

Powys Local Development Plan (2011 to 2026)

Supplementary Planning Guidance

Biodiversity and Geodiversity

October 2018

Mae'r ddogfen hefyd ar gael yn Gymraeg

This document is also available in Welsh



CONTENTS

1.	Introduction	1
2.	Purpose of the Guidance	1
3.	Status of the Guidance	1
4.	Biodiversity and Geodiversity	1
	What is ‘Biodiversity’ and why is it important?	2
	Biodiversity in Powys	2
	What is ‘Geodiversity’ and why is it important?	3
	Geodiversity in Powys	3
5.	LDP Policies	5
	Strategic Policy 7 (SP7)	5
	Development Management Policy 2 (DM2)	5
6.	Biodiversity and Geodiversity Designations	8
	Designated Sites	9
	International and European Site Designations	10
	National Site Designations	10
	Local Site Designations	12
	Habitats of Principal Importance	13
	Nationally and Locally Important Habitats	13
	Protected Species and Species of Principal Importance	14
	European Protected Species	15
	National Protected Species (UK)	15
	Species of Principal Importance (Wales)	15
	Locally Important Species	15
	Undesignated Sites, Habitats and Mobile Species	16
7.	Biodiversity and Geodiversity Assessments, Surveys and Licences	17
	Environmental Impact Assessment	17
	Habitat Regulations Assessment and Appropriate Assessment	18
	Biodiversity Surveys	20
	Species Licences	27
	Tree Felling Licences	28
	Geodiversity Assessments	28
8.	Biodiversity and Geodiversity in the Planning Process	29
	Incorporating Resilience into Development Proposals	29
	Green Infrastructure and Resilience	31
	Cumulative and In Combination Effects	32
	Biodiversity and Development	33
	The Pre-application Stage	33
	The Design Stage	34

The Application Stage	36
Example – How to Incorporate Biodiversity into a Householder Application	36
Biodiversity, Permitted Development and Listed Buildings	38
Geodiversity, Soil and Development	39
9. Other Considerations	42
Alien or Invasive Non-native Species	42
Water Quality and the Water Framework Directive	42
Air Quality	43
Intensive Livestock Units	43

Appendices

Appendix A:	Glossary	45
Appendix B:	Useful Contacts, Websites and Documents	50
Appendix C:	Biodiversity and Geodiversity in Planning – the Legislative, Regulatory & Policy Context	55
Appendix D:	NRW Checklist for Developers of Poultry Units	62
Appendix E:	Flowchart: Typical Workflow for Addressing Biodiversity in the Planning Process	66

List of Tables

Table 1:	Summary of Biodiversity and Geodiversity Designations in Powys	8
Table 2:	Typical Types of Proposed Development Site in Powys Requiring Biodiversity-Surveys	21
Table 3:	Seasonal Timetable for Biodiversity Surveys	25
Table 4:	Typical Structure and Content for Biodiversity Reports	26
Table 5:	Measures that Contribute to the Five Attributes of Resilience	30
Table 6:	Five Ways of Working towards Well-being of Future Generations	57

1.0 Introduction

1.1 This guidance supplements the Powys Local Development Plan (LDP) 2011-2026 and specifically supports LDP Strategic Policy SP7 and Development Management Policy DM2 (see Section 5).

1.2 The Council will have regard to this Supplementary Planning Guidance (SPG) when making planning decisions. This guidance should be read in conjunction with the Powys LDP and its supporting documentation. Neither the LDP nor this SPG apply to areas within the Brecon Beacons National Park. The Brecon Beacons National Park Authority (BBNPA) has its own LDP and SPG on Biodiversity (see Appendix B).

2.0 Purpose of the Guidance

2.1 This guidance is aimed at anyone who uses the Powys County Council planning process, either to make a planning application including developers, householders, landowners and businesses, from here on referred to as “applicants”, or involved in determining them such as the Council itself, or any other relevant organisations. It has been compiled in line with current international, European, and national regulations, policy and guidance and Powys County Council policy. (See Appendix C).

The purpose of this guidance is to:

- Explain how prospective applicants and Powys County Council as a decision maker can protect biodiversity and geodiversity via the planning process; and
- Detail the requirements that the planning process places on applicants to demonstrate how they are protecting biodiversity and geodiversity.

3.0 Status of the Guidance

3.1 This SPG updates and replaces the Council’s previous Interim Development Control Guidance (IDCG) ‘Biodiversity Conservation and Enhancement in Development Proposals’. This SPG will be taken into account as a material consideration in the planning decision making process.

4.0 Biodiversity and Geodiversity

4.1 Powys County Council has a responsibility to protect, conserve and seek to enhance wildlife and the natural environment when considering and determining development proposals. Species, habitats and geodiversity can be adversely affected as a result of development and it is essential to consider the potential impacts of proposals upon and beyond prospective development sites.

4.2 Biodiversity and geodiversity are material considerations in the planning process in their own right and this SPG provides guidance on how they can be addressed in a consistent way by all development proposals.

4.3 This SPG explains how biodiversity and geodiversity are:

- Protected by both international and national legislation and the policy drivers acting upon the Local Planning Authority (LPA);
- Taken into consideration within the Planning process; and

- Considered by applicants and taken into account within development proposals to the satisfaction of the LPA.

What is ‘Biodiversity’ and why is it important?

4.4 “Biodiversity” is the term applied to the variety of life on earth. It describes the richness and variety of all living things, from the tiniest microscopic organism to the largest tree. Biodiversity includes the number of different species, the number of individuals of a species (i.e. their population), and even covers the genetic diversity within and between populations of a species.

4.5 The following definitions summarise what biodiversity is and its importance:

‘The variability among living organisms from all sources including, inter alia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems.’

(Biodiversity, the UK Action Plan, 1994)

“Biodiversity is all living things, from the tiny garden ant to the giant redwood tree. You will find biodiversity everywhere, in window boxes and wild woods, roadsides and rain forests, snow fields and the sea shore. But don’t take plants and animals for granted. We are part of biodiversity and depend on it for our quality of life. And what we don’t save now, our children will pay for later. Biodiversity is the living bank that everyone should invest in. Now it is banking on you.”

(Biodiversity: The UK Steering Group Report Volume 1: Meeting the Rio Challenge 1995)

“Loss of biodiversity not only means a loss of species for us to study or from which to gain enjoyment, but also the loss of a potentially valuable source of drugs or some other commercial products, a reservoir of genetic diversity for the future, and, most profoundly, some of the biological building blocks of the planet. Take too many of these blocks away and the global ecosystem becomes in danger of collapsing.”

(Working with wildlife, compliance and beyond in construction, 2004, CIRA C587)

Biodiversity in Powys

4.6 Powys is often described as the green heart of Wales, being a very rural county covering over 5,000 sq. km, approximately a quarter of the land mass of Wales.

4.7 Partly as a consequence of its land area, it has a considerable diversity of habitat types such as deciduous and coniferous woodlands, hedgerows, heathland, parkland, streams, rivers, canals, lakes, ponds, peat bogs, cliffs and rock outcrops, meadows and grassland, arable farmland and also urban environments. The county also has a small stretch of coastland along the tidal river bank at the head of the Dyfi estuary.

4.8 As befits such a wealth of habitats, Powys consequently has an enormously rich biodiversity. This is reflected in the high number of designated sites, habitats and species within, or near, its borders. A number of these are internationally and nationally protected including Special Areas of Conservation, Special Protection Areas, a Ramsar site, National Nature Reserves and Sites of Special Scientific Interest.

4.9 However designations alone cannot guarantee the integrity and prolonged existence of the county's invaluable biodiversity. Threats to its survival are many and varied. As the 2016 State of Nature Report identifies, up to 1 in 14 species of plants and animals found in Wales are in danger of extinction (see Appendix B). Agriculture is a vital activity in Powys that has left an indelible mark on both the uplands and the river valleys they give rise to. Much agricultural activity has been traditional, small-scale and non-intensive giving rise to a relatively rich flora and fauna associated with it. However this flora and fauna does not readily cope or adapt to more recent moves to intensify agriculture within the county. Climate change continues to present another significant threat as populations of plants and animals have to adapt to long term changes, as well as the more short term climate-related events such as extreme or unseasonal weather. Other threats are more insidious, such as the introduction or colonisation of invasive non-native species (INNS), pressure arising from increased recreational use of the countryside and insensitive or inappropriate development in both towns and the wider countryside.

4.10 Due to the often very close relationship between the natural and historic environments, where appropriate this SPG should be read in conjunction with the Historic Environment SPG.

What is 'Geodiversity' and why is it important?

4.11 Geodiversity is the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form, alter and shape them. Geodiversity provides many of Wales' natural resources, strongly influences our landscape, biodiversity and culture and is internationally important for geoscience research. Biodiversity and geodiversity are intrinsically linked; the elements of geodiversity form the foundation upon which plants, animals and human beings live and interact providing the framework for life.

Geodiversity in Powys

4.12 For a relatively small country Wales has some of the most varied geology in the world and Powys has its fair share of fantastic geodiversity which is reflected in its mineral wealth and spectacular landscape. Powys contains a rich tapestry of topographical, geological and geomorphological features with extensive upland areas dissected by numerous river valleys and their tributaries.

4.13 Much of Powys is made up of ancient Ordovician and Silurian marine sedimentary rocks, deposited in the Lower Palaeozoic when Wales lay beneath an ocean. The rocks laid down in this Welsh Basin comprise sequences of sandstone, siltstone and mudstone which were later shaped by the Caledonian orogenic earth-movements as the sea shallowed and continents collided some 400 million years ago resulting in the folding and cleaving of the rock strata. Some volcanic activity also took place locally, notably in the Welshpool and Builth Wells areas which produced basaltic lava flows and dolerite intrusions.

4.14 Several phases of hydrothermal activity during the Upper Palaeozoic created rich mineral veins in north-west Powys. As the mountains of the ancient continent eroded, the "Old Red Sandstone" succession of sandstones, mudstones and siltstones, as seen in southern Powys, were deposited during the late Silurian and Devonian periods in shallow lagoons and river valleys on arid continental margins. In the south of Powys around Ystradgynlais, Carboniferous-age Coal Measures reflect a later change to an environment of humid swamp conditions and the extensive development of equatorial tropical forests.

4.15 Since the beginning of the Quaternary Period approximately 2.6 million years ago the landscape has been affected by a series of “ice ages” some of which lasted up to 100,000 years, the last one ending about 11,500 years ago. During these periods, ice-caps formed on the Welsh mountains and glaciers occupied and shaped the valleys. The glaciers carved deeply into the rocks to give the landscape its now familiar appearance. Since the last Ice Age, rivers have created terraces and floodplains and human activities have continued to modify the landscape by coal and lead mining and quarrying for building stone, by farming and through today’s development activities.

5.0 LDP Policies

Strategic Policy 7 (SP7) Safeguarding of Strategic Resources and Assets

To safeguard strategic resources and assets in the County, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

The following have been identified as strategic resources and assets in Powys:

1. Land designated at international, European and/or national level for environmental protection.
2. Historic environment designations, including:
 - i. Registered Historic Landscapes.
 - ii. Registered Historic Parks and Gardens.
 - iii. Scheduled Ancient Monuments and other archaeological remains.
 - iv. Listed Buildings and their curtilages.
 - v. Conservation Areas.

AND the setting of designations i.-v.

3. Recreational Assets, including:
 - i. National Trails.
 - ii. Public Rights of Way Network.
 - iii. Recreational Trails.
 - iv. National Cycle Network.
4. The valued characteristics and qualities of the landscape throughout Powys.
5. Sennybridge (Ministry of Defence) Training Area.
6. Mineral Resource Areas.
7. Proposed Strategic Infrastructure Routes (if and when identified).

Development Management Policy 2 (DM2) The Natural Environment

Development proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

1. The important site designations, habitats and species afforded the highest levels of protection through European legislation including:
 - A. European Sites (SAC, SPA and Ramsar).

- i. Development proposals likely to have a significant effect on a European site, when considered alone or in combination with other proposals or plans, will only be permitted where it can be demonstrated that:**
 - a) The proposal is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purposes; or**
 - b) The proposal will not adversely affect the integrity of the site.**

- ii. Where it cannot be demonstrated that development proposals would not adversely affect the integrity of the site and there is no satisfactory alternative solution, permission will be refused unless:**
 - a) There are imperative reasons of over-riding public interest; and**
 - b) Appropriate compensatory measures are secured.**

B. European Protected Species afforded strict protection by the Conservation of Habitats and Species Regulations (2017) (Habitats Directive Annex IV Species).

Development proposals likely to have an adverse effect on a European Protected Species will only be permitted where it can be demonstrated that:

- i. The proposal is for the purposes of preserving public health or public safety or there are imperative reasons of over-riding public interest; and**
 - ii. There is no satisfactory alternative; and**
 - iii. The action authorised will not be detrimental to the maintenance of the habitat or population of the species concerned at a favourable conservation status in their natural range.**
- 2. The important site designations, habitats and species afforded levels of protection in line with national policy and legislation including:**
- A. National Nature Reserves and Sites of Special Scientific Interest;**
 - B. Protected Species including those listed in Wildlife and Countryside Act (1981) (as amended) and the Protection of Badgers Act (1992);**
 - C. Habitats and Species of principal importance for the purpose of maintaining and enhancing biodiversity conservation in Wales as listed in Section 7 of the Environment (Wales) Act (2016); and**
 - D. National Biodiversity Action Plan Habitats and Species.**

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or**

- ii. **There is no suitable alternative to the proposed development; and**
 - a) **It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and**
 - b) **Appropriate compensatory measures are secured; and**
 - c) **The population or range and distribution of the habitat or species will not be adversely impacted.**

3. The locally important site designations, habitats and species including:

- A. Local Nature Reserves;**
- B. Local Biodiversity Action Plan Habitats and Species; and**
- C. Regionally Important Geodiversity Sites and Geological Conservation Review Sites.**

Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:

- i. **They conserve and where possible enhance the natural heritage importance of the site, habitat or species; or**
 - ii. **The development could not reasonably be located elsewhere; and**
 - a) **The benefits of the development outweigh the natural heritage importance of the site, habitat or species; and**
 - b) **Mitigation and/or compensation measures are provided where adverse effects are unavoidable.**
- 4. The achievement of the Water Framework Directive’s overarching objectives.**
- 5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.**

6.0 Biodiversity and Geodiversity Designations

6.1 This section describes the significant biodiversity and geodiversity designations that are to be found within or near to the county (see Table 1). It is structured according to the hierarchy of Policy DM2 and looks at designated sites first, then habitats of principal importance and then protected species.

Table 1: Summary of Biodiversity and Geodiversity Designations in Powys

	Biodiversity	Geodiversity	Site	Habitat	Species	Statutory Designation	Non Statutory Designation	In DM2	Un-named in DM2	Mapped in the LDP	Not mapped in the LDP
International & European											
Ramsar	✓		✓			✓		✓			✓
Special Areas of Conservation (SAC)	✓		✓			✓		✓		✓	
Special Protection Areas (SPA)	✓		✓			✓		✓		✓	
European Protected Species (EPS)	✓				✓	✓		✓			✓
National											
National Nature Reserves (NNR)	✓		✓			✓		✓		✓	
Sites of Special Scientific Interest (SSSI)	✓	✓	✓			✓		✓		✓	
Geological Conservation Review Sites (GCR)		✓	✓			✓		✓		✓	
Ancient Woodlands	✓		✓				✓	✓			✓
Veteran Trees	✓		✓				✓	✓			✓
National (UK) protected species	✓				✓	✓		✓			✓
Environment Wales Act Section 7 Habitats	✓	✓		✓		✓		✓			✓

	Biodiversity	Geodiversity	Site	Habitat	Species	Statutory Designation	Non Statutory Designation	In DM2	Un-named in DM2	Mapped in the LDP	Not mapped in the LDP
Environment Wales Act Section 7 Species	✓				✓	✓		✓			✓
Regional / Local											
Local Nature Reserves (LNR).	✓		✓			✓		✓		✓	
Regionally Important Geodiversity Sites (RIGS)		✓	✓				✓	✓		✓	
Sites of Interest for Nature Conservation (SINC)	✓		✓				✓		✓		✓
Local Wildlife Site (LWS)	✓		✓				✓		✓		✓
Wildlife Trust Reserves (WTR)	✓		✓				✓		✓		✓
Road Verge Nature Reserves (RVNR).	✓		✓				✓		✓		✓
Powys Local Biodiversity Action Plan (LBAP)/Powys Nature Recovery Action Plan (NRAP) Habitats	✓			✓		✓	✓	✓			✓
Powys Local Biodiversity Action Plan (LBAP)/Powys Nature Recovery Action Plan (NRAP) Species	✓				✓	✓	✓	✓			✓

6.2 More information can be sought from the Biodiversity Information Service for Powys and the Brecon Beacons National Park (BIS), or the Welsh Government's Lle Geoportal, and Geoconservation Wales (see Appendix B). It is planned to make the locations of all of the site designations described in Table 1 available-through an interactive mapping tool via the LDP website.

