

## 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><b>STEP A - IDENTIFY AND ASSESS</b> <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"> <li>• 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.</li> <li>• Some developments require an Environmental Impact Assessment under the Town &amp; Country Planning Regulations 1999. Even permitted development can have a significant impact on conservation interests and may require an E.I.A.</li> <li>• Further advice can be obtained from the organisations listed in Appendix 6.</li> </ul>	<p>• ENHANCE</p>
<p><b>STEP B - AVOID</b> <i>Avoid loss of any existing or potentially important habitats or species, or fragmentation of ecological connectivity</i></p>	<p>Wherever possible, development should <b>avoid</b> detrimental impact on biodiversity, ecological resilience and on any <i>ecological feature</i>.</p> <ul style="list-style-type: none"> <li>• Avoid adverse impacts on designated sites (ER 8)</li> <li>• Avoid negative effects on statutorily protected habitats and species (ER 6)</li> <li>• 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.</li> <li>• 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).</li> </ul>	
<p><b>STEP C - RESPOND AND DESIGN</b> <i>Integrate new and existing biodiversity into proposals and projects at the earliest opportunity</i></p>	<ul style="list-style-type: none"> <li>• 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).</li> <li>• 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.</li> </ul>	
<p><b>STEP D – MITIGATE</b> <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"> <li>• Minimise damage to habitats and species wherever possible.</li> <li>• The Council may use a planning condition to require a mitigation strategy.</li> <li>• Refer to guidance on the treatment of protected species.<sup>1</sup></li> <li>• Consider if operations proposed require a licence<sup>2</sup></li> <li>• 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.</li> </ul>	

<sup>1</sup> Appendix 1 and further guidance on Council’s Website [www.swansea.gov.uk](http://www.swansea.gov.uk)

<sup>2</sup> See Guidance on Council’s website.

<p><b>STEP E- COMPENSATE</b>  <i>Addressing the residual effects of a proposal after avoidance and mitigation have been considered.</i></p>	<ul style="list-style-type: none"> <li>• The Council will use appropriate legal mechanisms to ensure re-creation of habitat on or off-site, at the expense of the developer.</li> <li>• A financial contribution to management of nearby existing sites, through a commuted sum, can be requested.</li> <li>• 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).</li> </ul>	<b>ENHANCE</b>
<p><b>STEP F- ENHANCE</b>  <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"> <li>• 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.</li> </ul>	
<p><b>STEP G – MANAGE and MONITOR</b>  <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"> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> <li>• 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.</li> <li>• 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.</li> </ul>	

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 1<sup>3</sup> and 2<sup>4</sup> 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.

<sup>3</sup> <http://www.legislation.gov.uk/uksi/2017/571/schedule/1/made>

<sup>4</sup> <http://www.legislation.gov.uk/uksi/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 managements

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<sup>5</sup> <https://www.plantlife.org.uk/uk/our-work/publications/road-verge-management-guide>