

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

Regeneration and Sustainable Development Cabinet Board

18th May 2018

Report of the Head of Planning and Public Protection

Nicola Pearce

Matter for Decision

Wards Affected: All

Neath Port Talbot Local Development Plan (LDP) – Consideration of: the responses to the representations received following consultation on two Supplementary Planning Guidance (SPG) documents; and the adoption and publication procedures to be implemented.

Purpose of the Report

- 1 To consider the responses to the representations received following consultation on two SPG documents; and the adoption and publication procedures to be implemented.

Executive Summary

- 2 Selective use of SPG is a means of setting out more detailed topic or site specific guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas.
- 3 Two SPG were prepared for the purposes of consultation, including those relating to 'Landscape and Seascape' and 'Biodiversity and Geodiversity'. The formal consultation period ran for 6 weeks starting on Thursday 1st March and ending on Thursday 12th April.
- 4 This report seeks endorsement of the responses to the representations received, together with the proposed amendments to the documents and the adoption and publication procedures to be implemented.

Background

- 5 The Council, at its meeting on the 27th January 2016, adopted the Local Development Plan (LDP) which now provides the basis for decisions on land use planning in the County Borough up to 2026.
- 6 Whilst the LDP contains sufficient information and policies to provide the basis for the determination of planning applications through the development management process, opportunities have been identified throughout the Plan for further detailed guidance to be provided on particular issues.
- 7 Selective use of SPG is a means of setting out more detailed topic or site specific guidance on the way in which the policies of the LDP will be applied in particular circumstances or areas. While only policies in the LDP have special status in the determination of planning applications, SPG may be taken into account as a material consideration in the decision making process.
- 8 SPG must be consistent with the parent LDP policy and should be subject to wider consultation with the public and stakeholders.

Public Consultation

- 9 Two SPG were prepared for the purposes of consultation, including those relating to 'Landscape and Seascape' and 'Biodiversity and Geodiversity'. The formal consultation period ran for 6 weeks starting on Thursday 1st March and ending on Thursday 12th April.
- 10 Following consultation, the Council received a total of 15 representations (or *comments*) from 4 different individuals or organisations. Comments were either submitted directly online, by email or in writing with all comments received made available for public inspection on the Council's website.
- 11 Each SPG is considered in turn below with the changes proposed to the documents highlighted where appropriate.

Landscape and Seascape SPG

- 12 Supplementing LDP policies (SP14, EN1, EN2 and EN3) seeking to conserve the County Borough's countryside, landscapes and

areas of undeveloped coast, this SPG outlines the variety of landscapes and seascapes relevant to Neath Port Talbot and guides those proposing and designing new developments to ensure that landscape and seascape are appropriately considered, protected and where feasible enhanced within any development proposal.

- 13 Following consultation, the Council received a total of 10 comments. Responses and recommendations to the comments received, highlighting proposed changes to the document where relevant, are set out in the schedule in **Appendix 1**.
- 14 In addition to a limited number of minor editing changes to aid clarity, the only substantive change proposed to the SPG relates to the following:
 - *Section 2 'The Landscapes and Seascapes of Neath Port Talbot'* – text added providing information in respect of historic landscapes and historic landscape designations (including the '*Merthyr Mawr, Kenfig and Margam Burrows*' Registered Landscape of Outstanding Historic Interest and '*Mynydd Margam*' Registered Landscape of Special Historic Interest).
- 15 A revised final version of the SPG, highlighting all proposed amendments as 'tracked changes', is presented in full in **Appendix 2**.

Biodiversity and Geodiversity SPG

- 16 Supplementing LDP policies (SP15, EN6 and EN7) seeking to protect, conserve and enhance the County Borough's important habitats, species and sites of geological interest, this SPG outlines the variety of biodiversity and geodiversity interests within Neath Port Talbot and guides those proposing and designing new developments to ensure that biodiversity and geodiversity are appropriately considered, protected and where feasible enhanced within any development proposal.
- 17 Following consultation, the Council received a total of 5 comments. Responses and recommendations to the comments received, highlighting proposed changes to the document where relevant, are set out in the schedule in **Appendix 1**.