Designated Sites

6.3 Powys has a wide range of biodiversity and geodiversity site designations that apply to large parts of the county.

6.4 It is the applicant's responsibility to:

- Assess which site designations might be affected by a development proposal;

- Demonstrate what the effects of the proposal on the designated site might be; and
- Show how these can be managed or mitigated acceptably;
- Apply for the appropriate environmental permit from NRW to undertake activity within the designated site.

International and European Site Designations

6.5 Criterion 1.A. of LDP Policy DM2 relates to sites that have been designated at the International or European level (Ramsar sites, SAC and SPA). This affords them the highest level of statutory protection possible. This ensures that the integrity of these European sites are not adversely affected by development proposals, and outlines the circumstances under which development proposals will be permitted or refused consent.

6.6 Immediately adjacent to Powys is the Cors Fochno and Dyfi **Ramsar site**, designated under the International Ramsar Convention for Wetlands (see Appendix C). In addition, there are four other designated Ramsar sites outside the county but close enough to be potentially affected by development activity within Powys due to potential downstream effects.

6.7 Designated under the EU Habitats Directive, there are 17 **Special Areas of Conservation (SAC)** that are either wholly or partially within the Powys planning area, and a further 25 that are outside the county but close enough to the boundary to be potentially affected by development activity within Powys. SAC are designated because of their outstanding international significance and therefore of importance to the maintenance of biodiversity across Europe.

6.8 A **Special Protection Area (SPA)** is a European designation arising from the EU Birds Directive. There are three SPAs that are either within or partially within the Powys planning area, plus a further two that are outside the county but close enough to the boundary to be potentially affected by development activity within Powys. Associated with the SPA designation are species specific ranging and foraging buffers that applicants need to be aware of.

6.9 A list of the SAC and SPA sites (collectively known as Natura 2000 sites) and Ramsar sites within or adjoining the County is found in Appendix 3 of the LDP. For the purposes of planning, these three designations are collectively known as '**European sites**'.

6.10 Applicants must check whether their proposal is within, close to or adjacent or close to a European site. This can be done by contacting BIS or visiting the Lle Geo-portal (see Appendix B). However, certain proposals may have impacts over a longer distance particularly if they emit airborne or waterborne pollution; for example, intensive livestock units may give rise to pollution that adversely affects a European site, therefore threatening its integrity and conservation objectives. These kinds of development proposals will need to ensure they take European sites that are further away into consideration. (See also paragraphs 9.8 to 9.21).

National Site Designations

6.11 Criterion 2.A. of LDP Policy DM2 relates to sites that have been designated at the National (UK) level (NNR and SSSI). This ensures that these nationally designated sites are not adversely affected by development proposals, and explains the circumstances under which planning applications will be refused or granted planning consent.

6.12 There are eight **National Nature Reserves (NNR)** that are either wholly or partially within the boundaries of the Powys planning area. These have been designated by Natural Resources Wales (NRW) under the National Parks and Access to the Countryside Act (1949) or the Wildlife and Countryside Act (1981) because of their national importance for the study and enjoyment of biodiversity and geodiversity. These sites are usually specifically managed by NRW or, exceptionally other organisations with similar aims to NRW (e.g. a Wildlife Trust). All NNR in Wales are protected as **Sites of Special Scientific Interest (SSSI)**.

6.13 There are 222 SSSI within Powys. These are also designated by NRW due to their nationally important biodiversity and geodiversity and as such form a representative suite of the country's very best wildlife and geological sites. However, whereas NNR are largely managed by NRW, SSSI are usually managed by the landowner, under conditions and guidance from NRW, to ensure operations do not occur that are likely to damage the scientific interest or part or all of the site. These might include tree felling, ploughing grassland, draining a wetland or changing the way the land is grazed. Whilst the majority of SSSI are designated for their value to wildlife, a number of SSSI in Powys have been designated for their geological importance (see also RIGS and GCR). The landowner or land occupier must seek permission from NRW in writing to undertake activities within a SSSI, and may require a management plan and mitigation strategy.

6.14 **Geological Conservation Review Sites (GCR)** are sites of international and national importance for demonstrating the key scientific elements of the Earth Heritage in Britain. The majority of these sites in Powys have been afforded statutory protection by being designated as geological SSSI for their geological value. GCR sites are identified by the Joint Nature Conservation Committee (JNCC) (see Appendix B).

6.15 LDP Policy DM2, Criterion 5 includes protection for individual trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage. This includes ancient woodland and veteran trees. Where trees are considered to have amenity value they can be protected by a Tree Preservation Order (TPO) (see link in Appendix B).

6.16 Any development that is considered to unacceptably adversely affect these features will not be permitted. See also paragraphs 4.2.12 and 4.2.13 of the reasoned justification for Policy DM2.

6.17 **Ancient Woodlands** are identified by NRW. These are irreplaceable areas of habitat that are defined as having been under more or less continuous woodland cover since at least 1600AD. Due to their age they have enormous heritage and conservation value arising from the sometimes unique fauna and flora that has grown to be associated with them. Planning Policy Wales (PPW) (see Appendix B) requires LPAs to consult with NRW before authorising any developments that may result in damage to an Ancient Woodland.

6.18 The unique value of Ancient Woodland derives from the relationship between its soils, ground flora and other species beyond the trees themselves which may not necessarily be particularly old. They also frequently have a high cultural importance for the same reasons. Applicants need to demonstrate how they are taking into account any ancient woodland that their proposal may affect. See also PPW and Technical Advice Note 5 (TAN 5) Nature Conservation and Planning for further details (see Appendix B).

6.19 Ancient woodland includes:

- Ancient Semi-Natural Woodland (ASNW) mainly made up of trees and shrubs native to the site, usually arising from natural regeneration.
- Plantations on Ancient Woodland Sites (PAWS) - replanted with conifer and broadleaved trees that retain ancient woodland features, such as undisturbed soil, ground flora and fungi.
- Restored Ancient Woodland Sites (RAWS) – woodlands which are predominately broadleaved now and are believed to have been continually wooded for over 400 years. These woodlands will have gone through a phase when canopy cover was more than 50% non-native conifer tree species and now have a canopy cover of more than 50 percent broadleaf
- Ancient Woodland Site of Unknown Category (AWSU) - woodlands which may be ASNW, RAWS or PAWS. These areas are predominantly in transition and existing tree cover is described as 'shrubs', 'young trees', 'felled' or 'ground prepared for planting'.

6.20 Other distinct forms of ancient woodland are:

- Wood pastures identified as ancient.
- Historic parkland, which is protected as a heritage asset.

Many wood pastures and historic parklands do not appear on NRW's Ancient Woodland Inventory because their low tree density did not register as woodland on historic maps. However applicants must give consideration to any kind of wood pasture, ancient or otherwise, as it appears in the Environment (Wales) (2016) Section 7 list of Habitats of Principal Importance. (See paragraphs 6.32 - 6.35). For more information on the Ancient Woodland Inventory visit the Welsh Government's Lle Geo-portal website (Appendix B).

6.21 It is also important to note that 'continually wooded' does not mean there has been continuous tree cover across the whole site or across time. Also, not all trees in the woodland have to be old, and open space, both temporary and permanent, is an important component of ancient woodlands.

6.22 **Veteran, ancient, or aged trees** also have cultural, historical, landscape and nature conservation value because of their age, size, or condition. They can be individual trees or groups of trees within wood pastures, historic parkland, hedgerows, orchards, parks, or other areas.

Local Site Designations

6.23 Criterion 3.A. of LDP Policy DM2 relates to **Local Nature Reserves (LNR)** and ensures that these locally designated sites are not adversely affected by development proposals, and explains the circumstances under which planning applications will be refused or granted planning consent.

6.24 In Powys there is only one LNR, the Lake Park LNR in Llandrindod Wells. LNR are designated by local authorities under the National Parks and Access to the Countryside Act 1949 (see Appendix C), and managed for nature conservation, education and public access.

6.25 LDP policy DM2 criterion 3.C relates to areas or sites that are considered particularly high in geological and geomorphological interest and have been designated as

Regionally Important Geodiversity Sites (RIGS). RIGS sites, of which there are 78 in Powys, are selected on a local or regional basis using four selection criteria (scientific, educational, historical and aesthetic). RIGS in Montgomeryshire and Radnorshire are designated by the Central Wales RIGS Group and in Brecknock by the South East Wales RIGS Group (see Appendix B for details). RIGS sites are those which, whilst not benefiting from statutory protection (such as is afforded by being a Geological SSSI; see SSSI paragraph 6.13), they are nevertheless regionally or locally representative sites where, "... consideration of their importance becomes integral to the planning process." (Earth Science Conservation Strategy (ESCS)).

6.26 As well as sites referred to in Policy DM2, there are a number of other important locally designated sites, which applicants' proposals will need, to 'demonstrate how they protect, positively manage and enhance'.

6.27 The most common of these local designations are **Sites of Interest for Nature Conservation (SINC)**. These are assessed and selected using specific criteria, which recognise their wildlife value, agreed by members of the Powys-Biodiversity Partnership (see Appendix B). These sites help meet local and national biodiversity objectives and contribute to the quality of life and well-being of the local community. SINC are not necessarily open to the public, with the majority having no public access at all. Should a site visit be necessary for surveying purposes then applicants must contact the landowner to seek permission to enter the site.

6.28 When a SINC has been identified, subsequent negotiations with the landowner can result in a management agreement being drawn up and the site becoming a **Local Wildlife Site (LWS)**. Where funding allows, these additional negotiations are usually carried out by the three Wildlife Trusts (WT) that operate in Powys (see Appendix B).

6.29 The Wildlife Trusts also own, lease and manage land as **Wildlife Trust Reserves (WTR)**. These protect locally or nationally rare or vulnerable wildlife or habitats and many carry statutory designations. In the Powys LDP area there are approximately 45 Wildlife Trust Reserves.

6.30 Lengths of road verge that have been identified as having particular value to wildlife have been designated as **Road Verge Nature Reserves (RVNR)**. These sites are managed by the County Council as part of the rural verge management regime with the aim of conserving and enhancing their features of interest. RVNR typically support species or assemblages of species of local and/or national importance for the conservation of biodiversity. Their linear nature means that they play an important role in linking habitat areas and supporting landscape connectivity.

6.31 Although SINC (including LWS), WTR and RVNR are not specified in LDP Policy DM2 or shown on the LDP Proposals Maps, these designations are material considerations which will be taken into account in the determination of planning applications.

Habitats of Principal Importance

Nationally and Locally Important Habitats

6.32 Section 7 of the Environment (Wales) Act (2016) refers to habitats of principal importance for the conservation of Biodiversity in Wales. A list of the Habitats can be viewed on the Wales Biodiversity Partnership website (see Appendix B).

6.33 The Powys Local Biodiversity Action Plan (LBAP) identifies the following nationally important habitats that are relevant to the conservation of biodiversity in Powys:

Coniferous woodland	Lowland raised bog	Traditional orchards
Farmland	Lowland woodland pasture	Upland calcareous grassland
Garden habitat	Mesotrophic waters	Upland / lowland heath
Linear habitats	Rhos pastures	Upland oak woodland
Low dry acid grassland	Rivers and streams	Wet woodland
Lowland meadows	Scrub and ffridd	

6.34 The Powys LBAP can be found online (see link in Appendix B). For each habitat there is a separate action plan detailing the targets that need to be met in order to protect the habitat, the main threats, and the actions that local partners are taking to secure the habitat's future. Applicants will need to demonstrate that they have taken into account any of these protected habitats in their proposals.

6.35 The Powys LBAP is due to be replaced in 2019 by the Powys Nature Recovery Action Plan (NRAP) which provides a focus for local delivery of national Nature Recovery Plan objectives, supports sustainable management of natural resources and contributes towards the goals of the Well-being of Future Generations (Wales) Act (2015). Applicants therefore need to be aware that the detail surrounding habitats (including the list above) and species of principal importance, and the actions required to protect and enhance them may well change when the NRAP replaces the LBAP (see Appendix C for more details). Appendix B of this SPG lists contact details for the Wales Biodiversity Partnership and the Powys Biodiversity Partnership which will hold updated details of the habitats of principal importance in Wales and Powys respectively.

Protected Species and Species of Principal Importance

6.36 In addition to sites and habitats, certain species have special protection, afforded to them under either European or National legislation. Furthermore, species which are locally or regionally important, across Powys, but do not necessarily have statutory protection, are identified in local policy as **species of principal importance** (formerly termed 'priority species').

6.37 Welsh Government's Technical Advice Note 5 (TAN 5) states that: *It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.*

6.38 The presence of protected species or species of principal importance on a proposed development site is a material consideration in the planning process, therefore it is essential that applicants provide sufficient information with their planning applications to identify the species present and the extent to which they may be affected by the development proposals. This information cannot be considered after permission is granted so if it is absent then it may delay determination or result in refusal. The information will need to detail any avoidance measures, mitigation or compensation that is required as well as any opportunities that may exist for enhancement of the habitat or features associated with that species.

European Protected Species (EPS)

6.39 The Conservation of Habitats and Species Regulations (2017) (see Appendix C) affords protection to a number of animal and plant species (in Schedules 2 and 5 respectively) which may be found on proposed development sites in Powys. These include bats, otters, great crested newts and the (hazel) dormouse. Whilst it is an offence to kill, injure, disturb (including handle) these species, the protection also extends to their breeding sites and resting places where they are found.

6.40 This legislation also requires the Council to consider how it can best contribute to the protection, enhancement and restoration of habitat available for wild birds, both through the management of the areas of land under its control and areas of land that is influenced by its wider functions. That includes promoting and delivering habitat management and restoration, and/or habitat creation, to support wild bird species through the planning process.

6.41 Article 4(4) of the 2009 EU Birds Directive also refers to member states striving to avoid pollution or deterioration of habitats used by species of birds listed in Annex 1 of the Directive, even when they are outside designated areas. (See Appendix C for more details). For species listed in Annex 1, member states must conserve their most suitable territories as Special Protection Areas (SPA) (see also Appendix B for link to Birds Directive information).

6.42 Where development proposals will affect EPS, a Derogation Licence may also be required (see paragraph 7.50).

National Protected Species (UK)

6.43 The Wildlife and Countryside Act 1981 (as amended) provides different levels of protection for a number of nationally important species. The Act includes Schedules with lists of those species which receive special protection in the UK – Schedule 1 (birds), Schedule 5 (animals) and Schedule 8 (plants). As a result it is prohibited to kill, injure or take by any method species such as bats, great crested newts, and water vole. It is also an offence to damage, destroy or obstruct access to any structure or place which animals on Schedule 5 use. Barn owl are afforded protection under Schedule 1, which means it is an offence to intentionally or recklessly disturb them at, on or near an active nest; other species are afforded partial protection, for example, slow-worms which are protected from killing and injury.

Species of Principal Importance (Wales)

6.44 The Section 7 list of the Environment (Wales) Act (2016) contains those species that have been identified as being of principal importance for the conservation of biodiversity in Wales. As this list may change during the lifetime of this SPG applicants should refer to the Wales Biodiversity Partnership's website (see Appendix B) where the most up to date version can be viewed.

Locally Important Species

6.45 The Powys LBAP contains a list of species that are considered to be a priority-for protection in Powys. As this list may change during the lifetime of this SPG, and especially in view of the forthcoming publication of the Powys NRAP, applicants should refer to the

Powys Biodiversity Partnership's website (see Appendix B) where the most up to date species list can be viewed.

Un-designated Sites, Habitats and Mobile Species

6.46 Applicants should bear in mind that un-designated sites can have biological features of international or national significance, and these need to be considered in preparing the development proposal. For example, a number of the 'Mawn' pools frequently found on common land across North Brecknock and Radnorshire may contain protected species.

6.47 Also many protected species and species of principal importance, particularly birds, insects and mammals such as bats and otters can have quite extensive territories using areas repeatedly for travel, shelter, breeding and/or feeding and in so doing rely on habitats that may not themselves be designated. Disruption to these areas can impact species and populations significantly. As a result, these habitats are considered to be of significant conservation value because of their important role in facilitating dispersal of that protected species. Having identified any such habitats during a Biodiversity Survey (see paragraphs 7.20 to 7.49), development proposals that result in impacts upon them will need to demonstrate how their proposal will not adversely affect the functionality of these 'stepping-stone' and linear habitats (see also Habitats Regulations in Appendix C).

7.0 Biodiversity and Geodiversity Assessments, Surveys and Licences

7.1 To understand how a particular development proposal may affect biodiversity applicants must undertake research into the area where development is proposed. This research is in the form of surveys and assessments, often requires licencing and so must be carried out by suitably qualified personnel. This section explains how these surveys and assessments should be undertaken. Applicants should refer to Appendix E for a Flowchart explaining when survey work is typically incorporated into the preparation of the development proposal.

