

***BEST PRACTICE IN BIODIVERSITY AND GEOLOGICAL
CONSERVATION IN PLANNING AND DEVELOPMENT***

AUTHORITY APPROVED PLANNING GUIDANCE

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on behalf of
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PART 1

INTRODUCTION

Biodiversity is essential to maintain the life support systems that allow life, including human life, to exist on the planet. It is fundamental to our future well being and prosperity because a healthy environment supports a long-term sustainable economy and contributes to a more balanced society. It is a key indicator of sustainable development and adds to the quality of life and local distinctiveness.

The geology of Great Britain, including its landforms, minerals and fossils, is diverse, visually impressive and of great scientific importance. It records millions of years of history in which continents have moved, climates have changed, sea-levels have risen and fallen, and animals such as dinosaurs and mammoths have appeared, evolved and eventually become extinct. Studying geology enables us to understand the history of our planet and how life evolved. By understanding past environmental change, we can understand and plan better for future environmental change.

The planning system has a vital role to play in biodiversity and geological conservation. In order to avoid a planning application being either delayed or refused or development works suspended, it is best to address these issues as soon as possible.

The Purpose and Status of the Authority Approved Planning Guidance

This Authority Approved Planning Guidance (AAPG) is provided to help to ensure that biodiversity and where relevant geodiversity, are protected and conserved when development is proposed. It supplements the policies and proposals in the Unitary Development Plan (UDP) with more specific guidance and information about these areas that should usually be considered when submitting a planning application. It can be read in conjunction with the UDP policies, in particular G1 – G6 and Q1 – Q5, the latter dealing specifically with biodiversity and earth heritage.

In addition to supporting the UDP, the AAPG promotes the implementation of the UK Biodiversity Action Plan (UKBAP) in Wales and the Brecon Beacons National Park Local Biodiversity Action Plan (LBAP) in particular. The Wales Assembly Government has advised that LBAPs should feed into the planning system, so for the Authority Approved Unitary Development Plan, AAPG is equally valid. However, whilst the National Park LBAP includes targets to influence the UDP policies, it was not written as a planning document. Therefore this guidance document provides the appropriate link between the UDP and the

LBAP and will be reviewed in conjunction with future development plan reviews.

The AAPG emphasises the importance of adopting a positive approach to conservation and enhancement and summarises the key considerations relating to wildlife and geology that may be relevant to development proposals. Separate notes have been produced for developers and householders, which summarise the relevant parts of this main guidance.

What is Biodiversity?

“Biodiversity” (biological diversity) is the term applied to the variety of life on earth. It describes the richness and variety of all living things, from the tiniest microscopic organism to the largest tree.

What is Geodiversity?

Geodiversity (geological diversity) is the variety of geological environments, phenomena and active processes that make landscapes, rocks, minerals, fossils, soils and other superficial deposits that provide the substrate for life on earth. Geodiversity is important because it underpins biodiversity with soils being the link between them.

Legislation that Requires Biodiversity to be Taken into Account

- **Environment Act 1995, section 61**, sets out the purposes of National Parks, the first of which is – “*conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas specified ...*”
- **Section 62 (2)** Sets out the duties local planning authorities have within the National Parks and states that where there is a conflict of purposes that the authority “*..... shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.*”
- **Section 38 of the Planning and Compulsory Purchase Act 2004** provides that the determination of planning applications should be in accordance with the policies in the development plan, which here is the National Park UDP that contains policies for the protection of wildlife and geology.
- **Countryside and Rights of Way Act 2000**, Section 74, Biological Diversity, states that “*It is the duty of (the National Assembly for Wales) in carrying out its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biological diversity in accordance with the Convention*” (on Biological Diversity – ratified by over 170 nations, including the UK, following the 1992 Rio Earth Summit).
- **Natural Environment and Rural Communities Act 2006**, Section 40 (amending the CRow Act) states that “*Every public body 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*”. Conserving biodiversity is further defined in that it “*...includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*”. Section 42 requires the WAG to publish a list of Habitats and Species of Principal Importance to Wales, which appears in TAN 5 (revised).
- **Article 10 of the Habitats Directive** requires Member States to endeavour to encourage the management of features of the landscape that are of major importance for wild flora and fauna. These features are those that, because of their linear and continuous structure or their function as stepping stones, are essential for migration, dispersal and genetic exchange, e.g., rivers, hedgerows, ponds and small woods. This duty is transposed in Great Britain by regulation 37 of the Habitats Regulations.

(See Appendix 1 for more details on legislation)

This AAPG can help you to improve your planning application as well as ensure that wherever possible all planning applications contribute towards biodiversity conservation and where relevant geological conservation.

The guidance is provided in 3 versions: i) this complete document, which provides a full explanation of the relevant issues and information, ii) a developers’ guidance note, which summarises the main issues for developers and iii) a householders’ guidance note, which summarises similar issues for householder planning applications. From time to time additional planning advice notes may be produced too. **Where biodiversity and**

geological conservation are believed or found to be important issues in the determination of a planning application, applicants can seek further advice from the National Park Ecologist. Ideally they should obtain and follow the advice of competent ecological and/or geological consultants and the statutory environmental agencies at an early stage.

Biodiversity in the Brecon Beacons National Park

Possessing some of our most beautiful and wild areas of countryside, National Parks are ideally placed and empowered to make a

critical contribution to conserving and enhancing ecological diversity by conserving a range of wildlife habitats and geological and geomorphological features.

Local Biodiversity Action Plans

In 1998, the Brecon Beacons National Park Authority (BBNPA) agreed to oversee the production of a Local Biodiversity Action Plan (LBAP) for the National Park area, with the aim of translating the national objectives set by Government in response to commitments made at the 1992 Earth Summit, into local action. A Steering Group now oversees the implementation of this plan. The Steering Group members include representatives from the Welsh Wildlife Trusts, Countryside Council for Wales, National Trust, Farmers Union of Wales, National Farmers Union Wales, Environment Agency, Welsh Water, Biodiversity Information Service and the Brecon Beacons National Park Authority. Officially launched in 2002 the LBAP contains clear targets and actions that specify what needs to be done, by whom, and by when to conserve the National Park's animals, plants and habitats that are critical to the conservation of the Park's biodiversity. It is called "*Our Natural World – a Local Biodiversity Action Plan for the Brecon Beacons National Park*". Volume 1 provides a full explanation of biodiversity and its importance to quality of life and sustainable development (see www.breconbeacons.org or contact the Biodiversity Project Officer on 01874 620 470).

The LBAP contains 6 grouped Action Plans based on similar habitats. These plans also contain actions for species dependant on these habitats. There are 9 Species Action Plans for individual or groups of species whose conservation cannot be properly addressed through habitat management alone. In total the LBAP contains 78 Species and 43 Habitats.

Also included are 4 Generic Action plans that refer to such issues as Awareness Raising, Data Collection and the functions of the LBAP Partnership. These Generic Plans do not aim specifically to conserve individual species or habitats, but rather provide a broad framework of actions that enable biodiversity conservation to take place.

Details of the Local Biodiversity Action Plan are included in Appendix 5.

Geological conservation in the BBNP

This AAPG introduces the reader to the need to conserve important geological exposures and features. There is less good practice available on this topic. However, a very useful publication available to assist the reader is: *Geodiversity and the minerals industry – Conserving our geological heritage*, written by English Nature, Quarry Products Association and Silica and Moulding Sands Association (2003) and published by Entec UK Ltd. ISBN 0 9535400 3 0.

Other useful documents:

BBNPA Planning Advice Note 20: Bats Buildings and Development

BBNPA Planning Advice Note 21: Barn Owls and Development.

These are available at:

<http://www.breconbeacons.org/content/the-authority/planning/Wild-env-protection>

Local Biodiversity Action Plans

LBAPs help to achieve wildlife conservation targets that are set out in the UK Biodiversity Action Plan, by implementing local plans for the same habitats and species. They have been developed throughout Britain by partnerships between local stakeholders such as the local authority or NPA, local wildlife trust and other non-governmental organisations, Environment Agency, statutory nature conservation agencies and landowners. Each LBAP reflects the priorities of the national plan, covering priority habitats and species that are at risk or whose status is uncertain, as well as more widespread habitats and species that are locally important or distinctive.

Role of the Planning System

Much of the pressure on biodiversity is related to development and land use. Consequently, the planning system has a vital role to play in biodiversity and geological conservation. In order to avoid a planning application being either delayed or refused or development works suspended, it is best to address these issues as soon as possible. For example, if a protected species is discovered during the course of development operations, that had not been found by proper investigation earlier, works might need to be suspended until a licence is obtained. Usually the late discovery of a protected species will lead to delays in proceeding with the development though in the worst case it is always possible that a licence might not be granted and the works might be suspended indefinitely. The protection provided by planning controls in effect operates in parallel with wildlife and habitat protection legislation. The local NPA (as local planning authority) and developers should consider both aspects. Appendix 1 summarises the wildlife legislation.

National Planning Policy

The Welsh Assembly Government has recognised the important role for the planning system in conserving biodiversity in its planning policy guidance, "Planning Policy Wales" (2002). Here it states at paragraph 5.2.7, "*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. Local authorities must address biodiversity issues, insofar as they relate to land use planning, in both UDPs and development control decisions.*" Furthermore at paragraph 5.1.4 it states "*It is important that biodiversity and landscape considerations are taken into account at an early stage in both UDP preparation and development control*". Detailed advice on the importance of the planning system in conserving biological diversity is set out in Technical Advice Note 5: *Nature Conservation and Planning* (TAN5) which is currently under revision.

Local Planning Policy

The principles that have been established in national legislation are applied locally to the Brecon Beacons by the relevant policies in the ***Brecon Beacons National Park Unitary Development Plan***. The NPA, in its role as the local planning authority, is required to produce a Unitary Development Plan (UDP) to provide planning policy on the future use and development of land. The UDP and its predecessor, the adopted Structure and Local Plans, have a crucial role in safeguarding the important habitats and species identified in the LBAP. This AAPG is an important link showing how the LBAP is implemented in part through the planning system.

The Planning and Compulsory Purchase Act 2004 has introduced an updated planning system in which Local Development Plans will take the place of UDPs and local plans in Wales. The information contained in this AAPG will be incorporated into these new plans.

Loss of biodiversity runs contrary to the aims and objectives of the UDP in terms of achieving sustainable development.

