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Statement regarding consultation

1. The draft version of this Supplementary Planning Guidance (SPG) was subject to public consultation between 3 December 2009 and 14 January 2010. A public notice was published in the Caernarfon and Denbigh Herald and the Cambrian News on 3 December 2009 in order to raise awareness about the public consultation. Copies of the SPG were available to view in the main Council offices, in the public libraries and on the Council’s website during the consultation period. Comments were invited from numerous individuals and organisations, which included the community councils. A summary of the representations that were received and the response to them can be seen in a document entitled “Consultation statement – December 2009”.

2. The representations and the response to them were scrutinised by the Environment Committee on 9 February 2010. The SPG was adopted in the Council Board meeting on 9 March 2010.

The Purpose of Supplementary Planning Guidance

3. This Supplementary Planning Guidance (SPG) is one of a series of guidance notes which support the policies of the adopted Unitary Development Plan (UDP). Although decisions on planning applications will be based on the Development Plan’s adopted policies (as indicated in part 38(6) of the Planning and Compulsory Purchase Act 2004), the content of the SPG is a material planning consideration (after it has been adopted by the Council).

4. In general, the purpose of this SPG is:

   - is to be of assistance and to provide detailed guidance to members of the public, planning officers and planning committees dealing with sites that are of local importance for their ecological value, called Wildlife Sites.

Background

5. Wildlife Sites are places that are considered to be of local importance for their biodiversity value. They are non-statutory sites that are not designated under any specific law but a suite of policies and legislation. They are used in the planning system to protect areas that have substantive nature conservation value at a local level. Wildlife Sites are identified by locally developed criteria and are the most important places for wildlife and biodiversity outside of the statutory sites, such as SSSIs.

6. The Gwynedd Local Planning Authority area has rich diversity of species and habitats and this is reflected in the coverage of sites designated for their national and international importance. Gwynedd is the stronghold for many rare species such as chough and lesser horseshoe bats and the county has good examples of many threatened habitats such as, fens and lowland heaths. Wildlife Sites are usually areas that contribute to the distinctive landscape character of the Gwynedd Local Planning Authority area (which excludes the National Park), and this is especially relevant within the Llyn Peninsula Area of Outstanding Natural Beauty.
We have a duty to conserve our biodiversity resource for future generations. Wildlife Sites, together with statutory sites, should be treated as the minimum wildlife resource of an area. Below this minimum level wildlife cannot recover to a sustainable level. Loss or damage to Wildlife Sites and statutory sites should be prevented whenever possible in a move towards a sustainable environment.

National Policies and Legislation
Planning Policy Wales (PPW) as modified by MIPPS

Welsh planning policy recognises the importance of Wildlife Sites in the planning system and recommends their incorporation in development plans and in development control. It advises that Wildlife Sites should be based on a formal scientific assessment of the nature conservation value of the site and that they should also reflect community values and that criteria used for their selection is based on biological grounds. (Planning Policy Wales 2002).

Paragraph 5.5.1 of Planning Policy Wales (2002) states that biodiversity and landscape considerations must be taken into account in determining individual applications. The effect of a development on the wildlife or landscape of any area can be a material consideration. In such instances and in the interests of achieving sustainable development it is important to balance conservation objectives with the wider economic needs of local businesses and communities. Where development does occur it is important to ensure that all reasonable steps are taken to safeguard or enhance the environmental quality of land.

Technical Advice Note 5 - Nature Conservation and Planning

The Welsh Assembly Government’s revised Technical Advice Note 5 (2009) contains a section on “Local Sites”. It acknowledges the important contribution of Wildlife Sites to the implementation of Biodiversity Action Plans and to the management of landscape features of major importance for species. It states that developers should avoid harm to Wildlife Sites where possible. Where harm is un-avoidable it should be minimized by mitigation measures.

Natural Environment and Rural Communities Act 2006

Section 40 of the NERC Act 2006 places a duty on local authorities to conserve biodiversity through the exercising of their functions. As instructed under Section 42 the Welsh Assembly has produced a list of species and habitats of principle biodiversity importance in Wales. The role Local Authorities have in land use planning and managing their own land is obviously relevant to the local Wildlife Site system.


Article 10 of the EU Habitats Directive 1992 says that: “Member states shall endeavour, where they consider it necessary, in their land use planning and development policies, and, in particular, with a view to improving the ecological coherence of the Natura 2000 network, to encourage the management of features of the landscape which are of major importance for wild flora and fauna”.