7.2 Geodiversity assessments are described at the end of this section.

Environmental Impact Assessment (EIA)

7.3 The term ‘Environmental Impact Assessment’ (EIA) describes a process that must be followed for certain types of development proposal before they can be given ‘development consent’ (see Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017) in Appendix C). The process is a means of drawing together, in a systematic way, an assessment of a project’s likely significant environmental effects. Further advice on EIA is given at the pre-application stage.

7.4 Those types of development proposal requiring an EIA are listed in two Schedules within the EIA regulations:

- Schedule 1 - includes large development such as airports and industrial works which require an EIA.
- Schedule 2 - details the thresholds and criteria that the development types listed need to cross before they are considered to be a Schedule 2 development. Any Schedule 2 development must be screened by the LPA to determine if there are likely significant impacts which indicate that an EIA is required.

7.5 The process of undertaking the assessment of environmental impacts is the ‘Environmental Impact Assessment’; the submission of that information as part of a planning application is called the ‘**Environmental Statement**’.

7.6 The preparation of an Environmental Statement in parallel with a development proposal’s design provides a useful framework within which environmental considerations and design can interact. The responsibility for carrying out the Environmental Impact Assessment and compiling the Environmental Statement rests with the applicant.

Screening Opinion

7.7 The EIA regulations provide a procedure which enables applicants to apply to the planning authority for an opinion on whether they will need to undertake an EIA – this is called a ‘**screening opinion**’.

7.8 To provide a screening opinion, the Council requires:

- a plan identifying the site of the proposed development;
- a brief description of the physical characteristics of the site and its surroundings;
- the purpose of the proposal; and
- its possible effects on the environment.

This can be done well in advance of any formal planning application. The Council must give its opinion within three weeks, unless the applicant agrees to a longer period.

7.9 Where removal of uncultivated or semi natural habitat, or activities involving forestry operations, including harvesting, forest road construction and quarrying, applies, screening may be required from WG and NRW respectively under the:

- EIA (Agriculture) (Wales) Regulations (2017), and
- EIA (Forestry) (England and Wales) (Amendment) Regulations (2017).

For more information refer to Welsh Government EIA website and the NRW EIA website (see Appendix B).

Scoping Opinion

7.10 The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017) also enable an applicant, before making a planning application, to ask the local planning authority for its formal opinion on the information to be included in an Environmental Statement – this is called a ‘**scoping opinion**’. If the applicant wishes, an application for a scoping opinion can be carried out simultaneously with the screening opinion.

7.11 Applicants and the Council should discuss the scope of an Environmental Statement before its preparation is begun. Statutory consultees, such as NRW will be consulted at this stage. The formal requirements as to the content of Environmental Statements are set out in Schedule 4 of the above regulations. There is no prescribed format of an Environmental Statement, provided that the requirements of the EIA Regulations are met.

7.12 The Chartered Institute for Ecology and Environmental Management (CIEEM) has produced detailed guidance for EIA (see Appendix B).

7.13 If there is disagreement concerning the outcomes of screening or scoping then the opinion can be referred to the Welsh Government for determination.

Habitat Regulations Assessment and Appropriate Assessment

7.14 A **Habitats Regulations Assessment (HRA)** considers the impacts of plans and proposed development on European sites. This is a statutory duty required under The Conservation of Habitats and Species Regulations (2017) and undertaken by the relevant competent authority. Where it is considered that there is a potential for a development proposal to impact a European site the LPA, as the competent authority, is required to undertake a HRA. There are four stages in the process;

7.15 **Stage One: Screening Assessment** - This identifies the likely impacts of a development proposal, directly or indirectly, upon a European site, either alone or in combination with other projects or plans. It considers whether these impacts are likely to be significant and is often referred to as the ‘Test of Likely Significance’. The approach to decision-making in this screening stage is to apply the precautionary principle proportionate to the development proposals in question.

7.15.1 Development proposals not likely to significantly affect a European site or which are connected with or necessary to the management of that site will be ‘screened out’ of the need for any further assessment.

7.15.2 Where it is not possible to rule out the risk of significant effects on specific qualifying features of the European site, either alone or in combination with other plans or projects it will be necessary for an Appropriate Assessment (Stage Two) to be undertaken.

7.16 **Stage Two: Appropriate Assessment** - The Appropriate Assessment (AA) establishes whether the impact of the development (either alone or in combination with other plans or projects) would have a significant adverse effect on the integrity of the European site with respect to the conservation objectives of that site and to its structure and function.

7.16.1 The level of information and detail required for an AA will reflect the complexity of the case or scale of the proposal. When undertaking the AA the competent authority must consult NRW and have regard to any representations made by them.

7.16.2 In accordance with Regulation 63 (6) of The Conservation of Habitats and Species Regulations (2017), in considering whether a plan or project will adversely affect the integrity of the site, the competent authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which it proposes that planning permission should be given.

7.16.3 Any mitigation proposed as part of the development will be considered during the AA stage, in addition the assessment can be an iterative process with the competent authority working with NRW and the applicant, re-assessing changes and new or different mitigation measures before making the final conclusion as to the implications for the site.

7.16.4 The conclusions of the AA inform the ‘Integrity Test’ and must be made on the basis of there being no reasonable doubt as to the absence of adverse impacts.

7.16.5 The competent Authority may approve development proposals that will not adversely affect the integrity of a European site.

7.16.6 Where adverse impacts remain or if there is any doubt about adverse impacts on site integrity and the competent authority wishes to agree to the development proposal despite a negative assessment, alternative solutions (Stage Three) must be examined.

7.17 **Stage Three: Alternative Solutions** - Where an adverse effect cannot be ruled out and the competent authority is minded to approve the development proposal it must consider whether there are alternative solutions which would avoid or have a lesser effect on the European site. What constitutes an alternative solution will depend on the circumstances, including the type, scale, duration, timing and location of the development proposal and its objectives.

7.17.1 Where it is considered that there are alternative solutions a potentially damaging development proposal cannot be approved, the development proposal will need to be changed or refused.

7.17.2 If a competent authority considers that there are no alternative solutions, and still wishes to agree to the development proposals it must meet the requirements of Stage Four of the HRA process.

7.18 Stage Four: 'Imperative Reasons of Overriding Public Interest' (IROPI) and Compensatory Measures - Where adverse impacts remain, the development proposals may only be approved where it can be demonstrated that there are 'Imperative Reasons of Overriding Public Interest' – such reasons are limited to those outlined in Regulation 64 of The Conservation of Habitats and Species Regulations (2017). In addition, any necessary compensatory measures must be taken to secure the integrity of the European sites network. The Secretary of State must be consulted and will inform the European Commission about the compensatory measures adopted.

7.19 The competent authority has the power to require the applicant to provide such information as the authority may reasonably require either for the purposes of the Screening Assessment (Stage One) or an AA (Stage Two) if one is required as set out in Regulation 63 (2) of The Conservation of Habitats and Species Regulations (2017). This can take the form of a Biodiversity Report and be submitted along with the application. The scope and content of information required to inform the HRA will vary depending on the proposal. Applicants are advised to seek advice regarding the scope of information required to inform a Habitats Regulations Assessment prior to undertaking survey work. Maps showing the locations and indicative buffer zones surrounding the 21 European sites within or partially within the county are to be found in Appendix 2 of the Powys LDP's HRA Screening Report (June 2015) (See Appendix B). Documentation and maps for each of the European sites, including potential considerations that applicants will need to take into account to inform the AA are to be found on the NRW website (see Appendix B).

Biodiversity Surveys

Why are Biodiversity Surveys necessary?

7.20 All development has an impact upon the environment and the biodiversity within it. As such it is necessary to carry out desk-top and/or field surveys to understand which sites, habitats and species will be affected on or beyond the proposed development site.

When are surveys required?

7.21 Applicants may be required to submit information in support of a planning application to enable the LPA to assess the impacts on biodiversity from the proposed development. The nature of the impact and type of survey required will very much depend on the scale and type of development proposed and whether there is a need to meet regulatory requirements. It is recommended that applicants seek pre-application advice as soon as possible to determine whether a Biodiversity Survey is required. Applicants should also refer to Appendix E for a Flowchart which explains when survey work is typically incorporated into the development proposal.

7.22 If the LPA considers that insufficient information has been submitted by the applicant to inform the Favourable Conservation Status (FCS) test for the species

concerned additional information may be requested. (See Appendix A, and Habitats Directive in Appendix C),

7.23 The following table identifies types of proposed development site for which Biodiversity Surveys are likely to be required. **The list is for guidance – it is not exhaustive and is not a substitute for expert advice based on an assessment of the site.** A survey is likely to be needed when a development proposal affects one of the typical development site types (Table 2). Applicants should note that survey effort beyond the boundaries of the development proposal is likely as disturbance of EPS can occur beyond the proposed development site itself. The surveys types shown in Table 2 are explained after the table.

Table 2: Typical Types of Proposed Development Site in Powys Requiring Biodiversity Surveys

Proposed Development Site Type	Species and/or Habitat Surveys Likely to be Required
Greenfield land	Preliminary ecological appraisal *; Protected species surveys as necessary
Brownfield land	Preliminary ecological appraisal *; Protected species surveys as necessary
Open greenspace	Preliminary ecological appraisal *; Protected species surveys as necessary
Watercourses	Preliminary ecological appraisal *; potential for water vole, otter, fish, white-clawed crayfish, floating plantain, bird surveys as necessary.
Ponds / wetlands	Preliminary ecological appraisal *; Water vole, great crested newt
Woodland	Preliminary ecological appraisal *; Bats, badgers, birds, dormice, red squirrel, bryophytes, vegetation as necessary
Nature Reserves	Preliminary ecological appraisal *; Protected species surveys as necessary
Mines / caves / cellars	Bats
Quarries	Preliminary ecological appraisal *; Protected species surveys as necessary including reptiles, bats, great crested newts, bryophytes
Sites known to have protected species	Any protected species identified as present
Barn / building conversion*	Bats, barn owl, nesting birds
Loft conversion / roof-light installation / re-roofing	Bats, nesting birds such as swifts and house martins

Proposed Development Site Type	Species and/or Habitat Surveys Likely to be Required
Hedgerow, tree line or scrub removal	Hedgerow survey Bats, dormice, great crested newt, badger, nesting birds
Habitat creation / enhancement	Preliminary ecological appraisal; Protected species surveys as necessary
Road construction	Preliminary ecological appraisal; Protected species surveys as necessary
Coastal development	Preliminary ecological appraisal; Protected species surveys as necessary

(based on BBNP Biodiversity and Development SPG, May 2016)

* A Phase II Survey may also be required (See Paragraph 7.30)

Who can carry out a survey?

7.24 Applicants should appoint an ecological consultant with the expertise and qualifications to undertake the assessment of the proposed development site. Applicants and appointed consultants should note that the LPA will only accept species surveys carried out by surveyors who hold a valid NRW license for the species affected. Natural England licenses are not valid in Wales.

7.25 There are a number of professional bodies that ecological consultants may be a member of, such as the Chartered Institute of Ecology and Environmental Management (CIEEM). Surveys carried out by people who are not members of these professional bodies will not be accepted by the LPA.

7.26 Information on how to find and engage an ecological consultant is provided by NRW and CIEEM. (See Appendix B).

What kind of survey is required?

7.27 There are a number of different types of survey:

7.28 **Preliminary Ecological Appraisal** (also known as an Extended Phase I Habitat Survey) - This is a rapid initial assessment of the habitats present at the proposed development site, records of any species present at the time and an assessment for the potential for presence of other species. The appraisal should assess the potential impacts of the development and make recommendations for further surveys such as those for priority habitats and species and EPS, if they are necessary. CIEEM issued Guidelines for Preliminary Ecology Appraisal in 2017 (see Appendix B); the LPA will expect applicants and their ecological consultants to adhere to the best practice principles in this or any updated guidance.

7.29 Where a preliminary survey identifies evidence of, or the potential for, protected species to be present, additional surveys are likely to be required.

7.30 Phase II Survey - This more detailed survey is usually used to confirm the presence or likely absence of a protected species, or a detailed botanical survey of a potentially important habitat.

7.31 Surveying for European Protected Species (EPS) - EPS frequently found in Powys include bats, great crested newts, otters and (hazel) dormouse (see examples of Species Specific Surveys, paragraph 7.38 to 7.44). If a proposal is close to or likely to affect habitat known to be, or potentially, used by EPS then survey information must **always** be provided with the planning application. A planning application which could impact on these species cannot be determined until the applicant provides all the necessary information to inform the Favourable Conservation Status (FCS) test for the species concerned. To help the determination of the planning application, ecological submissions should consider both Current Conservation Status (CCS) and FCS (see Appendix A, and Habitats Directive in Appendix C). The survey, survey report, and mitigation and compensation proposals must always be undertaken and prepared by a licenced surveyor (survey licences are issued by NRW).

7.32 If the survey shows that EPS are present and likely to be impacted by the proposals, the applicant will need to provide details of appropriate mitigation measures. The mitigation proposals will depend on the results of the survey and the licenced surveyor can provide advice on those most appropriate. For bats this may involve incorporating a bat roost within the building; erecting bat boxes; or hedgerow planting. (See also paragraphs 8.33 to 8.36).

7.33 Details of these proposed mitigation measures will then need to be clearly shown on any submitted plans/drawings and the applicant will need to ensure that they match the requirements identified within the Survey Report (See paragraph 7.46). In order to satisfy the required tests, mitigation and compensation will need to consider both construction and operational phases of a development scheme including over the long term. Long term surveillance may be required to ensure the ecological functionality of post construction mitigation or compensation schemes.

7.34 The LPA will then assess the information submitted against the requirements of the Habitat Regulations (see paragraphs 7.14 to 7.19). If EPS presence has been ascertained, and disturbance or damage to their habitat or resting place cannot be avoided and planning permission is granted, the applicant will then need to apply for an EPS development licence ('Derogation') from NRW.

7.35 Before planning permission is granted, the LPA needs to take into account the three tests of derogation during its decision on the application, namely that:

- there is 'no satisfactory alternative'; and
- it is 'not detrimental to the maintenance of the populations of the species concerned at favourable conservation status in their natural range'; or
- it is 'in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment'.

7.36 To enable the LPA to do this, these issues must be addressed in the Biodiversity Report incorporating the results of the survey/s that are submitted with the planning application, and, where appropriate, information and/or mitigation provided on the plans.

7.37 Once the application is received the LPA may consult NRW to make sure that the approach detailed in the Biodiversity Report is sufficient. If planning permission is then granted, conditions will be attached ensuring that the agreed approach is followed.

Examples of Species Specific Surveys

7.38 As well as EPS, surveys are also required for species protected under National (UK) legislation and species of principal importance identified under Section 7 of the Environment (Wales) Act, 2016. The following paragraphs describe some of the common species surveys likely to be encountered.

7.39 **Surveying for Bats** - The Bat Conservation Trust's Bat Surveys for Professional Ecologists Good Practice Guidelines (3rd Edition 2016) (see Appendix B) provides guidance on designing and undertaking surveys; the Powys LPA will expect bat survey reports that are submitted in support of planning applications to comply with these guidelines. The results of **Bat Activity Surveys** are required to ascertain the bat species present, the numbers of bats and type of roost and also where they are gaining access to the structure. These surveys can only be undertaken at a time of year when bats are active.

7.40 Applicants for smaller developments that affect roofs or other features that may support bat roosts can be asked to submit a **Bat Scoping Survey**. This is a full visual assessment of the site or structure(s) by a suitably qualified and/or experienced individual to survey for evidence of bats or potential for presence. If evidence of (bat droppings or even live bats) or potential for presence is found, bat activity surveys will need to be undertaken at an appropriate time of year.

7.41 Consultants should note that it is considered good practice for survey data (such as habitats, species and their numbers recorded) to be passed onto BIS. See Appendix B for contact details.

7.42 **Surveying for Barn Owls** - The Wildlife and Countryside Act 1981 (as amended) protects all birds, their nests and eggs. Barn owls are listed on Schedule 1 of the Wildlife and Countryside Act, which gives them special protection, making it an offence to disturb them while the bird is building a nest or is in, on, or near a nest containing eggs or young; or to disturb dependent young of such a bird.

7.43 Before any work commences applicants need to check for signs of barn owl presence in or near the property; they may be roosting or nesting. If barn owls are found, compensation proposals may include providing nest boxes in, on or near the building (or tree or structure). Any proposals which may affect barn owls should also take into account factors such as lighting and proximity of suitable habitat.

7.44 **Surveying for Nesting birds** - The Wildlife and Countryside Act 1981 (as amended) protects all wild birds from being killed, injured or taken. This protection also extends to birds' eggs, young and nests (whilst in use). Bird species such as starlings, house martins, house sparrows, swallows and swifts all use buildings to nest in/on. Areas of dense or open vegetation (e.g. hedgerows, long-derelict or agricultural land) are also important for other nesting birds. Works which might affect nesting birds should avoid the bird breeding season, which is considered to be March to August inclusive.

