



Neath Port Talbot County Borough Council

Local Development Plan 2011 - 2026

Biodiversity and Geodiversity

Supplementary Planning Guidance
(May 2018)



Sand Martin Bank © Barry Stewart

Pipistrelle Bat © Laura Palmer

Shrill Carder Bee © Mark Hipkin

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Supplementary Planning Guidance: Biodiversity and Geodiversity (May 2018)

Note to Reader

This document supplements and explains the policies in the Local Development Plan (LDP). The LDP was adopted by the Council on 27th January 2016 and forms the basis for decisions on land use planning in the County Borough up to 2026.

This Supplementary Planning Guidance (SPG) has been prepared following a public consultation exercise that was undertaken in the Spring of 2018 and the guidance was adopted by the Council's Regeneration and Sustainable Development Cabinet Board on 18th May 2018.

While only policies in the LDP have special status in the determination of planning applications, the SPG will be taken into account as a material consideration in the decision making process.

This SPG is also available in Welsh, either to download or by request. Should you need this document in another format, then please contact the LDP team at ldp@npt.gov.uk or **[01639] 686821**.

Note to Reader

Supplementary Planning Guidance: Biodiversity and Geodiversity (May 2018)

1 Introduction

1.0.1 This Supplementary Planning Guidance (SPG) provides information and guidance setting out the expectations on all development proposals to protect, conserve, enhance and manage important habitats, species and sites of geological interest.

1.0.2 The document focuses on the full range of biodiversity and geodiversity features and interests within Neath Port Talbot and sets out the measures that will be taken through the planning system to meet the relevant objectives set out in the Local Development Plan (LDP).

1.0.3 The Council's planning policy is set out in the Neath Port Talbot LDP⁽¹⁾, namely Strategic Policy SP15 (Biodiversity and Geodiversity) and detailed policies EN6 (Important Biodiversity and Geodiversity Sites) and EN7 (Important Natural Features) and this SPG should be read in the context of these policies and explanatory text.

1.0.4 The planning system is an important means by which, in relation to land use, we can attend to the biodiversity and geodiversity needs of the County Borough and beyond, because of the opportunities and potential impacts posed by development. This is fully supported by planning policy and legislative requirements.

1.0.5 It is therefore important to address such issues as part of the process of dealing with planning applications submitted to the Planning Authority, as failure to do so may result in applications being refused or delayed.

Purpose of the SPG

1.0.6 The purpose of the SPG is to assist and guide applicants submitting a planning application in order to ensure that biodiversity and geodiversity is appropriately considered, protected and enhanced within any development proposal. It does so by supplementing the policies set out in the LDP, by providing more detailed guidance and by setting planning policy within the broader context of environmental legislation, commitments, British Standards and Biodiversity Action Plans.

1.0.7 The SPG sets out a basic framework for dealing with biodiversity and geodiversity in the planning process in Neath Port Talbot. In specific regard to biodiversity, a great deal more detailed guidance can be found in the British Standard 42020:2013 'Biodiversity – Code of Practice for Planning and Development'. Whilst the SPG does not repeat sections of the British Standard, the document does signpost relevant sections where appropriate.

Structure and Content

1.0.8 The SPG addresses the following:

- An introduction to the local biodiversity and geodiversity resource;

1 Neath Port Talbot County Borough Council Local Development Plan (2011-2026) Adopted January 2016.

1 . Introduction

- Background information on the relevant biodiversity and geodiversity related legislation and commitments, including biodiversity action plans;
- The role of the planning system, expanding on the detail of national and local planning policy and the British Standard;
- An explanation on how biodiversity and geodiversity conservation is dealt with at different stages in the planning process; and
- How the implementation and compliance with this SPG will be monitored, along with review mechanisms.

1.0.9 Whilst not forming part of this SPG, the Council has also produced a '*Companion Guide*' which provides additional practical advice to applicants/developers on the basic biodiversity survey requirements (including seasonal and timing constraints); examples of mitigation and compensation proposals; and how to complete the biodiversity / geodiversity elements on the planning application form.

2 Biodiversity and Geodiversity in Neath Port Talbot

2.1 What is 'Biodiversity' and 'Geodiversity'?

Biodiversity

2.1.1 A useful definition of biodiversity is provided by the UK Steering Group Report on Biodiversity (1995):

'Biodiversity (shortened from biological diversity) is all living things, from the tiny garden ant to the giant redwood tree. You will find biodiversity everywhere, in window boxes and wild woods, roadsides and rainforests, snowfields and sea shores'.

2.1.2 As human beings we ourselves are an element of, and reliant on, the biodiversity of the planet. Plants and animals provide us with food, plants provide oxygen for us to breathe and many recreational and tourist attractions rely upon the enjoyment of our native biodiversity. In addition, biodiversity can aid in the prevention of flooding, temperature rises in towns and cities and in providing health and well-being benefits to people. It is therefore essential that we try to understand and protect our biodiversity as it underpins many of the services we rely upon in our day-to-day lives and is one of the key underpinning components of sustainable development.

Geodiversity

'Geodiversity describes the range and variety of geological features that constitute and shape the Earth, comprising the full variety of rocks, minerals, fossils, landforms, sediments, soils and water, together with the natural processes which form and alter them'.

2.1.3 The importance of conserving sites which reflect the geodiversity of the UK landscape and natural environment is now recognised as being of major significance in the context of sustainable land use planning and development. Such sites can provide access to key bedrock, superficial deposits and soil units which contain instructive evidence of previous periods of environmental change, including climate and land use change; many chart the history of local mineral extraction and associated industrial development; others were, and remain, the only source for building stones that contribute to our architectural heritage.

2.2 Biodiversity in Neath Port Talbot

Species, Habitats and Sites

2.2.1 The County Borough hosts a great variety of habitats ranging from exposed uplands, through ancient woodlands along valley sides and rivers meandering along the valley floors, to marshland and sand dunes where the rivers meet the sea. In addition to

2 . Biodiversity and Geodiversity in Neath Port Talbot

these naturally occurring habitats, the County Borough also has man-made but also ecologically interesting habitats, such as canals, heathland and even previously developed land that has developed its own interesting flora and fauna. Habitats such as hedgerows, canals, rivers and other connecting features also provide an essential role in linking habitats and providing corridors for wildlife movement.

2.2.2 Some of our habitats, and their associated species, are nationally and internationally important. For example, Crymlyn Bog and Pant-y-Sais Fen are regarded as some of the most important Fen sites in Wales as well as being recognised internationally.

2.2.3 The habitats of the County Borough are home to a wealth of wildlife species. Some are rare, such as the Fen Raft Spider that is not found anywhere else in Wales and the Honey Buzzard, a species more common in continental Europe but for which Neath Port Talbot is the main Welsh stronghold. Harbour Porpoise utilise our docks in Port Talbot and uncommon plant species such as Sea Stock are found amongst our sand dunes.

2.2.4 There are a number of sites within the County Borough that have been designated for nature conservation, these include international, national and local designations. The former two classes of designation are afforded protection under specific legislation, whilst local designations such as Sites of Importance for Nature Conservation (SINCs) are largely protected through the planning process.

2.2.5 In addition to designated sites, the County Borough is home to a number of protected species afforded said protection under European and National legislation.

Picture 2.1 Fen Raft Spider (by Steve Bolchover)



Sites of Importance for Nature Conservation

2.2.6 Sites of Importance for Nature Conservation (SINCs) are local sites of substantive nature conservation value. They are the most important places for wildlife outside legally designated sites such as Sites of Special Scientific Interest (SSSIs). In addition, they are important in providing support and linkage, in a local context, to such internationally and nationally designated sites. SINCs are normally afforded protection, particularly from damaging

development, through the planning process. In addition, support for their management can be a target for grant aid in addition to any funds gained from planning.

2 . Biodiversity and Geodiversity in Neath Port Talbot

2.2.7 Whilst a number of SINC's have already been identified, it should be highlighted that any site that meets the criteria set out in **Appendix A**, but is yet to be designated as a SINC, will be considered by the Council in the same way in the planning process as those already identified. Further detail on the SINC identification, policy and review process is also provided in **Appendix A**.

Impacts on the Biodiversity Resource

2.2.8 Over a period of time, the biodiversity resource in the County Borough has been progressively reduced as a consequence of inappropriate management, agricultural intensification and development pressure. Some habitats have declined dramatically and only a very small proportion of the original resource is in existence today, this is particularly true of the coastal habitats such as sand dune.

2.2.9 Whilst development can significantly impact upon biodiversity across the County Borough through direct loss of habitats and their associated species, disturbance on and off-site, and habitat fragmentation causing species isolation and the prevention of genetic exchange, it can also afford opportunities to enhance biodiversity and reverse previous damage, as well as to avoid net losses through careful planning and design.

2.2.10 The Local Biodiversity Action Plan and the SINC's register highlight those local habitats and species, outside of statutory designated sites, most at risk of such impacts. These are therefore considered as conservation priorities and provide a focus for conservation action within the development process.

2.3 Geodiversity in Neath Port Talbot

2.3.1 Neath Port Talbot lies mostly on Upper Carboniferous rocks of the South Wales Coalfield, which extends from Pontypool to Swansea and is underlain by Carboniferous Limestone and Millstone Grit. These deposits are underlain by the much older rocks of the Devonian which also form the upland areas of the Brecon Beacons and Black Mountains.

2.3.2 Within the South Wales Coalfield there are three major east-west folds with widespread faulting, including the Neath and Swansea Valley Disturbances which have influenced the location and orientation of the respective valleys within Neath Port Talbot.

2.3.3 Pleistocene glacial deposits of boulder clay, sand and gravel are extensive in the area and the Neath and Swansea valleys display the typical U shape resulting from glaciation, with associated hanging valleys and waterfalls, terminal moraines and terraces left by the retreating ice.

2.3.4 A range of conservation designations can include geological interest, including Sites of Special Scientific Interest (SSSIs) and Regionally Important Geodiversity Sites (RIGS). Within Neath Port Talbot, there are four SSSIs and two RIGS which are designated for geological reasons (refer to **Appendix B**).

2 . Biodiversity and Geodiversity in Neath Port Talbot

Picture 2.2 Craig y Llyn



Regionally Important Geodiversity Sites

2.3.5 Aberdulais Falls: The waterfalls and crags in this National Trust visitor attraction provide access to some impressive Brithdir age Pennant Sandstones. The site has its own small museum / education centre and provides excellent, very easy access to a geologically and historically interesting site.

2.3.6 Melincourt Brook: Part of the site is very easily accessible

with well maintained footpaths, leading to a spectacular waterfall, graphically illustrating how they are formed by erosion of softer sediments and toppling of harder, overlying beds. The site provides a section through Rhondda and Brithdir Beds of the Pennant Sandstones and coals, constituting one of the most continuous sections in the Brithdir Beds. Also included in the site is a disused ironworks and tips associated with coal working, which is of historical and industrial interest.

2.3.7 Full details of these RIGS are available in **Appendix B**.

2.3.8 The biodiversity and geodiversity resource in Neath Port Talbot supports features that are also important in relation to the historical and archaeological environment. Waterlogged habitats, such as fens and bogs, preserve archaeological artefacts such as bone, wood and material and can provide an important historical flora and fauna record. Hedges, field boundaries, woods and watercourses often contribute towards the historical record of previous land use and human intervention. Areas of mining and other industrial uses may also be important in relation to conserving our industrial heritage.

2.4 Green Infrastructure

2.4.1 Biodiversity habitats and natural features, along with geodiversity features, are considered 'green infrastructure assets' that often function to provide important benefits, that otherwise would need to be hard engineered to realise.

Green infrastructure is defined as '*...the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. It is a natural, service-providing infrastructure that is often more cost-effective, more resilient and more capable of meeting social, environmental and economic objectives than 'grey' infrastructure*'⁽²⁾.

2 . Biodiversity and Geodiversity in Neath Port Talbot

Examples may include parks and gardens, greenspace, allotments, cemeteries, green corridors, green/brown roofs, sustainable urban drainage schemes and trees (including individual trees, street trees, groups of trees or woodland areas).

2.4.2 Green infrastructure assets are often multi-functional and can deliver a great number of benefits to society, including green space⁽³⁾ biodiversity protection and enhancement, preservation and interpretation of our historic environment, and flood attenuation and water management to name a few. These, functions then have real economic value through reducing environmental costs and boosting property value due to proximity of greenery or greenspace for example.

2 . Biodiversity and Geodiversity in Neath Port Talbot

3 Policy Context

3.0.1 UK national policy on biodiversity and geodiversity has developed within the context of a long history of national wildlife legislation along with more recent international conventions, agreements and European legislation. The current UK national legislative framework is intended to conserve our important biodiversity and geodiversity resources, and deliver the obligations of the relevant international conventions and directives.

Commitments and Legislation

3.0.2 A range of parliamentary Acts, International Conventions and European Directives require biodiversity to be conserved and taken into account in the planning process. The following set out some of the key commitments and legislation most commonly encountered in the planning process:

- The ***United Nations Convention on Biological Diversity (1992)*** requires biodiversity to be used in such a way so as not to lead to its decline. In response to this Convention ***Biodiversity Action Plans*** were introduced.
- ***The Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations)*** transposes the requirements of the European Habitats Directive into UK law. These Regulations along with the ***Wildlife and Countryside Act 1981 (as amended)*** afford protection to certain sites and species.
- The ***Well-Being of Future Generations (Wales) Act 2015*** places a duty upon public bodies to produce well-being objectives that contribute to achieving a set of overarching well-being goals. The Resilient Wales goal is the key goal that biodiversity and geodiversity conservation, as part of the planning process, will contribute towards delivering.
- The ***Environment (Wales) Act 2016*** places a statutory duty on all public bodies, including the Local Planning Authority, to seek to maintain and enhance biodiversity and in so doing promote the resilience of ecosystems with the intention of ensuring that biodiversity becomes an integral part of all decision making in public authorities.

3 . Policy Context

Picture 3.1 Floodplain, Neath



3.0.3 The Welsh Government has also published a ***Nature Recovery Action Plan for Wales (December 2015)***, which builds upon the legislative frameworks set out in the Well-Being and Environment Acts and sets out actions for how the underlying causes of biodiversity loss can be addressed.

3.0.4 The legislative framework in Wales therefore requires biodiversity conservation within the wider environment as well as

the protection of specific sites or species.

3.1 National Policy Context

3.1.1 The national policy framework for biodiversity and geodiversity is set out in ***Planning Policy Wales (Edition 9 November 2016) (PPW9)*** with further detail being provided in ***Technical Advice Note 5: Nature Conservation and Planning (2009) (TAN 5)***. These set out the Welsh Government's objectives for the conservation and improvement of our natural heritage and stresses the important part the planning process has to play in meeting biodiversity objectives. Particular emphasis is placed upon creating new opportunities to enhance biodiversity and mitigating or compensating for losses where damage is unavoidable.

