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Introduction

This is one of a series of local planning guidance notes amplifying local development plan policies and reflecting national legislation. This guidance note is intended to raise the quality and profile of nature conservation, protected species and biodiversity issues when submitting and considering planning applications.

This document will be treated as a material consideration in the determination of planning applications and relates to the following relevant policies of the adopted Wrexham Unitary Development Plan:



Biodiversity & Development



Policy PS2

Development must not materially detrimentally affect countryside, landscape/townscape character, open space, or the quality of the natural environment.

Policy PS11

Encouragement will be given to proposals which improve the biodiversity value of sites and to the establishment of local nature reserves where the nature conservation and landscape interest of the land will be protected and enhanced.

Policy EC4

Development proposals should provide for the conservation and management of hedgerows, trees, orchards, woodland, wildlife and other natural landscape and water features, and include new planting in order to enhance the character of the landscape and townscape. Development which results in the loss or significant damage to valuable trees, important hedgerows or ancient woodland sites will not be permitted.

Policy EC6

Development either within or close to sites of biodiversity interest will only be permitted where it can be clearly demonstrated that the need for the development outweighs the need to safeguard the intrinsic nature conservation value of the site. Where such development is permitted, damage should be kept to a minimum, and compensatory measures should be provided. Measures to improve the biodiversity value of sites and enhance their natural conservation interest and landscape quality including the establishment of local nature reserves, will be supported.

**The Importance of Biodiversity**

In 1992 the UK signalled a commitment to "conserve and sustainably use biological diversity for the benefit of present and future generations." Biodiversity is the variety and richness of all living things. It describes the number and variety of species of plants and animals within a habitat and also the diversity of habitats within an ecosystem. Biodiversity has economic importance, adds to our quality of life, contributes to local distinctiveness and also has an intrinsic value and worth. By conserving biological diversity now, we give future generations the option to value and benefit from it too.



Biodiversity in the County Borough

Wrexham County Borough possesses an extremely rich and varied array of habitats and species including an extremely dense occurrence of ponds which are of European importance supporting a diversity of important species such as the legally protected great crested newt. The open moorland of Ruabon and Esclusham Mountains are valuable habitats for many upland bird populations and are one of the most important areas for black grouse in Wales. Of particular value are the internationally important lowland meres and mosses sites, the most prominent of which is Fenns, Whixall, Bettisfield and Cadney Mosses National Nature Reserve, covering 948 Ha straddling the Shropshire and County Borough borders.



Many of the County Borough's rare species and habitats are protected by national and international designations. A summary of these and the legislation that protect them can be found in appendices 1 and 2. However, it is also vital that more common species and habitats are maintained and



that the contribution of farmland and urban spaces to support biodiversity are not overlooked. Wildlife corridors situated in built up areas or in areas used intensively for agriculture provide important continuous areas for the movement of plants and animals.

The Wrexham Local Biodiversity Action Plan provides the framework for local biodiversity action that will contribute to the delivery of national targets for key habitats and species, and the raising of awareness and understanding of the relevance of biodiversity. Further more detailed information about important habitats and species is contained in the booklet *The Biodiversity of Wrexham*, available from the Council website.



Planning Guidance

The planning system has a central role to play through resisting development proposals that may irreversibly damage important habitats or species, by enhancing biodiversity through incorporating mitigation and enhancements and by securing long-term favourable management of biodiversity rich sites.

Whilst protecting priority species is important, if biodiversity is to be genuinely enhanced, the conservation of all wildlife and habitats needs to be at the centre of development and planning decision making.



The following framework is based on the Royal Town Planning Institute's "Planning for Biodiversity Good Practice" which guides how development proposals are considered. Further information is contained within the Planning Policy Wales Technical Advice Note 5: Nature conservation and Planning.

1: Information

Establishing a good evidence base is essential when determining planning applications. This is achieved through the submission of an ecological assessment.

