

**Brecon Beacons National Park Authority**

**Local Development Plan**

**BIODIVERSITY and DEVELOPMENT**

**Supplementary Planning Guidance**

**SEPTEMBER 2016**

**SP3 Environmental Protection**

**Policy 3 Sites of European Importance**

**Policy 4 Sites of National Importance**

**Policy 5 Sites of Importance for Nature Conservation**

**Policy 6 Biodiversity and Development**

**Policy 7 Protected and Important Wild Species**

**Policy 9 Ancient Woodland and Veteran Trees**



## **Table of Contents**

1.	Introduction .....	4
2.	Legislation and Policy Context .....	5
2.1.	Introduction .....	5
2.2.	Wildlife Legislation .....	5
2.3.	National Policy.....	6
2.4.	Local Policy.....	7
3.	Designated sites and important habitats .....	8
3.1.	Introduction .....	8
3.2.	European designated sites .....	9
3.3.	Nationally designated sites .....	9
3.4.	Locally designated sites .....	10
3.5.	Important habitats .....	10
3.6.	Summary of designations .....	11
4.	Protected and important species.....	12
4.1.	Introduction .....	12
4.2.	European protected species (EPS).....	12
4.3.	Nationally protected species .....	13
4.4.	Important species .....	13
4.5.	Summary of designations .....	14
5.	Invasive Non-native Species (INNS).....	14
6.	Environmental Impact Assessments (EIA) .....	15
6.1.	Introduction .....	15
6.2.	Screening for EIA .....	15
6.3.	Scoping the EIA .....	15
7.	Habitats Regulations Assessments (HRA) .....	16
7.1.	Introduction .....	16
7.2.	Screening or Test of Likely Significant Effects.....	16
7.3.	Appropriate Assessment.....	16
7.4.	SACs in the National Park.....	16
8.	Biodiversity and Geodiversity in the Development Management process .....	18
8.1.	General principles.....	18
8.2.	Adequate information.....	18
8.3.	Avoidance of harm .....	19
8.4.	Mitigation to minimise unavoidable harm .....	19
8.5.	Compensation to offset residual harm.....	19
8.6.	New benefits (enhancements).....	20
8.7.	Monitoring.....	20
8.8.	Long-term management .....	21
8.9.	Geodiversity impacts .....	21
8.10.	Additional guidance .....	21
8.11.	After planning permission is granted. . . ..	21
9.	Biodiversity Surveys .....	23
9.1.	When is a survey required?.....	23
9.2.	Who can do a survey? .....	25
9.3.	How do I find an ecological consultant?.....	25
9.4.	What kind of survey is required?.....	25
9.5.	When can a survey be done?.....	26
9.6.	What should an ecological report contain?.....	27
10.	Summary and key messages .....	28
	Appendix 1: Contacts.....	29
	Essential contact details.....	29
	Additional useful contacts.....	29
	Appendix 2: References and additional sources of information.....	31

<i>Appendix 3: Local Development Plan Policies</i> .....	33
<i>Appendix 4: Glossary</i> .....	37
<i>Appendix 5: Special Areas of Conservation (SACs) in the Brecon Beacons National Park</i> .....	39
<i>Appendix 6: Priority habitats and species in the National Park</i> .....	39

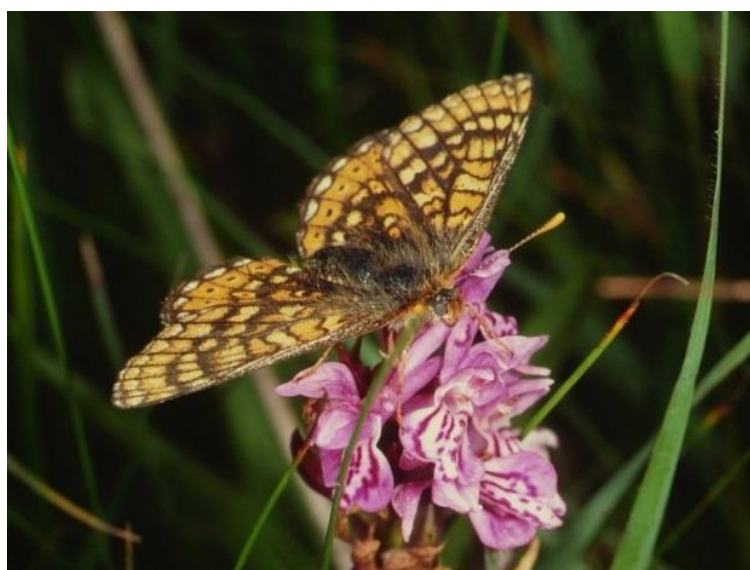
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## **I. Introduction**

I.1.1. The Brecon Beacons National Park Authority (BBNPA) has a responsibility to protect, conserve and enhance wildlife and the natural environment when considering development proposals. Vulnerable species, habitats and geology can be adversely affected as a result of development and it is essential to consider the potential impacts of proposals upon the ecology at development sites. If there is potential for any adverse impacts, mitigation or compensation measures will need to be incorporated.

I.1.2. The purpose of this guidance is therefore to ensure that biodiversity and geodiversity issues are fully considered as well as protected and enhanced through the Development Management process. The guidance highlights relevant nature conservation legislation and explains the relevant policies in the Local Development Plan. There is also guidance on ecological surveys and the information required in support of planning applications where there are wildlife and/or geodiversity issues. Accordingly, the document includes information on the following key themes:

- Relevant nature conservation legislation
- Local Development Plan policies on wildlife and geodiversity conservation
- Environmental Impact Assessment (EIA)
- Habitats Regulations Assessment (HRA) and Appropriate Assessment (AA)
- Biodiversity and geodiversity protection measures in the Development Management Process
- Opportunities for biodiversity enhancement
- Ecological surveys and reports
- Key messages for safeguarding our natural resources
- Additional sources of information and guidance



Marsh fritillary

- 1.1.3. This guidance should be read in conjunction with the Biodiversity in the Towns of the Brecon Beacons National Park Supplementary Planning Guidance (March 2015).
- 1.1.4. This document is being presented for public consultation. It is intended that following consultation, the guidance will be adopted by the National Park Authority for use as Supplementary Planning Guidance and be material in the determination of planning applications.

## 2. Legislation and Policy Context

### 2.1. Introduction

- 2.1.1. Biodiversity and geodiversity are afforded a range of protection under European, UK and Wales' legislation. The level of protection afforded to species, habitats and sites varies, but it is a material consideration at all stages of the planning and development process.

### 2.2. Wildlife Legislation

- 2.2.1. The Environment Act 1995 states that the first Statutory Purpose of National Parks is to conserve and enhance the natural beauty, wildlife and cultural heritage of the National Park. In addition to this, the Environment (Wales) Act 2016 sets out a 'Biodiversity duty' for all Local Authorities (including National Park Authorities) in Wales, stating that:

*Every public Authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*

- 2.2.2. The Conservation of Habitats & Species Regulations 2010 (as amended) (also known as the Habitats Regulations) and the Wildlife and Countryside Act 1981 (as amended) afford protection to a number of sites within the National Park. The sites include Special Areas of Conservation (SACs), Sites of Special Scientific Interest (SSSIs) and National Nature Reserves (NNRs). The Wildlife and Countryside Act 1981 (as amended) also places a duty on Local Authorities [through the proper exercise of their functions] to further the conservation and enhancement of SSSIs.

- 2.2.3. In addition to specific sites, certain species of wildlife are also afforded specific protection. European protected species are listed in Schedules 2 and 5 of the Conservation of Habitats & Species Regulations 2010 (as amended); species which are protected by UK law are listed in the Wildlife and Countryside Act 1981 (as amended). Developers should make sure they understand and comply with this legislation, including that afforded to wild birds and their habitats. The Wildlife and Countryside Act also prevents destruction of or disturbance to nesting birds, their nests, eggs and young; it is advisable to avoid works to vegetation during the nesting season, generally taken to be March through to August inclusive.

- 2.2.4. The Environment (Wales) Act 2016 complements the Well-being of Future Generations (Wales) Act 2015 to plan for the protection and management of Wales' natural resources in a more sustainable way. The conservation and enhancement of biodiversity is a key element of sustainable development and Section 6 of the Environment (Wales) Act 2016

[which replaced the biodiversity duty under Section 40 of the Natural Environment and Rural Communities Act 2006] states:

*A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.*

2.2.5. The Hedgerow Regulations 1997 afford protection to most countryside hedgerows. Anyone wishing to remove a hedgerow should first notify the Brecon Beacons National Park Authority in writing of their intention to do so; the Authority will then assess whether the hedgerow is important or not under defined criteria and decide whether the hedgerow may be removed or should be retained. The Authority will also consider these criteria when assessing planning applications that may affect hedgerows. Where hedgerows have been removed in contravention of the Regulations, Local Authorities can require landowners to plant a replacement hedgerow. Please note that the Hedgerow Regulations do not generally afford protection to existing garden hedgerows; planning conditions may be imposed to protect hedgerows on new development sites.