- 18 In addition to a limited number of minor editing changes to aid clarity, the only substantive change proposed to the SPG relates to the following:
- *Section 2 'Biodiversity and Geodiversity in Neath Port Talbot'* – text added acknowledging that many biodiversity and geodiversity features are also important in the context of the historical and archaeological environment.
- 19 A revised final version of the SPG, highlighting all proposed amendments as 'tracked changes', is presented in full in **Appendix 3**.

Adoption and Publication Procedures

- 20 Once approved, the SPG will be made available on the Council's website and hard copies of the documents will be made available for public inspection on request.
- 21 In accordance with the Council's Welsh Language Standards Policy, the SPG will be made available in Welsh and will also be available for purchase at a reasonable charge. In common with previous practice, it is suggested that the price be based on the cost of printing together with post and package at the prevailing cost. Electronic copies will be made available at no cost.
- 22 Implementation of the supplementary guidance will be undertaken through the Council's regeneration activities and through the consideration of individual planning applications.

Financial Impact

- 23 The decisions will incur expenditure in relation to the preparation and publication of the final documents. These costs will be accommodated within existing budgets.

Strategic Environmental Assessment (SEA)

- 24 Even though SPG is non-statutory and does not require a Sustainability Appraisal (SA), the SEA Regulations may apply to certain types of SPG.

- 25 A Screening Exercise has been carried out which concluded that each of the two SPG would not result in significant environmental effects and would not therefore trigger the need for assessment.

Equality Impact Assessment

- 26 In order to assist the Council in discharging its Public Sector Equality Duty under the Equality Act 2010, an Equality Impact Assessment (EIA) Screening Exercise has been carried out.
- 27 The LDP was subjected to a Sustainability Appraisal (SA) process which included an assessment of the LDP policies and proposals on equalities (including sex, age, race and disability issues). These aspects have therefore been assessed alongside all the other sustainability and environmental issues, enabling the effects of the Plan to be fully assessed.
- 28 Given that the SA of the LDP incorporated an EIA, and the fact that the two SPG only provides guidance on the implementation of LDP policy, the Screening Exercise concluded that there is no requirement to carry out an additional separate exercise.

Workforce Impacts

- 29 There are no workforce impacts in respect of this report.

Legal Impacts

- 30 There are no legal impacts in respect of this report.

Risk Management

- 31 There are no significant risks associated with this report.

Recommendation

- 32 That having considered the report, it is resolved to make the following recommendations for approval:
1. That the responses and recommendations to the representations received as set out in Appendix 1 be agreed.

2. That the revised SPG as set out in Appendices 2 and 3 be agreed.
3. That the adoption and publication procedures as set out in the report are implemented.

Reasons for Proposed Decision

33 The recommendations are needed to:

1. Ensure that clear supplementary guidance is issued by the Council in respect of 'Landscape and Seascape' and 'Biodiversity and Geodiversity'.

Implementation of Decision

34 The decision is proposed for implementation after the three day call in period.

Appendices

- 35 Appendix 1 – Responses & Recommendations to the SPG Representations.
- 36 Appendix 2 – Landscape and Seascape SPG (Tracked Changes – May 2018).
- 37 Appendix 3 – Biodiversity and Geodiversity SPG (Tracked Changes – May 2018).

List of Background Papers

Legislation and Regulations:

- 38 Planning and Compulsory Purchase Act 2004.
- 39 Well-Being of Future Generations (Wales) Act 2015.
- 40 Environment (Wales) Act 2016.
- 41 The Town and Country Planning (Local Development Plan) (Wales) Regulations 2015.
- 42 The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004.
- 43 The Conservation (Natural Habitats, &c.) Regulations 1994.
- 44 EC Directive 92/43/EEC on Conservation of Natural Habitats and of Wild Fauna and Flora (Habitats Directive).

Planning Policy / Guidance:

- 45 Neath Port Talbot CBC Local Development Plan (2011-2026).
- 46 Planning Policy Wales Edition 9 (2016).
- 47 Technical Advice Notes (TANs).

