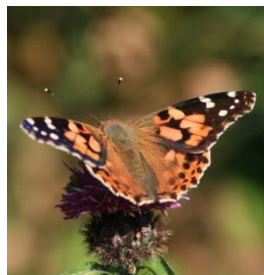


# LDP Ceredigion

Local Development Plan  
2007 - 2022

## Supplementary Planning Guidance

### Nature Conservation



Adopted January 2015



This Supplementary Planning Guidance (SPG) is one of a series of guidance notes which support the policies of the Local Development Plan (LDP). Although decisions on planning applications will be based on the LDP's policies (as indicated in part 38(6) of the Planning and Compulsory Purchase Act 2004), the content of the SPG, and associated guidance notes, are a material planning consideration.

The Guidance does not set out policy independently of the LDP but only provides supplementary guidance. Therefore, in line with the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, it has not been considered necessary to subject it to separate Strategic Environmental Assessment (SEA). The results of the Sustainability Appraisal/ Strategic Environmental Assessment (SA/SEA) of the policies relevant to this SPG:

- DM14: Nature Conservation and Ecological Connectivity
- DM15: Local Biodiversity Conservation
- DM20: Protection of Trees, Hedgerows and Woodlands
- DM22: General Environmental Protection and Enhancement (parts)

May be viewed in Appendix 3 of the Ceredigion Local Development Plan Final Sustainability Appraisal Report (April 2013).



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## 1. Introduction

- 1.1 This Supplementary Planning Guidance (SPG) provides specific direction on how biodiversity should be conserved and enhanced throughout the town and country planning process. It will demonstrate how to meet national planning policy at a local level as well as policies contained in the Ceredigion Local Development Plan and legal obligations. Biodiversity must be a key consideration in all development proposals as biodiversity conservation and enhancement has an integral part to play in planning for sustainable development<sup>1</sup> (Technical Advice Note (TAN) to Planning Policy Wales (PPW) 5 para 1.6.1, Welsh Assembly Government (WAG) 2009).
- 1.2 The guidance enables developers, including other service providers within the Council, to meet the Council's proactive approach towards achieving a high quality natural environment and to address statutory duties and social responsibilities. This SPG will be a material consideration in determining applications for planning permission.
- 1.3 The SPG aims to:
- ensure that the key principles of national planning guidance on biodiversity and nature conservation are fully met at the local level;
  - ensure that local planning decisions maintain, restore and enhance biodiversity in Ceredigion;
  - ensure best practice is followed consistently and openly;
  - minimise the cost to development and streamline the planning application process by ensuring nature conservation implications are built in at the earliest stages and are as predictable as possible; and
  - integrate Ceredigion's Local Biodiversity Action Plan (LBAP) into the planning process and identify pathways for delivery.

### Key messages

- 1.4 The following are some key messages of this SPG; each will be discussed in detail later on in this SPG;
- Many planning applications are likely to have to include some sort of survey, particularly where the proposed development involves a new build, demolition, conversion or modification (**see Section 6**)
  - **All** applications containing 0.1ha or over<sup>2</sup> Greenfield coverage (previously undeveloped land) will require Preliminary Ecological Appraisal (PEA), and subsequent species/habitat specific surveys where appropriate (unless discussions with the Planning Ecologist indicate that this is not necessary). Some application sites which fall below this threshold may also be requested to do a PEA (or other ecological surveys as appropriate). Some brownfield sites may also

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<sup>1</sup> Sustainable development should meet the needs of the present without compromising the ability of future generations to meet their own needs

<sup>2</sup> I.e. any site over the 'small site' threshold for planning fees

require a PEA depending on the nature of the site and the application (e.g. extensions may require bat and breeding bird surveys). (**see Section 6**)

- Pre-application advice with the Local Authority (LA), including the LA Planning Ecologist is available on request (fee payable (separate to the planning pre-app process)) to discuss necessary surveys and whether suggested mitigation and plans are suitable.
- Surveys of the site, including areas affected by drainage works, access etc., should be carried out at the beginning of the process (that is when starting to think about site layout, content etc.) so that they can inform design, rather than trying to fit the results around an already proposed design. Considering biodiversity at the beginning can save time and money later on, improve design and provide a more sustainable development.
- Various surveys and mitigation can only be carried out within certain periods of the year, and therefore this needs to be considered in the timing of the planning application and development construction. Surveys must only be undertaken by suitably qualified ecologists. (**see Section 6 and 7**).
- Reports submitted as part of a planning application should include the results of any survey undertaken **AND** an assessment of the predicted effect of the proposed development on the species/habitats/sites, recommendations for mitigation, compensation and enhancements. (**see Section 6**).
- The recommended actions and mitigation included in these reports and advice must be included within the planning application proposal plans where they relate to the design of the development, layout etc., unless agreed with the LA that this is not necessary. Other recommendations (such as licencing for a protected species, management agreements etc.) will be covered by the LA at the time of issuing a decision notice by conditions/informatives depending on the context. In some cases, Section 106 agreements may be required where conditions are not suitable. Depending on the site and its features, mitigation/compensation/management may require financial contribution from the developer. (**see Section 6 and 7**)
- The majority of developments proposed will be expected to make a positive contribution towards enhancing nature conservation. (**see Section 7**)
- Surveys, assessments and reports are required to be carried out in line with the British Standards for Biodiversity: Code of Practice for Planning and Development (BS42020:2013)



1.5 **Please Note: Whilst this information in this SPG is correct at the time of publication, increases in our understanding of the natural environment will lead to further legislation and guidance being published.**

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## 2. Biodiversity and Conservation

2.1 Biodiversity is a term that describes the number and variety of species of plants and animals and other organisms within a habitat, and also the diversity of habitats within an ecosystem. The conservation and enhancement of biodiversity is a key element of sustainable development.

2.2 According to the Welsh Government (WG) One Wales: One Planet Scheme for Sustainable Development (2009), sustainable development in Wales is:

In Wales, sustainable development means enhancing the economic, social and environmental wellbeing of people and communities, achieving a better quality of life for our own and future generations:

- In ways which promote social justice and equality of opportunity; and
- In ways which enhance the natural and cultural environment and respect its limits - using only our fair share of the earth's resources and sustaining our cultural legacy.
- Sustainable development is the process by which we reach the goal of sustainability.

2.3 WG has selected the status of priority habitats and species as a headline indicator<sup>3</sup>, providing a measure of national progress towards sustainable development. Future development in Ceredigion will play a key role in ensuring that the status of habitats and species is improving.

2.4 This document covers a number of biodiversity features. Biodiversity features include:-

- sites designated for conservation interest;
- priority habitats;
- species and the environment that they use; and
- habitats that provide corridors or stepping stones across the landscape, such as hedgerows or networks of ponds. Ecological connectivity allows species to forage, migrate, colonise new areas and respond to habitat and climate change.

2.5 Other elements of the wider environment are also incorporated at various points due to the close relationship they play. However, at as a rule this SPG is not intended to cover all aspects of environmental requirements within planning.

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<sup>3</sup> Main set of data that describes the factors to be changed

## Ecosystem Approach

- 2.6 The ecosystem approach encompasses the integrated management of land, water and living resources that promotes conservation and sustainable use in an equitable way. It is designed to promote integrated thinking about the environment and its management. It encourages a much greater range of services provided by nature to be considered more fully in decision making.





### 3. Biodiversity and the Law

3.1 Many plants, animals and sites in Wales are protected from harm by law. The process of construction and also the use of a development may have a negative impact on them. This can result in disturbance, isolation, injury or death of an animal/species or degrading or destruction of a habitat, which may also be an offence. This variety of legislation applies to developers, landowners and the LA in some cases. The LA also has its own obligations. This will therefore form part of the consideration in determining all planning applications.

- 3.2 In the UK the main pieces of legislation relating to nature conservation are;
- **Conservation of Habitat and Species Regulations 2010 (as amended)** – ratifies the EU directive on the Conservation of Wild Fauna and Flora (92/43/EEC). This legislation gives protections to European sites (SACs & SPAs), European Marine Sites and also protects certain wild plants and animals (European Protected Species)
  - **Wildlife and Countryside (W&C) Act 1981 (as amended)** – affords protection to certain species of plants and animals.
  - **Countryside and Rights of Way Act 2000** – strengthens the protection of Sites of Special Scientific Interest (SSSIs) and amends the Wildlife and Countryside Act with regard to certain protected species.
  - **Protection of Badgers Act 1992** – protects badgers and their setts.
  - **Natural Environment and Rural Communities (NERC) Act 2006** – places a statutory duty on all public bodies to have regard to the conservation of biodiversity and provides a list of species of principal importance for the purposes of conserving biological diversity.

3.3 The responsibility for complying with the majority of the wildlife or nature conservation legislation rests with the applicant/developer/landowner. Infringement often results in delays, extra costs, and possibly prosecution. Following the guidelines offered by this document, best practice guidance and following the advice of a competent consultant ecologist will help avoid these eventualities when planning permission is required. Developers/landowners should note that this legislation is independent of the planning system and they (and any contractors) are still responsible for ensuring that they are not in breach of the legislation both outside of the planning system and once planning permission has been issued.

#### Species

3.4 Table 1 below provides a summary of the various protected species and their protection, more information can be found in Annex 7 and 8 of TAN 5 (Welsh Assembly Government, 2009). This table is intended to be used as a guide and therefore, for specific and up-to-date information please contact the Natural



Resources Wales (NRW) or visit the [JNCC website](http://jncc.defra.gov.uk/)<sup>4</sup>. The list of species listed under Section 42 of the NERC Act 2006 (S42 species) can be found on the [Wales Biodiversity Partnership \(WBP\) website](http://www.biodiversitywales.org.uk/)<sup>5</sup>.

**Table 1. Provides a summary of the various protected species and their protection**

Species group	Examples for Ceredigion	Protected by/listed under	Protected against
European protected species	Bats, dormice, sand lizards, marsh fritillary otters, marine turtles, dolphins, porpoises and whales	Conservation of Habitat and Species Regulations 2010 (as amended)  W&C Act 1981 (as amended)	<ul style="list-style-type: none"> <li>• Capturing/taking, injuring or killing</li> <li>• Disturbing, including while using a structure for shelter or protection</li> <li>• Damaging, destroying or obstructing a structure which is used for shelter or protection</li> </ul>
Eels	European eels	EU Eel Regulations 2007 and the Eels (England and Wales) Regulations 2009	<ul style="list-style-type: none"> <li>• Protects the passage of eel through our rivers.</li> </ul>
All wild birds	House sparrows, blackbirds etc.	W&C Act 1981 (as amended)	<ul style="list-style-type: none"> <li>• Killing, injuring or taking<sup>6</sup></li> <li>• Taking, damaging or destroying the nest while that nest is in use or being built; or</li> <li>• Taking or destroying an egg</li> </ul>
Some wild birds	Barn owls, red kites etc.	W&C Act 1981 (as amended)	In addition to above: <ul style="list-style-type: none"> <li>• Disturbing while it is building a nest or is in, on or near a nest containing eggs or young; or</li> <li>• Disturbing dependent young</li> </ul>
Some other animals	Water voles, pine marten, grass snakes	W&C Act 1981 (as amended)	Various combinations of <ul style="list-style-type: none"> <li>• Killing, injuring or taking</li> <li>• Disturbing while using a structure for shelter or protection</li> </ul>

<sup>4</sup> <http://jncc.defra.gov.uk/>

<sup>5</sup> <http://www.biodiversitywales.org.uk/>

<sup>6</sup> Some birds are listed in as exceptions (see Section 2 of the Wildlife and Countryside Act 1981)

			<ul style="list-style-type: none"> <li>• Damaging, destroying or obstructing a structure which is used for shelter or protection</li> </ul>
<b>Other animals</b>	Badgers	Protection of Badgers Act 1992	<ul style="list-style-type: none"> <li>• Killing, injuring or taking</li> <li>• Attempting to kill, injure or take a badger</li> <li>• Interfering or intending to interfere with a badger sett including destroying, obstructing, disturbing and sending dogs down</li> </ul>
<b>All wild plants</b>	Early purple orchid, red campion etc	W&C Act 1981 (as amended)	<ul style="list-style-type: none"> <li>• intentionally uprooting</li> </ul>
<b>Some wild plants</b>	Ghost orchid, Deptford pink, etc.	W&C Act 1981 (as amended)	<ul style="list-style-type: none"> <li>• intentionally picking, uprooting or destroying</li> </ul>
<b>Some wild birds, animals and plants</b>	Skylark, common toad, bastard balm etc.	NERC Act 2006	<ul style="list-style-type: none"> <li>• Also listed as species of principal importance for the purposes of conserving biological diversity</li> </ul>

## Sites

3.5 There are various nature conservation sites across the county including International, National and Local. A summary of those can be found in **Table 2** below. More information on the protection, designation/notification and location of these sites can be found in Annex 2 of TAN 5 (Welsh Assembly Government, 2009) and the [NRW website](#)<sup>7</sup>.



**Table 2. Sites which potentially could be affected by development in Ceredigion.**

Status of protection	Type of site	Ones development in Ceredigion is likely to affect
<b>International</b>	Special Area of Conservation (SAC)	12 within Ceredigion, and 4 around Ceredigion e.g. Cardigan Bay SAC, Afon Teifi SAC etc.

<sup>7</sup> [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

	Special Protection Area (SPA)	2 within Ceredigion (Elenydd SPA and The Dyfi SPA)
	Ramsar	2 within Ceredigion (Cors Caron Ramsar and Cors Fochno and the Dyfi Ramsar)
<b>National</b>	Site of Special Scientific interest (SSSI)	Over 100 in Ceredigion, and others on the borders with other counties e.g Aberarth-Carreg Wylan SSSI
	National Nature Reserve (NNR)	8 within/on the border of Ceredigion e.g. Coed Rheidol NNR
	Marine Nature Reserve (MNR)	None yet in Ceredigion
<b>Local</b>	Local Nature Reserves (LNR)	3 in Ceredigion, others on the borders with other counties e.g. Parc Natur Penglais LNR
	Sites of Importance for Nature Conservation (SINCs)	None yet in Ceredigion, currently being designated through the LDP process
	Regionally Important Geological Sites (RIGs)	50 in Ceredigion, others on the borders with other counties e.g. <a href="#">Alltgoch &amp; Bryn Quarries</a> RIGs
	Wildlife Trust Reserves	20 in Ceredigion e.g. Cwm Clettwr
	Woodland Trust Woodlands	8 within Ceredigion e.g. Coed Y Mwldan
	RSPB reserves	2 in or just outside Ceredigion (Ynys-hir and <a href="#">Gwenffrwd-Dinas</a> )

3.6 Ceredigion also contains part of the Dyfi Biosphere UNESCO Reserve'

### Habitats/Geodiversity

3.7 Some habitats are listed as principal importance for the purposes of conserving biological diversity under Section 42 of the NERC Act 2006. This includes habitats such as woodlands, lowland meadows, blanket bog etc. More information can be found on the [Wales Biodiversity Partnership \(WBP\) website](#)<sup>8</sup>. These habitats, where relevant to Ceredigion, are also included within the Ceredigion Local Biodiversity Action Plan (LBAP).



<sup>8</sup> <http://www.biodiversitywales.org.uk/>

## LA's legal obligations

- 3.8 In addition to the legislation above, the LA has additional legal obligations with regards to wildlife, which will therefore be a consideration as part of consultation responses to planning applications'.
- 3.9 Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 places a duty on the LA to have regard to the requirements of the Habitats Directive. This particularly is relevant is Article 12(1) of the Habitats Directive (Regulation 41(1) of the Regulations) - protection of wild animals: offences. This also incorporates a consideration of the incidental capture/killing of species listed in Annex IV under Regulation 51.
- 3.10 In addition, Regulation 9A(3) states an objective to preserve, maintain and re-establish sufficient diversity and area of habitat for wild birds in the United Kingdom. As a competent authority, the LPA have a requirement to secure the regulation 9A(3) objective so far as lies within their powers.
- 3.11 Further duties exist under the Regulations for the LA to avoid any pollution or deterioration of habitats of wild birds in exercising any of its functions.
- 3.12 In addition, the Wildlife and Countryside Act 1981 places the following duties on the LA:
- to bring the provision of the Act relating to protected species to the attention of the public (Section 25)
  - to take reasonable steps to further conservation and enhancement of the features of SSSIs (Section 28G)
  - to inform and take into account the advice of NRW before permitting any operation likely to damage any of the interest features of a SSSI, regardless whether the operation would take place in a SSSI or not (Section 28I)
- 3.13 Further requirements exist under the Conservation of Habitats and Species Regulations 2010 with regards to European Sites. This is discussed further under Habitats Regulations Assessments in Section 10.

### ***NERC Duty***

- 3.14 The LA have a duty under the Natural Environment and Rural Communities Act 2006 to have regard for the purposes of conserving biodiversity, whilst exercising their function, so far as is consistent with the proper exercise of those functions. This incorporates both conservation and enhancement of biodiversity.



## Other legislative requirements

- 3.15 There are also other requirements through environmental laws which relate to biodiversity. The most relevant are listed below.



### ***Town and Country Planning (Environmental Impact Assessment) Regulations 2011***

- 3.16 Applicants may be asked to produce an Environmental Report under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011. This SPG broadly covers the requirements with regards to the ecological aspects in local terms in Section 9. More detailed guidance is provided by the Welsh Government<sup>9</sup>.
- 3.17 In addition to the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, there are other EIA Regulations which do not directly apply to the planning system but of which landowners should be aware. These are the:
- **Environmental Impact Assessment (Agriculture) (Wales) Regulations 2007.** These Regulations apply to projects which increase the agricultural productivity of uncultivated land or semi-natural areas and also to large scale restructuring projects. Breaching these Regulations could result in a fine and/or the requirement to reinstate the land at your own expense. Further details can be obtained from the Welsh Government web site<sup>9</sup>.
  - **Environmental Impact Assessment (Forestry) (England and Wales) Regulations 1999.** These regulations cover afforestation, deforestation, forest roads and forest quarries. If you are planning to carry out work that could be classed within one of the four forestry projects, you should contact [NRW](#).