2.2.6. The primary purpose of the Protection of Badgers Act 1992 is to prevent cruelty to badgers. It is illegal to willfully kill or injure badgers, to damage or destroy their setts or to disturb badgers when they are in their setts.

### **2.3. National Policy**

2.3.1. 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. National policy must be taken into consideration in the formation of local policy and is material to decisions on individual planning applications and will be taken into account by the Welsh Ministers and Planning Inspectors in the determination of called-in planning applications and appeals.

2.3.2. Chapter 5 of PPW relates to the conservation and improvement of Wales' Natural Heritage. It sets out the Welsh Government's objectives for the conservation and improvement of Wales' Natural Heritage to:

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

2.3.3. Section 5.2.8 of PPW states

*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. It sets out that local planning authorities must address biodiversity issues, insofar as they relate to land use planning in*

*both development plans and development management decisions. Local planning authorities should consider how they might accommodate a response to climate change as part of their overall approach towards meeting biodiversity objectives. 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.*

2.3.4. This position is supplemented by Technical Advice Note 5 Nature Conservation and Planning (TAN 5) (2009) which sets out detailed information on Nature Conservation in Development Control Procedures, including on the information necessary to be submitted in support of a planning application. In addition to guidance on designated sites and protected species covered by the above legislation, it also recognises the importance of the role of Local Sites (Sites of Importance for Nature Conservation and Regionally Important Geodiversity Sites) in delivering biodiversity targets and contributing to the well-being of communities.

2.3.5. The UK Biodiversity Action Plan (UKBAP) includes objectives to conserve and, where practicable, enhance:

- The quality and range of wildlife habitats and ecosystems;
- The overall populations and natural ranges of native species;
- Internationally important and threatened species, habits and ecosystems;
- Species, habitats and natural and managed ecosystems characteristic of local areas; and
- Biodiversity of natural and semi-natural habits where this has been diminished over recent decades.

2.3.6. The Wales Biodiversity Partnership promotes the conservation and enhancement of wildlife in Wales. It publishes the lists of habitats and species that are of principal importance in Wales as identified by the Welsh Government; this is required under Section 7 of the Environment (Wales) Act 2016.

2.3.7. The Nature Recovery Plan for Wales is a live document and its ambition is to 'reverse the decline in biodiversity for its intrinsic value, and to ensure lasting benefits to society'. It links to and complements The Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016, and sets out how current and proposed action will contribute to reversing the loss of biodiversity in Wales.

## **2.4. Local Policy**

2.4.1. The development plan for the area is the Local Development Plan (LDP) which was adopted by resolution of the National Park Authority in December 2013. This document forms the policy context against which all development management decisions are made within the National Park area. This also links to the Themes and Objectives identified in the Management Plan for the Brecon Beacons National Park 2015-2020.

2.4.2. A key objective of the LDP is to conserve and enhance the rich and complex biodiversity of the Park. This objective is implemented by the following policies:-

- SP3 Environmental Protection
- Policy 3 Sites of European Importance
- Policy 4 Sites of National Importance
- Policy 5 Sites of Importance for Nature Conservation
- Policy 6 Biodiversity and Development
- Policy 7 Protected and Important Wild Species
- Policy 9 Ancient Woodland and Veteran Trees

2.4.3. There are a number of other policies in the LDP that can have implications for wildlife:

- Policy 8 Trees and Development
- Policy 10 Water quality
- Policy 12 Light Pollution
- Policy 14 Air Quality

2.4.4. Of particular relevance within the context of this guidance note are Strategic Policy SP3 and Policies 3, 4, 5, 6, 7 and 9. These policies are set out in full in Appendix 3 and the Local Development Plan contains an explanation for each policy. The policies are also referred to in the following chapters where relevant.

2.4.5. The Brecon Beacons National Park Authority has produced a Local Biodiversity Action Plan for the area (LBAP) in 2001. This document sets out the species and habitats for priority conservation within the National Park area; it is an evolving document and is currently under review. The current list of habitats and species identified as being of principal importance in Wales that are found in the Brecon Beacons National Park is found in Appendix 6.

### **3. Designated sites and important habitats**

#### **3.1. Introduction**

3.1.1. Designated sites are those that are protected under UK law. The Brecon Beacons National Park is one such designation but smaller areas within the National Park can have one or more [further] designations, designed to protect special geology or wildlife. More information on Wales' statutorily protected sites is available from Natural Resources Wales.

3.1.2. Protected (or designated) sites within the Brecon Beacons National Park include:

- Special Areas of Conservation (SACs)
- Sites of Special Scientific Interest (SSSIs)
- National Nature Reserves (NNRs)
- Sites of Importance for Nature Conservation (SINCs) and Local Wildlife Sites (LWSs)



- Regionally Important Geodiversity Sites (RIGS)

3.1.3. Important (or priority) habitats are those identified by the Welsh Government as being of principal importance for the conservation of biodiversity. They are listed under Section 7 of the Environment (Wales) Act 2016.

### **3.2. European designated sites**

3.2.1. There are 11 Special Areas of Conservation (SACs) in the Brecon Beacons National Park. These are part of a network of sites across Europe known as Natura 2000 sites, which are considered to be of outstanding international significance and therefore of importance to the maintenance of biodiversity in Europe. A list of the SACs in the National Park is found in Appendix 5.

3.2.2. LDP Policy 3 ensures that development proposals must not adversely affect the conservation objectives or integrity of these designated sites. The Joint Nature Conservation Committee (JNCC) publishes details of the process of SAC selection and designation as well as a full list of sites and associated designation documentation. Please see Appendix I for details of how to contact the JNCC or NRW to obtain this information.

3.2.3. There is also further information in Section 7 on how impacts on these sites are considered during the planning process.



River Usk near Talybont

### **3.3. Nationally designated sites**

3.3.1. Sites of Special Scientific Interest (SSSIs) are designated by Natural Resources Wales as being the best examples of rare or characteristic habitats, sites for certain species or for

their geodiversity interest. In total, this designation covers approximately 27% of the land area of the National Park.

- 3.3.2. Some SSSIs have also been designated as National Nature Reserves (NNRs), where the land is being managed as a nature reserve and there are opportunities for research regarding the plants, animals or geodiversity found there.
- 3.3.3. Policy 4 of the LDP states that developers must demonstrate that there will be no unacceptable impacts on these sites. Where it is believed the need and reasons for the development outweigh the nature conservation interests, it must also be demonstrated to the satisfaction of Brecon Beacons National Park (in conjunction with Natural Resources Wales as statutory conservation advisor) that there are no alternative ways of delivering the development. Where appropriate, mitigation and compensation measures will also need to be provided as agreed with Brecon Beacons National Park (in conjunction with Natural Resources Wales). If appropriate mitigation and compensation cannot be agreed, then Brecon Beacons National Park Authority will refuse permission.
- 3.3.4. There is also a duty on Local Planning Authorities to further the conservation and enhancement of SSSIs through the planning process. Developments near to SSSIs may be required to provide enhancement measures for the designated features of the SSSI where appropriate.

### **3.4. Locally designated sites**

- 3.4.1. The Brecon Beacons National Park Authority has designated a number of areas as Sites of Importance for Nature Conservation (SINCs). Those SINCs that are in positive management for their nature conservation interests are also designated as Local Wildlife Sites (LWSs). Local Planning Authorities also have powers to designate Local Nature Reserves where there are nature conservation interests with opportunities for education and community engagement.
- 3.4.2. The British Geological Survey undertook a study of the landscape and geology of the South East Wales region between 2008 and 2012 and established a suite of sites to be designated as Regionally Important Geodiversity Sites (RIGS). They are recognised as being the most important places for Earth Science conservation outside statutorily protected sites such as SSSIs.
- 3.4.3. The LDP recognises the contribution these non-statutorily designated sites and their habitats and geology make to re-inforce statutory sites. Accordingly, Policy 5 makes provision for the protection of these sites unless the need for the development outweighs the nature conservation importance and appropriate mitigation and compensation measures are secured.

### **3.5. Important habitats**

- 3.5.1. There is a list of habitats that have been identified as being of principal importance for the conservation of biodiversity in Wales; this is known as the Section 7 List under the Environment (Wales) Act 2016. The full lists can be viewed on the Wales Biodiversity Partnership's website. A list of the important (or priority) habitats found in the Brecon Beacons National Park is found at Appendix 6.

