Schedule 8: Protected Plants	Wildlife and Countryside Act (1981) (as amended) Schedule 8	Sea stock Small-flowered catchfly Native bluebell Deptford pink Pennyroyal Dune gentian	Species have varying levels of protection. Plants which are protected: Schedule 8 lists plant species that are protected under Section 13. Section 13 protects plants from picking and sale of plants or parts of plants listed in Schedule 8. <ul style="list-style-type: none"> intentional picking, uprooting or destruction (Section 13 1a) selling, offering for sale, possessing or transporting for the purpose of sale (live or dead, part or derivative) (Section 13 2a); advertising (any of these) for buying or selling (Section 13 2b)
		Section 7: Species of principal importance	Environment (Wales) Act 2016	See S7 list.	Material planning consideration Link to Section 7 Priority species (pdf) See Council Website for List of S7 Species in Swansea.
		Invasive Non-Native Species	Wildlife and Countryside Act 1981, NERC Act 2006 CROW Act 2000.	Himalayan balsam Japanese knotweed Cotoneaster	Material planning consideration

Figure A1.5: PROTECTED SITES in Swansea - Environmental Legislation and Policy Framework

	LDP Policy	Feature	Sites in Swansea	Legislation and Policy	Implications for Development / Legal Requirements
Protected Sites of INTERNATIONAL Importance	Policy ER 4	IUCN Category V Protected Landscape	♣ Gower Area of Outstanding Natural Beauty (AONB)	Countryside and Rights of Way Act 2000	Development must have regard to the purpose of the designation to conserve and enhance the natural beauty of the area. (See LDP Policy ER 4)
	Policy ER 8	Ramsar 'Wetland of International Importance'	♣ Burry Inlet ^{1 2} ♣ Crymlyn Bog ^{1 2}	United Nations Ramsar Convention (1971)	Sites are protected against potentially damaging operations. Strong Presumption against damaging development
	Constraints & Issues Map	Special Protection Area (SPA)	♣ Burry Inlet ^{1 2} ♣ Carmarthen Bay ^{1 2}	The Conservation of Habitats and Species Regulations 2017 (as amended)	EIA: Development may require Environmental Impact Assessment (See
	LDP Appendix 7	Special Area of Conservation (SAC) * SAC and SPA are collectively known as 'Natura 2000' sites	♣ Bristol Channel Approaches (Harbour porpoises) ^{1 2} ♣ Carmarthen Bay Dunes ^{1 2} ♣ Carmarthen Bay and Estuary ^{1 2} ♣ Crymlyn Bog ^{1 2} ♣ Gower Ash Woods ² ♣ Gower Commons ² ♣ Limestone Coast of South and West Wales ²	(The Habitat Regulations)	HRA: For Natura 2000 sites Habitats Regulations Assessment (HRA) to be undertaken prior to determination of planning. ² See Council website for further guidance on EIA and HRA process.

Notes

- 1 **Marine, Coastal and Estuarine Designations:** Typical effects which may arise from development along the foreshore and which may impact upon these designations include (but are not limited to):-
- Direct loss of habitat such as vegetated shingle or saltmarsh
 - Visual or noise disturbance to overwintering and migratory birds and marine mammals
 - Direct impacts upon overwintering and migratory birds by features such as wind turbines
 - Mobilisation of existing ground contaminants by works such as piling etc. which may then leach into the estuary
 - Deposition of airborne contaminants arising from traffic and industrial processes
- 2 Potential HRA effects – see Figure A1.7

	LDP Policy	Feature	Sites in Swansea		Legislation and Policy	Implications for Development / Legal Requirements
Protected Sites of NATIONAL Importance	<p>Policy ER 8</p> <p>Constraints & Issues Map</p> <p>LDP Appendix 7</p>	Site of Special Scientific Importance (SSSI)	<ul style="list-style-type: none"> ♣ Barlands Common Stream Section (Bishopston SSSI) ♣ Berry Wood ♣ Bishop's Wood ♣ Blackpill ♣ Bracelet Bay ♣ Burry Inlet and Loughor Estuary ♣ Caswell Bay ♣ Cefn Bryn Common ♣ Courthouse Grassland ♣ Crymlyn Bog ♣ Cwm Ivy Marsh and Tor ♣ Fairwood, Pengwern and Welshmoor ♣ Glais Morain ♣ Gower Coast: Rhossili to Port Eynon ♣ Graig Fawr ♣ Great Tor (Three Cliffs Bay) ♣ Horton, Eastern and Western Slade ♣ Iliston Quarry 	<ul style="list-style-type: none"> ♣ Llangland Bay (Rotherslade) ♣ Minchin Hole ♣ Nicholaston Wood ♣ Nant y Crimp ♣ Oystermouth Old Quarry ♣ Oxwich Bay ♣ Parkmill Woodlands and Llethrid Valley ♣ Pennard Valley ♣ Penlleger Railway Cutting ♣ Penplas Grassland ♣ Penrice Stables and Underhill Cottage ♣ Pwll Du Head and Bishopston Valley ♣ Rhossili Down ♣ Rose Cottage, Llethrid ♣ Six Pit, Swansea Vale and White Rock ♣ Sluxton Marsh, Whitemoor ♣ Whiteford Burrows, Landimore Marsh and Broughton Bay 	Wildlife and Countryside Act (1981) (as amended) by the Countryside and Rights of Way Act (2000)	<p>Sites are protected against potentially damaging operations.</p> <p>Strong presumption against damaging development.</p> <p>Works may require consent from Natural Resources Wales (NRW)</p>
		National Nature Reserve (NNR) (NB – All NNRs are also SSSI)	<ul style="list-style-type: none"> ♣ Oxwich ♣ Gower Coast ♣ Whiteford ♣ Crymlyn Bog and Pant y Sais 	<p>NNR's are declared by NRW under National Parks & Access to the Countryside Act (1949) OR Wildlife and Countryside Act 1981 (As amended)</p>	<p>NNR's are a material planning consideration</p> <p>Each reserve has a programme of work to manage the site's special features. Some reserves require permits to gain access to them.</p>	