### ***Hedgerow Regulations***

- 3.18 Under the Hedgerow Regulations 1997 it is against the law to remove most countryside hedges without permission; doing so may result in an unlimited fine and an obligation to replace the hedgerow. Where development proposed to remove hedgerows, the Hedgerow Regulations are considered in the planning application process. More information can be found on the LA website<sup>10</sup> or the full Regulations can be found at <http://www.legislation.gov.uk/uksi/1997/1160/contents/made>.



<sup>9</sup> [www.wales.gov.uk](http://www.wales.gov.uk)

<sup>10</sup> [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

### ***Tree Preservation Order (TPO) Regulations***

- 3.19 The Town and Country Planning (Trees) Regulations 1999 provides the legislation for making, varying, revoking etc. Tree Preservation Order (TPOs). Many trees, groups of trees and woodlands across the County are covered by a TPO. These are orders made by the LA to protect trees by the control of felling and other tree works. See Section 4 for more information. Trees in Conservation Areas also receive a degree of protection.



### ***Non-native invasive species***

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

### ***Flood Defence Consents and Ordinary Water Course Consents (previously land drainage consents)***



3.21 Any development within, over, under or adjacent to a watercourse requires consent to ensure works do not increase flood risk, damage flood defences, or harm the environment, fisheries, or wildlife over and above that of the planning system.

3.22 Under the Land Drainage Act 1991 and Flood and Water Management Act

2010, the consent of Ceredigion County Council is required for works associated with any ordinary watercourse (as of the 6<sup>th</sup> April 2012).

- 3.23 The Water Resources Act 1991 and associated byelaws require you to apply for consent from Natural Resources Wales (NRW) for works associated with main rivers and the coast.

### ***Flood and Water Management Act 2010***

- 3.24 Under the 'Flood and Water Management Act 2010' the implementation of Sustainable Drainage Systems (SUDS) is a requirement for all new development, both single or multiple uses or units. In addition, LDP Policy DM13: Sustainable Drainage Systems aims to improve upon the current

national requirement for SUDS by securing that any SUDS proposed as part of a development is able to grow/expand as the development grows/expands and for larger 'one off' schemes, for example, new hospitals, supermarkets, to be of adoptable standard. Further information can be found in the Ceredigion LDP SPG: Built Environment and Design (Ceredigion CC, 2014b).

### ***Water Framework Directive***

- 3.25 The EU Water Framework Directive (WFD) was adopted in 2000. The purpose of the Directive is to establish a framework for the protection of inland surface waters (rivers and lakes), transitional waters (estuaries), coastal waters (to one nautical mile) and groundwater.
- 3.26 To meet the objectives of the WFD, Member States have established River Basin Districts and developed Plans and Programmes of Measures that detail the actions that need to be taken within each District. The overall aim is for the 'water bodies' and 'protected areas' within each River Basin District to achieve 'good ecological status' by 2015.
- 3.27 All developments should contribute to WFD objectives. This can be achieved by meeting national policies such as those in TAN 15 as well as Ceredigion LDP Policies DM22 General Environment Protection and Enhancement and DM23 Coastal Management. Furthermore, meeting LDP policies DM14 and DM15 will also help towards the objectives in water related environments.
- 3.28 The LA has a requirement to "have regard to the River Basin Management Plan (RBMP) and any supplementary plans in exercising their functions" (The Water Environment (Water Framework Directive) (England and Wales) Regulations 2003). This means, for example, that they need to reflect RBMP information on water body improvement priorities in local planning policies, Infrastructure Delivery Plans and in the determination of individual planning applications. They must consider what actions or measures contained in the RBMP relate to them and implement the necessary actions accordingly.



### ***Abstraction licences and environmental permits***

- 3.29 In addition to planning consent, if you require to abstract water from a water body or discharge into it you will require an abstraction licence and/or environmental permit from Natural Resources Wales (NRW) under the Water Resources Act 1991 (as amended by the Water Act 2003), Environment Act 1995, The Water Resources (Abstraction and Impounding) Regulations 2006, The Natural Resources Body for Wales (Functions) Order 2012 and Environmental Permitting (England and Wales) regulations 2010.

## 4. Relevant Policies

- 4.1 In addition to legislation there are National and Local policies that cover biodiversity and geodiversity (referred to as nature conservation in national policy).

### National Planning Policy

- 4.2 Planning Policy Wales (PPW) (Edition 7, 2014) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TAN) and Circulars. PPW, the TANs and Circulars together comprise national planning policy which should be taken into account by local planning authorities in Wales in the preparation of development plans and assessment of planning applications. Guidance in relation to nature conservation is available in Planning Policy Wales chapter 5 Conserving and Improving Natural Heritage and the Coast and Technical Advice Note 5.
- 4.3 It is the responsibility of the developer to ensure that their proposals meet current policy and guidance. Note that PPW gets updated periodically and as of 2014, the current edition is Edition 6.
- 4.4 In terms of policy, the LA is expected to promote approaches to development that create new opportunities to enhance biodiversity, prevent losses and compensate for those losses that are unavoidable. They are also required to consider how they might accommodate a response to climate change as part of their overall approach towards meeting biodiversity objectives. (Planning Policy Wales, Edition 6 2014)
- 4.5 Other requirements for planning authorities include the requirement to seek to protect trees, groups of trees and areas of woodland where they have natural heritage value or contribute to the character or amenity of a particular locality. They must also have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests. They also have various requirements when drawing together LDPs. (Planning Policy Wales, Edition 6 2014).

### Ceredigion LDP Policies

- 4.6 The Ceredigion Local Development Plan (2007-2022) (LDP) provides local policies for determining developments within Ceredigion. The whole ethos of the LDP is built around sustainable development which incorporates the LA's proactive approach towards achieving a high quality natural environment. This is highlighted within the LDP vision:



*From the Cambrian Mountains to Cardigan Bay, Ceredigion will remain a scenic and biodiversity rich county, committed to maintaining, enhancing and benefiting from its beautiful coastline, uplands and river valleys.*

*It will be home to a vibrant network of engaged and bilingual communities, both urban and rural, whose residents enjoy good health and wellbeing. These communities will celebrate their cultural heritage, and influence and embrace change to meet 21st Century challenges, including climate change. By supporting and enhancing the County's urban and rural service centres, their inter-relationship will be strengthened, the necessity to travel will be reduced and access to local and sustainable facilities will be enhanced and secured.*

*Through sustainable development and protection of its resources, Ceredigion will also be recognised for its enhanced environment and will provide and ensure appropriate and high quality housing and a strong, diverse and progressive economy.*

4.7 This is further emphasized in the opening paragraph of the LDP Strategy:

“The Strategy is to improve the sustainability of the County including protecting and enhancing the County's environment and resources and to ensure that through change the County is made more resilient economically socially and environmentally....”

4.8 There are several policies which make a contribution to protecting the environment but the key policies for nature conservation are:

- DM14: Nature Conservation and Ecological Connectivity
- DM15: Local Biodiversity Conservation
- DM16: Regionally Important Geological Sites

### **DM14: Nature Conservation and Ecological Connectivity**

#### **Policy DM14: Nature Conservation and Ecological Connectivity**

Development will be permitted where it protects and, where possible, enhances biodiversity, geodiversity and ecological connectivity across Ceredigion, including local sites and local priority species and habitats.

Where it is appropriate to the scale and location of the development and opportunities exist, development should incorporate nature conservation education and access, providing the site's ecological or geological integrity can be safeguarded.

- 4.9 It is the aim of Policy DM14 to help achieve Objectives 12, 14 and 15 of the LDP<sup>11</sup> and National Guidance, by ensuring that nature conservation sites (both statutory and non-statutory) and species and habitats outside these sites are not only safeguarded from harm but also enhanced. Biodiversity forms the basis of sustainable development and incorporating wildlife into the design and location of development and promoting this through access and education can result in a net biodiversity gain and can assist with a number of other environmental objectives as well as having many social and economic benefits.

### **DM15: Local Biodiversity Conservation**

#### **Policy DM15:**

#### **Local Biodiversity Conservation**

Development will be permitted where:

1. A step-wise approach is adopted to ensure there will be no significant negative effects to biodiversity and ecological connectivity both on-site and off-site;
2. Appropriate species, habitats and wildlife corridor/stepping stone enhancements have been incorporated into the development through good landscape and building design, or where applicable will be carried out offsite;
3. With regard to developments affecting LNRs, sites that meet SINC criteria and priority species and habitats, there is an overriding social, economic or environmental need for the development that outweighs the losses to biodiversity (after mitigation), the development could not reasonably be located elsewhere and these losses can be readily and fully compensated within the local area; and
4. Where necessary, management plans are produced and agreed with the LPA and developments phased to take into account mitigation and compensation measures.

- 4.10 It is the aim of Policy DM15 to meet Objective 12 of the LDP and National Guidance, by ensuring that local sites and priority habitats and species, as well as general biodiversity and ecological connectivity, are protected and enhanced. This policy provides clarity as to how development will be dealt with that affects local biodiversity conservation.

<sup>11</sup> These were the objectives set at the early stages of the LDP, what the LDP Policies were looking to achieve.

- 4.11 The step-wise approach, enhancements and management plans are described further in Para 8.127, 8.130, 8.133 and 8.135 of Volume 1 of LDP and in Section 8 below.

### **Sites of Importance for Nature Conservation (SINCs)**

- 4.12 Sites of Importance for Nature Conservation (SINCs) are local designations to help to conserve important and distinctive habitats and species on sites that fall outside of European or national conservation designations such as Sites of Special Scientific Interest (SSSIs).
- 4.13 SINCs can vary in size from a small pond or woodland to an open expanse of grassland or heathland. Sites can also be linear such as road verges or streams. They include privately owned areas and land owned by local authorities, parish councils, charities or organisations such as the Natural Resources Wales or Ministry of Defence.
- 4.14 At this moment in time, Ceredigion does not have any sites which are designated as SINCs. The LA is currently considering the process of designation for these sites. Policy DM15 refers to sites which meet SINC criteria. Currently the criteria adopted by the LA is the All Wales Guidance – ‘Wildlife Sites Guidance Wales’ (Wales Biodiversity Partnership (WBP), 2008). However, there is due to be a release of Ceredigion specific criteria by the LA and this once released will supersede the All Wales Guidance.
- 4.15 A copy of the ‘Wildlife Sites Guidance Wales’ is available on the [WBP website](#). When completed, the Ceredigion specific criteria will be available on the [LA Website](#)<sup>12</sup>. Please note that criteria 3 of Policy DM15 will apply to any sites which meet the All Wales Guidance criteria and subsequently the Ceredigion specific criteria when available.
- 4.16 When commissioning/undertaking surveys, whether the development site meets the criteria should form part of the assessment and therefore the recommendations.

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<sup>12</sup> [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

## DM16: Regionally Important Geological Sites

### Policy DM16:

#### Regionally Important Geodiversity Sites (RIGS)

Development will be permitted where a step-wise approach is adopted to minimise negative effects to the main features of RIGS and access to the sites. Where significant negative effects remain, the development will only be permitted if there are social, economic or environmental needs for development that outweigh the losses and the development could not reasonably be located anywhere else. Where appropriate, opportunities for enhancement should be taken.

- 4.17 It is the aim of Policy DM16 to meet Objectives 14 and 15 of the LDP along with National Guidance, by helping to protect, and enhance where possible, local sites designated for their geodiversity and geomorphology.

### Other relevant LDP policies

- 4.18 Other relevant LDP policies include:

- S01: Sustainable Growth
- DM06: High Quality Design and Placemaking
- DM10: Design and Landscaping
- DM20: Protection of Trees, Hedgerows and Woodland
- DM22: General Environmental Protection and Enhancement

#### S01: Sustainable Growth

- 4.19 This policy determines the level of expected growth for the county and where it should be located. The policy states that 'In delivering this growth, the County's environment and resources are protected and enhanced.'

#### DM06: High Quality Design and Placemaking

- 4.20 This policy requires developers to retain important natural features along with ensuring the use of good quality hard and soft landscaping and embracing opportunities to enhance biodiversity and ecological connectivity.

#### DM10: Design and Landscaping

- 4.21 This policy contains the following criteria:
- Respect, retain and complement any existing positive natural features, landscapes, or other features on site;
  - Identify trees, hedgerows, water courses and topographical features to be retained;
  - Provide justification for circumstances where the removal/loss of existing trees, hedgerows, water courses and topographical features cannot be avoided and provides details of replacements;
  - Provide details of any proposed new landscaping together with a phased programme of planting;



- Demonstrate that any proposed new planting includes plants and trees of mainly native species of local provenance and does not include any non-native invasive species within the landscaping; and
- Ensure that selection of species and planting position of any trees allows for them to grow to their mature height without detriment to nearby buildings, services and other planting.

#### **DM20: Protection of Trees, Hedgerows and Woodland**

- 4.22 This policy aims to protect trees, hedgerows and woodland and ensure there is net biodiversity gain. It also ensures that mainly native species of local provenance are used.

#### **DM22: General Environmental Protection and Enhancement**

- 4.23 This policy requires development to protect and enhance where possible air, soil and the water environment and safeguards water resources, both on and off site as well as to ensure that it does not have a significant adverse effect on natural processes and ecosystem services, both on and off site, and, where possible, seeks to restore, achieve favourable condition of or enhance associated features.

### **Other relevant guidance and processes**

#### **BS42020:2013 Biodiversity: Code of Practice for Planning and Development (BSI, 2013)**

- 4.24 Surveys, assessments and reports are required to be carried out in line with the British Standards for Biodiversity. Some specific cross references to key points within the Standards are made throughout this SPG. This also contains requirements for the LA.

#### **BS5837:2012 Trees in Relation to Design, Demolition and Construction (BSI, 2012)**

- 4.25 In line with National requirements, if there are any trees on site likely to be affected by the proposals (e.g. removal, damage to or compaction of root protection area, lopping, trimming, removal at a later date due to positioning of access/buildings, removal due to damage etc.), a Tree



Survey will need to be carried out by an arboriculturist and any relevant documents provided with the application (see Section 12.5 for more information).

#### **Tree Preservation Orders (TPOs)**

- 4.26 Several trees and groups of trees across the County are covered by a Tree Preservation Order (TPO). These are orders made by the LA to protect these trees from felling and damage that may arise from authorised works through the Town and Country Planning (Trees) Regulations 1999. More information

can be found in Planning Policy Wales (PPW) Technical Advice Note (TAN) 10: Tree Preservation Orders (TPOS) and you can find out whether a tree on or adjacent to your application site is covered by a TPO from the Local Authority Countryside Officer who covers Tree Preservation Orders and Hedgerows at [conservation@ceredigion.gov.uk](mailto:conservation@ceredigion.gov.uk).

- 4.27 Certain trees in Conservation Areas may be also be protected by a Tree Preservation Order (TPO) and are subject to normal TPO controls. Planning legislation makes special provision for those trees in Conservation. All of the towns and some of the larger villages in the county have a Conservation Area and details of these can be viewed on the [LA's website](#)<sup>13</sup>. Advance notification must be given the LA in respect of the felling or works to such trees. This allows the LA to consider the merits of making a TPO.

### **Felling licence**

- 4.28 Trees removed outside of the planning system may require a felling licence from NRW under the Forestry Act 1967. In any calendar quarter<sup>14</sup>, you may fell up to 5 cubic metres on your property without a licence as long as no more than two cubic metres are sold. Above this a felling licence is required. All trees 80mm or above at 150cm from the base are applicable. See the [NRW website](#)<sup>15</sup> for more information.



### **BREEAM/Code for Sustainable Homes Assessments**

- 4.29 BREEAM assessments require a suitably qualified ecologist to produce an ecology report as evidence for several of the credits within the 'Land Use & Ecology' chapter. The 'Land Use & Ecology' chapter covers issues such as ecological value of the site and protection of ecological features (LE3), mitigating ecological impact (LE4), enhancing site ecology (LE5), and long term impact on biodiversity (LE6). The relevant BREEAM assessor manual (available at [www.breeam.org](http://www.breeam.org)) should be consulted for full details of the individual BREEAM credit compliance requirements.
- 4.30 In order to get Code for Sustainable Homes assessments for Ecology (Chapter 9), developers need to meet codes Eco 1 (ecological value of the site), Eco 2 (ecological enhancement), Eco 3 (protection of ecological features), Eco 4 (change in ecological value of the site) and/or Eco 5 (building footprint). Most of these assessments require a suitably qualified ecologist to undertake the assessment (which can be carried out in conjunction with other surveys).

<sup>13</sup> [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

<sup>14</sup> 1 Jan to 31 March, 1 April to 30 June, 1 July to 30 September and 1 October to 31 December.

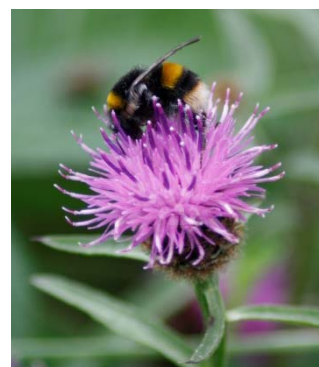
<sup>15</sup> [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

- 4.31 As many developments will require some sort of ecological survey and assessment it is worth considering whether the survey and assessment can also help meet BREEAM/Code for Sustainable Homes. For further help on this, please discuss with the LA.

#### **Welsh Government Wales Action Plan for Pollinators**

- 4.32 This action plan aims to reduce, and reverse, the decline in wild and managed pollinator populations. Pollinators include bees, some wasps, butterflies, moths and hoverflies, some beetles and flies. Developers and the LA should look to contribute to the following areas for action:

- 2.1: Promoting, creating and enhancing diverse and connected flowering habitats across farmland
- 2.2: Promoting, creating and enhancing diverse and connected flowering habitats across protected areas and the wider countryside
- 2.3: Promoting, creating and enhancing diverse and connected flowering habitats in our towns, cities and developed areas



#### **Ceredigion Local Biodiversity Action Plan (LBAP)**


- 4.33 The Ceredigion LBAP incorporates local conservation concern for species listed as UK BAP species, those of principal importance for the purposes of conserving biological diversity under Section 42 of the NERC Act 2006 and local species and habitats of conservation concern, e.g. Roadside Verge Reserves. Development should look to conserve and enhance habitats and species within the



Ceredigion LBAP. For more information see the LA's Website ([www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)).