Officer Contact

- 48 Ceri Morris – Planning Policy Manager [Tel: 01639 686320 / E-mail: c.morris1@npt.gov.uk]

APPENDIX 1

Responses and Recommendations to the SPG Representations

Landscape and Seascape SPG

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
L&S1	Mr R W Ebley		General		In order that change is effectively undertaken all levels of government and other public funded organisations need to demonstrate good management. Independent management accreditation is required to achieve this.	The comment is noted.	Not applicable.
L&S9	Judith Doyle	Glamorgan-Gwent Archaeological Trust	General		<p>You will be aware that we are retained by your Authority to give advice to you regarding archaeology and the historic environment, through our archaeological planning team and the heritage management team. Neath Port Talbot have adopted the Historic Environment Record which is curated by this Trust and holds data on the historic environment for south east Wales.</p> <p>As the draft document notes, many of the landscape and seascape areas in their current form result from prehistoric and historic settlement and management of resources. The draft notes briefly that there is a Register of Landscapes but does not detail this. There are two Registered Landscapes in the Neath Port Talbot Council area. These are Merthyr Mawr, Kenfig and Margam Burrows Registered Landscape of Outstanding Historic Interest (Cadw reference HLW (MGI)1, which includes elements of coastline, and the Mynydd Margam/Margam Mountain Registered Landscape of Special Historic Interest (Cadw reference HLW (WGI/MGI) 2). Margam Park, also within the Glamorgan Register of Historic Parks and Gardens (Cadw reference GM52), is a Grade I designation.</p> <p>The management of these sites, and the impact of development on them, needs to be managed and mitigated in line with current Welsh Government Policy, Chapter 6 of Planning Policy Wales, Conserving the Historic Environment, TAN24: The Historic Environment; and most specifically the <i>Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process: Revised (2nd) Edition (ASIDOHL2) 2007</i>.</p> <p>Only a small percentage of archaeological sites of all dates have any form of statutory protection, and the remainder amounts to thousands of sites, including standing buildings, buried archaeological remains and findspots. The draft SPG details some of these in the Special Landscape Areas features and characteristics,</p>	<p>The points raised are noted. It is accepted that additional information about historic landscapes and historic landscape designations should be included in the SPG, and it is proposed to include this within Chapter 2.</p>	<p>That the following amendments be incorporated into the SPG:</p> <p>Add new section after Paragraph 2.0.21:</p> <p><u>Register of Landscapes of Historic Interest in Wales</u></p> <p><i>The most important and best-surviving historic landscapes in Wales are identified in the 'Register of Landscapes of Historic Interest in Wales'. There are two Registered Historic Landscapes within (or partly within) NPT: 'Merthyr Mawr, Kenfig and Margam Burrows' Registered Landscape of Outstanding Historic Interest [Cadw Ref HLW(MGI)1]; and 'Mynydd Margam' Registered Landscape of Special Historic Interest [Cadw Ref HLW(WGI/MGI)2]¹. Specific guidance on the management and conservation of these areas within the planning process has been published by Cadw².</i></p> <p>Insert associated footnotes:</p> <p>1. <i>The extent of these areas is available via the Lle website: http://lle.gov.wales</i></p> <p>2. <i>Guide to Good Practice on Using the Register of Landscapes of Historic Interest</i></p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>as important factors in formation of the current landscape and seascape of the area, both from a physical and visual nature, and this is recognised in the many designations of wider land and seascapes. As members on the steering group, we have contributed to the Lavernock Point to St Ann's Head Shoreline Management Plan and this includes recognition of the historic environment and historic assets.</p> <p>Proposed changes to these land and seascapes can be mitigated by early consultation with us as your Authority's archaeological advisors. Factors from a historic environment aspect which may cause risk are erosion by both physical and development means, on a large scale or as accumulative impact from smaller events. As the draft notes, sustainable management and forward planning from early stages in line with current legislation is best practice, and the Well-being of Future Generations (Wales) Act includes stewardship of and involvement with the historic environment.</p> <p>It is important to recognise that Planning Policy Wales refers to archaeological sites being preserved in situ as a priority, and preserved by record if their preservation in suit cannot be achieved.</p> <p>All archaeological work, including that which may impact any landscape or seascape, should be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists. It is our policy to recommend that all work is undertaken either by a Registered Organisation (RO) with the CfA or by a MCIfA level member. These professional organisations are experienced in working alongside other professions where archaeology is a consideration with other matters.</p>		<p><i>in Wales in the Planning and Development Process (2nd Edition):</i> http://cadw.gov.wales/docs/cadw/publications/LandscapesRegisterGoodPractice_EN.pdf</p>
L&S2	Rhian Isaac	Natural Resources Wales	2	2.0.7	Suggested wording: ' <i>LANDMAP...is an all-Wales GIS based landscape resource where...</i> '	The proposed amendment to Paragraph 2.0.7 is accepted in order to improve clarity.	<p>That the following amendments be incorporated into the SPG:</p> <p>Para 2.0.7 – amend to read: '<i>LANDMAP (Landscape Assessment and Decision Making Process) is an all-Wales GIS-based landscape resource developed by the Countryside Council for Wales fnow Natural Resources Wales</i></p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
							(NRW) where...'
L&S3	Rhian Isaac	Natural Resources Wales	2	2.0.8	Suggested wording: 'The process uses five nationally consistent, quality assured spatial dataset layers '. The word 'aspects' should be removed after Visual & Sensory.	The proposed amendments to Paragraph 2.0.8 are accepted in order to improve clarity.	That the following amendments be incorporated into the SPG: Para 2.0.8 – amend to read: 'The process uses five nationally consistent, quality assured spatial datasets layers '. Para 2.0.8 (3 rd bullet point) - amend to read: 'Visual and Sensory aspects '.
L&S4	Rhian Isaac	Natural Resources Wales	2	2.0.17 / 2.0.18	Issue 1 does not appear to relate to TAN8 Strategic Search Areas?	Issue 1 (covered by the LDP Landscape Advice Report) did cover wind farms, and therefore does relate to TAN8, although this is not listed in Paragraph 2.0.17. For clarity therefore, it is considered that the paragraph should be amended to correct this point. <i>Waste landfill</i> should also be listed under Issue 1.	That the following amendments be incorporated into the SPG: Para 2.0.17 (Point 1) – amend to read: 'The identification of areas of countryside where wind farms, coal, aggregates and stone extraction and waste landfill would not be acceptable'.
L&S5	Rhian Isaac	Natural Resources Wales	2	2.0.22	UK Marine Policy Statement (2011) & reference.	The suggested addition of the year of the 'UK Marine Policy Statement' and a reference is accepted in order to improve clarity.	That the following amendments be incorporated into the SPG: Para 2.0.22 - amend to read: '...the UK Marine Policy Statement (2011)...' Add reference as a new footnote: 'UK Marine Policy Statement (2011) (HM Government 2011) https://www.gov.uk/government/publications/uk-marine-policy-statement '.
L&S6	Rhian Isaac	Natural Resources Wales	2	2.0.25	There is no reference to the Registered Historic Landscape at Kenfig & Margam Burrows.	It is accepted that the Registered Historic Landscape at Kenfig and Margam Burrows should be referred to in Paragraph 2.0.25 in order to fully cover all the relevant designations that apply.	That the following amendment be incorporated into the SPG: Para 2.0.25 - amend by adding: ' Kenfig and Margam Burrows is also a Registered Landscape of Outstanding Historic Interest included in the Register of