	LDP Policy	Feature	Sites in Swansea	Legislation and Policy	Implications for Development / Legal Requirements
Protected Sites of LOCAL importance	<p>Policy ER 6</p> <p>Policy ER 11</p> <p>Constraints & Issues Map</p> <p>LDP Appendix 7</p>	Local Nature Reserve (LNR)	<ul style="list-style-type: none"> ♣ Bishops Wood ♣ Cwm Llwyd Wood ♣ Killay Marsh ♣ Mumbles Hill ♣ Pwll Du Cliffs ♣ Cadle Heath 	National Parks and Access to the Countryside Act (1949) OR Wildlife and Countryside Act 1981 (as amended)	<p>Have regard to contribution to ecological connectivity and resilience of ecosystems.</p> <p>Check for presence of priority habitats and species to be given appropriate protection in accordance with Section 7 of the Environment (Wales) Act 2016. Link to Section 7 Priority habitats (pdf)</p> <p>Maintain public access where relevant.</p>
	<p>Site of Importance for Nature Conservation (SINC)</p>	<p>At Numerous locations – See LDP Constraints and Issues Map.</p> <p>Includes all</p> <ul style="list-style-type: none"> ♣ Ancient woodlands, ♣ Wildlife Trust, RSPB, and Woodland Trust Reserves 	<p>Planning Policy Wales (Edition 10)</p> <p>Environment (Wales) Act 2016</p>	<p>Have regard to contribution to ecological connectivity and resilience of ecosystems.</p> <p>Check for presence of priority habitats and species to be given appropriate protection in accordance with Section 7 of the Environment (Wales) Act 2016. Link to Section 7 Priority habitats (pdf)</p>	

Figure A1.6 PROTECTION OF HABITATS In Swansea- Legal and Policy Framework

	LDP Policy	Feature	Legislation and Policy Development Implications/Legal/Policy Requirements
Protected Habitats of INTERNATIONAL Importance	Policy ER 8 Constraints & Issues Map LDP Appendix 7LDP:	Habitats of European Importance – ‘Annex I Priority Habitats’	The Conservation of Habitats and Species Regulations 2017 (as amended) (The Habitat Regulations) <ul style="list-style-type: none"> Habitat may be a designatory feature of a Natura 2000 site (see above)
Protected Habitats of NATIONAL Importance	Policy ER 11 Constraints & Issues Map (for Ancient Woodlands) Trees, Hedgerows and Woodlands on Development Sites SPG	Trees	Tree Preservation Orders (Town and Country Planning Act 1990) Town and Country Planning (Trees) Regulations 1999: Under the provisions of the Act, a number of TPOs have been made to protect specific trees, groups of trees and woodlands across the County. <ul style="list-style-type: none"> Contact details for Council's Tree Officer available at https://swansea.gov.uk/treepreservationorders See also https://swansea.gov.uk/treesondevelopmentsites The purpose of a TPO is to protect trees that make a significant impact on their local surroundings. Special provisions also apply to trees within Conservation Areas. In addition to their amenity value trees are an important natural asset and play an essential role in providing a wide range of ecosystem services. (drainage, carbon sequestration, air quality, food provision etc)
		Hedgerows	HEDGEROW REGULATIONS (1997) <ul style="list-style-type: none"> Certain hedgerows are protected from removal. Outcome of Hedgerows Regulations Screening will advise on necessary protection, maintenance and enhancement of hedgerows. Hedgerows may require screening for Hedgerow Regulations protection Hedgerows may also contain species identified for protection, contribute to biodiversity and connectivity and may be part of important green infrastructure and ecological networks.
		Ancient Woodland Plantations on Ancient Woodland Sites (PAWs)	Planning Policy Wales Development not normally permitted on these sites.

	LDP Policy	Feature	Legislation and Policy Development Implications/Legal/Policy Requirements
Protected Habitats of NATIONAL/LOCAL Importance	Policy ER 8 Constraints & Issues Map	Section 7 – list of the habitats of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.	The Environment (Wales) Act 2016 (Section 7) <ul style="list-style-type: none"> • Habitats that must be maintained and enhanced • Mitigation/compensation measures may be required
		LBAP/ Nature Recovery Action Plan Habitats	Swansea Local Biodiversity Action Plan/Nature Recovery Action Plan <ul style="list-style-type: none"> • Habitats of local importance and significance that must be maintained and enhanced • Section 7 Habitats In Swansea²
		Invasive Species	Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended) <ul style="list-style-type: none"> • Assess the site to identify the presence of any invasive non-native species of flora listed
	Policy ER 9 Swansea Connectivity Assessment	Ecological Networks and Corridors	The Environment (Wales) Act 2016 (Section 6) Well Being of Future Generations Act - resilient Wales Goal Planning Policy Wales (Chapter 6) <ul style="list-style-type: none"> • Maintain and enhance ecological networks both within and outside the site