## 5. Biodiversity and the application process

- 5.1 Figure 1 outlines how ecological aspects should be incorporated into the planning application process. Further advice can be found in Clause 2 of the British Standards for Biodiversity: Code of Practice for Planning and Development (BS42020:2013) (BSI, 2013).
- 5.2 As a biodiversity survey and assessment is a national requirement under the 1APP process, applications without an appropriate biodiversity survey and assessment (be it a preliminary ecological appraisal, bat survey etc.), which require one, or where the report submitted recommends further survey and this has not been carried out, **will be invalidated on application**. Invalidation may also occur following consultation with the LA Planning Ecologist where further survey work is required or reports submitted are inadequate. See Section 6 **Biodiversity Survey and Assessment** for more information.
- 5.3 The earlier that developers/landowners contact the LA for advice the better as ecology needs to be integrated into the proposed development from the start in order to ensure the least impact and the most opportunities have been taken to enhance wildlife. This will also reduce delays for applicants during the application process.
- 5.4 It is also important that applicants seek pre-application advice with other relevant organisations (e.g. Natural Resources Wales) to assist the planning application process. See Table 4.1 in TAN 5 (or any subsequent revision of) for more information
- 5.5 **cAll** applications containing 0.1ha or over<sup>16</sup> Greenfield coverage (previously undeveloped land) will require Preliminary Ecological Appraisal (PEA) (unless discussions with the Planning Ecologist indicate that this is not necessary). Some application sites which fall below this threshold may also be requested to do a PEA. Some brownfield sites may also require a PEA depending on the nature of the site and the application (see Section 6).
- 
- 5.6 For Allocated Sites, the first point of call should be to check the LDP Allocated Site Schedules within the Settlement Group Statements (Ceredigion County Council, 2013b). These outline what the **known** constraints are and what surveys are **likely** to be needed. Please note that due to the time since the LA undertook Phase 1 Habitat Surveys of the Allocated sites, a Preliminary Ecological Appraisal (PEA) will be required on these sites although not

<sup>16</sup> I.e. any site over the 'small site' threshold for planning fees

indicated in the Allocated Site Schedules. See the Biodiversity Survey and Assessment section 6 for more information.

- 5.7 For non-Allocated Sites (sometimes also referred to as windfall sites), the checklist (Table 3) under the **Biodiversity Survey and Assessment** section 6 below will provide a steer as to what surveys are likely to be required.
- 5.8 For further advice or if you are unsure which surveys are required, please contact the LA's Planning Ecologist for a pre-application enquiry (may incur a fee additional to the planning pre-app fee) and meeting where necessary (as recommended by PPW paragraph 5.5.1 and TAN 5, Section 4.2). See British Standards for Biodiversity: Code of Practice BS42020:2013 (Section 6) (BSI, 2013) for more information on pre-app requirements.
- 5.9 If further surveys are required, either identified using the Allocated Site Schedule, using Table 3 in Biodiversity Survey and Assessment or from the recommendations of the PEA, these will need to be carried out **before** the application is submitted. Depending on the species/habitat, the timings of surveys may be limited to a certain period; see Section 6 'When can surveys be carried out?' for more information. A list of best practice guidelines can be found within the [Sources of Survey Methods](#) on the CIEEM website<sup>17</sup>. Reports should use the principles of the CIEEM EclA (Ecological Impact Assessment) [http://www.cieem.net/data/files/Resource\\_Library/Technical\\_Guidance\\_Series/EclA\\_Guidelines/TGSEclA-EclA\\_Guidelines-Terrestrial\\_Freshwater\\_Coastal.pdf](http://www.cieem.net/data/files/Resource_Library/Technical_Guidance_Series/EclA_Guidelines/TGSEclA-EclA_Guidelines-Terrestrial_Freshwater_Coastal.pdf)
- 5.10 The form in Appendix A provides a summary of the aspects to consider with regards to biodiversity (and some wider environmental objectives) when submitting a planning application. These are discussed in more detail in the subsequent sections. Some of these may need to be discussed with your ecological consultant or the LA if you are unsure. It is advised that this form is submitted with any planning application to show if and how ecological aspects have been considered.

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<sup>17</sup> [www.cieem.net](http://www.cieem.net)

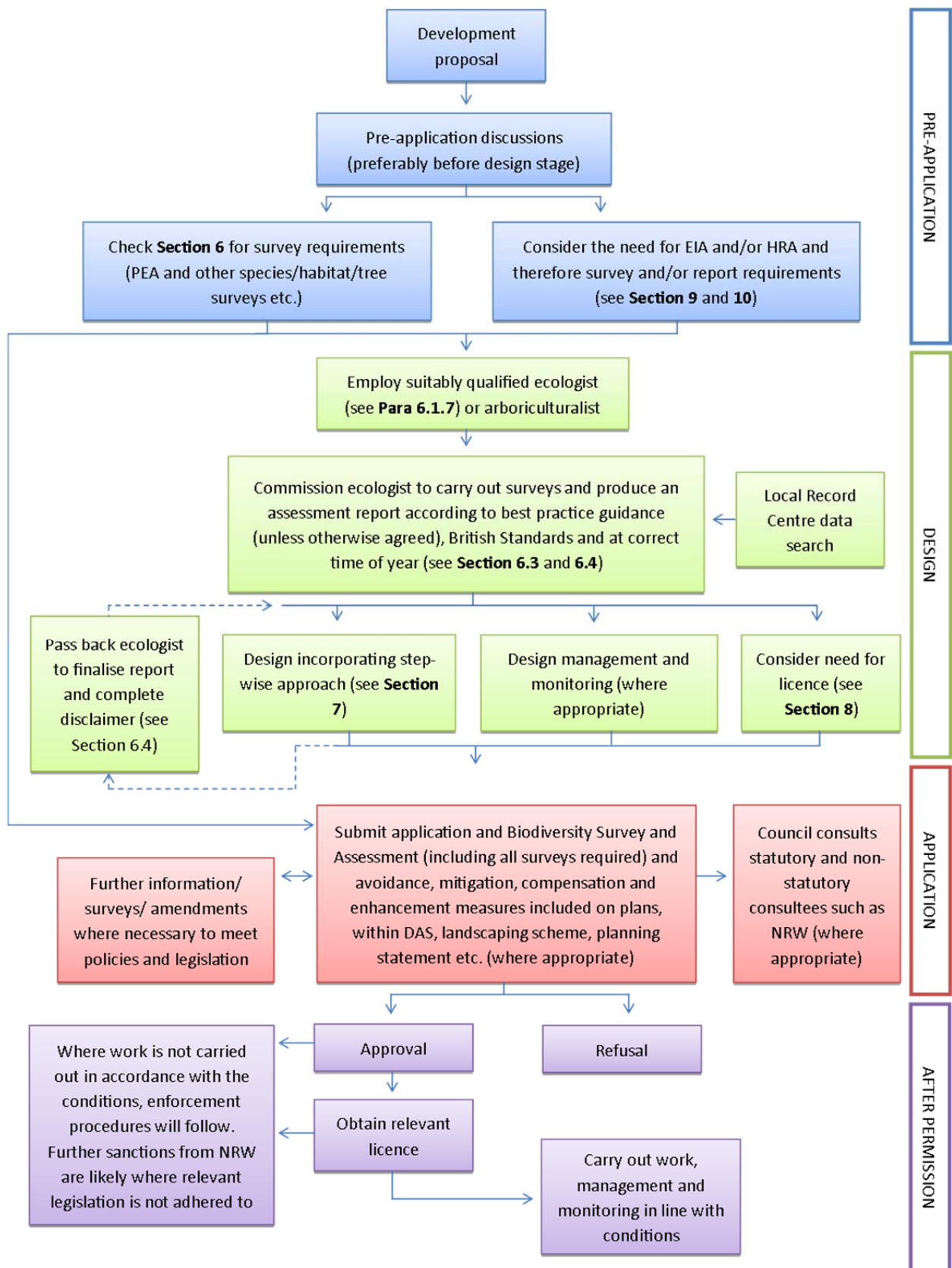


Figure 1: Good practice process

## 6. Biodiversity survey and assessment

### 6.1 When is a survey and assessment needed and what type is needed?

6.1.1 Determining whether and what type of surveys are needed to accompany a planning application (in addition to or part of the PEA) will depend on the site's features and the features of the land/area surrounding the application site. Please note that some applications may require more detailed survey work yet not a PEA (e.g. householder extension which may require a bat survey). The criteria in Table 3 does not replace specialist ecological knowledge, and therefore, it may be in some cases that a site does not meet the criteria but is still required to have a specific survey. On the other hand, your site might meet the criteria but may not need a survey as indicated.

6.1.2 For further advice or if you are unsure which surveys are required, please contact the LA for a pre-application enquiry (may incur a fee additional to planning pre-app fee) and meeting where necessary (as recommended by PPW paragraph 5.5.1 and TAN 5 section 4.2).

6.1.3 The need for surveys can sometimes be avoided by the use of best practice for design and development (see Section 7 and 12 for some advice). The Chartered Institute of Ecology and Environmental Management (CIEEM) provide a list of [Sources of Survey Methods](#), which contain some best practice.



6.1.4 Reports received by the LA will be assessed to see whether the survey has been carried out competently using appropriate methodologies and that the report includes all the information necessary, including assessment of the impacts of the proposed development and recommendations where necessary. It will also be assessed as to whether the survey and report is in line with the British Standards for Biodiversity (BS42020:2013).

6.1.5 Reports that do not contain the appropriate information or the surveys to which they refer are not carried out to relevant standards will be returned. Applications may be made invalid until this information is received or in some cases refused due to lack of information (e.g. where further surveys are required which would not be able to be immediately carried out).

6.1.6 More information on what scope, detail and information needs to be included in the survey and the assessment can be found on **Section 6** and more information on the timing of surveys can be found on **Section 6**. Detailed information for particular species/habitats can be found in the [Sources of](#)



[Survey Methods](#) provided by CIEEM. These should be used unless otherwise agreed with or recommended by the LA Planning Ecologist<sup>18</sup>.

- 6.1.7 Survey reports should be no more than 2 seasons old for bats, other species will depend on recommendations in existing guidelines for that species (see 6.1.6 above) and what has changed since the survey was carried out. Pre-construction surveys may be required, even if a survey has been completed at the planning stage, where species can move in quick or may not be easily detectable, e.g. badgers, reptiles etc., or if significant time has passed since the survey was carried out (e.g. 2 seasons for bats).
- 6.1.8 Surveys must only be undertaken by suitably qualified ecologists. A list of consultants covering Ceredigion and the relevant surveys they have indicated they can carry out is included on the [LA](#) website. This list is not exhaustive and does not indicate a preferred list. There are many other competent, qualified and licensed consultants who work within Ceredigion who are also acceptable surveyors and assessors who have not provided their details. The Chartered Institute of Ecology and Environmental Management (CIEEM) and NATUR have lists of suitably qualified ecologists. Information as to what constitutes a suitably qualified ecologist for a variety of species can be found on the [CIEEM website](#). Please contact the LA Planning Ecologist if you are not sure whether the ecologist/ geologist/ arboriculturalist you would like to use is suitably qualified.

### Preliminary Ecological Appraisal

- 6.1.9 Depending on the nature of the site and type of application, a Preliminary Ecological Appraisal (PEA) should be undertaken which incorporates an extended Phase 1 Habitat Survey. **All applications which contain 0.1ha or over<sup>19</sup> of Greenfield will need a PEA**; unless a recent survey (within 2 years) has been carried out or the LA Planning Ecologist agrees that a survey is not required. The LA Planning Ecologist may request that application sites smaller than this or brownfield sites provide a PEA on the basis of local experience and professional judgment.

- 6.1.10 The PEA will determine what habitat is present, what features should be avoided, what mitigation is needed and where compensation is necessary. It will also help determine whether and what additional surveys and assessments are required e.g. more specific species surveys and assessments such as badgers, otter, reptiles etc., more detailed habitat assessments e.g. Phase 2 grassland surveys, etc. It should also outline what opportunities there are for enhancement. Please note that more



<sup>18</sup> See Clause 6.3.7 of the British Standards for Biodiversity: Code of Practice for Planning and Development

<sup>19</sup> I.e. any site over the 'small site' threshold for planning fees



than one specialist may be required due to specific specialisms. A list of ecologists known to cover this area and their specialisms is provided on the [LA website](#)<sup>20</sup>.

- 6.1.11 The PEA must incorporate a desk top search to determine what is known to be there already and any historical records on site and in the surrounding area.
- 6.1.12 The desk top data should be obtained from the Local Record Centre (West Wales Biodiversity Information Centre) as a minimum and should include a search area relevant to that application. For householder applications and smaller developments this will be unlikely to be more than 250m from the site boundary (including access tracks, cabling etc.), however, larger applications or applications which may have an impact on species way beyond the site area (e.g. wind turbines, anaerobic digesters, quarries etc.), will require a larger site search area. Protected site searches should be 2km (but again this may vary depending on the application). Some advice on this is provided in Section 12: Development Types and Case Studies. If in doubt, please contact the LA Planning Ecologist to discuss.
- 6.1.13 Further information on what should be incorporated within a [General Preliminary Ecological Appraisal](#) (GEAP) can be found on the CIEEM website.

### More detailed survey work

#### Species

- 6.1.14 Where species protected/listed under the Conservation of Habitat and Species Regulations 2010 (as amended), the Wildlife and Countryside Act 1981 (as amended), Section 42 of the NERC Act 2006, UK BAP and Protection of Badgers Act 1992 are thought to be using a site and may be impacted by development, their consideration, including further surveys, are most likely to be required. Some of those most relevant to development in Ceredigion are listed in Table 3 against different development proposals. If the application involves any of the development proposals shown in **Error! Reference source not found.** Table 3 (Column 1), or if the PEA has highlighted based on site information and details of the development that further species surveys are required, species survey should be carried out for each of the species listed in accordance with current guidelines (see 6.1.6 above).



- 6.1.15 Some protected/priority species are not listed here as they are not usually encountered during developments in Ceredigion, e.g. red squirrel, pine

<sup>20</sup> [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

marten, bryophytes. However, surveys may be requested in relation to these species for certain applications in some areas.

6.1.16 Exceptions for when a full species survey and assessment may not be required include:

- Following consultation by the applicant at the pre-application stage, the LA has stated in writing that no protected/priority species surveys and assessments are required (please note this may change if new information becomes apparent or the plans/design changes).
- If it is clear that no protected/priority species are present, despite the guidance in the above table indicating that they are likely, the applicant should provide evidence with the planning application to demonstrate that such species are absent (e.g. this might be in the form of a letter or brief report from a suitably qualified and experienced person, or a relevant local nature conservation organisation).
- If it is clear that the development proposal will not affect any protected/priority species present, then only limited information needs to be submitted. This information should, however, (i) demonstrate that there will be no significant effect on any protected/priority species present and (ii) include a statement acknowledging that the applicant is aware that it is a criminal offence to disturb or harm protected species should they subsequently be found or disturbed.
- It can be clearly demonstrated that there will be no detriment to the maintenance of the favourable conservation status of the affected population of European protected species (will require written agreement with NRW).

6.1.17 In some situations, it may be appropriate for an applicant to provide a protected species survey and report for only one or a few of the species shown in the Table above e.g. those that are likely to be affected by a particular activity. Applicants should make clear which species are included in the report and which are not because exceptions apply.

6.1.18 **For further advice or you are not sure what is required, it is advised you contact the LA for a pre-application enquiry**

#### **Sites**

6.1.19 Even if a PEA has not been triggered for the site, if the application is likely to affect any of the designated sites listed in **Table 2** an assessment of whether the development site will affect the designated site/s must be incorporated into a Biodiversity Survey and Assessment report which must be submitted with the application. If a PEA is being carried out then this assessment could be carried out within this report. In order to do this assessment, various surveys may need to be carried out or further information submitted e.g. Pollution Prevention Statement (PPS).

6.1.20 The Local Authority may then need to carry out a Test of Likely Significant Effect (TLSE) to see if the proposed development is likely to have a significant effect on an International Site. This may trigger an Appropriate Assessment (AA) under Regulation 61 of the Conservation of Habitat and

Species Regulations 2010, which may require further information to be provided by the applicant. For more information see Section 10.

6.1.21 Exceptions to when a full survey and assessment may not be required include:

- International and national sites: A survey and report will not be required where the applicant is able to provide copies of pre-application correspondence with NRW, where the latter confirms in writing that they are satisfied that the proposed development will not affect any statutory sites designated for their national and international importance.
- Local sites: A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with the LA Planning ecologist (where employed), or ecological advisor and/or the local RIGS group that they are satisfied that the proposed development will not affect any local sites designated for their local nature conservation importance.



### **Habitats and geodiversity**

6.1.22 Even if a PEA has not been triggered for the site, if the application is likely to affect (either directly or in-directly) any of priority habitats or biodiversity features **habitats listed under the Section 42 of the NERC Act 2006 and UK BAP (see Table 4)** or geological features listed in Table 5, a survey and assessment for the relevant feature must be submitted with the application (**Habitat/Geological Survey and Assessment**). If a PEA is being carried out then this assessment could be carried out within this report. In order to do this assessment, various surveys may need to be carried out e.g. Phase 2 Habitat Surveys or further information submitted. **Where developments are not likely to affect a habitat/geological feature directly, consideration should be given to whether the development may impact on these features** indirectly impact them through changes to water tables, dust, pollution etc.

6.1.23 Where applicable, where the development is going to result in the loss of/deterioration/pollution of habitat supporting wild birds species which may affect the objective to preserve, maintain and re-establish sufficient diversity and area of habitat for wild birds, further survey work may also be requested in line with Regulation 9(A) of the Conservation of Habitat and Species Regulations 2010 (as amended).

