

Nature Conservation and Biodiversity Draft Supplementary Planning Guidance

1. INTRODUCTION

- 1.1 Supplementary Planning Guidance (SPG) provides further detail and guidance in relation to policies and proposals within an adopted development plan; although they do not form part of the statutory development plan themselves. SPGs must be consistent with national planning policies, as well as the policies set out in the development plan.
- 1.2 This SPG is one of a number of such guidance documents that have been prepared by Carmarthenshire County Council ('the Council') within the context of the Local Development Plan (LDP) and in conformity with national policies. Once adopted this SPG will be a material consideration in the determination of planning applications and appeals within Carmarthenshire (excluding that area contained within the Brecon Beacons National Park).
- 1.3 The Council recognises the important contribution that planning can make to maintaining and enhancing biodiversity within the County, including habitats and species of international, national and local importance and that biodiversity conservation and enhancement has an integral role in sustainable development and is fundamental to the social and economic wellbeing of Carmarthenshire's residents. It is recognised that the development of our urban and rural areas can have significant impacts resulting in a decline of biodiversity. It is also recognised that development can have positive impact where management, restoration and enhancement features for habitat and species are incorporated.
- 1.4 The aim of this SPG is to ensure that the provisions of national policy and that of the LDP are delivered at a local level and that planning applications are accompanied by the correct information that follows best practice guidelines. The need for biodiversity information is not confined to planning applications. It can apply also to applications for Listed Building consent, Tree Preservation Order consent, Conservation Area consent, Demolition Notifications etc.
- 1.5 This guidance will assist developers in identifying the potential for projects and proposals to impact on biodiversity. It will also inform planning officers and ecologists of the level of information required to adequately assess the effects of a development proposal on biodiversity interests.
- 1.6 Regard should be had to the content of this SPG from the earliest stages of the development process, including any purchase, negotiations and in the preparation of development schemes.
- 1.7 In utilising this SPG the onus is on the applicant to ensure that their proposal accords with legislative provisions and with that of National Planning Policy and the LDP. In this respect due regard should be had to the potential for updating of policy and as such this SPG is considered correct at the time of writing.
- 1.8 This SPG also sets out the framework and methodology for the designation of Sites of Importance for Nature Conservation Value (SINCs) within Carmarthenshire.

2. LEGISLATIVE CONTEXT

Key Legislation

- 2.1 The following identifies some of the key legislation in relation to biodiversity and nature conservation of relevance to this SPG:
- 2.2 **The Conservation of Habitat and Species Regulations 2010(as amended):** The Regulations implement Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive). The Regulations provide for the designation and protection of 'European sites (Special Areas of Conservation)', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites. A further objective is to preserve, maintain and re-establish sufficient diversity and area of habitat for wild birds in the United Kingdom and to avoid any pollution or deterioration of habitats of wild birds in exercising of all relevant functions.
- 2.3 **The Natural Environment and Rural Communities Act 2006:** Section 40 of the Act, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed the consideration of biodiversity as an integral part of policy and decision making throughout the public sector. Sections 42 of the Act places a duty on the Assembly Government to publish a list of living organisms and types of habitats of principal importance for the purpose of conserving biodiversity in Wales, and to take, and promote others to take, reasonably practicable steps to further their conservation. The Act will be superseded by the proposed Environment Bill on receiving Royal Assent.
- 2.4 **The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999** - requires that certain types of project are subject to an assessment of their environmental impact before planning permission can be determined.
- 2.5 **Wildlife and Countryside Act 1981:** The Act covers protection of wildlife (birds, and some animals and plants), the countryside, the prevention of the spread of certain invasive species and the designation of protected areas including Sites of Special Scientific Interest (SSSIs) that are identified for their flora, fauna, geological or physiographical features.
- 2.6 **EU Conservation of Wild Birds Directive (1979):** The directive creates a comprehensive scheme of protection for all wild bird species naturally occurring in the EU. It was adopted as a response to increasing concern about the declines in Europe's wild bird populations resulting from pollution, loss of habitats as well as unsustainable use.
- 2.7 The directive recognises that habitat loss and degradation are the most serious threats to the conservation of wild birds. It therefore places great emphasis on the protection of habitats for endangered as well as migratory species, particularly through the establishment of a network of Special Protection Areas (SPAs) comprising all the most suitable territories for these species.
- 2.8 **Countryside and Rights Of Way Act (2000):** The CRoW Act provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases protection for Sites of Special Scientific Interest (SSSI) and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty (AONB).

- 2.9 The Act also provides safeguards which take into account the needs of landowners and occupiers, and of other interests, including wildlife.
- 2.10 The Act places a duty on public bodies to further the conservation and enhancement of SSSIs, and increase penalties on conviction where the provision are breached, with a new offence whereby third parties can be convicted for damaging SSSIs.
- 2.11 **The Protection of Badgers Act 1992:** The Act provides the principle means for the protection of badgers from specific threats in relation to digging and baiting protecting badgers and their setts.
- 2.12 **The Water Framework Directive:** This came into force in December 2000 and became part of UK law in December 2003. It applies to all surface freshwater bodies (including lakes, rivers and streams), groundwater and groundwater dependant ecosystems, estuaries and coastal waters out to one mile from low water. The Directive aims to improve the ecological health of inland and coastal waters and prevent further deterioration. The overall aim is for all inland and coastal water bodies to reach at least "good" ecological status by 2015.
- 2.13 **Tree Preservation Orders:** The legal framework for Tree Preservation Orders (TPO) is contained within the **Town and Country Planning Act 1990**, and the Town and Country Planning (Trees) Regulations 1999. Under the provisions of the Act a number of TPO's have been made to protect specific trees, groups of trees and woodlands across the County. The purpose of a TPO is to protect trees which make a significant impact on their local surroundings. In general a TPO makes it an offence to cut down, top, lop, uproot, wilfully damage or wilfully destroy a tree without the planning authority's permission. This is particularly important where trees are in immediate danger. Special provisions also apply to trees within conservation areas designated by local planning authorities.
- 2.14 It is recognised that trees are an important natural asset which contribute much to the quality of our urban and rural environment. In addition to their visual amenity, trees act to filter noise, light and dust and play an essential role in the ecological system.
- 2.15 **Hedgerows Regulations 1997:** These regulations came into force to protect important hedgerows in the countryside, in particular hedgerows which are more than 20 metres long or those which meet another hedgerow at either end. It should be noted that hedgerows which form the cartilage of a dwelling are exempt.
- 2.16 The **Well Being and Future Generations (Wales) Act 2015** places the following duty on public bodies:
- Each public body must carry out sustainable development. The action a public body takes in carrying out sustainable development must include:
- a. setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and
 - b. taking all reasonable steps (in exercising its functions) to meet those objectives.
- 2.17 In delivering the above duty seven goals are identified notably that of:
- 2.18 *A Resilient Wales:* A nation which maintains and enhances a biodiverse natural environment with healthy functioning ecosystems that support social, economic and

ecological resilience and the capacity to adapt to change (for example climate change).

- 2.19 The Well Being and Future Generations (Wales) Act links with the Planning Act and the Environment Bill to form part of an integrated legislative framework for the delivery of sustainable development. In this respect it links how we manage the use of our land with how we manage our natural resources.
- 2.20 The proposed Environment (Wales) Bill has the aim of providing for a more integrated management of the environment and protection of natural resources in Wales and will introduce a new and enhanced Biodiversity duty for public authorities to maintain and enhance biodiversity and promote the resilience of ecosystems.

3. PLANNING POLICY CONTEXT

National Policy Context

3.1 Planning Policy Wales (Edition 7, 2014) (PPW) sets out the land use planning policies of the Welsh Government' which is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in circulars and policy clarification letters. Guidance in relation to conserving and improving the natural environment is contained within Chapter 5 of PPW and in TAN 5, Nature Conservation and Planning (2009). The former sets the following objectives for the conservation and improvement of the natural heritage:

- to promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats;
- to ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;
- to ensure that statutorily designated sites are properly protected and managed;
- to safeguard protected species; and to,
- to promote the functions and benefits of soils, and in particular their function as a carbon store.

3.2 PPW also provides guidance which is relevant to the application and interpretation of this SPG.

- paragraph 5.1.3 states that “A key role of the planning system is to ensure that society's land requirements are met in ways which do not impose unnecessary constraints on development whilst ensuring that all reasonable steps are taken to safeguard or enhance the environment. However, conservation and development can often be fully integrated. With careful planning and design, not only can the potential for conflict be minimised, but new opportunities for sustainable development can also be created.”
- paragraph 5.2.8 states that “The planning system has an important part to play in meeting biodiversity objectives by promoting approaches to development which create new opportunities to enhance biodiversity, prevent biodiversity losses, or compensate for losses where damage is unavoidable... Ways in which the adaptation needs of biodiversity could be considered include identifying the scope for minimising or reversing the fragmentation of habitats and improving habitat connectivity through the promotion of wildlife corridors. Local planning authorities should ensure that development minimises impact within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats”
- paragraph 5.3.9 states that “The Assembly Government will ensure that international responsibilities and obligations for conservation are fully met, and that, consistent with the objectives of the designation, statutorily designated sites are protected from damage and deterioration, with their important features conserved by appropriate management.”
- paragraph 5.5.3 states that “In some cases it will be necessary to refuse planning permission on conservation grounds. However, local planning authorities must always consider whether environmental issues could be adequately addressed by modifying the development proposal or by attaching appropriate planning conditions or obligations. Where this is not possible and the adverse effect on the

environment clearly outweighs other material considerations the development should be refused.”

- 3.3 PPW also includes further requirements in relation to seeking to “protect, trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality”.
- 3.5 Technical Advice Note (TAN) 5 – Nature Conservation and Planning (2009), provides further advice and detail about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities.