Therefore it is important that new development, re-development and changes in land use avoid loss or harm to features present on a site wherever possible. However, in exceptional cases, where there are over-riding material planning considerations that mean avoidance is not possible, then the NPA will seek measures from developers that minimise any adverse effects and offset or compensate for those impacts that cannot be avoided or reduced, prior to the commencement of development. This approach is expressed in Part 1 of the UDP.

There are a variety of statutory (both national and international) and non-statutory designations relating to sites of nature conservation and wildlife in the Brecon Beacons National Park (see Appendix 1). Nature conservation effort in the past has tended to concentrate on the protection of sites and species that are considered to be of high wildlife value and localities where they are best represented. Whilst the hierarchy of protected sites remains vital, as reflected in the

UDP policies (UDP Policies Q1 and Q2: *Sites of European/National Importance*), efforts must be extended towards the conservation and management of the wider countryside if real biodiversity gain is to be achieved. This means that **the effect of a development proposal on the wildlife or landscape of any area must be treated as a material consideration in all relevant planning**

decisions, whether or not statutorily designated sites or protected species are involved. This will help to ensure that future development will not lead to a net loss in either quality or extent of biodiversity and wherever possible should contribute positively to its enhancement, promoting a net gain that benefits people and wildlife alike.

General Principles for conserving Biodiversity & Geodiversity in Planning and Development

- **Anticipating all potential impacts of a development proposal at the earliest stage of the planning process**
- **Affording designated sites the levels of protection appropriate to their status**
- **Ensuring development does not lead to a net loss in biodiversity**
- **Identifying opportunities for new development and re-development to contribute towards a net gain in biodiversity**
- **Reversing habitat fragmentation and species isolation**
- **Taking account of indirect and cumulative impacts in assessing the potential effects of a development**
- **Recognising that many landscape features are crucial for the migration, dispersal and genetic exchange of wild species. These important “stepping stones” and corridors should be protected and managed sympathetically and extended wherever possible**

PART 2

DEVELOPMENT CONTROL: PLANNING DECISIONS AND BIODIVERSITY/GEODIVERSITY

Planning officers assess a wide range of factors when determining a planning application, including the impact of the proposed development on the biodiversity or geodiversity of the site and the surrounding area. They ensure that the application meets the policy considerations set out in the UDP and these policies help developers to give full consideration to the impacts of their development before submitting an application.

Planning authorities can apply a systematic five-point approach to planning decisions that is set out in the document, *Planning for Biodiversity Good Practice Guide (Royal Town Planning Institute (1999))*. This system ensures that biodiversity is fully considered during the development process so that positive gains can be made.

A Five Point Approach to Planning Decisions for Biodiversity

- Adequate information
- Avoidance of harm
- Mitigation to minimise unavoidable harm
- Compensation to offset residual harm
- New benefits

The NPA aims to incorporate this 5-point approach during the main stages of making a planning application (Pre-application, Design and after planning permission) to provide guidance for a potential applicant (see Figure 2 on page 15). A planning applicant can follow these measures too, making the planning application process easier and helping to achieve gains for biodiversity in the National Park, with the confidence that this approach will also help to comply with legislation.

PRE- APPLICATION STAGE

The pre-application stage is very important when considering biodiversity within a development. It is an opportunity to discuss the development with planning officers and other organisations such as the local Wildlife Trust, so that particular issues can be highlighted at an early stage and the relevant information obtained, avoiding unnecessary delay later in the planning process. This is particularly important for selecting a development site, survey work and site layout.

1. Adequate Information

In dealing with a planning application, the planning officer needs to determine whether more information is required about the site's biodiversity, the potential effects of the development on biodiversity and geodiversity on and off-site and whether the significance of these effects is clear.

To provide adequate information planning applicants can:

- Consider fully the site's biodiversity and geological interests and the presence or absence of protected species. A detailed survey may be needed (see Fig.1 on page 14).
- Consider linkages with habitats or natural features outside the site.
- Contact the Biodiversity Information Service (BIS) for Powys and Brecon Beacons National Park to obtain site-specific habitat and species data (if it is available) that may assist in shaping the details of any survey.
- Consider whether the development requires further Environmental Impact Assessment (EIA - see below).
- Use the survey to:
 - Assess the impact of the development on biodiversity and geodiversity.
 - Provide sufficient environmental information to the planning officer about the site's

interests and the likely effects of the development.

- Consider whether licences need to be applied for (See Appendix 3).
- Consider whether an Appropriate Assessment may be required under the Habitats Regulations (see below).

Environmental Impact Assessment

Developers should check whether their development requires assessment under the Town and Country Planning (*Environmental Impact Assessment (England and Wales) Regulations 1999*). EIA is mandatory for projects listed in Schedule 1 of the Regulations. Projects of a kind listed in Schedule 2 (including those that would otherwise have benefited from permitted development rights), need to be “screened” by the NPA to establish whether they comprise “EIA development”. If the proposal exceeds specified thresholds or is located in a sensitive area, the NPA will need to decide whether it would be likely to have significant environmental effects by virtue of factors such as its size, nature or location. National Parks are classified as a “sensitive area” and therefore the NPA will be especially vigilant with respect to EIA. If in doubt about whether the development requires an EIA, applicants should initially contact the NPA or apply for a “screening opinion”.

Appropriate Assessment

Where a development proposal is likely to have a significant effect on a SAC or SPA the National Park Authority is required to carry out an appropriate assessment under regulation 48 of the *Conservation (Natural Habitats. & c. Regulations 1994 (The Habitats Regulations))*. The applicant must provide information on all the aspects of the development and its potential impacts to the NPA (the competent authority), in order for it to complete the appropriate assessment. The appraisal should take the form of an ecological report and be submitted as a part of the planning application. Planning permission cannot be granted until the appropriate assessment had been completed and then only if the results of the assessment show that the proposal will not adversely affect the integrity of the site. An applicant must provide such information as the competent authority may reasonably require.

DESIGN STAGE

When designing a new development, the aim should be to retain as much of the existing wildlife present on site as possible. Where it is not possible to design the development so as to avoid harm to existing species and habitats it may still be possible to minimise the damage through mitigation measures. Where wildlife

losses are unavoidable despite mitigation, then consideration can be given to compensating for any wildlife losses by creating suitable new habitat as replacement, either on site or off-site. Where a site has limited biodiversity in the first place developers can be encouraged to design-in opportunities to provide suitable wildlife habitats that are appropriate to the local environs.

2. Avoidance of Harm

Have all likely adverse effects on natural features, wildlife species and habitats been avoided as far as possible? In particular applicants should aim to:

- Avoid adverse impacts on designated sites and protected species.
- Avoid adverse impacts to priority habitats and species identified in the UK BAP and LBAP.
- Retain existing habitats and species in the site layout and design.
- Provide the landscaping scheme showing this prior to the grant of planning permission.
- Avoid leaving existing habitats and species isolated within the finished development by linking them to adjacent habitats via appropriate wildlife corridors and “stepping stones”, having identified these in advance.

Ideally the design stage should follow on from the survey information gathered during Stage 1. The aim should be to provide sufficient

measures in the design for the biodiversity identified on site, linking with adjacent wildlife features wherever possible.

3. Mitigation to Minimise Unavoidable Harm

Where adverse effects are unavoidable they can be minimised by appropriate mitigation measures that can be included in conditions or planning obligations / agreements. In particular applicants should try to ensure:

- Works are carried out at the appropriate time of year to avoid disturbance to species, see Appendix 2.
- Any necessary licences are obtained early in the process, so that protected species are treated appropriately. CCW provides guidance on protected species, see Appendix 3.
- All other measures have been taken to reduce effects on biodiversity and geodiversity to a minimum by for example:
 - creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats
 - ensuring that new infrastructure (for example bridges) are designed to enable continued movement of wildlife
 - maintaining the hydrological status of sensitive sites through the careful design of drainage infrastructure
 - translocation of species from destroyed habitats to suitable receptor sites (to be used only as a rescue operation to save species that would otherwise be lost).

It is still possible that wildlife might still be harmed despite mitigation. Therefore developers should strive to ensure that the mitigation is suitable and likely to be effective for the objectives set, especially where this has a bearing on fulfilling planning conditions and/or obligations.

4. Compensation to Offset Residual Harm

Where, despite all possible mitigation, there will be residual adverse effects on wildlife, they can be compensated for by measures that are designed to offset the harm. Whilst compensation is always a last resort, applicants and planning officers should:

- Consider how compensatory measures can be guaranteed by conditions or planning obligations / agreements.
- Recreate, enhance or restore habitats on the site or on other areas of land.
- Where necessary, alter the site design to accommodate compensatory features at an early stage in the planning process.

The ecology of existing semi-natural habitat, such as ancient woodland or wildflower-rich pasture, has usually developed over a long period of time, increasing its biodiversity value. Whereas newly created habitat, such as new woodland or a wildflower meadow, will usually be ecologically poorer for some time to come, with lower biodiversity value.

Continued next page

5. New Benefits

In addition to other proposals for mitigation or compensation measures, there may be opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement, and it might be possible to secure these with planning obligations / agreements. Every opportunity should be taken for a development proposal to contribute positively to meeting one or more of the LBAP targets. This can improve the quality of the development and its environment generally, and offers the advantage of improving the sustainability of the project and its compliance with planning policies. Developers can:

- Consider how the development might make a positive contribution to ‘green infrastructure’ (see below) or the protection, enhancement or better understanding of geology and natural features and processes.
- Consider design measures that might achieve new benefits, for example:
 - Creating areas of new habitat such as woodland, rough grassland, wildflower grassland or ponds in landscaped areas or public open space
 - Siting open space and landscaping so that planting within them forms a wildlife corridor between areas of habitat adjacent to the site
 - Making provision on new buildings for species such as bats, swallows, barn owls or other species that might live locally
 - Restoring landfill and mineral sites to wildflower grassland or reed bed or retaining new geological exposures through periodic clearance of vegetation
 - Using sustainable drainage schemes so that drainage infrastructure (such as reed bed filtration) also acts as biodiversity habitat

For more detail on biodiversity enhancement see part 3c.

Green Infrastructure

"Green Infrastructure" is the sub-regional network of protected sites, nature reserves, green spaces and green linkages. These include river corridors, floodplains, footpaths, linear routes or other features of the landscape, that are of importance as corridors or stepping stones for wildlife.