² <https://www.swansea.gov.uk/biodiversity>

Figure A1.7: Overview of potential HRA considerations re Swansea designations

Site	Reason for designation	Key considerations for Developers include...		
<p>Carmarthen Bay and Estuaries European Marine Site (comprising the Carmarthen Bay and Estuaries SAC, Carmarthen Bay SPA and the Burry Inlet SPA and Ramsar)</p>	<p>Carmarthen Bay and Burry Inlet SPA: designated due to their internationally important assemblage of wintering birds.</p> <p>Carmarthen Bay and Estuaries SAC: designated due to the estuarine habitat features, <i>Salicornia</i>, otters and migratory fish species e.g. sea lamprey and Allis shad.</p> <p>The Burry Inlet is also designated a Ramsar 'Wetland of International Importance'.</p>	<p>Water Quality and Quantity: Applicable to all designated sites.</p> <p>Ensuring that proposals do not adversely impact on water quality and quantity.</p>	<ul style="list-style-type: none"> ❖ Timing restrictions may be placed on piling works and other activities which cause noise or disturbance to migratory fish and marine mammals. ❖ Wintering and migratory bird surveys may be required and restrictions (e.g. in relation to timing, scale, location of works) may be applied depending on potential impacts. ❖ Otters: Any works which may disturb otters may be subject to restricted working hours, and mitigation measures such as installation of artificial otter holts/appropriate planning etc. Survey and assessment requirements may include otter surveys, mitigation proposals and lighting assessments. 	
<p>Carmarthen Bay Dunes SAC</p>	<p>Designated due to its dune habitat features including, whorl snail, petalwort and fen orchid.</p>		<p>Developers may be required to undertake some/all of the following</p>	<p>N/A</p>
<p>Crymlyn Bog SAC and Ramsar site</p>	<p>SAC: designated due to its fen, bog and mire and alluvial forest habitat features, reed and tree species.</p> <p>Ramsar 'Wetland Of International Importance'.</p>		<p>assessments: <i>flood assessment; foul sewerage; land contamination; site waste management.</i></p>	<ul style="list-style-type: none"> ❖ Additional recreation pressure arising from the new development.
<p>Gower Ash Woods SAC</p>	<p>Designated due to Ash and Mixed woodland habitat features on base-rich soils associated with rocky slopes.</p>			<ul style="list-style-type: none"> ❖ Air quality deterioration resulting from the new development.

<p>Gower Commons SAC</p>	<p>Designated due to heath and meadow habitat features, damselfly and marsh fritillary.</p>		<ul style="list-style-type: none"> ❖ Timing restrictions may be placed on activities which cause noise or disturbance to the <i>damselfly species</i> and <i>marsh fritillary</i>. ❖ Safeguarding of <i>devils bit scabious</i> habitat. ❖ Changes to the water table
<p>Limestone Coast of South West Wales SAC</p>	<p>The Limestone Coast is designated as a SAC due to vegetated sea cliff, fixed dune, heath, grassland, cave and sea case habitat features, greater horseshoe bat, petalwort and gentian.</p> <p>It is also designated a SPA, primarily due to the presence of Chough.</p>		<ul style="list-style-type: none"> ❖ Timing restrictions may be placed on activities which cause noise or disturbance to the <i>damselfly</i> and <i>marsh fritillary</i> and <i>greater horseshoe bat</i>.
<p>Bristol Channel Approaches SAC</p>	<p>Identified for the protection of harbour porpoise.</p> <p>Key site conservation objective: to ensure that the integrity of the site is maintained, and that it makes an appropriate contribution to maintaining Favourable Conservation Status (FCS) for harbour porpoise in UK waters.</p> <p>Site Location: This site straddles the Bristol Channel from Carmarthen Bay in the north to the northern coasts of Devon and Cornwall in the south.</p> <ul style="list-style-type: none"> ❖ Map boundary details: https://naturalresources.wales/media/675769/bristol-channel-approaches-sac-map-final.pdf <p>See Conservation objectives and management details:</p> <ul style="list-style-type: none"> ❖ http://jncc.defra.gov.uk/pdf/BristolChannelApproachesConservationObjectivesAndAdviceOnActivities.pdf in particular - see Table A2. 		

Appendix 2: Biodiversity and Major Developments

This appendix relates to the consideration of biodiversity and ecosystem resilience in the types of major and large scale applications set out below.

- I Housing (10+ houses or 0.5ha +
- II Other built development (1000sqm floorspace or 1ha+
- III Minerals development
- IV Waste development
- V Road or rail facilities

General Principles for all Major Applications

A2.2 The key points to be considered for all major proposals are listed below. Specific recommendations for each type of development are given in the subsequent pages.

A2.3 All major developments should consider the following principles.

- Follow the Stepwise Approach
- Assess the ecosystem resilience of proposals
- Have regard to SMNR framework
- Check whether the HRA process applies
- Check for INNS

A2.4 **Follow the Stepwise Approach:** The Council will consider all developments against the stepwise process. (See Fig A2.2 below and Chapter 3 of Main document). Applicants should be able to demonstrate in their submissions how the stepwise approach has been followed and how biodiversity has been considered as part of every stage of a development proposal. Figure A2.1 below explains how the Council will apply the Stepwise Approach in the context of large scale developments. A key factor of this process is the consideration of biodiversity at the pre-application stage. This will also help to prevent delays that may otherwise be caused by the need for additional survey work and redesign.

Figure A2.1. MAJOR DEVELOPMENT AND THE STEPWISE PROCESS

<p>STEP A - IDENTIFY AND ASSESS <i>Identify and assess existing, or potentially, important habitats, sites and/or species and ecological connectivity corridors</i></p>	<ul style="list-style-type: none"> • Ensure adequate survey data is available/obtained initially. The level of detail required will vary according to the size and nature of the development and the habitats and species concerned. • Some developments require an Environmental Impact Assessment under the Town & Country Planning Regulations 1999. Even permitted development can have a significant impact on conservation interests and may require an E.I.A. • Further advice can be obtained from the organisations listed in Appendix 6. 	<p>• ENHANCE</p>
<p>STEP B - AVOID <i>Avoid loss of any existing or potentially important habitats or species, or fragmentation of ecological connectivity</i></p>	<p>Wherever possible, development should avoid detrimental impact on biodiversity, ecological resilience and on any <i>ecological feature</i>.</p> <ul style="list-style-type: none"> • Avoid adverse impacts on designated sites (ER 8) • Avoid negative effects on statutorily protected habitats and species (ER 6) • Site layout and design should retain existing habitats, species and ecological features of benefit to wildlife. As part of this, an ecological landscaping scheme should be provided prior to the planning decision. • It is important to keep features in context rather than as an isolated fragment. Proposals must consider all opportunities to connect to wildlife corridors and link habitats (ER 9) and explore all opportunities to contribute to the county’s multifunctional green infrastructure network (ER 2). 	
<p>STEP C - RESPOND AND DESIGN <i>Integrate new and existing biodiversity into proposals and projects at the earliest opportunity</i></p>	<ul style="list-style-type: none"> • If avoidance is not possible, the developer should be able to justify why, and demonstrate how, the loss will be positively mitigated and/or compensated for. (See LDP Policy ER 6 re Sites, and Policy ER 8 re Habitats and Species). • The developer should show how their proposal has been designed in order to minimise any adverse effects on those habitats or species present. This may involve incorporating appropriate new features or habitats within development to maintain and enhance biodiversity. 	
<p>STEP D – MITIGATE <i>For any unavoidable harm or loss to important habitats or species or the fragmentation of ecological connectivity.</i></p>	<ul style="list-style-type: none"> • Minimise damage to habitats and species wherever possible. • The Council may use a planning condition to require a mitigation strategy. • Refer to guidance on the treatment of protected species.³ • Consider if operations proposed require a licence⁴ • The Council will use planning conditions to ensure works are carried out at the appropriate time of year to avoid disturbance to species. Any disturbance may be in contravention of national or European law. The nesting season generally extends between late February and early September inclusive. Appendix 1 provides information on relevant survey seasons for specific species. 	

