



Torfaen Adopted Local Development Plan (to 2021) Supplementary Planning Guidance



Biodiversity, Ecosystem Resilience and Development

February 2024

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An Executive Summary of this document is available in Welsh and English versions
Mae Crynodeb Gweithredol o'r ddogfen hon ar gael yn Gymraeg ac yn Saesneg

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1. Introduction

- 1.1** This Supplementary Planning Guidance (SPG) details how Torfaen County Borough Council will ensure development within the county borough maintains and enhances biodiversity and resilient ecological networks. This is in line with the Council's declaration of both nature and climate emergencies and its enhanced biodiversity and resilience of ecosystems duties under Part 1, Section 6 of the Environment (Wales) Act 2016 (hereafter 'the S6 duty') and the Resilient Wales Goal of the Well Being of Future Generations (WCFG) Act 2015.
- 1.2** This SPG is a material consideration in the determination of planning applications submitted to the Local Planning Authority and planning appeals decided by Planning and Environment Decisions Wales (PEDW) or the Welsh Ministers.
- 1.3** The Environment (Wales) Act 2016 represents a strengthening of obligations around the natural environment that must be considered within the planning decision making process. The Act sets out the duty that *'public authorities must seek to maintain and enhance biodiversity in the exercise of its 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'*. All parties involved in this process must move away from the presumption that damage or loss to biodiversity can be addressed through the offer of mitigation and/or compensation. The 'stepwise' approach set out in national planning policy (Planning Policy Wales 12 (February 2024) and Technical Guidance Note 5) must therefore now be embedded within the process to support the delivery of sustainable development.
- 1.4** Planning Policy Wales Ed 12 (PPW12, February 2024)) recognises that delivering the S6 duty is a major component of planning decision making, with the potential to provide multi-functional benefits for both people and wildlife. PPW12 also recognises the importance of the ecosystem approach, as part of the wider objective of achieving sustainable development and delivering on the goals of the WCFG Act.

Status of the SPG

- 1.5** The Welsh Government advises that adopted SPG may be a material consideration provided it is consistent with the development plan. The weight afforded to the SPG when making a decision is increased if it has been prepared in consultation with the general public and interested parties, and if it has been the subject of a Council resolution.
- 1.6** A draft of this SPG was approved for public consultation by Council on 13th June 2023 and the following consultation exercise ran from 15th June 2023 until 27th July 2023. Comments received have been considered within a Report of Consultation and amendments incorporated within this final version which was adopted by Council decision on 27th February 2024. This SPG has been prepared in accordance with the policies contained within:
- Future Wales (February 2021)
 - the adopted Torfaen Local Development Plan (December 2013)
- and guidance set out in:
- Building Better Places (July 2020)
 - Planning Policy Wales 12th Edition (February 2024)
 - Technical Advice Note 5: Nature Conservation and Planning (2009)

SPG Structure

1.8 For consistency across planning authorities the structure of this SPG follows the model of best practice exemplified by Swansea Council’s Biodiversity and Development SPG, and is as follows:

1.9 Section 2: Provides an outline of the duties and requirements of applicants and the Council itself, having regard to the relevant legislative and policy framework. This section explains how Torfaen LDP policies will be implemented and outlines how compliance with these policies will assist in demonstrating how development proposals accord with the S6 Duty and other relevant legislation. It provides specific guidance in relation to designated sites, including international, national and local designations.

1.10 Section 3: Provides a step-by-step guide to how the Council will administer the development management process in order to ensure that biodiversity is maintained and enhanced in all planning decisions. This section introduces the stepwise approach as set out in national planning policy which aims to build the consideration of biodiversity and resilient ecological networks into the development management process at the earliest possible stage, in order to achieve the best sustainable outcome and to help minimise delays and additional costs. Section 3 is framed as guidance on how biodiversity and resilient ecological networks will be addressed on all scales of development from minor householder applications, through to large scale major developments. It provides best practice guidance on the timing, scale, nature and content of ecological surveys and assessments of habitats, sites and species.

It is supported by Ecological Survey Guidance / Checklists and details of Survey Seasons (**see Appendices**). Detailed information and guidance on the process of Environmental Impact Assessment (EIA), Habitats Regulations Assessment (HRA), Protected Species and Development Licences, Preliminary Ecological Assessment (PEA) is provided on the Council’s website.

1.11 Sections 4 & 5 explain in more detail the principles of the stepwise approach and set out how the Council will ensure that any adverse environmental effects are firstly avoided, then minimised, mitigated and as a last resort compensated for. Guidance is also provided on how the requirement in national guidance to secure enhancement “wherever possible” will be implemented through the planning system, paying attention to the extent to which enhancement is proportionate to each planning proposal. The section also provides guidance on how the relevant ecological survey information will support this process.

1.12 Section 6 provides a resource of additional information.

2. Purpose and Objectives

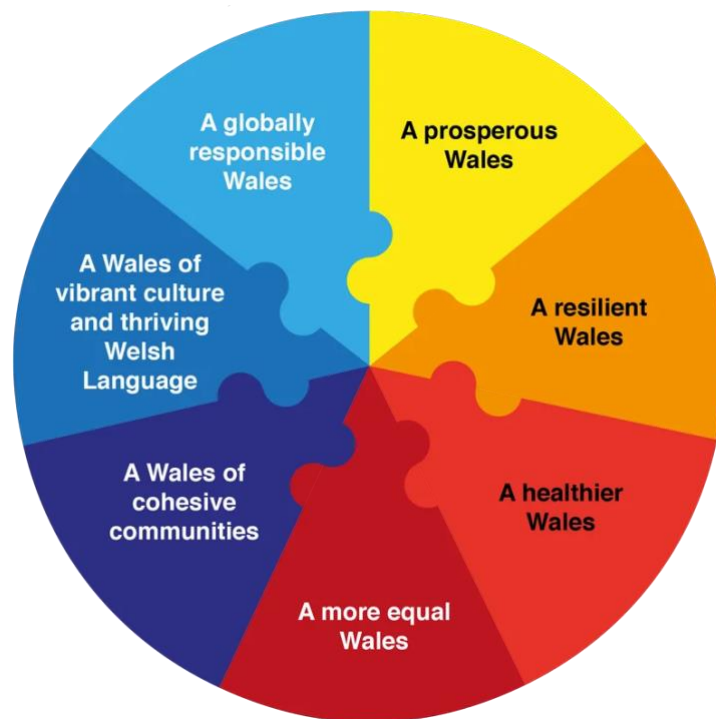
2.1 The aim of this SPG is to confirm how national guidance and legislation requirements will be considered at the local level, specifically by explaining how the policies of the Torfaen Local Development Plan (LDP) will be applied.

2.2 The SPG will ensure that all those involved in the development process have a clear understanding of its requirements and will direct applicants and their professional ecologists to other supportive guidance and codes of practice.

2.3 The guidance emphasises that consideration of biodiversity and resilient ecological networks should not be considered in isolation and should be recognised as a key component of providing and sustaining ‘Green Infrastructure’, which is fundamental to good placemaking. This is also in line with the need to address the climate and natures emergencies as declared by the Council.

2.4 The SPG will help applicants to understand how to assess the biodiversity and resilient ecological networks value of a potential development site. It sets out how to follow the stepwise approach to maintaining and enhancing biodiversity and resilient ecological networks at each stage of the development management process, to enable applicants to address the requirements of legislation and LDP policy. It provides a framework to enable applicants to demonstrate that all reasonable steps have been taken to avoid development resulting in adverse effects on the natural environment. Where avoidance is not possible, the SPG will guide the process of demonstrating that all opportunities have been explored to minimise, mitigate and/or compensate for any identified harm. This includes the requirement to demonstrate that there is no alternative location for the development. It also provides guidance on how to achieve biodiversity and resilient ecological networks enhancement.

Figure 1: Wellbeing of Future Generations Act 2015 Wellbeing Goals



2.5 The Well Being of Future Generations Act 2015 seven well being goals are intrinsically connected to the quality of our natural environment. Valuing, protecting and enhancing biodiversity and resilient ecological networks as part of our green infrastructure and built environment directly contributes to the resilience goal as well as being globally responsible. Indirectly, the health, equality, communities, culture and prospering goals are all benefited by a high quality natural environment as a key part of our daily lives.

Torfaen’s natural environment

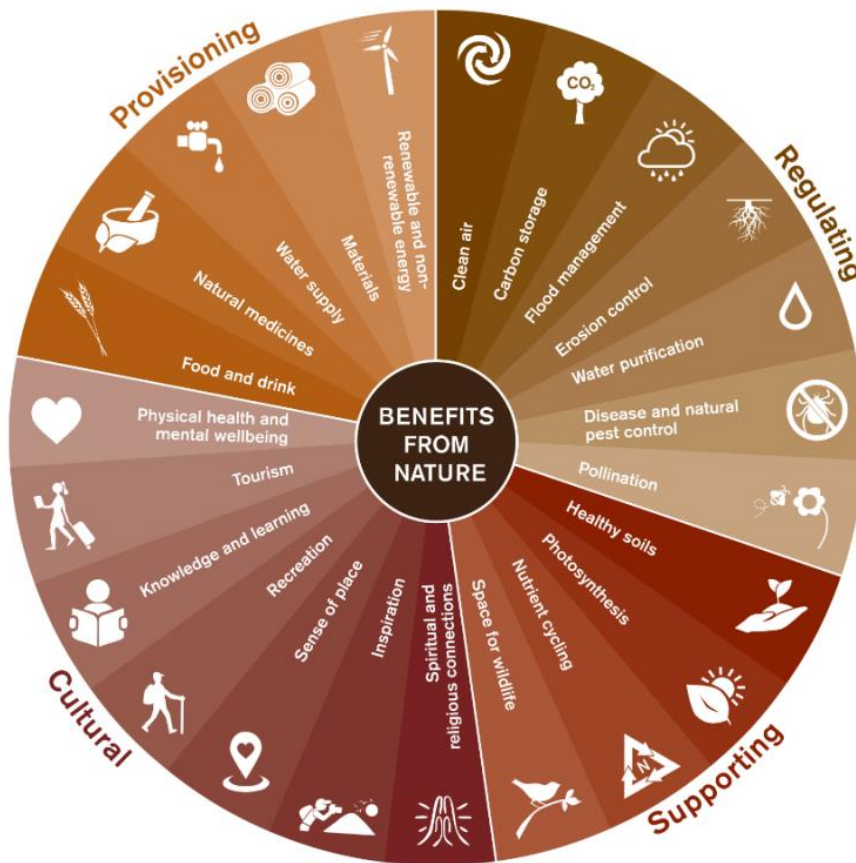
2.6 The natural environment of the County Borough of Torfaen is varied. Its landscape is influenced by its geology, former industrial activity and altitudinal changes giving rise to a range of upland and lowland habitat features. Special habitats include ancient woodland, wetlands, species rich grassland, heathland and urban trees.