2
This has been transposed into national legislation as regulation 37 of the Habitats Regulations 1994 which calls for development plans to include policies for the protection of wildlife corridors and stepping stones.

**Environment Strategy for Wales**

In 2006 the Welsh Assembly Government produced an Environment Strategy for Wales with a vision covering the next 20 years. “By 2026, we want to see our distinctive Welsh Environment thriving and contributing to the economic and social wellbeing and health of all the people of Wales.” The strategy calls for the protection and enhancement of important nature conservation sites. Outcomes sought in this strategy include the halt of biodiversity loss, greater connectivity of habitats through the Welsh landscape and that sites of national and local importance are in favourable condition.

**Biodiversity Action Plans**

Biodiversity Action Plans are strategies for biodiversity conservation that identify threatened habitats and species and list the actions required to maintain and enhance them. Wildlife Sites support both many habitats and species that are priorities under UK Biodiversity Action Plans. A report by the UK Biodiversity Steering Group in 1995 described a mechanism for implementing these actions through the production of local biodiversity action plans and recommends that Wildlife Site systems should form one component of this process, by identifying all sites of recognized wildlife quality in the local area.

**Natur Gwynedd**

Natur Gwynedd is the Local Biodiversity Action Plan (LBAP) that provides a strategy for biodiversity conservation and it was produced by a partnership of organisations and individuals. It was adopted by Gwynedd Council in 2004 and covers the Gwynedd Local Planning Authority area. Snowdonia National Park Authority has produced a LBAP for parts of Gwynedd that lie in the National Park. The plans in combination, aim to maintain and enhance the biodiversity of Gwynedd. Natur Gwynedd includes actions to ensure the protection of habitats and species through the planning system and the designation of Wildlife Sites within the Gwynedd Local Planning Authority.

**Policies in the Gwynedd Unitary Development Plan**

The Gwynedd Unitary Development Plan 2001-2016 contains the following policies that relate to Wildlife Sites:

- **Policy B17 – Protecting Sites of Regional or Local Significance,** specifically relates to Wildlife Sites and their protection.
- **B21– Wildlife Corridors, habitat links and stepping stones. This policy relates to the importance of connectivity in the landscape and the movement of species and to enable genetic exchange in species.**

**Applicant’s responsibilities**

Applicants are advised to contact the Gwynedd Biodiversity Unit or Local Biological Record Centre to find out if a proposed development site is a candidate Wildlife Site before making an application. Developers should be
able to identify how their proposals may affect Wildlife Sites (either positively or negatively) and where relevant, how the sites contribute to wider ecological networks or mosaics (TAN5 2009).

19 Where proposals for development are likely to affect, directly or indirectly, a candidate Wildlife Site or sites that fulfill the Wildlife Site criteria, the applicant will be required to commission an ecological survey and assessment, to be carried out by a suitably-qualified ecologist, in order to determine the ecological impact of the proposed development before the planning authority determines the application. It will be the responsibility of the applicant to pay for the survey and assessment, not the Local Planning Authority. The Gwynedd Biodiversity Unit can provide advice regarding the type of ecological survey required.

20 Where in the opinion of the Local Planning Authority a specific proposal would impinge, either directly or indirectly on a Wildlife Site, it will be the applicants responsibility to show that the value of the site would not be damaged, degraded, or otherwise changed by any works connected with this proposal. Applicants are advised to discuss such proposals at the earliest possible stage with the Local Planning Authority.

Development and Wildlife Sites

21 In accordance to policy B17 of the UDP, proposals that are likely to have a direct or indirect unacceptable impact on a Wildlife Site will be refused unless:

1. the damage to nature conservation features can be prevented and the developer takes steps to protect, enhance and manage the nature conservation features; or
2. the proposal is required in order to fulfil social, environmental and/or economic needs that override the site’s local importance.

And that the following can be met:

a. the location, design and construction of the development is such that damage to nature conservation features are minimised, and opportunities for nature conservation gain are taken,
b. compensating and equivalent nature conservation features are provided,
c. the remaining nature conservation features are protected and enhanced and provision is made for their management.
d. Where appropriate opportunities are provided for the public to enjoy and interpret the site.

When a development is permitted, planning conditions and/or obligations will be used in order to conserve the site’s local biodiversity value, or provide appropriate mitigation measures by encouraging and promoting other new habitats either on the site in an other appropriate site.