3.1.2 ***The British Standard: Biodiversity - Code of Practice for Planning and Development (BS 42020:2013)*** is a code of practice for a consistent and professional approach to dealing with biodiversity issues as they arise in the planning process. It sets out recommendations for all those involved, including planners, developers and biodiversity / ecological professionals. In particular, it sets out the requirements for appropriate biodiversity information needed for planning decisions to be based upon, both in relation to survey data, assessment and measures to address impacts.

Picture 3.2 Lapwing (by Barry Stewart)



3.1.3 The **British Standard** aligns the planning process with the development design process and sets out where biodiversity is needed to be considered as a key element of both these processes. By following the approach set out, biodiversity issues will be addressed throughout the process of development design, minimising delays and the need for costly retrofit or reactive mitigation measures.

3.1.4 The recommendations set out in the **British Standard** should be followed, as this will ensure that developments will smoothly progress through the planning process, in a timely fashion.

3.1.5 The above policy framework provides the overarching context for the need for all public, private and voluntary organisations to act proactively to protect and enhance biodiversity.

3.2 Local Policy Context

Local Biodiversity Plans

3.2.1 At a local level and in response to the Convention on Biological Diversity signed in 1992 **Local Biodiversity Action Plans (LBAPs)** have been formulated, to include targets for local conservation action, collectively working towards achieving the national targets. This plan lists action plans for a number of species and habitats of national and/or local priority in Neath Port Talbot to concentrate local conservation action upon⁽⁴⁾. The **LBAPs** also now form a key part of the delivery mechanism for the Welsh Government's Nature Recovery Plan.

3.2.2 The Neath Port Talbot CBC **Biodiversity Duty Plan (2017)** demonstrates how the Council will fulfil the biodiversity duty set out under the Environment (Wales) Act 2016 and deliver against well-being objectives and the ways of works under the Well-Being of Future Generations Act 2015, as well as contribute towards the delivery of the Nature Recovery Action Plan for Wales⁽⁵⁾.

4 Further detail can be viewed on the Council's website.

5 Further detail can be viewed on the Council's website.

3 . Policy Context

Local Well-Being Plan and Objectives

3.2.3 As referred to above, the *Well-Being of Future Generations (Wales) Act 2015* places a duty upon public bodies to produce well-being objectives, in addition, the Act also establishes Public Service Boards for each Local Authority area in Wales, who must prepare and publish a local Well-Being Plan, setting out objectives and how the board or its individual members will achieve them.

3.2.4 The objectives of the Council and/or Public Service Board will be required to deliver against the well-being goals, including the *Resilient Wales* goal that sets out the vision for biodiversity conservation moving forward.

Local Development Plan (2011-2026) (January 2016)

3.2.5 The Neath Port Talbot *Local Development Plan (LDP)* has policies that ensure the identification, protection and enhancement of sites, habitats and species of international, regional and local importance along with other important natural heritage features (Strategic Policy SP15). Further detailed policies then follow on from this strategic policy.

Policy SP15

Biodiversity and Geodiversity

Important habitats, species and sites of geological interest will be protected, conserved, enhanced and managed through the following measures:

1. The identification of the following Internationally and Nationally designated sites within the County Borough to enable their protection:
 - (a) Special Areas of Conservation (SACs) and Ramsar Sites;
 - (b) Sites of Special Scientific Interest (SSSIs);
 - (c) National Nature Reserves (NNRs).
2. The identification and protection of sites of regional and local importance;
3. The protection of important natural heritage features.

LDP Objective: OB 15

3.2.6 Policy SP15 indicates that SACs, SSSIs and NNRs are identified in the LDP (these are shown on the LDP Proposals Map). These designated sites are protected by European and UK legislation, with the relevant planning policies set out in PPW and TAN5. Policies for sites of regional and local importance and for the protection of other important natural heritage features are set out in LDP policies EN6 and EN7.

Policy EN6

Important Biodiversity and Geodiversity Sites

Development proposals that would affect Regionally Important Geodiversity Sites (RIGS), Local Nature Reserves (LNRs), Sites of Importance for Nature Conservation (SINCs), sites meeting SINC criteria or sites supporting Local Biodiversity Action Plan (LBAP) or S42⁽⁶⁾ habitats or species will only be permitted where:

1. They conserve and where possible enhance the natural heritage importance of the site; or
2. The development could not reasonably be located elsewhere, and the benefits of the development outweigh the natural heritage importance of the site.

Mitigation and/or compensation measures will need to be agreed where adverse effects are unavoidable.

3.2.7 Where a site is subject to a regional or local designation [i.e. Sites of Importance for Nature Conservation (SINCs), Regionally Important Geological Sites (RIGS) and Local Nature Reserves (LNRs) along with LBAP and S7 (formerly S42) habitats and species], or the proposed development could have an impact on a locally designated site, the main relevant policy is LDP Policy EN6.

3.2.8 Policy EN6 sets out the requirements for developments that would affect regionally and locally designated sites, habitats and species. Planning proposals that would not conserve or enhance the natural heritage importance of the site would need to comply with criterion 2 of the policy (i.e. show that the development could not reasonably be located elsewhere and the benefits of the development would outweigh the natural heritage importance of the site).

3 . Policy Context

Picture 3.3 Adder (Copyright Peter Hill)



3.2.9 In cases where it is demonstrated that criterion 2 applies, the policy requires appropriate mitigation and/or compensation measures to be agreed and implemented. Only where full mitigation is not possible will compensation measures be considered, firstly within the site and, as a last resort, on a suitable site elsewhere. More detail on compensation issues is provided in **Appendix D**. Overall, Policy EN6 aims to ensure that there will be no net loss of biodiversity, and wherever possible a net gain, as a result of development.

Policy EN7

Important Natural Features

Development proposals that would adversely affect ecologically or visually important natural features such as trees, woodlands, hedgerows / field boundaries, watercourses or ponds will only be permitted where:

1. Full account has been taken of the relevant features in the design of the development, with measures put in place to ensure that they are retained and protected wherever possible; or
2. The biodiversity value and role of the relevant feature has been taken into account and where removal is unavoidable, mitigation measures are agreed.

3.2.10 Specific natural features are considered under Policy EN7. This policy requires features such as trees, ponds, woodland, hedges and field boundaries to be appropriately considered and incorporated into development design. Where this is not possible, appropriate mitigation or compensation is required. Such features may function as key connections linking populations or allowing movement of species. Whilst many of these features will also be afforded protection under the previous mentioned policies, this policy

aims to pick up additional features that may function to support our local biodiversity resource, especially those that provide key connectivity to allow for migration in reaction to climate change, in line with LDP Strategic Policy SP1 (Climate Change).

3.2.11 Overall, these policies stress that the biodiversity and geological resource to be enhanced and conserved goes beyond statutory designated areas and that conservation involves preservation, protection, sustainable management, creation and restoration. The policies encourage the incorporation of biodiversity and geodiversity into the design of development both in relation to its protection and the mitigation of adverse effects. Where significant losses are unavoidable as part of a development, the policy requires appropriate mitigation and/or compensation measures to be agreed and implemented. However, the latter measure, is stressed to be a last resort and all other options will need to be demonstrated to have been considered before this scenario is agreed.

3.2.12 Given the extensive protection afforded by these policies, it is clear that information about, and consideration of, biodiversity (and where relevant geodiversity) will be a necessary part of most planning applications. There is also a preference for such considerations to be designed-in to the development in order to aim for a net gain for biodiversity along with the ongoing protection of our geodiversity resource.

3 . Policy Context

Supplementary Planning Guidance: Biodiversity and Geodiversity (May 2018)

4 Policy Requirements

4.0.1 Given the policies outlined in **Section 3**, in the assessment of planning applications the Local Planning Authority (LPA) will have to take into account the likely impact of proposed development on the biodiversity and geodiversity resource amongst other factors. It is therefore essential that developers consider the impact of their proposal on biodiversity and geodiversity. The following sets out general overarching principles that further expand and explain the policy requirements.

4.1 General Principles

4.1.1 The general principles for the consideration of the impact of development proposals on biodiversity / geodiversity are set out below⁽⁷⁾.

General Principles for Biodiversity and Geodiversity in Planning and Development

- ✓ Anticipate all potential biodiversity impacts of a development proposal as early as possible in the planning process.
- ✓ Protect designated sites, protected species, priority/S7 habitats and species.
- ✓ Ensure development does not lead to net loss of biodiversity.
- ✓ Identify opportunities for a development to contribute towards a net gain for biodiversity and protection of geodiversity.
- ✓ Take account of indirect and cumulative impacts.
- ✓ Recognise the importance of, and protect wildlife corridors and stepping stones.
- ✓ Prevent and aim to reverse habitat fragmentation and species population isolation.

4.1.2 The Royal Town Planning Institute (RTPI) has produced a useful step-wise approach to ensure that there is adequate consideration of biodiversity in the planning process, and this step-wise approach has formed the basis of the LDP strategy and detailed policies. In accordance with LDP policies, developers must demonstrate that due regard has been given to this step-wise approach.

7 Refer also to the British Standard.

4 . Policy Requirements

Step-Wise Approach

- ✓ Identify and safeguard any existing, or potential, important habitat/species and ecological connectivity.
- ✓ Avoid loss of any existing or potential important habitats or species; or fragmentation of ecological connectivity.
- ✓ Design biodiversity into applications/projects (e.g. landscaping, SUDs, site layout, living roofs and facades etc).
- ✓ Mitigate for any unavoidable harm or loss to important habitat/species or fragmentation of ecological connectivity.
- ✓ Compensate for any unmitigatable habitat/species losses that can be justified.
- ✓ Enhance and increase the biodiversity of the site or off-site, if on-site cannot accommodate such requirements.

4.1.3 Whilst it is important to consider the separate biodiversity and geodiversity features of a development, developers should also consider such issues in a more holistic way in order to capitalise upon the benefits of such features as green infrastructure assets and in order to reconcile any competing issues.

4.1.4 The Council considers the use of a green infrastructure approach as best practice and by ensuring that such green infrastructure assets form an integral part of a development's design and layout, the opportunities and benefits that such assets can bring to a development can be realised. This approach is recommended to be considered whilst reading the remaining sections of this document.

4.1.5 Further guidance setting out how this approach is applied to the various stages of the planning process is set out in **Section 5**.

5 Policy Implementation

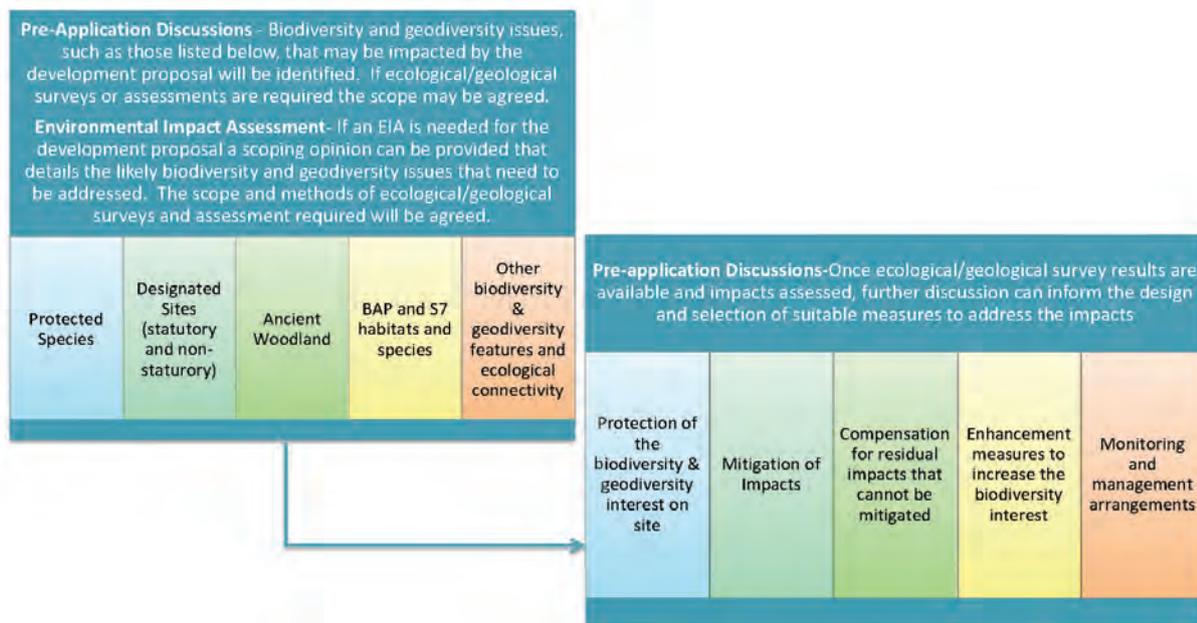
5.1 Pre-Application Discussion

5.1.1 Applicants are encouraged to partake in early discussions with the Planning Department to discuss which policies are relevant to their proposal. It is important that applicants discuss their proposal with a Planning Officer as early as possible in order that any specific biodiversity / geodiversity issues can be highlighted at this early stage to avoid any delays further into the process⁽⁸⁾.

5.1.2 Detailed discussions will focus on all relevant planning obligations and any site specific considerations including the avoidance / mitigation / compensation or enhancement measures the proposal will generate. More specifically, this may include the design of the development; site selection and survey work; where Habitat Regulations Assessment may be required due to the potential for the proposal to significantly affect any European or Internationally designated sites; and in the case of off-site compensation, potential indicative S106 costs can also be provided where relevant.

5.1.3 It should be noted, that normal permitted development rights may not apply to certain developments where biodiversity is an issue⁽⁹⁾.

Picture 5.1 Summary of the Scope of Pre-Application Discussions



8 The procedures for undertaking pre-application discussions applied by the Council can be found on the Council's website.

9 More detail in this respect is provided in the explanation of 'permitted development' in the Glossary (**Appendix E**).

5 . Policy Implementation

Information Requirements

5.1.4 Where biodiversity and/or geodiversity issues are likely, sufficient information should be gathered by developers at the earliest stage possible to inform the planning process and the design, siting and required survey work for the proposal. This includes information concerning the biodiversity / geodiversity (green infrastructure assets) at the proposed site, potential direct and indirect impacts upon on-site and off-site biodiversity / geodiversity (e.g. the effect on wildlife corridors) and the significance of these impacts.

5.1.5 Ensuring such information is adequate is likely to require expert support, particularly where the biodiversity and/or geodiversity value of the site is significant. Expert guidance in relation to biodiversity is available from the Council's Countryside and Wildlife Team and Natural Resources Wales (NRW).⁽¹⁰⁾

5.1.6 In instances where a developer does not provide adequate information as part of the submitted application, this may result in delays to the validation process and consequently the eventual determination of the application, especially in cases where further survey data is required that is seasonally constrained. Applications may also be refused on the basis of lack of adequate information. In addition, if protected species are discovered unexpectedly at a later stage where development has commenced, work may need to be suspended while an appropriate licence is sought from NRW or the Welsh Government, and there is no guarantee that such a licence would be granted.

5.1.7 A developer should seek pre-application advice from the Planning Department to establish what information is required to be provided as part of their submission. If surveys are required, advice may be given on the scope of the surveys and their methods, and advice will also be provided as to whether the development would need an Environmental Impact Assessment (EIA) and the scope of the biodiversity / geological work needed for that assessment would be detailed.