Local Policy Context

- 3.6 The LDP is the statutory development plan for the Plan area and provides the local policy framework against which proposals for development will be considered. The importance of the natural environment is a central theme within the LDP running through from the Plan’s Vision and Strategic Objectives into the strategic and specific policies. Its importance and the potential impacts also represented a core consideration in the identification of potential sites/allocations and in the review of settlements during the Plan’s formulation. The LDP was informed, and is supported by a Habitats Regulations Assessment (HRA) and Sustainability Appraisal (SA-SEA).
- 3.7 The LDP does not repeat national policy statements. The Council will therefore utilise primary legislation (including European and national) and national policy to assist in determining development proposals that have potential to impact on international and nationally designated sites and protected species.
- 3.8 The relevant LDP policies are set out below:
- 3.9 Strategic Policy SP14 Protection and Enhancement of the Natural Environment sets the requirement that development should reflect the need to protect, and wherever possible enhance the County’s natural environment. It also identifies the need for proposals to be considered in accordance with relevant guidance/legislation and policies.
- 3.10 Policy EQ4 Biodiversity seeks to ensure that the habitats and species identified within the LBAP are suitably enhanced and protected from inappropriate development, and not adversely affected by development proposals. Reference will be made to the LBAP in determining any proposal, and where appropriate, the necessary level of mitigation etc, if, and where required. The provisions of the NERC Act 2006 - Section 42 List of Species and Habitats of Principal Importance for Conservation of Biological Diversity in Wales, will also be utilised in the implementation of this policy, as will any future amendments as detailed in the Environment (Wales) Bill on receiving royal assent. The role of habitats and associated areas as connectivity pathways, ‘ecological networks’ or ‘animal corridor networks’ will, where applicable, be considered (due regard should be had to Policy EQ5).
- 3.11 Policy EQ5 Corridors, Networks and Features of Distinctiveness reflects the contribution that linear or continuous features or independent elements, make to the landscape and its distinctive character. The policy seeks to protect a diverse range of these features, which are not only valuable in visual terms and their contribution to the landscape, but also play an important role in protecting and enhancing biodiversity and geodiversity.

- 3.12 Such features, whilst rarely afforded statutory protection, make a significant contribution to the diversity of Carmarthenshire's landscapes, communities and rich biodiversity. Contributory features are listed within paragraph 6.6.32 of the LDP, with the policy encouraging proposals to support their retention, management and development. This recognises their importance as connectivity pathways for dispersal, migration and genetic exchange.
- 3.13 Policy EQ3 Regional and Local Designations provides for the protection of designated Local Nature Reserves (LNRs) and Regionally Important Geological/Geomorphological Sites (RIGS) reflecting their local importance for nature conservation and geological value. The policy also makes provision for the designation of such local and regional sites. In this respect the supporting text makes specific reference to the significant potential offered by Sites of Importance for Nature Conservation (SINCs) as a biodiversity resource. Whilst not referenced specifically in Policy EQ3 (as a result of no such designations being in place) the LDP makes provision for their future identification as part of SPG. In this respect reference is made to Section 6 of this SPG.
- 3.14 Reference is also made to the provisions of Policy EQ7 in relation to Caeau Mynydd Mawr Area and the provisions of the adopted SPG in that regard. Developments can proceed within the Caeau Mynydd Mawr SPG Area subject to there being no demonstrable likely significant effect upon the Caeau Mynydd Mawr Special Area of Conservation (CMM SAC). To this end, the Council will (where appropriate) seek developer contributions in accordance with the provisions of the Caeau Mynydd Mawr SPG. The Caeau Mynydd Mawr SPG Area is identified on the LDP proposals map.
- 3.15 Policy GP1: Sustainability and High Quality Design sets out a range of key design requirements for development proposals, including a number directly related to and relevant to biodiversity. The potential for Planning Obligation is identified within Policy GP3 with recognition of the potential for contributions to be sought for ecology including that currently sought in relation to Caeau Mynydd Mawr.
- 3.16 Policy EP1: Water and Environment Capacity sets out the requirement to safeguard watercourses through biodiversity/ecological buffer zones and corridors to protect riparian habitats and species, water quality and floodplain capacity.
- 3.17 The above policies are set out within Appendix 2 of this SPG.
- 3.18 The need to address nature conservation, biodiversity and environmental impacts is also referenced in a number of development specific policies including: Policy H4 Replacement Dwellings, RE1 Large Scale Wind Power, RE2 Local, Community and Small Wind Farms, RE3 Non-wind Renewable Energy Installations, MPP1 – Minerals Proposals, MPP6, Unconventional Gas Exploration and Extraction, MPP7 Restoration and Aftercare of Minerals Sites, WPP2 Waste Management Facilities Outside Development Limits.

Local Biodiversity Action Plan (LBAP)

- 3.19 The Carmarthenshire LBAP has been produced by a partnership of organisations concerned with the conservation of the County's biodiversity. In line with national guidance, the broad aim of the Carmarthenshire LBAP is to conserve and enhance biodiversity in Carmarthenshire by means of local partnerships, taking account of both national and local priorities. These broad aims of the Carmarthenshire LBAP are as follows:

- To maintain and enhance the biodiversity of Carmarthenshire through the preparation and implementation of individual action plans, covering a range of selected habitats and species which reflect both national and local priorities;
 - To develop effective local partnerships to co-ordinate and deliver biodiversity action in Carmarthenshire;
 - To raise public awareness of the importance of conserving and enhancing Carmarthenshire's biodiversity; and,
 - To monitor progress in achieving local biodiversity targets and to report on such progress to a national biodiversity database.
- 3.20 The LBAP contains a series of action plans covering the nationally threatened or declining species and habitats in the County, as well as species and habitats of local concern. The LBAP focuses on local action that meets the objectives for each habitat and species within the Plan.
- 3.21 The Wales Biodiversity Partnership (WBP) has drawn up nine habitat groupings and it was agreed that the Carmarthenshire LBAP will follow these groupings. These are:
- Woodland, Upland Habitats,
Freshwater, Wetlands,
Farmland,
Lowland Grassland and Heathland,
Brownfield/Urban, and
Coastal and Marine habitats and species.
- 3.22 Species have been grouped in with habitats as far as possible as often the main action to conserve species is achieved through habitat management. However a number of species will have individual action plans.
<http://www.carmarthenshire.gov.wales/home/residents/your-community/biodiversity/species-and-habitat-action-plans/>

4. DESIGNATED SITES AND HABITATS

- 4.1 The County contains a range of designated sites and other habitats reflecting the area's rich biodiversity interest; designated sites are identified on the LDP proposals map and are protected by legislation. Other habitats are protected by either legislation, and/or relevant policies of the Plan.

SITES

International Designations		
Designation	Legislation and Policy	Purpose
7 Special Areas of Conservation (SACs)	The Conservation of Habitats and Species Regulations 2010 (as amended)	These areas, created under the EC Directive on the Conservation of Natural Habitats and of Wild Fauna and Flora (the 'Habitats Directive'), are of European importance.
3 Special Protection Areas (SPAs)		These areas, created on the EC Directive on the Conservation of Wild Birds (the 'Birds Directive'), are of European importance.
1 Ramsar site		These sites, designated under the Convention on Wetlands of International Importance, are important wetland sites protecting wildfowl habitat.
Collectively SAC and SPA sites are known as Natura 2000 (or European) sites. They may or may not have a pre-existing status as an SSSI. Developments considered likely to have a significant effect upon the site's conservation objectives cannot be approved by the planning authority without an 'appropriate assessment' being undertaken by the planning authority.		

- 4.2 The above internationally designated sites are listed within Appendix 1 of this SPG.
- 4.3 It should be noted that the LDP has been subject to a plan level Habitat Regulations Assessment (HRA) it is however important to acknowledge that one may also be required at a project/planning application level.
- 4.4 Where a HRA requirement is identified a staged procedure will be undertaken by the Council to determine whether or not a project is likely to have a significant effect on a European site. The Local Planning Authority must make an assessment of the implications of development on a Natura 2000 site before approving any plan or project by screening the proposals through a Test of Likely Significant Effect (TLSE). If the proposals are likely to have a significant effect an Appropriate Assessment may have to be carried out. An 'Appropriate Assessment' will be required where a project is likely to have a significant effect on a European site either alone or in combination with other plans or projects. Under the Habitats Regulations, the planning authority may require the applicant to provide such information as it reasonably needs to determine that question; and where a planning authority determines that an appropriate assessment is necessary, it may require the applicant to provide such information as it reasonably needs for the purposes of that assessment. This requirement may be applicable to applications for developments that are adjacent to or within a buffer zone of such a site, which might have indirect impacts upon it. Guidance on this process can be found in chapters 4.4, 5.3 and Annex 3 of TAN 5. Early consultation with the LPA is recommended to determine what level of information will be required to inform an application where likely significant impacts are anticipated.

- 4.5 A full survey and assessment may not be required where the applicant is able to provide copies of pre-application correspondence with Natural Resources Wales (NRW), where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national or international importance.

National Designations		
Designation	Legislation and Policy	Purpose
82 Sites of Special Scientific Interest (SSSIs)	Wildlife and Countryside Act 1981 (as amended)	<p>Sites which are special for their flora and fauna, their rocks or landforms or a combination of these features. The LPA is required by section 281 of the Wildlife and Countryside Act 1981 to notify Natural Resources Wales of any development that may affect a SSSI before reaching its decision. This requirement applies whether or not the operation would take place on land included within a SSSI. The LPA must take account of any advice from NRW in deciding whether or not to permit the proposed operations and what if any conditions should be attached to any permission.</p> <p>Guidance on this process can be found in chapter 5.4 of TAN 5.</p>
5 National Nature Reserves	National Parks and Access to the Countryside Act 1949 or Wildlife and Countryside Act 1981 (as amended)	<p>Areas specifically managed for nature conservation and which also offer opportunities for people to experience and find out about the rich diversity of our natural heritage. An NNR is given strict protection against damaging operations, and any such operations must in theory be authorised by the designating body (NRW).</p>

Local Designations		
Designation	Legislation and Policy	Purpose
Local Nature Reserve (LNR)	National Parks and Access to the Countryside Act 1949	<p>Nature reserve designated by a Local Authority. Reflects the sites importance in terms of local nature conservation. The LPA will consider development on any LNR in line with policy EQ3 of the LDP.</p>
Regionally Important Geological/ Geomorphological Sites (RIGS)	Planning Policy Wales	<p>Form a network within a county or region of geological sites that are considered worthy of protection for their Earth Science importance. They are identified by locally developed criteria which may emphasise the local educational, historical and recreational resource rather than its national scientific significance which is the remit of SSSI status. The LPA will consider development on any RIGS in line with policy EQ3 of the LDP.</p>

HABITATS

International Importance		
Designation	Legislation and Policy	Purpose
Habitats of European Importance – ‘Annex 1 Priority Habitats’. Or area of habitat for wild birds.	The Conservation of Habitats and Species Regulations 2010 (as amended)	The habitat may be a designatory feature of a Natura 2000 site (see table above), or a site of sufficient diversity and area of habitat for wild birds. As a competent authority, the LPA have a requirement to secure the regulation 9A(3) objective so far as lies within their powers. Further guidance can be found in chapter 5.5 of TAN 5.