When can surveys be carried out?

7.45 It is important that the need for Biodiversity Surveys is identified as early as possible as there are constraints on when certain surveys can be done. A Preliminary Ecological Appraisal can usually be done throughout the year although if undertaken in the winter months, some species may be missed. Applicants and their ecological consultants should refer to best-practice guidance when designing or commissioning surveys; the following table provides general guidance on when surveys can be undertaken:

Table 3: Seasonal Timetable for Biodiversity Surveys

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Badgers	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal
Bats – Preliminary Roost Assessment	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Bats (Hibernation Roosts)	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal
Bats (Summer Roosts)	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal
Bats (Foraging/ Commuting)	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal
Birds (Breeding) including barn owls	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Birds (Over-wintering)	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal
Birds (Migrant Species)	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Dormouse	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal
Great crested newts (Terrestrial)	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal
Great crested newts (Aquatic)	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Invertebrates	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal
Otters	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Reptiles	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal
Water voles	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal
White-clawed crayfish	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal
Habitats/ Vegetation	Sub-optimal	Sub-optimal	Sub-optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal	Sub-optimal

Optimal Survey Time



Sub-optimal Survey Time



What should a Biodiversity Survey Report contain?

7.46 Once all survey work has been completed the results need to be presented in a Biodiversity Report. All submitted reports must provide sufficient information for the Council to fully consider the impacts of a proposed development. A report must therefore address two requirements:

1. Assessment of the ecological impacts of the proposed development site and surrounding area.
2. Measures to avoid, mitigate, compensate, enhance and manage wildlife features.

7.47 The following structure provides guidance on the type of information required in a Biodiversity Report:

Table 4: Typical Structure and Content for Biodiversity Reports

	<i>Information to include:</i>
Executive summary	<ul style="list-style-type: none"> • Reason for the report • Essential evidence, such as status of bat roosts identified • Outline of recommendations, including any further surveys required • NRW Standard Summary Sheet
Introduction and background	<ul style="list-style-type: none"> • Surveyors and qualifications • Site location (map) • Photographs
Methodology	<ul style="list-style-type: none"> • Apply to BIS for site related biodiversity information • Desk study (Preliminary Ecological Appraisal) • Field survey types, methods and justification • Constraints
Results	<ul style="list-style-type: none"> • Weather conditions • Survey results tables • Plans to show location of surveyors and results • Any departure from published guidance
Discussion and analysis	<ul style="list-style-type: none"> • Analysis of the results and particularly how protected species are utilising the proposed development site • Assessment of the impact of the development proposals • Consideration of Current Conservation Status (CCS) and Favourable Conservation Status (FCS)
Conclusions and recommendations	Recommendations for: <ul style="list-style-type: none"> • Mitigation measures • Timing of works • Method Statement • Details of specific enhancement measures • Further survey work • Ecological Compliance Audit method • Biosecurity Risk Assessment • Long term proposals including any dedicated compensation areas, management, wardening and surveillance

7.48 An Ecological Compliance Audit is carried out upon completion of development and is based on the criteria and parameters that may have been identified in the Biodiversity Report. Its purpose is to evidence that all proposed avoidance, mitigation and compensation measures have been implemented in accordance with the terms of a derogation licence and planning consent.

7.49 A Biosecurity Risk Assessment will produce a statement within the Report confirming the lack of biosecurity risk from Invasive Non-native Species (INNS, see paragraph 9.1 to 9.7) or how any risk identified is to be managed to prevent the spreading and/or introduction of INNS to the development site.

For more details on this subject CIEEM has produced a document entitled Ecological Report Writing (see Appendix B).

Species Licences

7.50 A protected species licence gives a person permission to carry out an activity affecting an animal or plant that would otherwise be illegal. Licences are only issued for certain purposes, which are set down in the law, and only where there is a valid justification.

7.51 The consideration and granting of such licences are separate from the process of applying for planning permission, but LPAs must take account of the legislation throughout the development management process.

Who needs a licence?

7.52 Activities that are likely to cause harm or disturbance to a protected species or its habitat as a result of proposed works, must be carried out under a derogation licence issued by NRW under Section 55 of the Habitat and Species Regulations (2017). This must be obtained before the development can be implemented.

7.53 **European Protected Species (EPS)** - If an EPS is likely to be affected by the proposals, the applicant will need to apply to NRW for a 'development licence' before any work on the proposed development site can begin. The application for a licence must be made by the applicant after planning permission has been granted. (See also paragraph 7.34) Working without a development licence could lead to a wildlife crime being committed and subsequent prosecution.

7.54 In some cases appropriate avoidance and mitigation will prevent the need for a licence; work can be managed so that it does not cause disturbance or harm. In other cases, mitigation will not remove the need for a licence, but will form part of the licence conditions, as well as being covered by planning condition(s).

7.55 Applicants need to be aware that mitigation work required as a condition for many development licences may involve a significant length of time. For example, mitigation habitat for dormouse may take several years to develop and this will require a commitment to ongoing appropriate management before it is suitable for dormouse.

7.56 **UK Protected Species** - NRW issues conservation licences for species protected under the Wildlife and Countryside Act (1981), for example, water voles; proposals that

result in the damage or destruction of a place used for shelter and protection by water voles, are likely to require displacement of individuals prior to commencements of work.

7.57 NRW is also responsible for issuing licences under the Protection of Badgers Act (1992), where the proposed works would result in damage, destruction, obstruction to an active badger sett and/or where works in close proximity to an occupied sett are likely to cause disturbance to badgers.

Tree Felling Licences

7.58 Felling of trees may also require a NRW felling licence in accordance with the Forestry Act (1967). For more information on when a licence is required refer to the NRW booklet “*Tree Felling: Getting Permission*” (see Appendix B). Exemptions include felling associated with implementing a planning permission provided the removal was justified in the planning application.

Geodiversity Assessments

7.59 Where it has been identified that geodiversity features may be affected, development proposals must be accompanied by an assessment of the impacts, a management plan and an appropriate mitigation strategy (see TAN 5 Appendix B for more information).

7.60 Applicants should be aware that subtle landscape features may be important components of the designation, e.g. low relief mounds, individual boulders or small exposures of rock in stream sections. Therefore activities such as moving rocks and boulders, carrying out groundworks, importing material from elsewhere, planting trees, trenching for utilities and diverting streams/creating ponds, all have the potential to seriously damage the special interest of the site.

7.61 Within Sites of Special Scientific Interest (SSSI) that have been designated solely for their geodiversity interest or contain recognised important geological or geomorphological features within the wider SSSI designation (e.g. talus slopes where rare colonising plants occur), an environmental permit to carry out any activity may be required to ensure no damage occurs to designated features. The landowner or land manager must seek permission in writing from NRW describing the planned activity and proposed management or mitigation. Failure to do so may result in prosecution.

7.62 Many sites identified under the Geological Conservation Review (GCR) are already designated as SSSI. Applicants proposing development in those GCR which have not yet been afforded statutory protection should seek advice from JNCC to ensure that the proposed activities do not damage geodiversity features and the special interest of the site.

7.63 Regionally Important Geodiversity Sites (RIGS) are recognised in the planning system and the LPA may refer any application for development within a RIGS to the local RIGS Group or to NRW to ensure no important geodiversity features are damaged by a development proposal.

7.64 In all cases, professional geological and/or geomorphological advice should be obtained by applicants to ensure that the geodiversity assessment identifies all the features of interest and appropriate management protocols are in place.

8.0 Biodiversity and Geodiversity in the Planning Process

8.1 This section:

- Explains how biodiversity and geodiversity is considered in the planning process;
- Outlines the steps that applicants need to consider, undertake or include in their application;
- Provides an example of how biodiversity should be addressed by householder application;
- Explains how biodiversity needs to be considered in relation to permitted development rights and Listed Buildings; and
- Provides information on how to incorporate geodiversity within development proposals.

Applicants should also refer to Appendix E for a Flowchart that outlines the typical workflow that is required to address biodiversity in the planning process.

8.2 Whilst this SPG seeks to advise applicants, applicants should seek professional advice. For certain types of development, in addition to the surveys and licences required to be submitted with a planning application, there may be a requirement for an **Environmental Permit** under The Environmental Permitting (England and Wales) Regulations 2010.

8.3 The Royal Town Planning Institute (RTPI) has developed a step-wise approach to help applicants adequately consider biodiversity interests and incorporate them into their proposals. This approach sets out the following steps:

- **Identify and safeguard** any existing, or potential, important habitats or species and ecological connectivity.
- **Avoid loss** of any existing or potential important habitats or species; or fragmentation of ecological connectivity.
- **Design** biodiversity into proposals and projects (e.g. landscaping, Sustainable Drainage Systems, site layout and green infrastructure, living roofs and facades, etc.)
- **Mitigate** for any unavoidable harm or loss to important habitats or species or the fragmentation of ecological connectivity.
- **Compensate** for any un-mitigatable habitats or species losses that can be justified.
- **Enhance** and increase the biodiversity on the site or off-site, if on-site cannot accommodate such requirements.

8.4 The purpose of the step-wise approach is to help applicants to demonstrate that there will be no unacceptable harm to important habitats and species in the county.

Incorporating Resilience into Development Proposals

8.5 It is relatively easy for applicants to incorporate features into a development proposal that will, in the long term, improve the resilience of biodiversity within Powys, and improve the proposal at the same time.

8.6 The Environment (Wales) Act 2016 emphasises the need for ‘building resilience’. This recognises five attributes (sometimes termed ‘aspects’) as building blocks of resilience which can be summarised as:

- **Diversity:** At different levels and scales, from genes to species and from habitats to landscapes. It supports the complexity of ecosystem functions. If diversity is lost systems may collapse. For example; a forest’s resilience to disease may increase with the number of tree species it contains.
- **Extent:** The greater the extent of a habitat or species, the more able it will be to contain the effects of disturbance. For example, a larger area of habitat can support larger populations of species, which will be less likely to become extinct than a smaller one. Consequently, the services provided by an ecosystem, such as water purification, flood attenuation or pollination will be become more stable and reliable as its extent increases.
- **Condition:** This considers how a system is managed, what inputs are applied, what is taken from it, and how it is influenced by the management of the surrounding land. An ecosystem in poor condition will be ‘stressed’ and have reduced capacity to resist, recover or adapt to new disturbances, or to deliver ecosystem goods and services effectively (see Appendix A).
- **Connectivity:** This deals with movement within and between ecosystems, the movement of organisms from foraging, or migration of individuals, through to dispersal of seeds and genes. Connectivity allows ecosystems to function and recover from disturbance but it is reduced through habitat loss and fragmentation. In certain situations connectivity may have negative aspects, for example, if it facilitates the spread of diseases or invasive species (see paragraphs 9.1 to 9.7). For this reason, plans to enhance connectivity need to be made in an informed and appropriate way.
- **Adaptability:** This differs from the other attributes because it is part of the *definition* of resilience rather than an attribute that *supports* it. However, its inclusion in the Environment (Wales) Act is important because it emphasizes some-of the most important features of resilience, dynamism and the ability to adapt to change. This is especially relevant to climate change where change is inevitable and maintenance of the *status quo* cannot be expected.

8.7 Resilience is likely to arise from the interplay between these attributes, rather than just one on its own.

8.8 Table 5 provides an indication of how certain, sometimes very simple additions to a development proposal can contribute towards improving the resilience of biodiversity.

Table 5: Measures that Contribute to the Five Attributes of Resilience

Measures	Five Attributes of Resilience				
	Diversity	Extent	Condition	Connectivity	Adaptability
Nesting boxes for protected or species of principal importance such as bats, barn owls, swifts or house sparrows	✓	✓	✓		
Landscaping a garden with native hedgerows, trees and wildflower areas good for butterflies or bees	✓	✓	✓	✓	
Provision for bats, such as open soffit boxes, bat bricks or access to loft spaces	✓	✓	✓		✓

Creating a reptile and amphibian hibernaculum	✓	✓	✓		✓
Planting of a native species hedgerow or landscaped area	✓	✓	✓	✓	✓
Choosing native flower species to encourage butterflies/bees	✓	✓	✓		✓
Creating a log pile or rock pile	✓	✓	✓		✓
Incorporating access points in gardens for small animals such as hedgehogs	✓	✓		✓	✓
Creation of a wildlife pond and scrapes	✓	✓	✓	✓	✓
Establishment of a meadow area	✓	✓		✓	✓
Incorporating the needs of wildflowers in any grass cutting or other management regime	✓	✓	✓	✓	✓
Improving a waterway and its riparian zone	✓	✓	✓	✓	✓
Planting a native woodland area or copse	✓	✓	✓	✓	
Creation of connecting green infrastructure, wildlife corridors or linear features for wildlife movement	✓	✓	✓	✓	✓
Creation of otter holts	✓	✓			✓
Creation of buffer zones along natural watercourses planted with native species of local provenance	✓	✓	✓	✓	✓
Naturalising or restoring watercourses and opening up culverts (after consultation with NRW).	✓	✓	✓	✓	✓

Principal Impact



Secondary Impact



8.9 Applicants should bear in mind that any one measure in Table 5 could make a contribution to any one of the five attributes, for instance creating a reptile hibernaculum may contribute towards connectivity depending how close it is to other habitat or perhaps naturally occurring hibernacula. Similarly planting a native woodland area may provide a means for wildlife to adapt if it is sufficiently close to other similar habitat that would allow an organism to migrate in response perhaps to climate change. What the table therefore lists are the principal, and secondary impacts that the measures could be making towards improving the resilience of biodiversity. The list of measures are not definitive but any additional measures should impact upon one of the five attributes.

Green Infrastructure and Resilience

8.10 Green Infrastructure (GI) encompasses a variety of natural and semi-natural spaces in the countryside and urban settings. It includes at the local scale, woodlands, fields, parks, allotments, cemeteries, and gardens. Even individual street trees and green roofs all contribute towards GI. For the purposes of this document the phrase 'Green Infrastructure' will also apply to and include 'Blue Infrastructure' which refers to the different types of water-based environments, man-made or natural, such as wetland, ponds, lakes, reservoirs, streams, rivers, canals and tidal waters.

8.11 GI provides many benefits for biodiversity and the resilience of our ecosystems, chiefly through the roles it plays in ecological goods and services and connectivity, providing corridors and routes for organisms to travel to improve their genetic pool and inhabit new places. This is crucial for adapting to climate change for example.

8.12 However the importance of GI goes beyond these environmental interests and lies in its multi-functional ability to provide benefits across a wide range of both social and economic interests, for example in providing places for human relaxation, exercise, or social cohesion, with the associated mental and physical health benefits, as well as tourism and other economic activities.

8.13 Whilst Powys has a large amount of GI, it is nonetheless crucial, particularly in urban or built up areas, that applicants consider the role that their development proposal can play in improving it. This could be quite straightforward through the use of native planting schemes and provision of connections with existing areas of GI or green corridors and routes. Finding ways to improve GI within a development proposal will therefore automatically contribute towards ecological connectivity and the resilience of biodiversity and ecosystems.

8.14 Applicants should seek further guidance by checking any local Green Infrastructure Assessments that may be available.

Cumulative and In Combination Effects

8.15 Both cumulative and in combination effects (see Appendix A for definitions) can result from individually insignificant but collectively significant development taking place over a period of time or being concentrated in a location.

8.16 Considering the effects of developments is particularly important as many ecological features are already exposed to background levels of threat or pressure and they may be close to critical thresholds where further, sometimes very small (or on their own insignificant), impacts, could cause irreversible decline.

8.17 LDP Policy DM2 protects:

1. European sites from development proposals that are likely to have a significant effect upon them, when considered either alone or in combination with other proposals or plans; and
2. Nationally protected sites, habitats and species from development that is likely to have an adverse effect on their conservation value, either directly, indirectly or in combination with other proposals.

8.18 Applicants need to be aware that where an EIA is required (see paragraphs 7.3 to 7.13) the cumulative effects of the proposal on the environment will be considered. This is detailed in the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations (2017) (see Appendix C). Where European sites are concerned and a HRA is required, the potential for in combination effects must be included in the assessment process. This is detailed in the Conservation of Habitats and Species Regulations (2017) (see Appendix C). The requirements of both processes are also cited in PPW and TAN 5.

8.19 For other development proposals (not requiring EIA or HRA), that have potential to impact on a national site as per Policy DM2, the in combination effects upon biodiversity

(habitats and species) resulting from proposed or consented similar developments nearby, or other proposed or consented developments that produce a similar risk to ecological features, will be taken into consideration in determining applications.

Biodiversity and Development

8.20 Following the step-wise approach in paragraph 8.3, this section describes how biodiversity needs to be considered at each of the different steps of the planning process:

- The Pre-application stage.
- The Design Stage.
- The Application Stage.

Applicants should also refer to Appendix E for a Flowchart that outlines the typical workflow that is required to address biodiversity in the planning process.