3.5.2. The Ancient Woodland Inventory identifies woodlands that have had continuous woodland cover for some centuries. Studies have shown that these woodlands are typically more ecologically diverse and of a higher nature conservation value than those woodlands that have developed more recently or those where woodland cover on the site has been intermittent. Ancient Woodlands are often also culturally important. LDP Policy 9 seeks to safeguard Ancient Woodland sites, to prevent their loss and to secure appropriate mitigation, compensation and enhancement measures within development proposals.

### 3.6. Summary of designations

3.6.1. The following table provides a summary of the hierarchy of protected sites and priority habitats within the Brecon Beacons National Park.

SITES AND HABITATS			
Level of protection	Designation	Examples in the BBNP	Relevant legislation, policy and guidance
Legislation implementing European Directives	Special Areas of Conservation (SACs)	<ul style="list-style-type: none"> <li>• River Usk</li> <li>• Llangorse Lake</li> <li>• Coedydd Nedd a Melte</li> </ul>	<ul style="list-style-type: none"> <li>• Conservation of Habitats &amp; Species Regulations 2010 (as amended)</li> </ul>
National legislation	Sites of Special Scientific Interest (SSSIs)	<ul style="list-style-type: none"> <li>• Blorenge</li> <li>• Illtyd Pools</li> <li>• Mynydd Du (Black Mountain)</li> </ul>	<ul style="list-style-type: none"> <li>• Wildlife &amp; Countryside Act 1981 (as amended)</li> <li>• Countryside &amp; Rights of Way Act 2000</li> <li>• Environment (Wales) Act 2016</li> <li>• Planning Policy Wales (2016)</li> <li>• Technical Advice Note 5 (2009)</li> </ul>
	National Nature Reserves (NNRs)	<ul style="list-style-type: none"> <li>• Cwm Clydach</li> <li>• Dan-yr-Ogof</li> <li>• Craig Cerrig-Gleisiad a Fan Frynych</li> </ul>	
National and local policy and guidance	<ul style="list-style-type: none"> <li>• UK Biodiversity Action Plan Priority Habitats</li> <li>• BBNP LBAP Priority Habitats</li> <li>• Sites of Importance for Nature Conservation</li> <li>• Local Wildlife Sites</li> <li>• Local Nature Reserves</li> <li>• Ancient Woodland</li> </ul>	<ul style="list-style-type: none"> <li>• Ponds</li> <li>• Lowland meadows</li> <li>• Wood pasture &amp; Parkland</li> <li>• Hedgerows</li> <li>• Upland oak woodland</li> <li>• Traditional orchards</li> </ul>	<ul style="list-style-type: none"> <li>• Planning Policy Wales (2016)</li> <li>• Technical Advice Note 5 (2009)</li> <li>• UK Biodiversity Action Plan</li> <li>• BBNP Local Biodiversity Action Plan</li> <li>• Local Development Plan</li> <li>• Environment (Wales) Act 2016</li> </ul>

## 4. Protected and important species

### 4.1. Introduction

4.1.1. The presence of protected or priority (important) species on a proposed development site is a material consideration in the planning process. Sufficient information must be presented with planning applications to identify the species present and the extent to which they may be affected by the development proposals.

4.1.2. Technical Advice Note 5 states that:

*It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted.*

4.1.3. It is therefore not possible to impose planning conditions for the results of survey work to be submitted at a later time.

4.1.4. Where protected or priority species are present, LDP Policy 7 requires that appropriate mitigation and compensation measures are provided as well as positive measures to contribute to species and habitat conservation targets.



Hazel dormouse

### 4.2. European protected species (EPS)

4.2.1. A number of species are afforded protection under the Conservation of Habitats & Species Regulations 2010 (as amended). The species most commonly encountered on development sites within the National Park are bats, but otter, dormice and great crested newts may also be present. The resting places (habitats) of these species are also protected.

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

4.2.3. Where development proposals will affect European Protected Species, a Derogation License may also be required to be obtained from Natural Resources Wales before the development can be implemented.

### **4.3. Nationally protected species**

4.3.1. The Wildlife and Countryside Act 1981 (as amended) provides different levels of protection for a number of nationally important species. Species such as water vole, barn owl and kingfisher are afforded absolute protection; other species such as slow-worms are protected from killing and injury. The Act includes Schedules with lists of those species which receive special protection in the UK - in Schedule 1 (birds), Schedule 5 (animals) and Schedule 8 (plants).

### **4.4. Important species**

4.4.1. There is a list of species that have been identified as being of principal importance for the conservation of biodiversity in Wales; this is known as Section 7 List under the Environment (Wales) Act 2016. The full lists [for Wales] can be viewed on the Wales Biodiversity Partnership's website. The list of important (priority) species in the National Park is currently under review and will be published as soon as it is available.



White-clawed crayfish

#### 4.5. Summary of designations

4.5.1. The following table provides a summary of the hierarchy of protected and priority species within the Brecon Beacons National Park.

<b>SPECIES</b>			
<b>Legislation, policy and guidance</b>	<b>Designation</b>	<b>Examples in the BBNP</b>	<b>Relevant legislation, policy and guidance</b>
<b>Legislation implementing European Directives</b>	<b>European Protected Species</b>	<ul style="list-style-type: none"> <li>• <b>All bats</b></li> <li>• <b>Otter</b></li> <li>• <b>Dormouse</b></li> <li>• <b>Great crested newt</b></li> <li>• <b>Habitats for wild birds</b></li> </ul>	<ul style="list-style-type: none"> <li>• Conservation of Habitats &amp; Species Regulations 2010 (as amended)</li> </ul>
<b>National legislation</b>	<b>Nationally Protected Species</b>	<ul style="list-style-type: none"> <li>• <b>Barn Owl</b></li> <li>• <b>Kingfisher</b></li> <li>• <b>Water vole</b></li> <li>• <b>Slow worm</b></li> <li>• <b>Bluebell</b></li> </ul>	<ul style="list-style-type: none"> <li>• Wildlife &amp; Countryside Act 1981 (as amended)</li> <li>• Countryside &amp; Rights of Way Act 2000</li> <li>• Environment (Wales) Act 2016</li> </ul>
		<b>Nesting birds, their nests, eggs and young</b>	<ul style="list-style-type: none"> <li>• Wildlife &amp; Countryside Act 1981 (as amended)</li> </ul>
<b>National and local policy and guidance</b>	<b>Local Biodiversity Action Plan Important (Priority) Species</b>	<ul style="list-style-type: none"> <li>• <b>Curlew</b></li> <li>• <b>Brown hare</b></li> <li>• <b>Red wood-ant</b></li> <li>• <b>Twaite shad</b></li> <li>• <b>Hedgehog</b></li> <li>• <b>Pink meadow cap</b></li> <li>• <b>Common toad</b></li> </ul>	<ul style="list-style-type: none"> <li>• Environment (Wales) Act 2016</li> <li>• Planning Policy Wales (2016)</li> <li>• Technical Advice Note 5 (2009)</li> <li>• UK Biodiversity Action Plan</li> <li>• BBNP Local Biodiversity Action Plan</li> <li>• Local Development Plan (2013)</li> </ul>

## 5. Invasive Non-native Species (INNS)

5.1.1. There are over 100 non-native invasive species in Wales. The control and disposal of these are covered by the Wildlife & Countryside Act 1981 (as amended) and the Environment Protection Act 1990. Developers and landowners should be aware of their responsibilities under these pieces of legislation and in addition take reasonable care to prevent the introduction and spread of other non-native invasive species.

5.1.2. Some of the species that are more-commonly encountered in the National Park include mink and grey squirrel as well as Himalayan balsam, Japanese knotweed and New Zealand pigmyweed. The GB Non-native Species Secretariat has guidance on biosecurity and reducing the risk of introducing or causing the spread of such species in the wild.

## **6. Environmental Impact Assessments (EIA)**

### **6.1. Introduction**

- 6.1.1. Environmental Impact Assessment (EIA) is the process used to identify and assess the environmental effects of a proposed development as required under The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016. Nature conservation interests and features that could be affected should be identified at an early stage and fully investigated.
- 6.1.2. Projects are listed on two schedules within the legislation— Schedule 1 includes large development such as airports and works. Other development types are listed on Schedule 2 that only require EIA if the proposal is likely to have significant environmental effects. The BBNPA must screen all Schedule 2 developments for likely significant effects on the environment, including impacts on nature conservation interests.
- 6.1.3. 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 responsibility for carrying out the Environmental Impact Assessment and compiling the Environmental Statement lies with the developer.

### **6.2. Screening for EIA**

- 6.2.1. 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 Environmental Impact Assessment – 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.