Green Infrastructure can provide for multi-functional uses i.e., wildlife, recreational and cultural experience, as well as delivering ecological services, such as flood protection, shade, cooling during hot weather, carbon dioxide absorption and water conservation. It can operate at all spatial scales and in all areas from urban centres to open countryside and ideally should be designed to integrate with wider landscape conservation measures.

Further guidance is available from the Town and Country Planning Association (TCPA) in its publication "*Biodiversity by Design – a guide for sustainable communities*". See www.tcpa.org.uk

AFTER PLANNING PERMISSION

Where there are several measures that must be followed through, the planning process continues after planning permission has been granted. For example, in larger developments there may be conditions that must be fully complied with before any work can begin on site. Appropriate monitoring and management can also be included to retain the value and quality of habitats that may have been retained or created within the development.

Planning conditions and obligations (for example management agreements, S106 agreements) are the main mechanisms for securing biodiversity gains as well as management and monitoring. These are discussed further below.

Monitoring and Management

Ideally, where incorporating wildlife has been included in a planning permission developers

should monitor the success of any such works. The monitoring might include:

- the establishment of new or enhanced habitat – success criteria can be set;
- the effectiveness of relevant mitigation and compensation measures – success criteria can be set;
- complying with wildlife law after planning permission has been granted; this responsibility is shared between the developer (who ensures that the work carried out is according to the planning permission and expert advice), the local planning authority (who ensures that the conditions/obligations are complied with), the Welsh Assembly Government (who ensures that the conditions of any licence are complied with) and the Countryside Council for Wales (who advises on protected species).

Where site management is required (for example of habitats), this will need to be for a suitable period of time to ensure that planning conditions/obligations are discharged effectively. To achieve this, developers might need to submit a management plan or method statement with the planning application or as a condition of planning permission. Ideally a management plan should contain:

- a description of features to be managed;
- the aims and objectives of management;
- a [five] year detailed work plan and a longer term plan if appropriate;
- the organisation and personnel responsible for implementing the plan;
- success criteria and monitoring measures.

Planning Mechanisms to Help Biodiversity - Conditions and Planning Obligations

Planning conditions and section 106 planning obligations are the main mechanisms used in development control for conserving and enhancing biodiversity and geodiversity. (This is especially relevant to UDP policies Q3, 4 and 5). Developers can be required to undertake or contribute to works necessary to protect or enhance the nature conservation value of the environment related to the development. This might include surveys, impact assessment, mitigation, compensation or management plans (with associated method

statements) and monitoring. It is possible that where appropriate, improved access to wildlife-rich areas and geological features may be required as part of a range of measures, which can improve the quality of life for local communities.

Conditions

Measures included in planning conditions can contribute significantly to biodiversity and geodiversity conservation:

- to avoid adverse impacts or to remove the likelihood of adverse impacts occurring;
- to mitigate or reduce adverse impacts where they are unavoidable;
- to compensate for losses or impacts that could not be avoided or mitigated;
- to enhance aspects of the natural environment and its enjoyment.

Conditions achieve these objectives by several means, including:

- restricting or otherwise regulating the development in some way, for example by restricting specific operations to particular seasons;
- requiring works to be carried out that are expedient for the purposes of or in connection with the development;
- requiring schemes or further details to be submitted for approval, perhaps in consultation with CCW;
- requiring the incorporation and conservation of existing habitat features;
- requiring the restoration and aftercare of land following minerals extraction or waste disposal;
- limiting the duration of all or part of the development;
- requiring appropriate management and maintenance.

Conditions can only be used where they meet six tests. They should all be necessary, relevant to planning, relevant to the development permitted, enforceable, precise and reasonable. (See Welsh Office Circular 35/95 *The Use of Conditions in Planning Permissions* for further guidance on these tests).

- The use of conditions can deliver several positive benefits for biodiversity beyond those of simply avoiding adverse effects.

It is possible for conditions to require certain types of positive action, for example:

- the submission and agreement of a landscape scheme so that greater attention can be given to issues such as species composition and incorporation of landscape features;
- the maintenance of landscape planting for a five-year or if necessary longer period using appropriate species of local native provenance;
- special measures for protected species, so that they can continue to use the development site and surrounding environs at least as well as they were doing before the development;
- habitat enhancement;
- the restoration and aftercare of a site where a positive approach to restoration and after-use required by conditions can produce significant biodiversity benefits in terms of habitat creation and enhancement or interpretation and access to important geological exposures and features.

Planning Obligations¹

Planning obligations may be made by agreement between the planning authority and the developer (those with a legal interest in the land). They may also be made unilaterally by the developer, where the obligation becomes enforceable by the planning authority under Section 106 of the Town and Country Planning Act 1990. Planning obligations have been the subject of cases in the Courts, which have judged that obligations should not duplicate conditions and, like conditions they should be necessary to make an otherwise unacceptable development acceptable. Policy guidance in Welsh Office Circular 13/97 *Planning Obligations* states that obligations should:

- i. Serve a planning purpose;
- ii. Relate to the proposed development;
- iii. Be related in scale and kind to the development proposed; and
- iv. Satisfy the test of reasonableness.

¹ Planning obligations are currently being amended under the Planning and Compulsory Purchase Act 2004, which introduces *planning contributions*.

Examples of planning obligations include:

- provision of access and interpretation facilities for a geological feature;
- provision of new habitats or geological exposures;
- off-site monitoring of any hydrological effects of development;
- management of a particular feature (for example on-site or off-site habitat) for a specified period;
- financial provisions for establishment or management.

Control of Permitted Development

TAN5 draws attention to the potential effects of permitted development on sites of nature conservation value. Many forms of permitted development, particularly those relating to recreation, temporary uses of land and some of the activities of statutory undertakers can have a significant effect on biodiversity and could affect some geological or geomorphological features or natural processes. In many cases harm could be avoided by controlling the development, for example by seasonal restrictions, exclusion of sensitive areas or limiting the scale or intensity of development. Article 4 of the *Town and Country Planning (General Permitted Development) Order 1995* provides an important mechanism for controlling permitted development where necessary. Article 1 (5) of this order lists National Parks as one of a number of designations where permitted development is more restricted.

Development that requires environmental assessment under the *Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999*, which would normally be permitted by the Development Order, cannot proceed without a full planning application being made. *The Habitats Regulations 1994* also impose restrictions on permitted development likely to have a significant effect on a European Site, which may be a Special Protection Area for wild birds or a Special Area of Conservation for animals, plants or natural habitats.

Permitted development rights for the temporary use of land for war games, motor sports and clay pigeon shooting do not apply

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in a Site of Special Scientific Interest (SSSI),
so planning permission is required for all such

uses of land within an SSSI.

Figure 1 – Checklist of Habitats for which a Survey will Normally be Required

This checklist is provided to aid local planning authorities and developers to assess when a survey is likely to be needed. It is not exhaustive but provides a guide to ensure that protected species are taken into account at the earliest possible stage in the planning process. This list is not a substitute for expert advice.

A survey should always be undertaken when a development proposal:-

Affects:-

- Greenfield land (any protected species present)
- Allotments (any protected species present)
- Open green space (any protected species present)
- Watercourses (water vole, otter, fish, birds)
- Watercourses with stony substrate (crayfish)
- A site, building or previously developed land especially if a record of protected species exists already (any protected species present)

Is adjacent or near to:-

- Watercourses (water vole, otter, fish, birds)
- Ponds/wetlands (water vole, great crested newt)
- Railway embankments (reptiles, badger)
- Woodland (bats, badgers, birds, dormice)
- Nature Reserves (any protected species present, habitats)
- Open Space (any protected species present)
- Mines, caves, cellars (bats)
- Quarries (bats, badger)
- A site or building with a protected species record (any protected species present)

Or involves:-

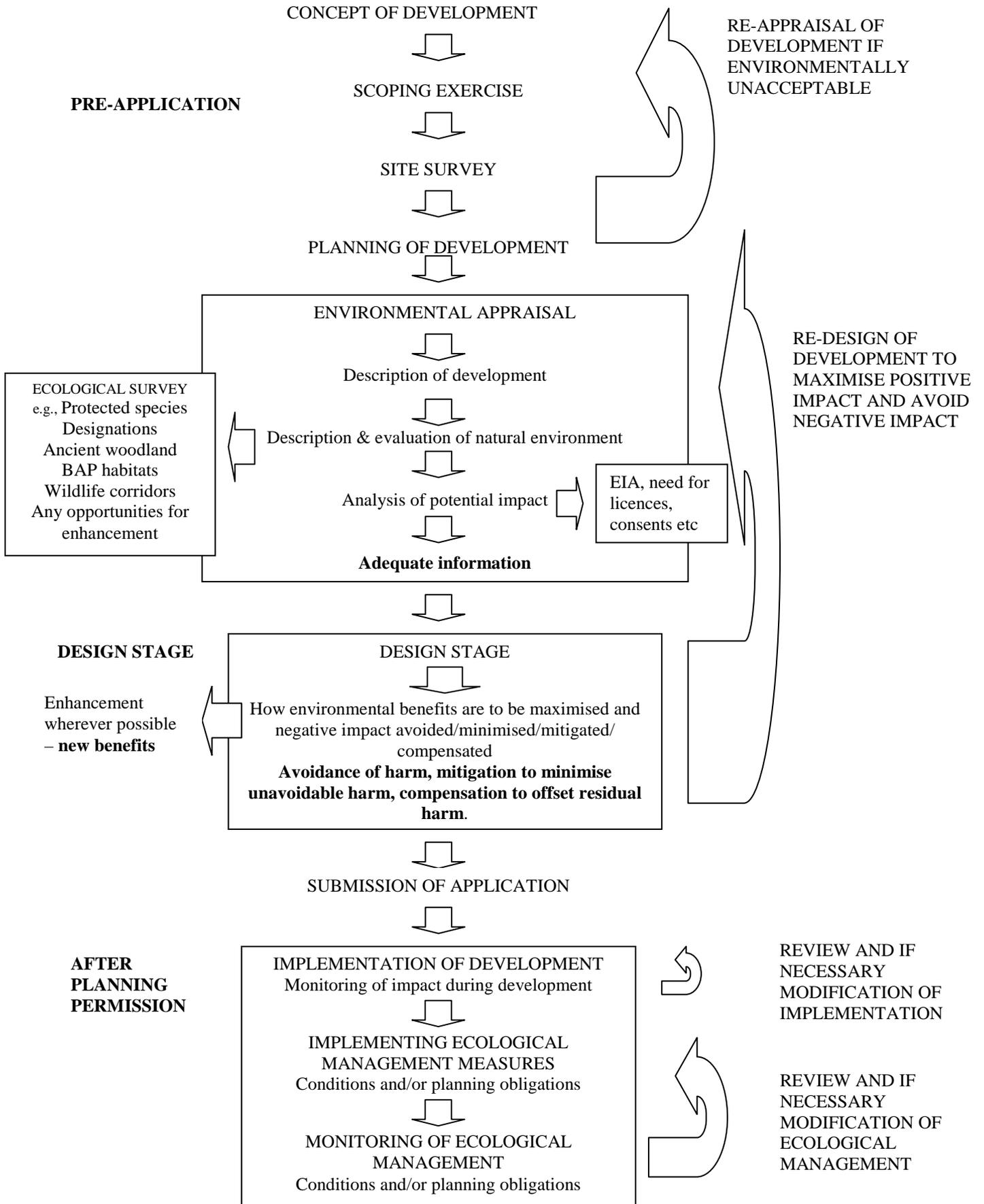
- Barn/building conversion (bats, barn owl)
- Loft conversion/re-roofing (bats)
- Building demolition (bats, barn owl)
- Scrub/woodland/hedgerow clearance (birds, badger, dormice)
- Felling of trees, including old/veteran trees (bats, birds, saproxylic invertebrates*)
- Road construction (any protected species present, habitats)
- Restoration e.g., canal (any protected species present)
- Habitat creation/enhancement (any protected species present)
- Bridge maintenance (bats)
- Removal of tree lines (bats, dormice)
- Altering/infilling ponds (great crested newt)

