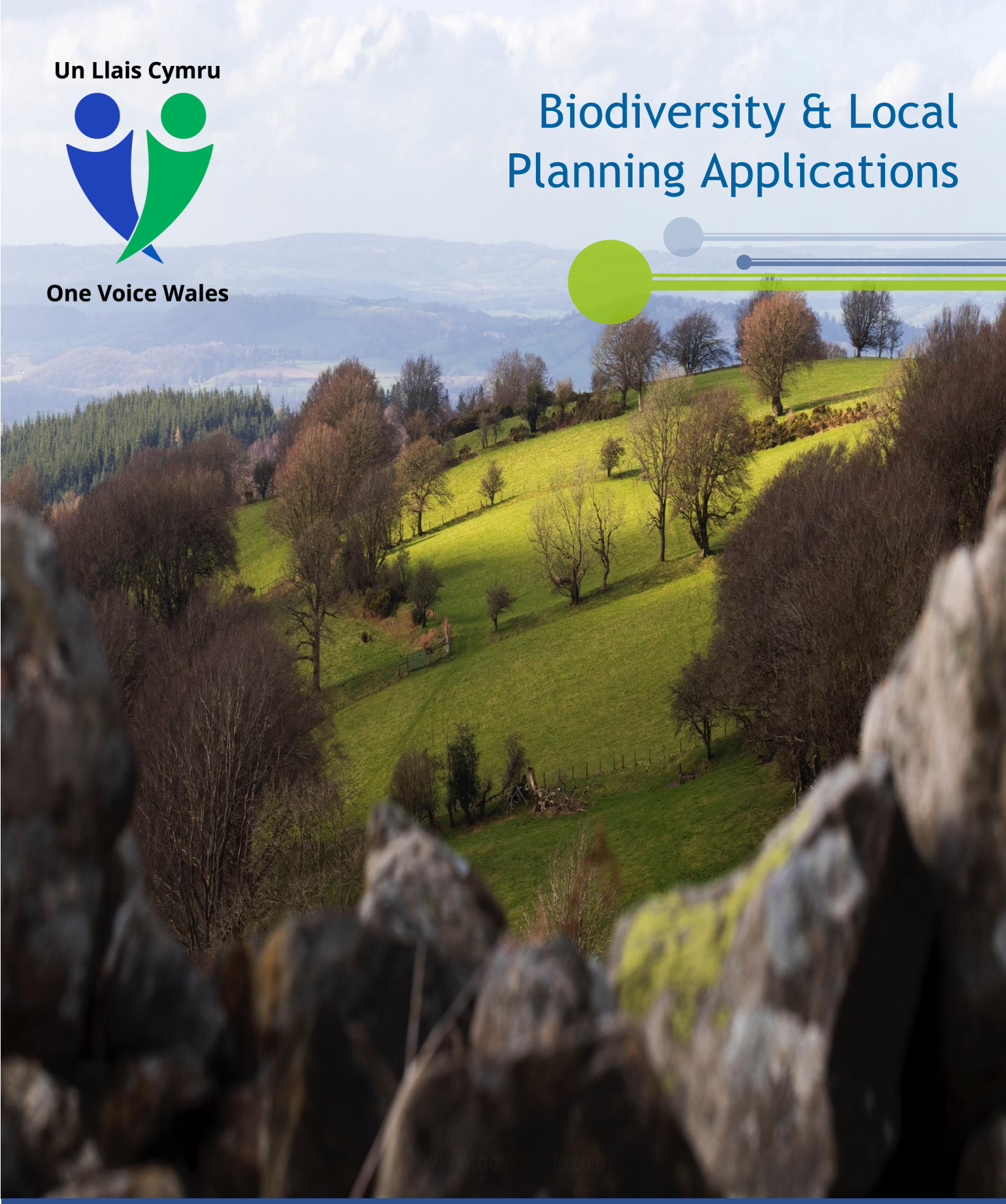
Un Llais Cymru

One Voice Wales

Biodiversity & Local Planning Applications



Guidance for Community & Town Councils 2024

As a public body in Wales, Community & Town Councils have a legal duty to maintain and enhance biodiversity whilst carrying out their activities. This is known as the section 6 duty included in the Environment (Wales) Act 2016. This requires Councils to complete a Biodiversity Action Plan outlining planned actions to maintain and enhance biodiversity. A published report on these actions is required every 3 years (Section 6 Report).