5.1.8 An indicative list of information that a developer will be expected to provide as part of a planning application submission is set out below. By seeking pre-application advice, the requirements below will be able to be tailored to ensure that the information is relevant and reasonable for the site and the development proposal.

Information Requirements

- Details of the site's **existing biodiversity** and its value⁽¹¹⁾, including the presence or absence of protected species; priority species or habitats as listed in the LBAP or S7 Environment (Wales) Act or meeting SINC criteria; presence of designated sites on or close to the site; presence of habitats or features that support the biodiversity resource (e.g. by forming linkages including wildlife corridors or stepping stones); presence of important features such as trees, woodland,

10 NRW provide a pre-application service, in relation to biodiversity they may advise particularly on statutory designated sites and protected species.

11 To inform the scope of this assessment useful historic site-specific biodiversity data may be sought from the local records centre (South East Wales Biodiversity Records Centre).

hedgerows / field boundaries, watercourses or ponds; ecological processes upon which the habitat and species recorded rely upon. Detailed surveys may be required⁽¹²⁾.

- Details of the site's **existing geodiversity** and its value, including the presence of a Regionally Important Geological Site on or close to the site.
- Consideration of **linkages** with habitats outside of the site (including wildlife corridors and stepping stones).
- Consideration of the services that habitats and features provide and how such services can be retained and wherever possible enhanced (e.g. trees aiding in reducing surface water run-off or air pollution). This should include consideration of the **green infrastructure** assets on site and how they contribute towards the functioning of the on-site and wider environment⁽¹³⁾.
- Assessment of direct and indirect **impacts** of the development on the biodiversity / geodiversity found and any proposed **protection, enhancement, mitigation or compensation measures**.
- Quantitative assessment of **biodiversity net loss or gain** per S7/LBAP/SINC habitat and/or species.

5.1.9 Where ecological surveys are required to be undertaken, these should be undertaken by a suitably qualified / experienced ecologist following standard recognised methodologies and timings. The length of time suitable information is likely to take to collect through relevant surveys should be factored fully into the development programme. Developers should follow the guidelines for ecological reports set out in the 'British Standard 42020' and the 'Chartered Institute of Ecology and Environmental Management'.

Additional Requirements (*where relevant*)

For **certain developments** additional processes or assessments may also be applicable and therefore the following may need to be considered⁽¹⁴⁾:

- Consideration of whether there is a need for the acquisition of **licences** from Welsh Government or Natural Resources Wales.

12 A basic guide to the types of surveys that may be expected for different types of development sites is included in the Council's 'Companion Guide'.

13 This will also aid in the consideration of 'ecosystem resilience' as per the Environment (Wales) Act 2016.

14 A basic guide to the types of surveys that may be expected for different types of development sites is included in the Council's 'Companion Guide'.

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- Consideration of whether the development requires **Environmental Impact Assessment (EIA)**.
- Consideration of whether the development requires a **Habitat Regulations Assessment (HRA)**.

Picture 5.2 Kenfig, Port Talbot



Habitat Regulations Assessment (HRA)

5.1.10 The LPA, as part of the determination of a planning application, is required to ensure that any decision taken on an application is in accordance with legislative requirements under specific biodiversity related legislation.

5.1.11 To enable the LPA to make an assessment or to demonstrate that the requirements of the legislation have been met, relevant information must be made available by the developer. Where such information is lacking, a precautionary approach is likely to be taken by the LPA. In this respect, it is therefore in the interest of a developer to provide relevant information to inform such assessments and decisions. Specifically in the case of a Habitats Regulations Assessment (HRA), the regulations include provision for requiring detailed information from the applicant.

5.1.12 HRA, under the 'Conservation of Habitats and Species Regulations (2017)' as amended, may be required where a development has potential to significantly affect any European or Internationally designated sites. Specific information relating to potential impacts will be required (e.g. air pollutant deposition concentrations likely to result from a development). If a development is likely to be on or within 500 metres of a European Designated Site, or there is potential for pollutants to reach such a site (e.g. air or water pollution), it is likely that a HRA will be necessary. It is important for pre-application advice to be sought to ensure a full scope of information needed to be provided to inform this assessment is agreed early on in the process.

5.1.13 It should be noted that where the outcome of a HRA suggests that an adverse effect upon the European / Internationally designated site(s) may result, the LPA cannot determine the application favourably, with the application being refused or referred to the Welsh Government for determination⁽¹⁵⁾.

Ecosystem Resilience

5.1.14 Under the provisions of the Environment (Wales) Act 2016, the Council is required to '*...seek to maintain and enhance biodiversity and in so doing promote the resilience of ecosystems*' as part of all decisions, including planning decisions. To enable the compliance with this duty the LPA must take account of the resilience of ecosystems, in particular the following aspects:

- Diversity between and within ecosystems;
- The connections between and within ecosystems;
- The scale of ecosystems;
- The condition of ecosystems (including their structure and functioning); and
- The adaptability of ecosystems.

¹⁵ Further advice on HRA is provided in Technical Advice Note (TAN) 5 Nature Conservation and Planning (2009 - Welsh Government).

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Picture 5.3 Hedgerow, Bryncoch



5.1.15 To enable the LPA to meet the requirements of the biodiversity and ecosystem resilience duty, an assessment of the affects of a development upon ecosystem resilience will be required. Where relevant, as part of the information submitted in support of a planning application therefore, developers will be expected to provide suitable information concerning ecosystem resilience (i.e. considering the points referred to above).

5.1.16 It should be noted that it is not considered necessary for such assessments to be considered for all applications, as many developments (particularly householder and smaller developments) are unlikely to have a significant impact upon ecosystems. It is more likely that larger developments or developments in sensitive locations, where biodiversity or geodiversity impacts are already identified as likely to be significant, will require such assessment. It is therefore important for pre-application advice to be sought to establish whether such an assessment will be needed and if so, to ensure the full scope of information needed to be provided to inform this assessment is agreed at the earliest stage.

5.1.17 The consideration of ecosystem resilience could be considered through the application of a green infrastructure approach to the development⁽¹⁶⁾.

16 Further guidance on 'Ecosystem Resilience Assessment' is being developed by the Association of Local Government Ecologists and the Chartered Institute of Ecology and Environmental Management.

Addressing Adverse Impacts

5.1.18 If a site is found to have clear biodiversity and/or geodiversity interest, the developer will be required to include sufficient measures to protect this interest. If the measures are considered to be insufficient, this is likely to have a bearing on the determination of the application.

5.1.19 Once suitable biodiversity / geodiversity information is available for the site, further pre-application advice should be sought in respect of suitable schemes for the protection, mitigation, compensation and enhancement of the interest identified. It may be beneficial for an 'Ecological Constraints and Opportunities Plan' (ECOP), as set out in the British Standard, to be prepared to inform these discussions and subsequent stages of the development design and planning process and can be updated throughout the process.

5.1.20 In designing any development proposal, a key aim should be to **avoid harm** through protecting important habitats, species and geological features, and to avoid impacts upon these as much as is possible. Specifically developers should:

- Avoid adverse impacts on statutory and non-statutory designated sites (including SINCs and RIGS) and protected species.
- Avoid adverse impacts to priority habitats and species identified in the LBAP and under S7 Environment (Wales) Act 2016.
- Retain existing habitat, species and features of biodiversity or geodiversity conservation significance in the site layout and design of the development.
- Avoid isolating existing habitats and species within the development by providing links to adjacent habitats (i.e. wildlife corridors). These could include hedgerows, stepping stones or suitable habitats for more mobile species.
- Carefully design drainage so as not to impact on hydrologically-sensitive habitats, such as wet woodland, bogs and marshy grasslands.
- Retain and build in key green infrastructure assets into the development design to maintain functionality of the on-site and wider environment green infrastructure.

5.1.21 In instances where the avoidance of harm to biodiversity and/or geodiversity cannot be incorporated into the design of a development, it may be possible to reduce or minimise adverse impacts upon species and habitats and other features to an acceptable level through **mitigation measures**. These measures should aim to maintain the overall biodiversity / geodiversity value of the site, the particular feature (if relating to SINCs or RIGS) and the wider ecological network of which the site is a part. Mitigation may include⁽¹⁷⁾:

17 Further examples are provided in the Council's 'Companion Guide'.

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- Carrying out works at appropriate times of the year to avoid disturbance to species, such as breeding birds.
- Incorporating buffer zones between sensitive areas and development to reduce encroachment and disturbance to habitats or geological features (e.g. a 7 metre buffer zone is normally applied for watercourses).
- Designing new infrastructure such as roads, bridges and drainage to allow wildlife movement (e.g. through the provision of wildlife underpasses or ledges) and to ensure the functionality of green infrastructure is maintained.
- Translocating species from habitats to be destroyed to a suitable receptor site (e.g. moving amphibians from a pond to a similar one nearby).

5.1.22 The adequacy of proposed mitigation measures will be carefully assessed by the LPA and it should be noted that their provision does not in itself mean that planning permission will be granted. The effectiveness and deliverability of any mitigation proposals will need to be adequately demonstrated to ensure that the desired outcomes are achievable. Where HRA is required for proposals with the potential to affect European or Internationally designated sites, additional requirements are imposed by the Habitats Directive and minimising adverse impacts alone may not be sufficient.

Picture 5.4 Living Roof (Copyright Chris Jones)



5.1.23 As a *last resort*, where loss of biodiversity is unavoidable despite mitigation, **compensation** for the residual loss will need to be agreed and implemented. Compensation will only be considered for developments that can demonstrate that all avoidance and mitigation measures have been investigated first.

5.1.24 It should be noted that newly created or recreated habitats may not offset the loss of existing habitat, this is based on the fact that artificially created habitat may be of inferior quality to existing habitats as natural species diversity can only be achieved over a considerable period of time. Compensation therefore is unlikely to be able to replicate the quality of the biodiversity interest lost and as such is considered only a last resort and is to be applied only where the development cannot reasonably be located elsewhere and where the benefits of a development are considered significant enough to outweigh the importance of the biodiversity interest.

5.1.25 Consequently, development will not be permitted to proceed, with or without compensation, where such overriding benefit is not justified. This, in particular, will be applied to schemes where SINCs or LBAP/S7 habitats / species are identified on a development site. Compensation may involve:

- Creating, recreating or restoring habitats on the site or on other areas of land. Locations and extent of such replacement habitat will need to function ecologically (e.g. will be required to be ecologically connected to other similar habitat).
- Altering the site design to accommodate compensatory features which might include improvements to the conservation value of the site.
- Volunteering planning obligations to secure such measures.
- Creating new green infrastructure assets that contribute towards the functionality of the wider green infrastructure of the site and surrounding environment.

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Picture 5.5 Prenergy Sand Martin Compensation, Port Talbot Docks (Copyright Barry Stewart)



5.1.26 To assist developers in providing adequate and ecologically functional compensation, a 'Biodiversity Compensation Scheme' for Neath Port Talbot has been developed, with the aim of reducing the burden on developers particularly in relation to the securing of suitable off-site compensation sites and implementation of necessary management works. The scheme also aims to ensure that compensation is focused at providing the greatest biodiversity benefits. Further detail on the Biodiversity Compensation Scheme is provided in **Appendix D**.

5.1.27 It should be noted however that the loss of certain habitats such as ancient woodland, wet woodland, bog or sand dune cannot be replaced and is therefore impossible to compensate for and as such impacts upon such habitats should be avoided within any development.

Enhancement Opportunities

5.1.28 All development proposals, whether or not there is a need to incorporate mitigation or compensation measures, should seek to provide additional benefits or 'enhancement' opportunities for biodiversity and/or geodiversity. Adopting such an approach could provide

additional benefits, such as reduced visual impact, reduced flood risk and improvements to drainage. In this regard, developers should seek to provide features such as the following⁽¹⁸⁾:

Potential New Benefits

- ✓ Areas of new habitat, such as woodland, scrub, grassland or ponds.
- ✓ Incorporation of open space and landscaping so that planting within these areas create wildlife corridors.
- ✓ Nesting or roosting opportunities on new buildings for bats, swallows, swifts, house martin, barn owls or other species.
- ✓ Green / brown roofs and facades to provide additional habitats and bird nesting opportunities, where space is limited.
- ✓ Restoration of mineral and landfill sites to habitats of biodiversity value, such as species-rich grassland, reedbeds or heathland.
- ✓ Sustainable drainage schemes based on reedbeds and ponds so that even the drainage system of a site is of biodiversity value.
- ✓ Trails and interpretation boards or leaflets providing educational information about the biodiversity and geodiversity features.

Wind Energy Schemes

5.1.29 Guidance specific to wind energy schemes in respect of the matters for consideration, addressing adverse impacts and enhancement opportunities is presented in **Appendix C**.

5.2 Planning Application Submission

5.2.1 The planning application submission should reflect the requirements for information as established at the pre-application discussion stage. This will allow the planning process to proceed smoothly and reduces the risk of the need for further information to be provided post-submission⁽¹⁹⁾.

5.2.2 The LPA requires adequate biodiversity and/or geodiversity information to be provided to inform the decision making process, if further information is required this may result in a delay to determination or refusal of the application based on lack of adequate

18 Further examples are provided in the Council's 'Companion Guide'.

19 Advice on completing the biodiversity related questions on the Planning Application Form is included in the Council's 'Companion Guide'.

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information. It should be noted however that as a result of the statutory consultation process with relevant consultees [e.g. Natural Resources Wales (NRW)], further information may be required to be provided.

5.2.3 Furthermore, an 'Ecological Constraints & Opportunities Plan' (ECOP), as set out in the British Standard, may provide a useful visual summary of the ecological information presented in the ecological reports submitted and may assist and speed up the consideration of the information presented.