### Non-native invasive species

- 6.1.24 All PEAs should note any stands<sup>21</sup> or evidence of non-native invasive species along with recommendations for control/removal and disposal.
- 6.1.25 All construction works should incorporate a biosecurity risk assessment that considers;
- the risk of any invasive non-native species or diseases becoming established on a site, either accidentally through fragments on machinery, plants etc. or by deliberate means as part of landscaping; and
  - the risk of spreading any invasive non-native species on site.

### Natural and Other Processes and Ecosystem Services

- 6.1.26 It should be noted where processes, natural or otherwise, that influence biodiversity within the zone of influence and where any particular habitat/species is likely to have a wider ecosystem service<sup>22</sup> role. Where possible, particularly where ecosystem service mapping is available, the impact on the loss of this habitat/species on the local and wider ecosystem service should be assessed.



<sup>21</sup> Growth of plant in a particular area

<sup>22</sup> Ecosystem services are different roles provided by a group of habitats and species which benefit our wider environment from a humankind perspective e.g. *provisioning*, such as the production of food and water; *regulating*, such as the control of climate and disease; *supporting*, such as nutrient cycles and crop [pollination](#); and *cultural*, such as spiritual and recreational benefits

**Table 3. Local requirement for protected and priority species for when a survey and assessment is required**

Proposals for development that will trigger a protected species survey	Species likely to be affected and for which a survey will be required										
	Bats	Barn Owls	Otters	Dormouse	Water Vole	Badger	Reptiles	Amphibians	Plants	Breeding Birds	Invertebrates
<p>Proposed development which includes the modification, conversion, demolition or removal of buildings and structures (especially roof voids) involving the following:</p> <p>any buildings with; slate roofs, gable ends, wet cladding, dense climbing plants, hanging tiles and loft spaces, non-sealed soffits; especially demolitions and changes affecting the roof (e.g. house extensions, loft conversions, re-roofing, extensions up to/close to soffits etc.);</p> <p>traditional buildings such as churches, chapels etc.;</p> <p>all agricultural buildings (e.g. farmhouses and barns) particularly of traditional brick or stone construction and/or with exposed wooden beams greater than 20cm thick;</p> <p>pre-1914 buildings within 400m of woodland and/or water;</p> <p>all tunnels, mines, kilns, ice-houses, adits, military fortifications, air raid shelters, cellars and similar underground ducts and structures; or</p> <p>all bridge structures, aqueducts and viaducts (especially over water and wet ground)</p> <p>Some proposals within 200m of a woodland (depends on the proposal)</p>	•									•	
Proposals involving lighting of churches and listed buildings or flood lighting of green space within 50m of woodland, water, field hedgerows or lines of trees with obvious connectivity to woodland or water or medium to high roost potential.	•	•	•							•	
Proposals affecting woodland, or field hedgerows/hedgebanks, or stone walls etc and/or lines of trees, especially those with obvious connectivity to woodland or water bodies and those that are south facing (run east to west).	•			•		•	•	•	•	•	

Proposals for development that will trigger a protected species survey	Species likely to be affected and for which a survey will be required										
	Bats	Barn Owls	Otters	Dormouse	Water Vole	Badger	Reptiles	Amphibians	Plants	Breeding Birds	Invertebrates
<p>Proposed tree work (felling or lopping) and/or development affecting</p> <ul style="list-style-type: none"> <li>▪ old and veteran trees that are older than 100 years;</li> <li>▪ trees with obvious holes, cracks or cavities, flaking bark, exposed tears and/or splits</li> <li>▪ trees with a girth greater than 1m at chest height;</li> </ul> <p><b>Any work/development affecting trees or potentially their roots will need an arboricultural survey to BS5837:2012 standards.</b></p>	•								•	•	
Proposals for wind turbines, single and multiple, PV arrays and hydro schemes ( <b>see separate guidance available on the LA website</b> )											
Proposals affecting gravel pits or quarries and natural cliff faces and rock outcrops with crevices, caves or swallets.	•						•	•		•	
Some proposals affecting or within 200m of rivers, streams, canals, lakes, ponds, marshy grassland or other aquatic habitats (depends on the proposal)	•		•		•		•	•	•	•	•
Proposals affecting ‘derelict’ land (brownfield sites), allotments and railway land.						•	•	•	•	•	
Proposals affecting rank or species-rich grassland or scrub	•			•		•	•	•	•	•	•
Proposed development affecting any buildings, structures, feature or locations where <u>protected/priority species are known to be present</u> *.	•	•	•	•	•	•	•	•	•	•	•

Proposals for development that will trigger a protected species survey	Species likely to be affected and for which a survey will be required										
	Bats	Barn Owls	Otters	Dormouse	Water Vole	Badger	Reptiles	Amphibians	Plants	Breeding Birds	Invertebrates
* Confirmed as present by either a data search via the Local Records Centre or as notified to the developer by the LA, and/or by NRW or other nature conservation organisation.	Bats	Barn Owls	Otters	Dormouse	Water Vole	Badgers	Reptiles	Amphibians	Plants	Breeding birds	Invertebrates



**Table 4. Local requirements for priority habitats for when a survey and assessment are required**

HABITAT
<b>PRIORITY HABITATS (Habitats of Principal Importance for Biodiversity under S.42 of the NERC Act 2006)</b>
<p><b>Terrestrial</b></p> <ul style="list-style-type: none"> <li>▪ Ancient and/or species-rich hedgerows</li> <li>▪ Arable field margins</li> <li>▪ Coastal and floodplain grazing marsh</li> <li>▪ Coastal vegetated shingle and inshore sands</li> <li>▪ Lowland dry acid grassland</li> <li>▪ Lowland fen</li> <li>▪ Lowland heathland</li> <li>▪ Lowland meadows (e.g. species-rich flower meadows)</li> <li>▪ Lowland mixed deciduous woodland (ancient woodland)</li> <li>▪ Lowland raised bog</li> <li>▪ Lowland wood-pasture and</li> <li>▪ Maritime cliffs and slopes</li> <li>▪ Purple moor grass and rush pastures</li> <li>▪ Reedbeds</li> <li>▪ Sand dunes</li> <li>▪ Standing open water and canals (e.g. lakes, reservoirs, ponds, aquifer fed fluctuating water bodies)</li> <li>▪ Rivers and streams (e.g. chalk streams)</li> <li>▪ Upland blanket bog</li> <li>▪ Upland fen, marsh and swamp</li> <li>▪ Upland heathland</li> <li>▪ Upland woodlands (e.g. mixed ashwoods, oakwoods, and birchwoods)</li> <li>▪ Wet woodland</li> </ul> <p><b>Marine</b></p> <ul style="list-style-type: none"> <li>▪ Blue mussel beds</li> <li>▪ Coastal Saltmarsh</li> <li>▪ Intertidal boulder communities</li> <li>▪ Intertidal mudflats</li> <li>▪ Peat and clay exposures</li> <li>▪ <i>Sabellaria alveolata</i> reefs</li> <li>▪ Subtidal sands and gravels</li> <li>▪ Sublittoral mixed muddy sediments</li> <li>▪ Tidal swept channels</li> </ul>



## OTHER HABITAT FEATURES

- Secondary Woodland and Mature/Veteran Trees
- Caves and disused tunnels and mines (e.g. roosts for bats)
- Trees and scrub used for nesting by breeding birds/invertebrates
- Previously developed land with biodiversity interest
- Urban green space (e.g. parks, allotments, flower-rich road verges and railway embankments)
- Ditches (e.g. suitable for water voles)
- Hedgerows that do not qualify as species-rich/ancient and other linear features that form (either in part or in whole) important linkages to the habitats listed above
- Habitats described under the Ceredigion LBAP that aren't covered above (e.g. roadside verge reserves)

### ***Exceptions When a Full Survey and Assessment May Not Be Required***

A survey and assessment will not be required where the applicant is able to provide copies of pre-application correspondence with the LA Planning ecologist or ecological advisor and/or the local Wildlife Trust that they are satisfied that the proposed development will not affect any regional or local sites designated for their local nature conservation importance or any other priority habitats or listed features.

**Table 5. Local requirements for geodiversity features for when a survey and assessment are required**

<b>GEOLOGICAL CONSERVATION FEATURES (Based on the Earth Science Conservation Classification)</b>	
<b>Exposure or Extensive Sites</b>	Active quarries and pits Disused quarries and pits Coastal cliffs and foreshore River and stream sections Inland outcrops Exposure underground mines and tunnels Extensive buried interest Road, rail and canal cuttings
<b>Integrity Site</b>	Static (fossil) geomorphological Active process geomorphological Caves Karst
<b>Finite Site</b>	Finite mineral, fossil or other geological Mine dumps Finite underground mines and tunnels Finite buried interest

***Exceptions When a Full Survey and Assessment May Not Be Required***

A survey and report will not be required where the applicant is able to provide copies of pre-application correspondence with appropriate local geological experts (such as the Local RIGS Group) that they are satisfied that the proposed development will not affect any geological features of local nature conservation importance.

## 6.2 What do the different surveys involve?

6.2.1 Table 6 below provides a summary of what each of the most common species and habitats surveys involve.

**Table 6. Brief summary of what each survey involves.**

<b>Habitat surveys</b>	
<b>Code for Sustainable Homes/BREEAM Ecological Assessment</b>	The most basic habitat assessment of a site; basic protected species interest assessment.
<b>Extended Phase 1 Habitat Survey</b>	Broad habitat assessment and mapping, determination of protected species interest, ecological desk study data. Should include a colour coded map with Target Notes for features of importance and suggested further surveys.
<b>Preliminary Ecological Appraisal (PEA)</b>	Incorporates an Extended Phase 1 Habitat Survey incorporating a more thorough assessment and evaluation <sup>23</sup>
<b>National Vegetation Classification (NVC)</b>	Detailed botanical investigation of selected habitat composition using quadrats.
<b>Arboricultural Survey</b>	Assessment of the species, height, chest height diameter and condition of trees at a site and establishment of protection options, root protection area, shading etc. in line with BS5837:2012 <sup>24</sup>
<b>Hedgerow Survey</b>	Survey to determine species rich and ancient hedgerows in accordance with the Hedgerow Survey Handbook and Hedgerow Regulations 1997.
<b>Species</b>	
<b>Terrestrial invertebrates</b>	Determination of important terrestrial invertebrate interest at a site using a range of techniques and lab ID.
<b>Aquatic invertebrates</b>	Determination of biological water quality if site is adjacent to stream or river habitats, or contains ponds.
<b>Badger survey</b>	Determination if badger setts are located on site or within 30m of a site and whether site is used for foraging, latrines etc.
<b>Otter survey</b>	For sites which border or incorporate major watercourses, streams or ponds. Determination of use of the site by otters for movement, breeding and resting

<sup>23</sup> Guidelines for Preliminary Ecological Appraisal (CIEEM, 2013)

<sup>24</sup> British Standards for Trees in Relation to Design, Demolition and Construction BS5837:2012 (BSI, 2012)

<b>Water vole survey</b>	For sites where there is a watercourse present or a network of ponds and wet ditches in the vicinity which are linked to the site, particularly by marshy grassland. Determination of presence of water voles and current use of the site.
<b>Bat survey</b>	Any semi-mature and mature trees and most buildings may provide roost features and should be assessed. This involves daytime inspections and in most cases this will also involve one or more activity surveys (dawn and/or dusk survey). Removal of key corridors or the addition of features which may lead to collision/barotrauma <sup>25</sup> may also trigger the need for activity surveys (transects, vantage point etc.).
<b>Dormouse survey</b>	For sites which border large areas of woodland, scrub or have ancient/mature hedgerows. Determination of the presence of dormice.
<b>Birds survey</b>	Determination of nesting activity, presence of Schedule 1 bird species, presence of over-wintering flocks and/or migration routes. May include transect, vantage point and/or nest searches.
<b>Reptile survey</b>	Sites where there is suitable habitat and connectivity e.g. railway lines, streams, allotments, grassland, hedgebanks, scrub, piles of wood, rubble, compost and manure heaps. Determination of presence and population.
<b>Lower plant survey</b>	Specialist survey for mosses, bryophytes, lichens and fungi.

### 6.3 When can surveys be carried out?

6.3.1 Table 7 below shows the ecological survey seasons for the various species and habitats.

**Table 7. Ecological survey seasons**

Key: Optimal Survey Time



Extending into

	JAN	FEB	MAR	APR	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC
Amphibians		■	■	■	■	■	■	■	■	■		
Badgers		■	■	■	■	■	■	■	■	■	■	■
Bats (Hibernation Roosts)	■	■	■								■	■
Bats (Summer Roosts)				■	■	■	■	■	■	■		

<sup>25</sup> Physical damage to body tissues caused by a difference in pressure between a gas space inside. Can occur when bats fly near wind turbines.

Bats (Foraging/Commuting)													
Birds (Breeding)													
Birds (Over Wintering)													
Dormice													
Invertebrates													
Otters													
Reptiles													
Water Voles													
Habitats/Vegetation													

6.3.2 For certain species and habitats surveys can be carried out at any time of year, but for other species, particular times of year are required to give the most reliable results, as indicated in Table 7.

6.3.3 More specific timings may need to be considered if surveying for a specific species, for example, marsh fritillary butterfly adults are on the wing May to July and webs (silk webs woven by the larvae/caterpillars) are best surveyed August to September when they are most visible.



6.3.4 Surveys conducted outside optimal times (**Error! Reference source not found.**) may be unreliable. For certain species surveys over the winter period are unlikely to yield any useful information. Similarly negative results gained outside the optimal period should not be interpreted as absence of a species and further survey work may be required during the optimal survey season. This is especially important where existing surveys and records show the species has been found previously on site or in the surrounding area. An application may not be valid until survey information is gathered from an optimum time of year.

6.3.5 In the case of bats, it may be possible to commission a scoping survey outside the optimal time to establish likely use by bats. It is advisable that this type of survey is commissioned only if the applicant/LA Planning Ecologist/NRW has reason to believe that a bat roost is unlikely to be present due to the structure, use and/or location of the building in consideration. If a scoping survey find evidence of use by bats or potential for use, then further surveys will be required during the bat active season as shown in Table 7.

- 6.3.6 Species and habitat surveys are also very weather dependent so it may be necessary to delay a survey or to carry out more than one survey if the weather is not suitable, e.g. heavy rain is not good for surveying for otters, as it washes away their spraint (droppings) and colder and/or drier weather could delay the growing season affecting when vegetation surveys can be carried out. Likewise bat surveys carried out in wet, cold or windy days may not yield accurate results, and may be likely to miss bats all together.
- 6.3.7 Absence of evidence of a species does not necessarily mean that the species is not there, nor that its habitat is not protected (e.g. a bat roost is protected whether any bats are present or not).
- 6.3.8 The Local Records Centre may have useful existing information and records for the site and surrounding area. For Ceredigion contact the West Wales Biodiversity Information Centre.<sup>26</sup>
- 6.3.9 Competent ecologists should carry out any surveys and assessments. Where surveys involve disturbance, capture or handling of a protected species, then only a licensed person can undertake such surveys (issued by NRW). When hiring a consultant, ensure you are provided with any relevant license numbers. Surveys should follow published national or local methodologies. Detailed information for particular species/habitats can be found in the [Sources of Survey Methods](#) provided by CIEEM. [Competencies](#) for certain species surveys are also provided by CIEEM. Please contact the LA Planning Ecologist if you are not sure whether the ecologist/ geologist/ arboriculturalist you would like to use is suitable.
- 6.3.10 Pre-construction surveys may be required where presence of a species may be likely to change since the original survey or to allow for works to be carried out at a certain time of year. For example a pre-construction search for badgers who may have created setts since the survey or breeding bird surveys in buildings to be demolished
- 6.4 What scope, detail and information should be included in the survey and assessment?**
- 6.4.1 In line with BS42020:2013 (Clause 6), all reports received by the LA should contain adequate information. Therefore, reports received by the LA will be assessed to see whether the survey has been carried out correctly and the report includes all the information necessary, including an assessment.
- 6.4.2 All reports should include a summary of ecological information from the Local Record Centre. NBN data can be used to support Local Record Centre data but it is not an alternative. All reports containing sensitive data<sup>27</sup> should be marked as confidential or provide this information in a confidential annex.

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<sup>26</sup> Landsker Business Centre, Llwynybrain, Whitland, Carmarthenshire, SA34 0NG Tel/fax: 01994 241468 website: [www.biodiversitywales.org.uk](http://www.biodiversitywales.org.uk)

<sup>27</sup> Sensitive data includes protected species who may be vulnerable to illegal poaching or potential to be harmed. If you are unsure whether your data qualifies as sensitive please contact the Local Record Centre or NRW.

- 6.4.3 All surveys should be undertaken and prepared by competent persons with suitable qualifications and experience and must be carried out at an appropriate time and month of year, in suitable weather conditions and using nationally recognised survey guidelines/methods where available (see [Sources of Survey Methods](#), CIEEM). The survey should be informed by the results of a search for ecological or geological data from West Wales Biodiversity Information Centre (WWBIC)<sup>28</sup>.
- 6.4.4 Further information on timing of the surveys can be found on **Section 6** and more information on timings of mitigation can be found on Section 7.
- 6.4.5 All recommendations that need to be carried out before the planning application should be done so and all relevant information included within the application.
- 6.4.6 **All recommendations for mitigation from these reports should be incorporated into the proposal plans where they are related to design, layout etc. (and therefore would normally be placed on the plans), unless agreed with the Development Management Officer that this is not necessary.**
- 6.4.7 Other recommendations (such as licencing for protected species, management agreements etc.) will be covered by conditions/informatives depending on the context. In some cases, Section 106 agreements may be required where conditions are not suitable. Depending on the site and its features, this may require financial contributions.
- 6.4.8 Where any of the information relates to the nests/roosts/setts of sensitive species, this should be included in reports as a separate confidential annex.
- 6.4.9 Table 8 below shows the minimum scope, detail and information that the **all biodiversity survey and assessment reports** (including PEAs, protected/priority species surveys and assessments and habitat/geological survey and assessment but not including EIAs) should include. There are some additional requirements for particular species and these have been listed in **Tables 9 - 12** below.
- 6.4.10 Specific requirements relating to single wind turbine applications, hydro applications and PV solar arrays are provided with separate notes available on the [LA website](#).

