

Biodiversity in the Towns of the National Park – SPG responses

<b>Respondent</b>	<b>Comment</b>	<b>Recommended Response</b>	<b>Officer Recommended Change</b>
NRW	<p>We welcome the production of SPG that explains about the biodiversity of the BBNPA area, the various aspects that should be considered by development proposals (e.g. protected sites, protected species, S42 NERC habitats and species) and sets the legislative context and national and local policy contexts for each element.</p> <p>We note that it is yet to be completed with information for Sennybridge/ Defynnog Key Settlement area.</p>	<p>Comments noted.</p> <p>It is anticipated that the review of Sennybridge/Defynnog Community area will be undertaken May this year.</p> <p>The findings will be subject to a further period of consultation.</p>	<p>Changes forthcoming following future assessment work.</p>
NRW	<p><u>Policy 6</u></p> <p>In respect of Policy 6: Biodiversity and Development (Page 7), Natural Resources Wales strongly advocates the approach set out by the second option in this box, which we believe goes further than the ‘no net loss’ first option, more comprehensively embraces the ecosystem approach to biodiversity conservation, and is therefore consistent with the BBNPA’s NERC Act duty to conserve biodiversity.</p> <p>We consider that some slight amendment is required in respect of section C to ensure that fully functioning habitats are maintained and enhanced for all species, rather than just bats.</p> <p>We therefore recommend that Policy 6 reads as follows:</p> <p><i>Development will only be permitted where:</i></p>	<p>Comments are noted however NRW are advised that these policies form part of the adopted LDP. Any changes to these policies can only be enacted through formal review. NRW’s comments are therefore outside of the remit of this consultation.</p> <p>We hope that these issues can be addressed by NRW at the appropriate time at LDP review.</p>	<p>The NPA is unable to make the recommended change at this time for the stated reasons.</p>

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	<p>2A The developer identifies habitats and landscape features of importance for the wildlife within the site and provides for the further creation, positive management, restoration, enhancement or compensation for these habitats and features to ensure that the site maintains its nature conservation importance; and</p> <p>B Full provision is made for the future management of the site's habitats and features of nature conservation value. This will be secured either through Planning Obligations or the imposition of Planning Conditions; and</p> <p>C There is no unacceptable loss/breaching of linear <b>habitat</b> features (e.g. hedgerows, woodlands belts). Development should seek to enhance linear habitat features that <b>provide places for species to forage, rest and breed, and facilitate their dispersal through the countryside.</b></p> <p>The NPA will require all development being judged against this policy to provide biodiversity enhancement through the scheme in accordance with the direction of the Planning Obligation Strategy.</p>		
NRW	<p><u>Policy 7: Protected and Important Wild Species</u></p> <p>Subject to some minor amendments as indicated below in bold, NRW supports the inclusion of Policy 7 (Page 8):</p> <p>Proposals <b>for</b> land or buildings that support protected or important species will only be permitted where:</p> <p>i. the need for the development outweighs the nature conservation importance of the site <b>or species</b>, and in the case of European Protected</p>	As above, these comments relate to adopted policy and are therefore outside of the remit of this consultation.	The NPA is unable to make the recommended change at this time for the stated reasons.

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	<p><i>Species, the criteria for the derogation under the Habitats Regulations are met.</i></p> <p><i>ii. Positive measures are provided to contribute to the species and habitat conservation targets; and</i></p> <p><i>iii. The developer proves to the satisfaction of the NPA that <b>either</b>:</i></p> <p><i>a. the disturbance of the species and habitat in terms of the effect on species survival and reproductive potential or habitat function will be kept to a minimum; or</i></p> <p><i>b. alternative areas are provided to sustain at least the current levels of populations or size of habitat affected by the proposal.</i></p>		
NRW	<p><u>Green Infrastructure</u></p> <p>Whilst we welcome the SPG's acknowledgement of the importance of green infrastructure, in the interests of sustainable development we would advocate the inclusion of a policy that all developments include green infrastructure for purposes of biodiversity conservation, to facilitate species' dispersal through the built landscape and maintain their ability to respond to a changing climate. Such a policy should require identification of measures that will be taken to conserve and enhance the green infrastructure.</p> <p>We would question whether the principles set out in paragraph 3.4 should be encompassed in a Green Infrastructure policy.</p> <p>As the Green Infrastructure recommendations in this SPG are purely biodiversity focussed, we would ask whether a GI Strategy exists that</p>	<p>The comments are noted however NRW are advised that the suggestion of a new 'Green Infrastructure' Policy is beyond the remit of this consultation.</p> <p>Supplementary Planning Guidance aims to provide detail on the implementation of existing policy within the adopted LDP. It is not the purpose, neither is it appropriate for SPG to introduce entirely new policy distinct from the Development Plan.</p> <p>The NPA will consider these comments against the LDP monitoring data (ie the effectiveness of the current LDP policies) at time of LDP review to determine need for the recommended action.</p>	<p>The NPA is unable to make the recommended change at this time for the stated reasons.</p>