The report should detail how a Council has met the National Nature Recovery Action Plan objectives; detailed below. You can contact your Local Nature Partnership coordinator about your local NRAP.

Section 6 duty

"Public authorities must seek to maintain and enhance biodiversity in the exercise of their functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

To comply, public authorities should: embed the consideration of biodiversity and ecosystems into their early thinking and business planning, including any policies, plans, programmes and projects, as well as their day to day activities."

The current NRAP objectives:

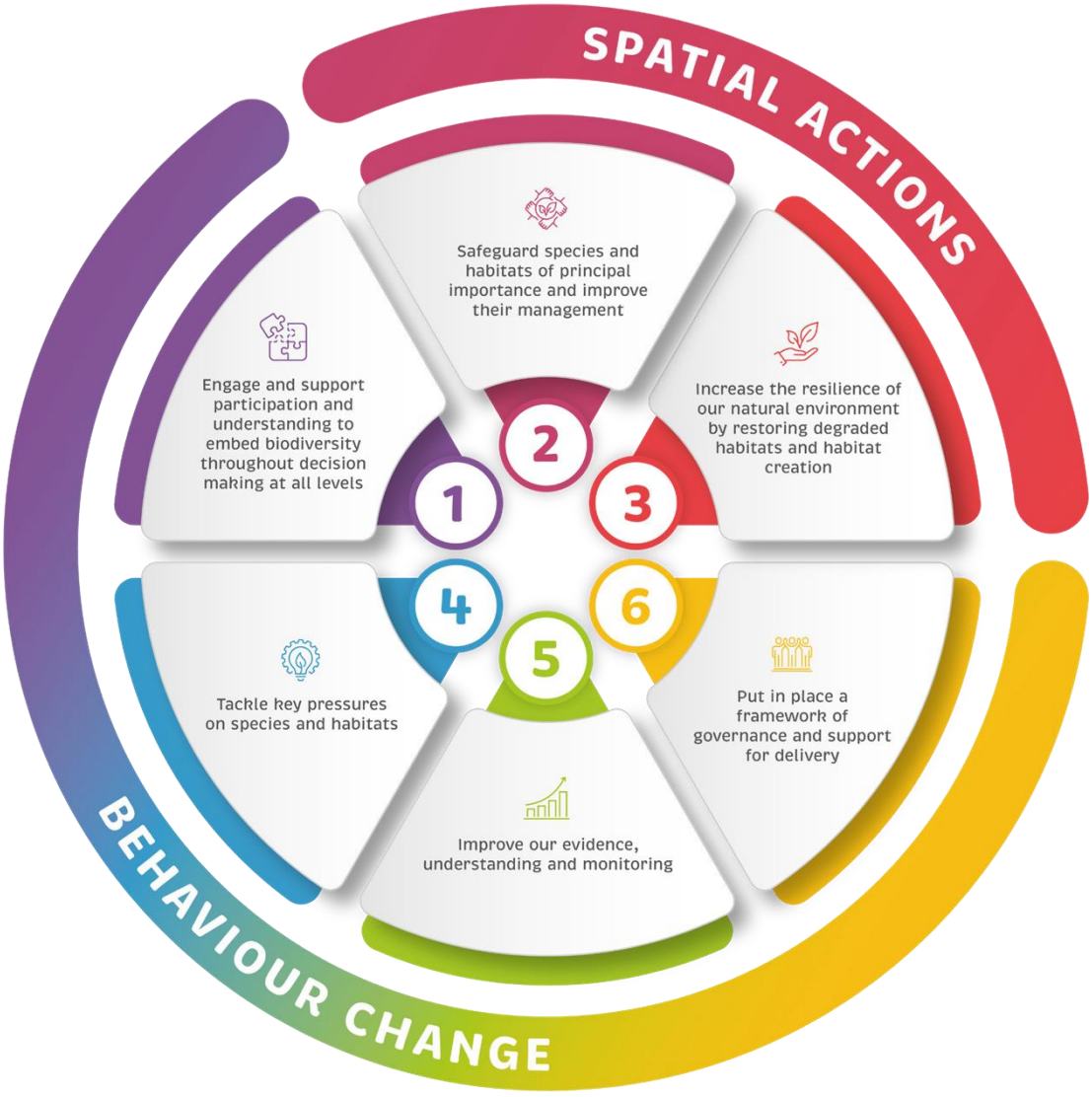


Image: Torfaen and Blaenau Gwent Local Nature Recovery Action Plan 2023-2030