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<sup>28</sup> Data requests can be made by contacting WWBIC direct at: West Wales Biodiversity Information Centre, Landsker Business Centre, Llwynybrain, Whitland, Carmarthenshire, SA34 0NG Tel/fax: 01994 241468



**Table 8. Scope, detail and information that should be included in all ecological survey and assessment reports**

Requirements	Checklist
Ensure that the scope of the survey has been considered and that the correct survey is carried out – Protected Species / Phase 1 / Code for Sustainable Homes.	
Disclaimer to be signed by the agent/architect/developer and applicant stating they have read and understood the survey report: <b>I, [name], acknowledge receipt of the ecological survey dated [date] relating to [address]. I have read the contents and understand my legal obligations regarding any protected species and habitats that may be present at this address. [Signed].</b>	
The surveyors name, qualifications, professional membership (where applicable), experience and relevant EPS licence (where applicable).	
Executive summary setting out the key findings, recommendations (including mitigation), limitations and if further surveys are required ( <b>in bold</b> ).	
A note to say whether any of the information is sensitive and therefore included in a separate confidential annex.	
Introduction and site summary (site name, grid reference, site location plan, date of survey).	
Desk study (to include summary from Local Records Centre data search – West Wales Biodiversity Information Centre).	
Survey methodology (cross reference to guidelines followed, justification for method, equipment to be used, limitations).	
Site description (to include particular features of interest (including notes of suitability of site for species) and relevant adjoining habitats and any details of events occurring on site before or after survey has been carried out e.g agricultural practices, site clearance etc. <sup>29</sup> ).	
Survey results (to include species scientific name, number found (if applicable), recorder name, date recorded, weather conditions, date, time of survey, duration).	
Map summarising records of species and habitats (to include Phase 1 Habitat / NVC codes, target notes, structures/features) with associated photographs.	
Overall evaluation of the site, habitat and species in their ecological and physical context and according to status in legislation (EPS, LBAP).	
Assessment of potential impact(s) of development (to include direct, indirect, construction, ongoing use, short and long term effects) on the site, species and adjoining habitats and how impacts can be avoided,	

<sup>29</sup> See Clause 6.4.8 in BS42020 (BSI,2013) for more information



mitigated or compensated for (showing that a step-wise approach has been taken <sup>30</sup> ). Any alternatives considered should be detailed and it should be assessed whether there is likely to be a fall or gain in numbers/extent of the species/habitat. <sup>31</sup> Reference to impact should incorporate the consideration of National and Local Policy and relevant legislation.	
Recommendations (to include details of proposed mitigation, compensation and enhancement and method statement e.g. timing). <b>Clearly stating</b> which recommendations are compulsory and specify actions for the agent/developer/applicant in relation to the planning application (ensuring mitigation and/or compensation is transposed on to the architectural drawings). Recommendations of further survey work to be carried out. <sup>32</sup>	
Details of proposals that will enhance, restore or add to features or habitats or sites or those used by protected species. <sup>33</sup>	

**Table 9. Additional scope, detail and information that should be included in reports that cover potential EPS surveys.**

European Protected Species (EPS)	Checklist
An assessment of indirect effects with particular reference to Regulation 50 of the Habitat and Species Regulations 2010 (as amended) and incidental capture/killing	
Where an EPS is found on site, a method statement must be included within the report in line with NRW licence requirements. It is recommended that this follows the layout of Part C of the licence application form <sup>34</sup>	

**Table 10. Additional scope, detail and information that should be included in reports that cover bat surveys**

European Protected Species: Bats	Checklist
A description of the building/structure, trees/hedgerows, adjoining habitat/site, corridors linking habitat features and overall assessment of the potential of the site to support bats both externally and internally (should include illustrations or photos).	
Plan showing location of any bat observers where bat dusk and dawn surveys have been carried out and locations of any mobile transects or static detectors.	

<sup>30</sup> See Section 7, paragraph 2.4 of TAN 5 and Clause 5.2 of BS42020

<sup>31</sup> See 6.5 of BS42020

<sup>32</sup> See 6.6.2 of BS42020

<sup>33</sup> Requirement of Ceredigion LDP Policy DM15 as well as DM06, NERC Duty and Clause 6.3.3 of BS42020

<sup>34</sup> <http://naturalresourceswales.gov.uk/apply-buy-report/apply-buy-grid/protected-species-licensing/european-protected-species-licensing/do-i-need-a-licence/?lang=en#.U0exWaL4Z6Y> provides the licence application and guidance

Plans showing location of evidence (such as suitable features, identified roosts, access points, flight lines, light-sampling, swarming areas).	
Summary of bat evidence found (such as number/type of droppings, staining), results of activity and/or vantage point surveys, conclusions (such as type of roost) and assessment of impact of the development including a conclusion in relation to the maintenance of the favourable conservation status (FCS) of the affected population.	
Detailed mitigation and/or compensation strategy specific to the development proposal, targeted to the species and type of roosts found (to include method statement detailing timing, landscaping/planting, lighting, order of works). <b>This must be discussed with the architect/agent and be included on the architectural drawings (dimensions, location of access points, materials, enhancement).</b>	
Assess and advise on requirement for <b>Natural Resources Wales</b> EPS licence.	

**Table 11. Additional scope, detail and information that should be included in reports that cover otter surveys**

European Protected Species: Otters	Checklist
Assessment of suitability of site for otters, summary of evidence of otter activity and use of site (e.g. location of spraints, exit/entry slides), rain report for preceding two days and survey day(s) and tide times where applicable.	

**Table 12. Additional scope, detail and information that should be included in reports that cover reptile surveys**

Wildlife & Countryside Act Species: Reptiles	Checklist
Assessment of suitability of site for reptiles. Results to include detailed weather information (current and preceding two days), sunrise and sunset times, a plan showing the rough location of the survey tiles and justification for number/location.	

6.4.11 The information provided in response to the above requirements should be consistent with that required for an application to NRW for a European Protected Species License.

6.4.12 When there are likely effects on an International Site (e.g. SAC, SPA, etc.) (including its mobile species) it is the LA's responsibility to assess the effects of the plan for whether there will be a likely significant effect (Test of Likely Significant Effect (TLSE) and subsequent Appropriate Assessment (AA) where necessary<sup>35</sup>. However, the applicant needs to supply sufficient and relevant information that the LA reasonably needs for the purposes of the assessment. If you are in any doubt regarding the level of information required seek advice from the LA, NRW or refer to the SAC/SPA core management plan.

<sup>35</sup> See Chapter 5 and Annex 3 of TAN 5 for more information

6.4.13 Design and Access Statements should incorporate a summary of the effects on ecology and how they are being mitigated etc.

## 7. Delivery of the step-wise approach

### 7.1 Design

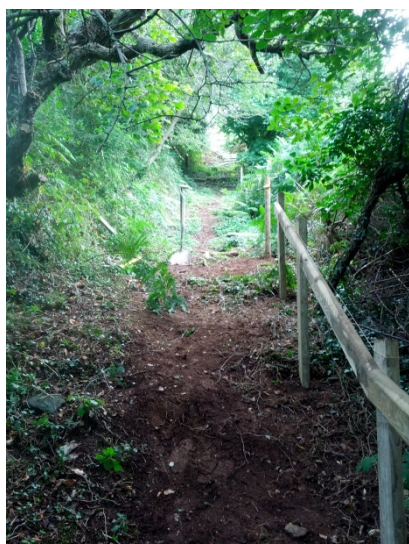
7.1.1 Once the surveys and assessments are complete, these will indicate areas that should be avoided, inform what mitigation and compensation is required and indicate where there are opportunities for enhancements. This should be incorporated into the design rather than the other way round.



7.1.2 It should also be considered whether SUDs, biodiversity and open space can be combined to enhance the area for residents, the community, employers etc. and also reduce the space needed (thereby reducing costs for the developer and increasing developable land). Further information on SUDs and open space can be found in the Ceredigion County Council LDP SPG: Built Environment and Design and SPG: Open Space respectively.

7.1.3 Some aspects of design can reduce the need for some surveys in the first place, e.g. avoiding trees and providing a suitable buffer. See Section 12 for some advice.

7.1.4 Also to be considered is whether there are opportunities for any biodiversity education (e.g. information panels) or access (e.g. woodland walk, path through long grassland etc.) as required by Policy DM14. This would be particularly appropriate for new housing estates, employment, tourism sites e.g. campsites, highways schemes etc. As stated in Policy DM14, this would only be acceptable in appropriate places where the ecological and geological integrity can be safeguarded and the introduction of, or increase in, recreation will not affect the conservation status of a protected/priority species or degrade a protected/priority habitat in the short or long term.



7.1.5 LDP Policy DM15 requires that a step-wise approach is taken to development. This is described further below. Further information can be found in Para 2.4 of TAN 5 and Clause 5.2 of the British Standards for Biodiversity (BSI, 2013).



## Avoidance

7.1.6 Any features on site that are valuable habitats themselves, provide a habitat corridor or support protected or priority species should be retained as much as possible as part of the development<sup>36</sup>.

7.1.7 For example there is no need to remove hedgerows around the perimeter of the site and where possible, development should be designed around those within the site (with just access points being translocated (or removed and compensated for if not possible). Consideration of maximum expected heights from Highways should be considered when determining the placement of translocated/replacement hedgerows to ensure they can grow to a suitable height.



7.1.8 Other features to retain include, but are not limited to; ditches, woodland areas, species-rich grassland, lines of/individual trees, ponds etc.

## Mitigation

7.1.9 Where features are being retained, or significant effects on species are trying to be avoided, mitigation will be required to protect those features/species. This could be anything from ensuring there is a significant buffer from the retained feature in terms of the final structure of the development (e.g. hard standing, buildings etc.) to ensuring that the construction is done at a certain time of year (e.g. outside bird breeding season, outside reptile hibernating season etc.)



7.1.10 A suitable buffer distance will be required from site features. At least 7 m buffer will be required from wetlands and running water. At least 1m buffer from the base of banks/edge of tree canopies etc. will be required from other features.

7.1.11 Table 13 below provides details of when during the year different species and habitat mitigation can be carried out.

<sup>36</sup> In line with Policies DM06: High Quality Design and Placemaking, DM10: Design and Landscaping, DM14: Nature Conservation and Ecological Connectivity, DM15: Local Biodiversity Conservation, DM20: Protection of Trees, Hedgerows and Woodlands and DM22: General Environmental Protection and Enhancement of the LDP

**Table 13. Mitigation timeline. Modified from Ecological Survey and Calendars Briefing Note (Willmott Dixon, 2010).**

Key:  Recommend period for mitigation  
 Sub-optimal time for mitigation  
 Mitigation not possible

Species	January	February	March	April	May	June	July	August	September	October	November	December
<b>Amphibians (hibernacular)</b>	Creation of hibernacular (no destruction)			Destruction of hibernacular and creation of hibernacular				Creation of hibernacular (no destruction)				
<b>Amphibians (breeding ponds and feeding)</b>	Creation of new ponds and feeding areas (no destruction or disturbance as breeding)						Creation of new ponds and feeding areas and translocation (no destruction until translocation completed)		Destruction of ponds and feeding areas and creation of new ponds and feeding areas			
<b>Badgers</b>	Construction of artificial setts only (no disturbance of existing setts)							Exclusion from setts and destruction		Exclusion in special circumstances	No disturbance (see January)	
<b>Bats</b>	Maternity roosts works only		Hibernation and maternity roost works		Hibernation roost works only						Maternity roost works only	
<b>Bird</b>	Clearance works		Nesting season (avoid ALL clearance works)					Clearance works				
<b>Dormice</b>	No clearance works as hibernating			Clearance, translocation and release		No clearance works as may separate females from young			Clearance, translocation and release		No clearance works as hibernating	
<b>Invertebrates</b>	Planting and creation of breeding, foraging and refuge habitats. Clearance of vegetation (however may be overwintering larvae etc.)			No destruction of vegetation as breeding. Creation of breeding, foraging and refuge habitats					Planting and creation of breeding, foraging and refuge habitats. Clearance of vegetation			
<b>Otters</b>	No seasonal constraints but restrictions are likely during breeding season											
<b>Reptiles (hibernacular)</b>	Creation of hibernacular (no destruction as hibernating)				Destruction of hibernacular and creation				Creation of hibernacular (no destruction as hibernating)			
<b>Reptiles (breeding sites and basking sites)</b>	Clearance of scrub/long vegetation (may be hibernating in veg.)		Weather and species dependent	Capture and translocation programmes and scrub clearance (once translocation complete)			Weather dependent but likely to be sub-optimal due to temperature		Capture and translocation	Clearance of scrub/long vegetation (may be hibernating in veg.)		
<b>Water voles</b>	Avoid works in habitat		Trapping and exclusion		Avoid works (breeding season)				Trapping and exclusion		Avoid works in habitat	
<b>Habitat/vegetation</b>	Planting and translocation		Planting (follow up watering may be required)		No mitigation for most species of vegetation					Planting and translocation		

## Compensation

7.1.12 Where loss or damage to features cannot be avoided, and mitigation is not enough, losses will need to be compensated for. This is where the feature/habitat or suitable alternative is provided as a replacement for the loss of the habitat itself or as alternative habitat for a species. Compensation is a last resort. Some compensatory measures may not be achievable on site and therefore will be required outside of the application site through a S106 to secure their provision and long term management.



7.1.13 As many habitats can take many years to establish, compensation will need to take this into account, usually by providing a larger area/length/number of what was lost and/or better quality. For example, if a stone wall needed to be removed for access, then this would need to be recreated in a suitable position. Other requirements should also be considered that may impact the compensatory habitat/feature. For example, hedgerows will need to be translocated/planted **behind** visibility splays to allow them to grow to a sufficient height and trees should be planted where they will not interfere with services and light through windows.

7.1.14 For some species, such as European Protected Species, translocation may not be a possible option if this would result in the application not meeting the three tests of derogation<sup>37</sup>. In addition, in some cases, habitat or the right habitat requirements for the species affected cannot be recreated, and therefore proposals resulting in loss of these habitats are likely to be refused.

7.1.15 Furthermore, translocation will only be an acceptable option if there is suitable habitat available and it is not already over its carrying capacity<sup>38</sup>, for that species. Phasing can be included as a condition in order to allow the translocation habitat to become suitable (e.g. for scrub and long vegetation to form on a previously short vegetation site for



<sup>37</sup> Three tests of derogation:

- there is an overriding public interest;
- no satisfactory alternative; and
- development will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range

See the Conservation of Habitats and Species Regulations 2010 for more information.

<sup>38</sup> Carrying capacity is the total number of individuals that a habitat can support for there to be a viable population



reptiles). Other considerations include the management of the translocation site.

7.1.16 Timing of translocations etc. are included in Table 13 above.

7.1.17 Compensation here does not cover that in relation to European Sites Regulation 66 of the Conservation of Habitat and Species Regulations 2010 (as amended). For further information regarding this see Chapter 5 and Annex 3 of TAN 5 (Welsh Assembly Government, 2009)



## Enhancements

7.1.18 Enhancements are improvements to/creation of habitats in their own right or habitats for species over and above compensation. Policy DM15 requires enhancements as part of all applications.

7.1.19 Enhancements will need to be relevant to the site and what is likely to be found on site/could move into it and should be related to LBAP targets.

7.1.20 Enhancements could be anything from a bat tile on a roof to a pond on site.

## 7.2 Phasing/staging of development

7.2.1 Where development is required to be staged or phased, surveys will be required for the full site and a schematic design provided to show the avoidance, mitigation and compensation for biodiversity loss. Where applicable, to avoid harm, mitigation and compensation will be required within the first stage/phase.

## 7.3 Management and Monitoring



7.3.1 Many of the habitats retained or created as part of the development will require some sort of management. This may be a case of leaving the habitat alone for most years, or it may mean some work twice a year, all depending on the type of habitat and location.

7.3.2 Most features can be encapsulated as part of the open space management provisions, however, there are some habitat areas which will require more specific management.

7.3.3 Most of the allocated sites and some of the non-allocated sites will require a management plan. This will need to incorporate the following in Table 14.

**Table 14. Outline of Management Plan requirements**

Management Plan
Introduction and background
Background of the site including what the known biodiversity was before development (Habitat size/population if known, distribution across the site, quality etc.) and what was done as part of the development to conserve and enhance the habitats/species
Description of habitat and features retained and created (Habitat size/population if known, distribution across the site, current quality etc.)
Objectives for each habitat/feature
Description of management to be undertaken for each habitat/feature including description of works, timing, frequency, monitoring etc.
Plan of site marking all habitat and features for species, indicating which of those are to be managed
Review Date and Evaluation

7.3.4 A condition for management is only possible where the developer/landowner is likely to be responsible for the site for the lifetime of the development e.g. with regards to housing associations or employment developments, and therefore will be responsible for the open space and biodiversity areas. Otherwise a S106 will be required to secure alternative land ownership and responsibilities (involving a fee), or an alternative method such as index linked (ground rent) service charges.

7.3.5 Where S106 is involved, the management plan will be required before planning permission is given in order to provide an accurate management fee to the LA. In other cases, it is likely that the requirement for a management plan will form part of a condition, although an indicative plan may be required upfront.



## 7.4 Landscaping

7.4.1 Landscaping on site should look to incorporate native species of preferably local provenance, and at least UK provenance, particularly those which attract pollinators and other animals. Plantings should provide variety in age, structure, species and timing and type of food source to maximise benefits to biodiversity and add colour to developments. More information on general landscaping, including suggested planting lists, is provided within the SPG: Built Environment and Design (Ceredigion CC, 2014b) and separate guidance note 'Planting for Wildlife within Developments' (Ceredigion CC, 2014g).

## 8. Species Licences

- 8.1 A wildlife licence gives a person permission to carry out an activity affecting an animal or plant that would otherwise be illegal. Licences are only issued for certain purposes, which are set down in the law, and only where there is a valid justification.