- 2.7** This diversity is reflected in a number of statutory designations including four Sites of Special Scientific Interest (SSSI), seven Local Nature Reserves (LNRs) and numerous Sites of Importance for Nature Conservation (SINCs).
- 2.8** Designated sites by themselves cannot maintain biodiversity and resilient ecological networks but provide a basis for interlinking to provide an important landscape wide ecological network of semi-natural habitats. Natural Resources Wales has provided guidance regarding resilient ecological networks as follows: <https://naturalresources.wales/guidance-and-advice/environmental-topics/land-management/practitioners-guide-to-resilient-ecological-networks/?lang=en>

Definitions

- 2.9** Biodiversity underpins the structure and functioning of ecosystems and resilient ecological networks. The term biodiversity refers to the diversity of living organisms, whether at the genetic, species or ecosystem level. An ecosystem is made up of animals, plants, fungi and single celled organisms in conjunction with their non-living environment, air, water, minerals and soil, and all the diverse and complex interactions that take place between them.
- 2.10** Our economy, health and well-being are dependent on the extent to which ecosystems are able to provide us with our food, clean water and air, and the raw materials and energy for our industries, as well as helping to protect us against the impacts of climate change. These are referred to as ecosystem services (See Figure 2). Changes in the distribution and abundance of plants, fungi, animals, and microbes affect ecosystem functions and the capacity of those functions to deliver ecosystem services. Loss of species from ecosystems affect their ability to resist invasion by non-native species for example, that can affect production and nutrient cycling, and thereby the resilience, reliability and stability of ecosystems.
- 2.11** Ecosystems that are more biodiverse are generally more resilient and better able to adapt to pressures and changes, such as impacts from development and climate change. This is known as ecosystem resilience and is a key element of sustainable placemaking.

Figure 2: Ecosystem Services



2.12The Environment Act (Wales) 2016 established the principle of Sustainable Management of Natural Resources (SMNR) which is *“using natural resources in a way and at a rate that maintains and enhances the resilience of ecosystems and the benefits they provide. In doing so, meeting the needs of present generations of people without compromising the ability of future generations to meet their needs, and contributing to the achievement of the well-being goals in the Well-being of Future Generations Act.”*

2.13Key principles of the SMNR are:

- Manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action.
- Consider the appropriate spatial scale for action.
- Promote and engage in collaboration and cooperation.
- Take action to prevent significant damage to ecosystems.
- Take account of the long term consequences of action.

2.14To achieve this we must think differently about how the planning process can play its part in ensuring that biodiversity and ecosystem resilience is maintained and enhanced. In order to maintain biodiversity, net loss must be avoided, whereas enhancing biodiversity should be considered as delivering a net benefit from the baseline state (of the development site) when the biodiversity value has been maintained. Enhancement can include the improved management of ecological features or provision of new ecological features which results in a net benefit for biodiversity. This benefit is in

addition to any requirements to mitigate and/or compensate unavoidable negative impacts and/or loss.

2.15 The five attributes set out in Figure 3 provide a broad framework for maintaining and enhancing biodiversity and building resilience through the planning system. The 'DECCA' attributes are explained further in Natural Resources Wales (NRW) *Terrestrial and freshwater Resilient Ecological Networks: a guide for practitioners in Wales*.

Figure 3: The DECCA Framework

Diversity: maintaining and enhancing diversity at every scale, including genetic, structural, habitat and between habitat levels. This supports the complexity of ecosystem functions and interactions that deliver services and benefits.

Extent: incorporating measures which maintain and increase the area of semi-natural habitat/features and linkages between habitats. In general, small ecosystems have reduced capacity to adapt, recover or resist disturbance.

Condition: The condition of an ecosystem is affected by multiple and complex pressures acting both as short term and longer-term types of disturbance. Both direct and wider impacts should be considered, for example avoiding or mitigating pressures such as climate change, pollution, invasive species, land management neglect, etc.

Connectivity: This refers to the links between and within habitats, which may take the form of physical corridors, stepping stones in the landscape, or patches of the same or related vegetation types that together create a network that enables the flow or movement of genes, species and natural resources. Developments should take opportunities to develop functional habitat and ecological networks within and between ecosystems, building on existing connectivity.

Aspects of ecosystem resilience (adaptability, recovery and resistance): ecosystem resilience is a product of the above four attributes. Adaptability, recovery and resistance to/from a disturbance are defining features of ecosystem resilience.

Taken from Welsh Government's Approach to Net Benefits for Biodiversity and the DECCA Framework in the Terrestrial Planning System (CIEEM 2022)

2.16 Taking this overarching and integrated ecosystem approach helps demonstrate compliance with LDP policies and national legislation, including a wide range of related issues such as air and water pollution, climate change, drainage and trees.

2.17 Biodiversity, ecosystem resilience and Green Infrastructure (GI) are interconnected through a network of semi-natural features, green spaces and green corridors. This SPG supports the delivery of green infrastructure as being a core component of sustainable placemaking. Good quality GI enables the greatest multi-functionality and enhanced ecological connectivity and ecosystem resilience. It is important therefore that development decisions take into account the needs of biodiversity alongside the needs of other GI benefits and ecosystem services such as open space provision and surface water management.

2.18 Figure 4 sets out the core ecological features which should be maintained and enhanced in order to contribute to the resilience of local biodiversity and green infrastructure in Torfaen. Future Wales Policy advocates that while protected sites (i.e. designated sites) are critically important to long term resilience of ecosystems, they should not be seen as islands within the landscape but instead form the nodes of large-scale resilient and functional ecological networks and green infrastructure. Other non-designated (protected) habitats and species also fall under the remit of the SPG and it should be noted that a surrounding network of healthy supporting habitats and high-quality GI is essential to comply with legislation and policy.

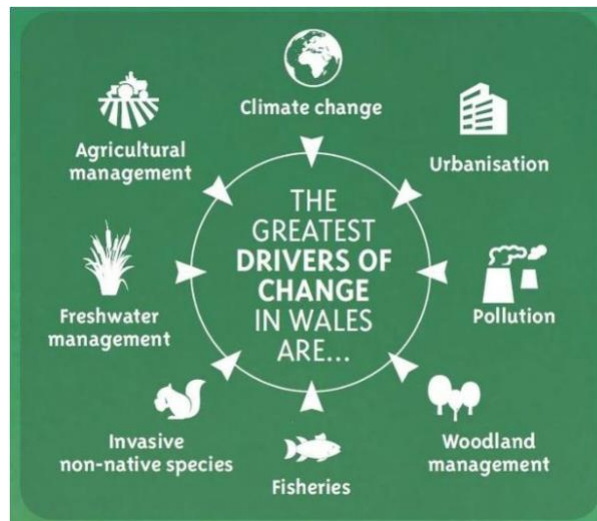
Figure 4: Key Designations and Ecological Features in Torfaen

- **European Protected Habitats and Species**
- **Sites of Special Scientific Interest (SSSIs)**
- **Section 7 Environment Wales Act (2016) - priority habitats and species**
- **Local Nature Reserves (LNRs)**
- **Sites of Importance for Nature Conservation (SINCs)**
- **Local Biodiversity Action Plan (LBAP)/Nature Recovery Action Plan (NRAP) - habitats and species**
- **Green Infrastructure features such as linear corridors and stepping-stone habitats / green space, semi natural grassland, ancient woodland, urban trees and parkland, upland habitats,**

2.19

At the national level, the State of Natural Resources Report Wales (SoNaRR) details the greatest drivers of change in Wales, as illustrated in Figure 5. Invasive Non-Native Species (INNS) are identified as one of these drivers, and as such their management on potential development sites is an important way to maintain and enhance resilient ecological networks. INNS are a major threat to biodiversity at both national and local scales.

Figure 5: Drivers for ecological change (taken from SoNaRR Wales)



3. Legislation and Policy Context

3.1 Local policy and guidance relating to biodiversity and resilient ecological networks is transposed from International and national policy, guidance and legal requirements. International biodiversity policies

provide the context for Wales' national biodiversity policies, which in turn are reflected in Torfaen's own local strategies and adopted policies.

- 3.2** Non-compliance of legislation can introduce delays through unproductive workloads, additional costs and in some cases prosecution. By following this SPG and the advice of ecology professionals, applicants can be more confident that proposals will be in accordance with legislation and policy requirements. In doing so this will help reduce delays to the planning decision making process and reduce the likelihood of on-site delays and additional costs.
- 3.3** Applicants should be aware that legislation is independent of the planning system and that all those working on the behalf of applicants remain individually responsible for compliance - both within and outside of the planning system and once planning permission has been granted.
- 3.4** This guidance does not seek to repeat all the national legislation and policy that applies to the consideration of biodiversity and resilient ecological networks in relation to development. PPW12 and other widely available guidance and best practice sets out obligations and requirements in relation to the sustainable management of the natural environment. Sources of further information including links to national guidance are included in Section 6.
- 3.5** To comply with the relevant legislation and policy, proposed development schemes must demonstrate the following:
- Protect and promote the long-term conservation of protected habitats, species and designated sites.
 - Comply with the S6 public bodies duty under the Environment (Wales) Act 2016 to seek to maintain and enhance biodiversity and resilient ecological networks.
 - Apply the ecosystem approach in terms of design and layout.
 - Take account of all relevant information relating to the sustainable management of natural resources, including having regard to the SMNR Framework (SoNaRR, Natural Resource Policy, Nature Recovery Action Plan for Wales, Area Statements).
 - Ensure measures are in place to address the presence of invasive non-native species (INNS) on a potential development site.
 - Consider how the proposed development contributes to the goal set out in the Well Being of Future Generations Act.
- 3.6** The planning authority will have specific regard to how the planning proposal complies with the requirements of PPW12, and the need to follow the stepwise approach.
- 3.7** By following a stepwise approach, development can contribute to the maintenance and enhancement of biodiversity, green infrastructure and resilient ecological networks through:
- Putting in place a framework which seeks to enhance, avoid, mitigate and/or compensate negative effects and secure enhancement to deliver a net benefit for biodiversity and ecosystem resilience
 - Contribution to ecosystem resilience by safeguarding and enhancing the diversity, extent, condition and connectivity of our natural habitats (DECCA).
- 3.8** PPW12 details that all reasonable steps must be taken to maintain and enhance biodiversity and promote resilient ecological networks. It also emphasises that planning permission should be refused where adverse effects on the environment cannot be avoided or mitigated, or where there are no proposals for net benefits for biodiversity .

3.9 In addition the following legislation has links to the requirement for planning proposals to ensure biodiversity is maintained and enhanced.

3.10 The Well-being and Future Generations Act, 2015 connects to the seven well being goals, providing an obvious link to the resilient Wales and globally responsible Wales wellbeing goals. There are also well-established links to the benefits of the natural environment on physical and mental health. Maintaining and enhancing biodiversity in development is an important way to demonstrate how a development has considered and addressed the “healthier Wales” well-being goal as well as contributing to the additional four goals.

3.11 The importance of Sustainable Drainage Systems (SuDS) in providing opportunities to achieve biodiversity net benefit and resilient ecological networks is embedded in the Flood and Water Management Act and supporting SUDS Wales Standards.



Key ecological feature: Peatland habitat in upland Torfaen.

3.12 The adopted Torfaen LDP provides the statutory local policy framework against which all planning applications are to be determined. The LDP provides a detailed, evidence-based framework for making effective and consistent planning decisions. The policies have been formulated to recognise that biodiversity is a key part of achieving sustainable development through placemaking. LDP policies aim to reconcile the benefits of development with the need to maintain and enhance biodiversity and resilient ecological networks.

3.13 The key LDP policies supported by this SPG are:

Strategic Policies

- S2 Sustainable Development

- S3 Climate Change
- S4 Placemaking/Good Design
- S7 Conservation of the Natural and Historic Environment
- S8 Planning Obligations

Borough Wide Policies

- BW1 General Policy - Development Proposals

Topic Based Policies

- C1 Green Wedges
- C2 Special Landscape Areas (SLAs)
- BG1 Locally Designated Sites for Biodiversity and Geodiversity

3.14 The policies set out above can be read in full at <https://www.torfaen.gov.uk/en/Related-Documents/Forward-Planning/Adopted-Torfaen-LDP-Written-Statement.pdf>

3.15 Reference to this SPG will enable a more informed consideration of sites, and help applicants identify early on the extent to which the above policies apply to their proposals. It will also assist in identifying opportunities to maintain and enhance ecological networks and features of importance for biodiversity including on non-statutory, locally designated sites.