Picture 5.6 River Tawe, Near Ystalyfera

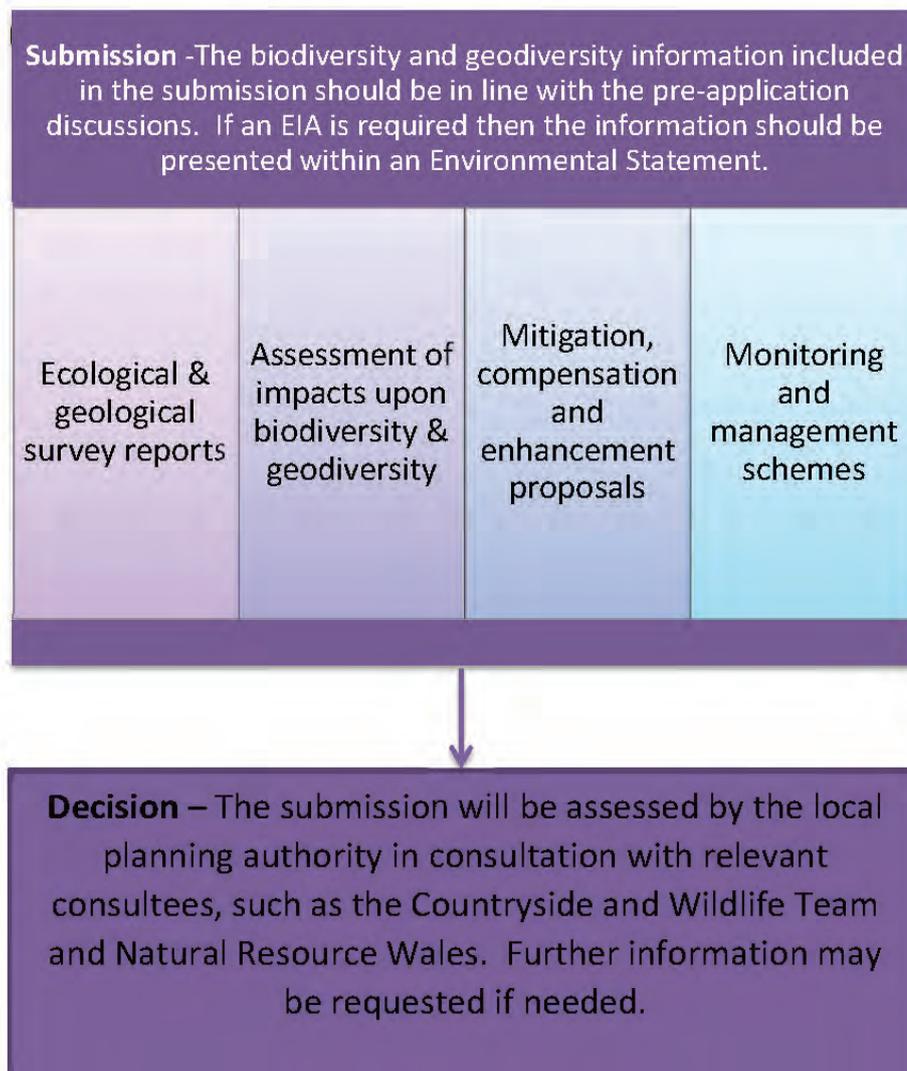


5.2.4 Through ensuring adequate information is provided as part of the submission following detailed pre-application discussion, the requirement to provide further information prior to the commencement of the development (e.g. mitigation schemes), will be minimised. Severe delays in the implementation of a development can occur awaiting the discharge of pre-commencement conditions, and therefore where possible, such information should be provided as part of the submission.

5.2.5 Where significant adverse impacts upon biodiversity or geodiversity remain unavoidable and not considered to be adequately addressed at submission stage, the LPA may consider refusal of the application to be appropriate. The decision however will

need to consider all other aspects of the development and in particular whether the other benefits associated with the development outweigh the adverse impact on biodiversity or geodiversity.

Figure 5.2 Summary of the Submission Requirements

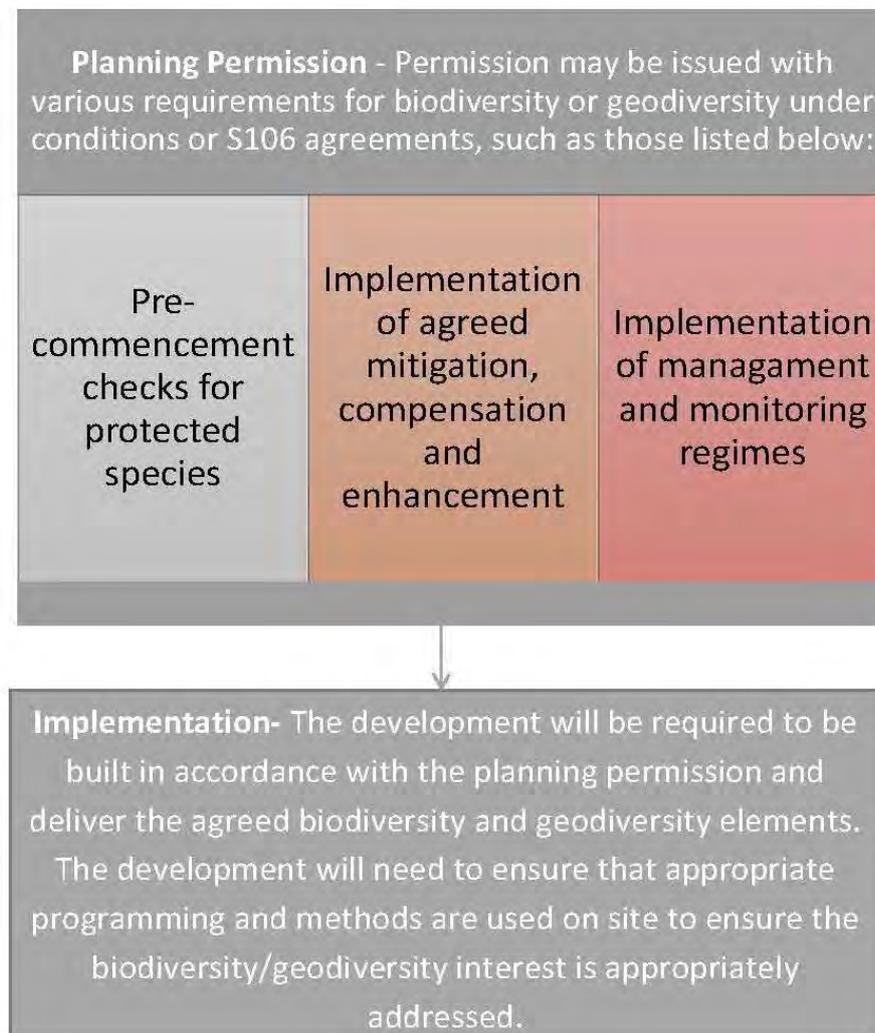


5.3 Decision / Determination

5.3.1 Impacts of development may manifest in a wide variety of ways. For example, a development could result in direct loss of habitats or habitats supporting important species; fragmentation or loss of connectivity between habitats or species populations; alteration of regimes such as hydrology that an ecosystem is reliant upon. The requirement for mitigation and/or compensation for significant impacts will therefore be development and site specific.

5 . Policy Implementation

Figure 5.3 Issue of Planning Permission and Implementation



5.3.2 In many cases where planning permission is granted, conditions or planning obligations may be required to address the impact the development would have on biodiversity / geodiversity irrespective of the type or scale of the development. These may be to secure adequate protection, mitigation and compensation measures to make the development acceptable in planning terms, and may also include provision for the maintenance and management of such measures over time as well as monitoring the success of such measures. Failure to comply with the conditions imposed upon a planning permission may result in the development being deemed unlawful, which could in turn run the risk of enforcement action being taken against the landowner/developer.

5.3.3 Planning Obligations are legally binding agreements between the developer and the Planning Authority or a unilateral agreement by the developer enforced by the Planning Authority under S106 of the Planning Act 1990, which involve a commitment to address the impacts of a development that will make it acceptable in planning terms, where

otherwise it might be refused⁽²⁰⁾. Such obligations will normally be required where off-site compensation provisions are necessary or financial contributions are needed to ensure that there are no detrimental impacts on important biodiversity / geodiversity.

5.3.4 The types of planning conditions that could typically be employed in relation to biodiversity / geodiversity schemes is set out below⁽²¹⁾, along with a list of the potentially more flexible mechanism of planning obligations.

Conditions - these may help secure biodiversity objectives through a number of mechanisms:

- Restricting or regulating (e.g. restricting operations to particular seasons to avoid impacts on certain species).
- Requiring further details or schemes to be submitted for approval [e.g. environmental or ecological management and monitoring plans; landscaping schemes; construction environmental management plans; or biodiversity method statements (where not provided as part of the submission)].
- Requiring certain features, or existing habitat, to be retained and conserved within a development.
- Requiring restoration or aftercare of land (e.g. following mineral extractions or waste disposal sites).
- Limiting the time duration of all or part of a development.
- Requiring appropriate management and maintenance for a certain period of time.
- Requiring monitoring of newly created habitats and the success of mitigation or compensation measures.
- Requiring the submission / proof of receipt of a protected species licence.
- Requiring protection buffer zones from existing habitats to be retained (e.g. rivers).

Planning Obligations - these are particularly appropriate for providing for:

- Access to a feature of biodiversity or geodiversity interest.
- New habitats and even nature reserves or geological reserves.

20 More detailed information on the Council's approach to planning obligations is set out in the Planning Obligations SPG (October 2016).

21 Further examples and details are set out in the British Standard for Biodiversity.

5 . Policy Implementation

- Monitoring systems and the means of reporting, reviewing and adjusting mitigation, compensation and monitoring measures.
- Management of a habitat or feature, on or off-site, for a period of time.
- Financial provisions for establishment or management of a habitat, nature reserve or geological reserve or feature.
- Information and interpretation material about biodiversity and or geodiversity features present.
- Creation of new rock or fossil exposures.
- Habitat or species translocation schemes.

Negotiating S106 Contributions

5.3.5 When accounting for the range of planning obligations that may be levied on any given proposal, the Council acknowledges that there may be circumstances where a developer considers that the requirements for mitigation and/or compensation of biodiversity / geodiversity is not viable.

5.3.6 In such instances, the Council will consider, subject to a detailed financial appraisal, reduced contributions, phased payments, or the removal of the requirement to contribute to mitigation and/or compensation. At an early stage in pre-application discussions, developers are encouraged to make themselves familiar with all the planning obligations, including the requirement for mitigation and/or compensation, and to identify any viability issues in the preparation of their application.

5.3.7 It should be noted that any requirement to contribute towards other infrastructure requirements (as outlined within the Council's Planning Obligations SPG) as a result of the development will not negate the need for mitigation and/or compensation. **Developers need to consider the costs associated with delivering mitigation and/or compensation requirements and other obligations before entering into land negotiations.**

5.4 Monitoring, Management and Review

Scheme/Site Monitoring and Management

5.4.1 Implementation of a development scheme will need to fully comply with the conditions and obligations related to the planning consent. In addition, working practices may need to be developed to minimise risks to the biodiversity / geodiversity interest identified. Programmes of works will need to consider seasonality of species for example, or whether an 'Ecological Clerk of Works' may need to be employed to oversee the mitigation works.

5.4.2 The 'British Standard' and the 'Construction Industry Research and Information Association' set out guidance for methods and measures of working a development site where biodiversity is present, including suggested contents for 'Construction Environmental Management Plans' and 'Risk Assessments', details on setting out no-go zones, protective fencing and other practical measures. Where the biodiversity / geodiversity on the site is such that appropriate supervision of works is necessary, an Ecological Clerk of Works may be employed⁽²²⁾.

5.4.3 Where measures to protect, mitigate, compensate or enhance biodiversity and/or geodiversity have been set out as part of a planning permission, developers are likely to be required to provide for their monitoring and management during and post-construction to ensure biodiversity / geodiversity objectives are fulfilled.

5.4.4 Monitoring is intended to both check compliance with conditions or planning obligations and to establish whether the measures undertaken are effective and are successfully delivering the intended outcomes. The results of the monitoring will then inform any necessary remedial action to be taken to ensure outcomes are met. The types of biodiversity monitoring and management requirements that developers may have to provide is set out below⁽²³⁾.

Monitoring and Management

Monitoring and management should be undertaken for as long as possible to ensure the establishment or quality of habitats. Normally a minimum of 5-years would be required for monitoring and management schemes, with monitoring checking for the efficacy of management measures. For schemes involving habitat creation and restoration or generally for all off-site compensation sites however, management and monitoring is normally required for a minimum period of 15 years.⁽²⁴⁾

An 'Ecological Management and Monitoring Plan' may be required to be provided and this should include:

- Descriptions of the habitat, species or features to be monitored and managed.
- Aims of the management.
- Details of management works to be undertaken over the agreed timescale, including methods and timings.
- Details of monitoring works, normally including agreement to submit annual reports to the Local Planning Authority, methods, locations and timings.

22 The British Standard sets out a useful list of duties for such a post.

23 Further information in respect of the scope of a Monitoring Plan is set out in the British Standard.

24 "For development in the UK, the expectation is that compensation sites will be secured for at least the lifetime of the development (e.g. often 25-30 years) with the objective of Net Gain management continuing in the future". Biodiversity Net Gain. Good practice principles for development. Chartered Institute for Ecology and Environmental Management, Construction Industry Research and Information Association, Institute of Environmental Management and Assessment, 2016

5 . Policy Implementation

- The contact details of the organisation responsible for the monitoring and management.
- Proposals for the long term management of the site.
- Mechanism for monitoring net change in biodiversity / geodiversity and update the losses and gains assessment.
- Mechanism of plan review and update to ensure remedial action can be taken via an adaptive management regime.

5.4.5 For small scale development it may not be necessary for long term monitoring to be undertaken, rather just confirmation that the necessary avoidance / mitigation / compensation or enhancement measures have been delivered (e.g. the provision of bird or bat boxes). As suggested in the British Standard, a brief statement confirming that the agreed measures have been implemented, and signed by a competent ecologist, may be all that is necessary in such cases to demonstrate compliance with the planning consent.

5.4.6 The results of monitoring will inform the future design of biodiversity / geodiversity measures and acceptability for future development going forward. Monitoring results will also provide the Council with relevant information to inform how the the planning process and LDP is contributing towards the delivery of the statutory duties and commitments set out in **Chapter 3**.

Picture 5.7 Selar Nature Reserve, Blaengwrach



LDP Monitoring and Review

5.4.7 In accordance with the strategy set out in the LDP, the Council will expect that future development will not induce net loss in either quality or quantity of biodiversity and wherever possible will contribute positively to its enhancement, thereby promoting net gain of biodiversity. The implementation of policies will be monitored and reported in the LDP Annual Monitoring Report.

5 . Policy Implementation

6 Contact Details

Development Management

[Main point of contact for all planning applications and for pre-application advice]

Steve Ball [Development Manager - Planning]: Tel: 01639 686727

Nicola Lake [Team Leader – East]: Tel: 01639 686737

Chris Davies [Team Leader – West]: Tel: 01639 686726

Email: planning@npt.gov.uk

Planning Policy

[For queries relating to the LDP and Planning Policy]

Ceri Morris [Planning Policy Manager]: Tel: 01639 686320

Lana Beynon [Planning Policy Team Leader]: Tel: 01639 686314

Email: ldp@npt.gov.uk

Countryside & Wildlife

[For queries relating to biodiversity requirements]

Rebecca Sharp [Ecologist]: Tel: 01639 686149

Email: biodiversity@npt.gov.uk

6 . Contact Details

Supplementary Planning Guidance: Biodiversity and Geodiversity (May 2018)

Appendix A SINC Criteria

A.0.1 The use of Local Sites as a method of identifying the most important areas of biodiversity resources within a particular administrative area is well established in the UK, including Wales. There is particular reference to such sites in the Environment Strategy for Wales⁽²⁵⁾, Planning Policy Wales⁽²⁶⁾ and Technical Advice Note 5 (TAN 5)⁽²⁷⁾.