### **6.3. Scoping the EIA**

- 6.3.1. When the need for an Environmental Impact Assessment has been established, the BBNPA will provide guidance on the scope of the assessment and what will need to be included in the Environmental Statement that will need to be submitted in support of the development proposals. This is called a “scoping opinion”. An application for a scoping opinion can be carried out simultaneously with the screening opinion.
- 6.3.2. Developers and authorities should discuss the scope of an environmental statement before its preparation is begun. Statutory consultees would be consulted at this stage. The formal requirements as to the content of environmental statements are set out in Part 4 of the legislation.

## **7. Habitats Regulations Assessments (HRA)**

### **7.1. Introduction**

7.1.1. Regulation 61 of the Conservation of Habitats & Species Regulations 2010 (as amended) requires Competent Authorities to consider the impacts of projects or plans on Natura 2000 sites; these include sites such as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). The Brecon Beacons National Park Authority is such a “competent authority” during the consideration of planning applications. As mentioned previously, there are 10 SACs in the Brecon Beacons National Park.

### **7.2. Screening or Test of Likely Significant Effects**

7.2.1. Development proposals that are on or near Special Areas of Conservation (SAC) must be subject to a Test of Likely Significant Effects (TLSE) on the SAC. This test applies to impacts on the designated features of the SAC from the proposed works, either alone or in combination with other plans and projects.

### **7.3. Appropriate Assessment**

7.3.1. Where the outcome of the test is that there will be likely significant effects on the SAC or the effects are uncertain, the BBNPA must then undertake an Appropriate Assessment of the project (development proposal) to assess any adverse effects of the proposals on the integrity of the site (SAC). The BBNPA must consult Natural Resources Wales (NRW) for advice on the scope of this assessment, including asking for information about the Conservation Objectives for the SAC. The BBNPA must also seek the views of NRW regarding the findings of the assessment as well as confirmation from NRW that they are in agreement with these findings.

### **7.4. SACs in the National Park**

7.4.1. The most commonly encountered SACs in relation to development proposals in the National Park are the River Usk SAC, the River Wye SAC and the Usk Bat Sites SAC.

7.4.2. The Rivers Usk and Wye are designated as SACs primarily because of their riparian habitat features and the presence of otters and resident and migratory fish. Key considerations for developers include:

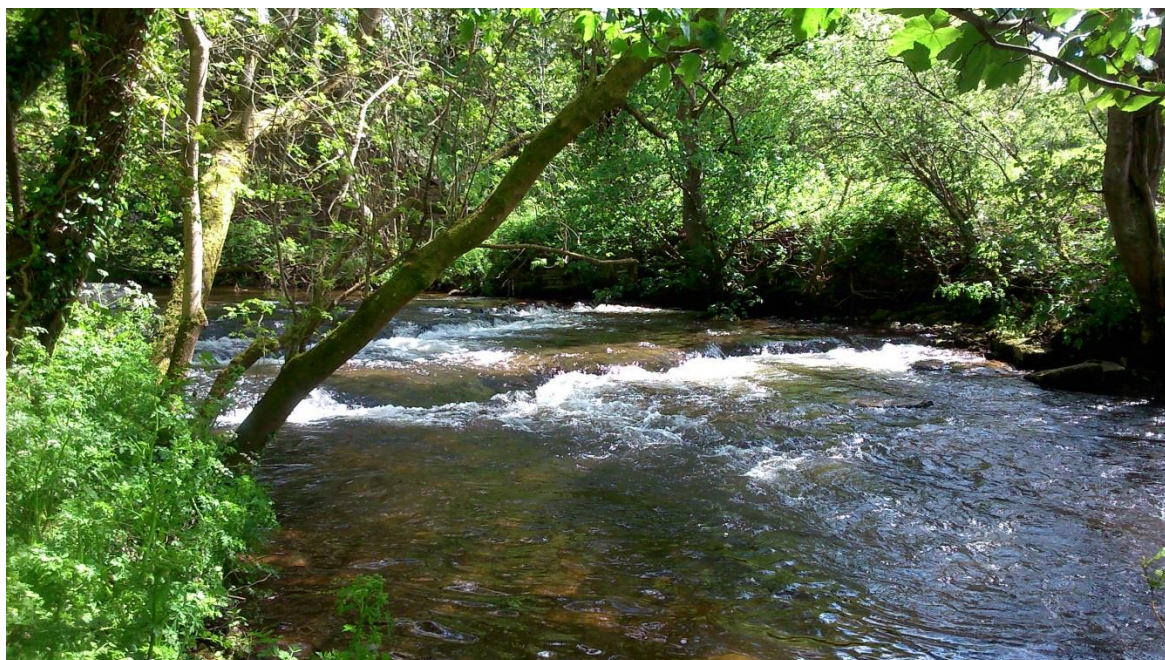
- Ensuring that development proposals do not adversely impact on water quality and quantity during the construction and/or operation of the development.
- Restricting working hours where any works may disturb otters and implementation of mitigation measures such as installation of otter holts/appropriate planting. Otter surveys may be required as well as lighting assessments and strategies.
- Seasonal timing restrictions may be placed on piling works or any other activities which cause noise or vibrations or barriers to movement during the fish migration seasons



7.4.3. The Usk Bat Sites SAC is primarily designated for the presence of lesser horseshoe bats; the sites are spread through the eastern part of the Usk valley and include summer maternity roosts and winter hibernation sites as well as woodland foraging habitats. Where lesser horseshoe bats are found to be present on development sites in the eastern Usk valley, further consideration of impacts on the designated sites will be required in addition to usual mitigation measures.

7.4.4. More information on the Special Areas of Conservation and their designated features is available from the Joint Nature Conservation Committee and Natural Resources Wales. Please see Appendix I for how to contact them.

7.4.5. In the event that a proposed development is shown to have potential Adverse Effects on the Integrity of the designated Site, and there is no alternative for the proposal, the developer will need to demonstrate Imperative Reasons of Over-riding Public Interest (IROPI) for the development to proceed. A detailed mitigation and compensation strategy will also need to be forthcoming that can be secured through Planning Conditions and/or a Section 106 Agreement.



River Usk, Sennybridge

## **8. Biodiversity and Geodiversity in the Development Management process**

### **8.1. General principles**

- 8.1.1. Planning officers and Members of the Planning and Rights Of Way (PAROW) Committee must consider a range of factors and issues when determining planning applications. LDP Policies SP3 and 6 cover the broad consideration of biodiversity interests on development sites. Developers must demonstrate that there will be no unacceptable harm to important habitats and species in the National Park. Where potential harm is identified, they must also make provision for further creation, positive management and enhancement of these habitats as well as appropriate compensatory measures. Ecological connectivity is of particular concern and developers should seek to retain and enhance linear features such as hedgerows.
- 8.1.2. The Brecon Beacons National Park Authority applies a systematic, five-point approach to ensure that biodiversity and geodiversity are fully considered during the determination process.

**A five-point approach to planning decisions for biodiversity:**

- 1. Adequate information**
- 2. Avoidance of harm**
- 3. Mitigation to minimise unavoidable harm**
- 4. Compensation to offset residual harm**
- 5. New benefits (enhancements)**

### **8.2. Adequate information**

- 8.2.1. It is essential to establish whether there is sufficient information regarding the site's biodiversity as well as the potential effects of the development on biodiversity and geodiversity on and off the site. To provide adequate information, applicants can:
- Consider the site's biodiversity and geodiversity interests including the presence or absence of protected species. A detailed ecological survey may be needed.
  - Consider linkages with habitats and features adjacent to the site.
  - Contact the Biodiversity Information Service for Powys and the Brecon Beacons National Park (BIS) for any available habitat and species data that may inform the need for further information and survey.
  - Commission an ecological survey where necessary.
  - Assess the impacts of the development in the context of the survey information.

### **8.3. Avoidance of harm**

8.3.1. When designing a development, the aim should be to avoid harm and to retain existing wildlife on site where possible by:

- Avoiding adverse impacts on designated sites and protected species.
- Avoiding adverse impacts to priority habitats and species as listed under Section 7 of the Environment (Wales) Act 2016.
- Retaining existing habitats and species in the site layout and design.
- Providing a landscaping scheme to show this where necessary.
- Avoiding the isolation of existing habitats and species by providing wildlife corridors and “stepping stones” to link to adjacent wildlife features.
- Avoiding work to hedgerows, other vegetation or other features that may have nests during the bird nesting season (March to August inclusive) and avoiding disturbance to other protected species during sensitive time periods.
- Considering the impacts of external lighting and providing an appropriate lighting strategy.