³ Appendix 1 and further guidance on Council’s Website www.swansea.gov.uk

⁴ See Guidance on Council’s website.

<p>STEP E- COMPENSATE <i>Addressing the residual effects of a proposal after avoidance and mitigation have been considered.</i></p>	<ul style="list-style-type: none"> • The Council will use appropriate legal mechanisms to ensure re-creation of habitat on or off-site, at the expense of the developer. • A financial contribution to management of nearby existing sites, through a commuted sum, can be requested. • This is especially relevant where the development could lead to increased pressure on those sites (e.g. noise and disturbance through increased amenity use of the site). 	ENHANCE
<p>STEP F- ENHANCE <i>Explore all opportunities to enhance and increase biodiversity and ecosystem resilience proportionate to the scale and nature of the proposal</i></p>	<ul style="list-style-type: none"> • Enhancement will be proportionate to the scale, nature and location of the proposal, and opportunities to enhance biodiversity, in accordance with the five attributes of resilience. For details, see specific pages below for each development type. 	
<p>STEP G – MANAGE and MONITOR <i>Submit and implement long term management plan of agreed and appropriate mitigation, compensation and enhancement measures.</i></p>	<ul style="list-style-type: none"> • Provision must be made for the appropriate management of retained features and of new or enhanced habitat. The management and monitoring should be proportionate to the scale and impact of the development and the biodiversity measures proposed. • The developer should monitor the site, during the construction phase to ascertain any effects on wildlife. This may require the appointment of an Ecological Clerk of Works. • The developer will also be required to monitor the effectiveness of any mitigation, compensation and or enhancement measures to ensure they have been successful in achieving biodiversity gain. If this is not the case they may be required to implement remedial action • The term of management required should be proportionate to the biodiversity measures proposed. Applicants should explore options to transfer long term management through including an agreement with appropriate local stakeholders and environmental organisations. Where a commuted sum for management/monitoring is required this will be secured through appropriate legal mechanisms, such as a planning obligation. See Appendix 5. • Planning agreements will also secure the preparation and implementation of a management plan, and long-term monitoring in accordance with the agreed management plan objectives. 	

A2.5 **Assess the impact of the proposals on Ecosystem Resilience:** All development will be assessed against the principles of ecosystem resilience (see DECCA Figure 1.3 of main document)). Figure A2.2 below presents the application of the DECCA principles in the context of Major developments.

Figure A2.2 – DECCA and Major development

- D Diversity** between and within ecosystems; development must not cause any significant loss of habitats or species; and must provide a net benefit for biodiversity.
- E Extent** and scale of ecosystems; planning decisions should incorporate measures which seek to retain the extent of habitats and green networks; through protection, creation, restoration and appropriate management.
- C Connectivity** between and within ecosystems; maintain and develop functional habitat and species connectivity and ecological networks within and between ecosystems and across landscapes;
- C Condition** of ecosystems including their structure and functioning; and planning decisions should not compromise the condition of ecosystems;
- A Adaptability** to change of ecosystems; protect the extent, condition and connectivity of habitats, features and ecological networks

A2.6 **Have regard to SMNR Framework:** Opportunities for enhancement should be considered within the Sustainable Management of Natural Resources (SMNR) Framework i.e. SoNaRR, Natural Resource Policy, Nature Recovery Action Plan for Wales, Area Statements.

A2.7 The extent of any biodiversity enhancement required will be proportionate to the size, nature and location of the proposal and assessment of the proposal against the five attributes of ecosystem resilience set out in PPW and detailed above.

A2.8 **Check if the HRA process applies:** Where the development may affect a European Designated Site, under the Habitat Regulations, the Council must be satisfied that the proposals will have no likely significant effect on the features of the site or an additional assessment will be required. Figure A1.7 above provides an overview of potential HRA considerations re designated sites in Swansea.

A2.9 **Check if an EIA is required:** Applicants should establish whether development will require an Environmental Impact Assessment (EIA) having regard to the descriptions of development set out in Schedules 1⁵ and 2⁶ of the Town and Country Planning (EIA) Regulations 2017.

A2.10 **Check for INNS:** Where an invasive non-native species of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended) is present on a planning application site (for example Japanese Knotweed), a separate invasive non-native species (flora) condition will be placed upon that application.

⁵ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/1/made>

⁶ <http://www.legislation.gov.uk/ukxi/2017/571/schedule/2/made>

GUIDANCE FOR SPECIFIC MAJOR DEVELOPMENT TYPES

I HOUSING DEVELOPMENTS (10 OR MORE HOUSES, OR 0.5+ HA)

This part of the appendix should be read in conjunction with the Residential Design Guide SPG.

