

# Supplementary Planning Guidance: Wildlife sites



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# CONTENTS

	<b>Paragraph</b>
<b>Statement regarding consultation</b>	1 - 2
<b>The purpose of Supplementary Planning Guidance</b>	3 – 4
<b>Background</b>	5 – 7
<b>Policies and Legislation</b>	
	8 – 9
<b>Planning Policy Wales as modified by the MIPPS</b>	
	10
<b>Technical Advice Note 5</b>	
	11
<b>Natural Environment and Rural Communities Act (NERC) 2006</b>	
	12 – 13
<b>Europe Union Habitats Directive 1992 and Habitats Regulations 1994</b>	
	14
<b>Environment Strategy for Wales</b>	
	15
<b>Biodiversity Action Plan</b>	
	16
<b>Natur Gwynedd</b>	
	17
<b>Unitary Development Plan Policies</b>	
	18- 20
<b>Applicant’s responsibilities</b>	
	21
<b>Development and Wildlife Sites</b>	
	22 - 23
<b>Selecting wildlife sites</b>	
	24
<b>Candidate Wildlife sites map</b>	
	24
<b>Appendix A – further information</b>	

### **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.

- 7 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**

- 8 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).
- 9 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**

- 10 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**

- 11 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.

**European Union Habitats Directive 1992 & Habitats Regulations 1994**

- 12 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*".

- 13 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**

- 14 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**

- 15 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**

- 16 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**

- 17 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**

- 18 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](http://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  
Cyngor Gwynedd  
Pencadlys  
Caernarfon  
LL55 1SH

01286 679977

[biodiversity@gwynedd.gov.uk](mailto: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](mailto: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](mailto: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](mailto: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](mailto:Planning@gwynedd.gov.uk)

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

The Wildlife Trusts (1997), *The Wildlife Sites Handbook*, Version 2.