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	<p>incorporates other relevant aspects, such as landscape features, or aspects of historic/cultural importance. For example, is there guidance for replacement and new planting of street trees, orchards, hedgerows; management of public parks and historic features; (planting along) new footpaths and cycleways; new wetlands/ water features? If such guidance exists or is envisaged, we recommend that the two documents cross-reference to each other.</p>		
NRW	<p><u>Sections 4-8: Biodiversity in and around the BBNPA town centres</u></p> <p>With respect to paragraphs 4.4.1, 5.4.1, 6.4.1, 7.4.1 and 8.4.1, we recommend the following changes:</p> <p><i>'...many protected species are also included in the Section 42 list under the NERC Act because they have been identified as species of principal importance <b>for conserving biodiversity</b> in Wales. Habitat enhancement measures for these species <b>should</b> be incorporated into development proposals'</i></p>	<p>Comments noted.</p> <p>It is recommended that the proposed changes are made to the SPG. The changes will provide further clarity for readers as to the NERC Act purposes and duty.</p>	<p>Amendments shown in bold made to 4.4.1, 5.4.1, 6.4.1, 7.4.1 and 8.4.1 as follows  '<i>...many protected species are also included in the Section 42 list under the NERC Act because they have been identified as species of principal importance <b>for conserving biodiversity</b> in Wales. Habitat enhancement measures for these species <b>should</b> be incorporated into development proposals'</i></p> <p>Changes are made for the reasons stated</p>
NRW	<p>We also recommend the changes shown in bold below:</p> <p><i>2.1.3. There are a number of sites within the National Park which are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended) (<b>hereafter referred to as the Habitats Regulations</b>) and the Wildlife and Countryside Act 1981 (as amended). These include Special Areas of Conservation (<b>SAC</b>) and Sites of Special Scientific Interest (<b>SSSI</b>) respectively. The Wildlife and Countryside Act also places a duty on Local Authorities through the proper exercise of their functions to further the conservation and</i></p>	<p>It is recommended that some of the proposed changes are made to the SPG. The changes will provide further clarity for readers as to the precise meaning of the term 'Habitats Regulations'</p> <p>The requested changes to text within parenthesis is questioned. The document refers to plural sites and as such this must be made clear to readers. As such the change seems unnecessary.</p> <p>Amendments to section 2.1.6 are accepted in the interest of clarity to readers.</p>	<p>Amendments (shown in bold), made to 2.1.3 as follows</p> <p>2.1.3. There are a number of sites within the National Park which are afforded protection under the Conservation of Habitats and Species Regulations 2010 (as amended) (<b>also known as the Habitats Regulations</b>) and the Wildlife and Countryside Act 1981 (as amended). These include Special Areas of Conservation (SACs) and Sites of Special Scientific Interest (SSSIs) respectively. The Wildlife and Countryside Act also places a duty on Local Authorities through the proper exercise of their functions to further the conservation and enhancement of SSSIs</p> <p>Amendments (shown in bold) mad to para 2.1.6</p>