The Aims of Wildlife Sites in Gwynedd Local Planning Authority

• To protect important areas of biodiversity.
  Wildlife Sites are vital for enabling the planning system to recognise and thus protect areas of important biodiversity value outside the network of statutorily protected sites.
• To enhance the biodiversity resource in Gwynedd.
Wildlife Sites can be targeted for habitat improvement and are an important component of Local Biodiversity Action Plan and National Biodiversity Strategies.

- **To ensure that connectivity through the landscape is maintained.**
  Wildlife is not restricted to boundaries and statutorily designated sites, many species travel through the countryside and require habitat corridors and stepping stones to link together otherwise isolated wildlife areas. Connectivity provides an element of robustness to both Wildlife Sites and statutory sites.

- **To contribute to sustainable development in Gwynedd.**
  The survival and conservation of Wildlife Sites is a key indicator of sustainable development in Gwynedd and to contribute to the quality of life and well-being of the community, providing opportunities for research and education.

### The Selection of Wildlife Sites in Gwynedd

22 Government guidance recommends that only sites which are of “substantive conservation value” are selected to be Wildlife Sites. Criteria for the selection of Wildlife Sites in the Gwynedd Local Planning Authority area are set out in “Gwynedd Wildlife Sites: a system for their selection and designation” (available at www.gwynedd.gov.uk) produced by the Gwynedd Biodiversity Team in consultation with the Countryside Council for Wales and the North Wales Wildlife Trust. The criteria aim to select those sites that support habitats and species identified in Natur Gwynedd and those identified by the Welsh Assembly under section 42 of the NERC Act 2006 to be of principle importance to biodiversity in Wales. The importance of a site for nature conservation often relates to many different elements and qualities, and the evaluation of a site will examine several of these factors to try to gain a fuller appreciation of the site’s value for biodiversity. These key factors are: species, habitat, size, rarity, diversity, connectivity in the landscape, viability, local significance, potential and social value; as advised by the Wildlife Sites Handbook (Wildlife Trusts 1997 and Defra 2006).

23 Each site will be evaluated and recorded for its importance for nature conservation in the area. Sites that fulfill the criteria should be considered as a Wildlife Site (see Gwynedd Wildlife Sites: a system for their selection and designation). A register of Wildlife Sites will be held and maintained by Gwynedd Council in the form of a digital map and database.

### Candidate Wildlife Site Map

24 A desk top study has identified 1300 candidate Wildlife Site. These have been selected using aerial photographs together with habitat and species records from a range of sources. A digital map showing the location of candidate Wildlife Sites is held by Gwynedd Council and is available on the intranet. A copy of this map is available from the Local Biological Record Centre. Many of these sites require a survey and an assessment of their value and worthiness of Wildlife Site designation. However, due to the large number of candidate sites it is not currently possible to systematically survey and evaluate all them. The evaluation of a site is most likely to be triggered by a planning proposal on or near a candidate site.
Appendix A

Further Information

For further information regarding Wildlife Sites and if an applicant wishes to discuss a development proposal that is likely to impinge on a Wildlife Site please contact:

Gwynedd Biodiversity Unit
Environmental Services
Cygong Gwynedd
Pencadlys
Caernarfon
LL55 1SH

01286 679977
biodiversity@gwynedd.gov.uk

Planning Policy (Arfon, Dwyfor and Meirionydd)
Policy and Performance Unit
Regulatory Department
Shirehall Street
Caernarfon
Gwynedd
LL55 1SH
Phone Number: (01286) 679890
Fax Number: (01286) 673324
Email: PlanningPolicy@gwynedd.gov.uk

Development Control (Planning)

Arfon Area
Planning Service
Regulatory Department
Arfon Area Offices
Penrallt
Caernarfon
Gwynedd
LL55 1BN
Phone Number: (01286) 682765
Fax Number: (01286) 682771
Email: Planning@gwynedd.gov.uk

Dwyfor Area
Planning Service
Regulatory Department
Dwyfor Area Offices
Ffordd y Cob
Pwllheli
Gwynedd
LL53 5AA
Phone Number: (01758) 704118
Fax Number: (01758) 704053
Email: Planning@gwynedd.gov.uk
**Meirionnydd Area**
Planning Services
Regulatory Department
Meirionnydd Area Offices
Cae Penarlâg
Dolgellau
Gwynedd
LL40 2YB
Phone Number: (01341) 424414
Fax Number: (01341) 424440
Email: Planning@gwynedd.gov.uk

Defra (2006), *Local Sites, Guidance on their Identification, Selection and Management*