



Snowdonia National Park Authority
Supplementary Planning Guidance:
Nature Conservation and Biodiversity
October 2016

6



SNOWDONIA NATIONAL PARK AUTHORITY



SUPPLEMENTARY PLANNING GUIDANCE 6: NATURE CONSERVATION AND BIODIVERSITY

1.0	Introduction	3
2.0	Purpose of this Guidance	3
3.0	Planning Context	5
4.0	Designated and non-designated sites in the United Kingdom	7
5.0	Natura 2000 and Appropriate Assessment	10
6.0	Ecological connectivity	11
7.0	Snowdonia Biodiversity Action Plan	13
8.0	Examples of Species and Habitats which may be encountered In Snowdonia	14
9.0	The impact of invasive species on biodiversity	16
10.0	Regionally Important Geodiversity Sites	17
11.0	What Developers must do	20
	ANNEX 1: Nature Conservation designations	28
	ANNEX 2: Extracts from Planning Policy Wales Edition 8 - Jan 2016	34
	ANNEX 3: Extract from Section 7 of the Environment (Wales) Act	38
	ANNEX 4: Priority species and habitats within Snowdonia	39
	ANNEX 5: Checklist for determining whether a Preliminary Protected Species Survey is required	40
	ANNEX 6: Contacts and sources of information	42

Nature Conservation and Biodiversity

1.0 INTRODUCTION

- 1.1 The first purpose of National Park designation places a responsibility to conserve and enhance the natural beauty, wildlife and cultural heritage of the Park. It is the complex interaction between people, wildlife and the environment that has, over time, given rise to Snowdonia's "Special Qualities" which are so highly valued today and which contribute greatly to the quality of life of both the Park's residents and the many visitors to the area. Nearly 20% of Snowdonia is statutorily protected because of its wildlife or geomorphological and geological interest
- 1.2 However, nature conservation interests in Snowdonia are not limited to designated sites and protected species. The Local Biodiversity Action Plan (LBAP) identifies the most important habitats and species found in Snowdonia. Habitats and Species Action Plans (H/SAPs) forming part of that Plan reinforce the importance of these areas and species, not only in terms of their national and international significance but also for their local importance.
- 1.3 The Local Development Plan has a crucial role to play in ensuring that Snowdonia's Special Qualities are conserved and enhanced - a task made more difficult by the need to plan for and respond to climate change. There is a greater impetus than ever to plan for, manage, adapt to, and mitigate the possible consequences of climate change and its effects on Snowdonia.
- 1.4 The National Park Management Plan (2010-2015) provides the strategic policy framework for organisations to comply with their responsibilities in terms of the National Park. Although prepared by the National Park Authority it is a document for all who have a stake in the future of Snowdonia. There are a number of elements of the plan that are relevant to this supplementary guidance note

2.0 PURPOSE OF THIS GUIDANCE

- 2.1 This document is one of a series of Supplementary Planning Guidance Notes (SPGs) produced by the Snowdonia National Park Authority with the intention of providing detailed information in support of the policies contained in the Eryri Local Development Plan. It does not introduce further policies.

- 2.2 It is the primary purpose of this SPG to make the general public, developers, planning officers and Authority Members in Snowdonia aware of the following:-

The potential implications that development may have on wildlife habitats and species as well as features of nature conservation importance, such as ecological connectivity corridors.

The potential variety of geological environments, phenomena and active processes that make landscapes, rocks, minerals, fossils, soils and other superficial deposits that provide the framework for life on earth.

The regulatory and procedural steps that must be complied with when dealing with planning applications that may affect designated nature conservation sites and/or their features or protected species.

The Eryri Local Biodiversity Action Plan (LBAP) and how the Authority will use the LBAP as a decision-aiding tool when considering development proposals that are likely to have an impact on nature conservation interests.

The range of Section 7 Habitats and Species found in Snowdonia and which are not included within the Eryri LBAP. Section 7 Habitats and Species are those identified by the Welsh Government in the Environment (Wales) Act 2016, as being of priority for the conservation of biodiversity in Wales.

- 2.3 In keeping with good practice developers are encouraged to discuss applications for new developments, or change of use of existing land or buildings, beforehand with planning officers in order to decide, amongst other, whether the proposals are acceptable in policy terms, where new development could be located along with issues relating to design, such as scale and appearance. The scope for identifying and mitigating any potential adverse effects of the proposals on the environment will be an important consideration at this early stage.
- 2.4 In planning terms this Supplementary Planning Guidance together with the relevant parts of the Eryri Local Biodiversity Action Plan and Section 42 Habitats and Species will be material planning considerations when dealing with planning applications which have implications for the nature conservation interests of the Park.

3.0 PLANNING CONTEXT

3.1 Planning Policy Wales (Edition 8, 2016) sets out the Government's objectives for the conservation and improvement of the natural heritage. They are as follows:

- to promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats;
- to ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;
- to ensure that statutorily designated sites are properly protected and managed;
- to safeguard protected species, and to
- to promote the functions and benefits of soils, and in particular their function as a carbon store.

3.2 Technical Advice Note (TAN) 5 – Nature Conservation and Planning, provides further advice and detail about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation. The TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities.

3.3 With regard to protected species Paragraph 6.2.1 of TAN 5 states:-

“The presence of a protected species is a material consideration when a local planning authority is considering a development proposal that, if carried out, would be likely to result in disturbance or harm to the species or its habitat”.

Paragraph 6.2.2 goes on to explain that:-

“It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision. It is considered best practice that such a survey is carried out before a planning application is submitted. Planning permission should not be granted subject to a condition that protected species surveys are carried out and, in the event that protected species are found to be present, mitigation measures are submitted for approval. However, bearing in mind the delay and cost that may be involved, developers should not be required to undertake surveys for protected species unless there is a reasonable likelihood of them being present.”

3.4 Further detail is provided in Annex 2.

3.5 Section 6 of the Environment (Wales) Act 2016, places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this

duty is to embed the consideration of biodiversity as an integral part of policy and decision making throughout the public sector. The Eryri Local Development Plan contains the following strategic policy:-

Strategic Policy D: Natural Environment

The natural resources, biodiversity, geodiversity, cultural heritage and 'Special Qualities' of the Snowdonia National Park will be protected from inappropriate development. Where development is deemed acceptable developers will be expected to ensure that the natural environment is protected and enhanced.

Proposals should not adversely affect the National Park's biodiversity resources including designated sites from an international through to a local level, as well as wider biodiversity resources e.g. habitats and species outside designated sites.

Development proposals which are likely to adversely affect the integrity of European designated sites (either alone or in combination with other plans of projects) will not be permitted unless the requirements of the Conservation of Habitats and Species Regulations 2010 have been fulfilled and hence the following criteria can be met:

- i. There is no alternative solution.
- ii. There are imperative reasons of over-riding public interest for the development.

The following requirements will apply to development affecting nationally and locally designated sites:

- iii. The location, design and construction of the development is such that damage to nature conservation features are mitigated, and opportunities for nature conservation gain are taken.
- iv. Compensatory measures are provided if necessary.
- v. The remaining nature conservation features are protected and enhanced and provision is made for their management.

Development will only be permitted within the Undeveloped Coast where it can be demonstrated that a coastal location is essential. Development which harms the unspoilt landscape character or wildlife habitats will not be permitted.

Development proposals which are likely to adversely affect habitats and species listed on the Local Biodiversity Action Plan will be subject to the guidelines of the Supplementary Planning Guidance on Local Biodiversity

- 3.6 The Local Development Plan recognises the international and national importance of large areas of Snowdonia for its wildlife, habitats, geological and geomorphological features. Approximately 18% of the area of the Park is currently covered by national and international nature conservation designations. These designations are described in Annex 1.

- 3.7 These areas are given protection from damaging development pressures through national policies set out in Planning Policy Wales. These policies are set out in Annex 2 below. Likewise habitats which support species protected under the Wildlife and Countryside Act 1981, the Conservation of Habitats and Species Regulations 2010¹ and Section 7 of the Environment (Wales) Act 2016, which may not themselves be designated sites, are also protected from damaging developments.
- 3.8 The LDP also recognises the threat that climate change poses to biodiversity and the need to manage, mitigate and adapt to its effects. One means of doing this is by conserving peat soils and woodlands, both of which are recognised as important carbon sinks and by promoting better management of these vulnerable resources. Another means is through maintaining and furthering ecological connectivity². Ecological connectivity is not easily defined. It is, however, far more than just a means of allowing the movement of species through the landscape; rather it encompasses the facilitation of natural process, including ecological interactions and ecosystem processes, to operate freely in, and across, the landscape.