Another key piece of legislation is the Wellbeing of Future Generations Act 2015. This sets out 7 Wellbeing goals, one of which is Resilient Communities that requires public bodies to 'maintain and enhance a biodiverse natural environment with healthy functioning ecosystems …. with the capacity to adapt to change (e.g. climate change)'. This requires public bodies to look after and protect wildlife in their area and minimise negative impacts as far as possible.

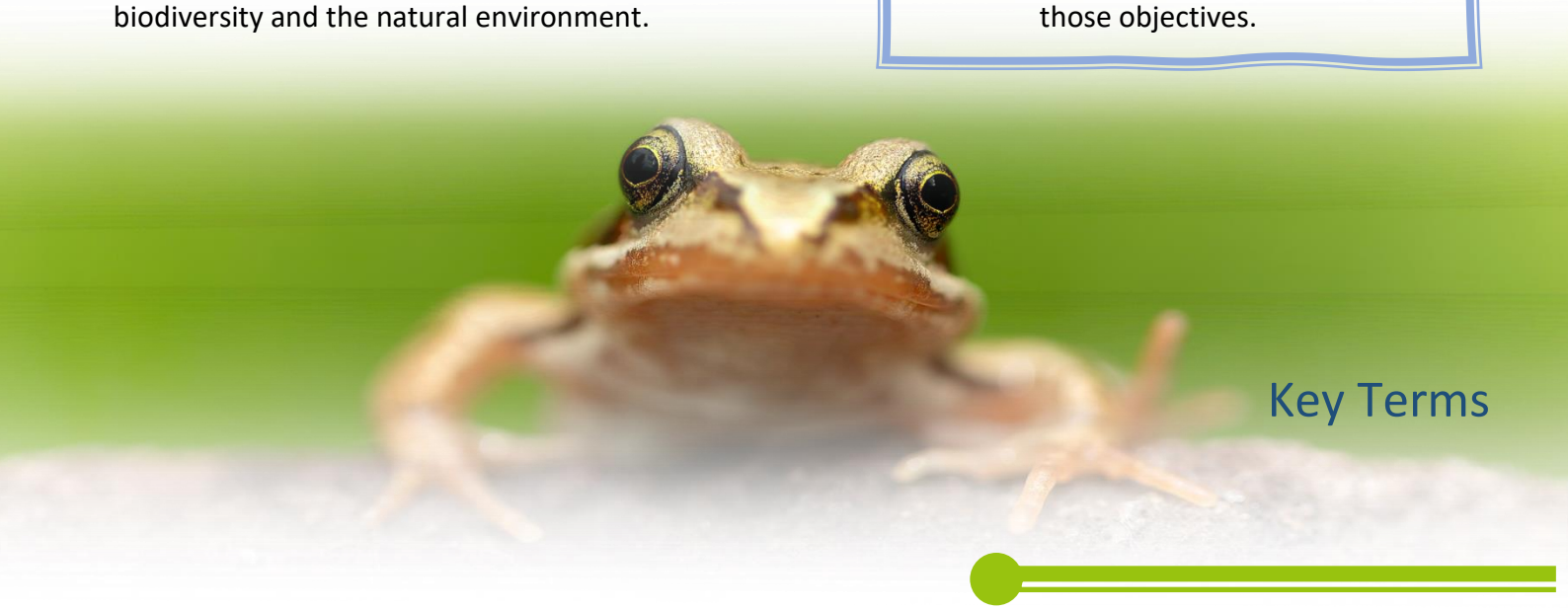
One way to contribute to these responsibilities is to respond to planning applications in your area in relation to the natural environment and biodiversity. We have produced this guidance to support you to minimise impact and maximise the benefits for local biodiversity and the natural environment.