An ecological assessment will be required to accompany planning applications that:

Affect:

- Woodland, hedgerow and/or trees;
- areas of open green space (including scrub land);
- water courses and bodies (including ponds, ditches, rivers);
- any site or building with a known protected species, or with a likelihood of presence;
- any site of nature conservation importance such as County Wildlife Sites;
- industrial archaeology - lime kilns, chimneys etc.

Involve:

- the conversion of barns and buildings;
- demolition of buildings / structures (including walls) and removal of roofs;
- felling of trees (including woodland) hedgerows and other vegetation including the clearance of scrub land;
- refurbishment of unoccupied dwellings;
- infrastructure construction - roads, drainage schemes, electricity and telecommunications installations;
- habitat formation / enhancement.



This list is not intended to cover all eventualities and it is important that applicants check with the Council if they are not sure if a survey is required for the development proposal.

An ecological assessment is provided by ecological consultants who must clearly demonstrate the following 3 steps have been undertaken:

a) Site appraisal:

A desktop study assessing the site's potential to support habitats and species of importance and which must:

- contain a species search from Cofnod, the North Wales record centre;
- establish which habitats and species are potentially at/adjacent/near to the development site;
- give the proximity to any statutory protected sites;
- contain site photographs and plans.

b) Ecological survey:

- surveys must be undertaken at the correct time of year (see appendix 3);
- ecologists carrying out surveys must be suitably experienced and licensed;
- must identify the species, where possible number and exact location of species and/or habitats on a site;
- they should determine the presence of invasive non native species on site;
- any conversion of a barn or outbuilding and demolition of existing building or removal of mature trees will require surveys for bats and nesting birds;
- for sites with moderate to high bat potential at least three emergence surveys and/or dawn re-entry surveys per building must be carried out. At least one of these

should be carried out in good conditions between mid May and August;

- any proposal within 500m of a pond which is known or likely to support great crested newts will require survey otherwise presence will be assumed;
- where work is proposed adjacent to a water course/body surveys for otter and water vole must be carried out;
- any data derived from ecological surveys should be passed on to Cofnod;
- a protected species survey is normally only valid for 12 months after completion.



c) Assessment of the information:

- How significant is the site or population locally, regionally or nationally?
- Can adequate mitigation or compensation be achieved in the long term?
- If European Protected Species are found to be using the site, has it been demonstrated that the population can be maintained at favourable levels?
- Is a Conservation of Habitats and Species Regulations Appropriate Assessment likely to be required?

Appropriate Assessment

The Conservation of Habitats and Species Regulations (2010), require that an Appropriate Assessment is completed for any plan or project "which is likely to have a significant effect on" a Special Protection Area (SPA) or Special Area of Conservation (SAC), and which is not directly connected with the management of the site for the purposes of conserving its wildlife features. Under Welsh Assembly Government (WAG) policy, the same considerations also apply to Ramsar sites.



To determine whether a development proposal requires an Appropriate Assessment, the Council makes an initial assessment based on the distance from the European site and the type of proposed development. Applicants may be asked to supply detailed method statements and pre-application discussion with Countryside Council for Wales (CCW) and/or the Council's ecologist is strongly advised.

2: Avoidance of Harm

Development should be designed to conserve as much of the original habitat as possible and retain and protect wildlife corridors. It should seek to avoid damage to, or adverse effects upon, existing biodiversity (species and habitats) through appropriate site design and working methods.



Reasonable Avoidance Methods (RAMS) can be submitted or conditioned where protected species are known or suspected to be present on a site where the adverse impact of the development is not considered to be significant. They should describe in detail what methods will be employed on site to minimise the risk to species. For great crested newts this may involve covering trenches and holes overnight with morning amphibian inspections and storage of bulk materials such as bricks off the ground on pallets.



3: Mitigation, Compensation and New Benefits

Development should be as wildlife and habitat friendly as possible both during and following construction of the development and any adverse effects on biodiversity caused by a development should be mitigated. Where there would be no significant harm to species or habitat there may be potential opportunities to provide new benefits for wildlife, for example by habitat creation or enhancement.

A developer must demonstrate appropriate mitigation measures, to alleviate any adverse effects brought about by a development and reduce the impact on existing wildlife and habitats to an acceptable level including measures to avoid the incidental capture or killing of protected species.