4.0 NON-DESIGNATED AND UK DESIGNATED SITES

- 4.1 The Local Development Plan recognises that those areas of Snowdonia, not covered by nature conservation designations, provide a variety of habitats and ecological niches for wildlife to exploit (including man-made ones such as old buildings, gardens, mines and quarries). Collectively the value of these sites is significant and they can often contain species assemblages as rich as designated sites.
- 4.2 It is likely many of these areas, indeed a significant proportion of the National Park, will increase in ecological richness and diversity as a result of agri-environment schemes, such as Tir Gofal and its successor Glastir, which encompass habitat and species management and enhancement. Conservation projects undertaken by Natural Resources Wales Natural Resources Wales NRW Natural Resources Wales Natural Resources Wales as well as charitable bodies such as the Royal Society for the Protection of Birds (RSPB) also make a significant contribution towards increasing the ecological richness and diversity of the National Park

¹ The **Conservation of Habitats and Species Regulations 2010**. The Conservation of Habitats and Species Regulations 2010 are the principal means by which the Habitats Directive is transposed in England and Wales. The Regulations apply in the terrestrial environment and in territorial waters out to 12 nautical miles.

² Latham, J, Blackstock, T H, Howe, E A. 2008. Ecological Connectivity in Wales: Planning Action to Help Terrestrial Biodiversity Respond to Habitat Fragmentation and Climate Change. CCW Staff Science Report No.08/7/1.

- 4.3 Whilst the Local Development Plan recognises the ecological significance of these wider non-designated areas of the Park and confers on them a measure of protection against damaging developments, it does not specify in any detail the species and habitats considered to be important. Rather these are set out in the Eryri Local Biodiversity Action Plan and in the Section 7 lists of Habitats and Species of priority for the conservation of biodiversity in Wales.
- 4.4 A number of species are specially protected under The Wildlife & Countryside Act (1981). These are listed in Schedules 1, 5, 7 and 8 of the Act or in other legislation such as the Protection of Badgers Act 1992. For nationally protected species, it is a criminal offence to:
- *to deliberately take, capture, kill, or injure such species of animals or*
 - *to take their eggs or disturb their breeding or resting places and*
 - *to pick, remove, uproot or destroy any wild plant included in the Acts.*
- 4.5 Sites of Special Scientific Interest (SSSIs) are those sites which in the opinion of the Natural Resources Wales, are of special national interest by reason of their flora, fauna, and/or geological or physiographic (geomorphological) features. Such sites are notified to all land owners and occupiers and local authorities, under the Wildlife and Countryside Act, 1981 (as amended)
- 4.6 Notification of SSSIs carries with it statutory protection for those sites and their features of interest. The notification includes a list of Operations Likely to Damage (OLDs) the features of special interest and which cannot be carried out without the written approval of the relevant national nature conservation body (as set out above). Notification also includes a statement on views about the management of the site and the type of management required to conserve the special features in good condition.
- 4.7 All public bodies in the UK have a statutory duty to further the conservation and enhancement of SSSIs and their special interest features. This duty applies to public bodies when they plan and undertake their own projects and also when authorising the plans and projects of others (e.g. through grant of planning consent).
- 4.8 There are some 104 SSSIs either wholly or partly in the National Park. These are illustrated below. A full list appears in Annex1



Safleoedd o Ddiddordeb Gwyddonol Arbennig
Sites of Special Scientific Interest

Graddfa / Scale 1:375000

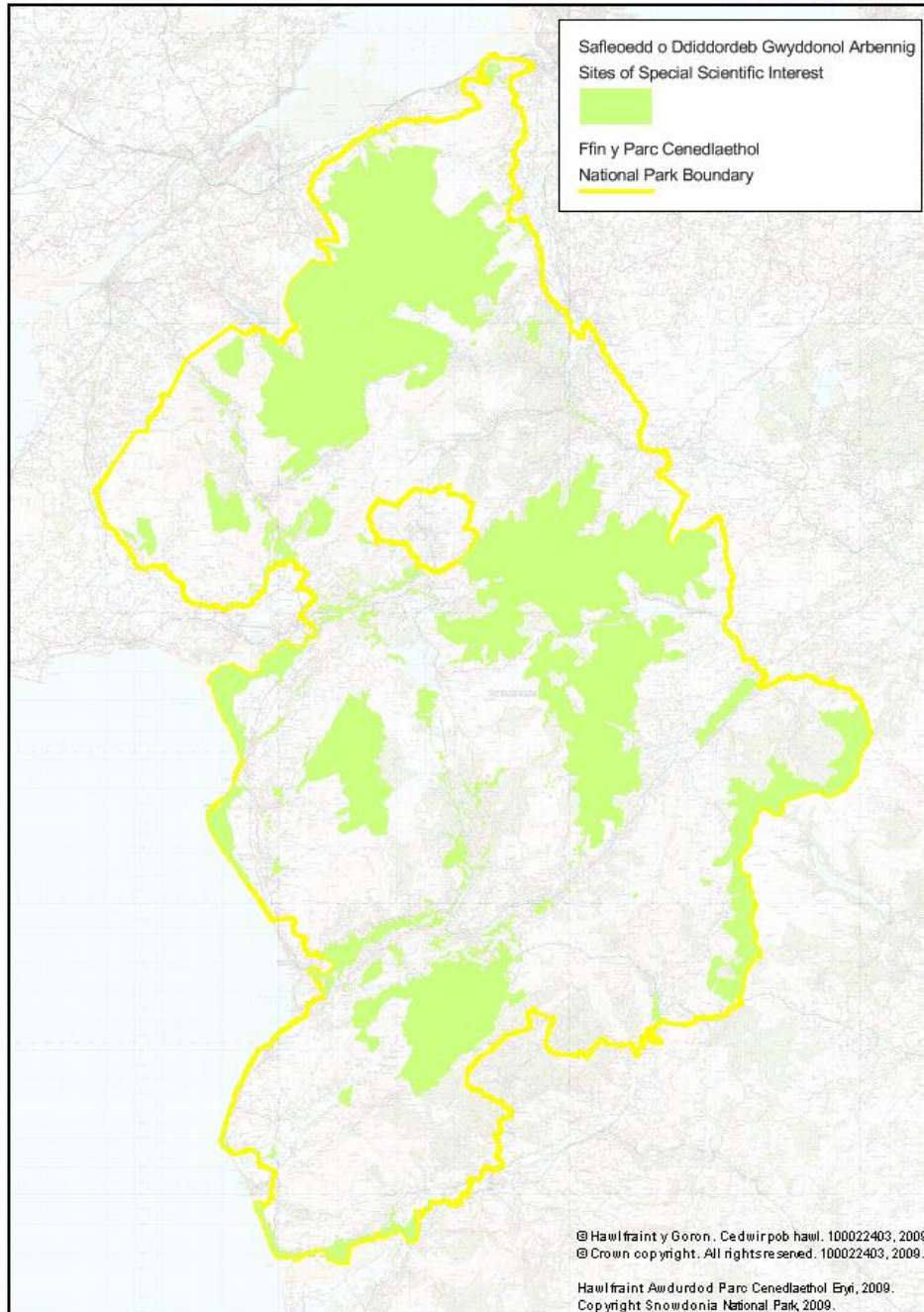


Figure 1 Sites of Special Scientific Interest in Snowdonia

5.0 NATURA 2000 SITES AND HABITATS REGULATION APPRAISALS

- 51 The most important sites for biodiversity in Wales are part of a Europe-wide network known as Natura 2000. The conservation of these sites is a cornerstone in halting the decline in Europe's biodiversity. Natura 2000 comprises Special Protection Areas (SPAs) and Special Areas of Conservation designated under the EC Birds and Habitats Directives respectively.
- 52 Development Plans have a crucial role to play in ensuring that biodiversity is maintained and Natura 2000 sites are protected thereby helping to contribute to the provision of a high quality natural environment for wildlife and people.
- 5.3 If a developer wishes to submit a planning application for a development within, or close, to a Natura 2000 site which may affect its integrity, the Local Planning Authority, in accordance with Regulation 61 of the Conservation of Habitats and Species Regulations is required to undertake a test of likely significant effect to establish whether the plan project is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects). Where it cannot be established that there will not be a significant effect on a European site, the LPA are required to make an Habitat Regulation Appraisal of the implications for that site in view of that site's conservation objectives.
- 5.4 As a matter of policy the Welsh Government has chosen to extend this requirement to cover the Ramsar sites (wetlands of international importance) in Wales as well. The details of the AA process are set out in Annex 1. The European Designated Nature Conservation and Ramsar sites which lie wholly or partly in the Snowdonia National Park are listed out below.