3.16 Locally designated sites of importance for biodiversity are a key component of Torfaen’s biodiversity. PPW12 recognises that such sites can make a vital contribution to delivering a resilient ecological network for protected species and habitats between designated sites and can help to ensure the resilience of ecosystems. It is important to recognise that a non-statutory designation will support protected and /or priority habitats and species which need to be given appropriate protection in accordance with S7 of the Environment (Wales) Act 2016.

3.17 Within Torfaen there are three types of locally designated sites. These are: Sites of Importance for Nature Conservation (SINCs) / Local Nature Reserves (LNRs) and Regionally Important Geological Sites (RIGS).

3.18 SINCs are designated because of their significant nature conservation value. Planning Policy Wales Technical Advice Note 5: Nature Conservation and Planning, requires the selection of such sites to be based upon rigorous criteria, but recognises that some local amendments may be necessary to reflect the local biodiversity resource. The criteria used for SINC designation in Torfaen is the Guidelines for the Selection of Wildlife Sites in South Wales.

3.19 All sites identified as SINCs in Torfaen are included in the adopted LDP. However, the quality of SINCs and therefore their boundaries can change over time. So, it is important up to date ecological survey is undertaken to support a planning proposal.

3.20 Because the condition of the natural environment can change over time there may be other sites that meet SINC criteria but have not been formally designated which can support priority habitats and/or species, which will need to be given appropriate protection, having regard to the provisions of S7 of the Environment Act and the local Nature Recovery Action Plan. Additionally, or alternatively, these sites may address gaps in connectivity, which PPW12 advises should be taken into account. Conversely, the Council will consider whether evidence submitted as part of an application demonstrates a site no longer meets SINC criteria.

- 3.21** There are 7 LNRs in Torfaen all of which are situated within, or on the margins of urban areas. These were established following consultation with Natural Resources Wales (NRW) under the National Parks and Access to the Countryside Act 1949. For a site to become an LNR it must have natural features of special interest to the local area and be accessible to local people. The local authority must either have a legal interest in the land or have an agreement with the owner to manage the land as a reserve. The Council considers LNR designations useful not only as part of its responsibilities to protect habitats and wildlife but also to increase people's awareness of their environment and identify places where children can learn about nature.
- 3.22** LDP policies also refer to the requirements for applicants to undertake appropriate ecological surveys, in order to inform and support development proposals. This SPG provides guidance on the nature, content and timing of such surveys to assist in the process of assessing the impact of development. Where avoidance of harm is not possible, this SPG provides guidance on the information required to inform the early design of the proposal, the opportunities for creating connections to the wider GI/ecological network, and the need for any conditions or planning obligations necessary to secure biodiversity mitigation, compensation and enhancement. Where mitigation or compensation is required, the SPG provides further guidance on the steps that the Council will take throughout the planning application process to determine appropriate measures, in order to meet the requirement to secure a net benefit for biodiversity.
- 3.23** LDP Policy is supported by other SPG that also must be considered within the planning decision making process. Several have direct relevance to biodiversity and ecosystem resilience including the following:
- Green Infrastructure SPG including Technical Annexe on Trees and Woodland
 - Site Design, Masterplanning and Development Brief SPG (adopted February 2023)
- 3.24** The Green Infrastructure SPG sets out the Torfaen County Borough Council's approach to the consideration of green infrastructure in relation to new developments. It provides further guidance to support the interpretation and implementation of Strategic Policies S3: Climate Change and S7: Conservation of the Natural and Historic Environment set out in Torfaen Local Development Plan to 2021. It consists of an overarching Green Infrastructure SPG supplemented by topic based Technical Annexes including relating to Trees and Woodlands.
- 3.25** The Trees and Woodlands Technical Annexe provides specific advice on the role of trees, hedgerows and woodlands in enhancing biodiversity, both in their own right and as part of the wider green infrastructure network, and their role in contributing to resilient ecological networks. It is supported, and complemented, by the Council's Tree Strategy and Action Plan 2021-2031 which is a material consideration for decision making in relation to proposals affecting trees on land owned by the Council.
- 3.26** A Green Infrastructure Strategy and Green Infrastructure (GI) SPG will also bring together a series of issues relating to specific GI benefits and ecosystem services and enables their consideration by the LPA in a comprehensive and coordinated way.

Other Local Strategies and Plans

- 3.27** When considering development proposals, the Council will also have regard to a range of local Strategies and Plans and will consider how proposals deliver on the requirement for maintaining and enhancing biodiversity.

3.28 The Torfaen Public Service Board’s (PSB) Gwent Well Being Plan: The partners of the Torfaen PSB have a set of 7 objectives. Two have clear relevance to biodiversity and resilient ecological networks. These are:

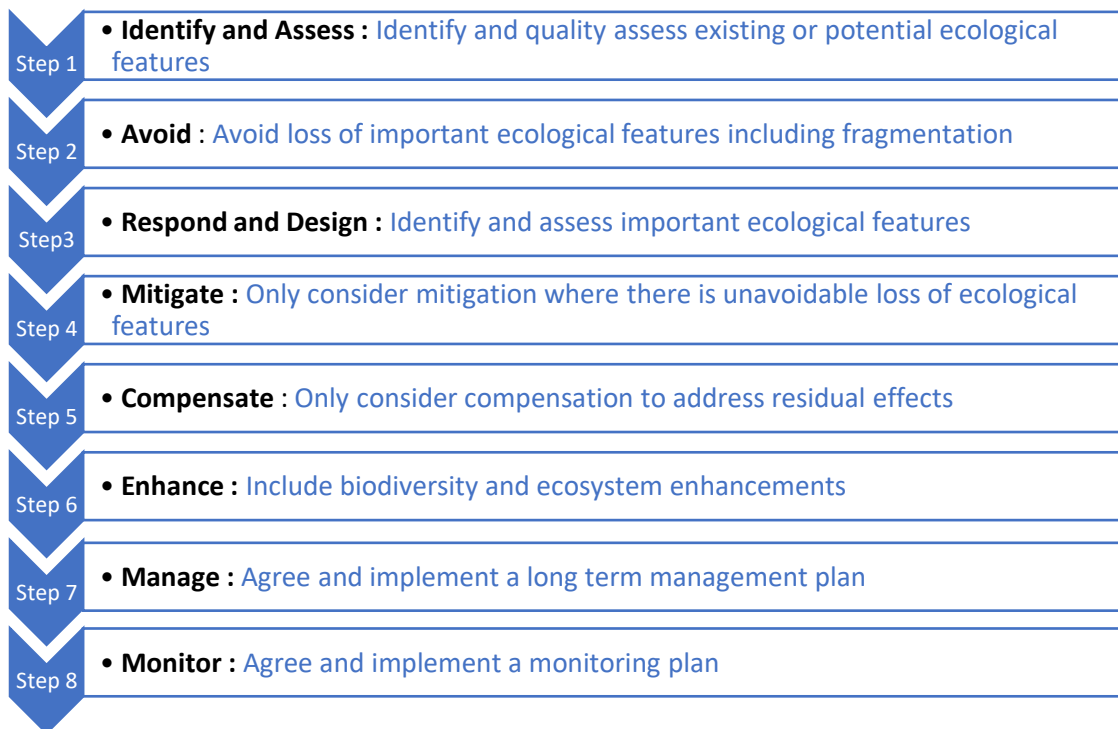
1. Develop a functional connected network of natural areas that support the current and future well-being needs of local populations; and
2. Develop mitigation and adaptation responses to the impacts of climate change.

3.29 The Council has a set of 9 Corporate Well-being objectives through Future Torfaen: A County Plan for all People 2022-2027, one of which is, ‘we will respond to the climate and nature emergencies, recycle more and make improvements to the local environment’. In addition, there are the Torfaen Biodiversity and Ecosystem Resilience Plan and the emerging Nature Recovery Action Plan (NRAP) and plans that reflect SMNR policy framework at a local level.

4. The Biodiversity and Ecosystem Resilience Stepwise Approach

- 4.1** Through PPW12 the stepwise approach is embedded in the planning decision making process. This approach helps to ensure any negative environmental effects of development are first avoided, then minimised, mitigated and, as a last resort, compensated. The same National Guidance states that enhancement of biodiversity must be secured.
- 4.2** Figure 6 provides a simple guide to the stepwise approach. It identifies the key steps outlined in PPW12 and explains how the Council will consider biodiversity throughout the lifespan of a planning application. The figure also provides a guide to how, and when, applicants should consider biodiversity.

Figure 6: The Stepwise Approach



Step 1 - Identify and Assess

- 4.3** The first consideration of the stepwise process is the early and accurate identification of biodiversity constraints including designated sites, and/or protected habitats and species that are present on a site and/or wider area. This is essential to understanding the significance of biodiversity issues and to determine the potential impacts and opportunities of a development proposal. It is also important to establish the site's location in relation to existing and potential ecological connectivity corridors.
- 4.4** Ecological survey data, together with information provided relating to resilient ecological networks on and around a site, will be important in informing the extent and nature of mitigation, compensation and enhancements that will be sought in each application. The attributes of ecosystem resilience (DECCA) should be used to provide baseline data about the current resilience of a site. The South East Wales Biodiversity Records Centre (SEWBReC) can provide valuable data to inform a baseline site analysis. The Council supports the best practice approach of sharing of ecological survey data with the SEWBReC to secure the continuous improvement of baseline data as promoted in the Environment Act. Further detail of how the Council will work with Applicants to achieve this is set out in Section 5. Additional sources of information comprise the habitat maps on Data Map Wales (<https://datamap.gov.wales/>), Habitat Network Maps – available on the WG Lle data portal, and Current Relative Ecosystem Resilience (CuRVE) maps.
- 4.5** Where surveys and assessments do not identify a requirement for compensation / mitigation, the Council still has a duty to maintain and enhance the biodiversity and resilient ecological networks of the site. The Council will therefore seek to secure biodiversity enhancements which deliver a net benefit for biodiversity in all developments where possible, having regard to the scale and nature of the development and the biodiversity and resilient ecological networks value of the site.
- 4.6** In circumstances where the necessary biodiversity enhancement cannot be achieved as part of a planning application, it may be necessary to refuse permission. The Welsh Government emphasise that *“where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless significant material considerations indicate otherwise it will be necessary to refuse permission”*. This re-enforces the importance of being able to demonstrate how biodiversity and resilient ecological networks considerations have been considered and that a scheme is based upon a full ecological understanding of the site.
- 4.7** In complying with the S6 duty to seek to protect and enhance biodiversity, appropriate regard will be given to the protection and enhancement of SINCs in the determination of planning applications. Where a planning application site contains a designated SINC, applicants will be:
- encouraged to consult the Council's planning ecologist to establish the features and values for which the site was designated; and
 - required to make an assessment, undertaken by a competent Chartered Institute for Ecology and Environmental Management (CIEEM) registered ecologist, of the biodiversity impacts of the proposal on their site against the features and values of the SINC.
- 4.8** **PPW12 paragraph 6.4.16 states** *“Potential applicants are advised to not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point. Habitat status can be established through evidence remaining on site and local desk-based assessments*

(planning authorities must ensure that they have access to these data sources). In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary.”

- 4.9** Appendices 1 & 2 provide checklists to support the process of identification and survey of sites, species, habitats and connectivity networks.