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	<p><i>enhancement of SSSIs.</i></p> <p>[This is to set the context of the reference to the Habitats Regulations in paragraph 2.1.4].</p> <p>2.1.6 ‘...Section 42 of the NERC Act lists the habitats and species of principal importance <b>for conserving biodiversity</b> in Wales...’</p>		<p>‘...Section 42 of the NERC Act lists the habitats and species of principal importance <b>for conserving biodiversity</b> in Wales...’</p>
<p>Cllr Paul Ashton</p>	<p>There is an area of woodland shown adjacent to Morrisons car park, these are gardens belonging to properties in Lion Street. True they have mature trees but it is not really woodland. Also the area of scrub along the footpath from Captains Walk to Llanfaes bridge, this is described as wetland but is only wet when the river floods, it is not usually boggy, which is what I think of wetland as being.</p>	<p>We thank Cllr Ashton for his comments. It was not the intention to include gardens in the Green Infrastructure Map of Brecon and this will be rectified. However it must be noted that the trees at this location do provide an important wildlife corridor in the centre of the town.</p> <p>In relation to Captain’s Walk we note your concerns, however we are confident that the area in question meets the definition of Wetland habitat as given below</p> <p>‘Wetlands have many distinguishing features, the most notable of which are the presence of standing water for some period during the growing season, unique soil conditions and organisms, especially vegetation, adapted to of tolerant of saturated soils’ (p.25 <i>Wetlands</i> Mitsch and Gosselink 2000)</p>	<p>Amendments to the Green Infrastructure Map for Brecon to remove private gardens.</p>
<p>Gwent Wildlife Trust</p>	<p>Gwent Wildlife Trust strongly supports the production of this SPG. We welcome measures to inform developers of local wildlife interest and promotion of habitat retention, restoration, and creation within new development. Consideration of biodiversity at the early stages of development planning is beneficial for</p>	<p>Support welcomed and noted. Comments relating to connectivity are noted and an additional principle to reflect this has been added to the existing section on Green Infrastructure (paras 3.4). The NPA is also seeking to review its current Biodiversity SPG for use with the LDP. It is</p>	<p>Amendment to paragraph 3.4 to highlight importance of ecological connectivity:</p> <ul style="list-style-type: none"> <li>• Schemes should seek to protect, enhance and/or create wildlife corridors and connectivity</li> </ul>

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	<p>developers, as potential constraints are identified, and also for wildlife, as there is less chance of inadvertent damage and greater opportunities for biodiversity gains.</p> <p>The only further information that could be added to this SPG would be greater emphasis on ecological connectivity. Protection and management of linear features and ecological stepping stones is an obligation of the Habitats Directive, and emphasised within PPW. Wildlife corridors (such as hedgerows and rivers and their banks) are in need of particular protecting and enhancement in urban environments as there are often no alternative routes for wildlife. Maintaining ecological connectivity is an important part of adaptation to climate change, and should be a guiding key principle for development.</p> <p>We would like to congratulate the LPA on taking a proactive approach to incorporating wildlife into new developments. We hope that developers will respond positively to this SPG through greater consideration of wildlife issues and new and creative approaches to delivering biodiversity gain.</p>	<p>envisioned that this would also be an appropriate vehicle for expanding guidance relating to ecological connectivity.</p>	
Coal Authority	No comments	Noted	No change necessary.
Naomi Law Agent	<p>I wondered why private garden land is included in the landscape audit? The area I noticed is on Brecon Audit map 1 and 2, and outlines part of the garden of 1 Cradoc Road and partly garden space belonging to Court Farm. It seems unreasonably restrictive to suggest that the information could be used to curtail/modify proposed development within those private gardens. I have noticed a few gardens in Talgarth and Crickhowell are also highlighted`.</p>	<p>Comments are noted.</p> <p>It is important to note that inclusion/exclusion of land within the plans highlighted here does not place any degree of restriction over development forms. The purpose of the guidance is to provide an understanding to potential developers of the existing biodiversity and how appropriate could benefits could be incorporated into</p>	<p>Revisions to biodiversity audit green infrastructure maps to remove private gardens.</p>

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		<p>any given scheme. The requirement for development to protect and enhance biodiversity is enshrined in National legislation as well as National and Local Planning Policy.</p> <p>However, that being said it would appear some data is anomalous. Although private gardens provide an important part of a town's green infrastructure, it is not the intention of this exercise to highlight such land and as such the plans will be revised.</p>	
Wildlife Trusts Wales	<p>Wildlife Trust Wales strongly supports the production of this SPG.</p> <p>It is self-evident that that development and enhancement of green infrastructure will assist in creating areas in which people want to live, work and visit.</p> <p>Green infrastructure is a planned network of green (and blue) spaces and corridors within, around and between towns, which can be designed, maintained, and improved to meet the needs of local communities, wildlife and the environment (e.g. nature reserves, woodland) and blue (e.g. rivers, lakes, brooks) sites and corridors of area wide significance (see attached Wildlife Trust and Town and Country Planning Association document).</p> <p>We welcome measures to inform developers of local wildlife interest and promotion of habitat retention, restoration, and creation within new development. Consideration of biodiversity at the early stages of development planning is beneficial for developers, as potential constraints are identified, and also for wildlife, as there is less chance of inadvertent damage and greater</p>	Comments noted and welcomed	No change necessary