Ardaloedd Arbennig ar gyfer Cadwraeth (Cyfarwyddyd Cynefinoedd)
Special Areas of Conservation (Habitats Directive)

Graddfa / Scale 1:375000

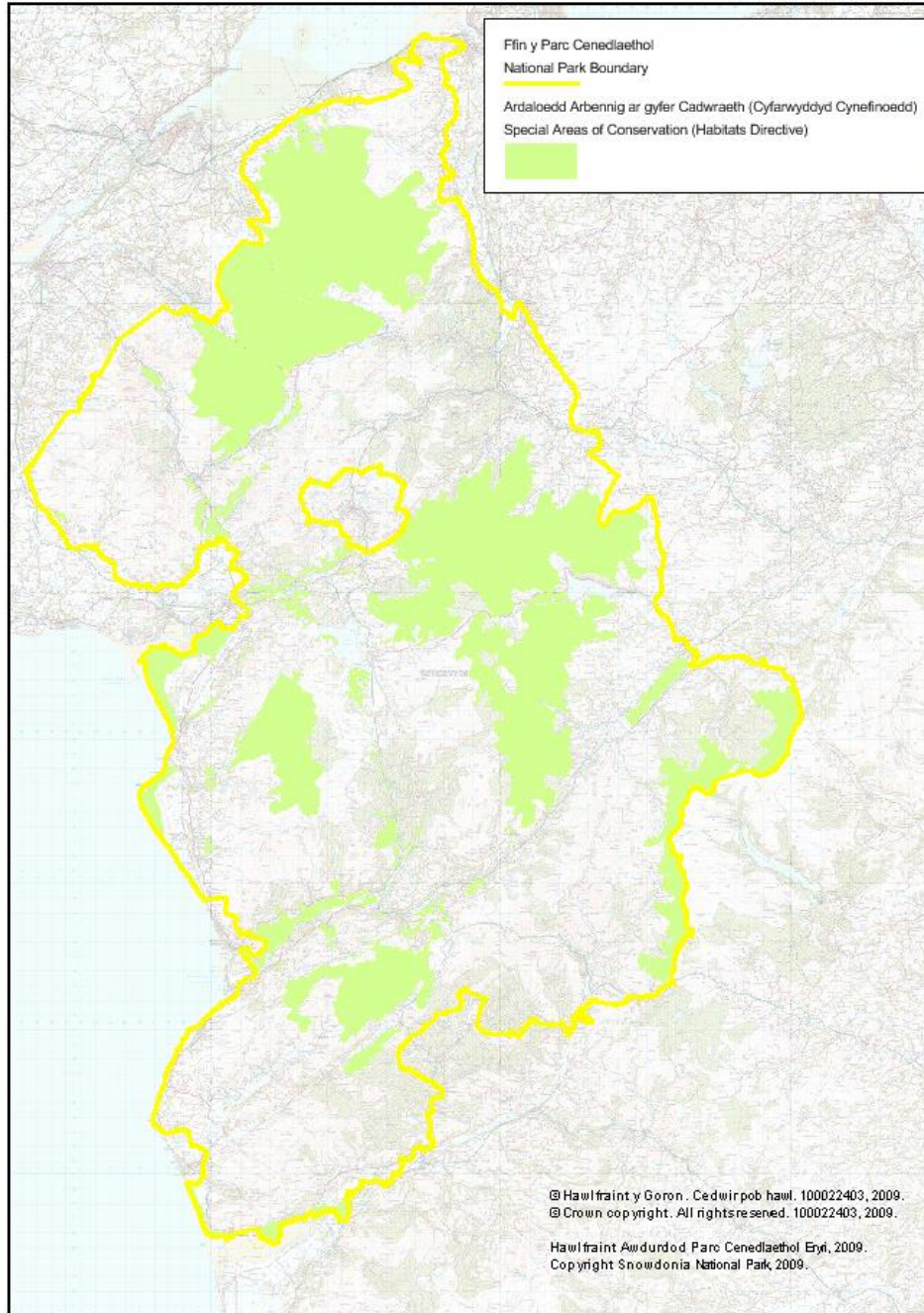


Figure 2 Special Areas of Conservation n Snowdonia



Ardaloedd Gwarchod Arbennig (Cyfarwyddyd Adar) & RAMSAR
Special Protection Areas (Birds Directive) & RAMSAR

Graddfa / Scale 1:375000

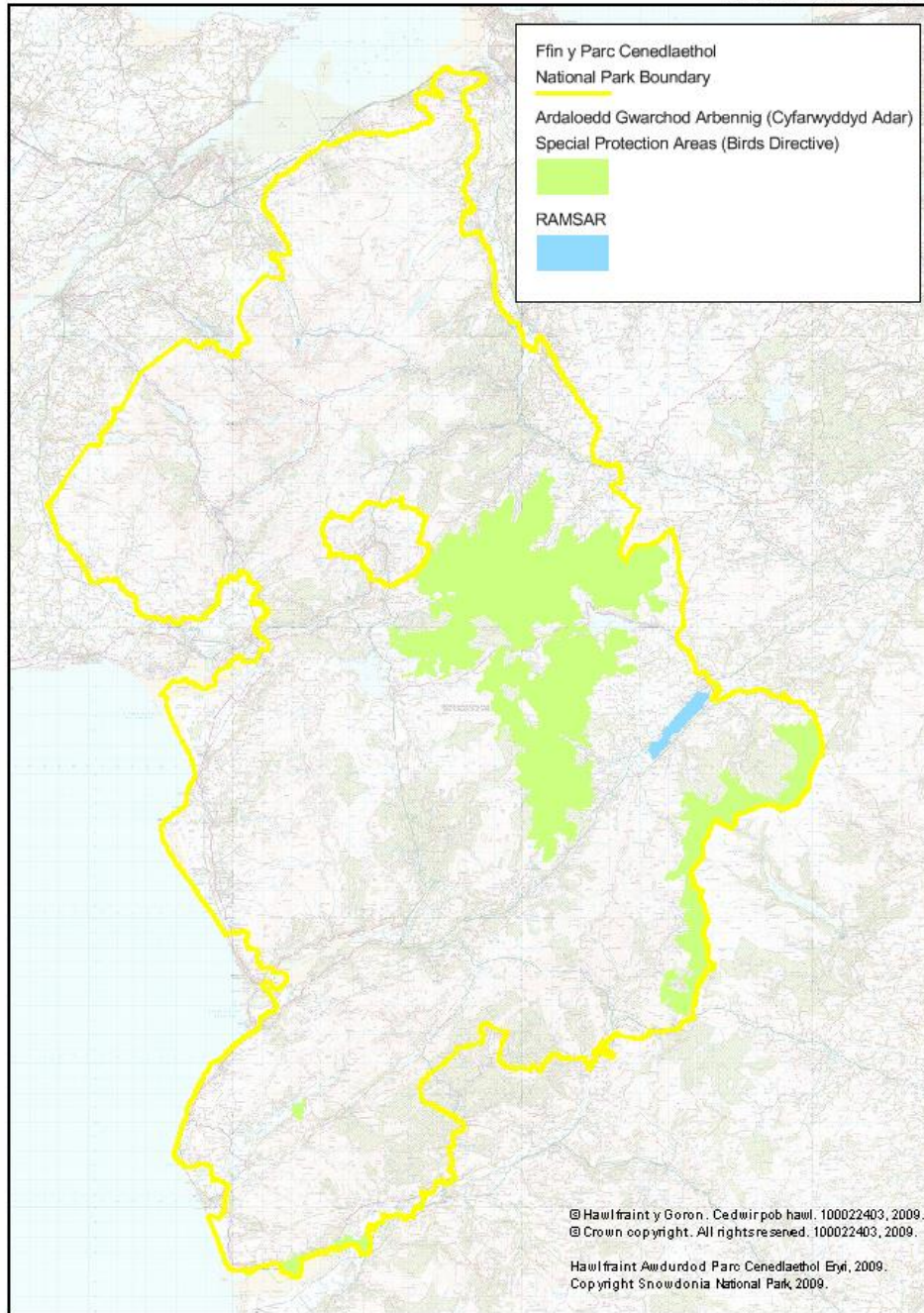


Figure 3 Special Protection Areas and Ramsar Sites in Snowdonia

5.5 The Eryri Local Development Plan and its contents have been subjected to screening under the Habitat Regulation Appraisal process.

6.0 ECOLOGICAL CONNECTIVITY

6.1 Snowdonia demonstrates very high levels³ of ecological connectivity, arising from the high proportion of land covered by broad-leaved woodland; unimproved grassland; heathland; bog and fen along with extensive sand dunes, estuaries and riverside habitats. Within these broader areas are found core areas whose value has been identified by their designation as SSSI and SACs.

6.2 On the ground linear features like watercourses, small woodlands, hedgerows and even dry-stone walls provide links or stepping stones thereby allowing migration, dispersal and genetic exchange between the core areas. The maintenance of these links is therefore very important. To that end the policies set out in the Local Development Plan seek to protect and enhance these landscape features whenever development is proposed. An example is Policy T5 which protects public and private open space within settlements and designates “Green Wedges” along the Ardudwy coast to prevent the coalescence of settlements and the closure of important wildlife corridors.