### **8.4. Mitigation to minimise unavoidable harm**

8.4.1. Where adverse effects are unavoidable, appropriate mitigation measures should be secured. It should be ensured that:

- Works are carried out at an appropriate time of year to avoid disturbance.
- Buffer zones are provided to wildlife features, for example to protect trees and water courses etc.
- Any necessary licenses are obtained from other relevant bodies, for example Natural Resources Wales and Lead Local Flood Authorities.
- Checks for bird nests and any other protected species that may be present are undertaken prior to vegetation clearance works commencing.
- Alternative bat roosts are provided where appropriate and necessary.

### **8.5. Compensation to offset residual harm**

8.5.1. Where adverse effects cannot be adequately mitigated, actions may be required to compensate for these effects. It should be ensured that:

- The compensatory measures provide a relationship between what is being lost and what is now offered in terms of the quality and quantity of the features.
- There is no net loss of biodiversity.
- The measures are feasible and likely to deliver success.
- There is provision for long-term management where necessary in order to ensure success. For larger developments, a Management Plan is likely to be required.

## **8.6. New benefits (enhancements)**

8.6.1. The Environment (Wales) Act 2016 requires Local Authorities to maintain and enhance biodiversity; the Brecon Beacons National Park Authority will require most applicants to include measures to enhance biodiversity as part of their development proposals.

8.6.2. Opportunities to restore or create habitats will be encouraged. It should be ensured that the enhancement measures:

- Are appropriate to the site and location.
- Are targeted to achieve the most gains for wildlife.
- Are feasible and likely to deliver success.
- Make provision for long-term management where necessary in order to ensure success. For larger developments, a Management Plan is likely to be required.
- Are also included in landscaping schemes and sustainable drainage systems (SuDS) where possible.
- Incorporate community aspirations and participation on larger development sites.

8.6.3. Applicants and developers should also refer to the Biodiversity in the Towns of the Brecon Beacons National Park Supplementary Planning Guidance available on the Authority's website.

## **8.7. Monitoring**

8.7.1. For larger developments and those that affect European Protected Species, applicants may also be required to provide a monitoring strategy and a mechanism for remediation measures in the event that it becomes apparent that mitigation, compensation and enhancement measures are not working; this will also be required by NRW as part of a European Protected Species (development) licence.



Otter

## **8.8. Long-term management**

8.8.1. Where appropriate, Policy 6 of the LDP requires that developers make full provision for the future management of the site's habitats and nature conservation features. Planning conditions may be imposed to secure the submission and implementation of Habitat Management Plans.

## **8.9. Geodiversity impacts**

8.9.1. Geodiversity impacts are less commonly encountered on development sites. Nevertheless, where it has been identified that their geodiversity features may be affected, developments on Sites of Special Scientific Interest (SSSIs) that have been designated for their geodiversity interest or on Regionally Important Geodiversity Sites (RIGS) must be accompanied by an assessment of the impacts and an appropriate mitigation strategy.

## **8.10. Additional guidance**

8.10.1. The Biodiversity in the Towns of the Brecon Beacons National Park Supplementary Planning Guidance provides further information on opportunities for biodiversity enhancement and how they can be accommodated in development proposals.

8.10.2. The British Standard BS 42020:2013 Biodiversity – Code of practice for planning and development provides guidance on addressing ecological issues in the planning process and the standards that should be adopted. The Brecon Beacons National Park Authority supports the principles and standards contained within this document.

8.10.3. The Town and Country Planning Association has also produced a useful document on how to maximise opportunities for biodiversity within development entitled Biodiversity by Design – A guide for sustainable communities.

## **8.11. After planning permission is granted...**

8.11.1. Planning permissions are often conditional i.e. they are subject to planning conditions that may require the submission of additional information or the implementation of plans, method statements and mitigation strategies. There is now a charge for the discharge of planning conditions and it is therefore advisable to submit as much information as possible with a planning application.

8.11.2. When planning permission is granted on sites where European Protected Species are present and affected by the proposals, it is likely that a Derogation License from Natural Resources Wales will be required. NRW will recommend that a planning condition is imposed to ensure that either a copy of the license is submitted to the Local Planning Authority or a copy of a letter from NRW stating that such a license is not required; this will need to be submitted prior to the commencement of development works.

8.11.3. The Brecon Beacons National Park Authority will expect most planning applications to include opportunities for biodiversity enhancement within the development proposals. It

is advisable to specify these measures with the application and a timetable for implementation; a planning condition can then be imposed to secure their implementation.

## 9. Biodiversity Surveys

### 9.1. When is a survey required?

9.1.1. Applicants may be required to submit information in support of a planning application to enable the National Park Authority to assess the impacts on wildlife on or adjacent to the development site. The nature of the impact and type of survey required will very much depend on the scale and type of development proposed. It is recommended that applicants seek pre-application advice as soon as possible and it can then be identified whether an ecological survey is required.

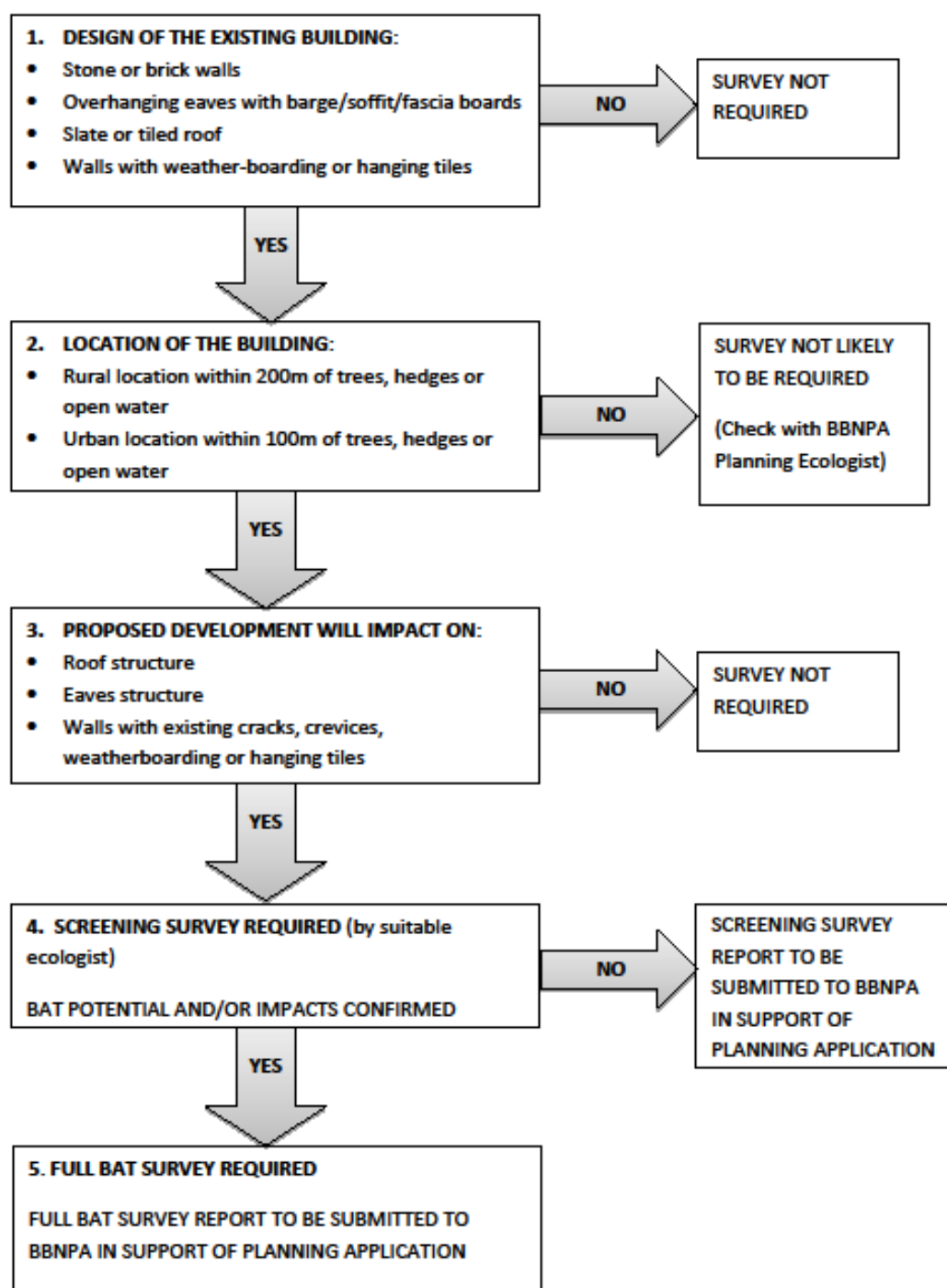
9.1.2. A checklist is provided in the following table that identifies the types of development for which an ecological survey as well as the type of surveys that will be required. This checklist is to aid planning officers, applicants and developers to assess when an ecological survey report is likely to be needed. The list is for guidance – it is not exhaustive and is not a substitute for expert advice based on an assessment of the site. A survey is likely to need to be undertaken when a development proposal affects, is adjacent or near to or involves the following:

Type of site / feature / development	Species and/or habitat surveys likely to be required
Greenfield land	Preliminary ecological appraisal; Protected species surveys as necessary
Brownfield land	Preliminary ecological appraisal; Protected species surveys as necessary
Open greenspace	Preliminary ecological appraisal; Protected species surveys as necessary
Watercourses	Preliminary ecological appraisal; potential for water vole, otter, fish, white-clawed crayfish, bird surveys
Ponds / wetlands	Water vole, great crested newt
Woodland	Bats, badgers, birds, dormice
Nature Reserves	Preliminary ecological appraisal; Protected species surveys as necessary
Mines / caves / cellars	Bats
Quarries	Preliminary ecological appraisal; Protected species surveys as necessary including reptiles, bats
Sites known to have protected species	Any protected species identified as present
Barn / building conversion*	Bats, barn owl, nesting birds
Loft conversion / roof-light installation / re-roofing	Bats, nesting birds such as swifts and house martins
Hedgerow, tree line or scrub removal	Hedgerow survey Bats, dormice, badger, nesting birds
Habitat creation / enhancement	Preliminary ecological appraisal; Protected species surveys as necessary
Road construction	Preliminary ecological appraisal; Protected species surveys as necessary

9.1.3. The flow chart below has also been developed to enable “Householder” applicants and/or their agents (particularly in relation to extensions) to identify when they are likely to be asked for a bat survey.

**BAT SURVEY ASSESSMENT FOR DWELLING HOUSES SUBJECT TO DEVELOPMENT PROPOSALS (HOUSEHOLDER APPLICATIONS) IN THE BRECON BEACONS NATIONAL PARK**

**AUGUST 2014**





## **9.2. Who can do a survey?**

- 9.2.1. Applicants should ensure that the appointed ecological consultant undertaking a survey has sufficient expertise and qualifications to undertake the assessment of the site. They may also need a license from Natural Resources Wales to undertake work that may affect protected species and/or their habitats.
- 9.2.2. There are a number of professional bodies that ecological consultants may be a member of such as the Chartered Institute of Ecology and Environmental Management.

## **9.3. How do I find an ecological consultant?**

- 9.3.1. Information on how to find and engage an ecological consultant is provided by Natural Resources Wales. Please see the Appendix I for how to contact them and/or access their website.
- 9.3.2. Professional bodies such as the Chartered Institute of Ecology and Environmental Management also have a list of their members who can undertake ecological survey work; contact details are in Appendix I.

## **9.4. What kind of survey is required?**

- 9.4.1. There are a number of different types of assessment. A Preliminary Ecological Appraisal (also known as an Extended Phase I Habitat Survey) is an initial assessment of the habitats present at the site, records of any species present at the time and an assessment for the potential for presence of other species. The appraisal should assess the potential impacts of the development and make recommendations for further surveys if they are necessary. The Chartered Institute of Ecology and Environmental Management (CIEEM) issued Guidelines for Preliminary Ecology Appraisal in 2013; the Brecon Beacons National Park Authority will expect applicants and their ecological consultants to adhere to the best practice principles in this guidance.
- 9.4.2. Where a preliminary survey identifies evidence of or the potential for protected species to be present, additional surveys are likely to be required, such as for bats, reptiles and amphibians, including great crested newts. Additional survey effort should follow the latest best practice guidance for the species concerned. Surveys will need to be completed and the results submitted prior to the positive determination of planning applications.
- 9.4.3. The Bat Conservation Trust's Bat Surveys for Professional Ecologists Good Practice Guidelines (3<sup>rd</sup> Edition 2016) provides guidance on designing and undertaking surveys; the Brecon Beacons National Park Authority will expect bat survey reports that are submitted in support of planning applications to comply with these guidelines. The results of bat activity surveys are required to ascertain the bat species present, the numbers of bats and type of roost and also where they are gaining access to the structure. These surveys can only be undertaken at a time of year when bats are active.
- 9.4.4. Applicants for smaller developments that affect roofs or other features that may support bat roosts can be asked to submit a "Bat Scoping Survey". This is a full visual assessment of

the site or structure(s) by a suitably qualified and/or experienced individual to survey for evidence of bats or potential for presence. If evidence of (bat droppings or even live bats) or potential for presence is found, bat activity surveys will need to be undertaken at an appropriate time of year.

### 9.5. When can a survey be done?

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

	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
Badgers	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Bats (Hibernation)	Sub-optimal	Sub-optimal									Sub-optimal	Sub-optimal
Bats (Summer roosts)				Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal			
Bats (Activity)				Sub-optimal	Optimal	Optimal	Optimal	Optimal	Sub-optimal	Sub-optimal		
Birds (Breeding)			Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal				
Birds (Over-wintering)	Sub-optimal	Sub-optimal									Sub-optimal	Sub-optimal
Dormice	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Great crested newts		Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal						
Invertebrates				Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal			
Otters	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal
Reptiles			Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal			Sub-optimal			
Water voles		Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal		
White-clawed crayfish							Sub-optimal	Sub-optimal	Sub-optimal			
Habitats/vegetation				Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal	Sub-optimal			
Fungi							Sub-optimal	Sub-optimal	Sub-optimal			

Key: Optimal survey time  Sub-optimal survey time 

## **9.6. What should an ecological report contain?**

9.6.1. Survey reports should provide the Authority with sufficient information to allow a robust assessment of the potential impacts resulting from a development upon the species and habitats present on an application site to be undertaken. The Chartered Institute of Ecology and Environmental Management has produced a document entitled Ecological Report Writing.

9.6.2. The following structure provides guidance on the type of information required in ecological reports:

	<i>Information to include:</i>
Executive summary	<ul style="list-style-type: none"> <li>• Reason for the report</li> <li>• Essential evidence, such as status of bat roosts identified</li> <li>• Outline of recommendations, including any further surveys required</li> </ul>
Introduction and background	<ul style="list-style-type: none"> <li>• Surveyors and qualifications</li> <li>• Site location (map)</li> <li>• Photographs</li> </ul>
Methodology	<ul style="list-style-type: none"> <li>• Desk study</li> <li>• Field survey methods and justification</li> <li>• Constraints</li> </ul>
Results	<ul style="list-style-type: none"> <li>• Weather conditions</li> <li>• Survey results tables</li> <li>• Plans to show location of surveyors and results</li> </ul>
Discussion and analysis	<ul style="list-style-type: none"> <li>• Analysis of the results and particularly how protected species are utilising the site</li> <li>• Assessment of the impact of the development proposals</li> </ul>
Conclusions and recommendations	<p>Recommendations for:</p> <ul style="list-style-type: none"> <li>• Mitigation measures</li> <li>• Timing of works</li> <li>• Method Statement</li> <li>• Details of specific enhancement measures</li> <li>• Further survey work</li> </ul>

## **10. Summary and key messages**

The following list is a summary of the key issues raised in this Supplementary Planning Guidance and the recommended courses of action to ensure the protection and enhancement of biodiversity on development sites:

- Seek pre-application advice from the Planning Department regarding the need for and type of ecological survey information required.
- Assess the existing biodiversity and geodiversity data for the site (designated sites and protected species records).
- Obtain up-to-date and appropriate ecological survey information.
- Follow best practice guidance for survey effort and report writing.
- Make sure the ecological consultant understands the nature of the proposals and is aware of any changes.
- Protect important biodiversity and geodiversity features, especially where they provide ecological connectivity.
- Seek opportunities to enhance habitats, habitat networks and green infrastructure. There will be particular opportunities for biodiversity enhancement in landscaping schemes and sustainable drainage systems.
- Build in resilience to climate change.