A.0.2 TAN 5 requires the selection of such sites in Neath Port Talbot to be based upon rigorous criteria, the 'Wildlife Sites Guidance Wales'⁽²⁸⁾ produced by the Wales Biodiversity Partnership with some local amendments to reflect the local biodiversity resource. The selection is founded on Wales and Local Biodiversity Action Plan (LBAP) priorities. In addition, other habitats and species not included in the LBAP can also form part of the criteria if they are considered to contribute substantially to the local biodiversity resource (refer to Section 3.2).

A.0.3 The 'Neath Port Talbot Nature Partnership'⁽²⁹⁾ has formed a panel of relevant experts to manage the process of identifying SINC. The Panel will apply the 'Wildlife Sites Guidance Wales' with minor amendments to the criteria to reflect the local context. The amended criteria for selection is provided below. The assessment of all potential sites in Neath Port Talbot will take a number of years to complete due to the requirement to collect detailed information to evaluate sites against the criteria.

A.0.4 As a comprehensive assessment would not have been possible in the timescales required for the LDP, to date the assessment has been targeted at areas that have the potential for development (i.e. those sites that are allocated and/or largely within or close to settlement limits).

A.0.5 This, together with sites that already had information available that would automatically qualify them as a SINC (e.g. ancient woodlands), provides a reasonable starting point for SINC designation in Neath Port Talbot. The process has also focused on habitat-based SINC identification, as many species would also be associated with such sites, however further species-specific SINC will also need to be identified at a later date.

A.0.6 Work will continue to identify sites and monitor sites following the adoption of the LDP and as such, the current list of sites should not be considered final, as the information represents a snapshot in time. The register of sites will be subject to an annual review and kept up to date by the Council's Countryside and Wildlife Team, with the register being made available to the public through the Local Records Centre⁽³⁰⁾.

A.0.7 Any site that meets the criteria, but is yet to be designated as a SINC, will be considered by the Council in the same way in the planning process as those already identified.

25 Environment Strategy for Wales (2006) - Welsh Government.

26 Planning Policy Wales Edition 9 (2016) - Welsh Government.

27 Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) - Welsh Government.

28 Wildlife Sites Guidance Wales - A Guide to Develop Local Wildlife Sites System in Wales (2008) - Wales Biodiversity Partnership.

29 Previously known as the 'Biodiversity Forum of Neath Port Talbot'.

30 South East Wales Biodiversity Records Centre (SEWBRC).

Appendix A . SINC Criteria

A.0.8 For those sites already identified as SINC, a great deal of work to collate existing biodiversity information, along with detailed ecological survey work has been undertaken to enable the assessment of each site against the criteria.

A.0.9 Updates to the register will be informed by the annual review process, which may add new sites or remove existing sites if they are considered to no longer meet the assessment criteria. Due to the existing number of SINC identified and those yet to be considered, a proportion of SINC only will be monitored each year. Given that it is not considered likely that the data collected for the existing SINC will alter significantly for the first few years, the initial focus will be on the identification of new SINC rather than monitoring.

A.0.10 A full list and details of each identified SINC is held by the South East Wales Biodiversity Records Centre.

SINC Criteria

A.0.11 The Wales SINC Criteria are applicable⁽³¹⁾. The information below highlights the local amendments to the criteria as agreed by 'Neath Port Talbot Nature Partnership' Panel.

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

REVIEW OF GUIDELINES FOR THE SELECTION OF LOCAL SITES IN WALES (2008)

A.0.12 The '*Wildlife Sites Guidance Wales - A Guide to Develop Local Wildlife Sites System in Wales (2008)*' sets out a common set of detailed guidelines for the selection of biodiversity Local Sites in Wales⁽³²⁾. The guidelines provide a framework within which individual Local Biodiversity Action Plan Partnerships [LBAPs] / Local Planning Authorities are free to refine their own detailed criteria for the selection and designation of Local Sites within their administrative boundaries. The result should be a robust and defensible Wildlife Site system, which is appropriate for application by all of the LBAP areas in Wales, yet flexible enough to allow tailoring to reflect local priorities and circumstances.

A.0.13 Accordingly, a SINC Criteria Review Panel was established (consisting of a species expert for each group such as birds, invertebrates, plants etc.), and reviewed the guidelines to ensure that the criteria were appropriate in the local context. The amendments to the guidelines are set out below.

31 Refer to 'Wales Biodiversity Partnership' website for full criteria list [Wildlife Sites Guidance Wales - A Guide to Develop Local Wildlife Sites System in Wales (2008 - Wales Biodiversity Partnership)].

32 The Guide is based on an amalgamation of the detailed criteria of the three spatially separate systems developed by the North Wales Wildlife Trust, the Powys Wildlife Trust and the Gwent and Wildlife Trust for South and West Wales.

Amendments and Additions

Habitats Guidelines

A.0.14 No amendments to the habitats selection guidelines.

Species Guidelines

[S1] MAMMALS [Reviewed by Dan Forman (UWS)]

A.0.15 No change to Welsh guidelines.

[S2] BIRDS [Reviewed by Heather Coates (GOS)]

A.0.16 Spotted Flycatcher - Breeding populations (Table 2) of this species will be considered as designatory (A list) towards site selection to account for its recent significant decline.

A.0.17 Meadow Pipit - Breeding populations (Table 2) of this species will be considered as contributory (B list) towards site selection in recognition of it being a significant host species for Common Cuckoo (an A list species) (as it is a significant host for Cuckoo).

A.0.18 The Bird criteria are currently undergoing a further review and will be updated in 2018.

[S3] REPTILES [Reviewed by Mark Barber (SWWARG)]

A.0.19 Adder - To acknowledge the rarity and threatened status of Adders, we will consider the recording of one or more individuals on half or more of the survey occasions to indicate the presence of a 'good population'.

[S3] AMPHIBIANS

A.0.20 Smooth Newt - In recognition of the scarcity of Smooth Newts in Neath Port Talbot, a 'good' population of this species will be considered after a torchlight count of 25 adults, while an 'exceptional' population will be considered after a count of 50 adults.

A.0.21 Common Frog - Clumps of spawn will be considered as an equivalent of the head count of adults for Common Frogs, therefore a 'good' population of this species will be considered after a count of 100 adults or 100 clumps of spawn, while an 'exceptional' population will be considered after a count of 500 adults or 500 clumps of spawn.

A.0.22 Great Crested Newt - An LBAP species, and extremely rare within Neath Port Talbot, we will consider a confirmed record of a single individual Great Crested Newt as a 'good' population.

[S4] FISH

A.0.23 No change to Welsh guidelines.

Appendix A . SINC Criteria

[S5] INVERTEBRATES [Reviewed by Steve Bolchover]

A.0.24 In addition to the criteria set out in the Welsh guidelines, sites which support 5 or more Nationally Scarce species will be considered for selection.

LEPIDOPTERA [Reviewed by Russell Hobson (BC)]

A.0.25 The Lepidoptera guidelines are now based on Butterfly Conservation's revised National Action Plan for Wales (1998-2009) and focus on those species with targets as published in support of the Wales Biodiversity Framework. This is available on the WBP and Butterfly Conservation websites.

A.0.26 As a result Butterflies of conservation significance in Wales (Table 6a) will be considered as those listed in the UK Red Data Book, or listed on the Section 7 List with the specific requirement for site protection action (in WAG, 2008 or as updated in Wales plans). Any site which supports populations of these species will be considered for selection.

A.0.27 Sites supporting Butterflies of medium conservation significance in Wales (Table 6b) will be considered as contributory for selection.

[S6] VASCULAR PLANTS [Reviewed by Dr Charles Hipkin]

A.0.28 The selection guidance used in the Welsh Guidelines (2008) will be used with the following amendments to the tables listing primary / contributory species:

A.0.29 Status Key: NS (Nationally Scarce); NR (Nationally Rare); VU (Vulnerable); EN (Endangered Species); CR (Critically Endangered); LC (Locally Common).

Table A.0.1 List of Plants on Section 42 List of Vascular Plants in NPT

Species		Status
<i>Artemisia campestris ssp. maritima</i>	Wormwood spp	NR/VU
<i>Clinopodium acinos</i>	Basil thyme	?/VU
<i>Dianthus armeria</i>	Deptford Pink	NS/EN
<i>Euphrasia rostkoviana ssp. montana</i>	Eyebright spp	NS/VU
<i>Gymnadenia conopsea</i>	Fragrant orchid	?/LC
<i>Liparis loeselii</i>	Fen orchid	NR/CR
<i>Matthiola sinuata</i>	Sea stock	NR/VU
<i>Monotropa hypopitys</i>	Yellow bird's-nest	NS/EN
<i>Salsola kali ssp kali</i>	Saltwort spp	?/VU
<i>Silene gallica</i>	Sandwort spp	NS/EN
<i>Trollius europaeus</i>	Globeflower	?/LC
<i>Vicia orobus</i>	Wood bitter vetch	NS/NT

Table A.0.2 List of Primary Species for Site Designation in NPT

Species		Status
<i>Artemisia campestris ssp maritima</i>	Wormwood spp	NR/VU
<i>Astragalus glycyphyllos</i>	Wild liquorice	LC
<i>Atriplex longipes</i> *	Long-stalked Orache	NS/LC
<i>Baldellia ranunculoides</i>	Lesser water plantain	NT
<i>Butomus umbellatus</i>	Flowering rush	NT
<i>Carex distans</i>	Distant sedge	LC
<i>Carex elata</i>	Tufted sedge	LC
<i>Carex limosa</i> #	Bog sedge	LC
<i>Carex punctata</i>	Dotted sedge	NS/LC
<i>Chrysanthemum segetum</i> *	Corn marigold	VU
<i>Cladium mariscus</i>	Great fen sedge	LC
<i>Climopodium acinos</i>	Basil thyme	LC
<i>Crepis paludosa</i>	Marsh hawksbeard	LC
<i>Cryptogramma crispera</i>	Parsley fern	LC
<i>Dianthus armeria</i>	Deptford pink	NS/EN/Sch. 8
<i>Dryopteris aemula</i> *	Hay-scented buckler fern	LC
<i>Eleocharis uniglumis</i>	Slender spike-rush	LC
<i>Equisetum hyemale</i>	Rough horsetail	LC
<i>Eriophorum gracile</i>	Slender cottongrass	NR/NT/Sch. 8
<i>Erodium lebelii</i>	Sticky stork's-bill	NS/LC
<i>Euphorbia exigua</i>	Dwarf spurge	NT
<i>Euphrasia micrantha</i>	Eyebright spp	DD
<i>Euphrasia rostkoviana ssp montana</i>	Eyebright spp	NS/VU
<i>Festuca altissima</i>	Wood fescue	NS
<i>Filago vulgaris</i>	Common cudweed	NT
<i>Frankaenia laevis</i>	Sea heath	NS/NT
<i>Gymnadenia conopsea</i> *	Fragrant orchid	LC
<i>Hydrocharis morsus-ranae</i>	Frogbit	VU
<i>Hymenophyllum tunbrigense</i>	Tunbridge filmy fern	LC
<i>Hymenophyllum wilsonii</i>	Wilson's filmy fern	NT

Appendix A . SINC Criteria

Species		Status
<i>Hyoscyamus niger</i>	Henbane	VU
<i>Isoetes echinospora</i>	Quillwort spp	LC
<i>Isoetes lacustris</i>	Quillwort spp	LC
<i>Lepidium latifolium</i>	Dittander	NS/LC
<i>Limonium procerum ssp. procerum</i>	Sea-lavender spp	-
<i>Liparis loeselii</i>	Fen orchid	NR/EN/Sch. 8
<i>Lobelia dortmanna</i>	Water lobelia	LC
<i>Marrubium vulgare</i>	White horehound	NS/LC
<i>Matthiola sinuata</i>	Sea stock	NR/VU/Sch. 8
<i>Mecanopsis cambrica</i>	Welsh poppy	NS/LC
<i>Mentha suaveolens</i>	Round-leaved mint	NS/DD
<i>Misopates orontium</i> *	Lesser snapdragon	VU
<i>Myrica gale</i>	Bog myrtle	LC
<i>Monotropa hypopitys</i> **	Yellow bird's-nest	EN/Sch. 8
<i>Myriophyllum verticillatum</i>	Whorled water-milfoil	LC
<i>Parapholis incurva</i>	Curved hard grass	LC
<i>Parentucelia viscosa</i>	Yellow bartsia	LC
<i>Platanthera bifolia</i>	Lesser butterfly orchid	VU
<i>Polygonum oxyspermum</i>	Ray's knotgrass	LC
<i>Potamogeton perfoliatus</i>	Perfoliate pondweed	LC
<i>Pyrola minor</i>	Common wintergreen	LC
<i>Ranunculus lingua</i>	Greater spearwort	LC
<i>Rosa micrantha</i>	Small flowered Sweet briar	LC
<i>Rubus saxatilis</i>	Stone bramble	LC
<i>Sagittaria sagittifolia</i>	Arrowhead	LC
<i>Salicornia pusilla</i>	One-flowered glasswort	NS/LC
<i>Salsola kali ssp kali</i>	Saltwort spp	VU
<i>Schoenus nigricans</i> *	Black bog-rush	LC
<i>Scirpus holoschoenus</i>	Round headed club rush	NR/EN
<i>Sedum roseum</i> *	Roseroot	LC
<i>Silene gallica</i>	Small flowered catchfly	NS/EN

Appendix A . SINC Criteria

Species		Status
<i>Sparganium angustifolium</i>	Floating bur reed	LC
<i>Sparganium natans</i>	Least bur reed	LC
<i>Stellaria pallida</i>	Lesser chickweed	LC
<i>Thalictrum minus</i> *	Lesser meadow-rue	LC
<i>Thelypteris palustris</i>	Marsh fern	NS/LC
<i>Trichomanes speciosum</i> (gametophyte)	Killarney fern	NR/LC
<i>Trollius europaeus</i> *	Globe flower	LC
<i>Typha angustifolia</i>	Lesser bulrush	LC
<i>Utricularia australis</i>	Bladderwort	LC
<i>Vaccinium vitis-idaea</i> *	Cowberry	LC
<i>Verbascum nigrum</i> *	Black mullein	LC
<i>Verbascum virgatum</i>	Twiggy mullein	LC
<i>Vicia orobus</i>	Wood bitter vetch	NS/NT
<i>Viola canina</i>	Heath dog-violet	NT
<i>Viola tricolor</i>	Wild pansy	NT

* No recent records from known sites / ** One of the largest populations in Wales of this schedule 8 species, formally at Crymlyn Burrows Amazon site, rendered extinct; other populations in vicinity may survive / # Needs confirming for Neath Port Talbot

Table A.0.3 List of Contributory Species for Site Designation in NPT

Species		Status
<i>Agrimonia procera</i>	Fragrant agrimony	LC
<i>Anacamptis pyramidalis</i>	Pyramidal orchid	LC
<i>Apium inindatum</i>	Lesser marshwort	LC
<i>Arenaria serpyllifolia</i> ssp. <i>leptoclados</i>	Thyme-leaved sandwort	LC
<i>Atriplex glabriuscula</i>	Babington's orache	LC
<i>Atriplex laciniata</i>	Frosted orache	LC
<i>Atriplex littoralis</i>	Grass-leaved orache	LC
<i>Ballota nigra</i>	Black horehound	LC
<i>Bidens cernua</i>	Nodding bur reed	LC
<i>Cakile maritima</i>	Sea rocket	LC
<i>Callitriche platycarpa</i>	Various-leaved water starwort	LC