- A2.11 Discussions between the LPA and the applicant at an early stage are vital, and ensure that ecological concerns are raised at the beginning of the process. Survey work can then be timetabled appropriately. Results of ecological surveys should be communicated via an Ecological Constraints and Opportunities Plan.
- A2.12 The extent of any biodiversity mitigation, compensation and enhancement required will be proportionate to the size, nature and location of the proposal and assessment of the proposal against the five attributes of ecosystem resilience set out in PPW and detailed above in Fig A2.3.
- A2.13 The Council will discuss any mitigation, compensation and enhancement requirements with the applicant at the pre-application stage in response to the information emerging from the ecological surveys. Where issues are identified through the PEA and any specific species surveys, the Council's Ecologist will recommend appropriate mitigation, compensation and enhancement measures and these will be communicated through the written pre-application response.
- A2.15 This allows reasonable time for the applicant to respond to the issues raised and integrate any identified requirements into the design of the proposal.
- A.2.16 Agreed enhancement measures must be included within the design of the scheme and shown on plans submitted to the Council. The Council's approach is not to routinely condition planning permission upon the provision of specific enhancements, but rather that permission will be granted in accordance with the approved plans, which should incorporate any biodiversity mitigation, compensation and enhancement measures required to address identified and evidenced biodiversity issues directly relating to the development. This approach is in accordance with the CIL regulations.
- A2.17 A list of suggested general recommendations for improving biodiversity is provided on the Council's website, and can be incorporated into development as appropriate. Applicants will be required to demonstrate

how the integration of both retained and newly created biodiversity features will be achieved **throughout the site**. This will require consideration of how biodiversity features will deliver benefits at the landscape, neighbourhood and plot scales. Taking this approach will assist in demonstrating how biodiversity measures form part of the wider strategy to deliver quality placemaking and maintain and enhance the strategic and local green infrastructure network. A Green Infrastructure Strategy may be required where appropriate. This will also assist in demonstrating how the ecological connectivity of the site has been considered. (See Policy ER9 and point 3 of the Ecosystem Services Approach.

A2.18 For **new settlements**, as with other built developments, early discussions will highlight any biodiversity issues. These types of developments should employ an ecologist for the duration of the scheme who should form part of a multidisciplinary team, to ensure that biodiversity measures are fully

integrated as part of the wider placemaking approach to sustainable development, particularly in relation to delivering multifunctional green infrastructure and sustainable drainage systems. A Green Infrastructure Strategy will be required which should set out how biodiversity measures proposed and shown on the ECOP will be integrated as part of a biodiverse GI network throughout the site. This will demonstrate how biodiversity will be integrated at all scales of placemaking, for example, landscaping measures should consider both connectivity with existing strategic ecological corridors outside of the site and maintaining and enhancing connectivity within the site. Biodiversity can also be maintained and enhanced at the neighbourhood or street level through the greening of highway/active travel routes and landscaping and planting of open space and recreation layouts. At the plot and building scale, native planting of front and back gardens can increase biodiversity of individual properties and curtilages.

Non Residential Development

II Built development (1000 sq m floorspace or 1+ ha)

- A2.19 The extent of any biodiversity mitigation, compensation and **enhancement** will be proportionate to the size and nature of the development and its location and assessment of the proposal against the five attributes of ecosystem resilience. (See Figure A2.3 above)
- A2.20-A list of **general recommendations** for improving biodiversity is provided on the Council's website which can be used as appropriate. Habitat creation must fit with the ecological landscape character area. Additional consultation with relevant stakeholders and conservation organisations is advised.
- A2.21 **Large developments**, should employ an ecologist for the duration of the scheme who should operate as part of a multidisciplinary project team.

III Minerals Development

- A2.22 The Environment Act 1995 supports the use of restored mineral workings for biodiversity. The review of mineral planning conditions can also be imposed to secure nature conservation after use.
- A2.23 MTAN 1: Aggregates contains detailed recommendations for minimising damage to ecosystems during works.
- A2.24 Old mineral workings are an ideal opportunity to promote large-scale habitat creation and restoration schemes. Bare ground /brown field sites can provide valuable habitats for a range of plant invertebrate and other species. Maintenance and or creation of bare ground should feature in restoration schemes where possible.
- A2.25 After care conditions should stipulate a programme of management, including provision for public access and timing of development in order to avoid damage to existing habitats and species and to create new areas for wildlife.
- A2.26 Monitoring and enforcement of the proposals is necessary to ensure maximum benefit for wildlife is achieved.

IV Waste Development

- A2.27 Hedgerows, shelterbelts and copses can all be planted on or around landfill and recycling sites for landscaping and screening during the lifetime of the site.
- A2.28 Landfill sites should ideally be restored as wildlife areas. This could include wildflower meadows and or native woodlands.
- A2.29 Surface drainage ditches should be maintained and enhanced and protected from pollution. Creation of new ditches should be considered having regard to the relevant SuDS legislation and guidance.
- A2.30 Refer to NRAP and Area Statements to identify priorities for that location.

V Road and Rail Facilities

- A2.31 Road or rail 'underpasses' and other structures such as warning signs for toads, badgers, otters and other animals may be required if these species are known to be in the area.
- A2.32 Runways for otters and water voles may be needed under bridges if banks are to be disturbed.
- A2.33 Use the verges as a space for habitat creation, particularly grassland appropriate to the area. Consider the use of grasses suited to low nutrient soils to minimise management and maintenance requirements. Refer to Guidance on road verge management⁷

⁷ <https://www.plantlife.org.uk/uk/our-work/publications/road-verge-management-guide>

Appendix 3: Biodiversity and Minor & Other Development

This appendix relates to the consideration of biodiversity and ecosystem resilience in Minor and other applications

GUIDANCE FOR ALL MINOR DEVELOPMENT TYPES

- A3.1 The first step in any application is to identify if any protected species or habitats are present on the site. Applicants are advised to follow the steps below to establish the biodiversity value of their site.
- A3.2 **Refer to Development Checklists – Appendix 1: All applicants should refer to** Appendix 1 to establish the likelihood of any protected species or habitats being present on a site that might be affected the type the type and nature of development proposed. This will inform what ecological survey information applicants will need to submit with their application. For example, a proposal for a loft conversion will affect roofspace which is a potential habitat for bat roosting and bird nesting. The presence of trees and or hedgerows on or near the site may also be providing habitat for bats or nesting birds.
- A3.3 **Where applicants are already aware that protected species are present:** Pre-application advice should be sought as early as possible in order to ensure that the proposed development complies with legislation and that necessary compensation and enhancement is planned for.
- A3.4 **Where the applicant is not aware of any protected species on the site:** The Council will consult The South East Wales Biodiversity Records Centre [SEWBREC]⁸ Aderyn Database to carry out initial desk based research to establish the likely presence of protected habitats and species on a site and will advise the applicant accordingly on any surveys that will be required to be submitted with an application.
- A3.5 **Carry out relevant surveys:** If a survey is needed, it must be carried out by a suitably qualified ecologist⁹. The required information should include the necessary survey data, impact assessment, method statements