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
							Landscapes of Historic Interest in Wales (Cadw) '.
L&S7	Rhian Isaac	Natural Resources Wales	4		We recommend you check updates in Planning Policy Wales Edition 10.	The comment is noted.	That there be no change to the SPG.
L&S8	Rhian Isaac	Natural Resources Wales	5	5.2	SLA4 (Margam) - it is worth referring to Mynydd Margam Registered Historic Landscape.	<p>The information given in Chapter 5 for each of the Special Landscape Areas sets out the features and characteristics of each SLA rather than the designations that apply, and the information is quoted from the Landscape Advice Report.</p> <p>It would therefore not be considered appropriate to amend this section to refer to the Historic Landscape designation. It is proposed to add further information about the Register of Historic Landscapes to Chapter 2 (refer to L&S9 response).</p>	That there be no change to the SPG.
L&S10	Mr John Flowers	Church Place Watch Group	5	5.2	<p>SLA2 (Dulais Valley - 3rd bullet point): <i>'It is a wide, rolling, pastoral valley with significantly treed field boundaries, many of these contain grown out hedges which are a strong element in this landscape on the lower ground whereas drystone walls are a landscape feature of the upper reaches of the valley sides'</i>.</p> <p>I find the inclusion of this paragraph somewhat nebulous. Consequently, I re-read this paragraph in relation to the boundary between Church Place and Y Sticlau sites. On evidence available to me, this paragraph is wrong in fact and false in interpretation. It is just an opinion without any substance or fact.</p> <p>To define the Church Place and Y Sticlau sites having <i>'treed field boundaries'</i> is a false assertion and to relegate the <i>'dry-stone wall'</i> to merely a <i>'landscape feature'</i> is a deliberate misinterpretation.</p> <p>The visible recognisable physical boundary line between these two sites has been shown to be a dry-stone retaining wall irrespective of later tree growth down-side of the wall on the sloping ground of Church Place. If there were an uncluttered view from the dwellings of Clos Y Sticlau, particularly house two, and looking down-hill, the dry-stonewall is not visible, but looking up-hill from the adjoining Church Place</p>	<p>The information given in Chapter 5 for each of the Special Landscape Areas sets out in general terms the broad features and characteristics of the whole SLA rather than describing specific features individually. The information is quoted from a separate document (the LDP Landscape Advice Report).</p> <p>It is therefore not considered to be necessary or appropriate to amend this section to delete part of the description.</p>	That there be no change to the SPG.

