

Wildlife and Development



Supplementary Planning Guidance

August 2015





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1.0 Introduction

This Supplementary Planning Guidance provides specific direction on how biodiversity should be conserved and enhanced throughout the development control process, whilst drawing on national planning policy, and the policies contained in the Local Development Plan. Biodiversity must be actively considered by all development proposals.

The guidance enables developers to meet the Council's proactive approach towards achieving a high quality natural environment and to address statutory duties and social responsibilities. This Supplementary Planning Guidance (SPG) will be a material consideration in determining applications for planning permission.

The SPG aims to:

- * ensure that the key principles of national planning guidance on biodiversity and nature conservation are fully met at the local level;
- * ensure that local planning decisions maintain, restore and enhance biodiversity in Newport;
- * ensure best practice is followed consistently and openly;
- * minimise the cost to development and streamline the application process by ensuring nature conservation implications are built in at the earliest stages, are as predictable as possible, and that only relevant development proposals are affected;
- * integrate Newport's local biodiversity action plan into the planning process and identify pathways for delivery.



Invertebrates are an integral part of biodiversity



*Bumblebees are important pollinators of wildflowers and crops
Image courtesy of Chas Pop*



Biodiversity and Nature Conservation

2.0 Biodiversity and Nature Conservation

Biodiversity is a term that describes the number and variety of species of plants and animals and other organisms within a habitat, and also the diversity of habitats within an ecosystem. The conservation and enhancement of biodiversity is a key element of sustainable development.

The Welsh Government (WG) has selected the priority habitat and species as a headline indicator, providing a measure of national progress towards **sustainable development**. Future development in Newport will play a key role in ensuring that the status of habitats and species is improving.

This SPG uses the term **wildlife features**. These often contribute to both local biodiversity and the provision of opportunities for people to experience and benefit from the natural environment.

These features include:-

- * sites designated for conservation interest;
- * priority habitats;
- * species and the environment that they use;
- * habitats that provide corridors or stepping stones across the landscape, such as hedgerows or networks of ponds. Ecological connectivity allows species to forage, migrate, colonise new areas and respond to habitat and climate change.



The River Usk Special Area of Conservation runs through the centre of Newport City



Grassland habitats are in serious decline in the UK



3.0 Legislation and Policy

Nature conservation guidance in Newport derives from national policy, guidance and legal requirements. The key principles to consider are that:

- * the local planning authority has a statutory duty to have regard to biodiversity conservation (NERC Act 2006)
- * the local planning authority is expected to promote approaches to development that create new opportunities to enhance biodiversity, prevent losses and compensate for those losses that are unavoidable (Planning Policy Wales)
- * the Council is committed to the production and implementation of a Local Biodiversity Action Plan (LBAP) that identifies nature conservation interest and sets targets for future work
- * certain sites, habitats and species are afforded legal protection. The Council has an obligation to protect and promote their long-term conservation as part of the planning process. Table 1 provides a brief overview of some examples.

Legislation

The key legislation within which the Council undertakes its responsibilities as local planning authority in respect of biodiversity issues is as follows:

- * **The Conservation of Habitats and Species Regulations 2010 (“The Habitat Regulations”)** - ratifies the EU directive on the Conservation of Wild Fauna and Flora (92/43/EEC). This legislation gives protections to European sites (SACs & SPAs) and also protects certain wild plants and animals (European Protected Species).
- * **Wildlife and Countryside Act 1981 (as amended)** - affords protection to certain species of plants and animals.

- * **Natural Environment and Rural Communities Act 2006** - places a statutory duty on all public bodies to have regard to the conservation of biodiversity, and identifies species and habitats of principle importance for nature conservation.
- * **Protection of Badgers Act 1992** - protects badgers and their setts.
- * **The Hedgerow Regulations 1997** - classifies and protects certain hedgerows.
- * **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 granted.
- * **The Countryside and Rights of Way Act 2000** - strengthens the protection of Sites of Special Scientific Interest (SSSIs) and amends the Wildlife and Countryside Act with regard to certain protected species.

Policy

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TAN) and Circulars. PPW, the TANs and Circulars together comprise national planning policy which should be taken into account by local planning authorities in Wales in the preparation of development plans and assessment of planning applications. Guidance in relation to nature conservation is available in chapter five of Planning Policy Wales and Technical Advice Note 5.

Technical Advice Note 5 (TAN 5)(2009)

This Supplementary Planning Guidance should be read in conjunction with TAN 5 (available on WG website). TAN 5 gives more detail on themes raised within this document, and gives full detail on relevant legislation and policy.



Local Development Plan

Newport's Local Development Plan (2011-2026) sets the policy framework for all development in Newport. The policies reinforce and expand upon the principle that all development within Newport will conserve and enhance biodiversity and encourage projects that achieve this requirement. Specific LDP policies relating to Biodiversity include:

SP1 Sustainability & SP9 Conservation of the Natural, Historic and Built Environment.

These policies require all developments to make a positive contribution by conserving, protecting, enhancing and managing the natural environment.

GP5 General Development Principles, Natural Environment.

This policy sets out the need for developers to consider the natural environment at the earliest stage and avoid impacting the natural environment, in line with relevant statutory and non statutory provisions. The policy covers international, national and local nature conservation designations and sets out developers considerations such as ecological connectivity. The key message is to avoid negative impacts. If that is not possible then it may be possible to provide mitigation and compensation, the capacity for this is dependent on the legislative protection and regulatory framework protecting a particular species or habitat. The policy also covers the need to maintain good water quality, avoid the loss of valuable Agricultural Land, maintain landscape quality and control the inappropriate loss of trees, woodlands or hedgerows.

CE8 Locally Designated Nature Conservation and Geological Sites.

This policy recognises that locally designated sites are important to the overall biodiversity of Newport. These sites include, Local Nature Reserves (LNRs), Sites of Importance for Nature Conservation (SINCs) and habitats and species identified with UK and Local Biodiversity Action Plan (BAP). A proposal which affects such a site should seek to avoid impacting the designation through design or incorporation of the feature. Where it can be demonstrated that is not possible the developer must mitigate and/or compensate to ensure there is no overall loss.

Protected and Priority Species and Habitat Lists

The Natural Environment and Rural Communities (NERC) Act 2006 and national guidance places an emphasis on those habitats and species of principal importance for conservation of biological diversity in Wales. These species and habitats will be considered fully within all development proposals.

Section 42 of the Natural Environment and Rural Communities Act 2006 lists those habitats and species of principal importance for nature conservation in Wales. The subset selected for Newport and for Newport's local biodiversity action plan is available on the UK biodiversity action reporting system (BARS, www.ukbapreporting.org.uk).

Please Note: Whilst this information is correct at the time of publication, increases in our understanding of the natural environment will lead to further legislation and guidance being published. It is the responsibility of the developer to ensure that their proposals meet current policy and guidance.