7.0 THE ERYRI LOCAL BIODIVERSITY ACTION PLAN

7.1 The UK Biodiversity Action Plan Review (2005) devolved greater emphasis to the country level. Specific targets for habitats and species are set out at the Wales level and due regard must be given to a priority list of *“living organisms and types of habitat which in the Assembly’s opinion are of principal importance for the purpose of conserving biodiversity.”* (Section 7 of the Environment (Wales) Act 2016 – see Annex 2).

7.2 Maintaining and enhancing Snowdonia’s biodiversity is a cornerstone of sustainability. The Local Biodiversity Action Plan (LBAP) identifies the most important habitats and species found in Snowdonia. The Habitats and Species Action Plans (H/SAPs) contained in the Eryri LBAP reflect the current priorities for action and reinforce the local importance of these habitats.

7.3 The individual Habitats and Species Action Plans list the factors which currently affect the habitat/species, along with an agreed set of management objectives. This information is very useful as it can assist in

³ Ibid.

assessing the impact of a proposed development on the status of the particular species and/or habitat. In certain instances this may well lead to the conclusion that the planning application should be refused. In other cases it may assist in prescribing actions to avoid, or mitigate potential threats, to the extent that a proposal may be granted permission subject to conditions.

7.4 The Habitats and Species Action Plans also identify opportunities for providing wildlife benefits, for example through the use of landscaping to create new or enhanced habitats. Annex 3 lists priority species and habitats within Snowdonia.

7.5 The LBAP is a continually evolving document as new Habitats and Species Action Plans are added. These can be viewed on the National Park website at www.eryri-npa.gov.uk and on the UK Biological Action Reporting System www.ukbap-reporting.org.uk.

8.0 EXAMPLES OF SPECIES AND HABITATS WHICH MAY BE ENCOUNTERED IN SNOWDONIA

8.1 All European Protected Species and the places they use to rest and breed are legally protected under the Wildlife and Countryside Act (WCA) 1981 (as amended) and the Conservation of Habitats and Species Regulations 2010 – the Habitats Regulations. This section provides a few examples of protected species and habitats which are most likely to be encountered by those wishing to develop, or change the use, of buildings or land in the National Park.

8.2 **Bats** – All British bats are protected under the Wildlife & Countryside Act 1981 (as amended) and have European protection under the Conservation of Habitats and Species Regulations 2010, which implements the EC Habitats Directive in the UK. It is an offence to deliberately disturb, capture, injure or kill a European Protected Species or to damage or destroy the breeding site or resting place (roost) of such an animal or to obstruct its access. A roost is protected whether or not bats are present at the time. 'Damage' may also include operations such as timber treatment. It is also an offence to deliberately disturb a bat in a way that may significantly affect its ability to survive or affect the local distribution or abundance of that species.

8.3 Snowdonia is a stronghold for many species and is particularly important for species such as the lesser horseshoe bat. There are examples of both SSSI's and SAC's which have been designated for their importance as lesser horseshoe bat roosts. Lesser horseshoe bats are a feature of Mwyngloddiau Fforest Gwydir, Glynllifon and Meirionnydd Oakwoods and Bat Sites SACs.

- 8.4 A surprising number of buildings, structures, mine adits and trees in Snowdonia provide roosting and hibernacular sites for bats, and many areas of land and linear features such as hedgerows, woodland edge, watercourses, road-side verges etc. may provide feeding ground for bats and flight paths. Bats and their resting places are protected by law and can be adversely affected by development and other works to buildings such as re-roofing, repairs and refurbishments.
- 8.5 **Birds** - It is an offence under Section 1 of the WCA 1981 to intentionally kill, injure or take (handle or remove) any wild bird, take or damage a nest whilst in use or being built, or take or destroy eggs. In addition a number of bird species listed in Schedule 1 of the Act, for example the Barn owl, are given greater protection, it being an additional offence to intentionally disturb these birds while nesting or rearing young, or to disturb the dependent young. Developers will therefore need to take care to avoid disturbing nesting birds during the breeding season.
- 8.6 **Barn owl** numbers have experienced a significant decline over the last half century arising mainly due to a reduction in suitable feeding sites and prey species and through the loss of traditional roosting and breeding sites. As the barn owl is now a rarity in many areas it is afforded special protection by Schedule 1 of the WCA.
- 8.7 As with lesser horseshoe bats barn owl nests are usually located within old farm buildings and this can have implications for developers wishing to demolish or convert the buildings. Before embarking on barn conversion or renovation, developers should be aware of the possibility of owl roosts and nests and look out for signs.
- 8.8 **Badgers** receive statutory protection under The Protection of Badgers Act 1992 which is aimed at preventing cruelty to badgers and protecting their setts. Although badger setts are usually found in woodlands, they may also be found in areas of bracken or scrub including field boundaries. Badgers may forage extensively over a wide area, well trodden routes. If their setts or foraging habitats are affected by development there may well be an adverse effect on badger behaviour.
- 8.9 If development is proposed in the countryside or on greenfield land adjacent to, or within, settlements it would be a sensible precaution to seek expert advice as to whether or not badgers are likely to be using the site. Should signs of activity be discovered on, or near, to the proposed development site, it is advisable to commission a full badger survey. Badger setts can only be disturbed for the purposes of development under a licence obtained from the Natural Resources Wales (NRW).
- 8.10 **Peatlands** - Peat supports a critically important biodiversity resource, including four UK BAP priority habitats (blanket bog, upland fen, lowland

- fen, lowland raised bog) and a wide range of priority species dependent on these habitats. Peat soils occupy an area of around 70,600 ha in Wales with Snowdonia hosting nearly 20% of the Welsh total and the Migneint, at 10,364ha, being one of the largest areas, some 14.7% of the Welsh total.
- 8.11 Peat performs a range of crucial ecosystem functions, including carbon storage and sequestration, regulation of runoff and attenuation of flood-peaks downstream, nutrient regulation and retention. Although peat soils only amount to 3% of the Welsh land area they contain 30% of the total soil carbon.
- 8.12 Development and changes to land-use and management practices on peat, which compromises its long-term viability as a carbon storage and sequestration resource, should be avoided as far as possible; in addition opportunities to work towards the gradual restoration of semi-natural mire habitats should be taken wherever possible
- 813 **Lakes and River Corridors** – Snowdonia hosts several important and rare species such as glutinous snail, gwyniad, salmon, trout, lampreys, fresh water pearl mussels, otter and water vole and these are dependant on aquatic and riparian habitats such as estuaries, rivers, lakes along with their marginal vegetation.
- 8.14 In order to maintain healthy populations these species require, amongst other factors, unpolluted water, undisturbed river banks and bankside vegetation and the absence of artificial light. Proposals for developments located near such habitats should not impact adversely on wildlife and on water quality and quantity. Ideally undeveloped river corridors should be maintained to achieve habitats suitable for species to thrive. Natural Resources Wales will need to be consulted on developments in areas of flood risk and those which may affect the water environment through water abstraction, discharges and runoff.

9.0 THE IMPACT OF INVASIVE SPECIES ON BIODIVERSITY

- 9.1 Invasive Species can impact adversely on biodiversity. Invasive non-native species are those that have been transported, accidentally or deliberately, outside of their natural range and as a result pose a threat to environmental, agricultural or economic resources in their new host locations.
- 9.2 On a global level non-native species are considered to be one of the main threats to biodiversity, second only to habitat destruction. Because invasive plants have few animals that feed upon them in their new homes they provide little, or no food, to the local fauna, this gives them a competitive advantage over native flora. As a result invasive plants can

rapidly out-compete native flora in a variety of habitats and impact adversely on biodiversity. Examples of such species in the National Park are Japanese knotweed (*Fallopia japonica*); Rhododendron (*Rhododendron ponticum*) and Himalayan balsam (*Impatiens glandulifera*).

- 9.3 It is an offence to allow certain invasive species to spread into the wild under the WCA 1981 and waste containing Japanese knotweed is controlled under Section 34 of the Environment Protection Act 1990.
- 9.4 Earth moving activities, the stripping of soil and sub-soil and excavation for foundations as part of groundworks prior to development, or the importation of such materials for landscaping schemes, may inadvertently facilitate the spread of invasive species. The presence of invasive species will therefore be taken into consideration when assessing a planning application. Where invasive plants are present on a site a developer will need to submit a site specific method statement with their application to demonstrate a programme of measures to avoid contact with, control or eradicate plants in order to maintain and enhance biodiversity.