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>properties, the face of the dry-stone retaining wall would be visible. However, whether visible or not, it does not change the line of the boundary.</p> <p>I find it hard to appreciate why this non-specific paragraph has been included and cannot see a logical reason for its purpose. In conclusion, I ask that the paragraph of SLA2 Dulais Valley 'treed field boundaries' be deleted.</p> <p>[Note: the representation is supplemented by various file notes in evidence of an ongoing dispute in respect of the boundary between Church Place and Clos Y Sticlau, Seven Sisters].</p>		

Biodiversity and Geodiversity SPG

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
B&G1	Mr R W Ebley		General		In order that change is effectively undertaken all levels of government and other public funded organisations need to demonstrate good management. Independent management accreditation is required to achieve this.	The comment is noted.	Not applicable.
B&G2	Judith Doyle	Glamorgan-Gwent Archaeological Trust	General		<p>You will be aware that we are retained by your Authority to give advice to you regarding archaeology and the historic environment, through our archaeological planning team and the heritage management team. Neath Port Talbot have adopted the Historic Environment Record which is curated by this Trust and holds data on the historic environment for south east Wales.</p> <p>Many aspects of both biodiversity and geodiversity are also linked with the historic environment. As the draft document notes, fens and marshes, and areas of upland peats are important habitats with resident and visiting animal species as well as plants. These features are also important in the archaeological and historic environment, as the waterlogged environment ensures the anaerobic survival of organic materials such as wood, bone, leather and wool, including worked finds and dateable plant and animal deposits. Natural features such as woodlands, hedges, boundaries and watercourses are often the result of historic human intervention and land and water management over millennia, and should be recognised</p>	<p>The points raised are noted.</p> <p>It is agreed that many biodiversity and geodiversity features are also important features in the context of the historical environment and reference could be made to this in the document. It is considered that an additional paragraph could be added in Section 2 to recognise this along with specific reference in relation to green infrastructure in Paragraph 2.4.2.</p> <p>Details of the RIGS designations are provided in Appendix B. This includes references to historical interest recorded within these sites.</p> <p>We recognise the need for developments and any specific biodiversity / geodiversity measures</p>	<p>That the following amendments be incorporated into the SPG:</p> <p>Add new section after Paragraph 2.3.7:</p> <p><i>'The biodiversity and geodiversity resource in Neath Port Talbot supports features that are also important in relation to the historical and archaeological environment. Waterlogged habitats, such as fens and bogs, preserve archaeological artefacts such as bone, wood and material and can provide an important historical flora and fauna record. Hedges, field boundaries, woods and watercourses often contribute towards the</i></p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>as such. Works to create mitigatory habitats often directly affect historic assets and the historic environment. Examination of historic settlement has shown that settlement and land use recognised and related to areas of differing geology, and over recent centuries with the industrial minerals extraction and transportation. The restoration or reclamation of former industrial areas, including for biodiversity reasons, will have archaeological issues that may require mitigation.</p> <p>The draft notes that enhancement and protection of biodiversity and geodiversity will be achieved by identification and protection of designated sites of differing levels of importance, and the natural heritage of features are recognised. This will also protect in some areas the historic environment and this also should be recognised as another allied benefit.</p> <p>Regarding the Regionally Important Geodiversity Sites (RIGS) both Aberdulais Falls and Melincourt Brook have statutory protection and are important for their archaeological remains and understanding of early industrial processes and water management.</p> <p>The management of all these sites, and the impact of development, or changes of land use, on them, needs to be managed and mitigated in line with current Welsh Government Policy, Chapter 6 of Planning Policy Wales, Conserving the Historic Environment, TAN24: The Historic Environment; and supporting Best Practice Guidance.