Dormouse (Muscardinus avellanarius), image courtesy of Just Mammals Consultancy



Table 1 Protection of Sites, Habitats and Species



| | Importance | Feature | Legislation and Policy | Implications for Development |
|---|-------------------------------------|---|--|---|
| Sites  | International Importance | Special Area of Conservation (SAC) Special Protection Area (SPA). Ramsar 'Wetland of International Importance'. | The Conservation of Habitats and Species Regulations 2010 ("The Habitat Regulations") Ramsar Convention (1971). | Sites are protected against potentially damaging operations. Strong presumption against damaging development. SPA, SAC and Ramsar sites are collectively known as 'Natura 2000' sites. See Box 2. |
| | National Importance | Site of Special Scientific Importance (SSSI). | Wildlife and Countryside Act (1981)(as amended) | Sites are protected against potentially damaging operations. Strong presumption against damaging development. |
| | | National Nature Reserve (NNR). | National Parks and Access to the Countryside Act 1949 or Wildlife & Countryside Act 1981 (As amended). | |
| | Local Importance | Local Nature Reserve (LNR). | National Parks and Access to the Countryside Act (1949). | Site to be protected and enhanced. Material planning consideration. |
| | | Site of Importance for Nature Conservation (SINC). | Planning Policy Wales | |
| Habitats  | International Importance | Habitats of European Importance - 'Annex I Priority Habitats'. | The Conservation of Habitats and Species Regulations 2010 ("The Habitat Regulations") | Habitat may be a designatory feature of a Natura 2000 site (see above). |
| | National or Local Importance | Hedgerows. | Hedgerow Regulations (1997). | Certain hedgerows are protected from removal. Hedgerows to be protected and enhanced. |
| | | UKBAP Priority Habitat and/or LBAP Habitat. | Natural Environment and Rural Communities Act (2006), Newport Local Biodiversity action plan. | Material planning consideration. |



Table 1 Protection of Sites, Habitats and Species (cont.)

| Species | International Importance | European Protected Species including: Bats (all species), Dormouse, Otter, Great Crested Newt. | The Conservation of Habitats and Species Regulations 2010 ("The Habitat Regulations") | Species are protected from intentional or reckless killing, injury or capture. Areas used for shelter or protection are protected from intentional or reckless destruction and whilst the species is using any such site it is protected from intentional or reckless disturbance. |
|------------------------------|--------------------------|--|---|--|
| | | Habitats Directive Annex 2 and Birds Directives Annex I Species. | The Conservation of Habitats and Species Regulations 2010 ("The Habitat Regulations") | Protected through the designation of SAC/SPA |
| National or Local Importance | | Badger | Protection of Badgers Act (1992) | Setts and badgers are protected from intentional or reckless interference. |
| | | Schedule 5 Animals including: Water Voles, Reptiles. | Wildlife and Countryside Act (1981). | Species have different levels of protection, including: protected from intentional killing, injury or taking; uprooting or destruction; protected from harm at all times; or whilst nesting. Species should be protected and enhanced. |
| | | Schedule 8 Plants, including: Deptford Pink. | | |
| | | Schedule I Birds, including: Barn Owl, Cetti's Warbler. | | |
| | | Nesting birds (all species). | | |
| | | Species of principal importance and/or included on LBAP. | Natural Environment and Rural Communities Act (2006). | Material planning consideration. |



Malpas Marsh, image courtesy of Gerald Lee



Common Toad (*Bufo bufo*), image courtesy of Gerald Lee



Figure 1 - Good Practice Process

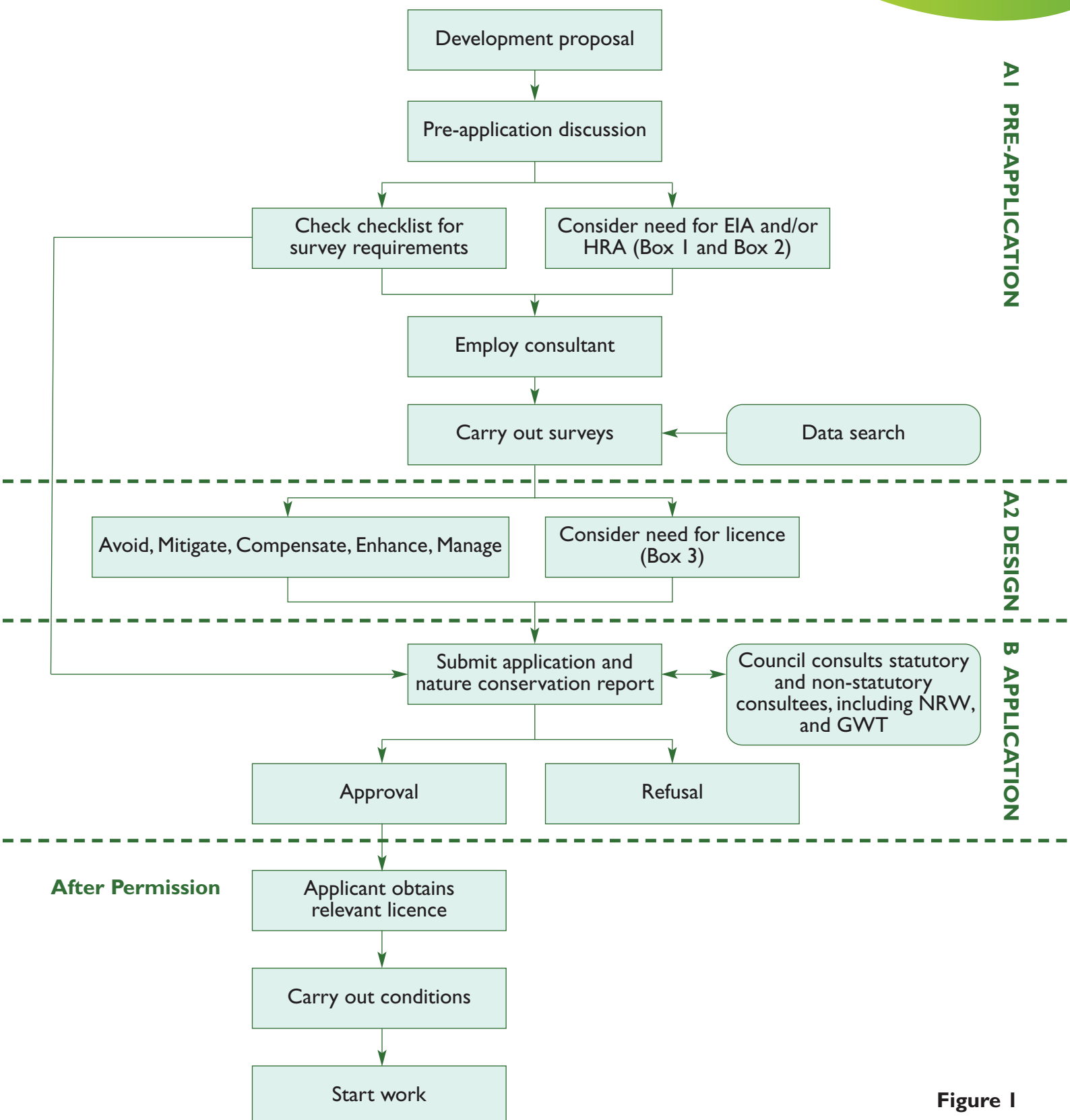


Figure 1



4.0 Householder Applications

Householder Applicants should use this section to check whether they will need to submit any ecological information with their planning application.

If you are a Householder Applicant you will need to consider: **Bats, Nesting birds, Barn owls and Great crested newts.** Bats, Nesting Birds, and Barn Owls are all species which regularly use buildings to nest or 'roost' in. Great crested newts are often found in garden ponds, canals and ditches. Prior to any works it is advised that applicants check for signs of these species and contact the Council's ecologist for advice. If any of these species are found then this may result in the need for compensation in the proposed development.

Householder Applicants should refer to Figure 4 'Checklist for protected/priority species surveys' - use column I 'Types of Development/nature of application' to select the type(s) of work relevant to your application (if any). The columns on the right will then indicate whether survey work is likely to be required.