National or Local Importance		
Designation	Legislation and Policy	Purpose
LBAP habitat or Section 42 habitats or habitat detailed under the forthcoming Environment (Wales) Bill. Sites of importance for Nature Conservation (once designated (See section 6 below)	Natural Environment and Rural Communities Act 2006. Carmarthenshire Local Biodiversity Action Plan Emerging Environment (Wales) Bill	A material consideration in the determination of planning applications. The LPA will consider development on any qualifying habitat in line with policy EQ4 or EQ3 of the LDP. Further guidance can be found in chapters 5.5 and 6.5 of TAN 5. The list of species listed under Section 42 of the NERC Act 2006 (S42 species) can be found on the Wales Biodiversity Partnership website. The list of habitats listed under Section 42 of the NERC Act 2006 (S42 habitats) can be found in appendix 3.

5. PROTECTED SPECIES

5.1 United Kingdom legislation, under domestic or European law, provides for the protection of certain flora and fauna. The degree of protection could be partial (e.g. trade is prohibited) or full, in which case the capture, disturbance, killing or injuring of one of the species could constitute an offence. Breeding places and resting places associated with protected species are also protected. NRW is responsible for issuing licences for works which may interfere with protected species, including EPS and badgers and/or their setts in the course of development. The consideration and granting of such licences is separate to process of applying for planning permission, but the Local Planning Authority is required to take account of the legislation throughout the development process (these requirements are detailed in the below tables). The local planning authority can direct the applicant to supply any information reasonably necessary to determine any planning application. With regard to protected species Paragraph 6.2.1 of TAN 5 states:

“The presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitat”.

5.2 Paragraph 6.2.2 of TAN 5 further 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, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before a planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present.”

5.3 Where the LPA considers a survey is required this must be submitted before a planning application is submitted otherwise all material considerations will not have been considered. Further guidance on survey requirements and relevant procedures can be found in sections 7- 11 of this SPG.

5.4 Details of the species which are protected under the various pieces of legislation known to occur within Carmarthenshire are outlined in the table below. Full details of legislation and species lists for all UK species are available within Annexes 7 and 8 of TAN 5. It must be noted that It is the applicant’s or developer’s responsibility to ensure they comply with relevant legislation and any formal licensing requirements. It is important to note that planning permission (or a permitted development right) does not negate the need for a development licence or the consideration of legislative requirements before works start on a development site.

International and National Importance		
Designation	Legislation and Policy	Purpose
European Protected Species (including: Dormouse, Otter, Bats (all species), Harbour Porpoise.	The Conservation of Habitats and Species Regulations 2010 (as amended)	Created to protect identified species from intentional or reckless killing, injury, disturbance or capture and to protect their breeding sites and resting places. As a competent authority, the LPA have a statutory requirement to consider the tests specified in Article 16 of the EU Habitats Directive and in regulation 53 (9) of the 2010 Regulations. Planning Policy Wales states that to avoid developments with planning permission subsequently not being granted a licence in relation to a European Protected Species (EPS), planning authorities must take the three requirements for a derogation into account when considering development proposals where a EPS is present. Guidance on this process can be found in chapter 6.3 of TAN 5.
Habitats Directive Annex 2 and Birds Directive Annex 1 Species	The Conservation of Habitats and Species Regulations 2010 (as amended)	Species protected through the designation of SAC and SPA. Or a site of sufficient diversity and area of habitat for wild birds. As a competent authority, the LPA have a requirement to secure the regulation 9A(3) objective so far as lies within their powers.
Nesting Birds (all species)	Wildlife and Countryside Act 1981	All species protected from killing, injuring or taking, also the taking, damaging or destroying of a nest while that nest is in use or being built; or the taking or destroying of any egg.
Schedule 1 Birds (including Barn Owl, Peregrine Falcon, Cettis Warbler, Red Kite)	Wildlife and Countryside Act 1981	In addition to above the disturbance of the species while it is building a nest, or is in, on or near a nest containing eggs or young; and any disturbance to dependent young.
Schedule 5 Animals (including Water voles, Marsh Fritillary, Pine Marten, Reptiles, Red Squirrel).	Wildlife and Countryside Act 1981	Various combinations of Killing, injuring or taking and disturbance while using a place of shelter or protection.
Schedule 8 Plants, Deptford Pink	Wildlife and Countryside Act 1981	Protection from intentionally picking, up-rooting or destroying.
Schedule 9 Invasive Species	Wildlife and Countryside Act 1981	Species that are prohibited from spreading or growing in the wild.
Badger	Protection of Badgers Act 1992	Created to protect badgers and setts from intentional or reckless interference.

Local Importance		
Designation	Legislation and Policy	Purpose
LBAP Species. Section 42 species or species detailed under the forthcoming Environment Environment (Wales) Bill. Sites of importance for Nature Conservation (once designated (See section 6 below)	Natural Environment and Rural Communities Act 2006. Carmarthenshire Local Biodiversity Action Plan Emerging Environment (Wales) Bill	A material consideration in the determination of planning applications. The LPA will consider development on any qualifying habitat in line with policy EQ4 or EQ3 of the LDP. Further guidance can be found in chapters 5.5 and 6.5 of TAN 5. The list of species listed under Section 42 of the NERC Act 2006 (S42 species) can be found on the Wales Biodiversity Partnership website.

6. SITES OF IMPORTANCE FOR NATURE CONSERVATION (SINCS)

SINCS within the LDP

- 6.1 At the time of writing, no SINC's have been formally identified within Carmarthenshire. This is consequently reflected within LDP Policy EQ3 which omits such designations from the policy wording. However, as a reflection of the Council's commitment to their designation the supporting text of the policy makes provision for their designation. This provides for their designation and protection as a regional and local designation with consideration/ protection in accordance with the policy provisions of EQ3. In so doing the LDP specifies that SPG be considered as the means for their identification. Their identification will be monitored and accommodated accordingly through the LDP review process.

Background

- 6.2 The designation of a SINC reflects its local importance for nature conservation. They can include sites that contain a single habitat or a variety of habitat types and/or which support a single or range of species and offer significant potential as a biodiversity resource. SINCS are non statutory and are identified to protect areas of substantive nature conservation value at the local level. Together with statutory nature conservation designations, for example Sites of Special Scientific Interest (SSSIs), and sites designated under EC Directives, such as Special Protection Areas (SPAs) and Special Areas of Conservation (SACs), SINCS will form a vital component in the protection of biodiversity within Carmarthenshire.
- 6.3 Local authorities, in implementing their duties under Section 40 of the NERC Act 2006, must 'have regard' for the conservation of biodiversity in all their activities. The identification of SINCS is an important mechanism in ensuring that the habitats and species identified as being of importance in Carmarthenshire, for example through the LBAP are considered fully in the planning application process.

Defining SINCS within Carmarthenshire

- 6.4 The Wales Biodiversity Partnership working with the Wildlife Trusts and local authorities, recognised the need for a common set of detailed guidelines for the selection of SINCS and in 2008 published '*Wildlife Sites Guidance Wales: A Guide to Develop Local Wildlife Sites Systems in Wales*'. This provides a robust methodology/framework for the designation of SINCS and will be utilised in the identification of SINCS within Carmarthenshire.
- 6.5 In National policy terms PPW states that non-statutory sites such as SINCS 'should be soundly based on a formal scientific assessment' of the nature conservation value of the site and that 'local planning authorities should apply these designations to areas of substantive conservation value where there is good reason to believe that normal planning policies cannot provide the necessary protection'. The identification of SINCS using the Wales Biodiversity Partnership guidance will ensure their designation is compliant with national guidance.
- 6.6 An annex will be developed and updated to supplement this SPG detailing the designation of SINCS. It will set out confirmed and where appropriate potential SINC sites together with details of their designating features together with plans identifying their location and site area.