⁸ Aderyn is the LERC Wales' Biodiversity Information & Reporting Database <http://www.sewbrec.org.uk/>

⁹ The **Chartered Institute of Ecology and Environmental Management (CIEEM, www.cieem.net)** has a directory of members that can be searched by region and specialism⁹ and also provides Guidelines for Ecological Report Writing⁹

and mitigation/ enhancement strategies. This information will need to be included as part of the planning application. Ecological surveys are seasonal, so the required survey must be carried out at an appropriate month of the year, and time of day. (See Appendix 1).

A3.6 Where there is no reasonable likelihood for biodiversity features to be affected: In these cases, survey work will not be required. However, applicants should also be aware that additional information may be requested. The Council can direct the applicant to supply any further information reasonably necessary to determine any planning application.

A3.7 INNS: Applicants should consider whether INNs¹⁰ are present on the site (for example Japanese Knotweed). The Council may place a condition on the application to control removal of INNs.



¹⁰ Invasive non-native species of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended)

Specific Guidance for HOUSEHOLDER PROPOSALS and LISTED BUILDING CONSENTS
Applications for householder development should be read in conjunction with the Householder Design Guide SPG.

A3.8 Most householder and Listed Building Consent applications involve only minor alterations. Further investigation is only likely to be required if the proposal involves:

- Roofing or roofing works
- Demolition (full or partial)
- Damage to or loss of habitat features such as ponds, hedgerows and trees.

A3.9 Where this type of development is proposed applicants should check for the following protected species and habitats:

- Bat roosts or nesting bird sites which will be affected (See Aderyn BARB Service)¹¹
- Great crested newts in ponds
- TPOs, hedgerow regulations

A3.10 The species surveys most likely to be required in a householder application will be for

- Bats,
- Barn owls,
- Breeding birds
- Badgers
- Great crested newts

A3.11 Where no protected species or habitats are found on the site, the Council may require a simple statement setting out the steps taken to establish that the proposal will not have a negative ecological impact. (In line with the Council's s6 Duty to maintain and enhance biodiversity, the Council may attach advisory notes to a permission which signpost applicants to best practice and advice on measures and improvements that can be integrated into the development which benefit biodiversity.

A3.12 Where protected species and their habitats are found on a site and negative impact cannot be avoided, the Council will require the stepwise process to be followed to ensure that appropriate mitigation, compensation and enhancement measures are considered. (See chapters 3 and 4 of the SPG).

A3.13 If loss of habitat features is unavoidable, it is reasonable to request replacement habitats e.g. by including bird boxes or bat 'bricks' or increasing biodiversity of landscaping, in the new design. These should be identified measures should be included

¹¹[http://www.sewbrec.org.uk/content/attachments/How%20to%20use%20Aderyn%20\(Commercial%20Enquiries%20BARB\).pdf](http://www.sewbrec.org.uk/content/attachments/How%20to%20use%20Aderyn%20(Commercial%20Enquiries%20BARB).pdf)

within any submitted plans for the design of the development. Where appropriate, permission will be granted for the proposal with reference to the required detail shown on the submitted plans being approved.

A3.14 Any required survey, management, enhancement or development works must be carried out at the appropriate time of year to avoid disturbance to species. Any disturbance may be in contravention of national or European law. For example, it is illegal to disturb nesting birds under the Wildlife and Countryside Act 1981 (See Appendix 1). The breeding season generally lasts from late February to early September

inclusive. It is illegal to undertake works within 30 Metres of an active badger Settle without a licence from NRW

A3.15 Specific guidance on biodiversity in householder developments is provided in the *Householder Design Guide SPG*. This sets out the process for the most commonly found species (Bats, Barn Owls, Nesting Birds and Hedgehogs and Badgers) and provides specific examples of appropriate biodiversity enhancements. Further guidance can be found on the Council's website^{12, 13}

¹² Guidance on ecological survey requirements for homeowners *A Householder's Guide to Engaging an Ecologist* <https://cieem.net/resource/a-householders-guide-to-engaging-an-ecologist/> *What to Expect From a Bat Survey: A Guide for UK*

Homeowners –<https://cieem.net/resource/what-to-expect-from-a-bat-survey-a-guide-for-uk-homeowners/>

¹³ www.hedgehogstreet.org/hedgehog-friendly-fencing/

Appendix 4: Planning Obligations and Planning Conditions

- A4.1 **PLANNING OBLIGATIONS:** The Council will use **LDP Policy IO 1 - Infrastructure Provision** to secure the delivery of requirements to provide measures to maintain and enhance biodiversity considered necessary as part of the proposal. This may include measures to protect/avoid, mitigate, compensate, enhance, manage and monitor the impacts of the development. The Council's preference is to retain existing features and integrate newly created features within the design and layout of the site. Where this is not possible, the Council may seek either a financial contribution or the provision of land in order to achieve the measures required off-site.
- A4.2 Contributions will be secured through planning obligations in accordance with the legislative and policy framework provided in **PPW, Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and Welsh Office Circular 13/97 'Planning Obligations' (or subsequent versions)**.
- A4.3 The Council expects that the costs relating to any biodiversity measures required to make the development viable and sustainable will be taken into account at an early stage of the development process (including land acquisition). This will ensure that realistic values and costs are achieved as part of the development appraisal.
- A4.4 **PLANNING CONDITIONS:** Planning conditions may be attached to a planning permission where appropriate, to secure the delivery of the recommendations set out in the Ecological Survey Report to avoid, mitigate, compensate, enhance, manage and monitor the biodiversity impacts of the development.
- A4.5 **VIABILITY:** Where a developer seeks to question the viability of a scheme to be delivered in accordance with the policy requirements, **the Council will request an independent development appraisal**. This may involve a full assessment if no viability appraisal has been undertaken. The Council will expect the costs of such an appraisal to be met by the applicant.