### Who needs a licence?

- 8.2 Activities that are likely to cause harm or disturbance to a protected species or its habitat must be carried out under licence. This can include survey work, trapping and marking, photography and habitat management. For this reason, a professional ecologist should always be employed to carry out survey work.
- 8.3 For development, a 'development licence' will often be needed if a protected species will be negatively affected. PPW (5.5.4) encourages pre-application discussion between the applicant, LA and the NRW in developments where protected species may be affected.
- 8.4 In some cases appropriate avoidance and mitigation will prevent the need for a licence – work can be managed so that it doesn't cause disturbance or harm<sup>39</sup>. In other cases, mitigation will not remove the need for a licence, but will form part of the licence conditions, as well as being covered by planning condition(s).
- 8.5 Mitigation work for many development licences may involve a significant lead in time, for example, mitigation habitat for dormice may take several years before it is suitable for dormice.

### European Protected Species

- 8.6 If a European Protected Species is likely to be affected by the proposals, the developer will need to apply to the NRW for a 'development licence' before any work on site can begin. The application for a licence must be made by the developer after planning permission has been granted.
- 8.7 It is important to note that planning permission (or a permitted development right) doesn't negate the need for a development licence before work starts on site.
- 8.8 Working without a development licence could lead to a wildlife crime being committed and subsequent prosecution.



"Bat(20070605)" Lylambda (lylambda@gmail.com)

<sup>39</sup> In some cases this will involve doing works which allow Continued Ecological Functionality (CEF) of a species which will need to be agreed with NRW

- 8.9 Before planning permission is granted, the LA needs to address three tests of derogation<sup>40</sup> during its decision on the application:
- there is ‘no satisfactory alternative’
  - it is ‘not detrimental to the maintenance of the populations of the species concerned at favourable conservation status in their natural range’
  - it is ‘in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment’
- 8.10 To enable the LA to do this, these issues must be addressed in the biodiversity survey and assessment report that’s submitted with the planning application, and where appropriate information and/or mitigation provided on the plans.
- 8.11 Once the application is received the LA may consult NRW to make sure that the approach detailed in the report is sufficient. If planning permission is then granted, conditions will be attached ensuring that the agreed approach is followed.

### UK Protected Species

- 8.12 NRW issues licences for species protected under the Wildlife and Countryside Act 1981, for example, water voles, however these do not cover development.



Therefore, in order to avoid committing an offence, as far as is reasonable, appropriate action must be taken to safeguard the animals protected under this act and their places used for shelter and protection. Ultimately only a court can decide what is reasonable and to what extent adverse impacts might have been reasonably avoided, however getting

advice of a suitably qualified ecologist, having relevant surveys carried out and following best practice for avoidance, mitigation and compensation provides a developer with a strong defence.

- 8.13 NRW is also responsible for issuing licences under the Protection of Badgers Act 1992 where it is necessary to interfere with badger and/or their setts in the course of development. The consideration and granting of such licences are separate from the process of applying for planning permission, but LAs must take account of the legislation throughout the development control process.
- 8.14 For more information on protected species and the planning system, see TAN 5 (Section 6 and Annex 7).

<sup>40</sup> See the Conservation of Habitats and Species Regulations 2010 for more information

## 9. Environmental Impact Assessments (EIA)

- 9.1 The term ‘Environmental Impact Assessment’ (EIA) describes a procedure that must be followed for certain types of project before they can be given ‘development consent’. The procedure is a means of drawing together, in a systematic way, an assessment of a project’s likely significant environmental effects. Advice on EIA can be given by the LA at the pre-application stage.
- 9.2 Projects are listed on two schedules within the legislation (The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011) – schedule one includes large development such as airports and industrial works. Other development types are listed on schedule two that only require EIA if the proposal is likely to have significant environmental effects. The process of undertaking the assessment of environmental impacts is the ‘Environmental Impact Assessment’; the submission of that information as part of a planning application is called the ‘**Environmental Statement**’. If a development requires an Environmental Statement it is known as an ‘EIA Development’.
- 9.3 The preparation of an environmental statement in parallel with project design provides a useful framework within which environmental considerations and design development can interact. The responsibility for carrying out the Environmental Impact Assessment and compiling the Environmental Statement rests with the developer. Environmental Statements can be tightly scoped if there are just a few key areas of concern reducing the level of work required.

### Screening Opinion

- 9.4 The legislation provides a procedure which enables developers to apply to the LA for an opinion on whether they will need to undertake an EIA – this is called a ‘**screening opinion**’.
- 9.5 A screening opinion must include a plan on which the site of the proposed development is identified, and a brief description of its nature and purpose and of its possible effects on the environment. This can be done well in advance of any formal planning application, and the planning authority must give its opinion within three weeks, unless the developer agrees to a longer period.

### Scoping Opinion

- 9.6 The Regulations enable a developer, before making a planning application, to ask the LA for its formal opinion on the information to be included in an environmental statement – this is called a ‘**scoping opinion**’. If the applicant wishes, an application for a scoping opinion can be carried out simultaneously with the screening opinion.
- 9.7 Developers and authorities should discuss the scope of an environmental statement before its preparation is begun. Statutory consultees, such as the NRW can be consulted at this stage. The formal requirements as to the



content of environmental statements are set out in Schedule 4 of the legislation.

- 9.8 There is no prescribed form of environmental statement, provided that the requirements of the Regulations are met.
- 9.9 Contact the LA for advice on whether your application will require EIA or visit the planning section at [www.communities.gov.uk](http://www.communities.gov.uk). The Institute for Ecology and Environmental Management have produced detailed guidance for Ecological Impact Assessment (EclA) ([www.ieem.net/ecia](http://www.ieem.net/ecia)).



## 10. Habitats Regulations Assessments (HRA)

10.1 The European Union (EU) Habitats Directive protects certain species of plants and animals which are particularly vulnerable. The Directive specifically relates to Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites known as Natura 2000 sites. The UK Habitats Regulations are used to implement the EU Directive and require a Habitats Regulations Assessment (HRA).

10.2 The process of HRA involves an initial 'Screening' stage (Test of Likely Significant Effect (TLSE)) followed by an Appropriate Assessment (AA) if proposals are predicted to be likely to have a significant (adverse) impact on a Natura 2000 site.

10.3 The need for Habitats Regulations Assessment is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats & Species Regulations 2010 (as amended).



10.4 A HRA Screening report was produced for the Ceredigion LDP. Further information on this is provided below.

10.5 For more detailed guidance on HRA see Chapter 5 and Annex 3 of TAN 5 (Welsh Assembly Government, 2009).

### Special Protection Area (SPA)

10.6 SPAs are areas which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds found within EU countries. For example, the Greenland White Fronted Goose is a protected bird on the Dyfi SPA in the north of the county.

### Special Area of Conservation (SAC)

10.7 SACs are also areas which have been given special protection. They provide increased protection to a variety of wild animals, plants and habitats. For example, the protected features of Afon Teifi SAC include otters, Atlantic salmon and eels.

### Ramsar

10.8 Ramsar sites are wetlands of international importance, designed under the Ramsar Convention. For example, Cors Caron Ramsar is an internationally important wetland.

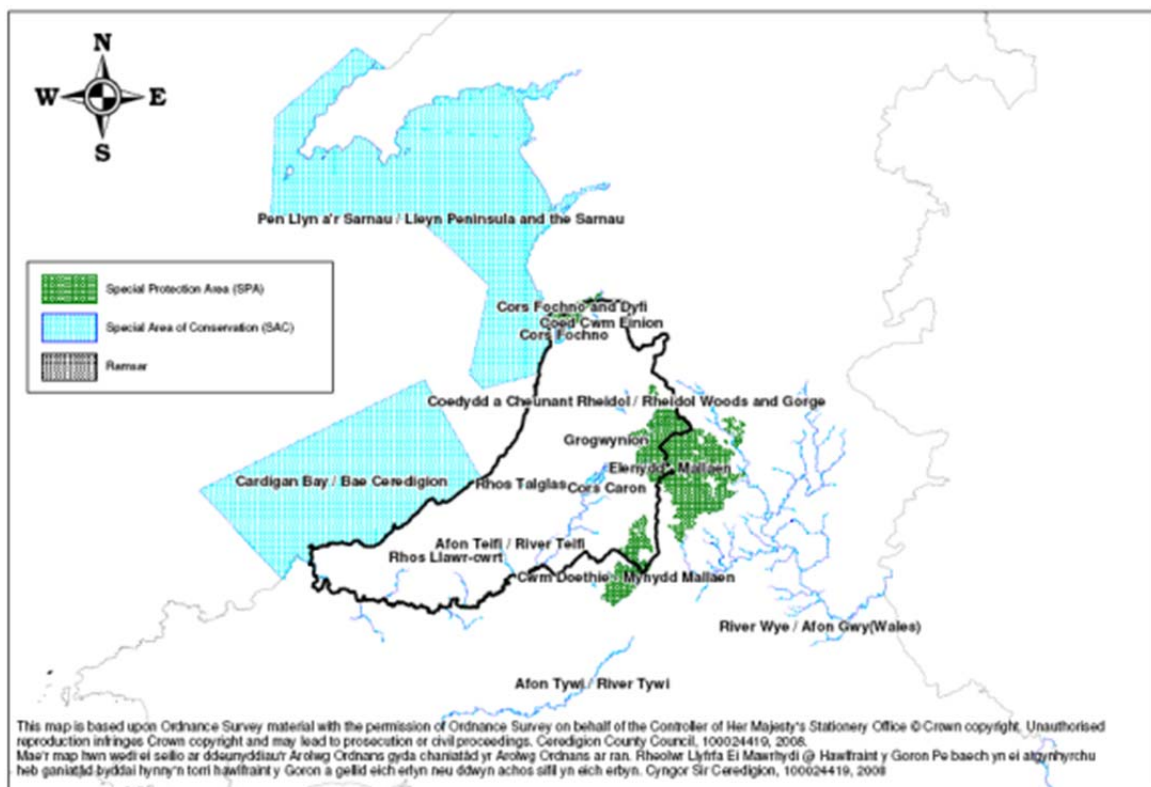
## Ceredigion SACs/SPAs/Ramsars

10.9 Ceredigion has 12 SACs, 2 SPAs and 2 Ramsar sites that are within or partly within the county. There are also another 4 SACs which could potentially be impacted by development in Ceredigion. See Figure 2 for further information.

### How do I know whether my proposal will affect a SPA/SAC/Ramsar?

10.10 For the majority of developments, you will need to check whether your proposal is close to or adjacent to a SPA/SAC/Ramsar. This can be done by contacting the Local Record Centre (West Wales Biodiversity Information Centre (WWBIC) or going to [www.magic.gov.uk](http://www.magic.gov.uk) (Natural England, n.d.).

10.11 However, some proposals may have impact from quite a distance – for example if they are within the catchment of the Afon Teifi SAC and may result in pollution or sedimentation to the river, or a proposal may have an impact from air pollution quite a distance from a site with sensitive vegetation such as Cors Fochno and the Dyfi SAC. Furthermore, sites with mobile species may need to be considered quite a distance from the site due to the distance those mobile species may travel – e.g. North Pembrokeshire Woodlands SAC may need to be considered up to 30km away due to the distance their feature Barbestelle bats fly.



**Figure 2: Location of European Sites assessed by the HRA Screening of the LDP**

10.12 Therefore, the nature, scale and distance from/type of features of SPA/SAC/Ramsar will determine whether the impact of the development on that site will need to be considered with respect to HRA.

### **Proposals potentially affecting an SAC/SPA/Ramsar**

10.13 Where there is a potential for an SAC/SPA/Ramsar to be affected, a Test of Likely Significant Effect (TLSE) will need to be carried out by the LA. This assessment is to determine whether there are likely to be significant effects on an SAC/SPA/Ramsar, alone or in-combination with other plans or projects. Therefore, all developments even with what would appear to be small impacts must be considered in case there is an in-combination impact.

10.14 In order to make this assessment, the LA may require further information, which the applicant must provide. This could be through a variety of means including the Biodiversity Survey and Assessment, further survey work, Pollution Prevention Statement, plans, Design and Access Statement etc. The LA is likely to require an assessment within the Biodiversity Survey and Assessment of the impacts on the SAC/SPA/Ramsar, their significance, mitigation etc.

10.15 The LA will then carry out the TLSE and consult NRW to see if they agree with the assessment.

10.16 If the result of this is that there will be no significant effects, alone or in-combination with other plans or projects, then no further work is necessary. However, if there is likely to be a significant effect or the effects are unknown, an Appropriate Assessment (AA) will need to be carried out and further information may be required.

### **Appropriate Assessment (AA)**

10.17 The Competent Authority (which may be LA and NRW/WG as well depending on the proposal) formally carries out the AA.

10.18 The AA will look at the proposal and whether it will have an adverse effect on the integrity of the site. This will not always be difficult or lengthy – the level of detail should reflect the complexity of the case or scale of the proposal.

10.19 If possible, appropriate avoidance and mitigation measures, including monitoring, will be designed into the scheme that will alleviate any adverse impacts.

10.20 However, if the conclusion is there is likely to be an adverse impact on site integrity or there is any doubt, the proposal will fail the AA.

10.21 If however, it is predicted that there will not be an adverse impact on site integrity, subject to advice and agreement from NRW, planning permission may be granted (if there are no other planning matters that are unresolved).

## **What happens if it cannot be ascertained that my proposal will not adversely impacts on the integrity of the SPA and/or SAC following the AA?**

10.22 After consideration under Regulation 61 of the Habitats Regulations, if it cannot be ascertained that a proposal will not adversely impacts on the integrity of the SPA and/or SAC, the proposal can only proceed (see Regulation 62) if:

- There are no alternative solutions, AND
- There are imperative reasons of over-riding public interest (IROPI) for doing so
- Such reasons are limited to those outlined in Regulation 62
- The Competent Authority must consult NRW to see whether they agree about IROPI.

10.23 Any necessary compensatory measures must be taken to secure the integrity of the Natura 2000 site network.

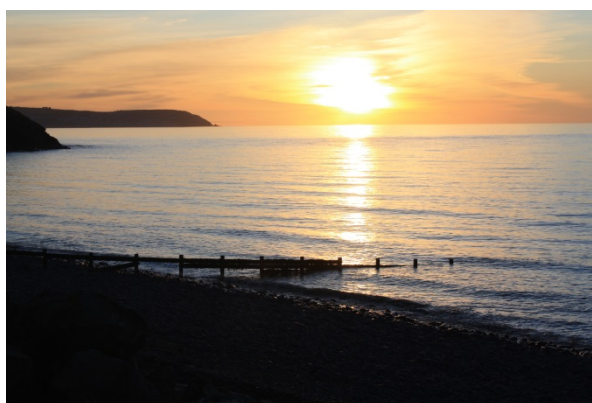
### **Habitats Regulations Assessment (HRA) Hints & Tips**

- **Begin early**
- **Seek advice and consult NRW and the LA throughout the process**
- **Imperative reasons of over-riding public interest (IROPI) should in all cases be viewed as a last resort with potentially high associated costs and in many cases unlikely to be an option.**
- **Be aware that residential development does not pass an IROPI test as it can always be put elsewhere.**

10.24 For more detail on the above see Section 5 and Annex 3 of TAN 5. For more information on features of the SACs/SPAs and Ramsar sites visit the NRW website: [www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

### **HRA of the Ceredigion LDP**

10.25 A HRA Screening report was produced for the Ceredigion LDP (Ceredigion CC, 2013d). This concluded that the Ceredigion LDP, at its strategic level, is not likely to have a significant effect on International sites, alone or in-combination with other plans or projects.



10.26 However, that said, it does not negate the need for project (planning application) level assessments as more detail becomes available at this stage.

10.27 Where potential impacts have been raised depending on specifics of development relating to allocated sites, this has been highlighted within the

Allocated Site Schedules of Volume 2 of the Ceredigion LDP. These sites and potential impacts are noted in Table 15 below.

**Table 15: Allocated sites within the LDP where further assessment may be required. Note requirements listed are those which are known to be needed in order for a HRA TLSE to be carried out by the LA. Further information may be required for this assessment and other information will be required for other aspects of assessing the ecological impact.**

Allocated Site	Site specific potential impacts	Comments	European Site
All employment allocations	<b>Habitat loss</b> (loss of barbestelle and lesser horseshoe bat commuting habitat and some sites adjacent to Afon Teifi SAC)	Retain trees and hedgerows / bat survey and bat friendly lighting. Ensure suitable buffer between development and restore habitat where appropriate.	All sites. In particular Afon Teifi SAC, Cardigan Bay SAC, Pen Llyn a'r Sarnau SAC, North Pembrokeshire Woodlands SAC and Meirionydd Oakwoods and Bat Sites SAC
	<b>Water availability</b> (unknown abstraction requirements)	Discussions and agreement with NRW early on. Surveys may be required.	
	<b>Water quality</b> (pollution/sediment run-off and un-known discharge requirements)	PPS to be produced and implemented as well as SUDs. Discussions and agreement with NRW early on. Surveys may be required.	
	<b>Disturbance</b> (Lampeter and Cardigan potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	
	<b>Atmospheric deposition</b> (from air pollution)	Air quality assessment and impact on protected sites assessment	
Mineral extension allocations	<b>Habitat loss</b> (MNA0201 - loss of barbestelle bat commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	North Pembrokeshire Woodlands SAC, Afon Teifi SAC, Cardigan Bay SAC, Cors Caron SAC,
	<b>Water quality</b> (MNA0701 - pollution/sediment run-off)	PPS to be produced and implemented as well as SUDs.	