10.0 REGIONALLY IMPORTANT GEODIVERSITY SITES

- 10.1 Snowdonia has played a very important part in the early development of the geological and earth sciences. The area is still extensively studied and many students visit the area on field trips as part of their education.
- 10.2 The Nature Conservancy Council (NCC) was responsible for conducting a Geological Conservation Review (GCR) to identify, describe and assess all geological and geomorphological areas where conservation was considered to be essential for education and research in the earth sciences. In 1991 the NCC was replaced by separate country agencies in England, Scotland and Wales. The GCR was then passed to the Joint Nature Conservation Committee (JNCC) to handle and endorse.
- 10.3 Through this review, sites were designated as Sites of Special Scientific Interest; these have the same level of statutory protection as biological SSSIs and as such receive protection under the Wildlife and Countryside Act 1981 and the Countryside and Rights of Way (CROW) Act 2000 as amended. These statutory protected sites are inherent features of the National Park's high quality environment.
- 10.4 Regionally Important Geodiversity Sites (RIGS) are specially chosen non-statutory sites of local and regional geological importance. RIGS need to embrace one or more of the following values:
 - *Scientific sites that are important for ongoing research in the Earth sciences.*

- *Educational sites that can provide an outdoor geological classroom for all ages and abilities.*
- *Historical sites show the importance of geology in archaeological and historical constructions (e.g. cromlechs), the development of geology as a science (e.g. sites where certain theories were first developed) and commemorate the outstanding contributions of important geologists (e.g. graves and monuments).*
- *Aesthetic sites demonstrating the importance of geology to understanding and appreciating some of our most cherished landscapes and scenery.*

(Source: NRW)

10.5 Ensuring that these sites remain available to future generations to study is therefore vitally important and the Eryri Local Development Plan contains policies which seek to protect geological and geomorphological features from unnecessary damage. The GCR and RIGS sites in Snowdonia are shown on the map below.



GCR and RIGS sites



Figure 4. Distribution of Regionally Important Geodiversity Sites and Geological Conservation Review Sites in Snowdonia. (Source: Joint Nature Conservation Committee, Natural Resources Wales and Snowdonia National Park Authority)

11.0 WHAT DEVELOPERS MUST DO

- 11.1 This section sets out what developers must do in order to satisfy the Authority, and other relevant regulators, that the potential ecological implications of a proposed development have been taken fully into account
- 11.2 The Authority will follow a set of general principles for conserving biodiversity and geodiversity in planning and development; it will also expect developers to do the same by:-
- ***Anticipating all potential impacts of a development proposal at the earliest stage of the planning process.***
 - ***Affording designated sites the level of protection appropriate to their status.***
 - ***Ensuring development does not lead to a net loss in biodiversity and geodiversity.***
 - ***Identifying opportunities for new development and re-development to contribute towards a net gain in biodiversity.***
 - ***Reversing habitat fragmentation and species isolation.***
 - ***Taking account of indirect and cumulative impacts in assessing the potential effects of a development.***
 - ***Recognising that many landscape features are crucial for the migration, dispersal and genetic exchange of wild species. These important “stepping stones” and corridors should be protected and managed sympathetically and extended wherever possible. These are especially important with the threat of climate change, allowing species to move in response.***
- 11.3 Pre-application discussions with the LPA planners and ecologists and the Natural Resources Wales are highly advisable as they can highlight the wildlife and conservation issues which may need to be addressed. The table below provides information on those who should be contacted before the preparation of a planning application

Pre-application discussions	
Nature Conservation interests potentially affected by a proposed development	Who should be contacted before the application is prepared?
An internationally designated site or proposed site (European and European offshore marine sites, proposed European and European offshore marine sites, and Ramsar sites)	Natural Resources Wales (NRW) and the Local Planning Authority (LPA)
A Site of Special Scientific Interest (SSSI)	NRW and the LPA
A European Protected Species	NRW and the LPA
A National Nature Reserve	NRW and the LPA
A Local Nature Reserve	The LPA
A Regionally Important Geodiversity Site (RIGS)	The Local RIGS group, LRC and the LPA
A habitat or species listed as being of principal importance for the conservation of biodiversity in Wales (Section 7 lists under the Environment (Wales) Act 2016 ⁴ or BAP priority habitat or species)	The LPA, and NRW in the case of Statutory Protected Species
Where effects on nature conservation are uncertain	The LRC and/or LPA ecologist or a consultant ecologist
Coastal waters, lakes, rivers, streams or other wetlands	LPA

Table 1. Pre-application discussions – who should be contacted.

11.4 The National Park Authority has developed a checklist which it uses to determine whether a Preliminary Protected Species Assessment is required. This is set out in Annex 4. It has also developed guidance on when, and under what circumstances, a Preliminary Protected Species Survey will be required. This guidance along with the flow chart for determining planning applications where bats, or other protected species may be encountered, is set out in the box on the following pages.

⁴ **Section 7** replaces the duty in Section 7 of the NERC Act 2006. The Welsh Ministers will publish, review and revise lists of living organisms and types of habitat in Wales, which they consider are of key significance to sustain and improve biodiversity in relation to Wales. The Welsh Ministers must also take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and encourage others to take such steps.

GUIDANCE ON PRELIMINARY PROTECTED SPECIES ASSESSMENT

This guidance should be provided to your appointed consultant. The main purpose of the preliminary survey is to address the following 3 questions:

- 1. Is there any evidence to suggest that bats or other protected species are using (or have used) the respective building, structure, tree etc. at any time of the year? Yes/No**
- 2. Is there any reasonable likelihood that bats or other protected species are using (or have used) the respective building, structure, tree etc. at any time of the year? Yes/No.**
- 3. Is there any reasonable likelihood that bats or other protected species will be affected by the proposed development? Yes/No.**

N.B. If the answer to question 1 is Yes, please provide details. A brief justification of your Yes/No answer to questions 2 & 3 should be provided here. A 'Yes' answer will usually trigger the requirement for The Authority to request a comprehensive bat survey or other protected species survey.

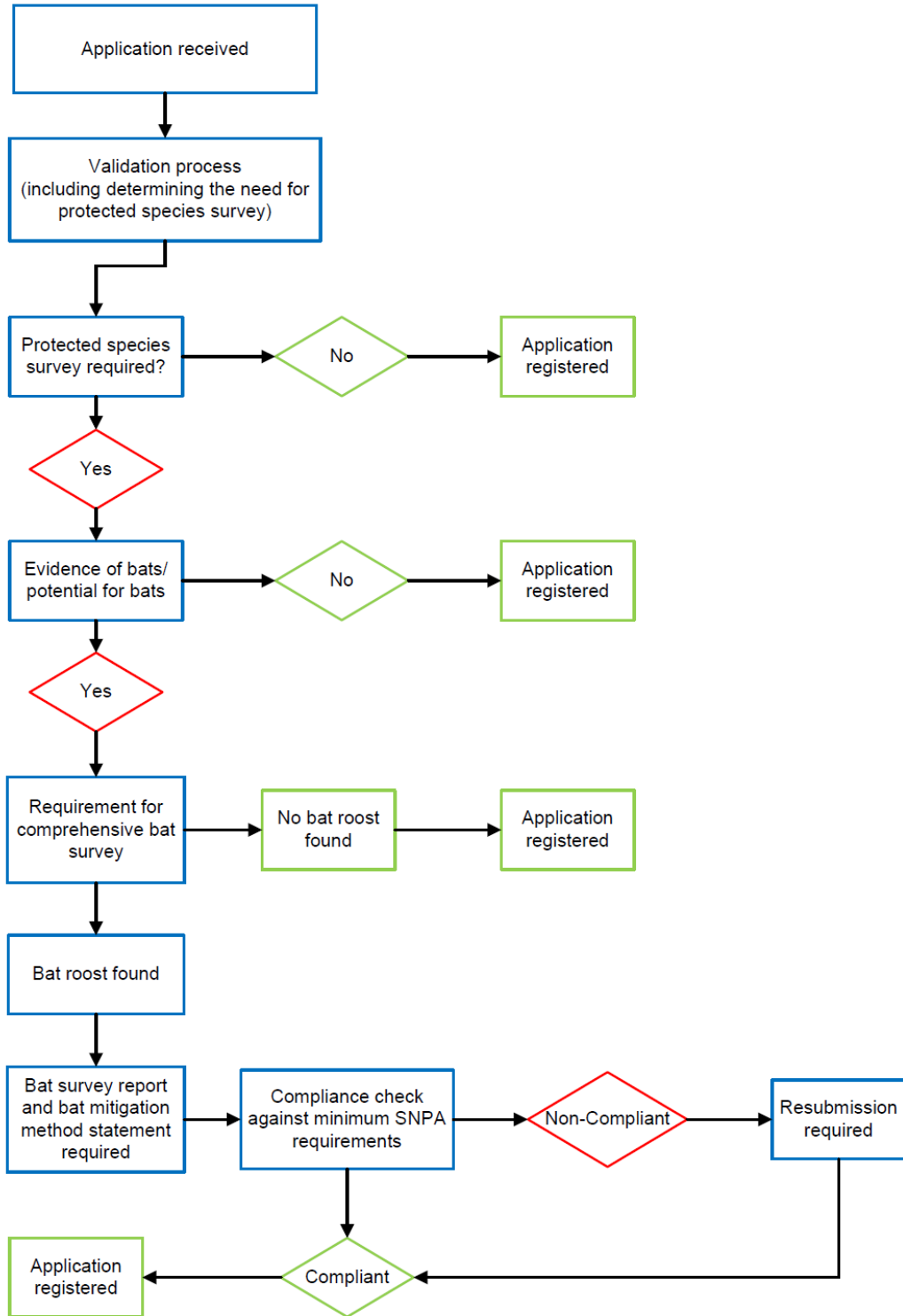
The preliminary survey report should be brief (i.e. one A4 sheet of text plus photograph(s)/sketch is sufficient) but it should include all the following information:

- Date of Survey:
- Location of the Survey (including 8 figure grid reference):
- Name of Surveyor with details of relevant license(s)
- Photograph of building(s)/structure(s)/tree(s) etc. surveyed:
- Sketch map to clarify which building(s), structure(s), tree(s) surveyed (e.g. if building is part of a range of farm outbuildings)
- Brief description of the building/structure/tree e.g. traditional stone building with an intact slate roof etc.
- Condition of the building(s)/structure(s)/tree(s)
- Brief description of the surrounding habitat including connectivity in the landscape
- A brief description of the proposed works indicating where conversion/demolition etc is applicable. A sentence will usually be adequate
- Whether evidence of bats noted, together with brief description of findings including e.g. where droppings etc. were found and whether old or recent etc. and e.g. whether the evidence appears to be indicative of a maternity or summer night roost or hibernaculum.
- Likely species (if known).
- Whether any evidence noted of any other protected wildlife e.g. barn owls, swallows, otters, etc.
- If no evidence of bats or other protected species noted, the surveyor should, using his/her professional judgement, make an assessment of the potential for the said building/structure/tree etc. to support bats or other protected wildlife.

N.B. Bats generally hibernate between October and April. Some bat species, such as pipistrelles, may be impossible to survey during the winter months as they crawl into crevices where they are unlikely to be detected. A preliminary survey may be undertaken at any time of year, as it may still be possible to find recent or historic evidence of a summer roost or hibernaculum, and/or to assess the potential of the respective building, structure, tree etc. to support bats at any time of the year.

Determination of Planning Applications in SNPA

Bats in the Planning Process



- 11.5 Where a proposed development may have significant effect on Natura 2000 site the Snowdonia National Park Authority, as a “competent authority“, is legally required to undertake an Habitats Regulation Appraisal
- 11.6 In order to assist this process the developer will be expected to provide such information as the competent authority may reasonably require for the purpose of the Appropriate Assessment Reg. 61(2) of the Conservation of Habitats and Species Regulations 2010). The information required may relate to any environmental information or information about the proposal, relevant to the assessment and may include:
- i. information already available, or*
 - ii. new information from surveys that may need to be carried out, or*
 - iii. data analysis, predictions, comparisons or assessments of a technical nature.*
- 11.7 It is important that all ecological surveys should provide the following information as a minimum:
- ***A report including a location plan, drawn to an appropriate scale, of the application site along with a grid reference. The plan may be accompanied by supporting information such as photographs.***
 - ***The results of a desktop survey to establish if any biological information is available for the proposed site. Existing records of habitats or species may already be held by Cofnod, the North Wales Environmental Information Service***
 - ***A field survey may also be a requirement. The timing of any survey need to take account of the optimum time for surveying particular habitats and species. Any limitations to the survey must be made explicit in the report. All survey data should be copied to Cofnod.***
 - ***The methodology adopted for undertaking ecological surveys along with a justification for their selection. For vegetation surveys a Phase 1 Habitat survey will be required in most cases with a Phase 2 National Vegetation Classification (NVC) survey in some cases. In the case of species surveys, the methodology must be set out clearly and should conform to established standards.***

- ***An objective evaluation of the site itself together with an evaluation of each of the habitats and species represented on the site.***
- ***An assessment of the impact of the development, both during the pre-construction, construction and operational phases. The impact may be direct or indirect, negative or positive. The impact may be temporary or permanent in duration. In some cases it may be possible to quantify the magnitude of the impact, for example, as a measurable area of the site that will be lost or adversely affected.***
- ***Recommendations in relation to the retention and protection of habitats and species including mitigation, compensation and enhancement proposals.***
- ***If there is a significant time lag between completing the survey report and the onset of development, it is advisable to carry out an additional survey immediately before the onset of development to identify any new ecological constraints that may need to be addressed and/or accommodated.***

11.8 To summarise developers should therefore ensure that when submitting a planning application, they:

1. Provide sufficient information about the proposed development in order to allow the ecological implications of the development to be fully assessed.

This should include the design, layout, programming and construction of development.

Details of potentially adverse effects on the site's biodiversity and geodiversity should be included.

2. Identify those measures aimed at achieving more sustainable solutions to development problems and which reduce, or avoid, any potentially adverse effects of the development on important species, habitats, ecological connectivity and geodiversity.

3. Guarantee that mitigation measures will be carried out, for example by accepting conditions or planning obligations/agreements, should adverse effects be unavoidable (see below).

4. Are willing to undertake compensatory measures if, after mitigation, monitoring of the site reveals that there are adverse residual effects.

These compensatory measures should be guaranteed by conditions or planning obligations/agreements.

5. Offer to provide new benefits that further the conservation interests of the site and enhance biodiversity and geodiversity, for example by viable habitat creation or enhancement.

These should be guaranteed by conditions or planning obligations/agreements.

12.0 MITIGATION AND MONITORING

12.0 Prior to approving a planning application, subject to satisfactory surveys and the granting of appropriate licences, the National Park Authority will, through conditions or a Section 106 agreement ensure that a mitigation strategy and programme of monitoring takes place. The mitigation strategy should include

- *Details of the avoidance, mitigation and compensation measures for each of the species to be affected by the development*
- *Details of what habitat is to be lost (area, quality, location) and that which is to be provided as mitigation*
- *Location of any receptor site for translocated animals (be it on or off-site)*
- *Management prescriptions for receptor sites to make any necessary habitat enhancement and/or creation for the species concerned*
- *Details of any capture and translocation exercise that needs to be undertaken including timing, capture effort and trapping procedure*
- *Location of replacement features (such as bat roosts, nesting features, ponds, hibernation areas for reptiles or amphibians and so on)*
- *Details of long-term management and security of the site from future development*
- *Details of any compensatory measures that are to be provided to remove any residual impacts which cannot be avoided or mitigated*

12.2 In order to ensure that the aims of the mitigation strategy are fully met the applicant should fund a monitoring programme over several years. This should follow the relevant good practice guidelines for each of the species affected to ensure that the populations affected are conserved, and wherever possible enhanced.

12.3 In accordance with good practice the results of all monitoring surveys should be submitted to Cofnod, the local records centre, to allow a greater understanding of the distribution and current status of the species concerned. If the results of the monitoring highlight that the mitigation is unsuccessful and is not resulting in the conservation of the species in question, the management plan should be modified accordingly.

ANNEX 1: Nature Conservation Designations

National Nature Reserves (NNRs)

NNRs contain examples of some of the most important natural and semi-natural terrestrial and coastal ecosystems in Great Britain. They are managed to conserve their habitats or to provide special opportunities for scientific study of the habitats communities and species represented within them.

NNRs are declared by the statutory country conservation agencies under the National Parks and Access to the Countryside Act 1949 and the Wildlife and Countryside Act 1981.

National Nature Reserves in Snowdonia

Sites of Special Scientific Interest (SSSI)

The SSSI series has developed since 1949 as the national suite of sites providing statutory protection for the best examples of the UK's flora, fauna, or geological or physiographical features. These sites are also used to underpin other national and international nature conservation designations. Most SSSIs are privately-owned or managed; others are owned or managed by public bodies or non-government organisations.

Originally notified under the National Parks and Access to the Countryside Act 1949, SSSIs have been re-notified under the Wildlife and Countryside Act 1981. Improved provisions for the protection and management of SSSIs were introduced by the Countryside and Rights of Way Act 2000 (in England and Wales).