If in doubt as to whether a survey is required a qualified ecologist should be consulted at the earliest opportunity. See Appendix 2 for more information on surveys.

*Saproxylic invertebrates rely on the dead and decaying wood of mature and veteran trees and play a vital role in maintaining a healthy ecosystem.

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Figure 2 – Biodiversity and the planning system



PART 3

LINKING LOCAL BAP HABITATS AND SPECIES WITH PLANNING AND DEVELOPMENT

3a. PROTECTED AND IMPORTANT SPECIES AND HABITATS IN THE NATIONAL PARK

Protected and Important Species

The presence of a protected species is a material consideration in development decisions. A developer's responsibilities towards protected and important species in the BBNP are explained in the supporting text and Policy Q4 of the UDP (*Protected and Important Wild Species*).

Some species are identified as priority species in the LBAP because they are considered to be of urgent priority for conservation due to particular threats to their habitats and decline in their populations. Biodiversity conservation is co-ordinated through habitats and species action plans (HAPs and SAPs). As the conservation of many species relies on the appropriate management of its habitat, where possible species conservation is included within the relevant HAP. There are a series of targets for each habitat and species. These are local targets and are linked to national targets for each priority habitat and species. A complete list of the Action Plans, including which species and habitats are included in each plan can be found in Appendix 5

Examples of Species Affected by Planning and Development

Some species are more affected by development pressures than others and therefore the planning system can have a greater influence on their conservation. Other species may be more affected by influences outside planning control, such as agricultural intensification. Species that planning and development in the Park can have a particular influence on include bats, barn owl, breeding birds, badger, dormice

and riparian and aquatic species, especially great crested newt, otter, water vole and fish species.

Bats (including feeding areas, roosts and hibernacula)

Like all local planning authorities the Brecon Beacons National Park Authority is required to take account of the presence of bats and /or their roosts as a material planning consideration when determining planning applications.

A planning advice note is available from the BBNPA, which explains how the developer can accommodate bats within a development proposal. The Countryside Council for Wales also provides advice, see www.ccw.gov.uk

Barn Owl

The barn owl has declined dramatically in numbers over the last fifty years mainly due to diminishing feeding sites and the loss of traditional roosting and breeding sites in farm buildings. As a result the barn owl is now considered a rare bird over much of Britain and is afforded special protection under the Wildlife and Countryside Act 1981 (as amended) and is one of a number of bird species that is afforded maximum legal protection. As nests are usually located within buildings there are several implications for developers.

Before embarking on barn conversion or renovation, look out for signs of owls. If you are submitting a planning application and you are aware of barn owls or would like to provide for them in a new building please inform the planning officer at the time of application.

A planning advice note is available from the BBNPA, which explains how the developer can accommodate barn owl within a development proposal. Also see CCW's website www.ccw.gov.uk or contact the Barn Owl Trust www.barnowltrust.co.uk Also see

“Barn Owls on site – a guide for developers and planners” by Natural England (formally English Nature) available on www.naturalengland.org.uk/publications/

Riparian and Aquatic Species

Several species that occur in the National Park are dependant on riparian (bank or waterside) or aquatic habitats for their survival. These include allis and twaite shad (fish species), salmon and trout, crayfish, otter and water vole. All these species prefer a habitat with unpolluted water, undisturbed bankside vegetation and no artificial light. Ideally an undeveloped river corridor should be maintained to achieve habitats suitable for these species to thrive. For further information on riverside development please contact the following: www.environment-agency.gov.uk or www.riverlife.org.uk.

Great Crested Newt

The great crested newt is a European protected species that has declined significantly over recent decades, due largely to habitat loss. Whilst great crested newt breed in ponds they spend much of their lives on land, sometimes venturing several hundred metres from the pond. Their populations are usually dependent on the availability of several ponds close together, linked by suitable habitat.

Planning authorities are required to take account of great crested newt when considering planning permission, and may refuse applications on the basis of an adverse effect on newt populations. Developers are therefore advised to check for the presence of newts as early as possible and to provide the results of a suitable survey. Inadequate appraisal can lead to delays or refusal of planning permission. When granting planning permission, planning conditions or Section 106 agreements may be used to help ensure appropriate mitigation and management of the animals and their habitat.

A licence will be necessary if this species is likely to be affected, for example by being captured or moved. The Welsh Assembly Government should be contacted for further advice on www.wales.gov.uk. In addition, the English Nature booklet entitled “Great Crested Newt mitigation guidelines” (version: August

2001) can be obtained at www.naturalengland.org.uk/publications/

Badger

The badger is a widespread species in England and Wales. It is protected by its own legislation that prevents cruelty and protects the badger setts. Badger setts usually occur in woodland but the badgers may forage over a wide area that includes parks, gardens, allotments, playing fields, pasture, moorland and so on. Therefore it is always a useful precaution to seek expert advice as to whether or not badgers are likely to be using a site that is proposed for development. If there are signs of badger activity on or close to the development site, it is advisable to commission a full badger survey.

Badgers are creatures of habit, following well-trodden routes, which, if interfered with or removed by development, may have an adverse effect on badger behaviour. Badger setts can only be disturbed for development under a licence obtained from CCW. CCW has published “Badgers: a guide for developers”, available on www.ccw.gov.uk.

Protected and Important Habitats

The National Park includes a wide range of habitats, some of which are more vulnerable to development pressures than others and on which the planning system can therefore have greater influence on their conservation. Other habitats may be more affected by influences outside planning control such as agricultural intensification or recreation pressures.

Policy Q5 (*Biodiversity and Development*) of the UDP sets out protection measures for natural habitats and landscape features. The protection of species and habitats within a development and also the habitat networks on which they depend is vital to ensure that they do not become isolated. Wherever possible development proposals should retain the linkages between habitats and where possible strengthen the links.

The LBAP delivers habitat conservation through habitat action plans (HAPs), which contain targets and a list of actions for each habitat that will be delivered by the LBAP

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Partnership. An action for BBNPA as the Planning Authority is to ensure that planning applications affecting habitats and areas likely to support one or more priority species should include full ecological surveys and mitigation

measures to safeguard and even enhance their populations in situ. The Action Plans and more details of how developments can contribute to the UKBAP are included in Appendix 5

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3b. BIODIVERSITY ENHANCEMENTS

There are a number of straightforward and inexpensive ways to enhance existing habitats or create new ones in a development. The extent of any habitat enhancement or creation will depend on the size of the development and its location. Ideally, habitat creation should fit with the landscape character of the local area and additional consultation with the BBNPA, the Countryside Council for Wales and the relevant Welsh Wildlife Trust is advised. The following table provides an outline example of what can be created in different habitats and with different species through the development process. This table is not a substitute for expert advice.

Figure 3 – Biodiversity Enhancements

Checklist of Development Activities	Habitats or Species affected?	Habitat enhancement, creation and management
Riverside development	Habitat: ponds, river, other water feature	Enhance water feature or create new one. Create habitat suitable for otter / water vole / amphibians; long term management; keep dark by screening
	Species: water vole	Ditches with vegetation, undisturbed bankside vegetation; long term management
	Species: otter	Undisturbed habitat by rivers, establish wet woodland; keep dark by screening
	Species: bats	Retain and extend riverside woodland and wetlands; keep dark by screening
	Species: Kingfisher	Trees by rivers/streams, undisturbed bank sides
	General	Avoiding riverside development should be considered seriously
Barn or rural building conversions	Species: bats, barn owl	Incorporate barn owl or bat “lofts” and other suitable spaces within the conversion, extension or renovation. Also provide nest and bat boxes, retain mature/decaying trees, suitable planting and habitat links. BBNPA planning advice notes also available.
Developments affecting greenfield sites e.g., residential or industrial	Habitat: Rough grassland, wildflower meadows Species: wide range of species may be affected	Area of wildflower-rich grassland, glades, or grassland strips / verges. Plant native species of local or regional genetic origin and allow natural expansion / colonisation; long term management
Developments affecting (or adjacent to) woodland, hedgerows, lines of trees and scrub e.g., residential or industrial	Habitat: Woodland Species: Barn owl, other bird species, badger, bats	Retain as many trees as possible. Plant new trees, erect suitable nest boxes. Plant native species of local or regional origin and allow natural expansion / colonisation; retain mature or veteran trees.
Developments affecting old and veteran trees including any felling or lopping	Habitat: Mature trees Species: Barn owl, other bird species, bats	Maintain existing mature/veteran trees. Pollard or coppice. Leave existing trees in situ and plant new trees to succeed the old ones. Leave standing dead wood, as well as cut deadwood in piles beneath shade. Plant native species of local or regional origin and allow natural expansion / colonisation.
Major residential development, landfill site, commercial industrial site, mineral working	Species: any!	Depending on the location of the development, it is possible for any number of species to be present.
	Species: Newts and other amphibians	Create accessible ponds with some shading, adjacent to areas of rough grassland and scrub.
	Species: Common lizard and other reptiles	Create undisturbed areas of habitat and basking areas of bare ground/short grass on south facing slopes. Create log piles.
	Species: Other Birds	Swift holes, swallow platforms and house martin boxes attached to buildings. Other bird boxes on trees etc., native planting particularly trees with berries / seeds
	Restore landfill or mineral sites to habitats that are suitable to the local area; retain new geological exposures through periodic clearance of vegetation.	