Planning conditions and section 106 agreements may be used to secure agreed measures identified in the ecological assessment such as compensation or mitigation.

a) Mitigation

The mitigation strategy should include the following information:

- how the species or habitats will be affected;
 - timescales for work;
 - method statements for how harm will be minimised;
 - mitigation measures clearly shown on plans;
 - where European protected species are to be affected, a summary of alternatives to the scheme should be included, to demonstrate no practical alternatives exist;
 - details on long-term site security management and wardening;
 - post project monitoring.
- Mitigation measures could involve some of the following:
- timing the development of sites to avoid the breeding seasons or hibernation periods of species present;
 - creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats;
 - ensuring that new infrastructure, such as bridges, are built to enable movement of wildlife to continue;
 - steps to ensure that the hydrological status of sensitive sites is maintained and the inclusion of sustainable urban drainage schemes (SUDS) where appropriate;
 - translocation of species from destroyed habitat (to be used as a last resort);
 - measures undertaken to reduce risks of incidental capture or killing of protected species;



- a financial contribution to management of nearby existing wildlife sites, through a commuted sum, can be required where the development could lead to increased pressure in those sites (e.g. noise and disturbance through increased amenity use).

b) Compensation

Compensation which in most cases should be a last resort, involves creating new replacement habitats either on site or off-site. However, compensation for lost habitat will not make an unacceptable development acceptable.

It is the responsibility of a developer to identify an appropriate compensation site. The use of designated sites, public parks or nature reserves will not normally be acceptable. Compensation sites should be located within 5km of an application site. The Local Planning Authority must be assured that any compensation site can be delivered.

The developer is responsible for ensuring long term funding of site management, wardening and monitoring. Funding arrangements will need to be effectively considered and could include either commuted sums or annual index-linked management service charges.

c) New Benefits

Examples of how enhancements could be achieved on development sites include:

- planting native trees and shrubs of local provenance;
- connecting existing habitats with species rich hedgerows;
- creation of ponds and scrapes;
- provision of roosting opportunities for bats such as open soffit boxes or access to loft spaces;
- bird boxes or provision for barn owls;
- river or stream restoration including re-profiling and removing artificial banks;

- creating reptile and amphibian hibernacula;
- Sustainable Urban Drainage Systems;
- green or living roofs.

4: Monitoring, Management and Compliance

The Monitoring and Management Plan should identify how the areas set aside for nature conservation are to be managed in the long-term (minimum of 5 years). It will need to include management regimes and arrangements for monitoring the effectiveness of habitat creation, restoration or enhancement, populations of protected species and identifying who will be responsible for the long-term management and wardening of the site.

Often sites are transferred to the legal ownership or occupancy of the Local Authority or a voluntary conservation organisation for management purposes, as this will ensure that the proper long-term needs of the site are addressed. The management plan should also identify remedial measures to be undertaken if the initial management regimes are not successful.