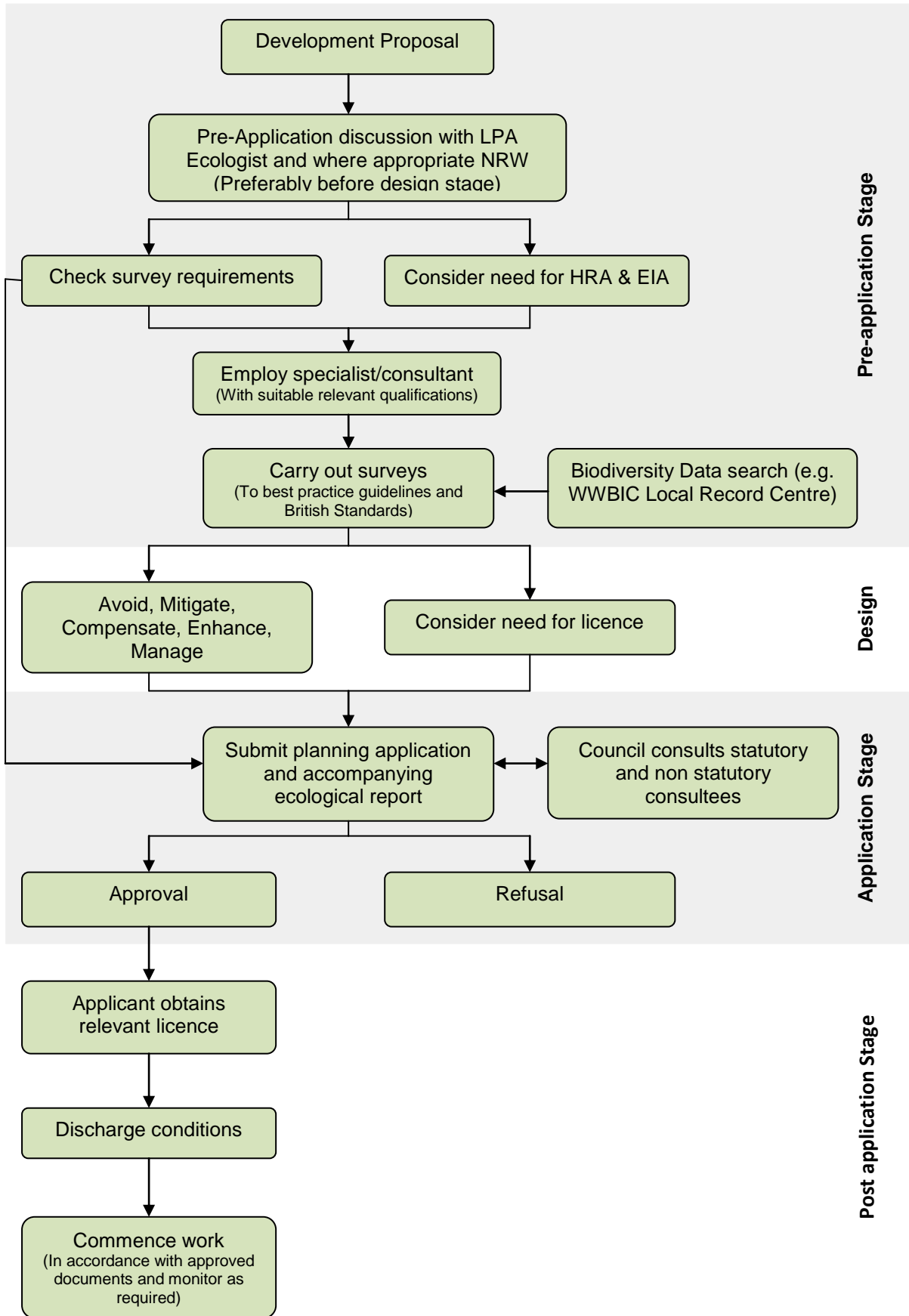
7. BIODIVERSITY IN THE PLANNING APPLICATION PROCESS

7.1 This section sets out how biodiversity and nature conservation can be integrated into the planning application process. This SPG will assist in guiding applicants and officers through the steps that should be taken to ensure biodiversity is addressed as part of proposals.

Benefits of early discussions

7.2 The Council seeks to encourage contact and assessment during the early stages of project development to confirm the biodiversity interest of a site and adjoining land, identify site specific biodiversity issues and highlight specific survey requirements. Such an approach allows, from a biodiversity perspective, an early understanding of the acceptability (or otherwise) of the proposed development, and affords an opportunity to positively guide and influence to formulation of proposals. It also provides developers and applicants the opportunity to scope and understand requirements in relation to documentation and evidence in relation to the site and the potential impact of the development proposed, along with the specific processes (e.g. licensing) that may need to be followed. This process will also reduce delays for applicants during the application process. Figure 1 sets out a good practice process in relation to the consideration of natural environment and biodiversity matters within the planning process.

Figure 1: Good Practice Process



What is expected from an application?

- 7.3 Many planning applications have the potential to impact in some way on biodiversity, through the direct loss of habitats and species, or the reduction in the value of habitats and their ability to support the species that depend on them through disturbance/displacement or habitat fragmentation. It is essential that the impacts of a proposal on biodiversity are considered before a development scheme is designed and before a planning application is submitted otherwise all material considerations will not have been considered. This assessment must be undertaken to British Standards (BS42020:2013 Biodiversity: Code of Practice for Planning and Development (BSI, 2013)). It is recognised that schemes may in certain instances also positively enhance biodiversity due to the nature of their location or the design proposed.
- 7.4 Where required, a survey and assessment of the impact on any relevant designated sites, protected species or priority habitats or species of local importance (as highlighted in the tables above) must be undertaken and submitted with the application. Any required report must include details of measures for avoidance, enhancement and to mitigate or compensate for adverse impacts and detail any necessary management. (Further details on the mitigation hierarchy can be found in section 8 of this SPG and within section 5.2 of the Biodiversity British Standard (BS42020:2013 Biodiversity: Code of Practice for Planning and Development (BSI, 2013))). Any ecological/biodiversity proposals should be incorporated into project design at an early stage to take account of any biodiversity constraints and maximise opportunities for enhancement.
- 7.5 This procedure ensures that: the Local Planning Authority has sufficient information to make an informed decision about whether biodiversity can be protected during development; and makes certain that there will be no adverse impact on local biodiversity as a result of the development. Applications will not be valid if the appropriate information is not submitted. The local planning authority can direct the applicant to supply any further information reasonably necessary to determine any planning application.
- 7.6 Where an ecological assessment highlights that further survey is required to determine the biodiversity interest of the site, this must be clearly stated in the ecology report, together with justification and recommendations for the nature of further survey work to be undertaken to best practice guidelines. Any further survey work must be carried out and a report prepared prior the planning application being submitted.
- 7.7 Additional surveys cannot be the subject of conditions attached to a planning consent as the permitted mitigation strategy may depend on the results of further survey and all material considerations will not have been considered.
- 7.8 It should be noted that any guidance contained within this SPG does not replace or species/habitat specific, nationally recognised survey guidelines or methods.

Who should carry out ecological assessments?

- 7.9 A survey/assessment must be undertaken and prepared by a competent person with suitable ecological qualifications, licences and experience. Where surveys involve disturbance, capture or handling of a protected species, then this should only be carried out by a licensed person. All practitioners must adhere to the practices set out in section 4 of the Biodiversity British Standard (BS42020:2013 Biodiversity: Code of Practice for Planning and Development (BSI, 2013)).

Ecological Assessment – Seasonality

- 7.10 Ecological assessment work must be carried out at an appropriate time and month of the year for that habitat or species, in suitable weather conditions and using nationally recognised survey guidelines / methods where available and work to best practice standards. Guidance on timing of surveys is contained within Figure 2 of this SPG.
- 7.11 There are seasonal and time of day dimensions to ecological surveying and assessment, which may result in specific requirements for surveys in/during the appropriate months and / or time of day. Depending on the scale and complexity of the proposal and biodiversity interest there may be a need for data collection across different seasons. Early consideration of requirements is therefore highly advisable to avoid unnecessary delays. Timing constraints are summarised below.

Figure 2: Ecological Survey - Seasons

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Badgers		Optimal	Optimal	Optimal	Extending into	Extending into	Extending into	Extending into	Extending into	Optimal	Optimal	Extending into
Bats (Hibernation Roosts)	Optimal	Optimal	Optimal								Optimal	Optimal
Bats (Summer Roosts)				Extending into	Optimal	Optimal	Optimal	Optimal	Optimal	Extending into		
Bats (Foraging / Commuting)				Extending into	Optimal	Optimal	Optimal	Optimal	Optimal	Extending into		
Birds (Breeding)			Optimal	Optimal	Optimal	Optimal	Optimal	Optimal				
Birds (Over-wintering)	Optimal	Optimal									Optimal	Optimal
Dormouse (nut searches)	Extending into	Extending into	Extending into						Optimal	Optimal	Optimal	Optimal
Dormouse (nest tube searches)				Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Extending into	
Invertebrates				Optimal	Optimal	Optimal	Optimal	Optimal	Optimal			
Otters	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal
Reptiles			Extending into	Optimal	Optimal	Optimal			Optimal			
Marsh Fritillary (larval web surveys)								Optimal	Optimal			
Wolverine		Extending into	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Optimal	Extending into		
Habitats / Vegetation				Optimal	Optimal	Optimal	Optimal	Optimal	Optimal			

Optimal  **Extending into** 

8. CONSERVING AND ENHANCING BIODIVERSITY IN THE DESIGN PROCESS – USING THE MITIGATION HIERARCHY.

Avoidance

- 8.1 All development proposals must seek to avoid harm to habitats and species. This can be achieved through locating on an alternative site where the impacts of the development would be of a less harmful, or by positioning the development within the site boundary in such a way that habitats can be retained and managed. Other potential measures can include carrying out works at a time of year where it is less likely to result in disturbance, or by amending working methods to reduce impacts to an acceptable level.
- 8.2 Where avoidance measures are proposed they must be incorporated into a 'Method Statement' which should be submitted to the Council. The Implementation of the avoidance measures outlined in the statement will likely be a condition of the planning consent.
- 8.3 In designing schemes the presence of important features and the ecological connectivity between them and other features outside the site must be considered and wherever possible retained.
- 8.4 Where a proposed development incorporates avoidance measures this may eliminate the need for detailed survey work. Advice from the LPA Planning Ecologist should be sought on this matter. In certain circumstances where necessary the LPA will seek the advice of NRW on any avoidance measures proposed.
- 8.5 Regard should also be made to the content and provisions of Placemaking and Design SPG.

Mitigation

- 8.6 Where avoidance is not possible then the design must aim to mitigate any negative impacts. Any mitigation measures proposed should reflect the recent survey work and demonstrate a clear understanding of the site and its ecological considerations, and incorporate any mitigation requirements highlighted in ecological assessments and surveys, or highlighted in any communication with the LPA.
- 8.7 Applicants must ensure that they take account of all the potential effects of the proposed development and make sure that avoidance and mitigation are appropriate to the site. All stages of a development must be considered as should the extent of any required land take or potential indirect effects during the construction, operation, and where applicable the decommissioning of the proposed development.
- 8.8 It is however recognised that mitigation often still entails some form of harm. In this respect where a site or its surroundings have a clear biodiversity value and the mitigation measures proposed are insufficient to reasonably protect its value then, planning permission may be refused, subject to all relevant considerations having been taken into account. The Implementation of proposed mitigation measures that are acceptable in planning terms will likely be a condition of the planning consent.