If you do need to carry out surveys, you need to make sure that you employ a suitably qualified person to carry out the necessary surveys, impact assessment, method statements and mitigation or enhancement strategies to be included with your application.

Ecological surveys are seasonal, so your survey should be carried out at an appropriate month of the year, and time of day (refer to Figure 4 'Ecological Survey Seasons'). Your survey information should include a data search from the South East Wales Biological Records Centre (SEWBRc), and use nationally recognised survey guidelines/methods where available.

Newport City Council encourages pre-application discussion on all applications. As a Householder Applicant, the ecological issues you are most likely to encounter are outlined below. Applicants should note, however, that the requirements shown below are unable to account for all household applications situations. You can contact Newport City Council if you have any queries.

Bats

Bats are 'European Protected Species' (see Box 3, for more information). Survey information for bats should always be provided up-front as part of your planning application. A planning application which could impact on bats cannot be determined until you provide all the necessary information. The survey, survey report and mitigation proposals should always be undertaken and prepared by a licenced bat surveyor (Bat survey licences in Wales are supplied by the Natural Resources Wales).

If the survey you submit shows that bats are likely to be affected by your proposals, you will need to provide mitigation proposals. The mitigation proposals will depend on the results of your bat survey, however, they may include: incorporating a bat roost within the building; erecting bat boxes; hedgerow planting. Mitigation proposals should also take account of factors such as lighting and proximity of suitable habitat.

Newport City Council will then assess the information you have submitted against the 'three tests' of the Habitat Regulations (as outlined in Box 3). If planning permission is granted, you will then need to apply for a European Protected Species development licence ('Derogation') from the Welsh Government.



All Bat species in the UK are European Protected Species



Barn Owls

Barn Owls are a 'Schedule 1' species protected under the Wildlife and Countryside Act 1981 (as amended). The Wildlife and Countryside Act 1981 protects all birds, their nests and eggs. Barn owls are listed on 'Schedule 1' of the Wildlife and Countryside Act, which gives them special protection, making it an offence to disturb birds at the nest.

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

Nesting Birds

The Wildlife and Countryside Act 1981 (as amended) protects all wild birds from being killed, injured or taken. This protection also extends to birds' eggs, young and nests (whilst in use). Birds species such as house martins, house sparrows, swallows and swifts all use buildings to nest in/on.

Areas of dense vegetation (e.g. hedgerows) are also important for nesting birds. Works which might affect nesting birds should avoid the bird breeding season, which is considered to be March - August inclusive.

Great crested newts

Great crested newts are commonly found in ponds, canals and ditches. If your planning application is likely to directly impact on a pond, canal or ditch, you will need to consider whether a Great crested newt survey is required.

Great crested newts are 'European Protected Species' (see Box 3, for more information). Survey information for Great crested newts should **always** be provided up-front as part of your planning application.

A planning application which could impact on Great crested newts cannot be determined until you provide all the necessary information. The survey, survey report and mitigation proposals should always be undertaken and prepared by a licenced surveyor (Great Crested Newt survey licences in Wales are supplied by the Natural Resources Wales).

If the survey you submit shows that Great crested newts are likely to be affected by your proposals, you will need to provide mitigation proposals. The mitigation proposals will depend on the results of your Great Crested Newt survey.

The Council will then assess the information you have submitted against the 'three tests' of the Habitat Regulations (as outlined in Box 3). If planning permission is granted, you will then need to apply for a European Protected Species development licence ('Derogation') from the Welsh Government.

Designated Sites

Householder Applicants should also check whether their application is within or near to a designated site (see maps in Section 7). Further survey information may be required if your application is likely to impact upon a designated site.

Enhance

Householder applicants should provide new opportunities for wildlife. This may include:

- * providing bird boxes, bird feeders and bird baths
- * landscaping your garden to include native hedgerows, trees and wildflower areas
- * erecting bat boxes or a barn owl box
- * creating a pond or bog garden
- * creating a log pile or rock pile



5.0 Building nature into development - a guide for developers

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

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

Please note: Where the development may affect an Internationally Designated Site, the developer must show that the proposals will have no adverse impacts on the features of site (see Box 2).

Pre-application discussions

The Council welcomes early discussion of ecological issues at the pre-application stage, as recommended by national policy (PPW 5.5.1). Pre-application discussions with statutory consultees such as Natural Resources Wales recommended, in addition to non-statutory consultees such as Gwent Wildlife Trust and RSPB if appropriate. The Natural Resources Wales have a regulatory function with regards to the water environment. Section 3.1 of the Natural Resources Wales document 'Guide for Developers', gives details of consents and permissions which developers may need to obtain from the Natural Resources Wales.

"To facilitate the efficient and timely processing of planning applications developers should ensure that applications are carefully prepared with all relevant information included and all material considerations addressed in the layout, design and related access, drainage and infrastructure...These matters should not normally be left for later submission under conditions imposed on any permission given, because they will be material to the determination of whether planning permission should be granted (TAN 5, para 4.3.2)".



Broad-bodied chaser (*Libellula depressa*)



View over countryside near Penhow



A1 Pre-Application

The potential for wildlife features to be affected by a development must be considered at the first stage of any proposal. Failure to do so may prevent a planning application from being validated or lead to delays in the planning process or refusal.

Survey

- * Where there is a reasonable likelihood for a development to impact on a **designated site** or **protected/priority habitat or species**, developers will need to carry out specific ecological biodiversity surveys. Annex 1 includes a checklist of those applications that will need survey work and details the information that will need to be considered during design and submitted with the planning application.
- * Developers should consider whether they need to undertake an **Environmental Impact Assessment** (see Box 1) and may wish to submit a 'screening opinion'. Developers should consider whether they need to submit a report to inform a **Habitat Regulations Assessment** (see Box 2). Developers should also consider whether a protected species may be affected by their proposals and whether they will need to apply for a **protected species licence** (see Box 3).
- * Developers who are required to submit ecological information with their planning application will need to employ an **ecological consultant**. This guidance is unable to make individual recommendations on ecological consultants. However, the Institute of Ecology and Environmental Management (IEEM, www.ieem.org.uk) is one of the main bodies in the UK to promote good practice and professionalism in ecology - membership of this organisation is a good indication that the person is suitably qualified to carry out ecological

surveys to a high standard of competence. The website has a directory of members which can be searched by region and specialism.

- * Up-front survey work will demonstrate a professional approach to your planning application and will enable your design work to fully take account of constraints and opportunities on-site. Developers should also be aware of the **seasonal** nature of ecological surveying (see Annex 1, Figure 2), this should help to minimise delays in the application process.

Exceptions to survey work and additional surveys

In some cases there may not be a reasonable likelihood for a wildlife feature to be affected by development. In these cases survey work won't be needed - details of these exceptions are included in Box 5. Developers should also be aware that additional information may be requested - the local planning authority can direct the applicant to supply any further information reasonably necessary to determine any planning application.



Gatekeeper butterfly (*Pyronia tithonus*)
Image courtesy of Chas Pop



Box 1 – Environmental Impact Assessment (EIA)

The term ‘Environmental Impact Assessment’ (EIA) describes a procedure that must be followed for certain types of project before they can be given ‘development consent’. The procedure is a means of drawing together, in a systematic way, an assessment of a project’s likely significant environmental effects. Further advice on EIA can be given at the pre-application stage.