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	opportunities for biodiversity gains (as per PPW, TAN 5).		
Wildlife Trusts Wales	The Wildlife Trusts operate a 'Biodiversity Benchmark' scheme which is the only award for business to recognise and reward continual Biodiversity improvement. The Biodiversity Benchmark provides a framework within which an organisation can ensure that its impact is as positive as it possibly can be by providing robust, independent verification of planning and implementation of land management practices. <a href="http://www.wildlifetrusts.org/biodiversitybenchmark">http://www.wildlifetrusts.org/biodiversitybenchmark</a> . Thus, we recommend that this scheme is highlighted as an example of how businesses can work with biodiversity.	Noted, reference to this scheme will be added to Section 9 "Further guidance and information"	Section 9 amended thus  The Wildlife Trusts operate a 'Biodiversity Benchmark' scheme, providing a framework for businesses to achieve continual biodiversity protection and enhancement. More information is available at: <a href="http://www.wildlifetrusts.org/biodiversitybenchmark">http://www.wildlifetrusts.org/biodiversitybenchmark</a>
Wildlife Trusts Wales	The only further information that could be added to this SPG would be greater emphasis on ecological connectivity. Protection and management of linear features and ecological stepping stones is an obligation of the Habitats Directive, and emphasised within PPW and Welsh Governments draft Nature Recovery Plan and developing Natural Resource Management Plan. Wildlife corridors (such as hedgerows and rivers and their banks) are in need of particular protection and enhancement in urban environments as there are often no alternative routes for wildlife. Maintaining ecological connectivity is an important part of adaptation to climate change, and should be a guiding key principle for development.	As previously stated, comments relating to connectivity are noted and an additional principle to reflect this has been added to the existing section on Green Infrastructure (paras 3.4). The NPA is also seeking to review its current Biodiversity SPG for use with the LDP. It is envisioned that this would also be an appropriate vehicle for expanding guidance relating to ecological connectivity.	Amendment to paragraph 3.4 to highlight importance of ecological connectivity:  Schemes should seek to protect, enhance and/or create wildlife corridors and connectivity
Wildlife Trusts Wales	We would like to congratulate the LPA on taking a proactive approach to incorporating wildlife into new developments. We hope that developers will respond positively to this SPG through greater consideration of wildlife issues	Comments noted and welcomed	No change necessary

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	and new and creative approaches to delivering biodiversity gain.		
Ian Rowat	At the NPA on Friday I asked if under Biodiversity Audit whether we could add an action on invasive species. We have many good outcomes from the Audit like protecting species and hedges but what about invasive scrub and bracken also an action about Himalayan Balsam.	<p>We note Mr Ian Rowat's comments, and agree that the biodiversity of the Town is impacted by the proliferation of invasive non-native species.</p> <p>As with the above section on connectivity, it is considered that this subject is best addressed in detail within amendments to the Biodiversity SPG, however in order to raise awareness of the issue with developers it is recommended that a section on INNS is added to the document.</p>	<p>Amendments (shown in bold), new section 3.7 as follows</p> <p><b>Invasive non-native species (INNS) are any non-native animals, plants or other organisms that have the ability to spread, causing damage to the environment, the economy, our health and the way we live. Examples of such species that may be found on or adjacent to development sites in the Brecon Beacons include Himalayan balsam, Japanese knotweed and giant hogweed. It is important for developers to understand the harm that these species can cause to our native flora and fauna and to ensure that appropriate action is taken to remove them from development sites.</b></p>
Agents Group	Although agent's support the positive measures in this SPG with regard to the protection of the environment, there is concern that aspects are over zealous and that the general public will be confused as to what requirements are expected of them. With particular reference to Policy 6 and 7 in the LDP, terms used in the policies may be confusing to those who are not well versed in biodiversity issues. Moreover, rigidly imposing in all circumstances the proposed criteria in the SPG is unacceptable. The degree of protection and enhancement of critical SPG expectations must be balanced. For example, when it comes to gardens, householders should not be penalised by schemes which conserve existing level of biodiversity but fail to enhance it. Robustly imposing this latter requirement will become financially onerous and probably will restrict any form of development.	<p>Comments are noted.</p> <p>Agents are reminded that the SPG intends to provide guidance to developers in regards to the implementation of existing development plan policies. Therefore it is important to note that Policies 6 and 7 of the LDP will be applied where appropriate by the NPA irrespective as to the contents of the SPG.</p> <p>The guidance is intended to aid developers in meeting their requirements under all relevant legislative and Policy requirements, it is not intended to unduly penalise any would-be developers.</p> <p>As always the NPA will be robust but flexible in the application of policy; however</p>	No change necessary at this point in time.

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	<p>Consequently this vision needs to be re-written to provide a more positive message to residents of the Park and 'would be developers'.</p>	<p>we must stress that there is a duty placed on the Authority under the NERC Act to seek to preserve and enhance biodiversity where appropriate.</p> <p>As such, it is felt that the vision of the SPG is appropriate.</p>	