8.21 Wherever possible, development should avoid impacting on any biodiversity feature. If avoidance is not possible, the applicant should be able to justify why avoidance of adverse impacts is not possible.

8.22 The applicant should show how their proposals have been designed in such a way as to minimise any adverse effects on those habitats or species present, this may involve incorporating appropriate new features or habitats within the proposed development. Applicants should therefore **consider biodiversity at the pre-application stage**, which will also help to prevent delays that may otherwise be caused by the need for survey work and redesign.

The Pre-Application Stage

Pre-application discussions

8.23 The Council welcomes early discussion of biodiversity issues at the pre-application stage, as recommended by national policy (PPW). Pre-application discussions with statutory consultees such as NRW are recommended, in addition to non-statutory consultees such as the Wildlife Trusts and the Royal Society for the Protection of Birds (RSPB) if appropriate, especially when the development proposal is in the vicinity of a designated site (see section 6). Furthermore NRW has a regulatory function with regards to the water environment. The 'Our Service to Developers' pages of the NRW Website (see Appendix B) provides more information on NRW's role in the planning process.

8.24 Under Schedule 1C of Article 2D of the Development Management Procedure (Wales) Order (2012), pre-application enquiries for major developments are required to consult with NRW where the relevant criteria are met.

8.25 Where pre-application discussions suggest the need for a Biodiversity Survey, up-front survey work, including applying for biodiversity information from BIS, will demonstrate a professional approach to a planning application and will enable design work to fully take account of constraints and opportunities on-site. Applicants should also be aware of the **seasonal** nature of ecological surveying (see Table 3) and early and appropriate surveying could minimise delays in the application process.

8.26 In some cases there may not be a reasonable likelihood of a biodiversity feature being affected by development. In these cases survey work will not be needed.

8.27 Applicants should also be aware that in some cases additional information may be requested; the local planning authority can direct the applicant to supply any further information reasonably necessary to determine any planning application.

Unlawful Activity

8.28 Where it is suspected that a proposed development site has deliberately been cleared of its habitats or other biodiversity features prior to pre-application discussions, survey work, or a planning application, the LPA may refer the activity/ies to the relevant enforcing authority.

8.29 If protected species or sites are known to be present at the affected location and a criminal offence is suspected under current wildlife protection legislation (refer to Appendix C) the LPA and/or NRW will report the incident to the police and support them in their investigations.

The Design Stage

8.30 It is important that the findings of any survey work are taken into careful consideration during the design stage. Good survey work will provide details of both constraints and opportunities on a proposed development site and allow an applicant to...

Avoid, Mitigate, Compensate, Enhance and Manage (see below).

8.31 Ensuring **Ecological connectivity** is prominent in recent legislation and guidance.. Certain habitats provide corridors or stepping stones across the landscape, such as hedgerows or networks of ponds. For example, protecting an existing pond would not be satisfactory if that pond is then completely isolated from nearby terrestrial and wetland habitats by the development itself. Ecological connectivity allows species to forage, migrate, colonise new areas and respond to habitat and climate change. Connectivity is an essential aspect in securing ecosystem resilience. (See also paragraphs 8.6 to 8.14).

Avoid

8.32 The primary objective should be to **avoid** negative impacts by designing the proposed development site around the existing biodiversity features. For example, if the site includes a watercourse or existing hedgerow try to incorporate it into the layout of the proposal.

Mitigate

8.33 Where avoidance is not at all possible then the design should aim to **mitigate** any negative impacts. Applicants should ensure that they take account of all the potential effects of a development and make sure that avoidance and mitigation are appropriate to the situation.

8.34 When designing for mitigation all stages and processes of the development should be considered. Development proposals should consider whether the land required is larger than that solely needed for construction (e.g. the displacement of soils may impact upon biodiversity where it is moved from and where it is moved to) and the boundary of the application should reflect this requirement where necessary.

8.35 Impacts can also extend beyond the proposed development site boundary in unexpected ways such as light pollution or disturbance from domestic pets. Relatively small developments can also have larger impacts, for example, removing a hedgerow or line of trees could break up a bat feeding route, negatively affecting a breeding colony some distance from the proposed development site.

8.36 Very occasionally, translocation of a certain species, habitat or feature can be considered when no other options exist, by moving it to another part of the proposed development site or to a receptor site in another area. For example where hedgerows are concerned translocation is preferred to hedgerow removal and replanting where possible as this retains the original hedgerow's species mix and provenance and will function as a hedgerow sooner than a newly planted one.

Compensate

8.37 In some cases it is not possible to avoid or mitigate for certain biodiversity features on a proposed development site. In these instances and where it can be demonstrated that the need for the development outweighs the impacts to the biodiversity features, either on or off-site **compensation** is required. Compensation recreates the feature damaged by a development to ensure no net loss. Compensation should always be seen as a last resort. It should be noted that some habitats and features, such as ancient woodland, cannot be compensated as they are considered irreplaceable.

8.38 It takes time for new habitats and features such as hedgerows and ponds to establish and become functional and there is no certainty that they will ever achieve the same value to nature conservation as the original.

8.39 Compensation will not therefore be regarded as an alternative to avoidance or mitigation and where a habitat or feature is unavoidably damaged or lost to development a replacement ratio that delivers a greater quantity of the replacement may be required. This would need to be discussed with the LPA on a case by case basis to ensure that the replacement gain has integrity and value in the environment it sits within.

8.40 Proposals resorting to compensatory measures must demonstrate why avoidance or mitigation is not achievable and applicants may need to establish compensatory features before development itself begins. Compensatory measures may also be subject to planning conditions and ongoing monitoring (via an Ecological Compliance Audit).

Enhance

8.41 PPW requires the planning system to promote approaches to development which create new opportunities to **enhance** biodiversity. The Council also has a statutory duty under Section 6 of the Environment (Wales) Act (2016) to promote and seek enhancements to biodiversity. One simple way the Council can achieve this duty is through encouraging action by others.

8.42 Enhancement of biodiversity should be a goal for all planning applications. Enhancement is additional to any mitigation or compensation measures required as a result of the impact of the development. Enhancement that contributes to the objectives set by Powys LBAP and NRAP are welcomed.

8.43 The ways in which enhancement can be achieved will vary from site to site and in scale. As such it will be considered on a case by case basis by the LPA. Examples of how enhancement could be achieved are to be found in Table 5.

Manage

8.44 On development sites where wildlife features are retained or new habitats and features are created on or off site, appropriate ongoing **management** must be put in place to ensure long lasting benefits. The management needed will vary according to the site and species involved. In some cases a habitat will largely manage itself if the initial design

was appropriate. However, some compensation sites associated with major development may need specific or ongoing management regimes, the implementation of which may involve delegation to third parties, the use of planning conditions and/or obligations, and/or the use of management contracts.

8.45 In such cases a **management plan** will need to be produced and submitted as part of the biodiversity report. As a minimum, a management plan should cover at least the five years following completion of a development and ideally plan for longer term management and maintenance. Where compensation measures are required, particularly where relocation of species is involved, 25 years is considered to represent the minimum duration.

8.46 Criteria should be included in the management plan to measure success, such as a population of an indicator species reaching a certain size. It should identify specific actions required for good management and include phasing where necessary. The organisations and personnel responsible for implementing the plan also needs to be identified. The implementation will be overseen by a suitably qualified and experienced ecologist who will be required to liaise with the Council's Ecology Officer and submit relevant monitoring information.

Design and Access Statement

8.47 For those development proposals where Design and Access Statements are required, the applicant should provide a summary within their Design and Access Statement which explains how they have addressed the impact of their proposals on any wildlife features and show how they aim to enhance biodiversity. **Applicants should note however that this is not a substitute for a full Biodiversity Report.**

The Application Stage

8.48 By the time a planning application is ready for submission, the biodiversity features present on a proposed development site should have been fully considered. In those cases where survey work is required, a Biodiversity Report should accompany the application. The Council will then consider the information submitted against relevant legislation and policy as part of the planning application process.

8.49 Applicants should be aware that if permission is granted, conditions are likely to be attached to the consent, and occasionally subject to planning obligations. These might include restrictions on certain operations to particular times of year, good practice during construction, additional surveying / monitoring, or appropriate future management and maintenance.

Example – How to Incorporate Biodiversity into a Householder Application

8.50 By way of an example, applicants of householder development proposals such as loft conversions or house extensions, must consider the impact of development proposals on the following species: **Bats, nesting birds, great crested newts** and very rarely **otters, dormouse** and **barn owls**. Bats and nesting birds (especially starlings, house sparrows, swallows, swifts and house martins) and barn owls, are all species which regularly use buildings to nest or 'roost' in. Great crested newts are often found in garden ponds, cellars, and ditches. Householders should also take care to ensure any species that are considered invasive are correctly identified and appropriate measures are in place to either eradicate or manage any risk of these species spreading (see paragraphs 9.1 to 9.7).

8.51 If evidence of any of these species are found then it will, in most cases, be necessary to accommodate the needs of the species concerned within the development proposal and expert advice may need to be sought concerning this. (N.B. Remember it is an offence to knowingly harm or disturb these species, and accommodating them within a proposal need not be expensive).

8.52 Householder applicants should refer to Table 2 (following paragraph 7.23) and use column 1 'Proposed Development Site Type' to select the type(s) of work relevant to the application (if any). The column on the right will then indicate whether survey work is likely to be required and for what species.

8.53 If applicants need to carry out surveys please refer to paragraphs 7.20 to 7.49 for more information. Powys County Council encourages pre-application discussion on all applications.

8.54 For householder applicants, the biodiversity issues most likely to be encountered are outlined in the following paragraphs. Applicants should note, however, that this is not an exhaustive list and cannot account for all biodiversity issues or every householder applications. Please contact the LPA for more information.

Bats

8.55 Bats are an EPS and roost and/or breed in trees, caves and buildings, including underground structures such as cellars and tunnels. The protection for bats extends to the structures that they use for roosting or breeding, even when the bats are absent or not currently using them. Within buildings they are most commonly encountered in roofs (e.g. under slates or roofing felt) or roof spaces (e.g. the attic itself). They usually have regularly used entrance and exit points. Their use of a particular building or tree may change quite suddenly so their physical absence at any one time is not necessarily evidence that they do not use the building or tree. Other signs such as droppings or insect remains will need to be looked for by a licenced surveyor. Further advice on bats can be found in the Bat Conservation Trust (BCT) leaflets 'Bats and Buildings' and 'Bats and Lighting' (see Appendix B).

Otters

8.56 Otters are an EPS and can be found in many rivers, streams and lakes in Powys. However, their distribution is not limited to aquatic environments, with many individuals travelling overland between waterways (see also paragraph 6.47). Spraints or droppings and other evidence of their presence can be found by licenced surveyors.

Dormouse

8.57 The dormouse encountered in Powys is also known as the hazel dormouse. This is an EPS and is typically found in woodland or extensive, mature hedgerows. However they have also been found in some much less typical situations in Powys so it is particularly important that signs for this species, such as discarded empty nut shells, are looked for by a competent and licenced surveyor, wherever woodlands or any hedges in areas known to support dormice, are close to or likely to be impacted by a development proposal.

Great crested newts

8.58 Great crested newts are an EPS and can be found in ponds (including garden and ornamental ponds), canals and ditches and sometimes even cellars. If a planning

application is likely to impact on a pond, canal, ditch or cellar a great crested newt survey may be required.

Barn owls

8.59 These birds are a Schedule 1 Species under the Wildlife and Countryside Act 1981 (as amended), and usually found nesting or roosting in derelict rural buildings but are also found in trees, particularly older ones, including ones in or near to more rural gardens. It is an offence to destroy or disturb the bird, its nest, eggs or young.

Nesting birds

8.60 All wild birds are protected by the Wildlife and Countryside Act 1981 (as amended) from being killed, injured or taken. This protection also includes the bird's eggs and young. Wild bird nests are also protected from damage or destruction, whilst in use. The species that use a building itself and are most commonly encountered by householders, include house sparrows, starlings, swallows, house martins and swifts. Many other species use gardens and areas around dwellings and so can be affected by development proposals.

Designated Sites

8.61 Householder applicants should also check whether their application is within or near to a designated site. Further survey information such as a Preliminary Ecological Appraisal (see paragraph 7.28) may be required if an application is likely to impact upon a designated site.

Enhancing Biodiversity

8.62 Householder applicants can easily provide new opportunities for wildlife, and examples of how such enhancement could be achieved are to be found in Table 5. Further advice can be sought from the Wildlife Trusts and numerous printed guides and publications.

Biodiversity, Permitted Development and Listed Buildings

General Permitted Development Orders (GPDO)

8.63 Permitted development does not negate the need to comply with wildlife legislation and therefore, although a planning application may not be required, ecological advice, surveys and licences may still be required.

GPDO and European Sites

8.64 Regulation 73 of The Conservation of Habitats and Species Regulations 2017 imposes a condition on all development permitted under the GPDO to ensure that it is not in breach of the terms of the Habitats Directive. More information on permitted development and designated sites can be found in TAN 5.

GPDO and EIA

8.65 If the LPA considers that the proposed development, which may otherwise be permitted under the GPDO, is an EIA development, then it will require a full planning application, including an Environmental Statement and will no longer be considered permitted development (see also paragraphs 7.3 to 7.13).

GPDO, Protected Species and Species of Principal Importance

8.66 Certain works under the GPDO may have an impact on protected species and species of principal importance. Of particular impact may be works affecting or close to roofs, blocking eaves, clearing scrub, integrated solar PV, etc. Applicants must take full responsibility for ensuring they comply with wildlife legislation and get advice and licenses where necessary from NRW. Where EPS are affected, a full planning application may be required.

‘Prior notification’ for demolition

8.67 Demolition of a building may result in impacts on protected species and species of principal importance. Therefore, the LPA will require the appropriate Biodiversity Survey/s where relevant for ‘Prior Notification’ of demolition applications.

8.68 Where EPS are affected and insufficient information is provided with regards to methods of demolition and how protected species will be considered, a full planning application may be required.

Listed Building Consent

8.69 Applications for listed building consent may require a Biodiversity Survey. The LPA should be consulted to determine when that is the case. Negative impacts from works to listed buildings could include the closing of gaps for bat access, changes to soffits, works to windows, disturbing or destroying nesting birds, removal of vegetation used by birds, bats or reptiles, etc.

Building Control

8.70 Works which require Building Regulation Approval may require an EPS survey where there may be an impact on those species, e.g. through the use of breathable membrane and external cladding which may impact upon locations where bats may be present.

Geodiversity, Soil and Development

8.71 Geodiversity is frequently encountered on proposed development sites, and this may often be of significance or worth safeguarding. Development and regeneration proposals should provide protection for important geological sites (SSSI, GCR and RIGS), but also take into account the wider geodiversity of Powys. Proposals should incorporate positive elements that contribute to the enhancement and conservation of this natural heritage.

8.72 Important geodiversity sites can represent a range of geological features, including rocks of specific time periods (Precambrian, Ordovician, etc.), structural features (faults, folds), mineralogical sites, active landforms (rivers and landslides) and fossil landforms (glacial features). These features can be found, for example, in quarries (working or disused), road and rail cuttings, natural outcrops (mountain crags, stream sections, etc.), actively eroding rivers, landslides, etc., and can be a distinctive component of topography

8.73 Geodiversity manifests itself in important ways within the built environment with local building stone influencing local character. Using such stone in new developments could be an effective way to show local geodiversity and reinforce the local character. Consideration should also be given to how existing structures that use local stone could best keep this in public view.

8.74 Development may offer opportunities to study temporary or permanent geological exposures which reveal geological features not seen previously. These may be trenches dug for services, new road sections, borrow pits or quarries. Applicants should make sure that where earthworks are involved in a proposal, such as road cuttings or the restoration and aftercare of mineral workings or waste sites, any geodiversity encountered should be assessed. The geodiversity importance of new or temporary exposures should be assessed for their scientific or educational interest and if possible conserved to allow future access.

8.75 A good example is the design of cuttings in road schemes where early design to maintain the rock exposure rather than rock netting or shotcrete would be a significant enhancement to the geodiversity of Powys.

8.76 Other positive measures to enhance the geodiversity can include the promotion of the geodiversity resource. Opportunities can include:

- encouraging local community involvement in identifying and developing initiatives;
- providing controlled, safe access to sites for educational, interpretation and recreational use;
- developing access arrangements to quarries for educational and interpretational use;
- off and on-site interpretation.

8.77 RIGS groups, the Mid Wales Geology Group, NRW, the Geological Society of London, the Geologists Association, and the British Geological Survey will all be interested in any Geodiversity features encountered at a proposed development site.

Soils

8.78 Soil is a precious and finite resource created after many thousands of years of interaction between the underlying geology and climate, and the vegetation that grows and decays upon it. It performs vital ecological services such as water absorption, and provides a nutrient bank for agriculture. Chapter 3 of SoNaRR states that across Wales soil contains over 400million tonnes of carbon, so it also has an important role in mitigating the impacts of climate change. It also provides a seed bank of wild plants and harbours vital populations of soil borne micro-organisms and biodiversity, which are essential in maintaining the quality and structure of the soil as a whole, as well as the functions it performs. Soil therefore is pivotal, not only to humans but to geodiversity, biodiversity and the associated ecosystems that rely upon it.