Projects are listed on two schedules within the legislation (The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999) – schedule one includes large development such as airports and industrial works. Other development types are listed on schedule two that only require EIA if the proposal is likely to have significant environmental effects. The process of undertaking the assessment of environmental impacts is the ‘Environmental Impact Assessment’; the submission of that information as part of a planning application is called the ‘**Environmental Statement**’.

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

Screening Opinion

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

A screening opinion must include a plan on which the site of the proposed development is identified, and a brief description of its nature and purpose and of its possible effects on the environment. This can be done well in advance of any formal planning application, and the planning authority must give its

opinion within three weeks, unless the developer agrees to a longer period.

Scoping Opinion

The Regulations enable a developer, before making a planning application, to ask the local planning authority for its formal opinion on the information to be included in an environmental statement – this is called a ‘**scoping opinion**’. If the applicant wishes, an application for a scoping opinion can be carried out simultaneously with the screening opinion.

Developers and authorities should discuss the scope of an environmental statement before its preparation is begun. Statutory consultees, such as the Natural Resources Wales would be consulted at this stage. The formal requirements as to the content of environmental statements are set out in Schedule 4 of the legislation.

There is no prescribed form of environmental statement, provided that the requirements of the Regulations are met.

Contact the Local Planning Authority for advice on whether your application will require EIA or visit the planning section at www.communities.gov.uk. The Institute for Ecology and Environmental Management have produced detailed guidance for EIA (www.ieem.net/ecia).





¹ The Competent Authority is a body with the authority to grant consent (or with the authority to undertake projects themselves). Newport City Council, as a local planning authority, is a competent authority.

Box 2 – Habitat Regulations Assessment

Where a development proposal (alone or in combination with another plan or project) is likely to have a significant effect on a Natura 2000 site, the Competent Authority¹ must undertake an appropriate assessment, which is required under the Habitat Regulations.

The applicant must provide details of all the aspects of the development and its potential impacts to the local planning authority to allow an **Appropriate Assessment** to be carried out. This can take the form of an ecological report and be submitted along with the application – the scope and content of this assessment will vary depending on the proposal. Developers are advised to seek advice regarding the scope of survey required prior to undertaking survey work. Consent cannot be granted unless the results of the appropriate assessment show that the proposal will not have a significant negative effect.

Newport County Borough contains a number of sites designated under the Habitat Regulations (see map 1). It is important to consider that development proposals do not need to be within or adjacent to a site in order to impact upon the features of the site. A brief overview of potential considerations for developers is given below:

Severn Estuary SAC SPA Ramsar

The Severn Estuary is designated as a SPA due to its internationally important assemblage of wintering birds, and as a SAC due to its estuarine habitat features and migratory fish. The Severn Estuary is also designated as a Ramsar 'Wetland of International Importance'. Key considerations for developers include:

- * Ensure that development proposals do not adversely impact on water quality and quantity. Developers may be required to undertake some/all of the following assessments: flood consequence

assessment; foul sewerage assessment; land contamination assessment; site waste management plan;

- * Timing restrictions may be placed on piling works, or any other activities which cause noise or disturbance. Restrictions may also be placed on any other form of disturbance to migratory fish.
- * Wintering and migratory bird surveys may be required, and restrictions (e.g. in relation to timing, scale, location of works) may be applied depending on potential impact on wintering birds.

River Usk SAC

The River Usk is designated as a SAC due to its riparian habitat features, otters, and migratory fish. Key considerations for developers include:

- * Timing restrictions may be placed on piling works, or any other activities which cause noise, vibrations;
- * Ensure that development proposals do not adversely impact on water quality and quantity. Developers may be required to undertake some/all of the following assessments: flood consequence assessment; foul sewerage assessment; land contamination assessment; site waste management plan;
- * Any works which may disturb otters may be subject to restricted working hours, and mitigation measures such as installation of otter holts/appropriate planting. Survey and assessment requirements may include Otter survey and mitigation proposals, and lighting assessment.

For more detail on the above see Section 5 and Annex 3 of TAN 5. For more information on features of River Usk SAC and Severn Estuary SPA/SAC/Ramsar see NRW website: www.naturalresourceswales.gov.uk



Box 3 – Protected Species and Licences

Activities that are likely to cause harm or disturbance to a protected species or its habitat must be carried out under licence. This can include survey work, trapping and marking, photography and habitat management. For this reason, a professional ecologist should always be employed to carry out survey work.

For development, a 'development licence' will often be needed if a protected species will be negatively affected. PPW (5.5.4) encourages pre-application discussion between the applicant, local planning authority and the Natural Resources Wales in developments where protected species may be affected.

In some cases appropriate avoidance and mitigation will prevent the need for a licence – work can be managed so that it doesn't cause disturbance or harm. In other cases, mitigation will not remove the need for a licence, but will form part of the licence conditions, as well as being covered by planning condition(s). Mitigation work for many development licences may involve a significant lead in time, for example, mitigation habitat for dormice may take several years before it is suitable for dormice.

European Protected Species

There are a number of 'European Protected Species' in Newport, these include Otters, Bats (all species), Great crested newts, and Dormice. If a European Protected Species is likely to be affected by the proposals, the developer will need to apply to the Welsh Government for a 'development licence' before any work on site can begin. The application for a licence must be made by the developer after planning permission has been granted.

It is important to note that planning permission (or a permitted development right) doesn't negate the need for a development licence before work starts on site. Working without a development licence could lead to a wildlife crime being committed and subsequent prosecution.

Before planning permission is granted, the Council needs to address three tests during its decision on the application:

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

To enable the Council to do this, these issues must be addressed in the nature conservation report that is submitted with the planning application.

Once the application is received the Council will consult NRW to make sure that the approach detailed in the report is sufficient. If planning permission is then granted, conditions will be attached ensuring that the agreed approach is followed. The Council will document their consideration of the Three Tests on a European Protected Species Local Planning Authority Consultation Document - a signed original of this completed form will be provided to the developer with the Full Planning Permission documents.

UK Protected Species

The Natural Resources Wales issues development licences for species protected under the Wildlife and Countryside Act 1981, for example, Reptiles (all UK species) and Water Voles. NRW is also responsible for issuing licences under the Protection of Badgers Act 1992 where it is necessary to interfere with badger and/or their setts in the course of development. The consideration and granting of such a licences are separate from the process of applying for planning permission, but Local Planning Authorities must take account of the legislation throughout the development control process.

For more information on protected species and the planning system, see TAN 5 (Section 6 and Annex 7).

Building Nature into Development

18



A2 Design

It is important that the findings of any survey work are taken into careful consideration during the design stage. Good survey work will give you the details of both constraints and opportunities on your site and allow you to...

Avoid, Mitigate, Compensate Enhance and Manage

Ecological connectivity is a key theme when incorporating wildlife features into development proposals. Certain habitats provide corridors or stepping stones across the landscape, such as hedgerows or networks of ponds. For example, designing a scheme around an existing pond would not be sufficient if that pond is then completely isolated from nearby terrestrial and wetland habitats. Ecological connectivity allows species to forage, migrate, colonise new areas and respond to habitat and climate change.

➤ Avoid

Your primary objective should be to **avoid** negative impacts - by designing the site around the wildlife features. For example, if the development site includes a pond or existing hedgerow try to incorporate it into the layout.



Song Thrush (*Turdus philomelos*), image courtesy of Richard Taylor

➤ Mitigate

Where avoidance is not at all possible then the design should aim to **mitigate** any negative impacts.

Applicants should ensure that they take account of all the potential effects of a development and make sure that avoidance and mitigation are appropriate to the situation.

All stages and processes of the development should be considered - the land take for construction is often larger than that shown on the application form or after works are completed.