Soprano pipistrelle

## Appendix I: Contacts

### Essential contact details

Brecon Beacons National Park Authority – Planning Department & Planning Ecologist  
Plas y Ffynon, Cambrian Way, Brecon, LD3 7HP  
01874 620431  
[Planning.enquiries@beacons-npa.gov.uk](mailto:Planning.enquiries@beacons-npa.gov.uk)  
<http://www.beacons-npa.gov.uk/planning/>

Natural Resources Wales (NRW)  
Rivers House, St Mellon Business Park, Fortran Road, Cardiff, CF3 0EY  
0300 065 3000  
<https://naturalresources.wales/?lang=en>

### Additional useful contacts

Biodiversity Information Service for Powys and the Brecon Beacons National Park (BIS)  
Unit 4, Royal Buildings, 6 Bulwark, Brecon, Powys, LD3 7LB  
01874 610881  
[info@bis.org.uk](mailto:info@bis.org.uk)  
<http://www.b-i-s.org/>

Wales Biodiversity Partnership (WBP)  
<http://www.biodiversitywales.org.uk/>

Chartered Institute of Ecology and Environmental Management (CIEEM)  
43 Southgate Street, Winchester, Hampshire, SO23 9EH  
<http://www.cieem.net/>

Brecknock Wildlife Trust (BWT)  
Lion House, Bethel Square, Brecon, Powys, LD3 7AY  
01874 625708  
[enquiries@brecknockwildlifetrust.org.uk](mailto:enquiries@brecknockwildlifetrust.org.uk)  
<http://brecknockwildlifetrust.org.uk/index.html>

British Geological Survey (BGS)  
Columbus House, Village Way, Greenmeadow Springs, Tongwynlais, Cardiff, CF15 7NE  
02920 521962  
[bgs-wales@bgs.ac.uk](mailto:bgs-wales@bgs.ac.uk)  
<http://www.bgs.ac.uk/home.html?src=topNav>

GB Non-native Species Secretariat (NNSS)  
Animal and Plant Health Agency, Sand Hutton, York, YO41 1LZ  
[nnss@apha.gsi.gov.uk](mailto:nnss@apha.gsi.gov.uk)  
<http://www.nonnativespecies.org/home/index.cfm>

The Wye and Usk Foundation  
Unit 4, Talgarth Business Park, Trefecca Road, Talgarth, Brecon, LD3 0PQ  
01874 711714  
[admin@weuskfoundation.org](mailto:admin@weuskfoundation.org)  
<http://www.weuskfoundation.org/>

Joint Nature Conservation Committee (JNCC)

Monkstone House, City Road, Peterborough, PE1 1JY

01733 562626

[comment@jncc.gov.uk](mailto:comment@jncc.gov.uk)

<http://jncc.defra.gov.uk/Default.aspx>

## Appendix 2: References and additional sources of information

British Standard BS 42020:2013 Biodiversity – Code of practice for planning and development  
<http://shop.bsigroup.com/ProductDetail/?pid=000000000030258704>

Planning Policy Wales (Edition 8, January 2016) – please see Chapter 5  
<http://gov.wales/topics/planning/policy/ppw/?lang=en>

Technical Advice Note 5 - Nature Conservation and Planning (2009)  
<http://gov.wales/docs/desh/policy/100730tan5en.pdf>

Brecon Beacons National Park Local Development Plan (2013) <http://www.beacons-mpa.gov.uk/planning/draft-strategy-and-policy/brecon-beacons-national-park-local-development-plan/>

Brecon Beacons National Park Local Biodiversity Action Plan (available on the Biodiversity Action Reporting System website - see below)

Biodiversity Action Reporting System (BARS) <http://www.ukbap-reporting.org.uk>

The Brecon Beacons National Park Authority has published a number of datasets, including Sites of Importance for Nature Conservation, Landscape Character Assessment, Tree Preservation Orders and Conservation Areas at: <https://data.gov.uk/publisher/brecon-beacons-national-park-authority>

Collins, J. (Ed) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines (3<sup>rd</sup> Edition)* Bat Conservation Trust <http://www.bats.org.uk/pages/batsurveyguide.html>

Town and Country Planning Association (2004) *Biodiversity by Design – A guide for sustainable communities* [http://www.tcpa.org.uk/data/files/bd\\_biodiversity.pdf](http://www.tcpa.org.uk/data/files/bd_biodiversity.pdf)

English Heritage, National Trust and Natural England (2009) *Bats in Traditional Buildings* <https://historicengland.org.uk/images-books/publications/bats-in-traditional-buildings/>

Schofield, H.W. (2008) *The Lesser Horseshoe Bat Conservation Handbook* Vincent Wildlife Trust, Ledbury <http://www.vwt.org.uk/publications/>

English Nature (2004) *Bat mitigation guidelines* [http://roost.bats.org.uk/sites/default/files/publications/EnglishNature\\_BatMitigationGuidelines\\_2004.pdf](http://roost.bats.org.uk/sites/default/files/publications/EnglishNature_BatMitigationGuidelines_2004.pdf)

English Nature (2001) *Great crested newt mitigation guidelines* [http://mokrady.wbs.cz/literatura\\_ke\\_stazeni/great\\_crested\\_newt\\_mitigation\\_guidelines.pdf](http://mokrady.wbs.cz/literatura_ke_stazeni/great_crested_newt_mitigation_guidelines.pdf)

Langton, T.E.S., Beckett, C.L. and Foster, J.P. (2001) *Great Crested Newt Conservation Handbook* Froglife, Halesworth [http://www.froglife.org/wp-content/uploads/2013/06/GCN-Conservation-Handbook\\_compressed.pdf](http://www.froglife.org/wp-content/uploads/2013/06/GCN-Conservation-Handbook_compressed.pdf)

Edgar, P. Foster, J. and Baker, J. (2010) *Reptile Habitat Management Handbook* Amphibian and Reptile Conservation, Bournemouth <http://www.arc-trust.org/pdf/reptile-habitat-management-handbook-ffull.pdf>

Hedgeline website: <http://www.hedgeline.org.uk/index.php>

Welsh Government website: <http://wales.gov.uk>

Guidelines for Preliminary Ecological Appraisal (2013) and Ecological Report Writing (2013) on the Chartered Institute of Ecology and Environmental Management website: <http://www.cieem.net/technical-guidance-series-tgs->



### **Appendix 3: Local Development Plan Policies**

#### **Policy SP3 - Environmental Protection – Strategic Policy**

**All proposals for development or change of use of land or buildings in the National Park must demonstrate that the proposed development does not have an unacceptable impact on, nor detract from, or prevent the enjoyment of;**

- a) the special qualities of the National Park as identified in the National Park Management Plan**
- b) ecology and biodiversity assets both within and beyond designated sites (see Policies 2,3 and 4)**
- c) the water environment (see Policy 5)**
- d) geodiversity, including the Fforest Fawr European Geopark**
- e) cultural and historic heritage, including Blaenavon Industrial Landscape World Heritage Site, Registered Historic Parks Gardens and Historic Landscapes**
- f) the character of the built heritage, including listed buildings, conservation areas and archaeological features**
- g) the important network of public open space and recreation facilities (See also SP15 and supporting detailed policies)**
- h) soil and air quality (see Policy 7 and 8)**
- i) Agricultural Land of Grade 1,2,3a**

#### **Policy 3 - Sites of European Importance**

**Proposals for development which may have significant effect on a European Site or potential European Site, when considered alone or in combination with other plans or projects, will not be permitted unless:**

- i. the proposed development is directly connected with or necessary for the protection, enhancement and positive management of the site for conservation purposes;**
- ii. the proposed development will not adversely affect the conservation objectives associated with the site or the integrity of the site;**
- iii. where the site supports interests not identified as a priority habitat or species, there are imperative reasons of overriding public interest why the development should proceed;**
- iv. where the site supports priority habitats and/or species, there are reasons of human health, public safety, beneficial consequences of primary importance to the environment or other grounds for overriding public interest that can satisfy the requirements as to why the development should proceed; and**
- v. with respect to iii) & iv) above there is no alternative solution, and compensatory measures are secured to ensure that the overall coherence of the Natura 2000 network is protected.**

#### **Policy 4 - Sites of National Importance**

**Proposals for development which may affect a National Nature Reserve or proposed or notified Site of Special Scientific Interest will only be permitted where:**

- i. the proposal contributes to the protection, enhancement or positive management of the site; or**
- ii. the developer proves to the satisfaction of the NPA that the proposal has no unacceptable impacts which would directly or indirectly damage the site, detrimentally affect its conservation interest or its value in terms of its designation; or**
- iii. the need and reasons for the proposed development outweigh the value of the site itself; and there are no alternative means of meeting the need for the development.**

**Where appropriate the NPA will consider the use of Planning Conditions and/or Planning Obligations to provide appropriate mitigation and / or compensatory measures.**

#### **Policy 5 - Sites of Importance for Nature Conservation**

**Development on non-statutory sites of wildlife, geological or geomorphological importance will only be permitted where:**

- i. the need for the development outweighs the nature conservation importance of the site; and**
- ii. the proposals comply with Policy 6 and/or, where protected and important wild species are concerned, with Policy 7.**

**Where appropriate the NPA will consider the use of Planning Conditions and/or Planning Obligations to provide appropriate mitigation and / or compensatory measures.**

#### **Policy 6 - Biodiversity and Development**

**Development will only be permitted where;**

- 1. the developer proves to the satisfaction of the NPA that there is no unacceptable loss or fragmentation or other impact of a habitat or landscape feature and/or increased isolation on important species as listed under Section 42 of the NERC act (habitats and species of principal importance to Wales), OR**
- 2 A the developer identifies habitats and landscape features of importance for 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**  
  
**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**

**C** there is no unacceptable loss/breaching of linear features (e.g. hedgerows, woodland belts). Development should seek to enhance linear habitat features (e.g. hedgerow, woodland belts) 'dark corridors' and roosts used by bats

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.