3. Well-being duty on public bodies

(1) Each public body must carry out sustainable development.

(2) The action a public body takes in carrying out sustainable development must include—

a) setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and
b) taking all reasonable steps (in exercising its functions) to meet those objectives.



Key Terms

We've included an explanation of some of the key terms in the legislation to help you to understand your responsibilities to protect habitats and species in Section 6 of *The Environment (Wales) Act 2016*.

Biodiversity – means biological diversity and includes all life and living systems on earth.

Ecosystem – a natural environment that includes plants and animals that interact within it.

Ecosystem resilience / healthy functioning ecosystems – ability of an ecosystem to absorb change and return to a balanced state after disturbance. Ecosystems with higher species abundance (lots a species present) and diversity (lots of different species present) tend to be more resilient and better able to adapt to changes.

Sustainable development – making decisions that provides for the needs of current generations without reducing the ability of future generations to meet theirs. This includes ensuring that the natural environment is healthy and resilient.

Planning Applications

The purpose of the planning process is to decide whether a proposed development or a change of use of land should be allowed (or permitted) and to ensure that development is appropriate without damaging the local environment.

Planning applications usually fall within two categories – minor and major developments. Examples of each are:

Minor developments	Roof replacement
	Partial or full demolition of buildings
	Building extensions
	New builds
	Change of land use
	Removal of trees / hedgerows
	Advertisements
	Listed and conservation building consents
Major developments	Housing developments of 10+ homes
	Mineral extraction
	Waste development
	Development over 1000m^2
	Wind farms?
	Solar farms?

Major developments may be subject to the Environmental Impact Assessment (EIA) process under the Town and Country Planning (Environmental Impact Assessment) Wales 2017. Comments should be made in the context of the EIA and as part of the required community consultation.

The following diagram shows how Community and Town Councils fit into the EIA process:

Responding to Planning Applications

Step 1

Check the planning portal for relevant applications and take a look at any plans, forms, drawings and ecological surveys accompanying applications.

Step 2

Try to find out what development plan policies are being used to decide the application, e.g. Local Development Plan (outlining permitted use of land for designated areas, e.g. where housing is more likely to be permitted), Conservation Area statement, design guidance.

When considering impacts on biodiversity and the natural environment, will the planning application have an impact on a protected area, e.g. Site of Special Scientific Interest (SSSI), Local Nature Reserve (LNR) or Sinc of Interest for Nature Conservation (SINC)? You can find information on protected sites here:

Step 3

Prepare comments, making sure they are:

a. Relevant to the application, policies, etc
b. Brief
c. Structured – think about the main points you want to make and group similar points together, e.g. put all comments relating to impacts on breeding birds together or all impacts relating to water bodies together (next section).

The next section provides some guidance on the type of impacts that development can have on different species. We have incorporated the Stepwise approach used by planners to maintain and enhance biodiversity and build resilient ecological networks (see Planning Policy Wales 12) and integrated the DECCA framework used to assess the resilience of ecosystems.