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

Very occasionally, translocation of a certain species, habitat or feature can be considered when no other options exist - moving it to another part of the development site or to a receptor site in another area.



The Severn Estuary has 3 international designations (SAC, SPA and Ramsar), and is also nationally designated as a SSSI



Building Nature into Development

➤ Compensate

In some cases it isn't possible to avoid or mitigate for certain wildlife features on a site. In these instances either on or off-site **compensation** is required.

Compensation either restores or recreates the wildlife feature damaged by a development - ensuring no net loss. It should be noted that some habitats and features, such as ancient woodland, cannot be compensated for.

Compensation will not be regarded as an alternative to avoidance or mitigation and where a habitat or feature is lost to development a greater quantity of the replacement will be required. It takes time for new habitats and features such as hedgerows and ponds to establish and become functional and there is no certainty that it will ever achieve the nature conservation value of the original.

A **replacement ratio** for 'like for like' compensation is set at 1:1.5 or 50% above the area to be replaced. This is the minimum that would be accepted and the ratio may be increased in some instances where, for example, fragmentation of important existing habitats needs to be avoided.

Compensation does not necessarily need to be like for like replacement as the post-development site may not be appropriate for the habitat type. In these cases the replacement ratio may need to be much greater than 1:1.5 so as to guarantee net biodiversity gain and this will be discussed with the local planning authority on a case by case basis.

Proposals resorting to compensatory measures must demonstrate why avoidance or mitigation is not achievable and may need to establish compensatory features before development itself begins.



*Bumblebees are important pollinators of wildflowers and crops
Image courtesy of Chas Pop*



Coed Wen woodland



➤ Enhance

Planning Policy Wales (1.4.3) requires the planning system to promote approaches to development which create new opportunities to **enhance** biodiversity. The local authority also has a statutory duty under the NERC Act (2006) to conserve biodiversity through restoration and site enhancement. One of the primary ways the Council can achieve this duty is through encouraging action by others.

There is an assumption that enhancement will be required for the majority of planning applications. Enhancement is additional to any mitigation/compensation measures required as a result of the impact of the development. Enhancement that contributes to the targets set by Newport local biodiversity action plan are welcomed.

The ways in which enhancement can be achieved will vary from site to site and in scale. As such it will be considered on a case by case basis by the local planning authority. Examples of how enhancement could be achieved are:-

- * bird boxes for protected or priority species such as barn owls, swifts or house sparrows;
- * provision for bats, such as open soffit boxes or access to loft spaces;
- * a reptile and amphibian hibernaculum;
- * planting of a native species hedgerow;
- * creation of a wildlife pond and scrapes;
- * establishment of a meadow area;

- * improving a waterways and its banks;
- * planting a native woodland area or copse
- * creation of connecting wildlife corridors/linear features for wildlife movement;
- * creation of otter holts;
- * creation of buffer zones along watercourses planted with native species of local provenance;
- * naturalising/restoring watercourses opening up culverts



Rivers and streams are important habitats which support species such as Otters and White-clawed crayfish



Otter (Lutra lutra)



Building Nature into Development

➤ Manage

On sites where wildlife features are retained or new habitats and features are created, appropriate ongoing **management** must be put in place to ensure long lasting benefits. Management needs will vary from site to site - in some cases a habitat will largely manage itself if the initial design was appropriate and some features require no management at all. However, for some sites there may be a need for specific management regimes for many years.

In these cases a **management** plan will need to be produced and submitted as part of the report. As a minimum, a management plan should cover at least the five years following completion of a development and ideally plan for longer term management/maintenance.

Criteria should be included in the management plan to measure success, such as a population of an indicator species reaching a certain size. It should identify specific actions required for good management and include phasing. The organisation and personnel responsible for implementing the plan also needs to be identified. A management plan will also need to include regular monitoring as part of a licence granted for disturbance to a protected species. This will be undertaken by a suitably qualified ecologist who will be required to liaise with NCC Ecology Officer and submit relevant monitoring information.



*Invertebrates are an integral part of biodiversity
Image courtesy of Chas Pop*



Penhow Woods SSSI



Invertebrates are an integral part of biodiversity



Figure 2 - Illustrated Case Study



- 1 - Mature tree (avoid)
- 2 - Reptile fencing during construction (mitigate)
- 3 - Wildlife pond (compensate)
- 4 - Species-rich hedgerow (compensate)
- 5 - Scrub managed and semi-improved grassland expanded (compensate and manage)
- 6 - New community wildlife garden (enhance)
- 7 - 20% of new homes include integral bird nest and bat roost 'bricks' (enhance)

Design and Access Statement

The developer should provide a summary within their Design and Access Statement (where required) which explains how they have addressed the impact of their proposals on any wildlife features and show how they aim to enhance biodiversity. (Please see Newport City Council's Advisory Note on Design and Access Statements available at www.newport.gov.uk)

B Application

By the time a planning application is ready for submission the wildlife features present on site should have been fully considered. In those cases where the checklist (Figure 4) required survey work, a wildlife report should be submitted along with the application. The Council will then assess the information submitted against the relevant legislation and policy as part of the planning application process.

If permission is granted, conditions are likely to be attached to the consent. These might include restrictions on certain operations to particular times of year, good practice during construction, enhancement or appropriate future management and maintenance.

6.0 Survey Requirements

Survey Requirements

A biodiversity survey and report must be provided for applications where there is a reasonable likelihood for proposals to impact on a designated site or protected or priority habitat or species (see figures 3 and 4). Applications that involve one or more of the development types listed in column 1 of figure 4 must include the relevant species survey(s) as indicated in the table. Applications likely to affect any designated sites (shown on maps 1 and 2) or priority habitats must include a survey and assessment for the relevant habitats.

The local planning authority will reject or require additional surveys if the information provided is deemed insufficient.

Report requirements

All submitted reports must provide sufficient information for the local planning authority to fully consider the impacts of a proposed development. A report must address two requirements:

- 1). Assessment of the site through ecological survey(s) and assessment of ecological impacts;
 - 2). Measures to avoid, mitigate, compensate, enhance and manage wildlife features.
- 1) A submitted report demonstrating thorough survey work and assessment must:
- * Identify all designated sites and protected species that could be affected by the proposals, and provide details of potential impacts and proposed mitigation measures;
 - * Include a summary of the proposed development, description of the site (including existing wildlife features), and site history (e.g. ownership, general land use, type of and need for the proposed development, planning history);

- * Include a search for data from the South East Wales Biological Records Centre (SEWBRc) and/or any other relevant organisations. (All data submitted to the local planning authority as part of the application will be made available to SEWBRc, unless the applicant requests otherwise);
- * Inform of the extent, scope, and methodology of the survey(s) being undertaken;
- * Be undertaken and prepared by competent persons with suitable qualifications, licenses and experience – and this information should be contained within the report;
- * Be carried out at an appropriate time and month of year (see figure 3), in suitable weather conditions and using nationally recognised survey guidelines/methods where available and working to best practice standards (for guidance visit sources for survey methods at www.ieem.net/surveymethods.asp;
- * Record species and/or habitats present on site, identifying their numbers/extent and location – both on site and within an appropriate buffer zone around the site boundary;



Garden chafer (*Phyllopertha horticola*)



- * Map species distribution and use of the area, site, structure or feature (e.g. for feeding, shelter, breeding);
- * Map the habitat types present on site and/or in the surrounding area to be shown on an appropriate scale plan and record extent, area or length. Maps should indicate habitat and wildlife features, and any appropriate target notes, on and off site. Inclusion of photographs is recommended;
- * Briefly record species and habitats incidentally encountered as part of the survey as appropriate (for example, a bat survey should also include any evidence of nesting birds);
- * Detail any limiting factors or constraints that may have affected survey work;
- * Assess site status against SINC criteria;
- * Identify ecological networks;
- * Identify and describe development impacts likely to harm the species, features used and habitats. This should take account of: direct and indirect effects; short-term and long-term impacts; direct and indirect impacts; scale and nature of impacts (set within a local/national context); and impacts during construction and operation.