Step 2 - Avoid

- 4.10** The main biodiversity objective in the early stages of the development design process is the retention and maintenance of ecological features. For example, if a planning application site includes a pond, wildflower meadow, woodland, hedgerow or veteran tree, every effort should be made to incorporate these features into the layout. Priority should be given to the retention and/or integration of habitats and features which are most difficult or impossible to recreate, such as ancient woodlands, which are irreplaceable and cannot be compensated for.
- 4.11** Where negative impacts have been identified, the Preliminary Ecological Appraisal (PEA) will be a key supporting document to demonstrate how the applicant has worked through the stepwise approach.
- 4.12** If there is a residual biodiversity impact, the PEA should clearly explain why the impact cannot be avoided, the process of considering alternative sites and reasons why alternative sites cannot be found. The PEA should also provide full justification for, and details of, proposed biodiversity offsetting / compensation and enhancement measures and must have regard to how the proposed mitigation and compensation measures will deliver the 5 principles of resilient ecological networks (See DECCA framework Figure 3).
- 4.13** All sites have opportunities for ecological enhancements which should be integrated into the design of the development. The Council will explore with the developer opportunities to achieve ecological enhancements within the design and layout of a site (see Step 3), or a contribution to off-site enhancements, which address evidenced opportunities to improve the diversity, connectivity, scale, condition or adaptability of local ecosystems (see Step 5 and DECCA Figure 3).
- 4.14** Applicants are advised to refer to the Torfaen Green Infrastructure Assessment which identifies locations where fragmentation of existing connectivity should be avoided and where ecological connectivity has the potential to be enhanced.

Step 3 - Respond and Design

- 4.15** A detailed understanding of the biodiversity and GI qualities of a site at an early stage will highlight opportunities to maximise the retention, enhancement or further creation of natural assets on a site in line with the DECCA attributes. Examples of new biodiversity features that could be provided through site design are, landscaping, habitat creation / enhancement, SuDS, and green infrastructure, living roofs and facades. This evidence led approach enables development to be designed with biodiversity benefits as an integral part. This will embed such matters into the placemaking approach that is supported by the Council and planning policy.
- 4.16** Proactive engagement with the Council will ensure that amendments to proposals take appropriate account of additional biodiversity information, as it emerges, throughout the development process. This will ensure that the most appropriate mitigation, compensation and enhancement measures are agreed at the time of permission.

Step 4 - Mitigate

4.17 Where it has been determined that avoidance is not possible, then the design of a development proposal should aim to mitigate for any negative impacts on biodiversity. This could include amending the design or timing of operations. Enhancements will be sought over and above the mitigation requirements and should be embedded into the design and layout of a proposal. This is often a more beneficial approach than developers responding to LPA requests at a later stage and can provide greater certainty for the LPA that the mitigation will be delivered. In some cases, it will be necessary to design new approaches to mitigate an effect, and the advice of relevant experts and statutory and non-statutory consultees should be sought. If standard methods are not being used, this will need to be explained and justified.

Step 5 - Compensate

4.18 Compensation should always be regarded as a last resort only to be considered after all other stages of the stepwise approach have been exhausted. Mitigation and compensation proposals should be evidence based and appropriate to the context of the site / landscape. There should be high confidence of success and appropriate monitoring and evaluation (long term if necessary) should be proposed to demonstrate success. If the scheme is not successful, then negative effects on biodiversity will still need to be overcome through further mitigation / compensation.

4.19 Where it is not possible to fully avoid, compensate or mitigate for certain ecological features off-site compensation for unavoidable damage will be sought.

4.20 Compensation describes measures taken to offset residual effects resulting in the loss of, or permanent damage to, ecological features, despite mitigation. Compensation must first be proposed on site. Off-site measures will only be considered where they are supported by evidence that there are no appropriate opportunities for on-site measures to be achieved.

4.21 It is also important to note that compensation is not a substitute for enhancements required to deliver a net benefit for biodiversity.

4.22 Wherever possible compensation should be focused on replacing similar types of ecological features as those affected and equivalent levels of ecological resilience. The extent or size of any replacement area should be similar in terms of ecological features and ecological functions to that lost or damaged, or with appropriate long term management have the ability to reproduce the functions, diversity and condition of those original ecological features.

4.23 Compensation should be provided as close as possible to the location where losses have occurred and benefit the same habitats and species as those affected.

4.24 Replacement ratios of compensatory habitat greater than one-to-one will be required and in the case of trees for example, replanting will be required in accordance with the standards set out in PPW12. This is because of the uncertainty inherent in compensation, (particularly in cases which require ecological restoration, habitat creation or translocation of species or habitats) including the length of time needed for replacement habitat to provide the same level of ecosystem services as those lost.

4.25 An ecosystem approach should be adopted when considering compensation proposals and applicants should be able to demonstrate how the five key ecosystem resilience attributes have been addressed. This approach ensures that the compensation is appropriate in terms of the wider ecological functions / ecosystem services it will provide.

4.26 A balanced approach will be taken when considering the scale and nature of compensation appropriate to provide a net benefit. The identification and assessment of biodiversity features and assets at Stage 1 will be essential in understanding the opportunities for securing net benefit.

Step 6 - Enhance

4.27 Step 6 is an overarching principle that is required to meet the duty to maintain and enhance biodiversity. It is important not to confuse enhancement with mitigation and/or compensation. Enhancement will be sought over and above mitigation and compensation to achieve net benefit for biodiversity and maintain resilient ecological networks. The identification and assessment of biodiversity features at Stage 1 will be essential in understanding the opportunities for securing enhancements. The attributes of ecosystem resilience (Figure 3 DECCA framework) identified at this stage and those of the proposed enhancement should be used to help achieve net benefit. The Council will seek to secure enhancements by applying the principles of good placemaking and GI. Where on-site enhancements cannot be incorporated into the site design the Council may seek a contribution from the developer for off-site measures e.g. to support identified projects for maintaining or creating habitats. This could be secured through an appropriate legal mechanism.

4.28 The ways in which enhancement can be achieved will vary from site to site and should be proportionate to the scale, nature and location of the development involved and have regard to evidence submitted relating to the biodiversity and resilient ecological networks features outside of the proposed development.

4.29 The planning authority will determine whether it is reasonable to use a planning condition to secure biodiversity enhancement, with reference to the tests set out in the Welsh Government Circular 'The Use of Planning Conditions for Development Management' (Circular 016/2014). The Council's general approach is to require that enhancements are shown on proposed plans, and that an appropriate condition be applied to the permission to approve the development in accordance with the submitted plans. Further suggestions for biodiversity enhancements will be included as an informative within the ecological consultation response. Where off site works or a compensatory payment are required, a Section 106 legal agreement will be necessary.

4.30 All development, regardless of size or significance, should deliver a net benefit for biodiversity and enhance ecosystem resilience. Smaller scale developments could enhance local biodiversity through cost effective basic measures. For example, the installation of bird or bat boxes, gaps within fencing for the safe movement of hedgehogs through the landscape or the improvement of existing green corridors through planting of native species. Larger scale developments could consider the creation and management of a woodland, wildflower meadow, wetland or filling gaps in connectivity corridors.



Key ecological feature: Southern Marsh Orchid an indicator of species rich habitat.

Steps 7 and 8 - Manage and Monitor

- 4.31** Ongoing management arrangements must be put in place in order to secure the long lasting benefits of retained and/or newly created habitats and features.
- 4.32** As with previous steps, integration of management requirements into the design of mitigation, compensation and enhancement schemes is strongly advised.
- 4.33** The guiding principle will be to ensure that management and monitoring proposed is proportionate both to the scale and impact of the project. This will ensure that the varying management and monitoring needs from site to site will be taken into account.

Figure 7: Recommended Best Practice for Management and Monitoring Plans

- Include criteria to measure success, such as a population of an indicator species reaching a certain size.
- Identify specific actions required for good management and include phasing where necessary.
- Identify the organisations and personnel responsible for implementing the plan.
- Confirm that the implementation of the Plan will be overseen by a suitably qualified and experienced ecologist / Ecological Clerk of Works (ECOW) who will be required to liaise with the Council's Planning Ecology Officer and submit relevant ecological monitoring reports to the LPA.
- Specify the duration of monitoring. The time frame should be proportionate to the scale of the proposal, the species and habitats involved and the extent of the impact of the development. In some cases, particularly where relocation / translocation of species is involved, a longer timeframe may be required so that the species and habitats become established and to ensure that the long-term management objectives for the site have been achieved.
- For larger developments and those that affect European Protected Species, applicants may need to provide a monitoring strategy and a mechanism for remediation measures in the event that it becomes apparent that mitigation, compensation and enhancement measures are not working. This will also be required by NRW as part of a European Protected Species (development) licence. The management and

monitoring plan should also include a forward projection of costs, and the means by which these costs will be secured for the future.

- 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. The Development Management Process Overview

5.1 This Section is a guide on how the stepwise approach set out in Section 4 applies to each stage of the Development Management (DM) decision making process.

| Pre-application Stage | Site Assessment | Assess & Avoid |
|-----------------------|----------------------------|---|
| | Understanding your Site | Assess, Avoid, Design |
| | Evidence informing Design | Assess, Avoid, Design, Mitigate, Compensate, Enhance |
| Application Stage | Submit Reports | Assess, Avoid, Design, Mitigate, Compensate, Enhance, Manage, Monitor |
| | Consideration of Proposals | Assess, Avoid, Design, Mitigate, Compensate, Enhance, Manage, Monitor |
| | Decision | Assess, Avoid, Design, Mitigate, Compensate, Enhance, Manage, Monitor |
| | Management and Monitoring | Manage, Monitor |

5.2 The stepwise approach is applicable to all types and scales of development, from minor applications and householder development through to major applications. However, this guidance makes clear that the actions required to be undertaken should be proportionate to the proposal and the potential impact on biodiversity and resilient ecological networks.

5.3 This Section provides a general outline of the DM process which applies a broad framework to be followed for all development.

5.4 Major development is defined as any application that involves:

- mineral extraction
- waste development
- floorspace over 1000sqm/an area of 1 ha or
- a residential site providing 10+ dwellings/over 0.5 ha.

5.5 Minor development refers to applications which do not meet the criteria for major development, or proposals that are classed as ‘other development’.

5.6 Other development includes changes of use, householder development, advertisements, listed building and conservation area consents, and certificates of existing or proposed lawful development.

5.7 This section also signposts best practice contained in the British Standard for Biodiversity (BS 42020:2013) 39 and supporting CIEEM Guidance **such as its net benefits paper** <https://cieem.net/wp->

<content/uploads/2022/08/Net-Benefits-briefing.pdf>. These provide detailed guidance on ecological appraisal and the information that should be submitted as part of a planning application. Site survey and assessment data is essential to establish the potential impact of a proposal, provide evidence to guide the implementation of the stepwise approach, and identify the opportunities to achieve biodiversity enhancements which deliver a net benefit to resilient ecological networks.

5.8 The key overarching principles set out in this section, in terms of the Council's approach to biodiversity and development management are:

- Applicants are strongly advised that biodiversity and resilient ecological networks should be considered at the earliest possible stage of a development, as part of an integrated approach to design of the development, to demonstrate a full understanding of the biodiversity value of a site, its ecosystem resilience and its relationship to the wider green infrastructure network.
- Integration of biodiversity and resilient ecological networks measures within a development contributes to principles of good placemaking and green infrastructure.
- Submission of timely and appropriate ecological information is crucial. In particular, where the LAs Ecologist has identified that a Preliminary Ecological Assessment (PEA) must be submitted with an application along with any additional species surveys identified in the PEA, failure to submit the required information could lead to the application being refused. The Council will refer to the relevant CIEEM guidance in determining whether submitted ecological information has been carried out by an appropriate ecological consultant following the appropriate ecological reporting methodologies.
- All applicants should consider where surveys, assessments and eradication plans are required.
- Survey information is essential to inform the avoidance or minimisation of impact or loss of protected species or habitats, and the negotiation of appropriate mitigation. Applicants are required to demonstrate how the proposal and associated biodiversity measures have responded to the ecological information.
- The Council will only consider negotiating compensation measures where it has been clearly and robustly demonstrated that avoidance and mitigation cannot be achieved.
- Compensation will not be acceptable for irreplaceable habitats (e.g. ancient woodlands).
- The Council will seek to achieve a net benefit for biodiversity in all developments, proportionate to the scale of the development and having regard to the submitted evidence regarding biodiversity and resilient ecological networks both within and adjacent the site.
- Where approval from the SuDS Approval Body (SAB) is required, early and parallel engagement with the SAB process is strongly advised. This will maximise opportunities to achieve an integrated and multifunctional design and layout of all elements of green infrastructure within a site to meet national and local planning policies and the WG Sustainable Drainage Standards for Wales which require the design of SuDS to take into consideration water quality and biodiversity. The LAs Ecologist is a consultee on all SAB applications and can provide advice on ecological measures required. The Ecologist is also a consultee on planning applications and will advise on the information required from applicants to demonstrate how the planting and maintenance of Sustainable Drainage Systems (SuDS) proposals will maintain and enhance biodiversity and resilient ecological networks. Evidence will also be required of the impact of the proposal on the existing connectivity of ecosystems and opportunities to provide enhancements.