Identifying and Assessing Impacts on Biodiversity & Ecological Resilience

Stepwise approach

Step A: Identify and Assess any effects on biodiversity

Step B: Avoid any adverse effects

Step C: Minimise to avoid any negative impacts

Step D: Mitigate / Restore unavoidable harm or loss

Step E: Compensate if other steps have been considered

Step F: Enhance and increase biodiversity and ecosystem resilience

Step G: Refuse Planning Permission

DECCA

DECCA describes the 5 key attributes of a healthy, resilient ecosystem. These are Diversity, Extent, Condition, Connectivity and Adaptability that can be used to frame responses to planning applications:

Attribute	Guidance	Considerations
Diversity	Development must not cause any significant loss of habitats or species; and must provide a net benefit for biodiversity	Does the proposal impact any Section 7 priority habitats or species?
Extent	Planning decisions should incorporate measures which seek to retain the extent of habitats and green networks, through protection, creation, restoration and appropriate management	Will it make a habitat smaller or fragmented?
Connectivity	Between and within ecosystems, maintain and develop functional habitat and species connectivity and ecological networks within and between ecosystems and across landscapes	Is it likely to reduce connectivity within the local landscape, e.g. removing hedges or scrub, creating a road through a woodland or other habitat? Does the development reduce connectivity between protected sites such as SSSIs or LNRs?
Condition	The condition of ecosystems including their structure and functioning, and planning decisions should not compromise the condition of ecosystems	Is it likely to cause pollution or affect soil structure or water quality or availability? Are there INNS present?
Adaptability	The ability of ecosystems to adapt to change; protect the extent, condition and connectivity of habitats, features and ecological networks	Overall, will the development reduce the ecosystem's ability to adapt to change?

Checks for Minor Developments

The tables below combine the Stepwise approach and DECCA attributes to help you think about the potential impacts of development on biodiversity and ecosystem resilience in your local area.

Step A: Identify and assess impacts	**Roof replacements**	**Laying new driveways**	**Building an extension**	**Conversion or demolition of buildings**	**Illumination / floodlighting**	**Proposals affecting ponds / waterbodies**
Diversity	Affects birds and bats	Small mammals e.g. hedgehogs Wildflower and insects, e.g. pollinators	Birds, bats, small mammals, wildflowers, insects, trees	Barn owls, bats, breeding birds, amphibians	Bats, badgers, barn owls, breeding birds, otters	Amphibians, fish, aquatic invertebrates, water voles, otters, bats, plants, reptiles
Extent	Reduces extent of nesting and roosting sites	Reduces extent of foraging habitat	Possibly reduces extent of foraging and nesting habitat	Reduces extent of nesting and roosting sites	Reduces extent of foraging habitat	Reduces extent of habitat / loss of habitat
Condition	Reduces it	Reduces the condition of the habitat	Potential to increase localised flooding and pollution from runoff	n/a	Light pollution disturbs nocturnal animals in particular	Potential pollution, interference and pollution from dogs if increasing access to waterbodies
Connectivity	Reduces connectivity within the landscape	Reduces connectivity within the landscape	Reduces connectivity within the landscape	Reduces connectivity in the landscape	Makes the landscape less accessible	Reduces connectivity in the landscape
Adaptability	Permanent loss of nesting site / Reduced offspring	Reduces the ability of species to adapt or respond	Reduces adaptability due to loss of habitat	Reduces adaptability due to loss of habitats	adaptability due to reduced foraging and roosting	Reduces adaptability due to pollution and interference