</p> <p>Proposed changes can be mitigated by early consultation with us as your Authority's archaeological advisors. Factors from a historic environment aspect which may cause risk are change from both physical and development means, on a large scale or as accumulative impact from smaller events. As the draft notes, sustainable management is best practice, and the Well-being of Future Generations (Wales) Act includes stewardship of and involvement with the historic environment.</p> <p>It is important to recognise that Planning Policy Wales refers to archaeological sites being preserved in situ as a priority, and preserved by record if their preservation in suit cannot be achieved.</p> <p>All archaeological work, including that undertaken to</p>	<p>to take account of other issues, including historical features, in line with the LDP policies, PPW and TANs. Further reference to such issues is however considered to be outside of the scope of the SPG.</p>	<p>historical record of previous land use and human intervention. Areas of mining and other industrial uses may also be important in relation to conserving our industrial heritage'.</p> <p>Para 2.4.2 - amend to read: '...can deliver a great number of benefits to society, including green space, biodiversity protection and enhancement, preservation and interpretation of our historic environment, and flood attenuation...'</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
					<p>assess change in sensitive habitats which may impact the historic environment, should be undertaken to the Standards and Guidance of the Chartered Institute for Archaeologists. It is our policy to recommend that all work is undertaken either by a Registered Organisation (RO) with the ClfA or by a MCIfA level member. These professional organisations are experienced in working alongside other professions where archaeology is a consideration with other matters.</p>		
B&G3	Hannah Roberts	Natural Resources Wales	General		<p>We welcome that the Biodiversity and Geodiversity SPG provides comprehensive advice for developers, and emphasises the importance of the Environment Act's enhanced biodiversity duty in relation to planning decisions. In particular, we welcome the proposed approach to assessing the effects of development on ecosystem resilience, the advocacy of avoidance of harm to protected habitats and species, the emphasis placed on enhancement opportunities, and promotion of linked green infrastructure within development.</p> <p>We have previously provided comprehensive comments on your Authority's 'Open Space and Greenspace SPG' (our letter dated 19 June 2017; ref: CAS-34315-B5Y8) and suggest that these documents should be inter-linked to provide an over-arching framework for green infrastructure provision within the county, emphasising the wider ecosystem services that green infrastructure can provide, and referencing well-being goals within the framework of the Future Generations (Wales) Act.</p>	<p>The comments of support are noted.</p> <p>In respect of 'green infrastructure', this is addressed in Section 2.4 of the SPG. The importance of green infrastructure is duly recognised and a green infrastructure approach is promoted throughout the document. Notwithstanding this point, it is accepted that a cross-reference to the Council's 'Open Space and Green Space SPG' should be added.</p> <p>'Ecosystem services' in the way of multiple benefits is specifically referenced in Paragraph 2.4.2 and the 'Well-being of Future Generations (Wales) Act 2015' is referenced in Paragraph 3.0.2. No further detail is therefore considered necessary in this regard.</p>	<p>That the following amendment be incorporated into the SPG:</p> <p>Para 2.4.2 – add reference as a new footnote:</p> <p>'Open Space and Greenspace Supplementary Planning Guidance (July 2017)'.</p>
B&G4	Hannah Roberts	Natural Resources Wales	Appendix C	C.0.3	<p>We note and welcome Appendix C which indicates specific guidance on wind energy developments. With regards to bat surveys to inform planning applications as mentioned in table C.0.3, we advise that surveys at height should be a consideration.</p> <p>Furthermore, with regards to the provision of roosting opportunities as enhancements, careful consideration would need to be given to such measures to inadvertently avoid bat casualties.</p>	<p>The comment of support is noted.</p> <p>It is agreed that reference to surveying at height for bats in relation to wind farms should be added to the list of specific information requirements in Appendix C.</p> <p>In addition, it is also agreed that further text be added to clarify that additional bat roosting provision should be carefully sited to ensure that an increase in casualty risk from a wind farm will be avoided.</p>	<p>That the following amendments be incorporated into the SPG:</p> <p>Appendix C Para C.0.3 (Box 4th bullet point) – amend to read: 'Bat roosting and activity surveys including surveys at height and including assessment of collision risk'.</p> <p>Appendix C Para. C.0.10 (Box 2nd bullet point) – amend to read: 'Nesting, roosting and foraging opportunities for bats and birds at locations that do not increase risk of casualty'.</p>