Pre-application Stage (site assessment) - Assess & Avoid

5.9 The potential for biodiversity and ecological features to be affected by a development must be considered at the earliest stage of any proposal. Failure to do so may lead to delays in the planning

process or refusal of an application. It is therefore advisable to gain a clear understanding of the biodiversity features and GI assets and ecosystem resilience of a site at the earliest possible stage of any development project. This will improve the quality of initial site designs, provide valuable information to guide initial discussions with the Council and ensure that issues are considered and addressed from the outset, to achieve the best outcome for biodiversity and avoid additional costs or delays to a development. This advice is applicable to all types and scales of development.

5.10 The following can provide an early indication of the potential impacts and opportunities presented by a site and ensure that proposals have appropriate regard to the relevant environmental and legislative context. Section 6 comprises a range of sources of relevant information to assist you to:

- Assess the site to identify any international, national or local designations.
- Assess the site to identify the presence of a habitat and or species protected under International, UK or Welsh Government legislation (e.g. the list of protected species in S7 of the Environment Wales Act). Presence of a protected species is a material planning consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat, and will seek to ensure that the range and population of the species is sustained.
- Assess the site to identify the presence of any Invasive Non-native Species (INNS) of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended).
- Assess the site to identify sites of importance in terms of habitat and/or connectivity.

Pre-application Stage (understanding your site) - Assess, Avoid, Design

5.11 Ideally, a baseline understanding of the impacts and opportunities presented by a development will have been undertaken. Any proposal presented to the planning authority at the pre-application stage should therefore be informed by a basic ecological knowledge of the site.

5.12 Screening to determine the presence of protected species and habitats should be carried out on the basis of data provided by the South East Wales Biodiversity Record Centre (SEWBReC).

5.13 The LDP provides additional mapped information on constraints which can be accessed via this link. <https://www.torfaen.gov.uk/en/PlanningAndDevelopment/Planningpolicy/LocalDevelopmentPlan/Local-Development-Plan.aspx>

5.14 Torfaen Green Infrastructure Strategy: Torfaen's strategy for considering green infrastructure is set out in the Torfaen PSB Green Infrastructure Strategy document. Our vision for green infrastructure is as follows:

Torfaen has a well-connected and multifunctional green infrastructure network of distinctive, biodiverse and resilient natural spaces providing environmental, economic and social wellbeing benefits for people. Our natural resources and ecosystems are managed in sustainable ways to maintain, protect and enhance the network's integrity and connectivity. The interdependency of Torfaen's rich biodiversity, landscape and heritage is widely recognized. See this link for further information.

<https://www.torfaen.gov.uk/en/LeisureParksEvents/Green-Infrastructure/Green-Infrastructure.aspx>

5.15 Appendix 1: provides a survey checklist of species and habitats most likely to be affected by specific types of development, surveys required and the appropriate survey seasons.

5.16 The LPA will co-ordinate appropriate engagement of the Council’s Ecologist on biodiversity issues at the pre-application stage. There are considerable benefits in seeking professional ecological advice before making an application, including:

- It gives you the opportunity to understand how policies and guidance will be applied to your proposed development
- It can identify at an early stage where there is a need for biodiversity surveys and assessments, and will ensure that project timescales have appropriate regard to the **seasonal nature** of the ecological surveying and avoid lengthy delays
- Where there is a need for specialist input e.g. ecologists, landscape architects, sustainable drainage engineers
- It can avoid potential breaches of environmental protection legislation
- It may lead to a reduction in time spent by your professional advisors in working up proposals, identifying issues to be addressed and opportunities to be explored for biodiversity protection and enhancement to be integrated into wider green infrastructure designs at the earliest possible stages, before an application is submitted
- It may indicate that a proposal is completely unacceptable, saving you the cost of pursuing a formal application
- Provides opportunities to identify shared solutions for SuDS and biodiversity
- It will ensure that you provide all the necessary information and drawings to enable the application to be registered and validated
- It will ensure that all ecological surveys required in support of a planning application are valid at the time of submission. **Ecological Surveys are generally considered to be valid for a period of 2 years after which time, updated surveys will be required**

5.17 The type of development impacts on biodiversity and ecosystem resilience will vary. For example, a development could result in:

- direct loss of habitats or important species on site;
- fragmentation or loss of connectivity between habitats or species populations either on site, or off-site connectivity to the wider ecological network;
- alteration of regimes such as hydrology that an ecosystem is reliant upon;
- air, noise and light pollution;
- disturbance from recreation and or predation for pets.

5.18 Understanding the issues relating to both the type of development and its location is therefore fundamental.

5.19 Early engagement with the Council’s Ecologist will identify the need and scope of a Preliminary Ecological Appraisal (PEA). A PEA of a proposed development should identify any biodiversity features which may be affected by a proposed and should identify any further surveys which will need to be undertaken. Applications likely to affect any designated sites or priority habitats or species must include a survey and assessment for the relevant habitats and species. The initial survey and any additional detailed surveys form constituent parts of the PEA, in accordance with guidelines for ecological reports set out in the British Standard 42020 and in the CIEEM guidelines.

5.20 This SPG provides a Survey Checklist at Appendix 1. This assists in identifying applications that will need survey work, and details of the information that will need to be considered during the design stage and submitted with the planning application.

- 5.21** Applicants should also be aware that additional information may be requested. The Council can direct the applicant to supply any further information which is considered reasonably necessary for the purpose of determining the planning application.
- 5.22** Applicants required to submit ecological information, will need to employ a suitably qualified ecological consultant. The Council supports the best practice approach of sharing ecological information with SEWBRc. This approach improves the quality of information for future applications. Applicants are therefore strongly advised to discuss with their ecological consultant the inclusion into their contracts the clause provided at Figure 8 below.

Figure 8 - Draft contract clause in relation to Ecological Survey Data

Applicants or their consultants agree to proactively share with South East Wales Biodiversity Records Centre (SEWBRc) any biological records made during the process of ecological appraisal at the same time as report submission to the LPA. The Council considers all parts of ecological reports submitted to it as part of the planning process which are not specifically marked as sensitive, to be in the public domain.

- 5.23** Applicants must also include within survey and assessment specifications identification of the presence of any Invasive Non-native Species (INNS) of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended).
- 5.24** By virtue of location and/or type of development proposal, there may not be a reasonable likelihood for a wildlife feature to be affected so survey work will not be needed.
- 5.25** Impacts on biodiversity can extend beyond site boundaries in unexpected ways, for instance through noise or light pollution, surface water run-off, or predatory behaviour of domestic pets. Relatively small developments can also have larger impacts on the wider landscape, for example, removing a hedgerow or line of trees could break up a bat foraging or commuting route, negatively affecting a breeding colony some distance from the planning application site.
- 5.26** A development may also have an adverse impact on biodiversity either during the construction phase or during the operational phase, or both, and the survey work needs to fully consider the possible impacts of both.
- 5.27** Additional surveys, assessments or licences may be legally required. When undertaking surveys and assessments for a planning application, the applicant's qualified ecologist, NRW, or the local authority ecologist should advise whether the following are required:
1. Environmental Impact Assessment (EIA) - if the proposal would trigger the need for an EIA, the submission of a 'screening opinion' may be advisable.
 2. Habitat Regulations Assessment (HRA) - the development proposed would contravene the protection afforded to a European Protected Site (EPS) and whether there is a need to submit a report to inform an HRA under the Habitats Directive. See this link for further information.
<https://www.torfaen.gov.uk/en/Related-Documents/Forward-Planning/Replacement-LDP-Preferred-Strategy/Torfaen-RLDP-HRA-Summary.pdf>
 3. NRW Protected Species Licence - the proposal triggers the need to apply to Natural Resources Wales for the below licences. The consideration and granting of licences is separate from the process of applying for planning permission. However, the LPA must take account of the legislation throughout the development management process.

- European Protected Species (EPS) Development Licence to disturb NRW issues Protected Species licences for any development that would affect a EPS protected under the Conservation of Habitats and Species Regulations 2017; or
- UK Protected Species Licence: NRW issues development licences for species protected under the Wildlife and Countryside Act 1981, for example, Reptiles (all UK species) and Water Voles. NRW is also responsible for issuing licences under the Protection of Badgers Act 1992 where it is necessary to interfere with badger and/or their setts in the course of development.

5.28 Applicants and their consultants are also advised to consider the policy framework for the Sustainable Management of Natural Resources in Wales for an indication of potential issues and opportunities. The framework includes:

- NRW SoNaRR Report;
 - NRW Area Statements;
 - Section 7 List of Habitats and Species in Wales (Env Act 2016);
 - Torfaen’s Local Biodiversity Action Plan (LBAP); and
 - Nature Recovery Action Plan (NRAP) (under preparation).
- Natural Resource Policy
 - Gwent Nature Recovery Action Plan
 - Gwent Wellbeing Plan
 - Torfaen Wellbeing Plan

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| <p>Pre-application stage (Evidence informing design) - Assess, Avoid, Design, Mitigate, Compensate, Enhance</p> |
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5.29 The pre-application stage is the most appropriate stage to consider how the proposal will address the impacts identified in the PEA and any additional species surveys carried out.

5.30 The applicant should seek to establish at this stage how the proposal will maintain and enhance biodiversity, ecological connectivity and resilience.

5.31 So it is important that the findings of any ecological surveys are given due consideration at the design stage to ensure that biodiversity constraints are fully integrated into the early designs of proposals as part of the wider placemaking approach.

5.32 For major applications, a multi-disciplinary design team should be engaged at the earliest possible stage and include a suitably qualified ecologist. This team should have a sound understanding of the ecological survey work and produce design solutions which respond to the identified opportunities to secure biodiversity enhancements and integrate ecosystem resilience into the development having regard to the 5 principles of resilience – [Natural Resources Wales / Practitioners’ guide to Resilient Ecological Networks](#) (cyfoethnaturiol.cymru) / DECCA framework. Best practice principles of placemaking and green infrastructure demand that these issues are no longer retrofitted into the established/standard designs and layouts of development.

5.33 It is strongly recommended that design teams provide an 'Ecological Constraints and Opportunities Plan' (ECOP), as set out in the British Standard. The ECOP is an efficient and effective way to communicate the key issues raised in the detailed technical ecological reports. If prepared early enough, the ECOP is a useful tool to inform both pre-app discussions and updated designs at all stages of the development design and planning process.