8.79 Whilst it takes many years to accumulate, soil can be lost or irrevocably damaged very quickly. SoNaRR states that soil quality has deteriorated across all habitats, with the exception of woodlands. Soil erosion, particularly where soils are left exposed, and soil compaction where soil is compressed (for example by farm or construction traffic) are major factors in this deterioration. In addition almost half of agricultural fields contain more than the optimum levels of soil phosphorous.

8.80 Applicants must therefore demonstrate in their development proposals how they are considering the conservation and maintenance of soil and the biodiversity it contains, particularly during construction or whenever soil needs to be displaced within or from a development site.

8.81 This can be done by adopting a Soil Management Plan, which can cover such issues as seasonality, stripping of top and subsoils, erosion prevention and nutrient loss via protection of bare ground with screening or covers, ensuring that areas of land or soil to be protected from construction disturbance are marked by tape or barriers, haul routes, stockpiling and after-use, and could provide an appropriate way to present this information as part of an application.

8.82 Applicants should also consult DEFRA's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites (see Appendix B) which includes information on complying with related legislation, other guidance, pre-construction planning, soil management during construction, and landscaping and habitat creation for biodiversity.

8.83 Applicants should be aware that failure to adequately consider soils within their application may result in conditions being applied.

9.0 Other Considerations

Alien or Invasive Non-native Species (INNS)

9.1 There is a list of approximately 100 species identified in Schedule 9 of the Wildlife and Countryside Act 1981 (As Amended) that are non-native (i.e. originating from overseas) and invasive (i.e. they spread very quickly, at the expense of native wildlife). Some of the more well-known species on the list include Japanese Knotweed and Himalayan Balsam and these and many others, including animals, can be found in Powys.

9.2 Under Part 14 of the Act it is an offence to release, or allow to escape into the wild, any animal which:

- (1) is of a kind which is not ordinarily resident in and is not a regular visitor to Great Britain in a wild state; or
- (2) is included in part 1 of Schedule 9 to the Act.

9.3 It is an offence to plant or cause to grow in the wild any plant listed in Part 2 of Schedule 9 to the 1981 Act, as amended by Part 4, sub-section 24 of the Infrastructure Act (2015).

9.4 The control and disposal of these species are also covered by the 1981 Act and the Environment Protection Act (1990).

9.5 It is the responsibility of the applicant and landowner to be aware of their responsibilities towards these species, and to take adequate care to avoid both the introduction and spread of invasive non-native species. In certain cases where either INNS are present or where risks of introduction are predicted, the LPA will request the submission of Biosecurity Risk Assessments to demonstrate that the proposal will not result in the spread of INNS to the wider environment.

9.6 For more help and guidance visit the Non-Native Species Secretariat website (see Appendix B).

9.7 N.B. In early 2018 the UK government carried out a consultation on the enforcement of the EU Invasive Alien Species Regulations (see Appendix B). The consultation included the introduction of penalties in England and Wales. Applicants are therefore urged to make sure they are familiar with how the enforcement of these regulations may apply to their development proposal.

Water Quality and the Water Framework Directive

9.8 The impact of new development upon water quality is an important consideration that needs to be considered in planning applications.

9.9 Water Quality in any one place is affected by numerous factors, usually acting in combination, such as weather events, current and historic land use activities such as industrial, residential, and agricultural (both at the place in question or upstream in the catchment), abstraction rates, sub-surface geology and the topography of the landscape. Whilst it can have a direct effect upon the health of humans, biodiversity and the wider environment will feel the impacts of poor water quality much more acutely. Any damage to biodiversity in the water environment can take many years, if not decades, to rectify.

9.10 Under the EU's Water Framework Directive the quality of both groundwater and surface water is split into five categories: Bad, Poor, Moderate, Good and High. The Directive requires these waters to be in an overall 'good' status by 2027, and **development proposals that may lead to this status being threatened will be refused.**

9.11 Linked to the Directive is the creation of **River Basin Management Plans (RBMP)**. There are two that cover Powys:

1. Severn; and
2. Western Wales (see Appendix B).

These outline the actions being taken to prevent deterioration of water quality, how aquatic habitats and species will be conserved, and how pollutants will be reduced or eliminated. Local Authorities have a key role in contributing to the planning, delivery and promotion of the RBMPs in exercising their functions. In order to fulfil this role, applicants may be required to provide the LPA with extra information whenever it is considered necessary.

9.12 The River Wye and its tributaries, and the Montgomery Canal are Special Areas of Conservation (SAC) which affords them the highest level of legal protection under international legislation. NRW is the body that is responsible for monitoring the water quality in these, as well as the licencing or permitting that is required for any activities (or 'operations') that may lead to pollution of water courses. This includes any industrial or agricultural activities.

9.13 Due to the fact that parts of the River Wye SAC are currently either failing or are in danger of failing to meet the required phosphate targets a multi-agency partnership has drawn up a **Nutrient Management Plan (NMP)** (see Appendix B) for the river with the aim of ensuring it complies with the phosphate target. Failure to do so by 2027 could potentially result in a moratorium on development within the catchment until the target is reached.

9.14 Certain development proposals, such as those involving intensive livestock, have the potential to pose a very high risk to water quality so proposers of such developments need to take note of the requirements of the particular process that is involved in determining any applications. (See paragraphs 9.17 to 9.21).

Air Quality

9.15 Where development proposals (such as quarrying or mineral extraction, road-making, etc.) may give rise to air quality issues affecting biodiversity, applicants will need to demonstrate in their proposal that they have plans in place to avoid, reduce or eradicate such airborne pollution.

9.16 Certain development proposals, such as those involving intensive livestock, have the potential to pose a high risk to air quality so proposers of such developments should see the following sub-section for more specific information.

Intensive Livestock Units

9.17 Whilst most agricultural activities and some developments fall outside the planning process as permitted development, intensive livestock units will need to satisfy particular criteria in order to gain planning permission.

9.18 This is because of the potential for high environmental impacts upon both water and air quality. Water quality may be affected through, for example, surface water run-off and leaching, arising from poorly sited ranging areas being too near a water course, or poorly designed slurry storage, inadequate planning for extreme weather events such as high rainfall or drought, and inappropriate manure management plans. Air quality may be affected via livestock unit ventilation systems and other areas where dust may arise, which can result in atmospheric ammonia and nitrate deposition reaching levels that are unacceptable for nearby biodiversity, causing particular damage to non-vascular organisms such as lichens and algae. If designated sites with features sensitive to air pollution are present within a 5km radius of a proposal, the applicant may be required to submit a Simple Calculation of Atmospheric Impact Limits (SCAIL) from Agricultural Sources report to assess the likely impact of the proposal on an SSSI or SAC. For developments within 250m of a designated site, detailed modelling may be required.

9.19 In determining applications for intensive livestock units the Council will seek technical advice, in the first instance, from NRW who are the competent authority for determining environmental thresholds and whether any one development proposal may threaten to exceed them either alone, cumulatively or in combination with other projects.

9.20 NRW publishes guidance for developers of intensive livestock units (Guidance Note 020: Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units, and *Guidance Note 021: Poultry Units: planning permission and environmental assessment) (see Appendix B). Guidance Note 021 contains a development checklist reproduced here in Appendix D. It highlights the importance of developers providing enough detailed information for NRW to form an opinion and stresses the need for developers to take into account:

- designated sites;
- habitats;
- protected species;
- watercourses; and
- other locations where it would be difficult to manage run off or leaching e.g. from manure.

9.21 Failure to provide the information detailed in the checklist, or providing inaccurate or misleading information will only delay determination as more accurate or detailed information is sought.

(* Guidance Note 021 replaces the Guidance Note cited in the LDP paragraph 4.2.7 as Quick Guide 9.)

Appendix A: Glossary

Appropriate Assessment: A statutory assessment which is undertaken by a competent authority in respect of plans or projects which have undergone HRA Screening and are considered likely to have a significant effect on a European site.

Biodiversity: Biodiversity is a term meaning “biological diversity” that describes the number and variety of species of plants and animals and other organisms within a habitat and also the diversity of habitats within an ecosystem.

Biodiversity Action Plan / Local Biodiversity Action Plan (BAP / LBAP): The UK’s Biodiversity Action Plan recognises priority habitats and species and plans and works towards their conservation. Local Biodiversity Action Plans are the mechanism for local delivery.

Biodiversity Information Service for Powys & Brecon Beacons National Park (BIS) is the Local Environmental Record Centre. BIS aims to make information on wildlife habitats and important sites, readily available to ensure that decisions affecting biodiversity are made with the best available knowledge.

Chartered Institute of Ecology and Environmental Management (CIEEM): CIEEM is the non-profit professional body which represents and supports ecologists and environmental managers in the UK and abroad. Applicants should ensure that biodiversity surveys and assessments are carried out by professionals who are members of this or a similar organisation.

Connectivity: The ability of plants and animals to “travel” between and within ecosystems to enable the sustaining of their existence and to avoid the isolation of populations.

Cumulative Effects: Cumulative effects are multiple effects on the same habitat or site that arise from the development proposed together with those from all developments that have been built and are operational (see also ‘In Combination Effects’).

Development Licence: Term used within this document to refer to a protected species license obtained by an applicant for the purposes of undertaking a development. Licenses are obtained from Natural Resources Wales.

Ecology: A word used to describe the complex interactions of living organisms with each other and with their environment.

Ecological Goods and Services: The Earth’s ecosystems provide humanity with a wide range of benefits known as ‘ecosystem goods and services’. Goods produced by ecosystems include food, water, fuels, and timber, while services include water supply and air purification, natural recycling of waste, soil formation, pollination, and the regulatory mechanisms that nature, left to itself, uses to control climatic conditions and populations of animals, insects and other organisms.

Ecosystem: The UN’s Convention on Biological Diversity define Ecosystems as, “a dynamic complex of plant, animal and microorganisms and their non-living environment interacting as a functional unit”

Environmental Impact Assessment (EIA): An assessment, undertaken by the applicant, of the impact, whether beneficial or adverse, of a development proposal upon the environment, produced in the form of an Environmental Statement.

Environmental Statement (ES): A document setting out the applicant's assessment of a project's likely environmental effects (EIA), which is prepared and submitted by the applicant in conjunction with the planning application.

European Protected Species (EPS): A species afforded strict protection under European Law by The Conservation of Habitats and Species Regulations (2017) (Habitats Directive Annex IV Species). They include bats (all species), dormice, great crested newts and otters.

European Site: the term used to describe the three kinds of Internationally or European designated sites that are referred to in this SPG, namely Ramsar sites, Special Areas of Conservation (SAC) (including candidate SAC) and Special Protection Areas (SPA) (including potential SPA). For the purposes of Planning, these designations are treated the same.

Favourable and Current Conservation Status (FCS and CCS): The conservation status of species and natural habitats means the sum of influences acting on a species or natural habitat and its typical species that may affect its abundance, long-term natural distribution, structure and functions as well as the long-term survival of its typical species.

Conservation status will be taken as 'favourable' when: population dynamics data on the species concerned indicate that it is maintaining itself on a long-term basis as a viable component of its natural habitats, and the natural range of the species is neither being reduced nor is likely to be reduced for the foreseeable future, and there is, and will probably continue to be, a sufficiently large habitat to maintain its populations on a long-term basis.

Geodiversity: Geodiversity is a term that describes geological and geomorphological diversity, or the variety of rocks, minerals, fossils, landforms, sediments and soils, together with the natural processes which form, alter and shape them.

Green Infrastructure: Green and blue (i.e. water-based) natural and semi-natural spaces in the countryside and in and around towns and villages. Component elements include parks, private gardens, agricultural fields, hedges, trees, woodland, green roofs, green walls, canals, rivers and ponds. The term covers all land containing these features, regardless of ownership, condition or size.

Habitat: The place in which a particular plant or animal lives. Often used to refer to major assemblages of plants and animals together and the type of site where an organism or population naturally occurs.

Habitat Regulations Assessment (HRA): An assessment, undertaken by a competent authority, of the impact on European sites and Protected Species to ensure compliance with The Conservation of Habitats and Species Regulations (2017) (the Habitats Regulations). All Ramsar sites, designated and potential Special Protection Areas, designated and candidate Special Areas of Conservation are considered as European sites for the purposes of the Habitats Regulations.

In-combination Effects: Effects that may arise from the development proposed in combination with other plans and projects proposed/consented but not yet built and operational (i.e. those developments that are separate from the baseline) (see also 'Cumulative Effects').

Intensive Livestock Units: Agricultural units where livestock is permanently (generally) housed inside sheds at significantly higher stocking densities than would be normal in local traditional agricultural practices, for example, pigs or poultry.

Invasive Non-Native Species (INNS): species of plants or animals that have originated from other parts of the world and that when introduced to this country, either deliberately or accidentally, grow or spread with little or none of the usual checks and balances (such as competition or natural predators or diseases, etc.) that native species are subject to.

Local Biodiversity Action Plan: see Biodiversity Action Plan.

Local Development Plan (LDP): The required statutory development plan for each Local Planning Authority area in Wales under Part 6 of the Planning and Compulsory Purchase Act (2004). LDPs contain policies that are used in the determination of all planning applications that come before the LPA (the Council) and guide the new development that is likely to take place in the county. The adopted Powys LDP covers the period 2011 to 2026.

Local Nature Reserve: Non-statutory sites of local significance that are designated by the local authority to offer protection for, and encourage public engagement with, wildlife.

Local Planning Authority (LPA): A planning authority responsible for the preparation of an LDP and development management. Development proposals are submitted to the LPA for determination.

Local Wildlife Sites (LWS): In Powys LWS are SINC for which a management agreement has been drawn up between the landowner and the Wildlife Trust or Local Authority. They are a material consideration in the planning process.

Mitigation: The term mitigation in the document refers to action taken which offsets and minimises potential impacts on any wildlife features.

National Nature Reserve (NNR): An NNR is an area which is among the best examples of a particular habitat. NNR are of national importance. All of the reserves are also Sites of Special Scientific Interest (SSSI) and may be used by appropriate authorities for educational projects, biodiversity research and management trials.

Natura 2000 site: Sites protected under the Conservation of Habitats & Species Regulations (2017), including Special Areas of Conservation and Special Protection Areas.

Natural Resources Wales (NRW): NRW is the Government's statutory advisor on sustaining natural beauty and providing wildlife guidance on environmental planning and regulatory issues, which includes foul drainage, pollution prevention, waste management, biodiversity and protected species.

Planning Policy Wales (PPW): Welsh Government's land-use planning policy document.

Powys Biodiversity Partnership: is a group of organisations and individuals who work together to conserve Powys' wildlife for the future. Their aims are set out in the Powys Local Biodiversity Action Plan (LBAP). Sometimes referred to as the Powys Nature Partnership, it includes the Wildlife Trusts, Powys County Council, NRW and Brecon Beacons National Park Authority.

Ramsar Site: Wetland identified under the internationally agreed Ramsar Convention on Wetlands which provides the framework for the conservation and wise use of wetlands and their resources. The initial emphasis was on selecting sites of importance to waterfowl and consequently many Ramsar sites are also Special Protection Areas (SPA) classified under the Birds Directive. However, greater attention is now being directed towards the selection of Ramsar sites of wider wetland ecological importance.

Regionally Important Geodiversity Sites (RIGS): Sites designated for geodiversity purposes and protected by the planning system. They can be designated for their value for educational, scientific, historical or aesthetic qualities.

Resilience: The capacity of ecosystems to deal with disturbances, either by resisting them, recovering from them, or adapting to them, whilst retaining their ability to function, deliver ecological goods and services and attendant benefits, now and in the future.

Road Verge Nature Reserve (RVNR): A local site designation which are lengths of road verge that have been identified as having particular value to biodiversity, and managed with the aim of conserving and enhancing those features of interest.

Royal Society for the Protection of Birds (RSPB): The RSPB is a charitable organisation which works to promote conservation and protection of birds and the wider environment. The RSPB is a non-statutory consultee in the development management process who deal primarily with applications relating to birds (or sites which are important for birds).

Section 6 Duty: A duty placed on LPAs under the Environment (Wales) Act (2016) to seek to maintain and enhance biodiversity in the exercise of their functions, in order to promote the resilience of ecosystems, with particular regard to diversity, connectivity between and within ecosystems and their scale, condition and adaptability.

Section 42 'Important (priority) habitats and species': These habitats and species were identified by the Welsh Government to be a priority for nature conservation in Wales and listed in Section 42 of the Natural Environment and Rural Communities Act (2006); this has been revised and replaced by Section 7 of the Environment (Wales) Act (2016).