APPENDICES

APPENDIX 1 – WILDLIFE AND HABITAT PROTECTION LEGISLATION

**APPENDIX 2 – ECOLOGICAL SURVEYS AND SITES OF IMPORTANCE FOR
NATURE CONSERVATION (SINCS)**

APPENDIX 3 – LICENCES

APPENDIX 4 – CONTACTS AND ROLES IN THE PLANNING PROCESS

**APPENDIX 5a – PRIORITY SPECIES AND SPECIES OF CONSERVATION CONCERN
WITHIN THE BBNP**

**APPENDIX 5b – THE HABITATS AND SPECIES INCLUDED IN EACH LBAP ACTION
PLAN**

APPENDIX 1 – WILDLIFE AND HABITAT PROTECTION LEGISLATION

As well as through the planning system, wildlife and habitats are protected through other Acts of Parliament and Regulations, the main ones being:

- EC Directive on the Conservation of Natural Habitats, and Wild Flora & Fauna (The Habitats Directive, 92/43/EEC)
- EC Directive on the Conservation of Wild Birds (The Wild Birds Directive 79/409/EEC)
- The Wildlife and Countryside Act 1981
- The Countryside and Rights of Way Act 2000
- National Parks and Access to the Countryside Act (1949)
- The Hedgerows Regulations 1997
- The Protection of Badgers Act 1992.

These Acts and Regulations together provide for different levels of protection to a variety of plants and animals, as well as the habitats in which they occur. Whilst some species occur within statutorily protected sites, more often they are found outside of these, and consequently are vulnerable to a range of threats including built developments and land use change. This legislation is subject to periodic review and amendment.

The presence of a protected species is a material consideration in a planning decision. However the law recognises that it is sometimes necessary to carry out work that will affect protected species. **The granting of planning permission enables development activities to proceed so the local planning authority, through its development control role, will try to ensure as far as possible, that harmful effects to the species or its habitat are avoided.** Where planning permission is granted, it is the developer's responsibility to comply with protected species legislation whilst carrying out the development. Planning permission does not make legal either the deliberate destruction of a protected species' habitat or the killing or deliberate disturbance of the species (see Appendix 3).

International Legislation

Together, the Habitats and Birds Directives establish a legislative framework for

protecting Europe's wildlife and habitats. The Conservation (Natural Habitats. & c.) Regulations 1994 (The Habitats Regulations) transposed the requirements of these Directives into national law in Great Britain. At the centre of the policy is the creation of a coherent ecological network of protected areas across the EU known as Natura 2000 for habitats and species considered to be of outstanding international significance and therefore of importance to the maintenance of biodiversity in the European Union. Its purpose is to maintain and restore the habitats and species at a favourable conservation status in their natural range. The network comprises: Special Protection Areas (SPAs): To conserve birds listed in Annexe 1 of the Birds Directive as well as migratory birds; and Special Areas of Conservation (SAC): To conserve the habitat types and animal and plant species listed under the Habitats Directive (see information on page 9 on Appropriate Assessments). See Policy Q1: *Sites of European Importance* of the UDP.

National Legislation

The Wildlife and Countryside Act 1981 as amended by the Countryside and Rights of Way Act (CRoW) 2000 requires CCW to designate Sites of Special Scientific Interest. These are notified for their biological and/or geological interest. The purpose of the designation is to maintain the present diversity of plants and animals in the country and to provide a representative sample of national habitats and geological features.

National Nature Reserves (NNRs) are designated by CCW under the 1949 National Parks and Access to the Countryside Act. These are also SSSIs and are either owned and managed by CCW, managed by CCW in agreement with the land owner or managed by a body approved by CCW (e.g., local Wildlife Trust, private landowner, local authority).

Section 42 of the Natural Environment and Rural Communities Act (NERC) requires the Welsh Assembly Government to prepare and publish a list of species and habitats that it considers to be of principal importance for conservation of biological diversity. The list is

to provide statutory underpinning to the implementation of the UKBAP, and LBAPs are a crucial delivery mechanism for the Section 42 list.

See Policy Q2: *Sites of National Importance* of the UDP.

Local Sites

There are two types of local site designation - one statutory and one non-statutory. A power is given to local authorities to designate land that they own or in which they have a legal interest as statutory Local Nature Reserves (LNRs) under the 1949 National Parks and Access to the Countryside Act. LNRs are managed for their nature conservation interest and provide for an element of public access and education and study potential.

Non-statutory sites are selected by a partnership that can include the local authority and the local wildlife trusts. These *wildlife sites* (or Sites of Importance for Nature Conservation) are selected according to a set of standard criteria and cover a wide range of semi-natural habitats (see UDP Policy Q3). Since 2006 the National Park Authority has been working in partnership with the local Wildlife Trusts and landowners to identify these sites.

In addition to these nature conservation based designations, local authorities may also recognise the geological and geomorphological interest of sites within their

area. Such sites are known as Regionally Important Geological/Geomorphological Sites (RIGS). They are of value for their educational, research, historical and aesthetic importance. They provide a record of past biodiversity, climatic conditions and environmental processes and are a unique natural heritage.

Hedgerows

The Hedgerow Regulations 1997 provide planning authorities in England and Wales with a means of protecting some important hedgerows, as defined by statutory criteria that includes ecological factors. In addition hedgerows can be protected and their management encouraged by development plan policies under Regulation 37 of the Habitats Regulations 1994.

Badgers

Badgers are subject to their own legislation, the Badgers Act 1992. The primary purpose of the Act is to prevent cruelty and make it an offence to:

- Wilfully kill or injure a badger;
- Interfere with a badger sett by damaging or destroying it;
- Obstruct access to a badger sett
- Disturb a badger when it is occupying a sett.

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Designations and Biodiversity

There are over 20 designations relevant to wildlife conservation. Those most relevant to the protection of biodiversity in the Brecon Beacons National Park are listed in the table below.

Site Name/Designation	Type and Level	Responsible Body
Special Area of Conservation (SAC)	Statutory International	Welsh Assembly Government (WAG)
Special Protection Area (SPA)	Statutory International	WAG
Ramsar site (none in BBNP)	Non-Statutory International	WAG
Site of Special Scientific Interest (SSSI)	Statutory National	Countryside Council for Wales (CCW)
National Nature Reserve (NNR)	Statutory National	CCW
Regionally Important Geological Site (RIGS)	Non-statutory County	RIGS group, working with the local authority
Local Nature Reserve (LNR)	Statutory Local	Local authority
County Wildlife Site/ Site of Importance for Nature Conservation	Non-statutory County	Local authority/NPA in partnership with the relevant Welsh Wildlife Trust; 3 such trusts operate within the Park – Brecknock, Gwent and South and West Wales
Ancient Woodland	Non-statutory Local	CCW and Forestry Commission

All of the designations are given weight in planning decisions with the particular importance of the international designations clearly given the greatest weight where relevant, in accordance with the procedures of the Habitats Regulations. Locally designated sites also have substantive nature conservation value and are consistently assessed against rigorous criteria. The UDP policies make clear the weight to be attached to the different designations and the implications of the policies for developments likely to affect the designated areas.

APPENDIX 2 – ECOLOGICAL SURVEYS AND SITES OF IMPORTANCE FOR NATURE CONSERVATION (SINCS)

It may be necessary to undertake an ecological survey and appraisal of a site to understand the likely effects of the proposed development (see checklist below). Both survey and appraisal contribute to the collection of adequate information in order to process and application, the first part of the 5 point approach.

Surveys are used to obtain the accurate, factual data regarding environmental conditions on site. The appraisal uses this survey data as a means of identifying;

1. Where nature conservation issues must be taken into consideration and;
2. Sites that are considered to be Sites of Importance for Nature Conservation.

This ensures that planning applications are considered in line with policy.²

Surveys

This requirement for adequate survey information is mentioned in the UDP at paragraph 3.19 of Policy Q4: Protected and Important Wild Species. It is important that ecological surveys should be carried out early in the planning process, not left to be completed after planning permission has been granted. Ecological surveys should not be considered as reserved matters because the findings of the survey may determine the design of the development and the outcome of the planning application. Due to the technical nature of ecological appraisals the NPA would normally expect the applicant to use independent ecological consultants to undertake them. The Institute of Ecology and Environmental Management (IEEM) will provide lists of recognised professional ecologists. The BBNPA Ecologist and specialists of the relevant Welsh Wildlife Trusts should also be consulted. Where statutory sites (SACs, SSSIs and NNRs) or protected species are involved, the Countryside Council for Wales (CCW) should be consulted too.

All ecological surveys should provide the following information:

- A report including a site grid reference and location plan with the application site. All plan based information must be drawn to an appropriate scale, and other supporting information such as photographs may be submitted.
- A desktop survey to establish if any existing biological information is available from relevant sources for the site proposed for development. A search for any existing records of habitats or species for the survey area should be made early during the process. Such resources may be held by the Biodiversity Information Service (BIS).
- A field survey will be essential in the majority of cases. There is an optimal time for surveying habitats and species (see table below). If the survey has been seasonally constrained or if other constraints such as access have arisen and caused limitations to the survey then this must be stated clearly in the report. Ideally all survey data should be copied to the Biodiversity Information Service so that it can provide a public record.
- The methodology used for undertaking ecological surveys with a justification for their selection. For vegetation surveys in most instances a National Vegetation Classification

² Technical Advice Note (TAN) 5 Section 2.2

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(NVC) survey or Phase 1 survey will be required. In the case of species surveys, the methodology must be stated and should concur with recent published standards.