Sites of Special Scientific Interest in Wholly or Partly in Snowdonia

Aber Mawddach/Mawddach Estuary
Aberdunant
Afon Conwy Pastures
Afon Dyfi ger Mallwyd
Afon Eden - Cors Goch Trawsfynydd
Afon Gwyrfai a Llyn Cwellyn
Amnodd-Bwll Stream Section
Arthog Hall Woods
Bedd y Coedwr and Tyddyn Gwladys River Sections
Berwyn
Broadwater
Bryn Glas Quarry
Bryn y Gwin Isaf
Bryn-Llin-Fawr
Cadair Idris
Cae'r Felin
Caeau Bwlch

Caerau Uchaf
Castell Prysor
Cefn Coch Mine
Cefndeuddwr
Ceunant Aberderfel
Ceunant Cynfal
Ceunant Dilyn
Ceunant Llennyrch
Chwarel Cwm Hirnant
Chwareli Gelli-Grin
Clogwynyarreg
Coed Aber Artro
Coed Afon Pumryd
Coed Cae-awr
Coed Camlyn
Coed Cors y Gedol
Coed Dolgarrog
Coed Ganllwyd
Coed Gorswen
Coed Graig Uchaf
Coed Llechwedd
Coed Lletywalter
Coed Merchlyn
Coed Tremadog
Coed y Gofer
Coed y Rhygen
Coedydd Aber
Coedydd Abergwynant
Coedydd Beddgelert a Cheunant Aberglaslyn
Coedydd Dyffryn Ffestiniog (Gogleddol)
Coedydd Dyffryn Wnion
Coedydd Nanmor
Coedydd Nantgwynant
Cors Barfog
Cors Geuallt
Cors Graianog
Cors y Sarnau
Craig y Benglog
Craig yr Aderyn (Bird's Rock)
Craig-y-Don
Craig-y-Garn
Cregennen a Pared y Cefn Hir
Cutiau
Cwm Cynfal
Cwm Dwythwch
Dolorgan Barn

Dyfi
Eidda Pastures
Eryri
Fairy Glen Woods
Ffriddoedd Garndolbenmaen
Foel Gron Stream Sections
Foel Ispri
Glasdir Copper Mine
Glaslyn
Glyn Cywarch
Glynllifon
Hermon Copper Bog
Llafar River Section
Llwyn-larth
Llyn Bychan
Llyn Goddionduon
Llyn Gwernan
Llyn Tegid
Llyn Ty'n y Mynydd
Llynnau Bodgynydd
Maes Meillion a Gefail-y-Cwm
Migneint-Arenig-Dduallt
Moel Hebog
Moelwyn Mawr
Morfa Dyffryn
Morfa Harlech
Mosshill
Mwyngloddia Wnion a Eglwys Sant Marc
Mwyngloddiau a Chreigiau Gwydyr
Mwyngloddiau Llanfrothen
Ogof Ddu
Pandora Reservoirs
Pant y Panel
Parc Dolmelynlyn a Glasdir
Penmaenuchaf Hall
Pont Bancog
Rhinog
Sychnant Pass
Trychiad Ffordd Craig Fach
Trychiad Ffordd Moel Hafod Owen
Yr Arddu

Ramsar sites

Ramsar sites are designated under the Convention on Wetlands of International Importance, agreed in Ramsar, Iran, in 1971. Originally intended to protect sites of importance especially as waterfowl habitat, the Convention has broadened its

scope over the years to cover all aspects of wetland conservation and wise use, recognizing wetlands as ecosystems that are extremely important for biodiversity conservation in general and for the well-being of human communities.

The Convention adopts a broad definition of wetland, namely "areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres". Wetlands "may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands".

Special Protection Areas (SPA)

SPAs are classified by the UK Government under the EC Birds Directive. SPAs are areas of the most important habitat for rare (listed on Annex I to the Directive) and migratory birds within the European Union. SPAs in terrestrial areas and territorial marine waters out to 200 nautical miles are classified under the Wildlife and Countryside Act 1981.

Special Areas of Conservation (SAC)

SACs are designated under the EC Habitats Directive. SACs are areas which have been identified as best representing the range and variety within the European Union of habitats and (non-bird) species listed on Annexes I and II to the Directive. SACs in terrestrial areas and territorial marine waters out to 200 nautical miles are designated under the Conservation (Natural Habitats, &c.) Regulations 1994 (as amended).

Source: <http://www.jncc.gov.uk>

Natura 2000

Natura 2000 is the name of the European Union-wide network of nature conservation sites established under Articles 3 – 9 of Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Fauna and Flora – the 'Habitats Directive'. This network will comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

European Designated Nature Conservation and Ramsar sites in the Snowdonia National Park

Site Name	Designation
<i>Afon Dyfi (Part)</i>	<i>Special Protection Area</i>
<i>Berwyn (Part)</i>	<i>Special Protection Area</i>
<i>Craig yr Aderyn</i>	<i>Special Protection Area</i>

<i>Migneint Arenig Dduallt</i>	<i>Special Protection Area</i>
<i>Afon Dyfrdwy and Llyn Tegid (Part)</i>	<i>Special Areas of Conservation</i>
<i>Glynllifon (Part)</i>	<i>Special Areas of Conservation</i>
<i>Rhinog</i>	<i>Special Areas of Conservation</i>
<i>Morfa Dyffryn & Morfa Harlech</i>	<i>Special Areas of Conservation</i>
<i>Afon Eden - Cors Goch</i>	<i>Special Areas of Conservation</i>
<i>Afon Gwyrfai a Llyn Cwellyn (Part)</i>	<i>Special Areas of Conservation</i>
<i>Berwyn</i>	<i>Special Areas of Conservation</i>
<i>Cadair Idris</i>	<i>Special Areas of Conservation</i>
<i>Coedydd Aber</i>	<i>Special Areas of Conservation</i>
<i>Coedydd Derw a Ystlumod Meirion</i>	<i>Special Areas of Conservation</i>
<i>Corsydd Eifionydd (Part)</i>	<i>Special Areas of Conservation</i>
<i>Eryri (Part)</i>	<i>Special Areas of Conservation</i>
<i>Migneint - Arenig - Dduallt</i>	<i>Special Areas of Conservation</i>
<i>Mwyngloddiau Fforest Gwydir (Part)</i>	<i>Special Areas of Conservation</i>
<i>Pen Llyn a'r Sarnau</i>	<i>Special Areas of Conservation</i>
<i>Afon Dyfi – Cors Fochno (Part)</i>	<i>Ramsar</i>
<i>Llyn Idwal</i>	<i>Ramsar</i>
<i>Llyn Tegid</i>	<i>Ramsar</i>

Appropriate Assessment

Appropriate Assessment is an assessment of the potential effects of a proposed plan or project 'in combination' with other plans and projects - on one or more European sites (Natura 2000 sites). The assessment is a statement which says whether the plan or project does, or does not, affect the integrity of a European site. The process of determining whether or not the plan will affect the site(s) is also commonly referred to as 'Appropriate Assessment'. The process will usually be documented in a report.

The decision-making tests for plans or projects affecting Natura 2000 sites are set out in Articles 6(3) and 6(4) of the Habitats Directive. Article 6(3) establishes the requirement for Appropriate Assessment:

Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in

combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and (subject to the provisions of paragraph 4), the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

Where a proposed development may potentially affect the integrity of a Natura 2000 site the Snowdonia National Park Authority as a “competent authority” will undertake an Appropriate Assessment.

ANNEX2: National Planning Guidance Extracts from Planning Policy Wales Edition 8 - Jan 2016

Caring for biodiversity

- 5.2.2 The Natural Environment and Rural Communities Act places a duty on every public authority, in exercising its functions, to have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity. Under section 42 of the Act, the Welsh Government must publish a list of the living organisms and types of habitat which, in the Welsh Government's opinion, are of principal importance for the purpose of conserving biodiversity in Wales. Under section 41(3) of the Act the Welsh Government has a duty to take such steps as appear to be reasonably practicable to further the conservation of the living organisms and types of habitat included in any published lists, or promote the taking by others of such steps. Welsh Government
- 5.2.3 The Welsh Government will ensure that its policies contribute to the conservation of the abundance and diversity of native wildlife and its habitats and will minimise the adverse effects on wildlife where conflict of interest is unavoidable.

Development plans and the conservation and improvement of the natural heritage

- 5.4.1 Development plans must set out the locational policy framework for the conservation and enhancement of the natural heritage within the context of an integrated strategy for social, economic and environmental development in line with sustainability principles. Plans should seek to conserve and enhance the natural heritage in ways which bring benefits to local communities and encourage social and economic progress. Development plans should be informed by a sustainability appraisal commencing at the outset of the plan (see 2.3).
- 5.4.2 The UKBAP objectives should be taken into account in the development of development plan policies. Local Biodiversity Action Plans can provide a valuable basis for this and can be a material consideration both in the preparation of development plans and the making of planning decisions. Principles and targets contained in Local Agenda 21 strategies, national Habitat and Species Action Plans and Countryside and Community Strategies should also inform development plan policies and proposals.
- 5.4.3 Development plans should encourage the appropriate management of features of the landscape which are of major importance for wild flora and fauna in order to complement and improve the ecological coherence of the Natura 2000 network. The features concerned are those which, because of their linear and continuous structure or their function as 'stepping stones' or 'wildlife corridors', are essential for migration, dispersal or genetic exchange. The development of networks of statutory and non-statutory sites and of the landscape features which provide links from one

habitat to another can make an important contribution to the conservation and enhancement of biodiversity and the quality of the local environment, including enabling adaptation to climate change. LBAPs are valuable tools for actively involving local communities in the development and management of habitat networks.