- 5.34** The LDP promotes placemaking, and the creation of places which maintain and enhance biodiversity forms part of the plan's wider placemaking approach. The Council will therefore expect proposals to demonstrate how designs:
- respond to all available evidence relating to identified biodiversity and green infrastructure qualities: and
 - have evolved in line with the stepwise approach.
- 5.35** Where no biodiversity issues have been identified, the Design and Access Statement (DAS) should contain a clear statement of the steps taken to establish biodiversity and resilient ecological networks of the site and an explanation of why no further measures are considered necessary. For example, the applicant should provide evidence of completion of a SEWBREC desktop search by provision of the relevant case reference number or correspondence evidencing consultation with either privately engaged suitably qualified ecologists or the Council's ecologist.
- 5.36** Where avoidance is not feasible, then the design should aim to mitigate any detrimental effects. For example, if the development is designed to include an existing pond, a certain amount of mitigation for the developed area would be achieved by ensuring that the pond is physically connected to terrestrial habitat and not isolated by the development.
- 5.37** Ongoing dialogue with the planning authority throughout the design process will ensure that modifications to proposals take appropriate account of biodiversity information as it emerges throughout the development process.
- 5.38** Pre-application discussion with statutory consultees such as NRW is also recommended, together with non-statutory consultees, where appropriate. NRW have an environmental regulatory function and information on the NRW website provides details of consents, licences and permissions which applicants may need to obtain.
- 5.39** SAB Pre-Application: Where a pre-application submission is made under the SAB process, it is advisable to carry this out in parallel with the planning pre-app process in order that all opportunities for achieving biodiverse SuDS solutions can be fully explored.



Key ecological feature: Species rich grassland.

Application Stage (submit reports) - Assess, Avoid, Design, Mitigate, Compensate, Enhance, Manage, Monitor

- 5.40** By the time a planning application is ready for submission the ecological features present on the site should have been fully considered and the stages of the Stepwise approach followed. Any identified impacts should have been avoided, minimised or mitigated in the design of the proposal presented and fully justified in the application.
- 5.41** All relevant ecological survey or assessments required should be submitted along with the application. The ecologist employed by the applicant must always work to the relevant recognised survey and mitigation guidelines and industry standards and should give an evidence-based justification for any deviation from these guidelines.
- 5.42** Where applications are submitted without ecological information, they may be validated but cannot be determined until any necessary ecological work has been undertaken and submitted and approved. Where surveys and reports are submitted which recommend further survey work is carried out, and this is not submitted the Local Planning Authority may refuse the application.

Application Stage (consideration of proposals) - Assess, Avoid, Design, Mitigate, Compensate, Enhance, Manage, Monitor

- 5.43** The Ecological report submitted to support an application will be assessed to ensure that it:

- Is up to date - Ecological Surveys submitted in support of planning applications are generally considered to be valid for a period of 2 years, after which time, updated surveys could be required.
- Is clear enough to allow the Council to assess the biodiversity and resilient ecological networks of the proposed development and to understand the particular avoidance, mitigation and compensation measures proposed.
- Provides full and clear justification of the implementation of the stepwise approach, and specifically that any compensation proposed is residual, having first fully considered avoidance, minimisation and mitigation of identified negative effects.
- Describes how the proposed biodiversity enhancements will achieve resilient ecological networks in accordance with the 5 attributes of resilience (See Figure 3 above).

5.44 To ensure decisions are based upon adequate information in accordance with BS42020, the Council will consider the information submitted against the Ecological Impact Assessment (EclA) checklist. The checklist signposts to all relevant CIEEM and NRW guidance relating to carrying out surveys.

5.45 The Council will also assess the application and supporting information submitted to establish:

- compliance with the relevant legislation and policy with reference to this SPG.
- the current ecosystem resilience of the site which PPW12 requires must be maintained and enhanced post development.
- the appropriateness of mitigation and compensation measures proposed.
- the appropriateness of enhancement measures proposed.
- the integration of biodiversity measures as part of good placemaking and the provision of quality GI.
- the need for Planning Obligations to secure biodiversity measures and interventions.
- the need to attach conditions in order to make the development acceptable.
- The need to attach informatives.

5.46 Sustainable Drainage Systems Approval: The details of any parallel SAB approval will be considered.

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| <p>Application Stage (Decision) - Assess, Avoid, Design, Mitigate, Compensate, Enhance, Manage, Monitor</p> |
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5.47 All agreed biodiversity measures should be incorporated into the design of the development at the earliest stage and shown on all plans submitted for approval. Consent will be conditional upon approval in accordance with approved plans.

5.48 Welsh Government have clarified that where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission. The Council considers that the lack of ecological evidence of a negative effect on biodiversity or ecosystem resilience which is directly related to the development to be a significant material consideration in this regard.

5.49 Where the Council concludes that it is reasonable to require mitigation, compensation, or enhancement measures, and this cannot be integrated into the design of the development or created on site, it may still seek to secure these measures off-site.

5.50 In accordance with PPW12 and the S6 duty, the Council will seek to ensure that development provides a net benefit for biodiversity. The Council will therefore explore with the applicant what opportunities exist within or outside the development to provide enhancements to biodiversity and resilient ecological networks, having regard to the SMNR framework and any up to date ecological surveys

submitted with the application. Enhancements may be expressed through advisories or informatives attached to a consent.

- 5.51** The Council may recommend approval subject to section 106 Agreement / planning obligations. 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. 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 biodiversity.
- 5.52** Torfaen Council does not condition protected species surveys and would not consider doing so for any scheduled development works. In accordance with the stepwise approach, survey work should be undertaken at the earliest possible stage in order that measures to maintain and enhance biodiversity are integrated into the design of the development.
- 5.53** Where an invasive non-native species (INNS) of flora listed in Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended) is present on a planning application site, (e.g. Japanese Knotweed) an invasive non-native species INNS (flora) condition will be placed upon that application.

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| Application Stage (Management and Monitoring) - Manage, Monitor |
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- 5.54** By this stage, the planning consent and associated conditions will have established the requirements of management and monitoring before during and after construction. The preparation and implementation of the appropriate management and monitoring plan will usually be agreed as part of the plans required to be submitted to grant consent. However, in some cases, it may be appropriate to condition the preparation and implementation of a management and monitoring plan after consent.
- 5.55** The plan will detail management objectives for habitats and species present, both retained and created, and will include details for ongoing management and monitoring prescriptions as required. The plan will often include an 'Ecological Constraints and Parameters Plan' (ECOPP) which will demonstrate that appropriate ecological features are integrated into the development. Applicants should note that larger developments, will require a Construction Environmental Management Plan (CEMP) setting out detail of no-go zones, protective fencing and other practical measures. The NetRegs website and the array of 'Guidance for Pollution Prevention (GPP)' documents available should help with this.
- 5.56** 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. Failure to do so may result in enforcement action.
- 5.57** During construction the management of the site should follow appropriate guidelines for protection of habitats and species, including trees and ecological features to be retained on site which will form part of the overall management and monitoring plan. Where appropriate, protection will be in the form of development licences granted by NRW.

6. Further Information and Contact Details

6.1 Further information regarding biodiversity, resilient ecological networks and development can be found in the following documents and resources:

- Placemaking Guide 2020 (Design Commission for Wales) - <https://dcfw.org/wp-content/themes/dcfwchild/assets/PlacemakingGuideDigitalENG.pdf>
- Torfaen Local Development Plan (to 2021) (2013) Written Statement - <https://www.torfaen.gov.uk/en/Related-Documents/Forward-Planning/Adopted-Torfaen-LDP-Written-Statement.pdf>
- Planning Policy Wales 12 (2024) - [Planning Policy Wales - Edition 12 \(gov.wales\)](#)
- Planning Policy Wales: Building Better Places (July 2020) - <https://gov.wales/sites/default/files/publications/2020-07/building-better-places-the-planning-system-delivering-resilient-and-brighter-futures.pdf>
- Torfaen CBC: Revised Planning Obligations SPG (2023) - <https://www.torfaen.gov.uk/en/PlanningAndDevelopment/Planningpolicy/Supplementaryplanningguidance/Supplementary-Planning-Guidance.aspx>
- Flood and Water Management Act 2010 (Schedule 3) <https://www.legislation.gov.uk/ukpga/2010/29/schedule/3>
- Susdrain (Independent platform that provides a range of resources for those involved in delivering sustainable drainage systems) - <https://www.susdrain.org/>
- NRW Terrestrial and Freshwater Resilient Ecological Networks Guidance - <https://naturalresources.wales/guidance-and-advice/environmental-topics/land-management/practitioners-guide-to-resilient-ecological-networks/?lang=en>
- Building with Nature Standards Framework - <https://www.buildingwithnature.org.uk/>
- Policy Wales Technical Advice Note 5: Nature Conservation and Planning (2009) – <https://www.gov.wales/technical-advice-note-tan-5-nature-conservation-and-planning>
- Guidelines for the Selection of Wildlife Sites in South Wales - <https://www.blaenau-gwent.gov.uk/media/Outnyff5/sd112.pdf>
- British Standard for Biodiversity (BS 42020:2013) - <https://www.bsigroup.com/LocalFiles/en-GB/biodiversity/BS-42020-Smart-Guide.pdf>
- Ecological Impact Assessment (EclA) Guidance - <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>
- Natural Resources Wales (NRW) - <https://naturalresources.wales/?lang=en>

- Schedule 9 Part II section 14(2) of the Wildlife and Countryside Act 1981 (as amended) - <https://www.legislation.gov.uk/ukpga/1981/69>
- Natural Resources Wales (NRW) SoNaRR Report - <https://naturalresources.wales/evidence-and-data/research-and-reports/state-of-natural-resources-report-sonarr-for-wales-2020/?lang=en>
- Natural Resources Wales Area Statements - <https://naturalresources.wales/areastatements?lang=en>
- Section 7 List of Habitats and Species in Wales (Env Act 2016) - <https://www.biodiversitywales.org.uk/Legislation-Guidance>
- Torfaen’s Local Biodiversity Action Plan (LBAP) - <https://www.torfaen.gov.uk/en/LeisureParksEvents/NatureAndConservation/Biodiversity/Biodiversity-in-Torfaen.aspx#:~:text=The%20Torfaen%20Local%20Biodiversity%20Action,it%20rich%20and%20varied%20biodiversity.>
- Wales Nature Recovery Action Plan (NRAP) - <https://www.biodiversitywales.org.uk/Nature-Recovery-Action-Plan>
- Welsh Government’s Approach to Net Benefits for Biodiversity and the DECCA Framework in Terrestrial Planning System (2022) - <https://cieem.net/wp-content/uploads/2022/08/Net-Benefits-briefing.pdf>
- BS8683 Biodiversity Net Gain <https://cieem.net/british-standard-for-biodiversity-net-gain-published/>
- Ancient Woodland Inventory (Wales) – [Natural Resources Wales / Ancient Woodland Inventory \(naturalresources.wales/evidence-and-data/research-and-reports/ancient-woodland-inventory/?lang=en\)](https://naturalresources.wales/evidence-and-data/research-and-reports/ancient-woodland-inventory/?lang=en)

Contact Details

6.2 If you have any queries regarding this SPG, please feel free to contact us.

For development management advice, please contact us at planning@torfaen.gov.uk

For planning policy and ecology advice, please contact us at ldp@torfaen.gov.uk

Appendix 1: Ecology Survey Guidance Note (June 2023)

Introduction - To inform the consideration of planning applications in line with relevant policy and legislation, Torfaen County Borough Council requires the submission of baseline ecological information. This methodology has been prepared in order to ensure that there is a consistent approach to this submission and that the quality of the information provided is adequate.

Site Appraisals shall be presented in a report and describe the existing ecological value of the proposed development site, principally based on botanical survey but with consideration of other potential Protected or Priority species that may be present. Sites must be also assessed for their potential to qualify wholly or in part as Sites of Importance for Nature Conservation (SINCs) using the Guidelines for the Selection of Wildlife Sites in South Wales.