- An objective evaluation of the site and the habitats and species it contains according to their status in legislation and the Section 42 NERC list. This may lead to the notification of the site as a Site of Importance for Nature Conservation, SINC (see below).
- An assessment of the impact of the development, both during the construction and operational phases. The impact may be direct or indirect, negative or positive in direction. The impact may be temporary or permanent in duration. In some cases it may be possible to quantify the magnitude of the impact, for example, as a measurable area of the site that will be lost or adversely affected.
- Recommendations in relation to the retention and protection of habitats and species including mitigation, compensation and enhancement proposals.
- If there is a significant time lag between completing the survey report and the onset of development, it is advisable to carry out an additional survey immediately before the onset of development to identify any new wildlife that may need to be accommodated.

For further advice and contacts on surveys please contact the development control section of the Brecon Beacons National Park Authority. In addition, the Institute of Ecology and Environmental Management has recently published “Guidelines for Ecological Impact Assessment in the United Kingdom,” which are available via www.ieem.net

Optimal Survey Times

Habitat/Species	Optimal Survey Time
Grassland	May – August
Woodland/hedgerows	April – June
Ponds/water courses	May – June
All wild birds, their nests and eggs	Breeding March – August Wintering wetland birds October - March
Water vole	March – October
Otter	Search for signs at any time but note flooding along watercourses may remove spraints
Dormouse	Hazel nut searches September – November Nest searches May – September
Bats	Depends on nature of roost e.g., summer roosts and feeding areas April – September but may occupy separate hibernation roosts October – March
Badger	Sett surveys October – April Bait marking February – April and September – October
Grass snake, adder, slow worm, common lizard	April – June and September
Great Crested Newt	Water searches mid March – end of June, land searches mid March – end of September
Fish	Varies for species, life stages and environmental conditions
Invertebrates	All year for different larval and adult life stages. For crayfish, September – November.
Fungi	July - December

Sites of Importance for Nature Conservation (SINCs)

Planning Policy Wales³ and TAN 5⁴ support the identification of Sites of Importance for Nature Conservation, SINCs. In the Brecon Beacons National Park, this forms UDP policy Q3. These are sites outside of SSSIs and SACs that are of local importance. SINCs are a means of identifying a site of substantial nature conservation value by assessing site survey data against a set of criteria. The criteria function as a threshold, over which sites will be considered to be of substantial nature conservation value. The criteria are also used to evaluate the relative importance of habitats and species. This evaluation will allow the nature conservation considerations to be weighed against other considerations when determining an application. This is a key issue to ensure that responsibilities for sustainable development are delivered.

The criteria are based on protected species and the Section 42 list of the Natural Environment and Rural Communities Act 2006. This ensures that the SINC process is supported by both legislation and policy and that the process is robust, objective and transparent. The nature conservation interest for which the SINC is notified will form a material consideration in determining any planning applications.

Criteria for the selection of SINCs in the Brecon Beacons National Park

A site will be selected as a SINC if it meets one or more of the following criteria:

1. It contains an area of those habitats listed on S.42.NERC, or;
2. It contains areas of importance for the *breeding, foraging, resting, hibernation or other activity considered critical to the survival*⁵ of a European Protected Species or a species protected under any Schedule of the Wildlife & Countryside Act, or;
3. A *significant*⁶ local population of a species listed on S.42 NERC
4. A site that while outside of SAC and SSSI boundaries contains features or attributes that directly supports the status or condition of features within a SAC or SSSI.
5. An area that contains a *significant*⁵ local population of a species or habitats identified in the BBNP Local Biodiversity Action Plan or otherwise has substantial nature conservation value in terms of the size, geographic location, number/population of species supported or has a hydrological or habitat connectivity function in mitigating against climate change.
6. The site contains features of geological importance

- Sites which do not meet these criteria will not be identified as SINCs, but the presence of protected species may still need to be addressed through the AAPG 5 point process.
- SINC boundaries will conform to hedges, tree lines, fence lines, roads, watercourses or any other feature that delineates the site into a recognisable unit.

Once identified, the landowner of the SINC will be informed of its notification and the nature conservation value will be clearly detailed in terms of the habitats, species or other features that are considered to be of substantial importance. The Brecon Beacons National Park Authority will mark the SINC on Local Development Plan maps. Whenever this map is reviewed, SINCs identified since the last production of the map will be added.

³ Planning Policy Wales Section 5.3.11

⁴ Technical Advice Note 5 (Draft Jan 2007) Section 5.7.1 - 5.7.4

⁵ This is considered to be more than the presence of a species

⁶ Significance is determined based on the local abundance of the species in question on a case by case basis

Methods for the identification of SINC

National planning policy encourages planning authorities to base local plans and policies on up to date survey information⁷. Therefore the identification of SINC can be seen as an ongoing exercise. Any site on which enough survey data has been collected can be assessed against the SINC criteria. This survey data can be collected in a number of ways including;

1. When a survey is undertaken as a requirement to determine a submitted planning application.
2. For sites submitted to the Authority for inclusion in the LDP as development sites.
3. Sites where a survey has been requested or approved by the landowner.
4. Land targeted for survey work due to its potential function supporting SSSIs/SACs, or may be of otherwise likely significant nature conservation interest.

In each case the landowner will receive a copy of all survey data collected.

Effect of SINC status on planning applications

The presence of a SINC does not mean that development cannot take place, rather than any development proposal should detail how the nature conservation interests present on site will be retained during and after development. The development would be required to comply with wildlife legislation and polices regardless of being previously identified as a SINC. However, the early identification of SINC can benefit an applicant as nature conservation issues are known from the beginning and can be accommodated in both the design and construction timetable. This can help to avoid the need to re-design applications, alter the timing of construction or site clearance and accommodate the possible waiting periods before licenses are issued.

SINC status is only one consideration and others may take priority. Therefore developments that by their nature cannot avoid damaging or destroying nature conservation interests may still be approved. In this instance the SINC criteria help to quantify the value of what has been lost, allowing appropriate mitigation to be conditioned as part of the approved development.

In all cases, development applications should include the means to protect and enhance biodiversity as described within this AAPG document.

SINC status is a tool for planning purposes. Identification as a SINC confers no additional obligations with regard to land management, agricultural practices, access or other activity.

⁷ Technical Advice Note 5 section 2.2

APPENDIX 3 – LICENCES

It may be necessary and possible to obtain consents or licences, required in addition to obtaining planning permission, to allow some activities to take place that might otherwise be prohibited.

Survey Licences

Any activities including survey work, trapping and marking, photography and the management of habitats for protected species, which are likely to cause disturbance or prohibited activities must be carried out under licence. The Countryside Council for Wales Licensing Section issues licences for species protected under the Wildlife and Countryside Act 1981, the Protection of Badgers Act 1992 and the Deer Act 1991. It can also licence survey work for European Protected Species. Application forms and further advice can be obtained from CCW (www.ccw.gov.uk).

Development Licences

In the case of European Protected Species listed in the Habitat Regulations likely to be affected by development, the developer will need to apply to the Welsh Assembly Government (WAG) for a Habitat Regulations Licence – commonly referred to as a development licence, **before** any work commences on site. The licence application should be made once the permission is given and the planning position fully resolved. Even where planning permission has been granted the development work cannot commence until after the licence has been obtained. Licences cannot be granted retrospectively. Planning Policy (Wales) (March 2002) states that “the presence of a species protected under European or UK legislation is a material consideration when a local planning authority is considering a development proposal which if carried out would be likely to result in disturbance or harm to the species or its habitat.”

WAG will apply three tests as set out in Guidance Note on European Protected Species (DETR, 2000), which must be satisfied before a licence can be issued:

1. Regulation 44(2)(e) states that licences may be granted to “preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”
2. Regulation 44(3)(a) states that a licence may not be granted unless WAG is satisfied “that there is no satisfactory alternative”.
3. Regulation 22(3) (b) states that a licence cannot be issued unless WAG is satisfied that the action proposed “will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.”

When an application is received WAG will write to the local planning authority and request a copy of the relevant planning report to Planning Committee and the minutes of the meeting at which the application was decided. Details of any mitigation plans and planning agreements or conditions will also be needed. They will also seek advice from CCW on whether any mitigation proposals are sufficient to maintain the population of the species concerned at a favourable conservation status in its natural range. WAG advises that if a developer is not granted a development licence, this could mean that proceeding with the development, even with planning permission will result in illegal acts against European protected species or their habitat.

CCW will also consider licences to enable development likely to affect badgers. It should be noted that there are no provisions for obtaining a licence to disturb protected bird species whilst breeding in order to enable development.

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APPENDIX 4 – CONTACTS AND ROLES IN THE PLANNING PROCESS

Organisation	Role in Planning Process	Contact Details
Brecon Beacons National Park Authority (BBNPA)	Determines all planning applications within the National Park and is responsible for preparation of the Unitary Development Plan, Local Development Plan and the National Park Management Plan. BBNPA will give opinions as to whether an Environmental Impact Assessment is required and if so what its scope should be. It can also advise on locations of designated sites, protected species and other planning constraints.	Planning Department Plas Y Ffynnon Cambrian Way Brecon, Powys, LD3 7HP www.breconbeacons.org
Wildlife Trusts	Consultee to many planning applications affecting biodiversity interests, including species, statutorily designated sites and those of local conservation interest. Able to offer advice on location of habitats and species, undertake species and habitat surveys and to give advice on habitat and species management.	www.wildlifetrust.org.uk/brecknock 01874 625 708 www.wildlifetrust.org.uk/gwent 01600 740 600 www.wildlifetrust.org.uk/wales 01656 724 100
Countryside Council for Wales	Is a statutory consultee on certain planning applications including all those likely to affect a Natura 2000 site, SSSI or requiring EIA; also an advisor on protected species and responsible for certain licences to enable surveys or development affecting some protected species. CCW is the “appropriate nature conservation body” under the Habitats Regulations and provides advice to a local planning authority in its decision making process, such as the potential for likely significant effect on the interest features of a European site. CCW must be consulted as part of an appropriate assessment under the Habitats Regulations and the NPA must have regard to any representations made as a result of that consultation.	Cantref Court Brecon Road Abergavenny NP7 7AX www.ccw.gov.uk
Environment Agency	Consultee to all minerals and waste applications. Management of water at catchment level. Responsible for giving consents for water abstraction, land drainage, impoundment and discharge as well as management affecting drainage or flood defence. Will comment on the pollution potential of discharges.	Rivers House St Mellon’s Business Park St Mellons Cardiff CF3 0LT www.environment-agency.gov.uk
Biodiversity Information Service (Local Record Centre)	The local record centre collects, stores and disseminates biodiversity data and provides an important constraints check. Its Planning List Checking Service alerts the relevant Welsh Wildlife Trust, CCW, PCC and BBNPA to biodiversity implications of planning applications.	First Floor Offices Coliseum House 7 Wheat Street Brecon LD3 7DG www.b-i-s.org
Royal Society for the Protection of Birds RSPB	Consultee on planning applications affecting sites of international importance for birds. Provides information on bird distribution and offers advice on survey methodologies and habitat management.	Sutherland House Castlebridge Cowbridge Road East Cardiff CF11 9AB

