Development and Biodiversity SPG

Appendix 1: Protected Sites, Habitats And Species In Swansea

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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 been 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

Deve	elopment Types	Type of Species Survey likely to be Required	Checklist
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	0
1.b 1.c 1.d	buildings and structures with weather boarding and/or hanging tiles; or pre-1960 detached buildings and structures - that are within 200m of woodland and/or water pre-1914 buildings and structures – that are within 400m of woodland and/or water*	Bats Amphibians Barn owls Great crested newts Nesting birds Otters	
1.e	pre-1914 buildings and structures with gable ends or slate roofs, regardless of location	Bats Nesting birds	
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	٥
2.b.	bridge structures, aqueducts and viaducts (especially over water and wet ground)	Bats Breeding birds Otters Water voles	0

3.	Illumination/floodlighting of:		
		Bats	
3.a	churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or	Badgers	
	lines of trees with connectivity to woodland or water	Barn owls	
	,	Breeding birds	
		Otters	
3.b.	agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with	Bats	
	exposed wooden beams	Barn owls	
	'	Breeding birds	
		Amphibians	
		Bats	
2 0	rivers etraems concle lakes nands or other equatic habitate (water hadics)	Breeding birds	
3.c.	rivers, streams, canals, lakes, ponds or other aquatic habitats (water bodies)	Otters	
		Water voles	
		Fish	
		Aquatic invertebrates	
		Barn owls	
3.d.	areas of scrub or woodland	Bats	
J.u.	aleas of scrub of woodiand	Breeding birds	
		Dormouse	
		Otters	
4.	Felling, removal or lopping of:		
		Bats	
1 0	woodland	Badgers	
4.a.	woodiand	Dormouse	
4.b	hedgerows and/or lines of trees with connectivity to woodland or water bodies	Otters	
	1000	Plants	
		Breeding Birds	
1 -	ald and out to see the state of a lideration of 400 or and	Bats	
4.c.	old and veteran trees that are older than 100 years	Barn owls	
4.d.	mature trees with obvious holes, cracks or cavities (and also large dead trees)	Breeding birds	
¬.u.	matare accessman obvious moles, ordente or edvides fama also large dead access	Plants	
		Invertebrates	
4.e.	removal of mature/semi-mature trees on river banks	Bats	
→. Ե.	Temoval of mature/semi-mature trees of fiver paints	Breeding birds	
	l de la companya de	Otters	

5.	Proposals affecting ponds with respect to		
5.a. 5.b.	applications within 500m of a pond marked on an OS map applications which directly impact on any pond	Great crested newts Amphibians Aquatic invertebrates Water voles Otters Fish	0000
6.	Proposals affecting water bodies:		
6.a.	in or within 200m of rivers, streams, canals, lakes, reedbeds or other aquatic habitats (water bodies)	Bats Otters Great crested newts Amphibians Breeding Birds Plants Reptiles Water Voles Fish Aquatic invertebrates	
7.	Proposals located in or immediately adjacent to:		
7.a. 7.b.	quarries natural cliff faces and rock outcrops with crevices or caves (see also specific guidance on marine/coastal developments).	Bats Breeding birds	0
7.c. 7.d 7.e	derelict land (brown field sites), allotments and railway land arable or pasture land apparently unmanaged habitats (e.g. scrub, rank grassland)	Bats Badgers Breeding Birds Brown hare Plants Reptiles	00000

8.	Renewable Energy ¹		
8.a.	Multiple wind turbines	Bats	
8.b.	Single wind turbines	Breeding birds	
https	://www.gov.uk/guidance/wild-birds-surveys-and-monitoring-for-onshore-wind-farms	Nesting birds	
8.c.	Solar arrays	Vantage point bird surveys	
9.	Householder Development]		
See	also Householder Design Guide SPG	Bats,	
		Barn owls,	
www	.swansea.gov.uk/ldp/spg	Breeding birds	
		Great crested newts	

[.]