	Roof replacements	Laying new driveways	Building an extension	Conversion or demolition of buildings	Illumination / floodlighting	Proposals affecting ponds / waterbodies
Step B: Avoid	Avoid bat hibernation and bird breeding seasons	Avoid protected sites or potential reptile / amphibian habitat	Avoid bat hibernation and bird breeding season	Avoid bird breeding season	Avoid protected sites, waterways or near woodlands	Avoid sites with great crested newts and other protected species
Step C: Design	Designing overhanging eaves and incorporating holes and nesting spaces in roof design	Could the driveway be more permeable and let plants grow through?	Incorporate nesting boxes/ bricks / bee bricks into extension	Barn owl boxes provided before demolition	Consider wildlife friendly lighting on a timer to reduce impact	Depends on proposal; include SUDS
Step D: Mitigate	Use bird and bat boxes and bricks to replace sites	Create a new area for species within the garden; include soft landscaping	Replace the habitat within the garden	Use bat and bird boxes and bricks; replace habitat in garden	Improve nearby habitats for biodiversity	Improve nearby habitats; create new ponds / features
Step E: Compensate	Can nesting and roosting sites be created nearby?	Hedgehog Highways to enable travel through?	Install roosting and foraging habitat nearby	Create otter holts nearby; create habitat nearby	Can nesting and roosting sites be created nearby?	Create new features; translocate reptiles and amphibians;
Step F: Enhance and increase	Could more nest boxes be added? Is there scope to improve the nearby area, e.g. planting a tree or hedge?	Adopt a gardening for wildlife approach	Add bird and bat boxes to new / nearby buildings or habitat	Add bird and bat boxes to building or nearby	Additional features in the nearby area to benefit wider biodiversity	Create otter holts and hibernacula; enhance habitat with scrub, hedging or tree planting

Checks for Major Developments

The tables below combine the Stepwise approach and DECCA attributes to help you think about the potential impacts of development on biodiversity and ecosystem resilience in your local area.

Step A: Identify and assess impacts	**Housing development of 10 or more houses or over 0.5 hectares**	**Wind turbines**	**Solar arrays**	**Minerals development – mining, quarrying**
Diversity	Variety of species – birds, bats, badgers, hedgehogs, insects Damage to trees	Birds, particularly birds of prey Bats Trees felled	Loss of grassland habitat and species; loss of trees	Loss of habitat, species impact depends on habitat type. Likely to impact birds, bats, mammals, reptiles and amphibians
Extent	Permanent loss or reduction of habitat	Reduced foraging and roosting sites	Reduced habitat	Reduced foraging and roosting
Condition	Increased pollution and impact from hard surfacing	Potential reduced condition due to infrastructure, e.g. access roads	Potential reduced condition due to infrastructure, e.g. access roads	Noise and soil pollution; increased access for off-roading via access roads
Connectivity	Potential fragmentation across landscape. Reduce range and decreases genetic diversity.	Reduces connectivity in the landscape, e.g. impacts on migratory or foraging routes	Potential reduced connectivity due to loss of habitat	Potential reduced connectivity, fragmenting habitats through creation of access roads and other infrastructure
Adaptability	Reduced ability for species and habitats to adapt	Depending on habitat, reduced ability to adapt, e.g. peat bogs will be slower to adapt	Less able to adapt to change	Reduced ability to adapt in the short term

	Housing development of 10 or more houses or over 0.5 hectares	Wind turbines	Solar arrays	Minerals development – mining, quarrying
Step B: Avoid	Avoid protected sites and those close to woodlands or watercourses	Avoid migratory and foraging routes	Avoid protected sites	Avoid protected sites and ancient woodlands
Step C: Design	Include greenspaces, SUDs; think about connectivity	Blades can be amended to make them more visible	Design to reduce impact	Avoid protected sites and ancient woodlands
Step D: Mitigate	Create wildflower spaces, plants hedges, create ponds or other water features, add bird boxes, hedgehog highways	Where possible, manage adjacent land for biodiversity	Plant low growing wildflowers to benefit insects and birds	Minimise impact of infrastructure through design; create safe crossings for mammals
Step E: Compensate	Create meadows, scrub, hedges, etc close to development	Artificial bat roosts provided, though effectiveness is questionable	Manage nearby land as meadow	Create additional habitat nearby, if possible, e.g. expand woodland without impacting protected grasslands
Step F: Enhance and increase	Additional bird and bat boxes on homes, trees and hedges planted within development	Additional habitat for wildlife, e.g. otter holts near rivers, bird and bat boxes	Further wildflower planting; ponds / scrapes	Additional habitat, bird and bat boxes in adjacent areas

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