Compensation

- 8.9 In instances where harmful damage is unavoidable and will still occur in spite of mitigation, consideration may be given to compensating for any loss by creating a new habitat at an alternative on site location, or off-site. Prior to compensation being considered the developer/applicant will be required to satisfactorily demonstrate that avoidance and mitigation are not possible and that the proposed compensatory measures would not result in a net loss of habitat of the same habitat type.
- 8.10 Established habitats usually develop their biodiversity value over a long period of time, artificially recreated habitat will therefore usually not be of a standard remotely comparable to that of an established habitat, in some instances it will therefore be appropriate to provide more habitat than that initially lost to the development. Also in some instances compensatory habitat will not be appropriate, for example the loss of ancient and/or mature woodlands. Compensatory habitat should be created prior to in advance of site clearance works and where protected species are involved in accordance with any licence requirements. All compensation measures outlined in the licence must be adhered to; failure to do so will constitute a criminal offence.
- 8.11 Compensation for lost habitat should not be construed as making an unacceptable development acceptable. If a compensation approach will be likely utilised for a development, early discussion with the LPA ecologist and where applicable NRW is advised.

Note: Compensation does not relate to European Regulation 66 of the Conservation of Habitat and Species Regulations 2010 (as amended). Reference should be had to the content of TAN5 Nature Conservation and Planning (2009) (chapter 3 and Annex 5).

Enhancement

- 8.12 The policies and provisions of Planning Policy Wales, TAN 5 and the LDP seek to promote the enhancement of the County's biodiversity. Developers/applicants must consider the design opportunities to enhance habitats for biodiversity conservation, provide features for protected and priority species and positively embrace opportunities to enhance, restore or potentially make additional provision to protected sites, priority habitats, geological features, other forms of biodiversity including the enhancement and restoration of ecological networks. This may be achieved through creating or enhancing habitats, providing habitats for specific species,, managing existing features or in terms of larger developments through the creation of dedicated wildlife areas.

Habitat/Species Management and Monitoring

- 8.13 Retained or new habitats or features that are created, will likely require ongoing management and maintenance to ensure their longevity. Some sites will require a specific habitat or ecological management plan. Any management plan must identify specific actions, the organisation and personnel responsible for implementing the plan will undertake and it may also need to identify the monitoring required to ensure its successful delivery.

Securing biodiversity measures post application.

- 8.14 It will be necessary in certain instances to secure the above requirements or additional matters through the imposition of conditions and/or a planning obligations. Further information on the use of these mechanisms can be found in sections 9.2 – 9.4 of the Biodiversity British Standard (BS42020:2013 Biodiversity: Code of Practice for Planning and Development (BSI, 2013) or sections 4.6 and 4.7 of TAN 5 (2009).

9. GOOD PRACTICE AND GENERAL GUIDELINES

- 9.1 This section outlines areas of good practice for consideration as part of any development proposal. Its content is not intended to be prescriptive and does not place requirements on developments rather it seeks to set out guidelines and ideas for general enhancement.

Timing and Programming of Works

- 9.2 In order to protect a site's biodiversity value it is often necessary for certain development works and environmental management operations to be undertaken at specific times of the year, and often within a restricted time-scale. The importance of adhering to the correct timing of operations is paramount if unnecessary and unacceptable impacts are to be avoided.
- 9.3 The construction stage of any development raises potential for ecological damage. Typically this may occur through site clearance, the construction of temporary access roads, installation of services, materials storage, etc. However, developments and site works should be planned with reference to the results of any Ecological Assessments and surveys to ensure damage is minimised and avoided.
- 9.4 Further guidance can be sought from the County Council's Ecologist.

Landscaping and Planting

- 9.5 In creating new landscape features, landscaping should also reflect the requirements highlighted within any ecological survey or assessment of the site. Existing habitats, including trees, woodlands, hedgerows and watercourse buffer zones should in line with policy EP1 should be retained wherever possible and form the basis for additional landscape design. Planting schemes should where appropriate utilise native species, including wherever possible those of local provenance to provide additional benefits to local wildlife.
- 9.6 The presence of trees with a Tree Preservation Order should be checked with the Council's Arboriculture Officer and details submitted with the planning application. The submission should include details regarding their protection during both construction of the site and its occupation.
- 9.7 The creation of habitats of local character which will support native wildlife should carefully consider the species mix of plants used. In this respect the selection of grass mixes, sourcing of local seed and planting of native species is fundamental to successful habitat creation.
- 9.8 Reference should be had to the Supplementary Planning Guidance on Placemaking and Design.

Habitat Creation and Green Infrastructure

- 9.9 Habitat creation opportunities should aim to recreate those habitat types that are typical of the local area and reflect the ecological assessment of the site. Such opportunities may exist on site or on land given over to habitat creation as part of a development. Further guidance can be sought from the County Council's Ecologist.

- 9.10 Whilst some of these opportunities will be limited to larger sites requiring restoration, or landscaping treatment, other measures which are focused on key species can be achieved on a smaller scale. These include:

Woodland,
Hedgerows,
Wetland,
Ponds and scrapes,
Species rich grassland,
Open mosaic habitats on previously developed land,
Dead wood habitat and reptile refugia.

- 9.11 Further opportunities for incorporating biodiversity and green infrastructure into development can be found in appendix B of the Good Practice Guidance of Green Infrastructure and Biodiversity Document (July 2012) by the Town and Country Planning Association and Wildlife Trusts.

Sustainability

- 9.12 The LDP seeks to respond positively to the issues surrounding climate change within the context of land use planning. In this respect developments are encouraged to include sustainable alternatives in their development and design.
- 9.13 The use of living green and brown roofs should be considered. These offer effective way of insulating buildings, reducing runoff whilst also providing greenspace and habitat creation opportunities.
- 9.14 Sustainable Urban Drainage Systems (SUDS) offer good wildlife benefits as well as sustainable water management particularly when used in conjunction with reed bed filtration systems. SUDS allow for the collection of rainwater runoff utilising features such as ditches and balancing ponds. Drainage ditches represent a potential means of habitat creation when used in place of underground pipes. For example, the creation of reed bed and open ditch lines can provide excellent habitat for water voles.
- 9.15 Permeable surfacing should also be considered as a means of allowing water to gradually infiltrate into the soil over a wide area rather than it being channelled away.
- 9.16 Other methods which may be incorporated into new developments to make them more sustainable include reducing energy consumption, orientation, layout and design solutions, low carbon construction methods, using local or recycled building materials, and planting trees and shrubs particularly of a local provenance.

Buffers and Wildlife Corridors

- 9.17 Retained and newly created habitats should be linked by wildlife corridors, and similarly habitats on site should be linked to those beyond the site boundary. Such corridors include hedgerows, copses, woodland, watercourses, areas of appropriately managed grass or scrub, ditches, banks etc. A combination of these features such as a hedgerow with an uncut grass margin can often provides extra habitat of benefit to a number of species and thus makes a particularly positive and valued contribution in wildlife habitat terms.

- 9.18 Where appropriate any design should incorporate buffer zones to provide protection and visual amenity. This is of particular importance where developments abut existing wildlife features such as woodlands, watercourses or ponds.

Maintenance & Management

- 9.19 Where a development incorporates newly created or retained habitat features these should be managed in a beneficial way which reflects the value of its features. Where necessary a management plan may be entered into for a specified period to ensure the quality of the site/feature is appropriately maintained.
- 9.20 The potential for wildlife benefits must be considered through an appropriate habitat or ecological management plan as detailed in section 8 above.

10. BIODIVERSITY CHECKLISTS - A GUIDE TO DEVELOPERS

- 10.1 Applicants/developers are strongly advised to utilise and complete the checklists below for all development proposals and may be presented as part of any pre-application discussions.
- 10.2 Their purpose is to help applicants and developers identify where their proposed development could have an impact on relevant protected sites, species and habitats and to provide a clear, transparent process for both applicant and Local Planning Authority (LPA) to follow in relation to the compliance with national policy and legislation. The checklists will assist the applicant and the Council in understanding the potential biodiversity implications of the proposed development. The assessment checklist for both protected sites and habitats and protected and priority species also indicates specific criteria where detailed surveys will likely to be required and also where there is a reasonable likelihood of a species being present. Survey requirements and where further specific guidance on surveys can be obtained are detailed in Section 11.

Sites and Habitats Checklist

Internationally important sites	
	Please tick as appropriate
<p>Is the development likely to affect a Special Area of Conservation (SAC), Special Protection Area (SPA) or Ramsar site?</p> <p>The nature, scale and distance from/type of features of SPA/SAC/Ramsar will determine whether the impact of the development on that site will need to be considered with respect to HRA. If unsure please contact the LPA Ecologist for further guidance and advice.</p> <p>Any planning submission must document any potential significant effects of the proposed development, on any internationally designated site (SAC, SPA, Ramsar site). This information will inform the Test of Likely Significant Effect and help inform whether an Appropriate Assessment will be required. The application should provide sufficient information to ascertain whether the proposal is likely to have any adverse effect on any designated site and also identify any nature conservation features (habitats/species) that are likely to be affected by the proposals and identify potential options for required mitigation. This information should ideally be contained within a habitats regulations screening document to be submitted as part of any application, if considered necessary the scope of any assessment can be agreed with the planning ecologist.</p>	<p>Yes* <input type="checkbox"/> No <input type="checkbox"/></p>
<p>*If you answer yes to this question additional detail maybe required by the LPA and Natural Resources Wales (NRW) to enable the completion of a Habitat Regulations Assessment (HRA).</p>	

This may not be necessary where the applicant is able to provide pre-application correspondence from NRW, which confirms that they are satisfied that the proposed development will not have a detrimental impact on any SAC or SPA site.

Nationally important sites

Does the proposed development affect a **Site of Special Scientific Interest (SSSI)**?

Yes No

The nature, scale and distance from/type of features of SSSI will determine whether the impact of the development on that site will need to be considered by NRW.

If you answer yes, you will need to consider whether the proposed development could result in damage to the wildlife value of the site and you should consult with NRW to clarify. It may be necessary to submit supporting information from NRW and/or in the form of a written report, showing that the proposal will not impact on the SSSI. You should submit copies of any correspondence with your planning application.

Regional and local sites.

Does the development affect, or is it adjacent to a **Local Nature Reserve (LNR), Regionally Important Geological/Geomorphological Site (RIGS), Site of Importance for Nature Conservation (SINC)** ?