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

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/ I	EPS SPECIES		S7 HABITATS					
Marine/Estuarine	Marine/Estuarine: Marine works where the LPA jurisdiction extends into main rivers and estuaries									
Planning Permission may be required		and twaite shad European eel Otter d sea lamprey Sea trout		Blue mussel beds Coastal saltmarsh Intertidal mudflats Seagrass beds Sheltered muddy gravels						
Coastal: Works b	elow Mean High Water Spring	s (Mł	HWS)							
Marine Licence	Overwintering birds such as Eurasian curlew Ringed plover Sanderling and other species such as Bar-tailed godwit Black-headed gull Chough Herring gull	000	Coastal plant species including: 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				
Intertidal: Develo	pments taking place in the int	ertida	al zone or acro	ss the land/sea bounda	ary, for	example a slipway				
Planning permission Marine Licence	Native oyster Sand eel	0	Blue mussel beds Intertidal boulder communities Intertidal mudflats Peat and clay exposures Sabellaria alveolata reefs (honeycomb worm reefs)				00000			

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
al Importance			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 EC Habitats Directive and Wild Birds Directive as part of the planning process.
Species of International Importance	Poli	licy ER 8	Wild Birds of international importance Habitats Directive Annex 2 Birds Directives Annex 1 - Species	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
Φ		Badger	Protection of Badgers Act (1992)	Badgers	This Act protects badgers and their setts, and makes it illegal to: • Wilfully capture, injure or kill a wild badger • Be in possession of a live or dead badger • Destroy or obstruct access to an active badger sett 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.
Importan		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.
Species of National or Local Importance (continued)	Policy ER 8	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: 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: Disturb a Schedule 1 bird while it is building a nest or is in, on or near a nest containing eggs or young; or Disturb dependent young of such a bird

	LDP Policy	Feature	Legislation and Policy	Examples in Swansea	Implications for Development / Legal Requirements
rtance		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.
Species of National or Local Importance (continued)	Policy ER 8	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. 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)
Species		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,	Himalayan balsam Japanese knotweed Cotoneaster	Material planning consideration
			NERC Act 2006 CROW Act 2000.		

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
псе	Policy ER 4 Policy ER 8	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)
AL Importance	Constraints & Issues Map	Ramsar 'Wetland of International Importance'	 ♣ Burry Inlet¹² ♣ Crymlyn Bog ¹² 	Ramsar Convention (1971) The Conservation of Habitats and Species Regulations 2017 (as amended) operations. Strong Presumption against of EIA: Development may requi Impact Assessment (See HRA: For Natura 2000 sites In	Strong Presumption against damaging development
INTERNATIONAL	LDP Appendix 7	Special	 ♣ Burry Inlet ¹² ♣ Carmarthen Bay ¹² 		HRA: For Natura 2000 sites Habitats Regulations
Protected Sites of INTE		Special Area of Conservation (SAC) * SAC and SPA are collectively known as 'Natura 2000' sites	 Bristol Channel Approaches (Harbour porpoises) 12 Carmarthen Bay Dunes 12 Carmarthen Bay and Estuary 12 Crymlyn Bog 12 Gower Ash Woods 2 Gower Commons 2 Limestone Coast of South and West Wales 2 	(The Habitat 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	LDP Appendix 7	Site of Special Scientific Importance (SSSI)	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)	 ♣ Langland Bay (Rotherslade) ♣ Minchin Hole ♣ Nicholaston Wood ♣ Nant y Crimp ♣ Oystermouth Old Quarry ♣ Oxwich Bay ♣ Parkmill Woodlands and Llethrid Valley ♣ Pennard Valley ♣ Penllegaer 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)	Sites are protected against potentially damaging operations. Strong presumption against damaging development. Works may require consent from Natural Resources Wales (NRW)
		National Nature Reserve (NNR) (NB – All NNRs are also SSSI)	 Oxwich Gower Coast Whiteford Crymlyn Bog and Pant y Sais 		NNR's are declared by NRW under National Parks & Access to the Countryside Act (1949) OR Wildlife and Countryside Act 1981 (As amended)	NNR's are a material planning consideration Each reserve has a programme of work to manage the site's special features. Some reserves require

						permits to gain access to them.
		LDP Policy	Feature	Sites in Swansea	Legislation and Policy	Implications for Development / Legal Requirements
Protected Sites of LOCAL importance	of LOCAL importance	Policy ER 6 Policy ER 11	Local Nature Reserve (LNR)	 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)	Have regard to contribution to ecological connectivity and resilience of ecosystems. 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) Maintain public access where relevant.
	Protected Sites of	Constraints & Issues Map LDP Appendix 7	Site of Importance for Nature Conservation (SINC)	At Numerous locations – See LDP Constraints and Issues Map. Includes all Ancient woodlands, Wildlife Trust, RSPB, and Woodland Trust Reserves	Planning Policy Wales (Edition 10) Environment (Wales) Act 2016	Have regard to contribution to ecological connectivity and resilience of ecosystems. 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)