- 5.4.4 Although non-statutory designations carry less weight than statutory designations, they should be given adequate protection in development plans. Where an assessment has identified that certain features or characteristics of the sites need to be conserved or enhanced, local planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate socio-economic activities.
- 5.4.5 The development plan should:
- identify all international, national and local designated sites (including potential SPAs, candidate SACs and listed Ramsar sites);
 - provide criteria against which a development affecting the different types of designated site will be assessed, reflecting their relative significance;
 - include locally-specific policies for the conservation and, where appropriate, enhancement of landscape and amenity;
 - provide for the conservation and, where appropriate, enhancement of biodiversity and landscape outside designated areas, in particular identifying opportunities to conserve important local habitats and species, and to safeguard and manage landscape features of major importance for nature conservation or amenity;
 - make appropriate provision for Local Nature Reserves;
 - include, where appropriate, locally-specific policies for conserving native woodland and protecting and planting trees;
 - clarify how biodiversity will be safeguarded outside statutory designated sites without unduly restricting development that is otherwise appropriate;
 - provide for the protection and enhancement of open space of conservation value, seeking to identify opportunities to promote responsible public access for enjoyment and understanding of the natural heritage where this is compatible with its conservation and existing land uses; and
 - recognise the potential of, and encourage land uses and land management practices that help to secure carbon sinks.
- 5.4.6 The areas to which policies for the conservation and enhancement of the natural heritage apply (including those with either statutory or non-statutory designation and those which are candidates for such

designations) should, wherever practical, be clearly identified on the proposals maps or be capable of being identified from clear criteria in environmental protection policies.

Development Control and the conservation and improvement of the natural heritage

5.5.8 With regard to SSSIs, which are of national importance, the Wildlife and Countryside Act, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies (including local planning authorities) to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. SSSIs can be damaged by developments within or adjacent to their boundaries, and in some cases, by development some distance away. There is a presumption against development likely to damage a SSSI. Before authorising operations likely to damage any of the notified features on a SSSI, local planning authorities must give notice of the proposed operations to NRW, and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions

5.5.9 **Environmental Impact Assessment (EIA)** is required for those developments which fall within Schedule 1 to the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 and may be required for development falling within Schedule 2 to the Regulations. Schedule 2 development means development, other than exempt development, of a description mentioned in Column 1 of the table in Schedule 2 where:

- (a) any part of that development is to be carried out in a sensitive area; or
- (b) any applicable threshold or criterion in the corresponding part of Column 2 of that table is respectively exceeded or met in relation to that development.

A sensitive area, for the purposes of the Regulations, includes, among other things, a SSSI, a proposed or listed Ramsar site, a potential or classified SPA or a candidate or designated SAC. EIA will be required for Schedule 2 development where that development is likely to have a significant effect on the environment. The fact that a development would affect a sensitive area would not, of itself, justify the requirement for EIA although it would increase the possibility of EIA being required. That judgment must be taken on the particular merits of each case. Local planning authorities should consult NRW if uncertain about the significance of a project's likely effect on the environment.

5.5.10 The Welsh Ministers, on the advice of NRW, will normally call in, for their own determination, planning applications which are likely to have a significant effect on sites of more than local importance, for example,

SSSIs, SPAs, candidate or designated SACs and sites listed under the Ramsar Convention.

Protected species

5.5.11 The presence of a species protected under European or UK legislation is a material consideration when a local 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. Local planning authorities should advise anyone submitting a planning application that they must conform with any statutory species protection provisions affecting the site concerned, and should consult NRW before granting permission. An ecological survey to confirm whether a protected species is present and an assessment of the likely impact of the development on a protected species may be required in order to inform the planning decision.

5.5.12 Developments are always subject to the legislation covering European protected species regardless of whether or not they are within a designated site. New developments for which development works would contravene the protection afforded to European protected species require derogations from the provisions of the Habitats Directive. A derogation may only be authorised if there is no satisfactory alternative and if the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range. The development works to be authorised must be for the purposes of preserving 'public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment. Derogations are granted by a licence issued by the Natural Resources Wales. Local planning authorities are under a duty to have regard to the requirements of the Habitats Directive in exercising their functions. To avoid developments with planning permission subsequently not being granted derogations in relation to European protected species, planning authorities should take the above three requirements for derogation into account when considering development proposals where a European protected species is present.

ANNEX 3

Extract from Section 7 of the Environment (Wales) Act 2016

7 Biodiversity lists and duty to take steps to maintain and enhance biodiversity

- (1) The Welsh Ministers must prepare and publish a list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.
- (2) Before publishing a list under this section the Welsh Ministers must consult the Natural Resources Body for Wales (“NRW”) as to the living organisms or types of habitat to be included in the list.
- (3) Without prejudice to section 6, the Welsh Ministers must—
 - (a) *take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and*
 - (b) *encourage others to take such steps.*
- (4) The Welsh Ministers must, in consultation with NRW—
 - (a) *keep under review any list published by them under this section,*
 - (b) *make such revisions of any such list as appear to them appropriate, and*
 - (c) *publish any list so revised as soon as is reasonably practicable after revising it.*
- (5) In exercising their functions under this section, the Welsh Ministers must apply the principles of sustainable management of natural resources.

The list is the same as the NERC list. It is currently being updated by NRW The list can be accessed via the following link:

<http://www.biodiversitywales.org.uk/Environment-Wales-Bill>

ANNEX 4: Priority species and habitats within Snowdonia

The current list of Biodiversity Action Plan species and habitats within Snowdonia can be found at:

<http://www.eryri-npa.gov.uk/looking-after/biodiversity/local-action-plan>

ANNEX 5: Checklist for determining whether a Preliminary Protected Species Survey is required

Q No.	Question	Yes	No
1	Will the proposal involve the demolition of any buildings or structures e.g. existing lean-to, outbuilding, shed etc.?		
2	Is the proposal for a building conversion?		
3	Will the proposal involve the conversion of any building other than a dwelling e.g. a barn or agricultural (or other) outbuilding or chapel?		
4	Will the proposal involve the conversion or loss of an existing roof space or part there of?		
5	Will the proposal impinge either temporarily or permanently on an existing roof space or obscure potential bat access points e.g. fascia boards on gable end etc. Examples include a single storey extension on a single storey building or a two storey extension on a two storey building where the extension keys into the roof, and installation of solar panels.		
6	Will the proposal involve re-roofing works or the removal of/alterations to an existing roof structure?		
7	Will the proposal involve any works to an underground site or structure e.g. mines, adits, tunnels, ducts etc. or bridge structure, quarry etc.?		
8	Will the proposal involve any works to (or the felling of) mature trees i.e. trees with any potential to support bats or breeding/roosting barn owls e.g. trees with cavities etc. or removal of linear features such as hedgerows etc.		
9	Are you aware if any bats or barn owls have been found in association with, or seen emerging from, any buildings, structures or trees affected by the proposal or are aware of evidence of their presence e.g. bat droppings, barn owl pellets etc.?		
10	Are there any current/historical records of bat roosts or barn owls associated with any buildings, structures or trees on the site?		

The above checklist has been developed based on sound evidence of where bats or barn owls have been identified as a constraint together with many years

practical, ecological experience of dealing with planning consultations within Snowdonia. Records of bats and barn owls identified from previous site visits in conjunction with planning consultations support the use of this checklist as part of the planning process. Such records are retained on file in case the checklist is challenged.

ANNEX 6: Contacts and Sources of Information

Ecologist

National Park Ecologist
Snowdonia National Park Offices,
Penrhyndeudraeth,
Gwynedd. LL48 6LF

Telephone: 01766 770 274
Fax: 01766 771211
e-mail: parc@eryri-npa.gov.uk

Natural Resources Wales

Natural Resources Wales
Maes-y-Ffynnon
Penrhosgarnedd
Bangor
Gwynedd LL57 2DW

Telephone: 0845 1306 229
Fax: 01248 355 782
Website: <https://naturalresources.wales/?lang=en>

COFNOD

The North Wales Environmental Information Service
<http://www.cofnod.org.uk>

The UK Biological Action Reporting System

BARS is the UK's Biodiversity Action Plan reporting system. It includes national, local and company Biodiversity Action Plans (BAPs) and the Biodiversity Strategies and Action Plans of all four countries. You can access most of the information in BARS to learn about progress with BAPs, Biodiversity Strategies and the status of BAP species and habitats. The site also has on the map where you can click to find out about conservation action happening in your local area. Website: <http://www.ukbap-reporting.org.uk/>

Useful Websites

<http://www.biodiversityplanningtoolkit.com/default.asp>

http://www.biodiversitywales.org.uk/legislation_guidance-20.aspx

Geological Conservation

The Geoconservation team
Natural Resources Wales
Maes y Ffynnon
Penrhosgarnedd
Bangor
Gwynedd
LL57 2DW

Telephone: 0845 1306 229

Fax: 01248 355 782

Website: <http://www.NRW.gov.uk/>

Other Useful Contacts

Barn Owl Trust
www.barnowltrust.co.uk

Developments which affect the water environment or where certain invasive riparian or aquatic species:
www.environment-agency.gov.uk

The Bat Conservation Trust for information and advice about bats
www.bats.org.uk
Helpline 0845 1300 228