Incorporating Biodiversity into Development

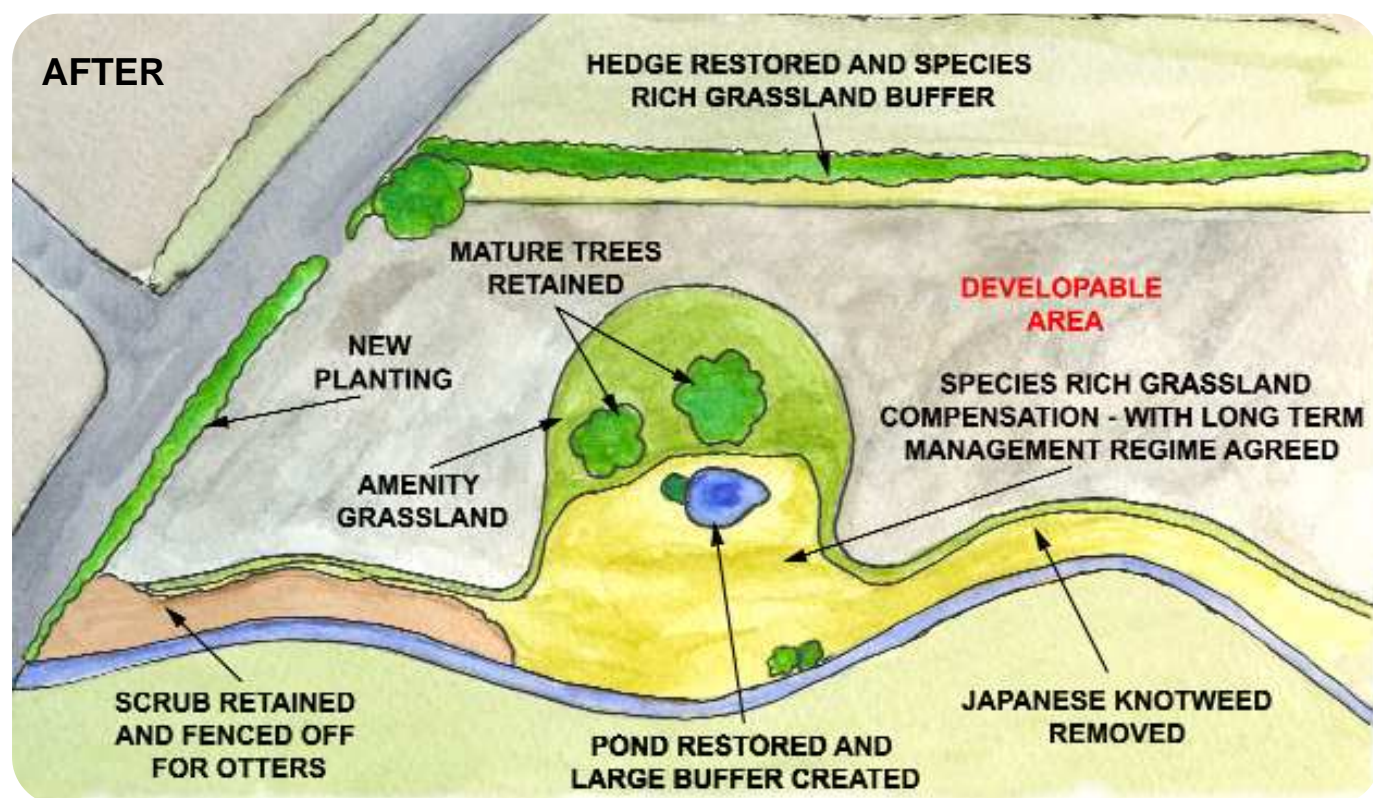
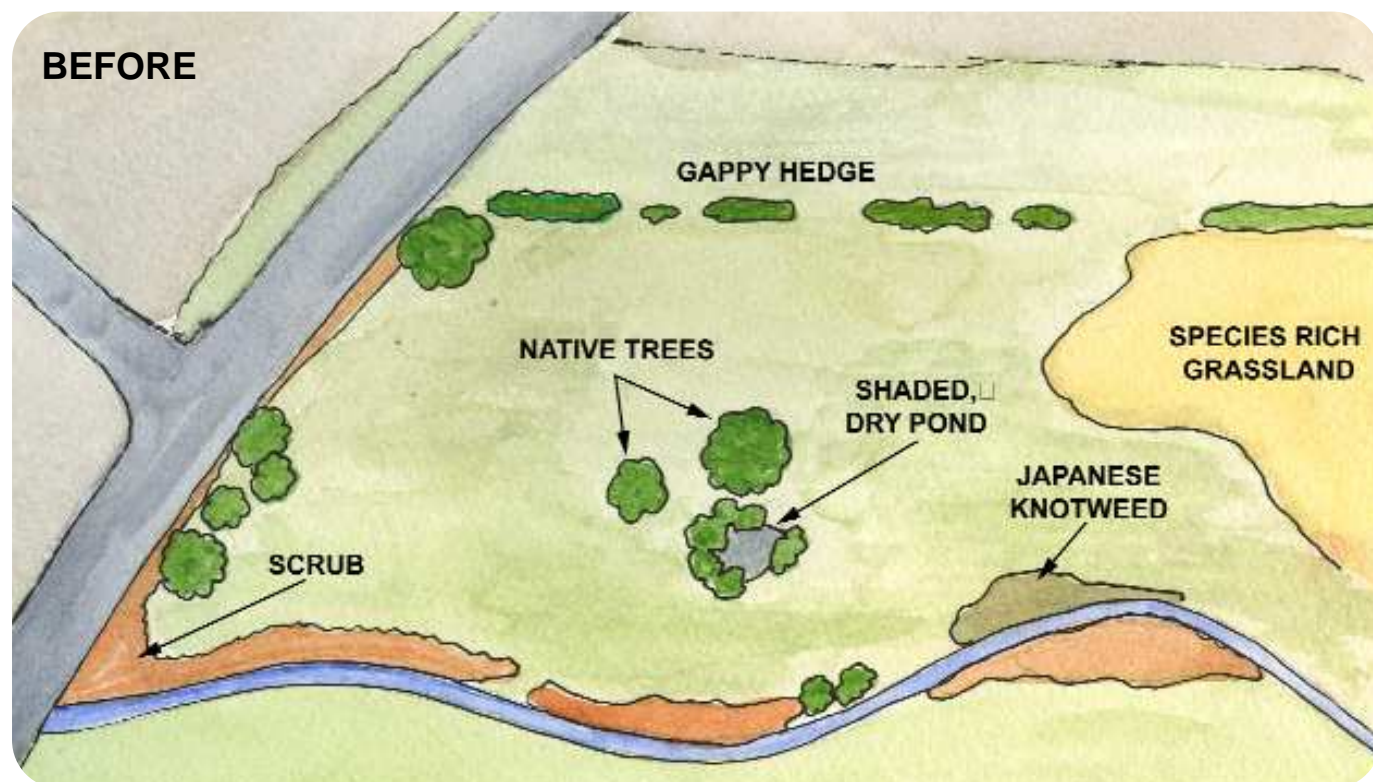
BEFORE