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Organisation	Role in Planning Process	Contact Details
		www.rspb.org.uk
Welsh Assembly Government	Consultee to all minerals and waste planning applications. Licensing body for European protected species and has responsibilities for internationally designated sites.	National Assembly for Wales Cardiff Bay Cardiff CF99 1NA www.wales.gov.uk

Other Contacts

British Trust for Conservation Volunteers Cymru – www.btcvcymru.org

Forestry Commission – www.forestry.gov.uk

National Trust- www.nationaltrust.org.uk

Welsh Water – www.dwrcymru.com.uk

Welsh Wildlife and Countryside Link – www.waleslink.demon.co.uk

Campaign for the Protection of Rural Wales – www.cprw.org.uk

The Institute of Ecology and Environmental Management (IEEM) – www.ieem.org.uk

Association of Local Government Ecologists (ALGE) – <http://www.alge.org.uk/about/regions/wales.php>,
<http://www.alge.org.uk/about/regions/cymru.php>

Woodland Trust – www.woodland-trust.org.uk

Wildlife Trust Partnership – www.wildlifetrust.org.uk

The Bat Conservation Trust – www.bats.org.uk

The Mammal Society – www.abdn.ac.uk/mammal

The Otter Trust – www.ottertrust.org.uk

The Barn Owl Trust – www.barnowltrust.co.uk

British Herpetological Society – www.thebhs.org.uk

UK Biodiversity Action Plan – www.ukbap.org.uk

Butterfly Conservation – www.butterfly-conservation.org

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APPENDIX 5a – PRIORITY SPECIES AND SPECIES OF CONSERVATION CONCERN WITHIN THE BBNP

(Names in bold are UK Priority Habitats and Species and have National Targets)

Habitats

Habitat name
Ancient and/or species-rich hedgerows
Blanket bog
Boundary and linear features
Bracken
Broadleaved, mixed and yew woodland
Built environment - buildings and other urban structures
Built up areas and gardens
Caves - natural
Cereal field margins
Churchyards, cemeteries and burial grounds
Coastal and floodplain grazing marsh
Coniferous woodland
Earth heritage/ geological diversity
Eutrophic standing waters
Fens
Gardens and allotments
Limestone pavements
Lowland beech and yew woodland
Lowland calcareous grassland
Lowland dry acid grassland
Lowland heathland
Lowland meadows
Lowland mixed deciduous woodland
Lowland raised bog
Lowland wood-pasture and parkland
Mesotrophic lakes
Natural rock exposures - inland cliffs/ rock outcrops/ screes

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Ponds
Purple moor grass and rush pastures
Quarries, mines and gravel pits
Reedbeds
Rivers and streams
School grounds (incl. playing fields and playgrounds)
Standing open water and canals
Traditionally managed orchards
Transport corridors (incl. road verges/ railway linesides/ green lanes/ cycleways)
Upland calcareous grassland
Upland fens and flushes
Upland heathland
Upland mixed ashwoods
Upland oakwood
Veteran and street trees
Wet woodland

Species

Taxon	Species name
Ants / Bees / Sawflies / Wasps	<i>Formica rufa</i> (Red wood ant)
Bats	<i>Barbastella barbastellus</i> (Barbastelle bat)
	<i>Myotis bechsteinii</i> (Bechstein's bat)
	<i>Pipistrellus pipistrellus</i> (Pipistrelle bat)
	<i>Rhinolophus ferrumequinum</i> (Greater horseshoe bat)
	<i>Rhinolophus hipposideros</i> (Lesser horseshoe bat)
Beetles	<i>Donacia bicolora</i> (a reed beetle)
Birds	<i>Acrocephalus paludicola</i> (Aquatic warbler)
	<i>Alauda arvensis</i> (Skylark)
	<i>Botaurus stellaris</i> (Bittern)

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	<i>Caprimulgus europaeus</i> (Nightjar)
	<i>Carduelis cannabina</i> (Linnet)
	<i>Charadrius hiaticula</i> (Ringed Plover)
	<i>Circus cyaneus</i> (Hen Harrier)
	<i>Dendrocopos minor</i> (Lesser Spotted Woodpecker)
	<i>Emberiza citrinella</i> (Yellowhammer)
	<i>Emberiza schoeniclus</i> (Reed bunting)
	<i>Lagopus lagopus</i> (Red Grouse)
	<i>Locustella naevia</i> (Grasshopper Warbler)
	<i>Melanitta nigra</i> (Common scoter)
	<i>Muscicapa striata</i> (Spotted flycatcher)
	<i>Numenius arquata</i> (Curlew)
	<i>Parus montanus</i> (Willow Tit)
	<i>Parus palustris</i> (Marsh Tit)
	<i>Passer montanus</i> (Tree sparrow)
	<i>Perdix perdix</i> (Grey partridge)
	<i>Pluvialis apricaria</i> (Golden plover)
	<i>Pyrhula pyrrhula</i> (Bullfinch)
	<i>Sterna albifrons</i> (Little Tern)
	<i>Sterna dougallii</i> (Roseate tern)
	<i>Sturnus vulgaris</i> (Starling)
	<i>Turdus philomelos</i> (Song thrush)
	<i>Turdus torquatus</i> (Ring ouzel)
	<i>Vanellus vanellus</i> (Lapwing)
Butterflies	<i>Euphydryas aurinia</i> (Marsh fritillary)
	<i>Thecla betulae</i> (Brown hairstreak)
Crustaceans	<i>Austropotamobius pallipes</i> (White-clawed crayfish)
Dragonflies / Damselflies	<i>Coenagrion mercuriale</i> (Southern damselfly)
Fish	<i>Alosa alosa</i> (Allis shad)
	<i>Alosa fallax</i> (Twaite shad)
	<i>Lampetra fluviatilis</i> (River lamprey)
Frogs / Toads /	<i>Triturus cristatus</i> (Great crested newt)

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Newts	
Fungi	<i>Geastrum fornicatus</i> (Arched Earthstar)
	<i>Hygrocybe calyptriformis</i> (Pink meadow cap)
	<i>Hygrocybe spadicea</i> (Date-colored waxcap)
	<i>Microglossum olivaceum</i> (an earth-tongue)
Lichens	<i>Caloplaca lucifuga</i> (A lichen)
	<i>Collema dichotomum</i> (River jelly lichen)
	<i>Endocarpon adscendens</i> (A lichen)
	<i>Opegrapha paraxanthodes</i> (a lichen)
Mosses / Liverworts / Hornworts	<i>Hamatocaulis vernicosus</i> (Slender green feather-moss)
	<i>Orthotrichum sprucei</i> (Spruce's bristle-moss)
	<i>Riccia huebeneriana</i> (Violet crystalwort)
Moths	<i>Hydrelia sylvata</i> (Waved carpet)
	<i>Hypena rostralis</i> (Buttoned snout)
	<i>Mythimna turca</i> (Double line)
	<i>Polia bombycina</i> (Pale shining brown)
	<i>Rheumaptera hastata</i> (Argent and sable)
	<i>Xestia rhomboidea</i> (Square-spotted clay)
	<i>Xylena exsoleta</i> (Sword-grass)
Snails / Slugs / Bivalves	<i>Margaritifera margaritifera</i> (Freshwater pearl mussel)
Spiders	<i>Porrhomma rosenhaueri</i> (A Troglobitic Spider)
Stoneflies	<i>Brachyptera putata</i> (a stonefly)
Terrestrial mammals	<i>Arvicola terrestris</i> (Water vole)
	<i>Lepus europaeus</i> (Brown hare)
	<i>Lutra lutra</i> (Otter)
	<i>Muscardinus avellanarius</i> (Dormouse)
True flies / two-winged flies	<i>Clorismia rustica</i> (a stiletto-fly)
	<i>Lipsothrix errans</i> (a crane-fly)
	<i>Lipsothrix nervosa</i> (a crane-fly)
	<i>Spiriverpa lunulata</i> (Shingle stiletto-fly)

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Vascular Plants	<i>Genista pilosa</i> (Hairy Greenweed)
	<i>Pilularia globulifera</i> (Pillwort)
	<i>Sorbus anglica</i> (a whitebeam)
	<i>Sorbus leptophylla</i> (Whitebeam)
	<i>Sorbus leyana</i> (Ley's whitebeam)
	<i>Sorbus minima</i> (Whitebeam)

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APPENDIX 5b – THE HABITATS AND SPECIES INCLUDED IN EACH LBAP ACTION PLAN

National priority species and habitats are shown in bold

Plan name	Habitats	Species
HAP Built up areas and Gardens	Built environment - buildings and other urban structures	<i>Geastrum fornicatus</i> (Arched Earthstar)
	Churchyards, cemeteries and burial grounds	<i>Parus palustris</i> (Marsh Tit)
	Gardens and allotments	<i>Turdus philomelos</i> (Song thrush)
	School grounds (incl. playing fields and playgrounds)	
	Veteran and street trees	
HAP Grasslands and Farmland	Ancient and/or species-rich hedgerows	<i>Genista pilosa</i> (Hairy Greenweed)
	Cereal field margins	<i>Hygrocybe calyptriformis</i> (Pink meadow cap)
	Coastal and floodplain grazing marsh	<i>Hygrocybe spadicea</i> (Date-colored waxcap)
	Lowland calcareous grassland	<i>Hypena rostralis</i> (Buttoned snout)
	Lowland dry acid grassland	<i>Lepus europaeus</i> (Brown hare)
	Lowland meadows	<i>Microglossum olivaceum</i> (an earth-tongue)
	Purple moor grass and rush pastures	<i>Mythimna turca</i> (Double line)
	Traditionally managed orchards	<i>Rheumaptera hastata</i> (Argent and sable)
	Upland calcareous grassland	<i>Thecla betulae</i> (Brown hairstreak)
	Upland hay meadows	
HAP Open uplands	Blanket bog	<i>Circus cyaneus</i> (Hen Harrier)
	Lowland heathland	<i>Coenagrion mercuriale</i>