Yes No

Protected and Priority Species (Species of Principal Importance) Checklist

Development Proposal	Yes/No	European Protected Species				Nationally Protected Species								Priority Species									
		Bats	Otter	Dormouse	Harbour Porpoise	Water vole	Marsh Fritillary	Red Squirrel	Badger	Barn Owl	Peregrine	Breeding Birds	Other Protected Birds	Pine Marten	Invertebrates	Reptiles	Birds	Mammals	Plants	Fungi	Invertebrates	Herptile (amphibian & Reptile)	
Proposed development which includes the modification, extension, conversion, demolition or removal of buildings and structures and / or proposals including the following:																							
<ul style="list-style-type: none"> demolition of buildings, and changes affecting the roof (e.g. house extensions, loft conversions, re-roofing, extensions; 																							
<ul style="list-style-type: none"> works affecting buildings such as churches, chapels, listed buildings, schools, offices, commercial premises, hotels, pubs, hospitals and derelict buildings; 																							
<ul style="list-style-type: none"> work affecting of demolition of agricultural buildings (e.g. farmhouses, barns, outbuildings, Dutch barns, livestock buildings particularly of traditional brick or stone construction and/or with exposed wooden beams greater 																							

Development Proposal	Yes/No	European Protected Species				Nationally Protected Species								Priority Species									
		Bats	Otter	Dormouse	Harbour Porpoise	Water vole	Marsh Fritillary	Red Squirrel	Badger	Barn Owl	Peregrine	Breeding Birds	Other Protected Birds	Pine Marten	Invertebrates	Reptiles	Birds	Mammals	Plants	Fungi	Invertebrates	Herptile (amphibian & Reptile)	
<ul style="list-style-type: none"> than 20cm thick; buildings pre-1914 which are within 400m of woodland and/or water or pre- 1914 buildings with gable ends or slate roofs regardless of location; tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; bridge structures, aqueducts and viaducts (especially over water and wet ground). 																							
Buildings within 200m of a woodland and or water (subject to the specifics of the proposal).																							
Buildings located within or immediately adjacent to woodland and or immediately adjacent to water.																							
Proposals for floodlighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water.																							

Development Proposal	Yes/No	European Protected Species				Nationally Protected Species								Priority Species								
		Bats	Otter	Dormouse	Harbour Porpoise	Water vole	Marsh Fritillary	Red Squirrel	Badger	Barn Owl	Peregrine	Breeding Birds	Other Protected Birds	Pine Marten	Invertebrates	Reptiles	Birds	Mammals	Plants	Fungi	Invertebrates	Herptile (amphibian & Reptile)
Proposals affecting woodland, field hedgerows, hedgebanks, stone walls etc and/or lines of trees and other features of connectivity such as scrub, notably linked to woodland or water bodies.																						
Tree work incorporating felling, removal and or lopping and/or development affecting:																						
<ul style="list-style-type: none"> old and veteran trees of over 100 years old; 																						
<ul style="list-style-type: none"> trees with obvious holes, cracks or cavities, flaking bark, exposed tears and/or splits 																						
<ul style="list-style-type: none"> trees with a girth greater than 1m at chest height 																						
<ul style="list-style-type: none"> woodland. 																						
Proposals for wind turbines, single and multiple.																						
Hydro schemes																						

Development Proposal	Yes/No	European Protected Species				Nationally Protected Species								Priority Species								
		Bats	Otter	Dormouse	Harbour Porpoise	Water vole	Marsh Fritillary	Red Squirrel	Badger	Barn Owl	Peregrine	Breeding Birds	Other Protected Birds	Pine Marten	Invertebrates	Reptiles	Birds	Mammals	Plants	Fungi	Invertebrates	Herptile (amphibian & Reptile)
Solar Schemes																						
Proposals affecting or within 200m of rivers, streams, canals, lakes, ponds, reed beds, marshy grassland or other aquatic habitats (subject to the specifics of the proposal).																						
Proposals located within or immediately adjacent to:																						
<ul style="list-style-type: none"> Quarries or gravel pits. 																						
<ul style="list-style-type: none"> Natural cliff faces and rock outcrops with crevices or caves and swallets. 																						
Proposals affecting 'derelict' land (brownfield sites), allotments and railway land.																						
Proposals affecting rank or species-rich grassland or scrub																						
Proposed development affecting any buildings, structures, feature or locations where protected/priority species or habitats are known to be present.*																						

* Confirmed as present by either a data search via the Local Records Centre or as notified to the developer by the LA, and/or by NRW or other nature conservation organisation.

11. SURVEY AND BEST PRACTICE GUIDELINES.

- 11.1 Reports received by the LPA will be assessed to see whether the survey has been carried out competently, at the correct time, in suitable weather conditions and using the correct recognised survey guidelines and methods. And that the report includes all the information necessary, including assessment of the impacts of the proposed development and all ecological recommendations. It will also be assessed as to whether the survey and report is in line with the British Standards for Biodiversity (BS42020:2013) and incorporates information referred to in section 6.
- 11.2 Survey reports should be no more than 2 seasons old for bats, other species will depend on recommendations in existing guidelines for that species and whether there have been substantial changes to the site since any previous work. Preconstruction surveys may also be required, even if a survey has been completed at the planning stage, where species can move in quick or may not be easily detectable, e.g. badgers, reptiles etc., or if significant time has passed since the survey was carried out.
- 11.3 A list of consultants covering Carmarthenshire and the relevant surveys they have indicated they can carry out is included on the Council’s website. This list is not exhaustive and does not indicate a preferred list. There are many other competent, qualified and licensed consultants who work within Carmarthenshire who are also acceptable surveyors and assessors who have not provided their details. The Chartered Institute of Ecology and Environmental Management (CIEEM) also have a searchable list on their website.
- 11.4 All reports should include a summary of ecological information from the Local Record Centre. NBN data can be used to support Local Record Centre data but it is not an alternative. All reports containing sensitive data should be marked as confidential or provide this information in a confidential annex.
- 11.5 In addition to the key reference documents detailed below further detailed information for particular species/habitats can be found in the Sources of Survey Methods section of the CIEEM website.

Feature of interest	Guidance documents and criteria
Bats and Built Structures	<p>Applications which meet the criteria detailed in Section 10 must be submitted with a bat survey. It may be possible to commission a scoping survey outside the optimal time to establish likely use by bats. It is advisable that this type of survey is commissioned only if the applicant/LA Planning Ecologist/NRW has reason to believe that a bat roost is unlikely to be present due to the structure, use and/or location of the building in consideration. If a scoping survey find evidence of use by bats or potential for use or more than low potential for bats to be present, then further surveys will be required during the bat active season</p> <p>A bat survey must include a description of the building/structure, trees/hedgerows, adjoining habitat/site, corridors linking habitat features and overall assessment of the potential of the site to support bats both externally and internally and should include illustrations or photos.</p> <p>Guidance on survey effort, timing and methodology is available in <i>Bat Surveys - Good Practice Guidelines</i>, 2nd Edition published by the Bat Conservation (Hundt L 2012) – Sections 4 - 9.</p>

	<p>Any bat survey report should follow the template as detailed in the <i>Bat Surveys – Good Practice Guidelines</i>. Bat Conservation Trust (2012, Box 5.1 p.28 - 30) to ensure sufficient information is provided to assess the nature of the use by bats and the mitigation measures required if bats are present.</p> <p>Where an EPS is found on site, a method statement must be included within the report in line with NRW licence requirements.</p> <p>Further information on bats and buildings can be found on the Bat Conservation Trust (BCT) website.</p>
<p>Bats and Trees</p>	<p>An assessment of any trees for their potential for bat use must be carried out and a full bat survey of any trees assessed to have bat potential must be conducted if these will be impacted upon.</p> <p>Guidance on tree assessment is specifically available in <i>Bat Surveys - Good Practice Guidelines</i>, 2nd Edition published by the Bat Conservation (Hundt L 2012) – Section 8.2.5.</p>
<p>Bats and Wind Turbines</p>	<p>For proposed turbine sites a level of survey effort will be required, primarily to determine whether the proposed site is used by, or is likely to be used by bats, which species are present and at what time of the year (bat activity changes throughout the year) they are utilizing the site; this is particularly important for those species identified as high risk which will exploit open habitats and are more likely to be at risk from collision with turbines, although all species using the site to any significant extent need to be identified. Bat activity across and within the site must be established and any roosts (maternity roosts, swarming sites or significant hibernation sites) on or close to the site must be located. Any survey must examine any features that may be utilised by bats for commuting and foraging.</p> <p>Guidance on survey effort, timing and methodology is available in <i>Bat Surveys - Good Practice Guidelines</i>, 2nd Edition published by the Bat Conservation (Hundt L 2012) – Section 10.</p> <ul style="list-style-type: none"> • Surveys will be required at least once in spring, autumn and summer for low risk turbine sites of more if a higher risk is identified. • The applicant may be able to opt for a curtailment of a turbine after one survey has been undertaken, based upon the level of risk this survey identifies. This can only be agreed once initial survey work has been assessed and must be agreed with the LPA Ecologist. • Both manual (transects) and static surveys are required. Static surveys should be for 5 consecutive days duration. • Any manual surveys should be carried out on warmer, drier evenings where the wind speed is low. • Details of temperature and weather conditions during surveys must be included in final report.
<p>Bats and Lighting</p>	<p>Habitats on an application site may be used by commuting and foraging bats, consideration should be given to using low level lighting within any proposed scheme and lighting shrouds to limit disturbance to bats particularly along potential flight/wildlife corridors. Details of proposed lighting should be provided within a lighting plan (following the guidance listed within the document, <i>Bats and Lighting in the UK</i>, Bat Conservation Trust, 2008).</p> <p>If a site is to be extensively lit then bat activity surveys must be carried out in line with the advice contained within the <i>Bat Surveys - Good Practice Guidelines</i>, 2nd Edition.</p>
<p>Barn Owl</p>	<p>A barn owl survey must be conducted to ascertain presence or absence of barn</p>