ID	Name	Organisation	Section	Paragraph	Representation	Officer Response	Officer Recommendation
B&G5	Hannah Roberts	Natural Resources Wales	Appendix C	C.0.7	<p>Relating to the specific mitigation measures for wind energy development: '<i>Maintaining the area around the turbines to discourage target species use (e.g. Nightjar)</i>' – we advise that there is only one study we are aware of that has examined this, which found it made no affect in relation to Nightjar.</p> <p>Please see '<i>Individual study: The effectiveness of deterrent measures to minimize disturbance impacts to breeding European nightjar at an upland wind farm site in South Wales, UK</i>', Shewring M.P. and Vafidis J.O. (2017) found online at: https://www.conservationevidence.com/individual-study/6628</p> <p>Your Authority may wish to take this study into account.</p>	<p>The comment is noted.</p> <p>It is accepted that it is unclear whether management to deter 'nightjar' from wind turbines works. Consequently, specific reference to nightjar should be removed.</p>	<p>That the following amendments be incorporated into the SPG:</p> <p>Appendix C Para. C.0.7 (Box 5th bullet point) – amend to read: '<i>Maintaining the areas around the turbines to discourage target species use. (e.g. Nightjar)</i>'.</p>

APPENDIX 2

Landscape and Seascape SPG
(Tracked Changes – May 2018)



Neath Port Talbot County Borough Council

Local Development Plan 2011 - 2026

Landscape and Seascape Supplementary Planning Guidance (Tracked Changes – May 2018)



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Supplementary Planning Guidance: Landscape and Seascapes (TRACKED CHANGES May 2018)

Note to Reader

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

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

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

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

1 Introduction

1.0.1 This Supplementary Planning Guidance (SPG) provides information and guidance setting out the expectations on all development proposals to protect and enhance all landscapes and seascapes.

1.0.2 The document outlines the variety of landscapes and seascapes relevant to Neath Port Talbot and sets out the measures that will be taken through the planning system to meet the objectives set out in the Local Development Plan (LDP).

1.0.3 The Council's planning policy is set out in the Neath Port Talbot LDP⁽¹⁾, namely Strategic Policy SP14 (The Countryside and the Undeveloped Coast) and detailed policies EN1 (The Undeveloped Coast), EN2 (Special Landscape Areas) and EN3 (Green Wedges). This SPG should be read in the context of these policies and the associated explanatory text.

1.0.4 The planning system is an important means by which, in relation to land use, the conservation and enhancement of landscapes and seascapes of the County Borough and beyond can be achieved through managing the location and appearance of new development. This is fully supported by planning policy and legislative requirements.

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

Purpose of the SPG

1.0.6 The purpose of the SPG therefore is to assist and guide those proposing and designing new developments and submitting a planning application, to ensure that landscape and seascape are appropriately considered, protected and where feasible enhanced within any development proposal. The document does so by supplementing the policies set out in the LDP, by providing more detailed guidance and by setting planning policy within the broader context of other environmental legislation and designations.

Structure and Content

1.0.7 The SPG addresses the following:

- An introduction to the landscapes and seascapes of the local area;
- Background information on relevant landscape and seascape related legislation, designations and guidance;

1. Introduction

- The role of the planning system, expanding on the detail of national and local planning policy;
- An explanation of how landscape and seascape considerations are dealt with in the planning process; and
- How the implementation and compliance with this SPG will be monitored.

2 The Landscapes and Seascapes of Neath Port Talbot

Landscape

2.0.1 The term *landscape* is applied to a range of different concepts, but in planning and land-use terms is generally understood to mean all the visible features of an area of land, often considered in terms of overall appearance, although other sensory aspects are also relevant.