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		(Southern damselfly)
	Upland fens and flushes	<i>Lagopus lagopus</i> (Red Grouse)
	Upland heathland	<i>Pluvialis apricaria</i> (Golden plover)
		<i>Turdus torquatus</i> (Ring ouzel)
HAP Rock habitats and Geodiversity	Caves - natural	<i>Opegrapha paraxanthodes</i> (a lichen)
	Earth heritage/ geological diversity	<i>Porrhomma rosenhaueri</i> (A Troglobitic Spider)
	Limestone pavements	<i>Sorbus anglica</i> (a whitebeam)
	Natural rock exposures - inland cliffs/ rock outcrops/ screes	<i>Sorbus leptophylla</i> (Whitebeam)
	Quarries, mines and gravel pits	<i>Sorbus leyana</i> (Ley's whitebeam)
		<i>Sorbus minima</i> (Whitebeam)
HAP Wetlands and running water	Eutrophic standing waters	<i>Acrocephalus paludicola</i> (Aquatic warbler)
	Fens	<i>Alosa alosa</i> (Allis shad)
	Lowland raised bog	<i>Alosa fallax</i> (Twaite shad)
	Ponds	<i>Austropotamobius pallipes</i> (White-clawed crayfish)
	Reedbeds	<i>Botaurus stellaris</i> (Bittern)
	Rivers and streams	<i>Brachyptera putata</i> (a stonefly)
	Standing open water and canals	<i>Charadrius hiaticula</i> (Ringed Plover)
		<i>Clorismia rustica</i> (a stiletto-fly)
		<i>Collema dichotomum</i> (River jelly lichen)
		<i>Emberiza schoeniclus</i> (Reed bunting)
		<i>Endocarpon adscendens</i> (A lichen)
		<i>Hamatocaulis vernicosus</i> (Slender green feather-

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		moss)
		<i>Lampetra fluviatilis</i> (River lamprey)
		<i>Locustella naevia</i> (Grasshopper Warbler)
		<i>Margaritifera margaritifera</i> (Freshwater pearl mussel)
		<i>Melanitta nigra</i> (Common scoter)
		<i>Orthotrichum sprucei</i> (Spruce's bristle-moss)
		<i>Pilularia globulifera</i> (Pillwort)
		<i>Riccia huebeneriana</i> (Violet crystalwort)
		<i>Spiriverpa lunulata</i> (Shingle stiletto-fly)
		<i>Sterna albifrons</i> (Little Tern)
		<i>Sterna dougallii</i> (Roseate tern)
HAP Woodlands	Broadleaved, mixed and yew woodland	<i>Caloplaca lucifuga</i> (A lichen)
	Coniferous woodland	<i>Dendrocopos minor</i> (Lesser Spotted Woodpecker)
	Lowland beech and yew woodland	<i>Formica rufa</i> (Red wood ant)
	Lowland mixed deciduous woodland	<i>Hydrelia sylvata</i> (Waved carpet)
	Lowland wood-pasture and parkland	<i>Lipsothrix errans</i> (a crane-fly)
	Upland mixed ashwoods	<i>Lipsothrix nervosa</i> (a crane-fly)
	Upland oakwood	<i>Muscicapa striata</i> (Spotted flycatcher)
	Wet woodland	<i>Pyrrhula pyrrhula</i> (Bullfinch)
		<i>Sturnus vulgaris</i> (Starling)
SAP Bats		<i>Barbastella barbastellus</i>

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		(Barbastelle bat)
		<i>Myotis bechsteinii</i> (Bechstein's bat)
		<i>Pipistrellus pipistrellus</i> (Pipistrelle bat)
		<i>Rhinolophus ferrumequinum</i> (Greater horseshoe bat)
		<i>Rhinolophus hipposideros</i> (Lesser horseshoe bat)
SAP Dormouse		<i>Muscardinus avellanarius</i> (Dormouse)
SAP Farmland birds		<i>Alauda arvensis</i> (Skylark)
		<i>Carduelis cannabina</i> (Linnet)
		<i>Emberiza citrinella</i> (Yellowhammer)
		<i>Numenius arquata</i> (Curlew)
		<i>Parus montanus</i> (Willow Tit)
		<i>Passer montanus</i> (Tree sparrow)
		<i>Perdix perdix</i> (Grey partridge)
		<i>Pyrrhula pyrrhula</i> (Bullfinch)
SAP Great Crested Newt		<i>Triturus cristatus</i> (Great crested newt)
SAP Lapwing		<i>Vanellus vanellus</i> (Lapwing)
SAP Marsh Fritillary	Purple moor grass and rush pastures	<i>Euphydryas aurinia</i> (Marsh fritillary)
SAP Nightjar		<i>Caprimulgus europaeus</i> (Nightjar)
SAP Otter		<i>Lutra lutra</i> (Otter)
SAP Water Vole		<i>Arvicola terrestris</i> (Water vole)

APPENDIX 5C - LINKING DEVELOPMENT TO THE UKBAP & LBAP TARGETS

Biodiversity Action has been defined into 6 different *types*. The UKBAP has set targets for each habitat and species in terms of *type*. The mitigation, enhancement and improvements delivered through developments can now be linked to targets by using these same *types*. Their definition is outlined below;

Habitat types

1. **Maintain Extent:** This target defines how we will measure the physical extent of a habitat. Given that vast areas of natural and semi-natural habitat have been lost in the past it is a key aim to ensure that there is no more loss of priority habitat i.e. the LBAP aims to maintain the extent of the existing resource.

Any development that leads to a loss of priority habitat would be to contrary to the aims of the UKBAP and LBAP. However, in some cases this target type can be regarded as *no net loss* of habitat. This is only true where it is possible to easily re-create habitat e.g. a development that requires the loss of secondary (non-ancient) woodland could include plans to replant a similar area of woodland.

2. **Achieve Condition:** This target defines the quality of a habitat. When the habitat is surveyed against a set of measurable attributes, it can be determined whether that habitat is in *Favourable* or *Unfavourable* Condition. If a condition assessment has been carried out in the past it is possible to add to this condition statement as a trend. A positive trend is termed *Recovering* a negative trend *Declining* and no discernable trend termed *No Change*. The UKBAP states that proportions of the extent of priority habitats should be either *Favourable* or *Unfavourable – Recovering* by 2015.

Any development that leads to a loss of existing quality or will prevent the potential improvement to a habitat is contrary to the aims of the UKBAP. Many of the enhancements listed in Section 3b of this document refer to the Achieve Condition target.

3. **Restoration:** This target defines the major improvements to relic, highly degraded or recently destroyed habitat. What constitutes Restoration as opposed to either Achieve Condition or Expansion is defined under each UKBAP priority habitat.

In most cases development will not directly affect this target type as it essentially refers to reversing declines that have already occurred. However, it is likely that compensation or mitigation for the loss of extent or quality of habitat will require the restoration of similar or adjacent habitat.

4. **Expansion:** This target defines the creation of new areas of habitat, such as digging a new pond or planting new woodlands and hedgerows. As with Restoration it is likely that compensation or mitigation for losses will require a development to create new habitat where it is appropriate to do so.

Species types

5. **Range:** This target defines the physical area that the species is present within. As a baseline the UKBAP seeks to ensure that each species maintains its current range. To reverse past losses, each species has a target to increase its Range by moving to new sites or returning to sites it previously inhabited.

Any development that causes a reduction in the range of a species is contrary to the UKBAP. Many developments will be affected by the need to maintain the range of a species, particularly for species such as bats. It will often be a requirement of planning consent that the development includes the means for a species to maintain its presence at that site, such as including provision for bats to continue to use a building. Achieving Condition, Restoration and Expansion of habitats can also increase the range of certain species and so provision for species may be included in habitat management actions.

6. **Population:** This target defines the actual quantity of a species either in absolute values (e.g. number of individuals) or by using a suitable surrogate (e.g. the number of breeding pairs). Any development that leads to a loss of population would be contrary to the UKBAP. This loss can occur in a number of ways; loss of habitat area or quality; loss of specific features such as veteran trees; disturbance or exclusion that denies an individual access to refuge, cover or food; physical injury or death of an individual during construction either directly or indirectly. In many cases the manner and timing of a development can ensure that individuals are not harmed, but loss of habitat quality and extent are more long term effects that will require mitigation or compensation.

A Five Point Approach to Planning Decisions for Biodiversity

Adequate information

- Contributes to baseline data (for Maintain Extent, Achieve Condition, Range and Population)

Avoidance of harm

- No loss of habitat area (Maintain Extent)
- No loss of species presence (Maintain Range)
- No loss of species due to development (Maintain Population)

Mitigation to minimise unavoidable harm

- Improving the condition of a habitat by enhancements (Achieve Condition)
- Making provision for a species within a development (Maintaining current Range and/or Population)

Compensation to offset residual harm

- Improving the condition of a habitat by enhancements (Achieve Condition)
- Restoring adjacent or similar habitat (Restoration)
- Making provision for a species within a development (Maintain or increase Range and/or Population)

New benefits

- Improving the condition of a habitat by enhancements (Achieve Condition)
- Restoring adjacent or similar habitat (Restoration)
- Making provision for a species within a development (Range and/or Population)
- Creating new habitat (Expansion and potential increase Range and/or Population of species)

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- Unitary Development Plan for the Brecon Beacons National Park - Deposit Draft (May 2004)
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The Following Supplementary Planning Guidance:

- Biodiversity Supplementary Planning Guidance for Norfolk
Cambridgeshire County Council. (2001) Biodiversity Checklist for Land use Planners in
Cambridgeshire and Peterborough
- Herefordshire County Council – Biodiversity Supplementary Planning Guidance
SPG2: Biodiversity Conservation – Kent and Medway Structure Plan
- Biodiversity in Leicester – Supplementary Planning Guidance
- Biodiversity and the planning process – South Gloucestershire
- Biodiversity Planning and Development – Caerphilly County Borough Council
- Design for Wildlife – Supplementary Planning Guidance 1 – City of Worcester