Appendix A . SINC Criteria

Species		Status
<i>Calystegia soldanella</i>	Sea bindweed	LC
<i>Carex disticha</i>	Brown sedge	LC
<i>Carex extensa</i>	Long-bracted sedge	LC
<i>Carex montana</i>	Soft-leaved sedge	NS/LC
<i>Carex vesicaria</i>	Bladder sedge	LC
<i>Ceratophyllum demersum</i>	Rigid hornwort	LC
<i>Cystopteris fragilis</i>	Brittle bladder fern	LC
<i>Dactylorhiza incarnata</i>	Early marsh orchid	LC
<i>Echium vulgare</i>	Viper's bugloss	LC
<i>Eleocharis multicaulis</i>	Many-stalked spike-rush	LC
<i>Eleogiton fluitans</i>	Floating club-rush	LC
<i>Elytrigia juncea</i>	Sand couch	LC
<i>Epipactis palustris</i>	Marsh helleborine	LC
<i>Eryngium maritimum</i>	Sea-holly	LC
<i>Euphorbia paralias</i>	Sea spurge	LC
<i>Filago minima</i>	Small cudweed	LC
<i>Frangula alnus</i>	Alder buckthorn	LC
<i>Geranium pratense</i>	Meadow crane's-bill	LC
<i>Geranium rotundifolium</i>	Round-leaved crane's-bill	LC
<i>Gymnocarpium dryopteris</i>	Oak fern	LC
<i>Hippuris vulgaris</i>	Mare's-tail	LC
<i>Honkenya peploides</i>	Sea sandwort	LC
<i>Inula crithmoides</i>	Golden samphire	NS/LC
<i>Isolepis cernua</i>	Slender club rush	LC
<i>Juncus acutus</i>	Sharp rush	LC
<i>Juncus subnodulosus</i>	Blunt flowered rush	LC
<i>Lamium hybridum</i>	Cut-leaved dead-nettle	LC
<i>Lathraea squamaria</i>	Toothwort	LC
<i>Lathyrus sylvestris</i>	Narrow-leaved everlasting-pea	LC
<i>Lathyrus nissolia</i>	Grass vetchling	LC
<i>Lemna trisulca</i>	Ivy-leaved duckweed	LC

Appendix A . SINC Criteria

Species		Status
<i>Leymus arenarius</i>	Lyme-grass	LC
<i>Limonium vulgare</i>	Common sea-lavender	LC
<i>Linum bienne</i>	Pale flax	LC
<i>Malva neglecta</i> *	Dwarf mallow	LC
<i>Medicago arabica</i>	Spotted medick	LC
<i>Mercurialis annua</i>	Annual mercury	LC
<i>Myosotis ramosissima</i>	Changing forget-me-not	LC
<i>Myriophyllum spicatum</i>	Spiked water-milfoil	LC
<i>Nuphar lutea</i>	Yellow water-lily	LC
<i>Nymphaea alba</i>	White water-lily	LC
<i>Oenanthe lachenalii</i>	Parsley water-dropwort	LC
<i>Ophrys apifera</i>	Bee orchid	LC
<i>Orobanche minor</i>	Carrot broomrape	LC
<i>Osmunda regalis</i>	Royal fern	LC
<i>Papaver dubium ssp lecoqii</i>	Long-headed poppy	LC
<i>Parapholis strigosa</i>	Hard-grass	LC
<i>Phegopteris connectilis</i>	Beech fern	LC
<i>Phleum arenarium</i>	Sand cat's-tail	LC
<i>Picris hieracioides</i>	Hawkweed oxtongue	LC
<i>Pinguicula vulgaris</i>	Butterwort	LC
<i>Plantago media</i>	Hoary plantain	LC
<i>Potamogeton pectinatus</i>	Fennel pondweed	LC
<i>Prunus padus</i>	Bird cherry	LC
<i>Puccinellia distans</i>	Reflexed saltmarsh-grass	LC
<i>Ranunculus penicillatus ssp. pseudofluitans</i>		LC
<i>Reseda lutea</i>	Wild mignonette	LC
<i>Rhamnus catharticus</i>	Buckthorn	LC
<i>Rubia peregrina</i>	Madder	LC
<i>Rumex hydrolapathum</i>	Water dock	LC
<i>Sagina maritima</i>	Sea pearlwort	LC
<i>Sagina nodosa</i>	Knotted pearlwort	LC

Appendix A . SINC Criteria

Species		Status
<i>Salicornia dolichostachya</i>	Long-spiked glasswort	LC
<i>Salicornia ramosissima</i>	Purple glasswort	LC
<i>Samolus valerandi</i>	Brookweed	LC
<i>Scnoenoplectus tabernaemontani</i>	Grey club-rush	LC
<i>Scirpus sylvaticus</i>	Wood club-rush	LC
<i>Seriphidium maritimum</i>	Sea wormwood	LC
<i>Sorbus torminalis</i>	Wild service	LC
<i>Sparganium emersum</i>	Unbranched bur-reed	LC
<i>Spergularia marina</i>	Lesser sea-spurry	LC
<i>Spergularia media</i>	Greater sea-spurry	LC
<i>Trifolium fragiferum</i>	Strawberry clover	LC
<i>Trifolium scabrum</i>	Rough clover	LC
<i>Valerianella carinata</i>	Keel-fruited corn-salad	LC
<i>Veronica agrestis</i>	Green field-speedwell	LC
<i>Veronica catenata</i>	Pink water speedwell	LC
<i>Viola tricolor ssp. curtisii</i>	Wild pansy	LC
<i>Vulpia fasciculata</i>	Dune fescue	NS/LC

[S8] BRYOPHYTES

A.0.30 No change to Welsh guidelines.

[S9] FUNGI

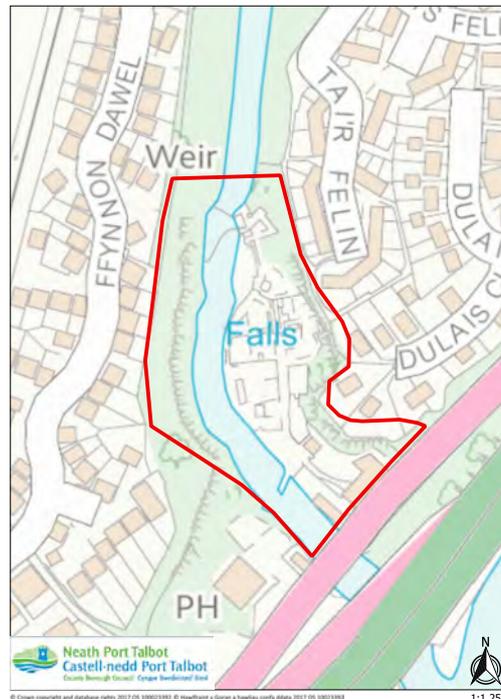
A.0.31 No change Welsh guidelines.

[S10] CHAROPHYTES

A.0.32 No change to Welsh guidelines.

Appendix B RIGS

Aberdulais Falls



Site Name: Aberdulais Falls
RIGS Number: 583
Grid Reference: SS 7710 9950
RIGS Category: Educational, Historical
Earth Science Category: Stratigraphic, Sedimentological, Historical
Site Nature: River and falls
OS 1:50,000 Sheet: 170
OS 1:25,000 Sheet: 165
BGS 1:50,000 Sheet: E247R
RIGS Statement of Interest: The waterfalls and crags in this National Trust visitor attraction provide access to some impressive Brithdir age Pennant Sandstones. The site has its own small museum / education centre and provides excellent, very easy access to a geologically and historically interesting site. Ideal for school groups.

Geological Setting / Context

B.0.1 This site is owned and managed by the National Trust, telling the story of *'the power of water and its impact on industry'*⁽³³⁾. At Aberdulais, the narrow gorge has provided water power for working copper, flour, wool and tin over the centuries and now generates electricity, making the site self sufficient in energy utilising the waterwheel which is the largest in Europe for that purpose.

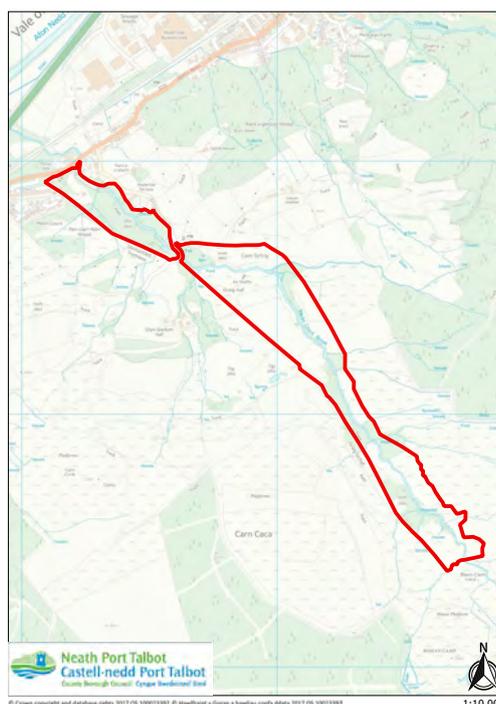
B.0.2 The site has good exposures of Brithdir age Pennant Sandstone. Brithdir Beds are typically *'green-grey lithic arenites with conglomeratic lenses at the base of units. The sandstones are interbedded with thin mudstones or siltstones and seat earths and thin coals'*. The site displays good examples of massively bedded sandstones and tabular cross beds which have plant debris.

B.0.3 The joints are significant here partly in that they allowed the rock to be easily excavated along the gorge and other parts of the site and partly because they now afford stable, clean surfaces which facilitate safe access.

B.0.4 The rock faces are now overgrown and it should be borne in mind that this was a site of heavy industry with little or no vegetation at that time.

B.0.5 The site is especially important because it provides very safe access to some interesting geological features which are of basic geological educational use with the benefit of café and toilet facilities on site.

Melincourt Brook



Site Name: Melincourt Brook
RIGS Number: 590
Grid Reference: SS 8220 0190
RIGS Category: Scientific, Educational, Aesthetic, Historical
Earth Science Category: Historical, Industrial, Stratigraphic
Site Nature: River section and waterfall
OS 1:50,000 Sheet: 170
OS 1:25,000 Sheet: 165
BGS 1:50,000 Sheet: 231/248
RIGS Statement of Interest: Part of the site is very easily accessible with well maintained footpaths, leading to a spectacular waterfall, graphically illustrating how they are formed by erosion of softer sediments and toppling of harder, overlying beds. The site provides a section through Rhondda and Brithdir Beds of the Pennant Sandstone and coals, constituting one of the most continuous sections in the Brithdir Beds. Also included in the site is a disused ironworks and tips associated with coal working, which is of historical and industrial interest.

Geological Setting / Context

B.0.6 Melincourt covers approx 3km of intermittent exposure through the Pennant Formation in a stream section where the Upper Rhondda and the Brithdir Beds can be examined. Rhondda No.1, Thin Coal of the Brithdir, Graig, Brithdir Rider, Glyngwilym, Wenal and the Wenallt Rider coal seams are all predicted to outcrop here although many are hard to find without clearing the sections. Some are apparent by areas of workings.

B.0.7 Exposure begins just at the base of the footpath where it meets the B4434, here several metres of silt and mudstone can be found. The mudstones and finely bedded silts soon give way to fining upwards sandstone formations. These massively bedded formations have been deeply eroded, probably along joint-sets, by the river to produce a deep narrow gorge, several small cascades and waterfalls. The sands frequently become fine and occasionally silty, however in general they exhibit much more regular grain size distribution than the lower and middle Rhondda successions. The first of the significant coals in the section unfortunately is not currently visible. Found at the base of the large waterfall, the Brithdir coal is concealed by scree, large boulders and a significant depth of water in the plunge pool at its base. On the northern bank just below the plunge pool, the Brithdir coal's rootlet bedded seatearth can be found, unfortunately the seatearth and coal are covered at footpath level by scree and vegetation on the southern bank.

B.0.8 The waterfall cascades over massive Pennant sandstones with softer shales layers at its base. Erosion on this shale undercuts the sandstones, causing it to collapse and the waterfall to appear to migrate upstream.

B.0.9 Another thin coal, about 10cm thick, is found about a third of the way up the waterfall, its position marked by a narrow ledge. This section is within the Melincourt RIGS boundary 1.

B.0.10 Intermittent exposure of sandstone occurs directly above the waterfall and although unseen in section the position of the Graig seam is clearly marked by several adits to either side of the river. The non-exposed beds are likely to comprise less resistant thin interbedded mudstones, which give rise to the more open landscape in this area. The Graig coal is known to have a section at this locality of 18-24 inches and spoil is known to yield *Anthraconauta tenuis* and *A. Phillipsii* and ostracods (BGS Memoir, Pontypridd).

B.0.11 Above this level intermittent exposure of cross-bedded sandstones continues for 40-50 metres vertically in stream and bankside exposure. Access to this section of stratigraphy is best achieved by descending the wooded river bank from the farmers fields above. Crossing the stream to the northerly bank facilitates investigation of the sandstones and Brithdir Rider Coal. The position of the coal is only indicated by a deposit of dark shale at the base of a sandstone wall. Digging away this material reveals a substantial overhang and recessed exposure of the coal itself. The exposure only extends for a short period, halted by a significant number of fallen blocks of Pennant sandstone. A certain thickness of mudstone is known to exist below the Brithdir Rider and can be estimated from limited exposure to be greater than 4 metres thick. This mudstone was identified slightly downstream in a steep boulder-strewn tributary on the north bank (Grid Ref: SN 830 014).

B.0.12 The section upstream continues with cascades and bouldery sections, the weathered Pennant sandstone crags found along the riverbank show beautiful defined crossbed foresets and erosional bedforms. Workings along the riverbank suggest the presence of thin coals, although no significant exposure was identified. The Glyngwilym Seam, which takes its name from the farm (Grid Ref: SN 8300 0117) half a kilometre to the south west of Melincourt is found further upstream below a prominent sandstone cascade. Its 'crop' can be traced across the hillside to the west of the stream, marked predominantly by spoil and old adits. The succession directly above the Glyngwilym seam is known from collieries in the area to be almost entirely composed of argillaceous, silty mudstones and while there is little outcrop evidence, the valley becomes more open and Melincourt Brook flows across open upland peat morrland.

B.0.13 The iron works and blast furnace, whose remains are still visible at the site were built in the 17th Century, with the works opening in 1708 and converted from charcoal to coke in 1795. It produced pig iron which was taken to Dylais Forge at Aberdulais for conversion to wrought iron. The Melincourt blast furnace was powered by an overshot waterwheel, fed by a leat from the waterfalls above. The works finally ceased in 1808. The site was known to have had an air furnace, a finery, foundry and ancillary buildings. This section, above the waterfalls is within the Melincourt Brook RIGS boundary 2.