	<p>owls in the building for applications which meet the criteria detailed in Section 10. This can usually be undertaken as part of any required bat survey.</p> <p>Mitigation and compensation for barn owls includes the provision of alternative suitable nesting/roosting sites (both temporary and permanent), avoidance of direct impacts on barn owl (including young and eggs) through appropriate timing of works; the retention/creation of hunting habitat resources and connectivity between these and the nest sites.</p> <p>Further guidance can be found in Ramsden, D. and Twiggs, M. (2009). <i>Barn Owls and Rural Planning Applications .What needs to happen. - A Guide for Planners.</i> Barn Owl Trust: Ashburton</p>
Habitats and assessment of schemes over 0.1 ha	<p>All applications containing 0.1ha or over Greenfield coverage (previously undeveloped land) will require Preliminary Ecological Appraisal (PEA) (unless discussions with the Planning Ecologist indicate that this is not necessary). Some sites which fall below this threshold or brownfield sites may also require PEA. All sites that meet SINC or Section 42 habitat criteria will require habitat assessment. A Preliminary Ecological Appraisal of the site and immediate surroundings will also be required to support any proposed wind turbine, solar or hydro scheme application regardless of size and number.</p> <p>Guidelines for Preliminary Ecological Appraisal Requirements can be found in the document - Chartered Institute for Ecology and Environmental Management (CIEEM). (2013). <i>Guidelines for Preliminary Ecological Appraisal</i> Invasive species should be noted within any PEA.</p> <p>The PEA must incorporate an extended phase 1 habitat survey which is a broad habitat assessment and mapping exercise, determining protected species interest. Where habitats are noted of high ecological interest a further vegetation survey may be requested, a national vegetation classification (NVC) survey is a detailed method for determining habitat quality.</p> <p>Guidelines for Phase 1 survey can be found in the document - Joint Nature Conservation Committee (2010). Handbook for Phase 1 Habitat Survey - a Technique for Environmental Audit. Reprinted by JNCC, Peterborough.</p> <p>Guidelines for NVC survey can be found in the document - Rodwell JS (2006). National Vegetation Classification: Users' Handbook. JNCC, Peterborough.</p>
Otter	<p>For sites which border or incorporate major watercourses, streams or ponds. Determination of use of the site by otters for movement, breeding and resting will be required. An assessment of the watercourse and associated vegetation for their potential to support otter must be undertaken. If found suitable, the protection and enhancement of the water body and suitable vegetation for the species must be included as part of any scheme and if their habitat is to be affected then a survey will be required.</p> <p>Where an EPS is found on site, a method statement must be included within the report in line with NRW licence requirements.</p>
Water Vole	<p>For sites where there is a watercourse present or a network of ponds and wet ditches in the vicinity which are linked to the site, particularly by marshy grassland. Determination of presence of water voles and current use of the site will be required. An assessment of the watercourse and associated vegetation for their potential to support water vole must be undertaken. If found suitable, the protection and enhancement of the water body and suitable vegetation for the species must be included as part of any scheme and if their habitat is to be affected then a survey will be required.</p>

	Further information can be found in Strachan R and Moorhouse T (2006). <i>Water Vole Conservation Handbook, 2nd Edition</i> . Wildlife Conservation Research Unit (WildCRU), Oxford University.
Dormice	<p>For sites which border large areas of woodland, scrub or have ancient/mature hedgerows. Determination of the presence of dormice will be required. An assessment of the hedgerows/scrub/woodland for their potential to support dormouse must be undertaken. If found suitable, the protection and enhancement of hedges/scrub/woodland for this species must be included as part of any scheme and if their habitat is to be affected then a survey will be required.</p> <p>Further information can be found in Bright PW, Morris PA and Mitchell-Jones A (2006). <i>Dormouse Conservation Handbook, 2nd Edition</i>. English Nature, Peterborough.</p> <p>Where an EPS is found on site, a method statement must be included within the report in line with NRW licence requirements.</p>
Marsh Fritillary	Marsh fritillary butterfly adults are on the wing May to July and webs (silk webs woven by the larvae/caterpillars) are best surveyed August to September when they are most visible. Surveys will be required for all marshy grassland sites containing the Marsh fritillary food plant Devils Bit Scabious (<i>Succisa Pratensis</i>).
Badger	Applications will need to determine if badger setts are located on the site or within 30m of the site and whether the site is used for foraging, latrines etc.
Reptiles	A reptile survey will be required where there is suitable habitat and connectivity e.g. railway lines, streams, allotments, grassland hedge banks, scrub, piles of wood, rubble, compost and manure heaps to determine the presence of reptiles and their population levels. Any proposed site should be assessed for its potential to support reptiles. Surveys for reptiles must be undertaken if suitable habitat is to be removed. Assessments will inform a code of construction practice for the proposed works with regard to reptiles to prevent killing and injury
Birds	<p>Where applicable, where the development is going to result in the loss of/deterioration/pollution of habitat supporting wild birds species which may affect the objective to preserve, maintain and re-establish sufficient diversity and area of habitat for wild birds, further survey work may also be requested in line with Regulation 9(A) of the Conservation of Habitat and Species Regulations 2010 (as amended).</p> <p>Any application must make an assessment of the general bird populations currently using the application area and the impact of the development on these, in terms of loss of habitat, disturbance and displacement. Compensation for loss of habitat will need to be provided.</p>
Birds and Wind Turbines	<p>A comprehensive desk study must be undertaken to assess the records for bird activity around a proposed turbine site, Cumulative impacts must also be considered.</p> <p>A walkover survey of the site and surrounding area relevant to appropriate disturbance buffer zone distances for relevant species such as red kite, must be undertaken to identify if the desk study reflects the situation on the ground and indicate any potential sites of avian importance or species that must be considered.</p> <p>On the basis of the findings of the desk and walkover study there may or may not be a requirement to carry out full vantage point surveys and collision risk assessments. Initial survey work must be assessed and must be agreed with the</p>

	<p>LPA Ecologist pre application to determine whether further survey will be required.</p> <p>Any further surveys will need to be carried out following recognised SNH guidance to ensure it has been carried out to a recognised protocol.</p>
--	---

GLOSSARY OF TERMS

To be completed

APPENDIX 1 – INTERNATIONAL SITES

European Site	Qualifying Feature(s)	Size (hectares)	Site Type
Afon Tywi/ River Twyi SAC	<input type="checkbox"/> Twaite shad <input type="checkbox"/> Otter <input type="checkbox"/> Sea lamprey <input type="checkbox"/> River lamprey <input type="checkbox"/> Brook lamprey <input type="checkbox"/> Allis shad <input type="checkbox"/> Bullhead	363.45	Aquatic
Caeau Mynydd Mawr SAC	<input type="checkbox"/> <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) <input type="checkbox"/> Marsh fritillary butterfly	25.06	Terrestrial
Cernydd Carmel SAC	<input type="checkbox"/> Turloughs <input type="checkbox"/> Northern Atlantic wet heaths with <i>Erica tetralix</i> <input type="checkbox"/> European dry heaths <input type="checkbox"/> Active raised bogs <input type="checkbox"/> <i>Tilio-Acerion</i> forests of slopes, screes and ravines	361.14	Terrestrial
Carmarthen Bay Dunes SAC	<input type="checkbox"/> Embryonic shifting dunes <input type="checkbox"/> Shifting dunes along the shoreline with <i>Ammophila arenaria</i> <input type="checkbox"/> Fixed dunes with herbaceous vegetation <input type="checkbox"/> Dunes with <i>Salix repens ssp. argentea</i> <input type="checkbox"/> Humid dune slacks <input type="checkbox"/> Narrow mouthed whorl snail <input type="checkbox"/> Petalwort <input type="checkbox"/> Fen orchid	1206.32	Terrestrial
Afon Teifi/ River Teifi SAC	<input type="checkbox"/> Water courses of plain to montane levels with <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation <input type="checkbox"/> Oligotrophic to mesotrophic standing waters with vegetation of <i>Littorelletea uniflorae</i> and/or of IsoÛto-Nanojuncetea <input type="checkbox"/> Brook lamprey <input type="checkbox"/> River lamprey <input type="checkbox"/> Atlantic salmon <input type="checkbox"/> Bullhead <input type="checkbox"/> Otter <input type="checkbox"/> Floating water-plantain <input type="checkbox"/> Sea lamprey	715.58	Aquatic
Afonydd Cleddau/ Cleddau Rivers SAC	<input type="checkbox"/> Water courses of plain to montane levels with <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation <input type="checkbox"/> Active raised bogs <input type="checkbox"/> Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> <input type="checkbox"/> Brook lamprey <input type="checkbox"/> River lamprey <input type="checkbox"/> Bull head <input type="checkbox"/> Otter <input type="checkbox"/> Sea lamprey	750.73	Aquatic and terrestrial
Carmarthen Bay and Estuaries SAC	<input type="checkbox"/> Sandbanks which are slightly covered by sea water all the time <input type="checkbox"/> Estuaries <input type="checkbox"/> Mudflats and sandflats not covered by seawater at low tide <input type="checkbox"/> Large shallow inlets and bays <input type="checkbox"/> <i>Salicornia</i> and other annuals colonising mud and sand <input type="checkbox"/> Atlantic salt meadows <input type="checkbox"/> Twaite shad <input type="checkbox"/> Sea lamprey <input type="checkbox"/> River lamprey <input type="checkbox"/> Allis shad <input type="checkbox"/> Otter	66101.16	Aquatic
Bae Caerfyrddin/ Carmarthen Bay SPA	<input type="checkbox"/> Common scoter	95860.36	Aquatic