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

LDP Policy	Feature	Legislation and Policy Development Implications/Legal/Policy Requirements
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) • Habitat may be a designatory feature of a Natura 2000 site (see above)
Policy ER 11 Constraints & Issues Map (for Ancient Woodlands)	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. 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)
Trees, Hedgerows and Woodlands on Development Sites SPG	Hedgerows Ancient Woodland Plantations on Ancient	 HEDGEROW REGULATIONS (1997) 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. Planning Policy Wales Development not normally permitted on these sites.
	Constraints & Issues Map LDP Appendix 7LDP: Policy ER 11 Constraints & Issues Map (for Ancient Woodlands) Trees, Hedgerows and Woodlands on Development	Constraints & Issues Map LDP Appendix 7LDP: Policy ER 11 Constraints & Issues Map (for Ancient Woodlands) Trees, Hedgerows and Woodlands on Development Sites SPG Habitats of European Importance – 'Annex I Priority Habitats' Trees Habitats of European Importance – 'Annex I Priority Habitats' Hedgerows Hedgerows Hedgerows

	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) • Habitats that must be maintained and enhanced • Mitigation/compensation measures may be required
of NATION,		LBAP/ Nature Recovery Action Plan Habitats	Swansea Local Biodiversity Action Plan/Nature Recovery Action Pan Habitats of local importance and significance that must be maintained and enhanced Section 7 Habitats In Swansea ²
d Habitats		Invasive Species	Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended) • Assess the site to identify the presence of any invasive non-native species of flora listed
Protecte	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) • Maintain and enhance ecological networks both within and outside the site

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

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

Site	Reason for designation		Key considerations for Developers include		
Carmarthen Bay and Estuaries European Marine Site (comprising the Carmarthen Bay and Estuaries SAC, Carmarthen Bay SPA and the Burry Inlet SPA and Ramsar)	Carmarthen Bay and Burry Inlet SPA: designated due to their internationally important assemblage of wintering birds. Carmarthen Bay and Estuaries SAC: designated due to the estuarine habitat features, Salicornia, otters and migratory fish species e.g. sea lamprey and Allis shad. The Burry Inlet is also designated a Ramsar 'Wetland of International Importance'.	Water Quality and Quantity: Applicable to all designated sites. Ensuring that proposals do not adversely impact on water quality and quantity.	 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. 		
Carmarthen Bay Dunes SAC	Designated due to its dune habitat features including, whorl snail, petalwort and fen orchid.	Developers may be required to undertake some/all of the	N/A		
Crymlyn Bog SAC and Ramsar site	SAC: designated due to its fen, bog and mire and alluvial forest habitat features, reed and tree species. Ramsar 'Wetland Of International Importance'.	following assessments: flood assessment; foul sewerage; land contamination; site waste management.	Additional recreation pressure arising from the new development.		
Gower Ash Woods SAC	Designated due to Ash and Mixed woodland habitat features on baserich soils associated with rocky slopes.		Air quality deterioration resulting from the new development.		

Gower Commons SAC	Designated due to heath and meadow habitat features, damselfly and marsh fritillary.		 Timing restrictions may be placed on activities which cause noise or disturbance to the damselfly species and marsh fritillary. Safeguarding of devils bit scabious habitat. Changes to the water table 	
Limestone Coast of South West Wales SAC	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. It is also designated a SPA, primarily		Timing restrictions may be placed on activities which cause noise or disturbance to the damselfly and marsh fritillary and greater horseshoe bat.	
Bristol Channel	Identified for the protection of harbour porpoise. 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. Site Location: This site straddles the Bristol Channel from Carmarthen Bay in the north to the northern coasts of Devon and			
Approaches SAC	Cornwall in the south. Map boundary details: https://naturalresources.wales/media/675769/bristol-channel-approaches-sac-map-final.pdf See Conservation objectives and management details: https://jncc.defra.gov.uk/pdf/BristolChannelApproachesConservationObjectivesAndAdviceOnActivities.pdf in particular - see Table A2.			