Allocated Site	Site specific potential impacts	Comments	European Site
	<b>Atmospheric deposition</b> (from air pollution)	Air quality assessment and impact on protected sites assessment	Cors Caron Ramsar
Transport allocations T2101 and T0301	<b>Habitat loss</b> (loss of lesser horseshoe bat commuting habitat and some sites adjacent to SAC)	Retain trees and hedgerows / bat survey and bat friendly lighting. Ensure suitable buffer between development and restore habitat where appropriate.	Pen Llyn a'r Sarnau SAC, Meirionydd Oakwoods and Bat Sites SAC and Cors Fochno SAC and Dyfi Ramsar
	<b>Water quality</b> (pollution/sediment run-off)	PPS to be produced and implemented as well as SUDs.	
	<b>Disturbance</b> (T0301 - potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	
All allocations in Aberaeron	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented	Cardigan Bay SAC
All housing allocations in Cardigan	<b>Habitat loss</b> (loss of barbestelle bat commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	Afon Teifi SAC, Cardigan Bay SAC and North Pembrokeshire Woodlands SAC
	<b>Water availability</b> (M0201 - unknown abstraction requirements)	Discussions with NRW early on. Surveys may be required.	
	<b>Water quality</b> (pollution/sediment run-off)	PPS to be produced and implemented as well as SUDs.	
	<b>Disturbance</b> (potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	
All housing and mixed use allocations in Aberystwyth	<b>Habitat loss</b> (loss of lesser horseshoe bat commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	Pen Llyn a'r Sarnau SAC and Meirionydd Oakwoods and Bat Sites SAC
	<b>Water availability</b> (Mixed use - unknown abstraction requirements)	Discussions with NRW early on. Surveys may be required.	



Allocated Site	Site specific potential impacts	Comments	European Site
	<b>Water quality</b> (pollution/sediment run-off and local sewage issues (H0301, H0302 and H0306))	PPS to be produced and implemented as well as SUDs. Fix local sewerage problems. Surveys may be required.	
	<b>Disturbance</b> (H0304 and M0303 - potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	
H0401 (Adpar)	<b>Habitat loss</b> (loss of barbestelle commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	Afon Teifi SAC, North Pembrokeshire Woodlands SAC
	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented	
All housing allocations in Lampeter	<b>Water quality</b> (pollution/sediment run-off)	PPS to be produced and implemented as well as SUDs.	Afon Teifi SAC
	<b>Disturbance</b> (potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	
H0601 (Llandysul)	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented	Afon Teifi SAC
All allocations in Tregaron	<b>Water quality</b> (pollution/sediment run-off)	PPS to be produced and implemented as well as SUDs.	Afon Teifi SAC, Cardigan Bay SAC, Cors Caron SAC, Cors Caron Ramsar
	<b>Disturbance</b> (H0701 and M0701 - potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	
All housing and mixed use allocations in Aberporth	<b>Habitat loss</b> (loss of barbestelle bat commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	Cardigan Bay SAC and North Pembrokeshire Woodlands SAC
	<b>Water quality</b> (pollution/sediment run-off and local sewage issues (H0801, H0802, H0805 and M0802))	PPS to be produced and implemented as well as SUDs. Fix local sewerage problems. Surveys may be required.	
	<b>Atmospheric deposition</b> (M0801 -	Air quality assessment and impact on	

Allocated Site	Site specific potential impacts	Comments	European Site
	from air pollution)	protected sites assessment	
All allocations in Bow Street	<b>Habitat loss</b> (loss of lesser horseshoe bat commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	Pen Llyn a'r Sarnau SAC, Meirionydd Oakwoods and Bat Sites SAC
	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented	
H1001 (New Quay)	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented.	Cardigan Bay SAC
All allocations in Cenarth	<b>Habitat loss</b> (loss of barbestelle bat commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	Cardigan Bay SAC, North Pembrokeshire Woodlands SAC
	<b>Water quality</b> (pollution/sediment run-off)	PPS to be produced and implemented as well as SUDs.	
	<b>Disturbance</b> (H1102 and H1103 - potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	
All allocations in Felinfach	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented.	Cardigan Bay SAC
All allocations in Llanarth	<b>Water quality</b> (pollution/sediment run-off and local sewage issues (H1301))	SUDs to be implemented Fix local sewerage problems. Surveys may be required.	Cardigan Bay SAC
H1401 (Llanilar)	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented.	Pen Llyn a'r Sarnau SAC
	<b>Disturbance</b> (potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	
All housing allocations in Llanon	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented.	Cardigan Bay SAC
All allocations in Llanrhystud	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented.	Cardigan Bay SAC
H1801 (Penrhyncoch)	<b>Habitat loss</b> (loss of lesser horseshoe bat)	Retain trees and hedgerows / bat	Pen Llyn a'r Sarnau SAC

Allocated Site	Site specific potential impacts	Comments	European Site
	commuting habitat)	survey and bat friendly lighting.	and Meirionydd Oakwoods and Bat Sites SAC
	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented.	
All allocations in Pontrhydfendigaid	<b>Water quality</b> (pollution/sediment run-off)	PPS to be produced and implemented as well as SUDs.	Coedydd a Cheunant Rheidol SAC
	<b>Disturbance</b> (potential impacts on otters)	Do not promote public access to areas used by otters. Otter friendly lighting	and Pen Llyn a'r Sarnau SAC
All allocations in Talybont	<b>Habitat loss</b> (loss of lesser horseshoe bat commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	Meirionydd Oakwoods and Bat Sites SAC
	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented.	
All allocations in Borth	<b>Habitat loss</b> (loss of lesser horseshoe bat commuting habitat)	Retain trees and hedgerows / bat survey and bat friendly lighting.	Pen Llyn a'r Sarnau SAC, Meirionydd Oakwoods and Bat Sites SAC
	<b>Water quality</b> (pollution/sediment run-off)	SUDs to be implemented.	

10.28 Windfall sites coming forward will need to consider whether their proposal may impact on any of the sites. The information within the HRA Screening Report may provide some guidance on where impacts are should be considered.

## 11. Permitted Development and Listed Building

### 11.1 General Permitted Development Orders (GPDO)

11.1.1 Permitted development does not negate the need to comply with wildlife legislation and therefore, although a planning application may not be required, ecological advice, surveys and licences may still be required.

#### GPDO and SACs/SPAs/Ramsars

11.1.2 Regulation 73 of the Habitats Regulations imposes a condition on all permitted development which is granted planning permission under the GPDO to ensure that any permission granted under the GPDO is not in breach of the terms of the Habitats Directive. More information on permitted development and Protected Sites can be found in TAN 5.

#### GPDO and EIA

11.1.3 The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 Part IX Regulation 35(3) amends the Town and Country Planning (General Permitted Development) Order 1995 to, for Schedule 1 and 2 developments (of the EIA Regs) (EIA Developments), remove GPDO rights until the LA gives its opinion on whether the proposed development is an EIA development, and therefore needs an Environmental Statement. If it is deemed by the LA that the development is an EIA Development, then the development will require a full planning application, including an Environmental Statement and will no longer be considered permitted development.

#### GPDO and Protected and Priority Species

11.1.4 Certain works under the GPDO may have an impact on protected and priority species. Of particular impact may be works affecting/close to roofs, blocking eaves, clearing scrub, integrated PV solar etc. Applicants must take full responsibility for ensuring they comply with wildlife legislation and get advice and licenses where needed from NRW. Where EPS species are affected, a full application may be required.

11.1.5 Further advice on bats can be found in the BCT leaflets 'Bats and buildings' (2012), 'Bats and Lighting in the UK'(2009) and 'Bats and trees' (2010).

#### Prior notification for demolition

11.1.6 Where applications are made for 'Prior Notification' for demolition, the method of demolition of a building may result in impacts on protected and priority species. Therefore, the LA will require a Biodiversity Survey and Assessment and a Tree Survey where relevant.



## 11.2 **Listed Building Consent**

11.2.1 Applications for listed building consent may be required to submit a Biodiversity Survey and Assessment with their application. The LA should be consulted to determine when that is the case.

11.2.2 Impacts from works to listed buildings could include closing of gaps for bat access through changes to soffits, works to windows etc., disturbing/destroying nesting birds, removal of vegetation used by birds/bats/reptiles etc.

## 11.3 **Building Control**

11.3.1 Works which require Building Regulation Approval may require an EPS survey where there may be an impact on EPS species, e.g. breathable membrane and external cladding and bats.

## 12. Development Types and Case Studies

12.1 As requirements will vary depending on the type of the development, the size, location, habitat and surrounding habitat, known species and other developments in the area, it is difficult to advise generally on what developments are likely to require in terms of surveys and mitigation etc. Section 6 and 7 provide some broad information. In addition, below there is a brief description of the likely issues that are to be faced for the following types of development.

### 12.2 Householder and brownfield developments (including demolition)

#### Bats

12.2.1 The most common ecological matter that arises with householder and brownfield developments is the potential of bats roosting within affected buildings or a building immediately adjacent which may be blocked by the new development or during construction. Wales is home to 16 species of bat occupying a number of habitats, including occasional, maternity and hibernation sites known as a roost. Of these 16 species of bat, up to 10 are regularly recorded in the Ceredigion area. Bats are afforded protection under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended), as well as under Schedule 2 of the Conservation of Species and Habitats Regulations 2010 (as amended), and as such *causing damage to a bat roost or killing, injuring or disturbing bats constitutes a criminal offence*.

12.2.2 Householders however should not be concerned about the presence of bats within their property. Although protected by European Law, in the majority of cases, applications where bats are found are approved, with little disruption to their plans and cost. If you are worried about bats being in your building, BCT have further information regarding living with bats which is very informative 'Living with Bats' (BCT, 2013).

12.2.3 Bats will roost or rest within soffits, eaves, in loft spaces and under tiles and even within [abandoned] properties. They will make use of any property which is suitable in terms of light, shelter, temperature, disturbance, access and surrounding habitat, which can therefore include modern properties and buildings with corrugated roofs (where there are suitable wooden trusses/supports and shelter). For more information see 'Bats and buildings' (BCT, 2012).



12.2.4 Therefore, bat surveys (at least scoping) are likely to be requested for the majority of extensions/conversions/demolitions (including prior notification



applications) etc. Basically anything which involves demolition of a building or affects the roof, soffits, eaves, blocks other potential access, affects lighting and temperature of the building etc. could have an effect on bats and therefore will be screened as such. Structures such as mine adits, ruins and other stone structures and caves are also used as roosts, but these are more likely to be hibernation roosts. See Table 3 Section 6 for more information.

- 12.2.5 Bats also roost in trees but this is discussed below in ‘Developments within/close to Woodland, Trees and Hedgerows’ but is likely to be a consideration where trees are close to buildings or may be impacted by alterations to access/removal for buildings.



12.2.6 National planning policy states that it is essential that the presence or otherwise of a protected species and the extent that it may be affected by a proposed development is established before any planning permission is granted. Otherwise all relevant material considerations may not be addressed in making the decision.

12.2.7 This means that the local authority must have enough information to rule out any impact of the development on a protected species (in this case bats) before it can make its decision. As with other surveys requirements for planning, it is the applicant's responsibility to provide this information.

- 12.2.8 More information on bat survey requirements can be found in the separate guidance note ‘Bats and Development’ (Ceredigion CC, 2014a) available on the LA website [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk).
- 12.2.9 In the majority of cases, the species found within householder developments in particular are common to Ceredigion and the requirements are minimal. For example, many of the properties that come through are day roosts (support one or a few individuals) and the implications for this may be just a couple of bat tiles (tiles which allow access for bats underneath but do not affect the roof structure) or access cut into soffits etc. and some implications on timings of works.
- 12.2.10 On rarer occasions, less common species are found or maternity roosts of particular species. These may require a more complicated scheme involving access into loft spaces or a separate bat house developed. More information can be found in in the separate guidance note ‘Bats and Development’.
- 12.2.11 Where bats are roosting and foraging, any additional lighting to a or around a building, car park etc. will need to ensure it is only where necessary, less

than 3 lux, hooded and pointing downwards, particularly away from any potential access points. The lights should also be on times and no more than 2.5m from the ground near access points. There should be no flood lighting and night construction will likely be prohibited. Where there are no bats recorded but bats are likely to forage these lighting requirements will also be expected. See the BCT 'Bats and lighting in the UK' (2009) leaflet for more information.

12.2.12 All work effecting bats will require a European Protected Species (EPS) Licence from NRW, unless it can be proven that the works can be done under the principle of Continued Ecological Functionality (CEF) (determined in consultation with NRW). All mitigation/compensation measures will need to be incorporated within the plans and the proposal will be required to be approved by NRW before planning permission can be given. This is because the LA has a duty to have regards for the Habitats Directive with the Conservation of Habitat and Species Regulations 2010 (as amended), and therefore needs to be satisfied that the 3 tests can be met before approving a scheme (see Section 8 on species licences for more information).

12.2.13 Please note that when it is considered that it is not reasonable to request a survey it doesn't mean that bats will not be present, if bats are found during development it is essential to remember that they are still a protected species and it is a criminal offence to disturb them. More information can be found in the separate guidance note 'Bats and Development' (Ceredigion CC, 2014a).

12.2.14 Bats are an easy species to provide enhancements for within a development/re-development. There are a variety of different measures that can be employed from the bat tiles already mentioned, bat bricks that can be built in, or foraging habitat created. More information can be found in in the separate guidance note 'Bats and Development' (Ceredigion CC, 2014a).



12.2.15 Potential impacts on bats from integrated solar PV is covered under 'Nature Conservation and Solar PV Arrays' (see Renewable Energy Developments on page 77 below).

### **Barn owls and other breeding birds**

12.2.16 Another potential matter that developers might come across in a householder development/demolition is breeding birds. Birds (as well as their nests and eggs) are protected under the Wildlife and Countryside Act 1981 (WCA) (as amended). This makes it an offence to intentionally or recklessly, damage or destroy an active birds' nest or any part thereof. Birds listed in Schedule 1 of this Act receive additional protection. They are further protected making it an offence to intentionally or recklessly:

- **disturb** a such a bird whilst building their nest, or is in, on or near a nest containing eggs or young; or
- **disturb** dependent young of such a bird

12.2.17 Birds nest within buildings in the loft spaces, soffits, chimneys etc. and within abandoned or less used properties or porches etc. as well as on the side of buildings.

12.2.18 Any work carried out where breeding birds may be affected ideally should be carried out outside of bird breeding season. However, this is not always possible and where risks are low, works should be carried out after demonstrating through a bird nesting survey by a suitably qualified ecologist that there are no nesting birds at the site immediately prior to works commencing. This survey should be submitted and agreed by the LA. If birds are found, works will have to be delayed until the birds have finished breeding. In some cases, e.g. where it is higher risk or there are known nests, works may be conditioned to be carried out outside of bird breeding season.



12.2.19 Compensation for loss of habitat will need to be provided in terms of access to soffits or bird boxes. These are also features that could be used as enhancements.

12.2.20 In some cases, rarer/protected bird species may be affected and a bird breeding survey may be required. Of particular note with regards to buildings is the barn owl (Schedule 1 species). There is a potential for these within barns and abandoned buildings and barn owl surveys for these are likely to be required. Surveys may also be required where it is likely for birds to be nesting and works need to be carried out in bird breeding season.



12.2.21 Mitigation and compensation for barn owls include the provision of alternative suitable nesting/roosting sites (both temporary and permanent), avoidance of direct impacts on barn owl (including young and eggs) through appropriate timing of works; the retention/creation of hunting habitat resources and connectivity between these and the nest sites<sup>41</sup>.

<sup>41</sup> Further information can be found in the article 'Accommodating Barn Owls within Building Projects' on the Barn Owl Trust website <http://www.barnowltrust.org.uk/infopage.html?Id=244>



12.2.22 Where it is suitable, barn owl enhancements can be provided through the provision of suitable nesting opportunities (in appropriate places) and creation of hunting habitat or connectivity between it and nesting sites.

### Other brownfield Sites

12.2.23 Development on sites which are more than just a building being demolished may have implications on reptiles, amphibians, invertebrates, breeding birds, bats and lower plants e.g. if there is vegetation clearance.



12.2.24 Applications are likely to at least require destructive search and habitat manipulation to prevent injury/killing of reptiles and amphibians and works may be required to be done outside of bird breeding season. Compensatory habitat will be required.

12.2.25 Depending on the site and the works proposed, reptile, invertebrate, amphibian, breeding bird, bats and lower plant surveys may be required. Rare lower plants or habitat for invertebrates may need to be translocated or the area avoided.

12.2.26 Enhancements include stone walls and piles of rocks, vegetation planting, ponds and bird/bug boxes.

## 12.3 Coastal and marine developments

12.3.1 Development within the coastal area and marine developments will need to consider, among other things, the following:

- Impacts on marine, estuarine and coastal protected sites including the Cardigan Bay and Pen Llyn a'r Sarnau SACs
- Impacts on coastal processes including coastal erosion, coastal squeeze, dune processes etc.
- Coastal management policies, plans and projects
- Impacts on marine species and coastal species including, but not limited to:
  - Otters including loss of habitat, lighting, disturbance etc.
  - Seals including disturbance at pupping and resting sites
  - Dolphins and porpoises including noise disturbance during construction
  - Breeding and roosting birds including visual and noise disturbance
  - Damage to sensitive coastal habitats such as Sabellaria reef and saltmarsh



12.3.2 This list is not exhaustive but provides an example of considerations for developments in these areas.

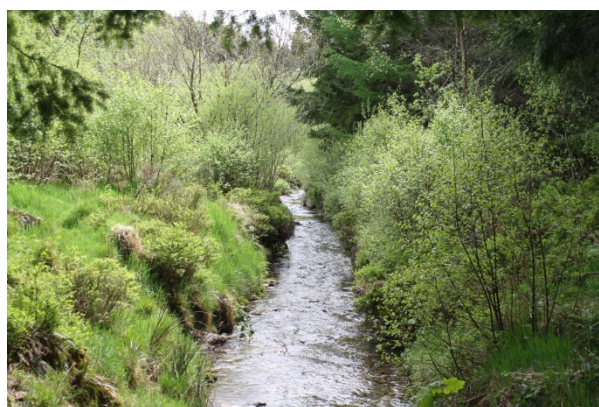
12.3.3 Enhancements are likely to very much be case by case with such developments.