**Policy 7 - Protected and Important Wild Species**

Proposals on land or buildings that support protected or important species will only be permitted where:

- i. the need for the development outweighs the nature conservation importance of the site, and in the case of European protected species, the criteria for derogation under the Habitats Regulations are met; and
- ii. positive measures are provided to contribute to species and habitat conservation targets; and
- iii. the developer proves to the satisfaction of the NPA that
  - 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
  - b) alternative areas are provided to sustain at least the current levels of populations or size of habitat affected by the proposal.

**Policy 9 - Ancient Woodland and Veteran Trees**

Proposal for development which would result in any of the following

- a) the fragmentation or loss of ancient woodland; and/ or
- b) the loss of an ancient or veteran tree; and/ or
- c) ground damage, loss of understorey, or ground disturbance to an area of woodland or veteran tree's root protection area; and/ or
- d) a reduction in the area of other semi-natural habitats adjoining ancient woodland; and/ or
- e) significant alteration of the land use adjacent to ancient woodland; and/ or
- f) an increase in the likely exposure of ancient woodland or veteran tree to air, water or light pollution from the surrounding area; and/ or
- g) alter the hydrology in a way that might impact on ancient woodland, Ancient, or Veteran Trees; and/ or
- h) destroy important connecting habitats related to ancient woodlands; and/or
- i) degrade known archaeological or historical features within ancient woodlands or associated with veteran trees; and/or
- j) an area of high public use being placed near an ancient or veteran tree will only be granted planning permission where it can be demonstrated to the

**satisfaction of the NPA that the need for, and benefits of the development in that location, outweigh the loss or deterioration of the woodland habitat:-**

**The NPA will use Planning Conditions and/or Planning Obligations to secure any necessary mitigation / compensation / enhancement measures required of any proposal which will impact on a Veteran Tree or Ancient Woodland. This may include the requirement for an Arboriculturalist to supervise any construction work which is likely to impact on trees of significance.**

## Appendix 4: 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 meaning “biological diversity” that describes the number and variety of species of plants and animals and other organisms within a habitat and also the diversity of habitats within an ecosystem.

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

**Chartered Institute of Ecology and Environmental Management (CIEEM)** CIEEM is the non-profit professional body which represents and supports ecologists and environmental managers in the UK and abroad.

**Development License** Term used within this document to refer to a protected species license (European or UK protected species) obtained by a developer for the purposes of undertaking a development. Licenses are obtained from Natural Resources Wales.

**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

**Environmental Statement (ES)** An ‘environmental statement’ is a document setting out the developer’s 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 of Habitats & Species Regulations 2010 (as amended). They include bats (all species), dormice, great crested newts and otters.

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

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

**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 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.

**Section 42 'Important (priority) habitats and species'** These habitats and species have been identified by the Welsh Government to be of principal importance for nature conservation in Wales. These are currently listed in Section 42 of the Natural Environment and Rural Communities Act 2006; this will be revised and replaced by **Section 7** of the Environment (Wales) Act 2016.

**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 of Habitats & Species Regulations 2010, including Special Areas of Conservation, Special Protection Areas and Ramsar sites.

**Site of Importance for Nature Conservation (SINC)** Locally important sites for nature conservation. These are identified against criteria in Selection of Sites of Importance for Nature Conservation in the Brecon Beacons National Park (2008, revised 2014).

**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 of Habitats & Species Regulations 2010 (as amended) to protect internationally important natural habitats and species.

**Supplementary Planning Guidance (SPG)** These documents reinforce the policies of the Unitary Development Plan and provide clear and in-depth guidance on planning and development issues.

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

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

## **Appendix 5: Special Areas of Conservation (SACs) in the Brecon Beacons National Park**

- Blaen Cynon
- Brecon Beacons
- Coed Y Cerrig
- Coedydd Nedd a Melte
- Cwm Cadlan
- Cwm Clydach Woodlands
- Llangorse Lake
- River Usk
- River Wye
- Sugar Loaf Woodlands
- Usk Bat Sites

## **Appendix 6: Priority habitats and species in the National Park**

The following table contains the Section 42 list of Habitats of Principal Importance as identified by the Welsh Government under the Natural Environment and Rural Communities Act 2006, but will shortly be revised and known as the Section 7 List under the Environment (Wales) Act 2016.

The list here does not include marine habitats that are not relevant to the Brecon Beacons, although it does include a number of habitats that are unlikely to be threatened by development pressures.

NATURAL ENVIRONMENT & RURAL COMMUNITIES ACT 2006: SECTION 42 LIST OF HABITATS OF PRINCIPAL IMPORTANCE FOR CONSERVATION OF BIOLOGICAL DIVERSITY IN WALES	
<ul style="list-style-type: none"> <li>• Traditional orchards</li> <li>• Wood pasture &amp; parkland</li> <li>• Upland oak woodland</li> <li>• Lowland beech and yew woodland</li> <li>• Upland mixed ash woodland</li> <li>• Wet woodland</li> <li>• Lowland mixed deciduous woodland</li> <li>• Hedgerows</li> </ul>	<ul style="list-style-type: none"> <li>• Perllannau traddodiadol</li> <li>• Porfa goediog a pharcdir</li> <li>• Coedwig dderi yn yr ucheldir</li> <li>• Coedwig ffawydd ac ywen ar dir isel</li> <li>• Coedwig ynn gymysg ar dir uchel</li> <li>• Coedwig wlyb</li> <li>• Coedwig gollddail gymysg ar dir isel</li> <li>• Gwrychoedd</li> </ul>

<ul style="list-style-type: none"> <li>• Arable field margins</li> <li>• Coastal and floodplain grazing marsh</li> <li>• Lowland meadows</li> <li>• Lowland calcareous grassland</li> <li>• Upland calcareous grassland</li> <li>• Lowland dry acid grassland</li> <li>• Lowland heathland</li> <li>• Upland heathland</li> <li>• Upland flushes, fens and swamps</li> <li>• Lowland fens</li> <li>• Purple moorgrass and rush pastures</li> <li>• Reedbeds</li> <li>• Lowland raised bog</li> <li>• Blanket bog</li> <li>• Mountain heaths and willow scrub</li> <li>• Rivers</li> <li>• Oligotrophic and dystrophic lakes</li> <li>• Ponds</li> <li>• Mesotrophic lakes</li> <li>• Eutrophic standing waters</li> <li>• Aquifer-fed naturally fluctuating water bodies</li> <li>• Inland rock outcrop and scree habitats</li> <li>• Calaminarian grasslands</li> <li>• Open mosaic habitats on previously developed land</li> <li>• Limestone pavement</li> </ul>	<ul style="list-style-type: none"> <li>• Ymylon caeau yd</li> <li>• Tir pori corslyd ar forfa arfordirol a gorlifdir</li> <li>• Gweirgloddiau yr iseldir</li> <li>• Glaswelltir calchaid yr iseldir</li> <li>• Glaswelltir calchaid tir uchel</li> <li>• Glaswelltir asidaidd sych yr iseldir</li> <li>• Gweundir yr iseldir</li> <li>• Gweundir yr ucheldir</li> <li>• Trylifiadau, ffeniau a chorsydd siglennaidd ar dir uchel</li> <li>• Ffeniau ar dir isel</li> <li>• Porfeydd brwyn a glaswellt y gweunydd</li> <li>• Gwelyau cyrs</li> <li>• Cyforgors ar dir isel</li> <li>• Gorgors</li> <li>• Gweundir a phrysgwydd helyg ar dir mynyddig</li> <li>• Afonydd</li> <li>• Llynoedd oligotroffig a dystroffig</li> <li>• Pyllau dŵr</li> <li>• Llynnoedd mesotroffig</li> <li>• Dyfroedd llonydd ewtroffig</li> <li>• Dyfroedd a gyflenwir gan ddyfrhaen, ac sy'n arddangos amrywiadau naturiol yn lefel y dŵr</li> <li>• Cynefinoedd brigiadau craig a sgrï mewndirol</li> <li>• Glaswelltiroedd Calaminaraidd</li> <li>• Brithwaith o gynefinoedd agored ar dir a oedd cynt wedi ei ddatblygu</li> <li>• Palmentydd calch</li> </ul>
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**Please note:**

The Brecon Beacons National Park Authority is currently reviewing the list of Priority Species in the National Park as part of the review of the Local Biodiversity Action Plan (LBAP). The revised list will be scrutinised by the LBAP Partnership during summer 2016 and will be included in this SPG when it is available.