Site of Interest for Nature Conservation (SINC): Along with biological SSSI, SINC are the most important places for wildlife in the county. They have significant nature conservation value and are designated to seek to ensure, in the public interest, the conservation, maintenance and enhancement of species and habitats of significant nature conservation value. They are a material consideration in the planning process.

Site of Special Scientific Interest (SSSI): A site, with statutory protection, identified under the Wildlife and Countryside Act 1981 (as amended) as an area of special interest for wildlife or geological features.

Special Area of Conservation (SAC): A site designated under the European Community Habitats Directive (enacted in the UK through the Conservation of Habitats & Species Regulations (2010) (as amended)) to protect internationally important natural habitats and species.

Special Protection Areas (SPA): Sites classified under the European Community Directive on Wild Birds (enacted in the UK through the Conservation (Natural Habitats, &c.) Regulations (1994)), to protect internationally important bird species.

Sustainable Management of Natural Resources (SMNR): Using natural resources in a way and at a rate that maintains and enhances the resilience of ecosystems and the benefits they provide, in doing so, meet the needs of current generations without compromising the ability of future generations to meet their needs. Also referred to as sustainable management.

Technical Advice Note 5 (TAN 5): TAN 5 provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geodiversity conservation.

UK Biodiversity Action Plan (UK BAP): The UK BAP is the UK Government's response to the Convention on Biological Diversity (1993). The UK BAP describes the biological resources of the UK and provides detailed plans for conservation of these resources.

Wildlife Trust: The Wildlife Trusts are a movement of independent, local, nature conservation charities. Powys is covered by three Wildlife Trusts; Montgomeryshire Wildlife Trust, Radnorshire Wildlife Trust and Wildlife Trust for South & West Wales. They own and manage nature reserves and also carry out projects in the wider countryside, which includes SINC and LWS (see separate entries).

Appendix B: Useful Contacts, Websites and Documents

Key Contacts

Powys County Council

Development Management 01597 827161 Planning.services@powys.gov.uk	Planning Policy 01597 827243 ldp@powys.gov.uk
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Natural Resources Wales (NRW)

0300 0653000

NorthPlanning@cyfoethnaturiolcymru.gov.uk

Other Contacts (A-Z)

Biodiversity Information Service for Powys and Brecon Beacons National Park (BIS)

Unit 4, Royal Buildings, 6 Bulwark, Brecon, Powys, LD3 7LB

info@bis.org.uk

01874 610881

<http://www.b-i-s.org/>

Brecknock Wildlife Trust (see The Wildlife Trust of South and West Wales)

British Geological Survey (BGS)

Environmental Science Centre, Nicker Hill, Keyworth, Nottingham, NG12 5GG

enquiries@bgs.ac.uk

0115 936 3100

<http://www.bgs.ac.uk/home.html>

Central Wales RIGS (includes Montgomery and Radnor):

<http://www.geologywales.co.uk/central-wales-rigs/>

Chartered Institute of Ecology and Environmental Management (CIEEM)

43 Southgate Street, Winchester, Hampshire, SO23 9EH

<http://www.cieem.net/>

GB Non-native Species Secretariat (NNSS)

Animal and Plant Health Agency, Sand Hutton, York, YO41 1LZ

nnss@apha.gsi.gov.uk

<http://www.nonnativespecies.org/home/index.cfm>

Joint Nature Conservation Committee (JNCC)

Monkstone House, City Road, Peterborough, PE1 1JY

comment@jncc.gov.uk

<http://jncc.defra.gov.uk/Default.aspx> and; <http://jncc.defra.gov.uk/page-2947> for Geological Conservation Review Sites (GCR)

Montgomeryshire Wildlife Trust

42 Broad Street, Welshpool, Powys, SY21 7RR

info@montwt.co.uk

01938 555654

<https://www.montwt.co.uk>

Radnorshire Wildlife Trust

Warwick House, High Street, Llandrindod Wells, Powys, LD1 6AG
info@rwtwales.org
01597 823298
<http://www.rwtwales.org>

South East Wales RIGS (includes Brecknock)

<https://sewrigs.wordpress.com/>

The Wildlife Trust of South and West Wales

The Nature Centre, Fountain Road, Tondy, Bridgend, CF32 0EH,
01656 724100
www.welshwildlife.org

The Wye and Usk Foundation

Unit 4, Talgarth Business Park, Trefecca Road, Talgarth, Brecon, LD3 0PQ
admin@wyeuskfoundation.org
01874 711714
<http://www.wyeuskfoundation.org/>

Wales Biodiversity Partnership (WBP)

<http://www.biodiversitywales.org.uk/>

Welsh Stone Forum

<https://museum.wales/curatorial/geology/welsh-stone-forum/>

Useful Documents or Websites Mentioned in the Text

[Powys Local Development Plan \(2011-2026\)](#)

<http://www.powys.gov.uk/en/planning-building-control/local-development-plan/>

[Brecon Beacons National Park Local Development Plan](#)

<http://www.beacons-npa.gov.uk/planning/draft-strategy-and-policy/brecon-beacons-national-park-local-development-plan/>

[Brecon Beacons National Park Supplementary Planning Guidance on Biodiversity and Development](#)

<http://www.beacons-npa.gov.uk/planning/wild-env-protection/>

[State of Nature Report \(2016\)](#)

https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/stateofnature2016_wales_english.pdf

[Lle Geoportal](#)

<http://lle.gov.wales/home>

<p><u>Information on Protected Trees and Tree Preservation Procedures</u> https://gov.wales/docs/desh/publications/131115protected-trees-guide-en.pdf</p>
<p><u>Planning Policy Wales (Version 9)</u> https://gov.wales/topics/planning/policy/ppw/?lang=en&</p>
<p><u>Technical Advice Note 5, Nature Conservation and Planning (2009)</u> https://gov.wales/topics/planning/policy/tans/tan5/?lang=en</p>
<p><u>Wales Biodiversity Partnership;</u> https://www.biodiversitywales.org.uk/</p>
<p><u>Powys Local Biodiversity Action Plan</u> https://customer.powys.gov.uk/article/2553/Local-Biodiversity-Action-Plan</p>
<p><u>Powys Biodiversity Partnership;</u> https://customer.powys.gov.uk/article/2573/Powys-Local-Biodiversity-Action-Plan-Review (</p>
<p><u>Information on the EU Birds Directive;</u> http://ec.europa.eu/environment/nature/legislation/birdsdirective/index_en.htm</p>
<p><u>Welsh Government EIA Website;</u> https://gov.wales/topics/environmentcountryside/consmanagement/conservationbiodiversity/eia/home/?lang=en.</p>
<p><u>Natural Resources Wales EIA Website;</u> https://naturalresources.wales/permits-and-permissions/tree-felling-and-other-regulations/environmental-impact-assessment-for-forestry-activity/eia-quick-guide/?lang=en</p>
<p><u>Chartered Institute of Ecology and Environmental Management (for guidance on EIA):</u> https://www.cieem.net/publications-info</p>
<p><u>Appendix 2 (multiple documents) of Powys LDP HRA Screening Report (June 2015);</u> http://www.powys.gov.uk/en/planning-building-control/local-development-plan/ldp-stages/</p>
<p><u>Natural Resources for Wales; Designated Sites Search;</u> https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/find-protected-areas-of-land-and-seas/designated-sites/?lang=en</p>
<p><u>Chartered Institute of Ecology and Environmental Management (for guidance on Preliminary Ecological Assessment):</u> https://www.cieem.net/publications-info</p>

<p><u>The Bat Conservation Trust ‘Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edition)</u></p> <p>http://www.bats.org.uk/pages/batsurveyguide.html</p>
<p><u>Chartered Institute of Ecology and Environmental Management (for guidance on Ecological Report Writing):</u></p> <p>https://www.cieem.net/publications-info</p>
<p><u>Technical Advice Note 5, Nature Conservation and Planning (2009)</u></p> <p>https://gov.wales/topics/planning/policy/tans/tan5/?lang=en</p>
<p><u>Natural Resources-Wales; ‘Tree Felling: Getting Permission’</u></p> <p>http://naturalresources.wales/media/682351/tree-felling-getting-permission-booklet.pdf</p>
<p><u>Natural Resources Wales; ‘Our Service to Developers’:</u></p> <p>https://naturalresources.wales/guidance-and-advice/business-sectors/planning-and-development/advice-for-developers/our-service-to-developers/?lang=en</p>
<p><u>UK Government Webpage on Protected Sites and Species</u></p> <p>https://www.gov.uk/topic/planning-development/protected-sites-species</p>
<p><u>Bat Conservation Trust</u></p> <p><u>‘Bats and Buildings’</u> http://www.bats.org.uk/pages/accommodating_bats_in_buildings.html</p> <p><u>‘Bats and Lighting’</u> http://www.bats.org.uk/pages/bats_and_lighting.html</p>
<p><u>DEFRA’s Construction Code of Practice for the Sustainable Use of Soils on Construction Sites</u></p> <p>https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/716510/pb13298-code-of-practice-090910.pdf</p>
<p><u>EU Invasive Alien Species Regulations:</u></p> <p>http://www.nonnativespecies.org/index.cfm?sectionid=7</p>
<p><u>River Basin Management Plans; River Severn:</u></p> <p>https://www.gov.uk/government/collections/river-basin-management-plans-2015</p> <p><u>River Basin Management Plans; Western Wales:</u></p> <p>https://naturalresources.wales/evidence-and-data/research-and-reports/water-reports/river-basin-management-plans-published/?lang=en</p>

River Wye Nutrient Management Plan

<https://www.gov.uk/government/publications/nutrient-management-plan-river-wye>

Natural Resources Wales

Guidance Note 20; Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units <https://naturalresources.wales/permits-and-permissions/installations/intensive-farming-pigs-and-poultry/?lang=en>

Guidance Note 21; Poultry Units: planning permission and environmental assessment <https://naturalresources.wales/guidance-and-advice/business-sectors/farming/good-farming-practice/?lang=en>

Powys County Council's Pre-Planning Application Advice Service;

<http://www.powys.gov.uk/en/planning-building-control/pre-planning-application-advice/>

Appendix C: Biodiversity and Geodiversity in Planning – the Legislative, Regulatory and Policy Context

The key legislation and regulations under which the Council carries out its responsibilities as Local Planning Authority (LPA) in respect of biodiversity and geodiversity issues are as follows.

International and European Obligations

Many of the actions to protect biodiversity taken in the UK are a direct result of international obligations which the UK has subscribed to either in its own right or as a result of being in the European Union. International obligations range from the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES) (as implemented by EU Regulations), the Convention on Biological Diversity (CBD), and areas where the UK has traditionally played a prominent role such as the (Bonn) Convention on the Conservation of Migratory Species of Wild Animals, the Bern Convention on the Conservation of European Wildlife and Natural Habitats, and the Ramsar Convention on Wetlands of International Importance.

Key EU Legislation concerning biodiversity, such as the EU Habitats Directive, the Birds Directive, and the Water Framework Directive have been transposed into UK law and so are treated below.

Whilst international conventions and treaties do not apply to individuals themselves, they do place an expectation upon the UK government and public sector to ensure they are adhered to via UK and or Welsh Government legislation. (N.B. As EU Directives have been transposed into UK law the measures contained within them will still apply whether the UK is in the European Union or outside of it).

UK Legislation and Regulations

The **Conservation of Habitats & Species Regulations (2017)** (also known as the **Habitats Regulations**) and the **Wildlife and Countryside Act, 1981 (as amended)** afford protection to a number of sites within the County. The measures contained within the Habitats Regulations are pursuant to maintaining or restoring, at a Favourable Conservation Status (FCS) (see SPG Appendix A), particular natural habitats and species listed in Annexes I, II, IV and V of the Directive. To ensure that the FCS of a habitat or species is maintained a test has been developed against which development proposals are assessed. For more details of FCS tests for habitats and species contact NRW (see SPG Appendix B). The Habitats Regulations also cover the planned provision and management of stepping stone and linear habitats, and the prevention of incidental capture and killing of European Protected Species (EPS). These **statutorily designated** sites include Special Areas of Conservation (SAC), Sites of Special Scientific Interest (SSSI) and National Nature Reserves (NNR). The Wildlife and Countryside Act 1981 (as amended) also places a duty on Local Authorities [through the proper exercise of their functions] to further the conservation and enhancement of SSSI.

In addition to designated sites, certain species of wildlife are also afforded specific protection. EPS are listed in Schedule 2 (animals) and Schedule 5 (plants) of the Conservation of Habitats & Species Regulations (2017); species which are protected by UK law are listed in the Wildlife and Countryside Act, 1981 (as amended). Applicants must ensure they understand and comply with this legislation, including that afforded to wild

birds and their habitats. The Wildlife and Countryside Act also prevents destruction of or disturbance to nesting birds, their nests, eggs and young; it is advisable to avoid works to vegetation during the nesting season, generally taken to be March through to August inclusive.

The Water Environment (Water Framework Directive) (England and Wales) Regulations (2017). These regulations transpose the EU's Water Framework Directive into UK law. As such it places a general duty on Welsh Ministers and NRW to exercise their 'relevant functions' so as to secure compliance with the Water Framework Directive (WFD). The Welsh Ministers, NRW, and other public bodies have a specific duty to have regard to the relevant River Basin Management Plan and any supplementary plans made under it, in exercising their functions. More information on the WFD and River Basin Management Plans can be found in paragraphs 9.8 to 9.14.

National Parks and Access to the Countryside Act (1949). Section 21 of this Act concerns the designation of Local Nature Reserves by Local Authorities.

The **Protection of Badgers Act (1992)** protects badgers and their setts. It is illegal to wilfully kill or injure badgers, to damage or destroy their setts or to disturb badgers when they are in their setts.

The **Hedgerow Regulations (1997)** classifies and protects certain hedgerows in the countryside according to criteria concerning length, location and importance.

The Countryside and Rights of Way Act (2000). This strengthens the protection of Sites of Special Scientific Interest (SSSI) and amends the Wildlife and Countryside Act 1981 (as amended) with regard to certain protected species.

The Natural Environment and Rural Communities Act (2006) Key provisions within this piece of legislation have now largely been superseded by the Environment (Wales) Act (2016) however applicants should be aware of the implications of this legislation as it applies to their proposal.

Welsh Legislation and Regulations

Within Wales the single most important piece of legislation is the **Well-being of Future Generations Act (2015)** due to the influence it has on every aspect of governance including at the local authority level and for the biodiversity and geodiversity topic area itself. The Act requires the delivery of seven goals of sustainability, of which 'A Prosperous Wales', 'A Resilient Wales' and 'A Globally Responsible Wales', as well as 'A Healthier Wales' specifically relate to the area of Planning and the interests of biodiversity. These goals need to be delivered by public bodies such as the LPA working with five considerations in mind. These are presented in Table 6 along with the relationship they have to LPAs and applicants alike.

Table 6: Five Ways of Working towards Well-being of Future Generations

Five ways of working	What they mean	Their relationship with Biodiversity/Geodiversity and Development
Think Long Term	The importance of balancing short-term needs with the need to safeguard the ability to also meet long term needs.	The shorter term need for, for example, housing or employment, or financial profit, has to be balanced against the need to ensure that other longer term interests, such as biodiversity and geodiversity, are adequately safeguarded (particularly when they are harder to quantify financially).
Prevention	Acting to prevent problems occurring or getting worse.	Problems such as the decline in biodiversity will have to be acted upon by the local authority, which will need development proposals to help biodiversity as much as they possibly can.
Integration	Considering how the public body's well-being objectives may impact upon each of the well-being goals, on their other objectives, or on the objectives of other public bodies.	Requires the local authority to think in a joined-up way, to try to ensure that everything it does supports as many of its own and national objectives as possible. This includes seeking as many 'wins' as possible from development and land-use. Whereas one 'win' may be the new dwelling, other 'wins' would include enhancing biodiversity within that development.
Collaboration	Acting in collaboration with any other person (or different parts of the body itself) that could help the body to meet its well-being objectives.	The local authority needs to work closely and collaboratively with other agencies or parties, which includes applicants.
Involvement	The importance of involving people with an interest in achieving the well-being goals, and ensuring that those people reflect the diversity of the area which the body serves.	Stressing the importance of information to enable interested parties to come to informed decisions about planning proposals.

The Well-being of Future Generations Act also presents a sustainable development principle which local authorities must act in accordance with, and in so doing “act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs”. When considering development proposals the LPA must therefore seek to ensure protection and where possible enhancement of biodiversity and geodiversity in line with this principle of sustainable development.

The Planning (Wales) Act (2015). This Act introduced a statutory purpose for the planning system; any statutory body carrying out a planning function must exercise its functions in accordance with the principles of sustainable development as defined in the Well-being of Future Generations Act. The planning system is therefore necessary and central to achieving sustainable development in Wales.

Environment (Wales) Act (2016). The Environment (Wales) Act (2016) introduces a number of important duties for different aspects of the public sector in Wales as well as the requirement to ‘build resilience’ within natural resources (including geological/geomorphological features and soils) and biodiversity.