B.0.14 Melincourt Brook RIGS boundary 3 is south east of the RIGS area 2 and encompasses an area of colliery tips, levels and trials associated with the Cefn Mawr Colliery (Grid Ref: SS 842 999) and Blaen y Cwm Colliery (Grid Ref: SS 846 997). Both worked the Wenallt Rider coal seam. Blaen y Cwm Colliery was serviced by a tramway which linked the Clyn Tramroad and eventually the Neath Canal.

Appendix C Specific Guidance on Wind Energy Schemes

C.0.1 Wind energy development schemes have specific requirements that are not necessary for other projects. Given the nature, scale and upland location of such development, proposals can encounter habitat and species that are not often considered in other types of scheme. In addition, the underlying and supporting processes reliant upon geodiversity, soils and hydrology are also important considerations for such schemes.

C.0.2 The following guidance should be read in conjunction with **Section 5.1**. The below sets out specific additional requirements or issues to those already covered in that section.

Information Requirements

C.0.3 The following sets out additional wind energy specific issues or information requirements:

Specific Information Requirements

- ✓ An Environmental Impact Assessment (EIA) and Ecosystem Resilience Assessment (ERA) are often needed, particularly those schemes with a large number of turbines.
- ✓ Breeding, wintering and migratory bird surveys including assessment of collision risk. This should particularly include surveys for raptor species and Nightjar. Specific Schedule 1 raptors such as Honey Buzzard have specific methodology requirements that should be agreed prior to the start of any survey work.
- ✓ Peatland surveys, including hydrological functioning.
- ✓ Bat roosting and activity surveys including surveys at height and assessment of collision risk.
- ✓ Surveys for rare plant and moss species, particularly along forestry track edges.

C.0.4 It is important that a developer seek pre-application advice from the Council at the earliest stage to establish what information is required to be provided as part of the planning submission. Notably, the required surveys are likely to take a minimum of a year or two to complete.

Picture C.1 Wind Turbines at Pen y Cymoedd Wind Farm



Addressing Adverse Impacts

C.0.5 Due to the location and size of wind related schemes, it is likely that proposed sites will have significant biodiversity and/or geodiversity interest, consequently the submitted application should include sufficient measures to protect this interest. Due to the likely complexities of the biodiversity / geodiversity issues on site, it is recommended that the opportunity to regularly engage with the Council's Countryside and Wildlife Team via the pre-application advice service is sought in relation to the development of suitable schemes for the protection, mitigation, compensation and enhancement of the interest identified.

C.0.6 Specific **avoidance** measures that could be applied to wind energy developments could include:

- ✓ Refining the locations of turbines, associated infrastructure and tracks away from sensitive habitats, habitats supporting sensitive species and peat resources.

Appendix C . Specific Guidance on Wind Energy Schemes

- ✓ Refining the locations of turbines, associated infrastructure and tracks taking consideration of hydrological impacts, ensuring key hydrological links are maintained and peatland functionality conserved.
- ✓ Refining the locations of turbines, associated infrastructure and tracks away from areas of significant bird or bat activity, particularly from nesting or roosting locations and locations where collision risk would be increased due to topography or other geographical / ecological issues.

C.0.7 Specific **mitigation** measures that could be applied to wind energy development could include:

- ✓ Construction Method Statements (CMSs) - as part of the the detailed design process, within a CMS the infrastructure can be designed and construction implemented in ways to minimise impacts (e.g. through designing floating tracks over peat bog; incorporating diffuse drainage measures to maintain hydrological connections; incorporation of wildlife crossing points).
- ✓ Construction Environmental Management Plans (CEMPs) - these can set out specific measures to conserve biodiversity and geodiversity features (e.g. through undertaking pre-commencement checks for species; translocating species; setting out requirements for pollution prevention; setting works programme to take into account seasonal ecological requirements; detailing encroachment prevention measures such as fencing).
- ✓ Cut in speeds - where impacts upon species such as bats are anticipated, the wind speed at which the turbine blades rotate can be altered to minimise collision risk (e.g. at lower wind speeds).
- ✓ Micro-siting - turbines and associated infrastructure and tracks can be micro-sited to avoid sensitive habitats, habitats supporting sensitive species or geological features.
- ✓ Maintaining the area around the turbines to discourage target species use.
- ✓ Operational Timing - where impacts upon species such as bats are anticipated, turbines may be switched off and/or no rotation permitted during certain time periods at night and within a particular season, thereby reducing collisions at higher risk periods.

C.0.8 Last resort compensation measures that could be applied to wind energy development may include:

Appendix C . Specific Guidance on Wind Energy Schemes

- ✓ Creating and managing suitable habitat for target species (e.g. Nightjar and Honey Buzzard).
- ✓ Creating, recreating or restoring habitats, particularly upland habitats such as peat bog and heathland on the site or on other areas of land. Locations and extent of such replacement habitat will need to function ecologically and hydrologically (i.e. will be required to be ecologically connected to other similar habitat and functional hydrological regimes restored).
- ✓ Altering the site design to accommodate compensatory features which might include improvements to the conservation value of the site.
- ✓ Providing long-term management measures for habitats to ensure their value is retained and sustained over the long-term.
- ✓ Volunteering planning obligations to secure such measures.
- ✓ Formulation of a steering committee of relevant organisations (e.g. the Council, NRW, nature conservation bodies such as the 'Royal Society for the Protection of Birds' or 'Wildlife Trust') to advise on and oversee the delivery of the compensation and mitigation on the site.

Picture C.2 Nightjar at Pen y Cymoedd Wind Farm (Copyright Dan Carrington)



C.0.9 Given the scale of wind related schemes, it is unlikely that the Council's 'Biodiversity Compensation Scheme' will be feasible for such developments. Developers are however able to negotiate with landowners in order to identify / provide potential compensation areas, and it is considered that this will continue to be the most likely mechanism for compensation delivery for this type of development.

Enhancement Opportunities

C.0.10 Wind energy developments could provide any of the following **enhancement features**⁽³⁴⁾:

Potential New Benefits

- ✓ Areas of new habitat, such as woodland, heathland, grassland or ponds.
- ✓ Nesting, roosting and foraging opportunities for bats and birds at locations that do not increase risk of casualty.

34 Further examples may be gained from the Council's '*Companion Guide*' which provides examples of different types of schemes and how they may incorporate biodiversity considerations.

Appendix C . Specific Guidance on Wind Energy Schemes

- ✓ Restoration of land to habitats of biodiversity value, such as species-rich grassland, woodland or heathland.
- ✓ Sustainable drainage schemes or natural solution based drainage (e.g. ponds, wetlands, allowing overland flow during high rainfall events). This will allow the drainage system of a site to be of biodiversity value.
- ✓ Creating and managing suitable habitat for target species (e.g. Nightjar and Honey Buzzard).
- ✓ Providing long-term management measures for habitats to ensure their value is retained and sustained over the long-term.
- ✓ Trails and interpretation boards or leaflets providing educational information about the biodiversity and geodiversity features.

Appendix D Compensation Scheme

D.0.1 The requirement for biodiversity compensation is set out in Policy EN6 (Important Biodiversity and Geodiversity Sites). Whilst in many cases, developers will be able to address the biodiversity (including legislative) requirements on-site, in certain circumstances, there may not be enough land available to enable the biodiversity interest to be maintained and enhanced on-site.

D.0.2 In these cases, off-site compensation for biodiversity losses are needed to ensure the policy requirements and the necessary legislative duties are met. Unfortunately, the need for compensation sites is continually increasing and more recently, finding and agreeing such provisions has become more of a challenge. Furthermore, the known biodiversity value that exists on a number of LDP allocated sites would suggest that this issue is likely to be an ongoing consideration moving forward.

D.0.3 The Council recognises that it can be difficult for some developers to find additional land to utilise as off-site compensation, and as a consequence developers often request that the Council identify and facilitate this. Furthermore, experience has shown that many developers would rather pay a sum of money for the problem to be addressed and the ability to proceed with their development without the burden of delivering such compensation themselves. To date the approach taken to compensation has been ad hoc and very slow to negotiate.

The Way Forward

D.0.4 The Council has recently commissioned 'David Clements Ecology Ltd' to undertake research to establish the various processes already in existence in England and to investigate possible funding mechanisms. This research has informed the development of the 'Biodiversity Compensation Scheme' set out below.

D.0.5 The scheme aims to identify and deliver biodiversity compensation in the most practicable way, whilst at the same time reducing the burden on developers and investors in Neath Port Talbot, thereby ensuring the Council is able to meet its legislative duties. The scheme sets out the steps that the Council can take to provide a workable compensation service.

D.0.6 Whilst some developers may be able to take on responsibilities for finding sites and delivering biodiversity management works, others may not wish to take this forward. In addition, where developers have undertaken works in the past, there have been issues of enforcing delivery over the length of time necessary for biodiversity works to deliver, companies go bust, merge and land changes ownership, making it difficult to track down a route of enforcement and thus making it difficult to ensure the required biodiversity outcome is realised.

D.0.7 In order to address such issues and to deliver the best outcome possible for biodiversity, the Council will seek to facilitate and deliver a 'Biodiversity Compensation Service'. This approach will not only be intended to be beneficial for those developers wishing to utilise the service, but it will also provide a more robust and transparent delivery

mechanism to guarantee biodiversity outcomes. It is not the intention of the Council to make the use of this service mandatory, but the Council does wish to encourage the use of the service via negotiation during the planning process.

Biodiversity Compensation Process

[Note: whilst the process set out below specifically considers habitat compensation, this will equally be required for the translocation or compensation for species impacts].

Step 1 - Habitat Banking

D.0.8 To enable development and reduce delays, the process aims to bank ('habitat banking') a number of sites in readiness to deliver necessary compensation works. This will reduce significant delays currently experienced whilst a compensation site is being identified / located.

D.0.9 Sites will be identified; their biodiversity assessed to ensure the sites do not already have significant interest (e.g. existing LBAP/S7/SINC habitats or species; nature conservation designation) and an Environmental Management Plan (EMP) prepared detailing proposed biodiversity management works that could be undertaken to improve the biodiversity value on the site. These works will be costed, with the survey work and preparation of the EMP being undertaken by the Council's Ecologists⁽³⁵⁾.

D.0.10 A number of issues were identified in the research that suggests that working with private landowners may be problematic (e.g. length of legal agreements needed, conflicts with farming subsidies). Initially therefore, the focus of the habitat bank will be publicly owned land, particularly land that is in Council ownership. In addition, land purchase will also be considered where a landowner would prefer not be tied into a lengthy legal agreement and to ensure enough sites of differing habitat / habitat potential types are banked ready.

Step 2 - Development

D.0.11 As part of the planning submission, the exact type and extent of the residual habitat / biodiversity loss, after all mitigation measures are applied, will be detailed by the developer. Potential compensation for such a loss will be agreed with the Council's planning officers and ecologists.

D.0.12 The extent of habitat compensation required will be negotiated, with the exact quantity being dependent upon the nature of the compensation agreed, although as a minimum this must exceed that being lost. The exact extent deemed appropriate will also take account of the requirements for enhancement and the length of time for new habitats to develop to replace the quality of that lost (tens or even hundreds of years in some cases). The relevant multipliers required to address this time-lag will be habitat specific⁽³⁶⁾.

35 A number of pilot sites have already been identified and surveyed with EMPs produced as part of a feasibility study undertaken by David Clements Ecology.

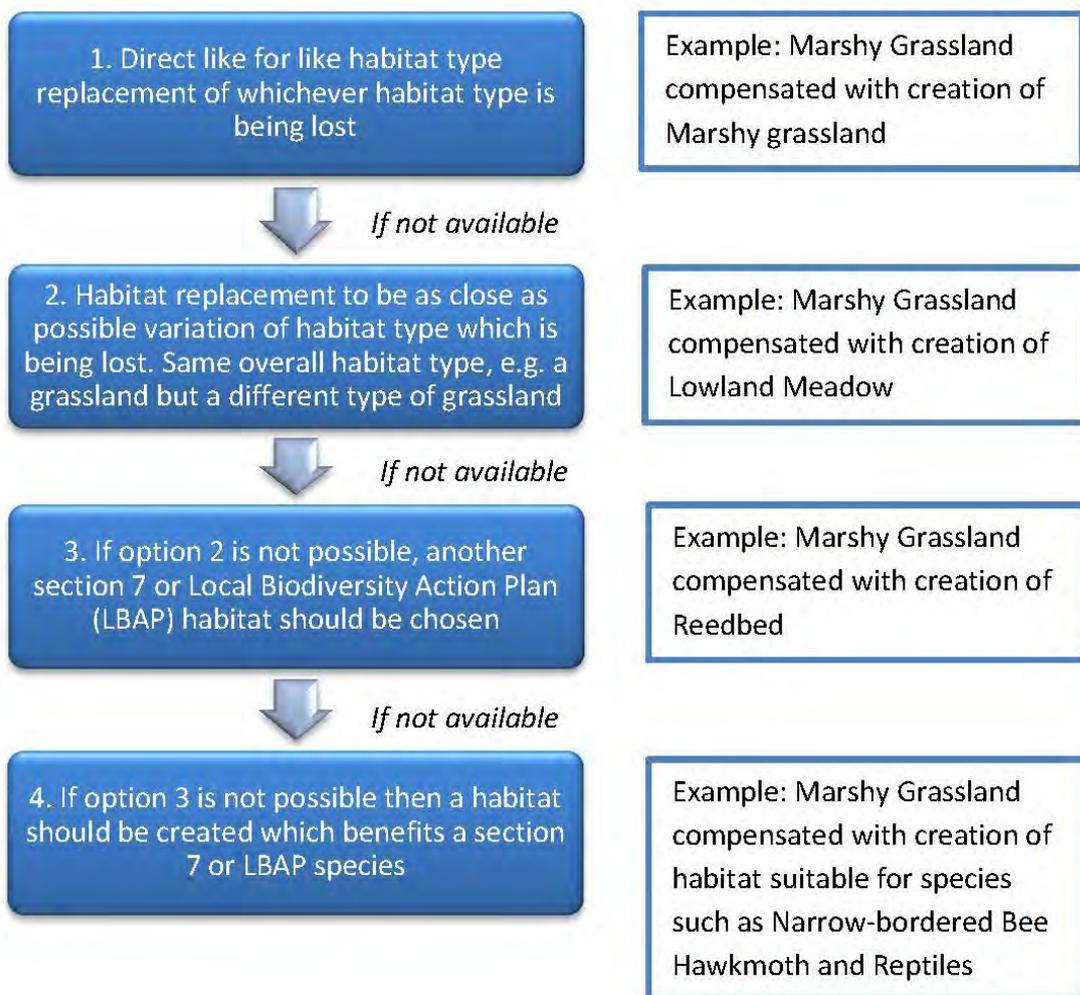
36 Further detail on the issue of time-lags and multipliers is set out in 'Biodiversity Offsetting Pilots Technical Paper: The Metric for the Biodiversity Offsetting Pilot in England (DEFRA - March 2012).