Cwm Doethie-Mynydd Mallaen SAC	<input type="checkbox"/> Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles <input type="checkbox"/> European dry heaths	4122.29	Terrestrial
Elenydd – Mallaen SPA	<input type="checkbox"/> Merlin <input type="checkbox"/> Red kite	30022.14	Terrestrial
Burry Inlet SPA	<input type="checkbox"/> Pintail <input type="checkbox"/> Northern Shoveler <input type="checkbox"/> Teal <input type="checkbox"/> Wigeon <input type="checkbox"/> Dunlin <input type="checkbox"/> Red knot <input type="checkbox"/> Oystercatcher <input type="checkbox"/> Curlew <input type="checkbox"/> Grey Plover <input type="checkbox"/> Shelduck <input type="checkbox"/> Redshank	6627.99	Aquatic
Cardigan Bay/ Bae Ceredigion SAC	<input type="checkbox"/> Sandbanks which are slightly covered by sea water all the time <input type="checkbox"/> Reefs <input type="checkbox"/> Submerged or partially submerged sea caves <input type="checkbox"/> Bottlenose dolphin <input type="checkbox"/> Sea lamprey <input type="checkbox"/> River lamprey <input type="checkbox"/> Grey seal	95860.36	Aquatic
North Pembrokeshire Woodlands / Coedydd Gogledd Sir Benfro SAC	<input type="checkbox"/> Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles <input type="checkbox"/> Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> <input type="checkbox"/> Barbastelle bat	315.68	Terrestrial
Yerbeston Tops SAC	<input type="checkbox"/> Molinia meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinia caerulea</i>) <input type="checkbox"/> Marsh fritillary butterfly	18.81	Terrestrial
Rhos Llawr-cwrt SAC	<input type="checkbox"/> Marsh fritillary butterfly <input type="checkbox"/> <i>Hamatocaulis vernicosus</i> (moss)	46.13	Terrestrial
Pembrokeshire Bat Sites And Bosherton Lakes / Safleoedd Ystum Sir Benfro a Llynnoedd Bosherton SAC	<input type="checkbox"/> Hard oligo-mesotrophic waters with benthic vegetation of <i>Chara</i> spp. <input type="checkbox"/> Greater Horseshoe Bat <input type="checkbox"/> Lesser Horseshoe Bat <input type="checkbox"/> Otter	122.44	Terrestrial
Gower Ash Woods / Coedydd Ynn Gwyr SAC	<input type="checkbox"/> <i>Tilio-Acerion</i> forests of slopes, screes and ravines <input type="checkbox"/> Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i>	233.15	Terrestrial
Pembrokeshire Marine SAC	<input type="checkbox"/> Estuaries <input type="checkbox"/> Large shallow inlets and bays <input type="checkbox"/> Reefs <input type="checkbox"/> Sandbanks which are slightly covered by seawater all the time <input type="checkbox"/> Mudflats and sandflats not covered by seawater at low tide <input type="checkbox"/> Coastal lagoons <input type="checkbox"/> Atlantic salt meadows <input type="checkbox"/> Submerged/partially submerged sea caves <input type="checkbox"/> Grey seal <input type="checkbox"/> Shore dock <input type="checkbox"/> Sea lamprey <input type="checkbox"/> River lamprey <input type="checkbox"/> Allis shad <input type="checkbox"/> Twaite shad <input type="checkbox"/> Otter	138069.45	Aquatic
Gower Commons / Tiroedd Comin Gwyr SAC	<input type="checkbox"/> Northern Atlantic wet heaths with <i>Erica tetralix</i> <input type="checkbox"/> European dry heaths <input type="checkbox"/> Marsh fritillary butterflies <input type="checkbox"/> Southern damselflies	1776.72	Terrestrial
River Wye / Afon Gwy SAC	<input type="checkbox"/> Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation <input type="checkbox"/> Transition mires and quaking bogs <input type="checkbox"/> White clawed crayfish <input type="checkbox"/> Sea lamprey <input type="checkbox"/> Brook lamprey <input type="checkbox"/> River lamprey	2234.89	Aquatic

	<input type="checkbox"/> Twaité shad <input type="checkbox"/> Atlantic salmon <input type="checkbox"/> Bullhead <input type="checkbox"/> Otter <input type="checkbox"/> Allis shad		
Gweunydd Blaencleddau SAC	<input type="checkbox"/> Northern Atlantic wet heaths with <i>Erica tetralix</i> <input type="checkbox"/> Molinia meadows on calcareous, peaty or clayey-silt-laden soils <input type="checkbox"/> Blanket bogs <input type="checkbox"/> Transition mires and quaking bogs <input type="checkbox"/> Alkaline fens <input type="checkbox"/> Marsh fritillary butterfly <input type="checkbox"/> Southern damselfly	150.11	Terrestrial
Preseli SAC	<input type="checkbox"/> Northern Atlantic wet heaths with <i>Erica tetralix</i> <input type="checkbox"/> European dry heaths <input type="checkbox"/> Depressions on peat substrates of the <i>Rhynchosporion</i> <input type="checkbox"/> Alkaline fens <input type="checkbox"/> Southern damselfly <input type="checkbox"/> Marsh Fritillary butterfly <input type="checkbox"/> <i>Hamatocaulis vernicosus</i> (moss)	2705.9	Terrestrial
Mynydd Epynt SAC	<input type="checkbox"/> <i>Hamatocaulis vernicosus</i> (moss)	40.12	Terrestrial
River Usk. Afon Wysg SAC	<input type="checkbox"/> Water courses of plain to montane levels with the <i>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation <input type="checkbox"/> Sea lamprey <input type="checkbox"/> Brook lamprey <input type="checkbox"/> River lamprey <input type="checkbox"/> Twaité shad <input type="checkbox"/> Atlantic salmon <input type="checkbox"/> Bullhead <input type="checkbox"/> Otter <input type="checkbox"/> Allis shad	1007.71	Aquatic

APPENDIX 2 – LOCAL DEVELOPMENT PLAN POLICIES

SP14 Protection and Enhancement of the Natural Environment

Development should reflect the need to protect, and wherever possible enhance the County's natural environment.

All development proposals should be considered in accordance with national guidance/legislation and the policies and proposals of this Plan, with due consideration given to areas of nature conservation value, the countryside, landscapes and coastal areas, including those outlined below:

- a) Statutory designated sites including Ramsar sites, SPAs, SACs, SSSIs and National Nature Reserves;
- b) Biodiversity and Nature Conservation Value, including protected species and habitats of acknowledged importance as well as key connectivity corridors and pathways; (Policy EQ4 and EQ5)
- c) Regional and Locally important sites (and their features) including Local Nature Reserves and RIGS; (see Policy EQ3)
- d) Areas of identified Landscape and Seascape quality; (including SLAs)
- e) Features which contribute to local distinctiveness, nature conservation value or the landscape; (see Policy EQ5)
- f) The Open Countryside; (see Policy GP2)
- g) The best and most versatile agricultural land; (Grade 2 and 3a)
- h) Natural assets: including air, soil (including high carbon soils) controlled waters and water resources. (See Policies EP1 and EP2)

Policy EQ3 Regional and Local Designations

Proposals for development that are likely to cause unacceptable harm to a Local Nature Reserve (LNR), or Regionally Important Geological/Geomorphological Sites (RIGS) will only be permitted where the need to safeguard the substantive nature conservation value of the site or feature is clearly outweighed by the reasons for the development or land use change.

The designation of such sites will, where appropriate, be supported.

Policy EQ4 Biodiversity

Proposals for development which have an adverse impact on priority species, habitats and features of recognised principal importance to the conservation of biodiversity and nature conservation, (namely those protected by Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006 and UK and Local BAP habitats and species and other than sites and species protected under European or UK legislation) will not be permitted, except where it can be demonstrated that:

- a) The impacts can be satisfactorily mitigated, acceptably minimised or appropriately managed to include net enhancements;
- b) There are exceptional circumstances where the reasons for the development or land use change clearly outweighs the need to safeguard the biodiversity and nature conservation interests of the site and where alternative habitat provision can be made in order to maintain and enhance local biodiversity.

Policy EQ5 Corridors, Networks and Features of Distinctiveness

Proposals for development which would not adversely affect those features which contribute local distinctiveness/qualities of the County, and to the management and/or development of ecological networks (wildlife corridor networks), accessible green corridors and their continuity and integrity will be permitted.

Proposals which include provision for the retention and appropriate management of such features will be supported (provided they conform to the policies and proposals of this Plan).

GP1 Sustainability and High Quality Design

Development proposals will be permitted where they accord with the following:

- a) It conforms with and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing, elevation treatment, and detailing;
- b) It incorporates existing landscape or other features, takes account of site contours and changes in levels and prominent skylines or ridges;
- c) Utilises materials appropriate to the area within which it is located;
- d) It would not have a significant impact on the amenity of adjacent land uses, properties, residents or the community;
- e) Includes an integrated mixture of uses appropriate to the scale of the development;
- f) It retains, and where appropriate incorporates important local features (including buildings, amenity areas, spaces, trees, woodlands and hedgerows) and ensures the use of good quality hard and soft landscaping and embraces opportunities to enhance biodiversity and ecological connectivity;
- g) It achieves and creates attractive, safe places and public spaces, which ensures security through the 'designing-out-crime' principles of Secured by Design (including providing natural surveillance, visibility, well lit environments and areas of public movement);
- h) An appropriate access exists or can be provided which does not give rise to any parking or highway safety concerns on the site or within the locality;
- i) It protects and enhances the landscape, townscape, historic and cultural heritage of the County and there are no adverse effects on the setting or integrity of the historic environment;
- j) It ensures or provides for, the satisfactory generation, treatment and disposal of both surface and foul water;
- k) It has regard to the generation, treatment and disposal of waste.
- l) It has regard for the safe, effective and efficient use of the transportation network;
- m) It provides an integrated network which promotes the interests of pedestrians, cyclists and public transport which ensures ease of access for all;
- n) It includes, where applicable, provision for the appropriate management and eradication of invasive species.

Proposals will also be considered in light of the policies and provisions of this Plan and National Policy (PPW: Edition 7 and TAN12: Design (2014)).

Policy GP3 Planning Obligations

The Council will, where necessary seek developers to enter into Planning Obligations (Section 106 Agreements), or to contribute via the Community Infrastructure Levy to secure contributions to fund improvements to infrastructure, community facilities and other services to meet requirements arising from new developments.

Where applicable, contributions will also be sought towards the future and ongoing maintenance of such provision either in the form of initial support or in perpetuity.

In implementing this policy schemes will be assessed on a case-by-case basis.

Policy EP1 Water Quality and Resources

Proposals for development will be permitted where they do not lead to a deterioration of either the water environment and/or the quality of controlled waters. Proposals will, where appropriate, be expected to contribute towards improvements to water quality.

Watercourses will be safeguarded through biodiversity/ecological buffer zones/corridors to protect aspects such as riparian habitats and species; water quality and provide for flood plain capacity. Proposals will be permitted where they do not have an adverse impact on the nature conservation, fisheries, public access or water related recreation use of the rivers in the County.

Proposals will wherever possible be required to make efficient use of water resources.