Following the site appraisal, an evaluation of status or potential impact on the biodiversity of the site must be made and classified as either: High, Medium or Low value. This status will be quality assured and checked by the Council through the planning applications process.

In addition to this, GIS (Geographical Information Systems) data in the format of shape files should be provided to provide visual representation of the ecological status of each site.

The Council requires a consistent approach to ecological data gathering and summarisation. All Appraisals must comply with the [CIEEM Guidelines for Preliminary Ecological Appraisal](#) and be undertaken and reviewed by CIEEM members only. All appraisals must include a summary sheet to be used by the LPA (template included at the end of this document). **Development decisions must be based on robust evidence and our expectation is that this guidance is followed.**

Desk-Based Study - The desk based study shall be based on the following as a minimum:

- A 1km SEWBRc data search for Protected and Priority Species;
- A 1km SEWBRc data search for existing designations including SACs, SPA, Ramsar site, SSSIs, Local Wildlife Sites, Sites of Importance for Nature Conservation. This must include 'reasons for designation' for LWS/SINCs;
- Use of the Ancient Woodland Inventory to identify woodland designations ASNW, PAWS etc.;
- Review of any previous walkover undertaken for the adopted LDP; and
- Appraisals will be expected to consider any relevant ecological records that have been previously generated by studies to inform planning undertaken on or near the sites.

Field Assessments - The optimum period for the assessment of biodiversity and habitats is between the months of April -July. Sites are to be surveyed according to the methodology detailed in the 'Handbook for Phase 1 habitat survey'. The following details and features must also be noted:

- Habitats present and features of nature conservation interest including Priority Habitat (Section 7 Habitat¹);
- Protected or Priority (Section 7) species - signs indicating presence and potential for the habitat to support such;
- Site of Importance for Nature Conservation - assessment of the condition of the site with respect to its potential to qualify as a SINC;
- Consideration of all hedgerows in the context of the Hedgerow Regulations 1997;
- Veteran trees - presence of over-mature trees;

¹ Environment (Wales) Act 2016

- Consideration of the value of the site in terms of habitat connectivity / ecosystem resilience using best available guidance; and
- Requirements for further ecological survey.

Expertise of consultants - The information will need to be prepared and reviewed by an appropriately experienced ecologist that is a member of the Chartered Institute of Ecology and Environmental Management.

Biodiversity Evaluation - Using the results of the desk-based survey and field assessments, an evaluation of status or impact of the biodiversity of the site shall be made and classified as either: High, Medium or Low value.

SINC Identification - Local Development Plan Candidate Sites must be assessed against the criteria in the 'Guidelines for the Selection of Wildlife Sites in South East Wales'.

Summary of Outputs - The following will be expected to be submitted to the LPA as a supporting document.

Preliminary Ecological Appraisal Report (PEAR) - A Preliminary Ecological Appraisal Report (PEAR) in accordance with the [CIEEM Guidelines for Preliminary Ecological Appraisal](#) / [Guidelines for ecological report writing](#).

Site summary form - A Site Summary Form shall be completed for each Candidate Site based on both field survey and desk-based assessments. A blank Site Detail Form and accompanying explanatory notes are provided in Annexes 1 & 2.

Site Values - For all sites, the overall value for biodiversity will need to be defined (see evaluation criteria below). The Council may adjust this value depending on further ecological survey and evidence prior to the Deposit Plan.

SINC Assessment - Candidate sites/parts of sites must be considered for the potential for them to be of SINC quality. If the site, or part of the site meets the SINC criteria, any designation will be undertaken by a SINC expert panel.

Evaluation Criteria - Sites must be evaluated using the following criteria drawn together using the methodology for the adopted Local Development Plan, Ratcliffe Criteria² and Local Wildlife Site guidelines³. The evaluation will be checked and quality assured by the Council. Deliberate underestimation of site value could jeopardise consideration of the site for inclusion in the Deposit Plan.

HIGH (Red)

- Candidate Site includes land designated as SAC/SPA/Ramsar/SSSI
- Site wholly designated as Local Wildlife Site/SINC/ASNW
- Site identified as Site of Importance for Nature Conservation (SINC) quality during field assessment
- Site is in the majority (>50%) composed of Priority Habitat(s) (Section 7) Environment (Wales) Act 2016
- Site of existing value for connecting semi-natural habitats in the landscape which is considered to be critical in the context of a protected species or protected site
- Protected species recorded on site to an extent that development will not be possible

² Ratcliffe, 1977

³ South Wales Wildlife Sites Partnership, 2004 (as amended)

MEDIUM (Orange)

- Site close / adjacent to a SAC/SPA/Ramsar/SSSI/LWS/SINC/ASNW
- Site habitat(s) close to SINC quality but threshold for designation not reached
- Part of the site includes habitats that meet LWS / SINC threshold
- An already designated LWS/SINC present within a candidate site of overall lower biodiversity value
- Presence of Priority Habitat (Section 7) within the candidate site (except hedgerow)
- 'Important' hedgerow/s present
- Veteran / over mature tree(s) present
- Site of existing value for connecting semi-natural habitats in the landscape as identified in the ecological connectivity assessment and/or during field surveys.
- Protected species recorded / reasonable likely to be found on site but unlikely to prevent development if appropriate mitigation and compensation provided

LOW (Green)

- Site not near any protected sites SAC/SPA/Ramsar/SSSI/LWS/ANSW
- Site assessed as not of SINC quality
- Limited or no features of biodiversity interest
- No priority habitats on site (with the exception of hedgerows)
- Site of very limited value for connecting semi-natural habitats in the landscape
- No protected species on or near site

Annex 1: Template for Ecological Submission

| Site General Information | | | |
|--|--------------------|-------------------------|--|
| Name: | Grid Reference: | | |
| Current land use & management: | Size: | | |
| Proposed use: | Form Completed by: | | |
| Overall Site Evaluation: HIGH / MEDIUM / LOW | | | |
| Site Summary Table | | | |
| SEWBRc unique data code: | | Section 7 Habitat(s) | |
| Statutory Designated Site(s) | | Protected Species | |
| Non Statutory Designated Site(s) | | Section 7 Species | |
| SINC Recommendation | | Ecological Connectivity | |
| | | | |

Statutory Designated Sites

Is the site within or adjacent to an International or European Designated Site? (Special Protection Area, Ramsar Site or Special Area of Conservation) *(Underline the relevant designation)*

| | |
|--------------------------------------|--------------------------|
| Whole of site | <input type="checkbox"/> |
| Part of site | <input type="checkbox"/> |
| Directly adjacent/within 250m buffer | <input type="checkbox"/> |
| Within 500m buffer | <input type="checkbox"/> |
| Within 1km buffer | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

Is the site within or adjacent to a Nationally Designated Site? (National Nature Reserve or Site of Special Scientific Interest) *(Underline the relevant designation)*

| | |
|--------------------------------------|--------------------------|
| Within | <input type="checkbox"/> |
| Part of site | <input type="checkbox"/> |
| Directly adjacent/within 250m buffer | <input type="checkbox"/> |
| Within 500m buffer | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

Non Statutory Designated Sites

Is the site within or adjacent to a pre-designated Locally Designated Site? (Local Wildlife Site / Site of Importance for Nature Conservation or Ancient Semi Natural Woodland)

| | |
|--------------------------------------|--------------------------|
| Within | <input type="checkbox"/> |
| Part of site | <input type="checkbox"/> |
| Directly adjacent/within 250m buffer | <input type="checkbox"/> |
| Within 500m buffer | <input type="checkbox"/> |
| No | <input type="checkbox"/> |

List All Relevant Statutory and Non Statutory Designated Sites identified by the desktop study:

SINC Recommendation

Is the whole site or part of the site of SINC (LWS) quality? (*underline whole or part as appropriate*)

Yes Whole Part

Qualifying criteria

Borderline

No

Has the Torfaen CBC Ecologist been contacted to discuss what further information may be required?

Yes: No:

Date:

Priority Habitats and Important Features

| Phase 1 Habitat | Wales Priority Habitat (Section 7) | % of whole site |
|-----------------|------------------------------------|-----------------|
| | | |
| | | |
| | | |

| | | |
|--|--|--|
| | | |
|--|--|--|

Are there any **veteran trees or over-mature trees** on site?

Yes

No

If 'Yes' how many and what species?

Does the site have any **hedgerows**?

Species-rich (high) - potential Hedgerow Regs Quality Length (m)

Species-poor (medium) - Has some potential Length (m)

Species-poor (low) - Single species dominant AND Gappy Length (m)

No

Does the site have any **water features** present?

| | |
|---------|----------------------|
| Ponds | <input type="text"/> |
| Streams | <input type="text"/> |
| Ditches | <input type="text"/> |
| Other: | <input type="text"/> |
| No | <input type="text"/> |

Ecological Connectivity: Adjacent Land Uses & Habitats

Does the site have any ecological connectivity value to either adjacent habitat or the wider landscape?

Critical connectivity: Existing Connectivity No connectivity:

Connectivity Opportunity:

Protected Species

Have protected species been recorded at the site / reasonably likely to be present at site?

Confirmed Reasonably likely No and unlikely to be present

| List Species: SEWBRReC record | Evidence of presence on site (seen directly or field signs) | Potential to be present on site (habitat and location mean that it is likely) |
|----------------------------------|--|--|
| | | |

Priority Species: Are there records for Priority (Section 7) Species (not included above)?

Yes Potential No

| List Species: SEWBRReC record | Evidence of presence on site (seen directly or field signs) | Potential to be present on site (habitat and location mean that it is likely) |
|----------------------------------|--|--|
| | | |

Conclusions

What additional ecological surveys/assessments will be required?

| | |
|--|---|
| To determine if the site could be allocated for the purpose identified | Prior to the submission of planning application to influence site design etc. |
|--|---|

Summary of potential biodiversity constraints

Recommended avoidance / mitigation / compensation measures

Enhancements that could be delivered through development including ecological connectivity opportunities

Annex 2: Notes to Accompany Site Detail Form (Torfaen County Borough Council reserves the right to amend any Site Detail Form upon detailed consideration of the site and quality assurance of the information submitted)

Site General Information - Site name, National Grid Reference, size (ha) and proposed use. 'Current Use & current management' describes the use of the site at the time of surveying and how it appears to be managed.

Overall Site Evaluation - To be completed based upon this guidance. One of the evaluation categories should be chosen i.e. **High / Medium / Low**. This evaluation could be subject to change upon consideration of the site and quality assurance by the Council.

Summary Table - The summary table gives a quick reference guide to the ecological constraints of the site. The summary needs to show an existing protected site (**yes**), adjacent sites within 250m (**adj**) adjacent sites within 500m (**adj**) and no protected sites within 500m (**no**). Note that development can potentially affect protected sites that are further than 500m away.

Non-statutory sites need to show an existing site (**yes**), adjacent sites within 250m (**adj**) adjacent sites within 500m (**adj**) and no protected sites within 500m (**no**).

SINC recommendation indicates whether the whole site is recommended for SINC designation (**yes**), part of the site is recommended for SINC designation (**part**), the site may meet the criteria following further survey and examination (borderline site - **bord**), or the site is not recommended for SINC designation (**no**).

Wales Priority Habitat (Section 7) is considered according to the table. This shows whether these habitats cover over 50% of a site (**yes**), less than 50% of a site (**part**) or are not present (**no**).

Projected and Priority species are considered regarding presence (**yes**), reasonable likelihood of presence / possible presence (**poss**) and likely absence (**no**) of Protected and Priority species are indicated in the summary table.

Ecological connectivity is considered regarding the importance of that connectivity from critical (**crit**), some (**conn**), to no connectivity (**no**).

Statutory Designated Sites - The information regarding designated sites shall be obtained via SEWBRc. Some interpretation of that data will need to be undertaken.