2) A submitted report must first demonstrate why avoidance of negative impacts is unfeasible before providing a strategy that details mitigation and compensation proposals. These must include:

- * a strategy to ensure no overall detrimental affect on the maintenance of habitats and species affected;
- * on sites where European protected species are likely to be affected, a statement to inform the Council's assessment against the 'three tests' (Box 3);
- * details of any translocation proposals, including methodology and full assessment and description of proposed receptor site;
- * details of habitat/feature creation, restoration and/or enhancement;
- * details of any resultant change in the status of priority habitats/species expressed in terms appropriate to the local biodiversity action plan;
- * a work schedule (preferably to include maps and a diagram showing phasing/timing of works);
- * post development management and monitoring (either in the report or, preferably, as a standalone management plan).



Penhow Woods SSSI



Bumblebees are important pollinators of wildflowers and crops



Renewable Energy applications:

applications for wind turbines or hydroelectric schemes are advised to undertake pre-application discussions with Newport City Council (plus Natural Resources Wales) in order to obtain advice regarding survey requirements.



Green Tiger Beetle (*Cicindela campestris*)



Six spot Burnet moth (*Zygaena filipendulae*) feeding on Devil's bit scabious (*Succisa pratensis*)

BOX 5 - Exceptions to survey work

The requirements shown in figure 4 are unable to account for all development types and all possible situations. In some instances discussion between the local planning authority and the developer may lead to a requirement for additional survey work. Similarly in some cases survey work may not be required.

- 1) International and nationally designated sites: where the applicant provides copies of correspondence with the Natural Resources Wales that confirm in writing that the proposed development will not affect any internationally or nationally designated site.
- 2) SINCs and priority habitats: where the applicant provides copies of correspondence with the local planning authority (LPA) that confirm in writing that the proposed development will not affect any SINC or other priority habitat.
- 3) Protected/priority species: where one of the following applies:
 - a) Following consultation by the applicant at the pre-application stage, the LPA has stated in writing that no protected species surveys and assessments are required.
 - b) It is clear that no protected species are present and the applicant provides evidence with the planning application to demonstrate that such species are absent (this may be in the form of a letter or brief report from a qualified and experienced professional).
 - c) The development proposal will have no effect on any protected species present on the site. In this instance only limited information needs to be submitted demonstrating why there will be no significant effect on any protected species present.



Figure 3 - Ecological Survey Seasons

| | Jan | Feb | Mar | Apr | May | Jun | Jul | Aug | Sept | Oct | Nov | Dec |
|---------------------------------|-----|-----|-----|-----|-----|-----|-----|-----|------|-----|-----|-----|
| Badgers | | | | | | | | | | | | |
| Bats (Hibernation Roosts) | | | | | | | | | | | | |
| Bats (Summer Roosts) | | | | | | | | | | | | |
| Bats (Foraging/Commuting) | | | | | | | | | | | | |
| Birds (Breeding) | | | | | | | | | | | | |
| Birds (Over-wintering) | | | | | | | | | | | | |
| Dormice | | | | | | | | | | | | |
| Great crested newts Terrestrial | | | | | | | | | | | | |
| Great crested newts Aquatic | | | | | | | | | | | | |
| Invertebrates | | | | | | | | | | | | |
| Otters | | | | | | | | | | | | |
| Reptiles | | | | | | | | | | | | |
| Water voles | | | | | | | | | | | | |
| White clawed crayfish | | | | | | | | | | | | |
| Habitats/Vegetation | | | | | | | | | | | | |

Key:

Optimal Survey Time

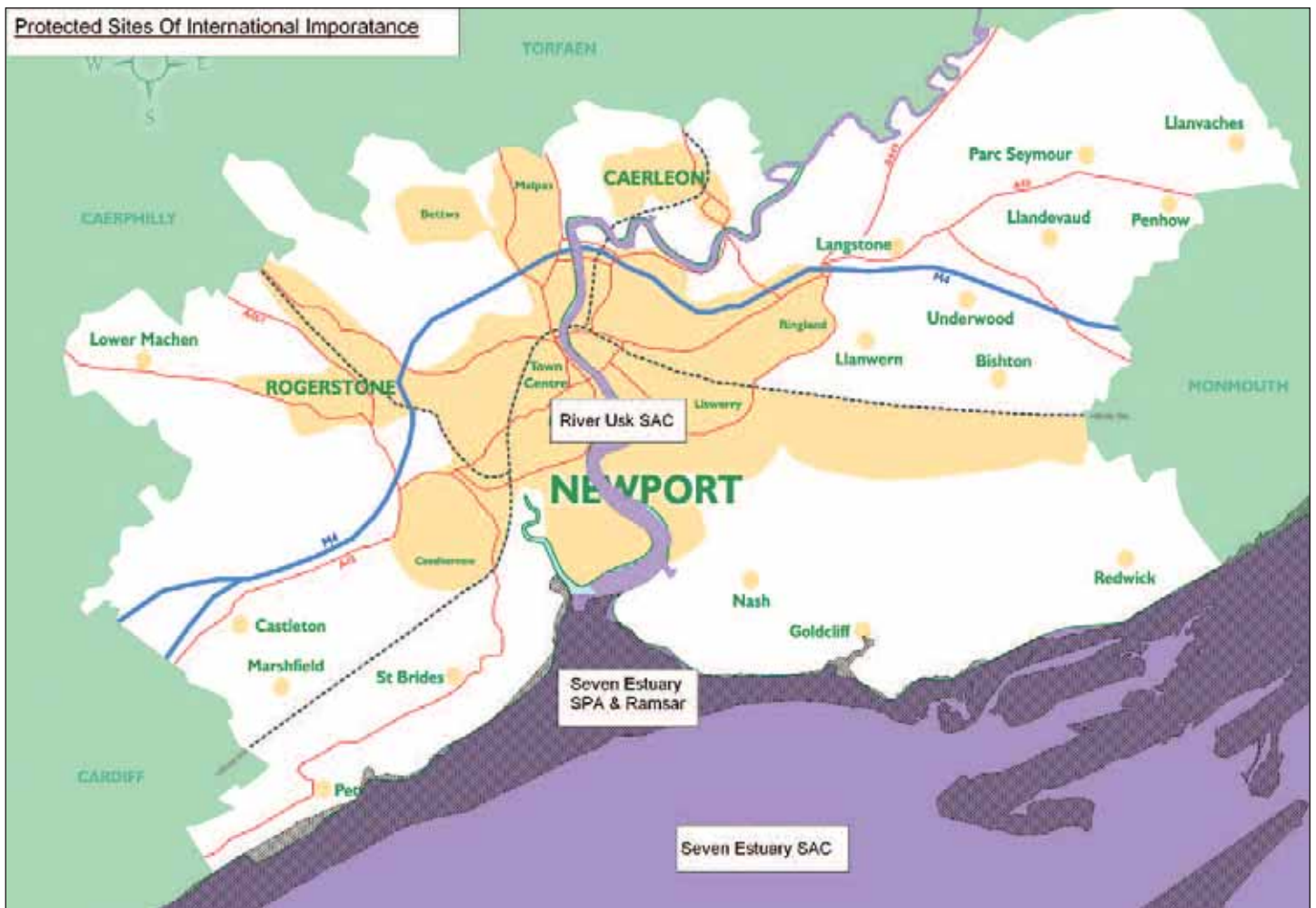


Sub Optimal





Map 1





7.0 Checklist and Maps

Figure 4 - Checklist for protected/priority Species Surveys

| Types of development/nature of application | Type of species survey required | | | | | | | | | | | |
|--|---------------------------------|----|----|----|---|---|---|---|---|---|---|---|
| | Bats | H | Mi | Ma | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ | ✓ |
| | Barn Owls | H | Mi | Ma | ✓ | | | | | | | |
| | Breeding birds | H | Mi | Ma | | ✓ | ✓ | ✓ | ✓ | ✓ | | |
| | Otters | Mi | Ma | | | | | | | | ✓ | |
| | Dormouse | Mi | Ma | | | | | | | | | ✓ |
| | Badgers | Mi | Ma | | | | | | | | | |
| | Great crested newts | H | Mi | Ma | | | | | | | | |
| | Reptiles | Mi | Ma | | | | | | | | | |
| | Amphibians | Mi | Ma | | | | | | | | | |
| | Invertebrates | Mi | Ma | | | | | | | | | |
| | Plants | Mi | Ma | | | | | | | | | |
| | Water voles | Mi | Ma | | | | | | | | | ✓ |
| | White clawed crayfish | | | | | | | | | | | |
| Scale of development threshold H = Householder application Mi = Minor application Ma = Major application ¹ | | | | | | | | | | | | |
| (1) Conversion, modification, demolition or removal of buildings - if they are: | | | | | | | | | | | | |
| • agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams | | | | | | | | | | | | |
| • buildings with weather boarding and/or hanging tiles that are within 200m of woodland and/or water | | | | | | | | | | | | |
| • pre-1960 detached buildings and structures within 200m of woodland and/or water | | | | | | | | | | | | |
| • pre-1914 buildings within 400m of woodland and/or water | | | | | | | | | | | | |
| • pre-1914 buildings with gable ends or slate roofs, regardless of location | | | | | | | | | | | | |
| Note: the above criteria also apply to hotels, schools, hospitals, churches, commercial premises and derelict buildings. Surveys are not required for livestock buildings with a single skin roof and board and gap or Yorkshire boarding. | | | | | | | | | | | | |
| (2) Development affecting built structures: | | | | | | | | | | | | |
| • tunnels, mines, kilns, ice-houses, military fortifications, air raid shelters, cellars and similar underground ducts and structures | | | | | | | | | | | | |
| • bridge structures, aqueducts and viaducts (especially over water and wet ground) | | | | | | | | | | | | |
| (3) Illumination of: | | | | | | | | | | | | |
| • churches and listed buildings, green space (e.g. sports pitches) within 50m of woodland, water, field hedgerows or lines of trees with connectivity to woodland or water any building meeting the criteria listed in (1) above | | | | | | | | | | | | |
| • agricultural buildings (e.g. farmhouses, barns and outbuildings) of traditional brick or stone construction and/or with exposed wooden beams | | | | | | | | | | | | |
| • rivers, streams, canals, lakes, ponds or other aquatic habitats (water bodies) | | | | | | | | | | | | |
| • areas of scrub or woodland | | | | | | | | | | | | |



Maps and Checklist

This checklist is provided as a guide to highlight what surveys may be required, and does not account for all situations. Applicants may be required to undertake further surveys which are not highlighted on this table. Also, applicants may be able to scope out the need for certain surveys. See Box 5 'Exceptions to survey work'.

| | | | | | |
|---|---|---|---|---|----------------------------|
| (4) Felling, removal or lopping of: • woodland • hedgerows and/or lines of trees with connectivity to woodland or water bodies • old and veteran trees that are older than 100 years • mature trees with obvious holes, cracks or cavities (and also large dead trees) • removal of mature/semi-mature trees on river banks | | ✓ | | ✓ | White clawed crayfish |
| | | ✓ | | ✓ | Water voles |
| ✓ | | ✓ | ✓ | ✓ | Plants ³ |
| | | ✓ | ✓ | ✓ | Invertebrates ³ |
| | ✓ | ✓ | ✓ | ✓ | Amphibians |
| ✓ | | ✓ | ✓ | ✓ | Reptiles |
| | ✓ | ✓ | | ✓ | Great crested newt |
| ✓ | | | ✓ | ✓ | Badgers |
| ✓ | | | | ✓ | Dormouse |
| | | ✓ | | ✓ | Otters |
| ✓ | | ✓ | ✓ | ✓ | Breeding birds |
| | | | | ✓ | Barn owls |
| ✓ | | ✓ | ✓ | ✓ | Bats |
| (5) Proposals affecting ponds with respect to: • applications within 500m of a pond marked on an OS map • applications which directly impact on any pond | | | | | |
| (6) Proposals affecting water bodies: • in or within 200m of rivers, streams, canals, lakes, reedbeds or other aquatic habitats (water bodies) | | | | | |
| (7) Proposals located in or immediately adjacent to: • quarries • natural cliff faces and rock outcrops with crevices or caves • derelict land (brown field sites), allotments and railway land • arable or pasture land • apparently unmanaged habitats (e.g. scrub, rank grassland) | | | | | |
| (8) All proposals where protected species are known to be present ¹ : This may include proposed development affecting any type of building structures, feature or location. | | | | | |
| ¹ A major application is one that is more than 10 dwellings or more than 0.5 hectares OR for non-residential development is more than 1000m ² floor area or more than 1 hectare. ² Confirmed as present by either a data search (for instance via the local environmental records centre) or as notified to the developer by the local planning authority and/or by the Countryside Council for Wales or other nature conservation organisation or by a credible report from a member of the public ³ Only relating to those species listed on the Conservation (Natural Habitats, &c.) Regulations 1994, Wildlife and Countryside Act 1981 and/or S42 of the NERC Act 2006 | | | | | |



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Glossary

Appropriate Assessment

A statutory assessment which is undertaken by a competent authority in respect of plans or projects which are likely to have a significant effect on a Natura 2000 site.

Biodiversity

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

Biodiversity Action Plan/Local Biodiversity Action Plan (BAP/LBAP)

The UK's Biodiversity Action Plan recognises priority habitats and species and plans and works towards their conservation. Local biodiversity action plans are the mechanism for local delivery.

Development Licence

Term used within this document to refer to a protected species licence (European or UK protected species) obtained by a developer for the purposes of undertaking a development.

Natural Resources Wales

NRW are a Welsh Government Sponsored Body, largely taking over the functions of the Countryside Council for Wales, Forestry Commission for Wales and the Environment Agency in Wales, as well as certain Welsh Government functions. Their purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future. They have a wide range of roles and responsibilities, including as an adviser to Welsh Government, industry and the wider public and voluntary sector, and communicator about issues, relating to the environment and its natural resources. They are a statutory consultee to some 9,000 planning applications a year.

Environmental Impact Assessment (EIA)

An EIA is an assessment undertaken by the developer which will identify the likely effects of new development on the environment (Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999).

Environmental Statement (ES)

An 'environmental statement' is a document setting out the developer's own assessment of a project's likely environmental effects (EIA), which is prepared and submitted by the developer in conjunction with the application for consent.