AFTER



Incorporating Biodiversity into Development



Appendix 1: Protected sites

Table 1 below summarises the types of protected site which are found in the County Borough and the legislation under which they are protected. The location of statutory protected sites can be found on the Countryside Council for Wales website.

Protection	Designation	Importance	Key legislation	Sites
Statutory protected	Special Area of Conservation (SAC)	International Importance	Conservation of Habitats and Species Regulations (2010) transpose the EU Habitats and Birds Directive into UK law.	<ul style="list-style-type: none"> ● Johnstown Newt Sites ● River Dee and Bala Lake ● Berwyn Mountain ● Fenns, Whixall, Bettisfield, Wem and Cadney Mosses
	Special Protection Area (SPA)	International Importance		
	Ramsar wetland sites	International Importance	Ramsar Convention (The Convention on Wetlands of International Importance, especially as Waterfowl Habitat)	Midland Meres and Mosses Sites which includes; <ul style="list-style-type: none"> ● Vicarage Moss, ● Llyn Bedydd, ● Hanmer Mere ● Fenns, Whixall, Bettisfield, Wem and Cadney Mosses.
	Site of Special Scientific Interest (SSSI)	National Importance	Wildlife & Countryside Act (1981)	<ul style="list-style-type: none"> ● River Dee, ● Old Pulford Brook Meadows, ● Vicarage Moss, ● Marford Quarry, ● Chwarel Singret, ● Llay Bog, ● Gatewen Marsh, ● Sontley Marsh, ● Cloybrook Pastures, Hanmer Mere, ● Llyn Bedydd, ● Shell Brook Pastures, ● Nant-y-belan and Prynella Woods, ● Pandy Quarries, ● Berwyn Mountains, ● Ruabon Mountain, Minera and Stryt Las A'r Hafod
	Local Nature Reserve (LNR)	Local importance	Section 21 of the National Parks and Access to the Countryside Act 1949)	<ul style="list-style-type: none"> ● Alyn Waters
Non -statutory	Wildlife Sites	Local Importance	Planning Policy Wales	There are over 400 of these sites in the County Borough. Contact either the Planning Department or Cofnod for details.
	Regionally Important Geological and Geomorphological Sites (RIGS)			