D.0.13 For small losses where compensation habitat creation would have limited biodiversity value or ecological functioning, a financial contribution may be used to maintain and improve existing biodiversity value on a site. Such cases will be considered on an individual basis and will only apply to sites that will result in a loss of less than 0.5 hectares of habitat.

Step 3 - Compensation Site Selection

D.0.14 The Council's ecologists will seek to match the developer to a suitable compensation site from the Neath Port Talbot habitat bank based on the type of habitat and extent being lost from the development site, and the developer may be matched to one or more management aims within an EMP for that biodiversity compensation site. Like for like habitat type compensation is however not always possible, and in cases where direct habitat type compensation cannot be achieved, the 'Habitat Compensation Hierarchy' will be used to establish a suitable alternative.

Figure D.1 Habitat Compensation Hierarchy



Appendix D . Compensation Scheme

D.0.15 The 'Habitat Compensation Hierarchy' set out above is designed to help justify and establish which habitat type should be used as compensation if direct like for like habitat compensation is not possible. Whilst this may mean an overall loss of a specific habitat type (which will need to be reported), there will be a gain in another habitat type thereby ensuring that overall the biodiversity of the County Borough is accounted for, and in the long run a variety of sites delivering different biodiversity improvements will aim to balance out such individual site habitat losses.

D.0.16 This will however need to be carefully monitored. If a single habitat type is continually being lost due to this site selection process, the process will need to be reviewed. It may be the case that such habitat is included in the list of habitats considered irreplaceable and thereby development should be discouraged from such sites where such habitat could be lost.

Step 4 - Legal Agreement

D.0.17 Only once a compensation site and habitat type has been agreed can the details of a S106 be negotiated. A financial contribution will be secured for the agreed biodiversity management works as set out in the EMP for the site for a minimum of 15 years ⁽³⁷⁾; a land fee (i.e. a charge for the use of the site to ensure no net loss of income to the landowner is experienced); and project management costs. Once the S106 and all other matters relevant to the application are agreed, planning permission may be granted with the S106 agreement being a condition of any planning consent granted.

D.0.18 More than one development may contribute towards a single compensation site where the impacts from a single development would not be commensurate with the size of the compensation site identified. As biodiversity compensation is not classed as infrastructure, pooling any number of S106 agreements in this way would be acceptable.

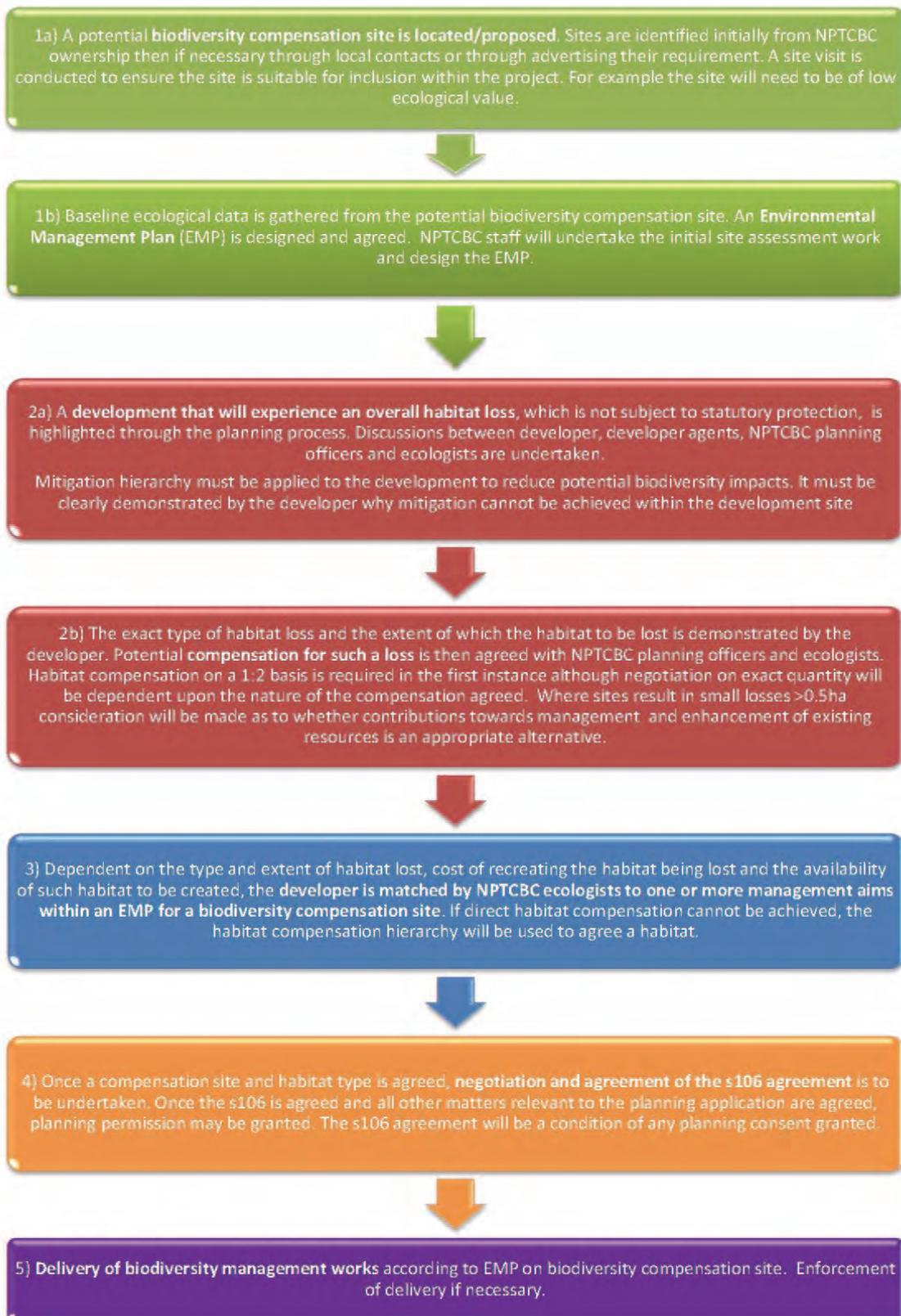
Step 5 - Delivery

D.0.19 Once the S106 becomes active (normally on development commencement), the funds will be released and biodiversity management works can be delivered on-site under the project management of the Council's Countryside and Wildlife Team.

D.0.20 Where works are undertaken by the developer or by another external party, arrangements for the appropriate enforcement of the delivery of the S106 will be undertaken by the Planning Department as necessary.

37 *"Biodiversity compensation should be planned for a sustained Net Gain over the longest possible timeframe. For development in the UK, the expectation is that compensation sites will be secured for at least the lifetime of the development (e.g. often 25-30 years) with the objective of Net Gain management continuing in the future".* (Biodiversity Net Gain. Good practice principles for development. CIEEM, CIRIA, IEMA, 2016.)

Figure D.2 Biodiversity Compensation Process



Appendix D . Compensation Scheme

Appendix E Glossary

Table E.0.1 Glossary of Terms

Ancient Woodland	Woodland that has either: 1. been assessed and listed in the Ancient Woodland Inventory for Wales as being in continual existence on a site since 1600 and greater than 5ha in size. 2. supports ancient woodland indicator species such as Bluebell. These species are slow to colonise surrounding areas and therefore may remain on a site of woodland which may have since been cleared. Many Ancient woodland sites in Neath Port Talbot have been overplanted by coniferous plantation however there are still semi-natural and replanted examples. The Ancient woodland inventory can be obtained from the Natural Resources Wales.
Appropriate Assessment	Where a development is likely to have a significant impact upon a Natura 2000 Site (Ramsar Site, SAC or SPA), an appropriate assessment will be required under Conservation of Habitats and Species Regulations 2017. Full details of a development must be provided by the applicant to the planning authority in order for the authority to carry out an appropriate assessment. An ecological report should be submitted as part of the application. Planning permission will only be granted if the appropriate assessment clearly demonstrates that the development will not adversely effect the integrity of the Natura 2000 site, in isolation, or in combination with other effects. In cases where the integrity of the site may be affected, but there are imperative reasons of over-riding public interest, permission may only be granted to proceed following permission from the Welsh Assembly Government (for devolved matters) or the UK Secretary of State (for non-devolved matters). If there is any likelihood of an AA being required, prospective applicants are advised to contact the local planning authority as early as possible to discuss the issues.
Brown Roofs	Roofs that have been designed to mitigate for the loss of brownfield (previously developed land) that supports species such as ground nesting birds and invertebrates. A substrate of varying size from crushed aggregates, through to pebbles and small boulders laid over a waterproof membrane and allowed to colonise naturally with a sparse covering of vegetation or sedum.
Conservation (in relation to biodiversity)	Actions taken to ensure the continued existence of species populations and their habitats; this includes restoration and enhancement measures.
Cumulative Impacts	Impacts resulting from the combined effects of more than one development.
Ecosystem Resilience	The resilience of ecosystems is a term to encompass the ability of our ecosystems (including habitats, species, air, water, soils and ecological processes) to continue to function and provide the services upon which we rely. In considering ecosystem resilience the following must be considered: Diversity between and within ecosystems; Connections between and within ecosystems; Scale of ecosystems; Condition of ecosystems (including their structure and functioning); and Adaptability of ecosystems.
Environmental Impact Assessment (EIA)	Under the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, certain proposed developments require particular assessment to identify their likely effects (positive and negative) on the environment. EIA is required for all projects listed under Schedule 1 of the Regulations whilst those listed under Schedule 2 need to be 'screened' to establish whether they require EIA according to particular thresholds or locations. If developers are unsure about whether a development will require an EIA they should seek a 'screening opinion' from the planning authority.
Fauna and Flora	Animals and plants.
Fen	A type of wetland habitat normally found in an area of peat with an input of water from groundwater or streams. This habitat supports many plant and animal species not found in other habitats, such as sedges and sphagnum mosses.
Genetic Exchange	The exchange in genetic information between populations as part of the breeding process. This exchange ensures that species are able to evolve and adapt to prevailing conditions through the introduction of new genetic information into the gene pool (total amount of genetic

Appendix E . Glossary

	material in a breeding population). Where genetic exchange is prevented due to population isolation inbreeding may occur and a population may die out due to their inability to adapt and mutations that occur from inbreeding.
Green Roofs	Roofs intentionally designed to enable vegetation to grow on them. They may be of an intensive form akin to ground-level gardens, or extensive self-sustaining forms based on a thin layer of soil-type matter.
Green Infrastructure	The Landscape Institute defines green infrastructure as <i>'the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect villages, towns and cities. It is a natural, service-providing infrastructure that is often more cost-effective, more resilient and more capable of meeting social, environmental and economic objectives than 'grey' infrastructure'</i> (Landscape Institute, Green Infrastructure. An Integrated Approach to Land Use. Position Statement, 2013).
Habitat	A place in which a population of a species lives, a term used also to refer to assemblages of plants and animals such as woodland, grassland.
Habitat Fragmentation	The process by which habitats become broken up into smaller parts and isolated through development or inappropriate management.
Impacts	The effect and implications of a development.
Indirect Impacts	Impact of a development that occur as a result of a direct impact as a knock-on effect or due to interactions between impacts. Indirect impacts may be delayed or off-site.
Invasive Species	Non-native species that have become a particular problem through their tendency to proliferate and threaten native species. They include Japanese Knotweed, Rhododendron and Himalayan Balsam. A full list of invasive non-native species is available under S9 of the Wildlife and Countryside Act 1981 as amended.
Licensing	Works that would result in the disturbance or injury of a protected species require a license from the relevant responsible body. In respect to European Protected Species such as bats and otters, this is Natural Resources Wales. For badgers this is Welsh Government.
Local Biodiversity Action Plans (LBAPs)	LBAPs are the mechanism for the local delivery of the targets set out in the UK Biodiversity Action Plan and the Wales Nature Recovery Plan. Each LBAP identifies local priorities for the conservation of species and habitats. LBAPs have been developed throughout Britain by partnerships of local stakeholders. Each LBAP reflects the priorities of the National Plans, covering priority habitats and species that are at risk or whose status are uncertain, as well as more widespread habitats and local species.
Material Consideration	Key topic that the Local Planning Authority has to take into account whilst making the decision as to whether to grant permission.
Native Species	Species that occur naturally within an area rather than having been introduced intentionally or unintentionally by humans.
Natural Feature	A feature that supports nature; this could be through providing shelter, food, breeding locations for wildlife species; or could provide ecological connections to facilitate movement; or could provide ecological services. Such features may include man-made features as well as naturally occurring features.
Permitted Development	Certain developments that do not require planning permission. However, a full planning application is required for developments that require an environmental assessment under the EIA Regulations, even those that would normally be permitted under the Development Order. In addition the Conservation of Habitats and Species Regulations 2017 restrict permitted development that have a significant effect on a European Site – SPA or SAC, or European Protected Species. Planning permission is also required for the following permitted developments within SSSIs: temporary land use for war games, motor sports and clay pigeon shooting.

Planning Obligations (or Section 106 Agreements)	These are agreements between the developer and the Planning Authority or a unilateral agreement by the developer enforced by the Planning Authority under s106 of the Planning Act 1990. They involve a commitment to provide something that will make the application acceptable in planning terms, where otherwise it might be refused.
Protected Species	Plant and animal species listed in and protected by national wildlife legislation.
Priority Species and Habitats	Species and habitats identified as particularly at risk and in need of priority action under the UK Biodiversity Action Plan, as reflected in local biodiversity action plans and S7 of the Environment (Wales) Act 2016.
Residual Impacts	Impacts from a development which are not dealt with by prevention, mitigation or compensation measures.
Seasonally Constrained	The limitation imposed on species surveys by seasonal behaviours such as migration, hibernation and breeding, which dictate species presence and vulnerability to disturbance.
Species	A group of animals or plants of the same kind which reproduce amongst themselves but are usually reproductively isolated from other types of animals or plants.
Species Isolation	Process by which species become separated from others reducing the gene pool and potential for evolutionary adaptation.
Statutory Designated Sites	Sites that are given particular protection under law. For biodiversity these include: Special Sites of Scientific Interest (SSSI), Special Area of Conservation (SAC), Special Protection Area (SPA) and National Nature Reserve (NNR).
Sustainable Development	The standard definition of sustainable development is ' <i>development which meets the needs of the present without compromising the ability of future generations to meet their own needs</i> ' (Brundtland, 1987). This requires development to ensure effective protection of the environment, make prudent use of natural resources, and enable equal opportunity and well-being.
Sustainable Drainage Schemes (SuDS)	Drainage schemes designed to improve control of, and the quality of, run-off from a development, usually by incorporating features that mimic more natural drainage systems as opposed to impermeable surfaces and concrete drains. Such features include ponds and reed-beds, which may also improve the amenity and biodiversity value of a site.
Wildlife Corridor	Wildlife corridors provide a physical link between wildlife habitats and allow some species to move between otherwise isolated areas. This can help to replenish isolated populations. The corridor habitat itself also meets some or all of the needs for shelter, protection, food and breeding sites and is therefore needs to be a vegetated or natural habitat link, such as hedgerows and streams.



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Cynllun Datblygu Lleol