European Protected Species (EPS)

Species protected by the Conservation (Natural Habitats etc) Regulations 1994. These include Bats (all species), Dormice, Great crested newts and Otters. (See Box 3 – Protected Species and Licences)

GGBAG

The Greater Gwent Biodiversity Action Group is a group of representatives from organisations and partnerships which aims to promote biodiversity conservation at a strategic level.

Gwent Wildlife Trust (GWT)

Gwent Wildlife Trust is a registered charity and a member of the Wildlife Trusts Partnership. GWT is a non-statutory consultee in the development control process, and covers a wide range of local and national biodiversity issues.

Habitat

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

Institute of Ecology and Environmental Management (IEEM)

IEEM is the non-profit professional body which represents and supports ecologists and environmental managers in the UK and abroad.



National Nature Reserve (NNR)

An NNR is an area which is among the best examples of a particular habitat. NNRs are of national importance. They are in many cases owned and managed by the statutory authority. All of the reserves are also Sites of Special Scientific Interest and may be used for educational projects, research and management trials.

Planning Policy Wales (PPW)

Current land use planning policy is contained in 'Planning Policy Wales' which provides the strategic policy framework for the effective preparation of local planning authorities' development.

Ramsar Site

Sites designated under the Ramsar Convention (enacted in the UK through the Conservation (Natural Habitats, &c.) Regulations 1994), to protect wetlands that are of international importance, particularly as waterfowl habitats. WAG policy is that such sites should be treated as if they are European designated sites (i.e. Conservation (Natural Habitats &c) Regulations 1994 apply).

Royal Society for the Protection of Birds (RSPB)

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

Section 42 'Priority habitats and species'

Those habitats and species that have been identified by WAG to be of principal importance for nature conservation in Wales. These are listed on S42 of the Natural Environment and Rural Communities Act 2006.

Local Nature Reserve

Non-statutory sites of local significance that are designated by the local authority to offer protection and encourage public engagement with wildlife.

Local Planning Authority

A local planning authority (LPA) is responsible for determining planning applications. An LPA is usually the city or borough council.

Habitat Regulations Assessment (HRA)

An assessment undertaken by a competent authority where a development proposal (alone or in combination with another plan or project) is likely to have a significant effect on a Natura 2000 site.

Mitigation

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

Natura 2000 site

Sites protected under the Conservation (Natural Habitat) Regulations 1994, including Special Areas of Conservation, Special Protection Areas and Ramsar sites.



Common Spotted Orchid (*Dactylorhiza fuchsia*)



Site of Importance for Nature Conservation (SINC)

Locally important sites for nature conservation. These are currently identified against criteria in Wildlife Sites Guidance Wales.

Site of Special Scientific Interest (SSSI)

A site identified under the Wildlife and Countryside Act 1981 as an area of special interest for wildlife or geological features.

Special Area of Conservation (SAC)

A site designated under the European Community Habitats Directive (enacted in the UK through the Conservation (Natural Habitats, &c.) Regulations 1994), to protect internationally important natural habitats and species.

Special Protection Areas (SPA)

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

Supplementary Planning Guidance (SPG)

These documents reinforce the policies of the Unitary Development Plan and provide clear in-depth guidance on planning and development issues.

Technical Advice Note 5 (TAN 5)

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

UK Biodiversity Action Plan (UKBAP)

The UK BAP is the UK Government's response to the Convention on Biological Diversity. The UKBAP describes the biological resources of the UK and provides detailed plans for conservation of these resources, at national and devolved levels.

Local Development Plan

LDPs contain policies that are used in the assessment of all planning applications that come before the Council and guide the new development that is likely to take place over the period 2011-2026.

Welsh Government

The Welsh Government is the devolved Government for Wales. The Welsh Government consists of: The First Minister; Welsh Ministers; The Counsel General; and Deputy Ministers. They are supported by Civil Servants who work across devolved areas.

Wildlife Feature

A wildlife feature is a term used in this document to refer to features found within or nearby a development site which are of wildlife value.



*Ruddy Darter (Sympetrum sanguineum),
image courtesy of David Jones*



Useful Documents and Links

The following documents and websites may provide further detail on those issues raised within this supplementary planning guidance:

- Planning Policy Wales
- Technical Advice Note 5, Nature Conservation and Planning (2009)
- Newport's Local Development Plan (2011-2026)
- Newport's Local Biodiversity Action Plan (available on the Biodiversity Action Reporting System website - see below)
- Newport City Council's River Usk Strategy
- The Bat Conservation Trust '*Bat Surveys - Good Practice Guidelines*'
- Natural Resources Wales '*Guide for Developers - Building a better environment*'
- The Natural Resources for Wales document '*Nature Conservation and Physical Development on the Gwent Levels*'
- The Natural Resources for Wales website: <http://www.naturalresourceswales.gov.uk>
- Joint Nature Conservation Committee (JNCC) website: www.jncc.gov.uk
- Wales Biodiversity Partnership website: <http://www.biodiversitywales.org.uk>
- Institute of Ecology and Environment Management website: <http://www.ieem.net>
- The Biodiversity Action Reporting System (BARS) website: <http://www.ukbap-reporting.org.uk>
- Welsh Government website: <http://wales.gov.uk>
- Institute of Ecology and Environmental Management survey methods: www.ieem.net/surveymethods.asp

* All photos courtesy of Newport City Council unless otherwise stated.



Annex 1 - Sites of Importance for Nature Conservation and Local Nature Reserves

Sites of Importance for Nature Conservation

A Site of Importance for Nature Conservation (SINC) designation refers specifically to sites of significant nature conservation value. SINC are the most important sites for biodiversity and nature conservation outside of legally protected sites such as Sites of Special Scientific Interest (SSSIs). Their importance is significant in a more localised context than internationally or nationally designated sites. SINC designation is non-statutory, and their designation is often used as a planning tool.

The notification of Sites of Interest for Nature Conservation (SINC) should be soundly based on a rigorous scientific assessment of the nature conservation value of the site.

Newport City Council will refer to the 'Guidelines for the Selection of Wildlife Sites in South Wales' (2004) for selection of sites until a criteria for Newport has been developed.

When a criteria for selection of SINC in Newport has been developed and adopted, that information will be available on request from Newport City Council, and on the Newport City Council website.

The SINC Technical document is also available on request from Newport City Council, or on the Newport City Council website. This document provides up-to-date maps and further information on every SINC and candidate SINC in Newport.

The presence of a SINC is a material consideration in planning decisions. Developers should identify how their proposals may impact on the interests for which the site is designated (either positively or negatively), and where relevant, how the site contributes to wider ecological networks.

Developers will be required to make an assessment of the site against the criteria as set out in the 'Guidelines for the Selection of Wildlife Sites in South Wales' (2004).

Following survey, if the site meets the criteria for designation as a SINC, the site will be considered in the same way as a SINC.

Protection will be afforded to all sites which meet SINC designation status.

More information on the selection and notification of SINC can be found in PPW, TAN5 and the 'Guidelines for the Selection of Wildlife Sites in South Wales' (2004).

Local Nature Reserves

Government guidance advises that local authorities should designate Local Nature Reserves (LNRs) on sites which have high value for nature conservation or local wildlife or geological interest and are of particular value in community and education terms. One such site has been designated at Allt-yr-yn and others are being considered.

Whilst LNRs are not designated under planning legislation, government guidance suggests that due weight should be attached to them in determining development proposals. There is a strong presumption against any development which could affect a LNR.