Appendix 2

In addition to sites that are protected, some species and habitats are afforded special protection under legislation and policy. Those which are known to occur in Wrexham County Borough are listed below in table 2. Where statutory protected species are known to be present on a site, a licence from the Welsh Assembly Government will be required before any work on site commences. The Countryside Council for Wales can assist with advice in relation to the need for a licence. This need applies to all development where protected species are known to be present on the site, regardless of whether planning permission is required;

	Protection		Importance	Key legislation
Habitats	Statutory protected	Hedgerows	National importance	Hedgerow Regulations (1997)
		Important trees	Local importance	Town and Country Planning Act (1990)
	Non statutory	Habitats of principle importance for conservation in Wales (s42) & Local biodiversity action plan habitat. Which includes: Traditional orchards, wood pasture, wet woodland, lowland mixed woodland, hedgerows, arable field margins, floodplain grazing marsh, lowland meadows, heathland, fens, rush pasture, raised bog, blanket bog, rivers, ponds, lakes and open mosaic habitats on previously developed land.	National Importance	Natural Environment and Rural Communities Act 2006 & Wrexham Biodiversity Action Plan
Species	Non statutory	Great crested newt	European Importance	Conservation of Habitats and Species Regulations (2010)
		Bats (all species)		
		Floating-leaved water plantain (Luronium natans)		
		Otters		
		Dormice		
		Water vole	European Importance	Conservation of Habitats and Species Regulations (2010)
		All reptiles (slow worms, adders, common lizards and grass snakes)		
		Barn owls		
		All nesting birds		
		Badgers	National importance	Protection of Badgers Act (1992)
	Non statutory	Species of principal importance for conservation (S42), there are over 1000. The full list is available on the Wales Biodiversity Partnership website.	National importance	Natural Environment and Rural Communities Act (2006)
		Local priority biodiversity action plan species	Local importance	Wrexham Biodiversity Action Plan

Surveys timetable

	J	F	M	A	M	J	J	A	S	O	N	D
Habitats / Vegetation	Phase 1 only									Phase 1 only		
Bat habitat suitability												
Bat emergence survey												
Bat hibernation site surveys												
Great Crested Newt												
Otters												
Water vole												
Breeding Birds												
Reptiles												
Badgers												

	Optimum survey time
	Limited survey possible
	No Survey

Contacts

For further information please contact:

- **Head of Community Wellbeing and Development**
Wrexham County Borough Council ,
16 Lord Street,
Wrexham. LL11 1LG.

Tel: 01978 292017

E-mail: planning@wrexham.gov.uk

Web: www.wrexham.gov.uk/planning

- **Countryside Council for Wales**
Maes y Ffynnon, Penrhosgarnedd,
Bangor Gwynedd. LL57 2DW.

Tel: 0845 1306229

Fax: 01248 355782

E-mail: enquiries@ccw.gov.uk

Web: www.ccw.gov.uk



- **Cofnod**
Intec, Ffordd y Parc, Parc Menai,
Bangor, Gwynedd. LL57 4FG.
Tel: 01248 672603
Web: www.cofnod.org.uk/Home.aspx

- **Wales Biodiversity Partnership**
Web: www.biodiversitywales.org.uk/

- **Welsh Assembly Government**
Web: www.cymru.gov.uk

For advice on applying for European Protected Species Licenses

Tel: 0300 062 2253

E-mail:

natureconservation@wales.gsi.gov.uk

Forms can be found at:

wales.gov.uk/topics/environmentcountryside/consmanagement/conservationbiodiversity/wildlifelicences/europrotectedspecies/?lang=en

Planning Policy Wales and Technical Advice Note 5:

cymru.gov.uk/topics/planning/policy/tans/?lang=en

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