PLANNING OBLIGATIONS

Justification The Council has a duty to ensure that the County's biodiversity assets are protected and enhanced.

This includes Special Areas of Conservation (SAC), Special Protection Areas (SPA), RAMSAR sites, Sites of Special Scientific Interest (SSSI), National Nature Reserves (NNRs), Sites of Importance for Nature Conservation (SINCs), European Protected Species (EPS), Section 7 Species and Habitats, non-statutory sites, and Ancient and Semi Natural Woodlands.

Developers should seek to avoid developing on biodiversity assets, however if this is not possible appropriate mitigation and enhancements should be undertaken.

Planning Obligations				
Requirement	Nature of Contribution	Trigger for obligation	Payment types	Implementation
<p>There is no specific formula for contributions.</p> <p>Financial contributions will be calculated based on the recommendations in any Management Plan submitted.</p>	<ul style="list-style-type: none"> Mitigation measures. Habitat protection, avoidance, enhancement, restoration and creation (off and on site), compensation, monitoring and maintenance Landscaping. Site management Site interpretation Financial 	<ul style="list-style-type: none"> All development which may have an impact on ecological, or landscape sensitive features. Specific locations will need to be assessed individually. An Ecological Mitigation and Management Plan (EMMP) is required for all appropriate developments. CIL compliant enhancement 	<ul style="list-style-type: none"> All capital costs of implementation, mitigation or compensation measures; and Maintenance costs for a period to be agreed (for example, up to 10 years). Monitoring costs 	<ul style="list-style-type: none"> Developer to implement appropriate mitigation, enhancement, restoration or creation on site where agreed and delivery specified in the S106 agreement. If the developer makes financial contributions, they are likely to be required either prior to the commencement of the development or before the practical completion of buildings on site, depending on both the nature of the development and type of contribution required. If the developer makes financial contributions for offsite enhancements, restorations or creations, the appropriate trigger point for payment of contributions will be negotiated with the developer as part of the S106 agreement. The Council will be responsible for the delivery of the specified work within the agreed timescale

Appendix 5: LDP Policy Extracts

ER 6: Designated Sites of Ecological Importance

Development will not be permitted that would result in a likely significant adverse effect on the integrity of sites of international or national nature conservation importance, except in the circumstances specified in relevant legislation.

Development that would adversely affect locally designated sites of nature conservation importance should maintain and enhance the nature conservation interest of the site. Where this cannot be achieved development will only be permitted where it can be demonstrated that:

- i. The need for the development outweighs the need to protect the site for nature conservation purposes;
- ii. There is no satisfactory alternative location for the development that avoids nature conservation impacts; and
- iii. Any unacceptable harm is kept to a minimum by effective avoidance measures and mitigation, or where this is not feasible, compensatory measures must be put in place to ensure that there is no overall reduction in the nature conservation value of the area.

2.9.38 This policy seeks to ensure that the nature conservation value of designated sites is protected from harmful development and that the Council fulfils its obligation to maintain and enhance *biodiversity and ecosystem resilience*. A Biodiversity and Development SPG will be produced to provide further information on how *biodiversity* should be conserved and enhanced through development. The policy will also play a significant role in achieving the Plan's *Vision for Swansea as a County that 'capitalises on the distinctive relationship between its vibrant urban areas and outstanding rural and coastal environments' and 'conserves its unique natural heritage'*. In addition, protection of designated sites will contribute to *climate change* resilience.



- 2.9.39 All designated sites are shown on Constraints and Issues Map and listed in the Appendix 7.
- 2.9.40 National Planning Policy and Guidance³³ provides for the protection of designated sites and sets a clear context for the relevant policy approach for their protection. Those of international and national importance are afforded more protection than those of local importance.
- 2.9.41 Sites of international importance are EU designated *Special Protection Areas (SPAs)* and *Special Areas of Conservation (SACs)*, known collectively as Natura 2000 sites, and UN designated *Ramsar sites*. As a matter of national policy *Ramsar sites* are afforded the same policy protection as the Natura 2000 sites. Natura 2000 sites are given protection under European Directives³⁴ that have been transposed into UK law through the Conservation of Habitats and Species Regulations 2017 (as amended) (Habitats Regulations). Only development which demonstrates compliance with the Habitats Regulations will be permitted. In considering development proposals that affect sites of international importance full account must be taken of the core management plans prepared for each site.

³³ Planning Policy Wales and TAN 5: Nature Conservation and Planning.
³⁴ Birds Directive 1979 (79/409/EEC), Habitats Directive 1992 (92/43/EEC).

- 2.9.42 Sites of national importance are *National Nature Reserves (NNRs)* and *Sites of Special Scientific Interest (SSSIs)*. These are protected under the Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CROW) Act 2000, the Natural Environment and Rural Communities (NERC) Act 2006 and the Environment (Wales) Act 2016.
- 2.9.43 Sites recognised for their local nature conservation value are *Local Nature Reserves (LNRs)*, and *Sites of Importance for Nature Conservation (SINCs)*. SINCs have been identified on the basis of guidelines outlined in national guidance³⁵ and taking account of local factors. All such designations are shown on the Constraints and Issues Map.
- 2.9.44 Criteria for assessing sites of international and national importance are based on standards set out in the relevant legislation (detailed above) and expanded upon in National Planning Policy and Guidance.³⁶ Sites of national importance will be treated in a similar way to international sites utilising the criteria outlined in the policy. These highly sensitive sites may be affected by development on, adjacent to, or some distance away from them.
- 2.9.45 Where development is proposed which may have an adverse effect on a site of international and national importance, or where nature conservation interests of locally important sites are likely to be disturbed or harmed by proposed development, developers will be expected to provide an ecological survey that includes an assessment of the likely impact of the proposal on the protected site and, where necessary, make appropriate provision for its safeguarding. In assessing the potential harm the Council will consider:
- The individual and cumulative effects which will include impacts during construction;
 - The role of the site in the ecological connectivity network; and
 - Whether effective mitigation and/or compensation measures have been provided.