#### 12.4 **Riverside developments and other developments near water features**

12.4.1 Development close to rivers and other water features will need to consider, among other things, the following:

- Pollution during construction and use
- Impacts on
  - otters including loss of habitat, lighting, disturbance etc.
  - bats including loss of vegetation, lighting and disturbance
  - river processes including physical modifications to channels
  - water voles including destruction of habitat, injuring/killing etc.
  - amphibians and reptiles including destruction of habitat, injuring/killing etc.
  - riverine and wetland protected sites e.g Afon Teifi SAC and SSSI

12.4.2 A buffer zone of at least 7 m will be required between development and all wetlands and running water. Culverting is not seen as an acceptable proposal. SUDS should be carried out on site to deal with excess surface water (see Ceredigion LDP SPG: Built Environment and Design for more information). Lighting will need to be kept to a minimum down facing hoods and no flood lighting.



12.4.3 A Pollution Prevention Statement (PPS)<sup>42</sup> may be required for developments within 1km of a water feature depending on the sensitivity of the site and the nature and scale of the development. This is particularly relevant for sites near to the Afon Teifi SAC where a Test of Likely Significant Effect (TLSE) is likely to be needed to be carried out for applications, including extensions and other small developments.

12.4.4 Any works proposed in, under, over or on a watercourse that are likely to affect the flow within a watercourse may require Ordinary Watercourse Consent and /or Land Drainage Consent from the LA (Head of Assets and Transportation Services – Flooding and Coastal) in accordance with the Land Drainage Act 1991.

12.4.5 Any proposal should be discussed with the LA before commencement in order to determine whether the proposal will require an Ordinary

<sup>42</sup> See [www.gov.uk](http://www.gov.uk) for PPG 5 Pollution Prevention Guidelines

Watercourse Consent and/or Land Drainage Consent. This will also ensure that the proposed work is assessed to ensure that they do not exacerbate an existing flooding problem, and do not adversely affect the local environment, fisheries and wildlife.

12.4.6 The primary responsibility for keeping watercourses clear of any obstruction (either temporary or permanent), which would impede the normal flow of water, either on their land or downstream rests with the landowner. Any works should be carried out in a manner that will not cause pollution, diversion affecting the rights of others or which would prevent the free passage of fish.

12.4.7 Any applications affecting water bodies will need to comply with National Policies in PPW (edition 6, WG 2014) and LDP Policy DM22: General Environmental Protection and Enhancement, as well as other relevant Policies DM10, DM14 and DM15.

12.4.8 Opportunities for enhancements include positive management of river/water edges/wetland, tree planting, otter holt creation, pond creation and methods combined in SUDs.



## 12.5 **Developments within/close to Woodland, Trees and Hedgerows**

12.5.1 Developments within or close to woodland, trees and hedgerows will need to consider, among other things, the following:

- Disturbance/displacement of woodland and edge of woodland bird species, including red kites within 650m
- Impacts on ground flora including trampling, uprooting, erosion, pollution
- Impacts on non-vascular plants where they may be located in ground flora, deadwood and trees
- Whether any trees need to be removed or will be impacted and whether they have a Tree Preservation Order (TPO) placed on them
- Impacts on bats roosting, foraging and commuting including disturbance from lighting, destruction of roosts, food and corridors
- Impacts on badgers including destruction of setts, killing/injuring and disturbing (active setts should be searched for within 30 m of works)
- Impacts on otters (breeding sites/laying up sites)
- Impacts on dormice including loss of habitat, corridors, disturbance and killing/injuring
- Removal of 'important hedgerows' (according to Hedgerow Regulations 1997)

12.5.2 The Topographical Survey should show all trees, shrub masses, hedges etc.<sup>43</sup> At least a 5 m buffer from woodlands should be designed within any

<sup>43</sup> Clause 4.1.5 of BS5837 (BSI, 2012)



site and 1 m from hedgerow banks. Trees buffer distance will depend on their root protection area. Where trees are to be felled or potentially could be affected through soil compaction, root damage, tree surgery during development or down the line etc., either on site or part of the access or adjacent to the site, a Tree Survey should be submitted in line with national requirements.

- 12.5.3 The Tree Survey will need to be carried in line with the British Standards for Trees in Relation to Design, Demolition and Construction (BS5837:2012) (BSI, 2012) and, like biodiversity surveys, should be carried out before specific designs have been drawn up. As part of the Tree Survey Report, a



Tree Constraints Plan (TCP) should be produced (and used to inform the design). This should include the details of any trees<sup>44</sup> including species, condition, height, diameter etc., root protection area, crown spread and shading. Information on the likely max height of the trees should also be provided. The relevant information should be incorporated onto a plan.

- 12.5.4 Once the designs have been produced, a Arboricultural Method Statement (AIA) and Tree Protection Plan (TPP) should be produced detailing which trees may be affected by the construction of the development (including building location, footings, diggings, soil compaction and scaffolding), which are likely to be affected post development (removals required due to proximity to houses etc.), which are planned to be removed. For those being retained it should detail how they will be protected. Details of replacements will also need to be provided including planting schedules.

- 12.5.5 The Tree Survey, TPP, AIA and TPP<sup>45</sup> will be required to be submitted with the application (where appropriate) along with a plan of the development incorporating the information on which trees are to be retained, which are to be removed and any new plantings. Some information may be able to be conditioned e.g. the AIA and TPP.

- 12.5.6 All trees should be retained on site where possible. Designs should be based around avoiding impact to trees (including root protection areas etc.) and future impact (e.g. need to remove due to impacts on a dwelling).

- 12.5.7 Where it is necessary to remove trees, in line with Policy DM20: Protection of Trees and Hedgerows, species replaced should be the same or better mix (unless non-native and therefore replacements should be native) or translocated where possible. Loss of trees will be expected to be fully

<sup>44</sup> Trees under 75mm diameter (measure 150cm from the base) may just be recorded in terms of location and species given, all others should be fully surveyed

<sup>45</sup> Can all be provided within the same report

compensated for. Due to the time delay for trees to grow, trees planted will need to meet the overall chest height diameter (CHD)<sup>46</sup> of the trees to be lost. For example, if three trees of 230mm, 300mm and 170mm respectively are to be removed, this is a total of 700mm. Therefore, trees totalling 700mm will be required to be planted, e.g. 5 trees of 150mm (always round up).

12.5.8 As outlined in the reason and justification for LDP Policy DM20, some trees will not be acceptable to remove due to their cultural, amenity, landscape or nature conservation value, no matter how many trees are proposed as compensation. Therefore planning may be refused if alternative designs cannot be produced.

12.5.9 Any applications affecting trees will need to comply with National Policies in PPW (edition 6, WG 2014) and LDP Policy DM20: Protection of Trees and Hedgerows, as well as other relevant Policies DM10 and DM15 and the British Standards BS5837:2012 (BSI, 2012).

12.5.10 As a general rule, it should be assumed that birds will be nesting in trees, woodland and hedgerows during the core breeding period (March to August inclusive), unless a survey has shown this not to be the case prior to works commencing. It should be noted however, that even with a survey, birds may move in before works are completed and therefore, if they will result in an offence<sup>47</sup>, works shall be required to cease until the birds have finished nesting and all of the young have fully fledged and are no longer dependent.



12.5.11 An authorised person (i.e. someone who has the written consent or the owner or occupier), may fell or prune a dangerous tree in order to preserve public health and safety. If Schedule 1(3)<sup>48</sup> birds would be affected, then a licence from Natural Resources Wales may be required. Similarly a licence is also required for tree work deemed necessary for reasons other than health and safety.

12.5.12 Accidental injury, killing or disturbance of a wild bird, as a result of a lawful tree operation may not be an offence, provided it can be shown that the harm could not have been reasonably avoided.

12.5.13 Where trees are likely to be impacted, an ecological assessment of the trees will be required to determine their bat roost opportunity. Depending on the outcomes of this assessment and the details of the development, further survey work may be required. See separate guidance note 'Bats and Development' on the LAs website [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk) for further information.

<sup>46</sup> Measure 150cm from the base. Multi-stemmed trees should be measured from the root flare.

<sup>47</sup> Section 1 Of the Wildlife and Countryside Act 1981

<sup>48</sup> Of the Wildlife and Countryside Act 1981 (as amended)

12.5.14 Enhancements within woodland could be positive management such as coppicing or the installation of bat and bird boxes.

## 12.6 Upland developments

12.6.1 One of the main issues to consider with upland sites is the potential impact on peat. Policy DM22 General Environmental Protection and Enhancement incorporates a requirement to protect and where appropriate enhance ecosystem services. Ecosystem services provided by upland peat can include; carbon storage, acting as a carbon sink, water storage, providing evidence of vegetation history and archaeological evidence. Soil coring may be required to determine whether deep peat (>0.5m) is present and suitable mitigation/compensation may be required. If significant impacts are predicted on the peat resources either directly or indirectly the application may be refused.



12.6.2 Other considerations include the upland protected sites, ground nesting birds, upland heath and other important habitats.

12.6.3 Enhancements could be through peat restoration, heath restoration, changing of grazing regimes, ditch blocking (in appropriate places) etc.

## 12.7 Grassland and agriculture

12.7.1 Pasture and arable sites are some of the most unrecognized habitat in terms of their value in Ceredigion as they appear to be everywhere. However, sites which are semi-improved or unimproved grassland may meet the criteria of a Site of Importance for Nature Conservation (SINC) for the habitat itself and may also be vital foraging sites for bats, invertebrates etc. Improved grassland sites in general may also be important for foraging bats (cow grazed in particular), lower plants such as fungi, invertebrates such as ant hills and for badgers. Arable sites may be a particularly good food source in the winter for birds or may even contain rare plant assemblages.

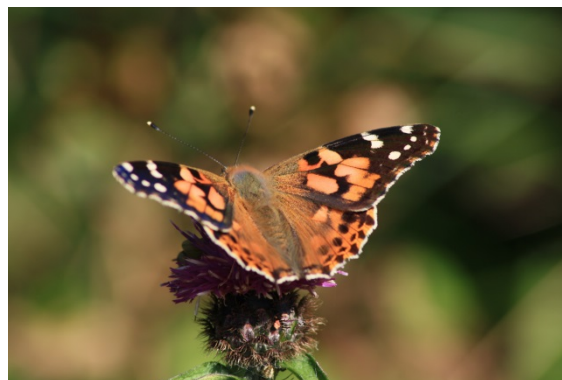


12.7.2 Wet grasslands may also be particularly beneficial to amphibians and small mammals and more species rich sites various invertebrates.



12.7.3 Developments usually result in the loss of grassland and therefore this cannot be mitigated. Unimproved species-rich grassland should be retained. Less species rich or more improved may require part to be kept and a suitable management regime introduced.

12.7.4 Enhancements include positive management or wildflower planting in more urban areas. For more information see separate guidance note 'Planting for Wildlife within Developments' (Ceredigion CC, 2014g).



## 12.8 Other habitats

12.8.1 Other habitats which will need to be considered include areas of scrub, particularly when in a mosaic with other habitats. Scrub layers can be an important sole habitat, or an important part of a wider habitat for a number of species including invertebrates, lower plants, birds, dormice, badgers etc. and should therefore not be overlooked as little value (Mortimer et. al., 2000).

12.8.2 Where possible, part of scrub present on site should be retained or recreated in a suitable part of the site. Where large stands are due to be lost, surveys for breeding birds, invertebrates, badgers and other species may be required and parts are likely to be required to be retained.



12.8.3 As a general rule, it should be assumed that birds will be nesting in scrub, reeds, trees and other dense vegetation during the core breeding period, unless a survey has shown this not to be the case.

12.8.4 Planting scrub habitat along with a tree canopy and wildflowers creates an important mosaic habitat for a number of species.

## 12.9 Renewable energy developments

12.9.1 Although there are many positive benefits of renewable energy projects and the LA generally has a positive attitude towards them, like any development, renewable energy projects need to avoid sensitive areas and incorporate appropriate mitigation, compensation and enhancement. A series of separate guidance notes have



been produced to cover the main renewable energy types, these include:

- Nature Conservation and Single Wind Turbines (Ceredigion CC, 2014d)
- Nature Conservation and Micro-Hydro (Ceredigion CC, 2014c)
- Nature Conservation and Solar PV Arrays (Ceredigion CC, 2014e)

12.9.2 For more information visit the LA website [www.ceredigion.gov.uk](http://www.ceredigion.gov.uk)

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**Appendix A: Checklist for planning submission and Ecology**

1. Does your/your client's site contain 0.1ha or more of greenfield (previously undeveloped land) and/or have you, in discussions with the LA Planning Ecologist, been informed that a Preliminary Ecological Appraisal (PEA) is required on your site?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
2. Does your type of development on your/your client's site require specific species/habitat/geodiversity surveys according to the Allocated Site Schedules (where your site is an allocated site), Tables in Section 6.1, the results of your PEA (if applicable) and/or the LA Planning Ecologist? (see Section 6)	Yes	<input type="checkbox"/>	No (move to question 4)	<input type="checkbox"/>	
3. If answered Yes to 1 or 2, have you had a PEA or additional surveys carried out? (See Section 6)	Yes	<input type="checkbox"/>	No (move to question 4)	<input type="checkbox"/>	If no, Planning application will not be validated unless LA Planning Ecologist has agreed in writing a PEA or additional surveys are not required
3.1 Have they been carried out; a) at the right time of year? (see Section 6.3) b) by a suitably qualified ecologist? (see Section 6.1) c) using survey methods in line with current guidelines? (see Section 6.1)	Yes Yes Yes	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	No No No	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	If no to any of these questions, ecological report is unlikely to be accepted when the LA Planning Ecologist is consulted
3.2 Does the report incorporate; a) recommended avoidance, mitigation and compensation measures? (see Section 7) b) an overall assessment of the impact and its significance? (see Section 6) c) appropriate enhancement measures? (see Section 7)	Yes Yes Yes	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	No No No	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>	If no to any of these questions, ecological report is unlikely to be accepted when the LA Planning

d) an appropriate management scheme been proposed (where relevant) including monitoring (see Section 7)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	Ecologist is consulted
e) biodiversity access / education, if appropriate? (see Section 7.1)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
f) all the relevant parts listed in the tables Section 6.4?					
4. Do the <b>plans and DAS</b> contain the avoidance, mitigation and compensation measures and enhancements where appropriate? E.g. retention of hedgerow, buffer zones, compensation areas, bat tiles etc.? (see Section 7 and 12)	Yes N/A	<input type="checkbox"/> <input type="checkbox"/>	No	<input type="checkbox"/>	If no, the LA Planning Ecologist is likely to object to the application
5. Does the site require a landscaping plan in accordance with Policy DM10 (see Section 7)	Yes	<input type="checkbox"/>	No (move to question 6)	<input type="checkbox"/>	
5.1 Has an appropriate landscaping scheme been included which incorporates native species of local provenance, a variety of species in terms of size, type (fruits, berries, pollen etc.) and colour?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If no, the LA Planning Ecologist is likely to object to the application
6. Will the development require external lighting? (see Section 12.2)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
6.1 Has an appropriate lighting scheme been proposed which does not contain flood lighting, is not pointing towards any potential bat roost access points, is hooded and incorporates lights of a lux level of 3 or less? (see Section 12.2)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If no, discuss with LA Planning Ecologist
7. Is the type of scheme listed in Schedule 1 or meet the criteria and thresholds of Schedule 2 and 3 of the Town and Country Planning (EIA) Regulations 2011? (see Section 9)	Yes	<input type="checkbox"/>	No (move to question 8)	<input type="checkbox"/>	
7.1 Has an EIA Screening Opinion and/or Scoping Opinion been requested?	Yes	<input type="checkbox"/>	No (move to question 8)	<input type="checkbox"/>	If no, the LA may inform you that the development is an EIA development and therefore a Environmental Report is required

		<input type="checkbox"/>		<input type="checkbox"/>	
7.2 Has an Environmental Statement been submitted?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If no, the LA will invalidate the application
8. From discussions with NRW, the LA Planning Ecologist, the PEA or other surveys and/or Local Record Centre mapping, is there potential for the development to have negative impacts on an SAC/SPA/Ramsar (alone or in-combination with other plans or projects)? (see Section 10)	Yes	<input type="checkbox"/>	No (continue to question 9)	<input type="checkbox"/>	The LA Planning Ecologist may inform you at the consultation that there is potential stage and therefore further information may be required
8.1 Has the impact of the development been assessed within a report to sufficient detail and/or appropriate information provided for the LA to carry out a Test of Likely Significant Effect (TLSE)?	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	The LA Planning Ecologist may inform you at the consultation that further information is required
9. Is there a water body within 500m of the development into which development dust, pollution (oil etc.) could run into (before considering any mitigation you may have in place)?	Yes	<input type="checkbox"/>	No (move to question 10)	<input type="checkbox"/>	
9.1 Has a Pollution Prevention Statement (PPS) been submitted? (see Section 10 and 12.4)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	If no one will be required. If the water body is a protected site or near to one, this will be required before a decision can be made on the application
10. Are there trees surrounding the site (either within the boundary or near to) or within the site?	Yes	<input type="checkbox"/>	No (move to question 11)	<input type="checkbox"/>	

10.1 Will these trees potentially be affected by the development (removal, trimming, lopping, compaction of roots, damage to roots etc.)? (see Section 12.5)	<b>Yes</b>	<input type="checkbox"/>	<b>No (move to question 10)</b>	<input type="checkbox"/>	Consider where trenches for utilities, cut and fill, roads etc. will need to go and that larger trees roots may extend well beyond the canopy
10.2 Has a Tree Survey incorporating the TCP, AIA and TPP been submitted in line with the British Standards for Trees in Relation to Design, Demolition and Construction BS5837:2012? (see Section 12.5)	<b>Yes</b>	<input type="checkbox"/>	<b>No (move to question 10)</b>	<input type="checkbox"/>	The application will not be validated by the LA until this is submitted. If submitted but not to standard, further information may be required at consultation stage
11. Have the results of the survey been incorporated, where appropriate, into the: a) Design (retaining as many trees as possible, avoiding root protection areas (RPAs), excessive shading of properties and trees likely to need to be removed later on due to final height interfering with buildings, etc.? b) Plans (showing trees to be retained, to be removed, RPAs etc.) c) Landscaping plans (details of species to be planted, how and when d) Management plans (detailing how they will be managed for the lifetime of the development	<b>Yes</b>	<input type="checkbox"/>	<b>No</b>	<input type="checkbox"/>	If no, the LA Planning Ecologist is likely to object to the application