

BIODIVERSITY AND DEVELOPMENT SPG

APPENDIX 5 – LDP POLICY EXTRACTS

APPENDIX 6 - REFERENCES

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

Biodiversity assessment

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www.alerc.org.uk
2. BS42020: 2013 - British standard for Biodiversity – Code of Practice for Planning and development. (BSI, 2013)
3. BS 8683 Process for designing and implementing Biodiversity Net Gain – Specification
<https://standardsdevelopment.bsigroup.com/projects/2018-02413#/section>
4. B£ST – Benefits Estimation Tool (SusDrain)
www.susdrain.org/resources/best.html
5. BRE Home Quality Mark (Building Research Establishment, 2015)
www.homequalitymark.com
6. Building with Nature – benchmark for people and nature (Gloucestershire Wildlife Trust and University of the West of England, 2017) www.buildingwithnature.org.uk
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www.iema.net/assets/uploads/iema_guidance_documents_eia_guide_to_shaping_quality_development_v7.pdf
9. Environmental Information Regulations, Information Commissioner's Office; <https://ico.org.uk/for-organisations/guide-to-the-environmental-information-regulations>
10. MAGIC: geographic information across Great Britain
<https://magic.defra.gov.uk>
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<https://events.cieem.net/RegisteredPracticeDirectory/Registered-Practice-Directory.aspx>
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<https://cieem.net/resource/ecological-impact-assessment-ecia-checklist>
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17. **CIEEM Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater and Coastal, (Updated Sept 2019)** <https://cieem.net/wp-content/uploads/2018/08/ECIA-Guidelines-Sept-2019.pdf>
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<https://naturalresourceswales.gov.uk/permits-and-permissions/>
20. State of Natural Resources Report (SoNaRR)
<https://naturalresources.wales/evidence-and-data/research-and-reports/state-of-natural-resources-interim-report-2019/sonarr-2020/?lang=en>
21. NRW South West Wales Area Statement
<https://naturalresources.wales/about-us/area-statements/south-west-wales-area-statement/?lang=en>

Biodiversity enhancement, net gain and protection

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23. Designing for Biodiversity: a technical guide for new and existing buildings (2013) www.bats.org.uk/pages/guidanceforprof-designing-for-biodiversity-a-technical-guide-for-new-and-existing-buildings-1089.htm
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Biodiversity and Sustainable Drainage

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Biodiversity advice

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<http://jncc.defra.gov.uk/page-6297>

Organisations working to promote biodiversity at national and local levels

National policy makers
<ul style="list-style-type: none"> • Welsh Government
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
<p>Local Data Sources</p> <ul style="list-style-type: none"> • The Local Environment Records Centre (LERC) for Swansea is the South East Wales Biodiversity Records Centre ((SEWBReC) • The Wildlife Trust of South & West Wales • Swansea Local Nature Partnership • Natural Resources Wales

<ul style="list-style-type: none"> • Swansea Council <p>UK National Sources</p> <ul style="list-style-type: none"> • MAGIC • National Biodiversity Network Atlas
Species and habitat conservation groups
<ul style="list-style-type: none"> • Amphibian and Reptile Conservation (ARC) Trust • Badger Trust • Bat Conservation Trust • Buglife • Bumblebee Conservation Trust • Butterfly Conservation • Glamorgan Fungus Group • Mammal Society • Plantlife • Protected, Threatened and Endangered Species (PTES) trust • RSPB Cymru • RSPCA • The Conservation Volunteers (TCV) • The Rivers Trust • Wildfowl and Wetland Trust (WWT) • Woodland Trust • National Trust