Non Statutory Designated Sites - The information regarding SINC/LWS sites shall be obtained via SEWBRc (site name and reason for designation).

Designated ancient woodland is defined as ancient semi-natural woodland (ASNW) - areas that have been wooded since at least 1600. ASNW is listed on Ancient Woodland Inventory 2011 and available on the [Lle](#) website. However, in Torfaen, a large number of ASNW are designated as SINC and shall therefore be generated during the above data search.

SINC Recommendation - This section indicates whether the whole site or part of the site meets the criteria for SINC designation in Guidelines for the Selection of Wildlife Sites in South Wales. The criterion under which the site qualifies shall be noted. The LPA Biodiversity & Ecology Officers should be contacted for relevant templates and to discuss the value of the site / part of the site.

Priority Habitats and Important Features - Habitats as defined by the Phase 1 survey guidelines and Wales Priority Habitat (defined as those listed as Section 7 Habitats of Principal Importance for Conserving Biological Diversity in Wales under the Environment (Wales) Act 2016) shall be listed in the table. A % value for the habitat types shall be listed.

Guidance for assessment of the importance of hedgerows and veteran/over mature trees is included in Annexes 3 & 4.

Ecological Connectivity - Sites shall be assessed for existing value for connecting semi-natural habitats in the landscape using Ecological Connectivity Assessment and/or during field surveys. Both habitats and species need to be considered. Opportunities for delivery of habitat connectivity to be listed under the Enhancements section of the form.

Protected species - These tables indicate the presence or potential presence of protected species, based on SEWBReC records, the desk survey and field survey results. Species with protection or designation at several levels are listed under their highest degree of protection only.

Field signs and sightings are those recorded during the Phase 1 habitat survey.

Potential presence is based on the habitats on and adjacent to the site, the ecology of the species, and knowledge of the species distribution.

Protected Species are defined as those species listed on Schedules 2 and 4 of the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended) or any post Brexit equivalent legislation AND Species protected under UK legislation i.e. those species listed under Schedules 5 and 8 of the Wildlife & Countryside Act 1981 (as amended) or the Protection of Badgers Act, 1992. Species protected from sale only are excluded.

Wales Priority Species are defined as those listed as species of Principal Importance for Conserving Biological Diversity in Wales under Section 7 of the Environment (Wales) Act 2016.

Conclusions - Additional surveys and assessments are listed. These are based on the potential presence of protected species. Any surveys that may be necessary prior to the allocation of the site should be undertaken.

Potential constraints are summarised, based on the findings of the desk-based assessment and field survey, as recorded in previous sections.

Recommendations for mitigation and enhancement are suggested. These are intended as an indication only, as further survey will be needed to inform mitigation, and the design and purpose of the development will determine ecological impacts and influence mitigation and enhancement possibilities.

Annex 3: Hedgerow Classification

- HIGH:** Species-rich containing at least five native woody species in a 30 metre sample. Consider features such as banks, ditches, standing trees, ground flora associated and connecting hedges/woodland areas.
- Four woody species are recorded and other features are considered important. This would include potential dormouse habitat.
- MEDIUM:** Less than five native woody species in a 30 metre stretch, without other features present.
- Less than four native woody species, with other features present
- LOW:** Less than four native woody species, without other features present. Gappy hedges, newly planted.

Annex 4: Veteran and Over Mature Tree Classification

- HIGH:** Veteran trees >3.7m circumference, 1.3m from base (to include native and non-native species)
- Large over-mature trees >2m circumference, or estimated to be over 200 years old, which exhibit characteristics such as dead wood, rot hollows and bracket fungi. To include native and non-native species.

Appendix 2: Ecology Survey Calendar

| | Jan | Feb | Mar | Apr | May | June | July | Aug | Sept | Oct | Nov | Dec |
|--|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|-------------|
| Bats - Summer Roost | | | | Sub-optimal | Key | Key | Key | Key | Key | Sub-optimal | | |
| Bats - Tree Survey | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal |
| Bats - Hibernation Survey | Key | Key | Sub-optimal | | | | | | | | Sub-optimal | |
| Winter Bird Survey | Key | Key | Sub-optimal | | | | | | | Sub-optimal | Key | Key |
| Breeding Bird Survey | | | Sub-optimal | Key | Key | Key | Key | Key | Key | | | |
| Migratory Bird Survey | | | Sub-optimal | Key | Key | Sub-optimal | | Sub-optimal | Key | Key | Sub-optimal | |
| GCN - Breeding Pond Survey | | | Sub-optimal | Key | Key | Sub-optimal | | | | | | |
| Dormice - Breeding Survey (nest tubes) | | | | Sub-optimal | Key | Sub-optimal | Sub-optimal | Key | Key | Sub-optimal | | |
| Invertebrates | | | Sub-optimal | Key | Key | Key | Key | Key | Key | Sub-optimal | | |
| Phase 1 Habitat Survey | Sub-optimal | Sub-optimal | Sub-optimal | Key | Key | Key | Key | Key | Key | Sub-optimal | Sub-optimal | Sub-optimal |
| Reptiles | | | Sub-optimal | Key | Key | Sub-optimal | Sub-optimal | Key | Key | Sub-optimal | | |
| Badger | Key | Key | Key | Key | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Sub-optimal | Key | Key | Key |
| Water Vole | | | Sub-optimal | Key | Key | Key | Key | Key | Key | Sub-optimal | | |
| Otter | Key | Key | Key | Key | Key | Key | Key | Key | Key | Key | Key | Key |
| White-clawed Crayfish | | | | Sub-optimal | | | Sub-optimal | Key | Key | Key | Sub-optimal | |

Key:

| | | |
|--------------------|----------------------------|-------------------------|
| Key Survey Periods | Sub-optimal survey periods | Surveys not recommended |
|--------------------|----------------------------|-------------------------|

Appendix 3: Glossary of Terms

Biodiversity is all the different kinds of life you'll find in one area - the variety of animals, plants, fungi, and even microorganisms like bacteria that make up our natural world. Each of these species and organisms work together in ecosystems, like an intricate web, to maintain balance and support life. Biodiversity supports everything in nature that we need to survive - food, clean water, medicine, and shelter.

Construction Environmental Management Plan (CEMP) provides a framework from which a final Construction Environmental Management Plan (CEMP) will be developed to avoid, minimise or mitigate any construction effects on the environment.

Compensation is used to mitigate the impacts of development on biodiversity and ecosystem services and means that exploitation and land-use changes that cause adverse effects on biodiversity and ecosystem services are compensated by providing new values in another area.

Ecology is the study of interactions among living things and their environment. It provides new understanding of these vital systems as they are now, and how they may change in the future.

Ecological consultant is one that is suitable qualified and is a full Member of the Chartered Institute of Ecology and Environmental Management (CIEEM).

Ecological features are elements of the natural environment that are of importance for either local biodiversity or its ecosystem function and integrity.

Ecosystems are a system that includes all living organisms (biotic factors) in an area as well as its physical environment (abiotic factors) functioning together as a unit.

Ecosystem resilience is the capacity of an ecosystem to deal with pressures and demands, either by resisting, recovering or adapting to them whilst retaining their ability to deliver ecosystem services and benefits now and into the future.

Ecosystem Services are the direct and indirect contributions ecosystems (known as natural capital) provide for human wellbeing and quality of life. This can be in a practical sense, providing food and water and regulating the climate, as well as cultural aspects such as reducing stress and anxiety. In fact, the vast number of services provided by ecosystems can be categorised into more manageable groups of: provisional; regulating; cultural; and the slightly more ambiguous, supporting services. These services provided by ecosystems lead to benefits received by humans in the form of security, goods and materials, health and wellbeing.

Ecological monitoring is an important scientific practice of taking systematic, repeated measurements of environmental conditions, using the same methods in the same places over time so long-term comparisons can be made.

Ecological enhancements can range from simple measures such as installing bird nesting or bat roosting opportunities and beneficial planting through to more complex measures which include sustainable urban drainage systems, green roofs and walls or major new areas of biodiversity habitat alongside development.

Environmental Impact Assessment (EIA) is a means of drawing together, in a systematic way, an assessment of the likely significant environmental effects arising from a proposed development.

Green infrastructure is a network of multi-functional green space and other green features, urban and rural, which can deliver quality of life and environmental benefits for communities.

Green infrastructure is not simply an alternative description for conventional open space. It includes parks, open spaces, playing fields, woodlands - and also street trees, allotments, private gardens, green roofs and walls, sustainable drainage systems (SuDS) and soils. It includes rivers, streams, canals and other water bodies, sometimes called 'blue infrastructure'

Habitat is the natural home or environment of an animal, plant, or other organism.

Habitats Regulations Assessment (HRA) is a process that determines whether or not development plans could negatively impact local plans on a recognised protected European site beyond reasonable scientific doubt.

Invasive non-native species (INNS), or invasive alien species, are those that are introduced, intentionally or unintentionally, outside of their natural geographic range, causing environmental, social and/or economic impacts.

Landscape and Ecological Management Plan (LEMP) provides instructions and processes for the management and operations of a site. The instructions in this site-specific document are provided to ensure the protection and enhancement of the ecology and biodiversity on, and around a development site.

Local Biodiversity Action Plans (LBAPs) identify local priorities for biodiversity conservation and work to deliver agreed actions and targets for priority habitats and species and locally important wildlife and sites.

Local environmental records centres (LRCs) are organisations which have been established, usually through a partnership of interested parties, in order to bring together local information on wildlife and to supply this to local users.

Local Nature Reserves (LNRs) are areas of natural heritage that are at least locally important.

Maintain in the context of this plan is no net biodiversity loss.

Mitigation in the context of this plan is an intervention that reduces ecological impacts.

Natural heritage refers to natural features, geological and physiographical formations and delineated areas that constitute the habitat of threatened species of animals and plants and natural sites of value from the point of view of science, conservation or natural beauty.

Preliminary Ecological Appraisal (PEA) is the term used to describe a rapid assessment of the ecological features present, or potentially present, within a site and its surrounding area (the zone(s) of influence in relation to a specific project (usually a proposed development)).

Sites of Importance for Nature Conservation (SINCs) are also known nationally as Local Wildlife Sites. They represent a legacy of good management and rely upon continued stewardship by landowners. Designating a SINC raises awareness of its importance for wildlife particularly with regard to planning and land management decision making.

Sites of Special Scientific Interest (SSSIs) are those areas of land and water that we consider best represent our natural heritage in terms of their: flora - i.e. plants. fauna - i.e. animals. geology - i.e. rocks.

State of Natural Resources Report (SoNaRR) is an evidence base for Welsh Ministers to use when preparing or revising the Natural Resources Policy, for NRW when preparing area statements, and for local planning authorities when refreshing local development plans.

Sustainable Drainage Systems (SuDs) are designed to both manage the flood and pollution risks resulting from urban runoff and to contribute wherever possible to environmental enhancement and place making. With this in mind, the multi-functionality and multiple benefits of SuDS should always be considered.

Sustainable management of natural resources is defined in the Environment Act as: “using natural resources in a way and at a rate that maintains and enhances the resilience of ecosystems and the benefits they provide.

Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. It draws upon an area’s potential to create high quality development and public places that promote people’s prosperity, health and well being in the widest sense.

Priority habitats and species are those listed under section 7 of the Environment Wales Act (2016) and listed in the Torfaen Local Biodiversity Action Plan (LBAP).

Regionally Important Geological Sites (RIGS) are sites of regional and local importance for their geology that have not been designated a Site of Special Scientific Interest.

Special areas of conservation (SACs) can be on land or at sea. They form part of the Natura 2000 Network, along with special protection areas (SPAs).

Sustainable development is development that meets the needs of the present, without compromising the ability of future generations to meet their own needs.