The Act introduced an enhanced biodiversity and resilience of ecosystems duty (known as the Section 6 Duty). This duty applies to public bodies, including local planning authorities. Section 6 of the Act replaces Section 40 of the Natural Environment and Rural Communities Act (2006). As such it requires LPAs to seek to maintain and enhance biodiversity in the exercise of their functions, in order to promote the resilience of ecosystems, with particular regard to diversity, connectivity between and within ecosystems and their scale, condition and adaptability. It also places a responsibility on LPAs to publish a report, before the end of 2019, on what it has done to comply with the duties under Section 6 of the Act.

Section 7 places a duty on Welsh Ministers to publish national lists of species and habitats of principal importance for maintaining and enhancing biodiversity in Wales.

Section 8 of the Act introduces a duty for NRW to prepare and publish a State of Natural Resources Report (SoNaRR), and Section 9 introduces a duty for NRW to prepare, publish and implement a national Natural Resources Policy.

The Act requires NRW to prepare and publish **Area Statements** under Section 11, in order to implement the Natural Resources Policy as a whole. For each area of Wales that Area Statements cover they will describe the natural resources that are to be found, the benefits that they provide and the priorities, risks and opportunities to be addressed for the sustainable management of those natural resources. The mid-Wales Area Statement, currently in preparation, includes Powys and Ceredigion.

The Act also introduces the phrase ‘sustainable management of natural resources’ (SMNR), which includes biodiversity and geodiversity, and places a responsibility upon NRW to pursue SMNR in order to promote the objective of sustainable development and achieve the well-being goals set out in the Well-being of Future Generations (Wales) Act (2015).

These particular responsibilities and duties all have a direct relevance to development proposals. Section 6 in particular requires LPAs to have regard to the Section 7 lists, SoNaRR report and relevant Area Statements.

The **Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations (2017)**. This requires certain types of development project (see Schedules 1 and 2 of the regulations) to be subject to an assessment of their environmental impact before planning permission can be granted. Refer to paragraphs 7.2 to 7.13 for more detail on Environmental Impact Assessment.

National Policy and Supporting Documents

Planning Policy Wales (PPW). This national Policy document places a strong focus on ‘Placemaking’ throughout in order to make sure it fits into and supports the Well-being of Future Generations Act. It also presents as a starting point, five key Planning Principles:

1. To facilitate the right development in the right place.

2. Making best use of Resources.
3. Facilitating Accessible and Healthy Environments.
4. Creating and Sustaining Communities.
5. Maximising environmental protection and limiting environmental impact.

The content of PPW (Consultation Draft PPW 10) is presented using four themes (Placemaking, Active and Social Places, Productive and Enterprising Places, and Distinctive and Natural Places) the fourth ('Distinctive and Natural Places'), is of direct relevance to this SPG. It cites as key issues the "long term and chronic decline of biodiversity and habitat loss" and a lack of "resilience in Wales' ecosystems..." and the need for "adaptation to the effects of climate change".

PPW recognises the significant contribution that **non-statutory designations** (such as those made at the local level (see 3.1.3 in PPW Version 9)) to delivering an ecological network for geodiversity, biodiversity and resilient ecosystems.

PPW (Consultation Draft PPW 10) also introduces a new set of 'National Sustainable Placemaking Outcomes' which tie into and deliver the seven goals in the Well-being of Future Generations Act (see above). It also emphasises the role of Planning in delivering the enhanced Duty to 'maintain and enhance biodiversity' which arises from Section 6 of the Environment Act (see above) and it explains that this is to be done via development proposals adopting a step-wise approach that involves **Modification** of proposals where necessary, exploring and using **Alternatives** where needed, the use of **Conditions**, (along with Planning Obligations and Advisory Notes), the need for proposals to provide for mitigation or **Compensation**, with **Refusal** being a consequence for not adequately considering the other steps.

PPW (Consultation Draft PPW 10) also recognises the multi-functional importance of **Green Infrastructure**. (see SPG paragraphs 8.11 to 8.15) This "is the network of natural and semi-natural features, green spaces, rivers and lakes that connect places".

Technical Advice Note 5 Nature Conservation and Planning (TAN 5) (2009) supplements PPW and sets out detailed information on nature conservation in development control procedures, including the information required to be submitted in support of a planning application. In addition to guidance on designated sites and protected species covered by legislation, it also recognises the importance of the role of Local Sites (Sites of Importance for Nature Conservation and Regionally Important Geodiversity Sites) in delivering biodiversity and geodiversity targets, protecting landforms and features, and contributing to the well-being of communities.

The **State of Natural Resources Report (SoNaRR) (2016)** surveys and assesses how Welsh "natural resources provide us with a wide range of benefits and a wealth of opportunities, including the ability to support our prosperity and improve our health as a nation". However for this to continue "we need to improve the way we manage our natural resources – our land, sea and air". SoNaRR "for the first time ... links the resilience of Welsh natural resources to the well-being of the people of Wales".

Chapter 3 Part A focuses on natural resources, and identifies 557 species that are of principal importance in Wales. It details key messages about the extent, condition and trends for these species as a whole. In terms of geodiversity, SoNaRR focuses on

geoconservation sites, mineral wealth, geotourism, research/education and geological hazards. Part B focuses on Welsh ecosystems, and lists eight broad Habitat types (which contain the 55 Habitats identified under Section 7 of the Environment (Wales) Act). For each of these eight types the report details the extent, condition and trends affecting them.

Chapter 4 of SoNaRR focuses on Resilient Ecosystems, and presents a “first attempt to set out a framework to assess the resilience of ecosystems in Wales so that we can understand the extent to which sustainable management of natural resources (SMNR) is being achieved”. This chapter also explains how the five attributes of resilience (Diversity, Extent, Condition, Connectivity, Adaptability) work in more detail and the role they play in maintaining and enhancing resilience.

National Nature Recovery Action Plan (NRAP) This national document will set out how Wales will address the Convention on Biological Diversity’s (CBD) Strategic Plan for Biodiversity. Based on the species and habitats of principal importance for Wales that are cited in Section 7 of the Environment (Wales) Act, the NRAP will identify actions for delivery in the short term and a course for the delivery of longer term commitments concerning those species and habitats beyond 2020. It will also identify the partners who will be responsible for the delivery of these actions and commitments. (See also the Powys Nature Recovery Action Plan).

Natural Resources Policy (NRP) (2017), The NRP is based on the understanding that as a society we need to manage our natural resources sustainably, and this document sets out how Welsh Government will align its policies, including land-use planning, to deliver the national priorities identified within the NRP.

The NRP sets the context for the **Area Statements** which will be produced by NRW.

Local Policy

The Local Development Plan (LDP) The Powys LDP (2011 - 2026) sets the policy framework for all development in Powys outside of the Brecon Beacons National Park. The policies reinforce and expand upon the principle that all development within the Powys planning area will conserve and enhance biodiversity and geodiversity and encourage development proposals that achieve this requirement. The Specific LDP policies relating to biodiversity and geodiversity are;

Strategic Policy SP7 – Safeguarding of Strategic Resources and Assets

Development Management Policy DM2 – The Natural Environment

The full text of these Policies can be found in Section 5 of the SPG and the reasoned justification for each of these policies can be found in the LDP.

Whilst development proposals need to have regard to all of the LDP policies, the following is a list of particular policies that may have specific relevance to biodiversity.

DM1 Planning Obligations

DM3 Public Open Space

DM4 Landscape

DM6 Flood Prevention Measures and Land Drainage

DM7 Dark Skies and External Lighting

DM13 Design and Resources

DM14 Air Quality Management

TD3 Montgomery Canal and Associated Development

W2 Waste Management Proposals

RE1 Renewable Energy

M4 Minerals Proposals

M5 Restoration and Aftercare

A number of these policies (e.g. DM1, DM3, DM4, DM6, DM13 and RE1) will be supported by separate SPG to provide extra guidance on these particular topics.

The Powys Local Biodiversity Action Plan (LBAP) and the Powys Nature Recovery Action Plan (PNRAP) Applicants must also consider the Powys LBAP (2003) and its replacement the Powys NRAP. The LBAP contains targets and associated actions for a number of habitats and species that are considered to be of national and/or local significance. It is the responsibility of the local nature partnership, of which the Council is a key member, to work towards these targets and the planning process will be an important tool for achieving them. Local Nature Partnerships play an important part in achievement of national biodiversity objectives set out in the national Nature Recovery Plan.

The Powys NRAP is due to be finalised in 2019. It will highlight those habitats and species that are of principal importance for maintaining biodiversity within Powys, including locally significant species. Key to both the national Nature Recovery Action Plan and the Powys NRAP is the emphasis on ecosystem resilience and retaining and improving connectivity between habitats and populations. As with the LBAP, the Powys NRAP provides targets for action by local partner organisations, including the Council and the LPA. As such the Powys NRAP also provides the Council with a mechanism for meeting its Section 6 Duty and the planning process in turn will be an important tool for achieving this.

Appendix D: NRW Checklist for Developers of Poultry Units

(Taken from page 3 of NRW *Guidance Note 021 Poultry Units: planning permission and environmental assessment. Guidance for applicants, local planning authorities and Natural Resources Wales staff*).

Part 1: Checklist

This is a list of information NRW needs in support of a planning application consultation to enable an informed and timely response.

Applicants should consider the constraints and opportunities when thinking about site selection, in particular:

- avoiding locations close to designated sites
- habitats
- protected species
- watercourses
- other locations where it would be difficult to manage run off.

	Topic	Requirements
1	Identification of sensitive receptors in the surrounding area	<p>Applications need to identify and take into account surrounding sensitive receptors including:</p> <ul style="list-style-type: none"> • Protected sites (including SAC, SPA, Ramsar sites and SSSI) protected species and ancient woodlands. • Nearby residential dwellings. This will affect the risk of noise and odours causing nuisance. Factors affecting the risk include distance, topography, prevailing wind direction and speed, vegetation, site ventilation, type of production, bedding, manure handling system and manure management systems. • The locations of controlled water (for example watercourses, wet and dry ditches, groundwater and ponds) is essential to inform pollution prevention measures, including buffers for livestock range areas and locations of soakaways and other drainage features based on distance and connectivity.
2	Atmospheric ammonia impact assessment - SCAIL	<p>Applications will need to show the risk of atmospheric ammonia concentrations and nitrogen deposition on nearby sites. This can be done using the free online tool – SCAIL (Simple Calculation of Ammonia Impact Limits) available at http://www.scail.ceh.ac.uk/</p> <p>Applications need to include a report from SCAIL or other air quality modelling package that includes:</p> <ul style="list-style-type: none"> • the input data • background levels. • process contributions (PC). • the predicted new environmental concentrations (PEC) of ammonia and nitrogen

3	Detailed ammonia modelling	<p>In cases where SCAIL indicates that thresholds of insignificance are exceeded further detailed modelling may be required to support the application.</p> <p>Presenting reports with the same standard set of information makes it much easier to identify relevant information in them and to be confident of the full context for the assessment NRW needs to make.</p> <p>It is much quicker for NRW to assess the potential impacts when the model results are easy to relate to receptors on the ground. Tables should give the names of designated sites and other place names, with cross reference to a map.</p> <p>Reports should include PC and PEC information for all cases, including PEC even where NRW's thresholds are not exceeded.</p>
4	Site drainage plan	<p>Applications need to include a plan of the proposed site that indicates all of the new and existing features that will control pollution from the development, including:</p> <ul style="list-style-type: none"> • clean and foul drains (with direction of flow), • effluent containment (including capacity), • provision for decontamination and collection of disinfectant in event of disease control, • any constructed soak away, • French drains and • New or existing sustainable drainage including swales, reed beds or ponds. <p>Any relevant management controls should also be indicated.</p>
5	Range area plan (for free range units)	<p>Applications need to include details of the livestock range area in order to assess the risk of runoff polluting nearby watercourses.</p> <p>Maps showing the range area should indicate:</p> <ul style="list-style-type: none"> • Boundaries of the ranging area (including total area in hectares); • Direction of slope; • Soil types (for example heavy clay); • All sensitive receptors (wells, springs, boreholes -within 50m of the site boundary, watercourses, hedgerows and any known protected sites or species) - within 50 meters of the boundary; • Location of existing or proposed mitigation measures to control run off; • Proposed management of soil and crop cover to prevent waterlogging and run off. With particular reference to areas around livestock access points - pop holes or verandas.

6	Manure management	<p>Applications need to include a manure management plan. The plan needs to include:</p> <ul style="list-style-type: none"> • Calculation of total Nitrogen and Phosphate produced from proposed poultry unit and all other sources of nutrient imported or produced on the holding. • Details of the area of land available to spread dirty water and litter. • Calculation of nutrient loading (Nitrogen and Phosphate) per hectare of land available for spreading. • Show how nutrients will be used by the holding for agricultural benefit. • Risk map of proposed spreading area indicating sensitive receptors, for example: <ul style="list-style-type: none"> - boreholes - wells - lakes - rivers - other water bodies or habitats that may require assessment under EIA Agriculture Regulations - adjacent designated sites, for example: SSSI.
7	Contingency plan	<p>Applications need to demonstrate that there is contingency for storing any manure, slurry and dirty water produced at times when spreading may not be possible, for example due to wet, waterlogged or frozen conditions in accordance with the Code of Good Agricultural Practice (available on the WG website). This is to ensure manures and slurry are spread at appropriate times to prevent pollution and maximise uptake of nutrients for crop growth.</p> <p>Contingency for storing wash water during and after disease outbreak must be detailed as this is hazardous waste and depending on the severity and type of outbreak may need to be stored for longer than normal and separate from other manures and slurry. Applicants should consider using the hierarchy described in the information section below.</p>
9	Pollution prevention - construction and management	<p>Applications need to include appropriate pollution prevention measures, to ensure that the water environments (both surface and groundwater) are not polluted during construction or operation of the site.</p>
10	Great crested newts	<p>A Great Crested Newt (GCN) assessment will be needed if:</p> <ul style="list-style-type: none"> • the proposed site is within areas inhabited by GCN; • any part of the development, including ranging areas, come within 250m of a pond. <p>If ponds are present, the applicant can make a pre-application enquiry to NRW to establish if the site is within an area inhabited by great crested newts. If so, and it is not possible to show the ponds are unsuitable (for example stocked with fish), an assessment will need to consider measures to avoid or mitigate construction and operational impacts, including predation of newts by chickens on the ranging areas.</p> <p>The Pollution Prevention Plan will show how ponds are protected from pollution.</p>

11	Bats	<p>Applications need to indicate clearly on a plan or map, the location of any trees hedges or buildings that may be affected, either directly by removal or alteration or indirectly.</p> <p>Unless trees, hedges or buildings are being taken down, the only requirement is likely to be a condition that prevents light from the development illuminating nearby woods, trees, hedges and other boundary features, or any roost entrances to bat roosts in nearby buildings.</p>
12	Dormice	<p>Applications need to indicate clearly if any trees or hedges or scrub is present and indicate if it is being removed or changed.</p> <p>Unless trees, hedges or scrub are being cleared, the only likely requirements if dormice are present would be:</p> <ul style="list-style-type: none"> • Fencing hedges off from range areas. • Conditions that prevents light from the development illuminating nearby woods, trees, hedges and scrub.
13	Undesignated sites and land	<p>Applications need to include information about nearby local wildlife sites, ancient woodland and other semi-natural habitats, with information to help the Local Planning Authority assess impacts on those features, including the impacts of ammonia and nitrogen deposition.</p> <p>Any projects or operations that significantly increase agricultural output on uncultivated and/or semi-natural areas containing less than 25-30% improved agricultural species (for example ryegrass or white clover) are protected under Category 1 of the EIA.</p> <p>Agriculture (Wales) Regulations 2007. Under Category 2 of the regulations, large-scale projects which restructure rural land holdings including improved land require screening consent. Typical operations might include:</p> <ul style="list-style-type: none"> • removal or addition of field boundaries. • planting of hedgerow. • recontouring (reshaping) of agricultural land. <p>Follow this link for further information on the type of land and operations included under these regulations: http://gov.wales/topics/environmentcountryside/consmanagement/conservationbiodiversity/eiahome/projectsandregs/?lang=en</p> <p>Although the level of risk applied may differ for undesignated sites compared with designated sites, the local planning authority needs the same standard of evidence to assess impacts on undesignated sites as NRW needs to advise on designated sites.</p>
14	Flood zones	<p>If the hard infrastructure is within a C1 or C2 DAM zone, applications need to be supported by a flood consequences assessment (FCA). The FCA will need to demonstrate that the development is flood free in a 100 year flood event and does not increase flood risk elsewhere.</p> <p>Note that a proposal affected by flood risk may find it difficult to meet the pollution prevention requirements, especially if manure is carried off ranging areas by flood water.</p>

Appendix E: Flowchart: Typical Workflow for Addressing Biodiversity in the Planning Process

(NB. this is only a typical example of what can be involved. The rest of the SPG carries more detail)