³⁵ Wales Biodiversity Partnership – Legislation and Guidance: Wildlife Sites Guidance Wales: A Guide to Develop Local Wildlife Systems in Wales (2006).

³⁶ Planning Policy Wales and TAN 5: Nature Conservation and Planning.

ER 8: Habitats and Species

Development proposals that would have a significant adverse effect on the resilience of protected habitats and species will only be permitted where:

- i. The need for development outweighs the nature conservation importance of the site;
- ii. The developer demonstrates that there is no satisfactory alternative location for the development which avoids nature conservation impacts; and
- iii. Any unavoidable harm is minimised by effective mitigation to ensure that there is no reduction in the overall nature conservation value of the area. Where this is not feasible, compensation measures designed to conserve, enhance, manage and, where appropriate, restore natural habitats and species must be provided.



- 2.9.56 Development proposals should aim to minimise detrimental impacts on protected habitats and species and ecosystem resilience. This policy should be implemented in conjunction with Policies ER 6 Designated Sites of Ecological Importance and ER 9 Ecological Networks and Features of Importance for Biodiversity to ensure no net loss in overall biodiversity as a result of development and where possible there should be biodiversity gains.
- 2.9.57 Protected habitats and species are those protected under European and UK legislation, as identified in TAN 5 Nature Conservation and Planning (2009). The legislation includes the Habitats Directive, Birds Directive, Wildlife and Countryside Act 1981, Environment (Wales) Act 2016. Protected habitat and species include priority habitats and species that are protected in Local Biodiversity Action Plans and emerging Nature Recovery Plans. A biodiversity and development SPG will be produced to provide further information on how biodiversity should be conserved and enhanced through development.
- 2.9.58 Factors to be taken into consideration in assessing the significant adverse effect development proposals are likely to have on habitats and species are:
- The current distribution and status of the protected habitat or species within the County;
 - All likely effects, including cumulative effects and impacts during construction;
 - The role of the habitats as connectivity pathways; and
 - Whether effective mitigation and/or compensatory measures have been provided; and
 - Maintaining and enhancing ecosystem resilience.



2.9.50 Where habitats and species are likely to be disturbed or harmed, development proposals will be assessed in accordance with National Planning Policy and Guidance.²⁶ Developers will be expected to provide: an ecological survey; an assessment of the likely impact of the proposal on the *protected species*/habitats; and, where necessary, make appropriate provision for their safeguarding, mitigation and/or compensatory measures. In addition measures to enhance *biodiversity*, such as through habitat creation, will be expected.

2.9.60 *Invasive Non-Native Species* are alien animals, plants or other organisms that have the ability to spread, causing damage to the environment, the economy, our health and the way we live. They are addressed by existing legislation. If *invasive non-native species* are present in and around a development site appropriate action should be taken to control or remove them prior to the commencement of any approved development. Where planning permission is granted it will be subject to appropriate planning conditions and obligations to secure control, monitoring, mitigation, compensation and management.

²⁶ Planning Policy Wales and TAN 5: Nature Conservation and Planning

ER 9: Ecological Networks and Features of Importance for Biodiversity

Development proposals will be expected to maintain, protect and enhance ecological networks and features of importance for biodiversity. Particular importance will be given to maintaining and enhancing the connectivity of ecological networks which enable the dispersal and functioning of protected and priority species.

Development proposals that could result in an adverse effect on the connectivity of ecological networks and features of importance for biodiversity will only be permitted where:

- i. The need for the development outweighs the nature conservation value of the site;
- ii. It can be demonstrated that there is no satisfactory alternative location for the development;
- iii. A functional connected element of the natural resource is retained as part of the design of the development; and
- iv. Compensatory provision will be made of comparable or greater ecological value to that lost as a result of the development.

2.9.61 There are a significant number of ecological habitats and features within the County, in addition to those that are legally protected, that lie outside the designated areas and make a significant contribution to the overall *biodiversity* resource. These include linear wildlife corridors such as rivers, hedgerows and cycle tracks; 'stepping stones' such as ponds and copses and *landscape* features such as stone walls, ornamental gardens, ruined buildings and dead trees, that provide valuable habitats and are of importance for wild fauna and flora.



- 2.9.62 The wildlife corridors, stepping stones and *landscape* features are a vital part of the ecological network. Whilst it is important to protect and enhance *biodiversity* sites and species of importance dispersed throughout the County this cannot be achieved without protecting and enhancing the intervening habitats and spaces that provide crucial links between the designated sites.
- 2.9.63 The protection, management and enhancement of ecological networks is recognised as being particularly important for nature conservation. Wildlife corridors allow species to move between fragmented habitats, to recolonise areas and to move in response to *climate change* and development that may have destroyed part of their habitat. For example, the water vole, which is a priority species will not travel through unvegetated ground. If its habitat becomes isolated through development and then the colony within this isolated habitat become endangered, for example through disease, it is likely that it will not survive.
- 2.9.64 The Plan has been informed by an assessment of ecological connectivity across the whole of the County. This assessment maps the existing ecological connectivity network and also identifies locations where ecological connectivity has the potential to be enhanced. The latest version of the Swansea Ecological Connectivity Assessment will inform the implementation of this policy.
- 2.9.65 Providing ecological connectivity is an important ecosystem service of the *Green Infrastructure network* and its protection and/or enhancement accords with Policy ER 2 Strategic Green Infrastructure Network.

Appendix 6: References

Sources of Further Information

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Organisations working to promote biodiversity at national and local levels

National policy makers
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National statutory bodies
<ul style="list-style-type: none"> • Natural Resources Wales • National Wildlife Crime Unit (UK)
Professional ecological and environmental institutes

<ul style="list-style-type: none"> • Association of Local Government Ecologists (ALGE) • Chartered Institute for Environmental Ecology and Management (CIEEM) • Construction Industry Research and Information Association (CIRIA) • Institute for Environmental Management and Assessment (IEMA)
Data sources and managers
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