2.0.2 The European Landscape Convention gives a definition of *landscape* as "...an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors".



Rheola Estate

The Landscape of Neath Port Talbot

2.0.3 Neath Port Talbot has a wide range of landscape types, forms and features incorporating a number of entirely different character types. The area ranges in height from sea level at Swansea Bay to about 600m Above Ordnance Datum (AOD) near Glynneath. From the coastal plain, the land rises dramatically to over 200m AOD along the scarp slope that provides the backdrop to the more densely developed coastal belt. Behind, the majority of the County Borough is between 250-600m AOD, giving it an upland or semi-upland character.

2. The Landscapes and Seascapes of Neath Port Talbot

2.0.4 The plateau areas are deeply incised by five main river valleys, formed as a result of geological faulting and glacial erosion, which drain in a generally south westerly direction towards the coast. Each valley has its own distinct character, varying from deep and steep sided to shallower and more meandering as they reach the coast, with estuaries associated with the rivers Neath, Afan and Kenfig. Much of the undeveloped coastline retains extensive dune systems, but these have been broken up by areas of development elsewhere.

2.0.5 Some 43% of the County Borough is forested, much of it extensive upland plantations, while the main agricultural activity is pasture, with extensive grazing on the upland commons, with limited arable production mostly confined to the extreme south of the area around Margam. Mining and heavy industry has had a major impact in the past, with steel making, opencast mining and quarrying still continuing. Canals, docks, railways and major road routes tend to be concentrated along the coastal belt. The settlement pattern reflects this historic emphasis, with major centres of population being concentrated along the coast.

2.0.6 The following resources and publications give more information and guidance about local landscape character.

LANDMAP

2.0.7 LANDMAP (Landscape Assessment and Decision Making Process) is an all-Wales **GIS-based** landscape resource ~~developed by the Countryside Council for Wales [now Natural Resources Wales (NRW)]~~ where landscape characteristics, qualities and influences on the landscape are recorded and evaluated. LANDMAP is intended to help sustainable decision-making and natural resource planning at a range of levels from local to national while ensuring transparency in decision-making.

2.0.8 The process uses five nationally consistent, quality assured spatial datasets **layers**:

- Geological Landscape;
- Landscape Habitats;
- Visual and Sensory **aspects**;
- Historic Landscape; and
- Cultural Landscape.

2.0.9 LANDMAP aims to map and classify landscapes from the unique perspective of each dataset, describing their key characteristics, qualities and components and evaluating their importance. The process also includes making recommendations for locally appropriate management guidelines and the identification of significant landscape change through monitoring of the baseline resource.

2.0.10 More information on LANDMAP, including updated datasets, guidance on use of the resource and a fully interactive map covering all of Wales is available on the NRW Website⁽²⁾.

Neath Port Talbot LANDMAP Landscape Assessment (2004)⁽³⁾

2.0.11 The NPT LANDMAP Assessment was commissioned by NPTCBC and CCW (now NRW) and was completed and published in late 2004. The Assessment provided detailed analysis of the landscapes of all areas of the County Borough, generated evaluated aspect areas for the LANDMAP datasets and included contextual information on landscape form and function. Included within the Assessment were a public perception study and a full landscape assessment bringing together all the evaluated aspect information and derived landscape character areas.

2.0.12 Although there have been some changes affecting some of the aspect areas since the Assessment was completed (resulting from new developments and changes in forestry and agricultural land management practices etc.), these have had a relatively minor impact on the overall landscape character within the County Borough and the NPT LANDMAP Assessment remains a useful resource to help inform the evaluation of landscape impacts of proposals.

2.0.13 The first part of the final report outlines the main characteristics of the landscape within NPT under each aspect heading and contains summary maps for each aspect. The second part describes and evaluates each landscape character area in detail.

2.0.14 The NPT LANDMAP Landscape Assessment is available as a supporting document to this SPG⁽⁴⁾.

Natural Resources Wales National Landscape Character Areas

2.0.15 National Landscape Character Areas (NLCAs) have been defined at a broad landscape scale throughout Wales by Natural Resources Wales (NRW). Using LANDMAP data, 48 NLCAs have been identified across Wales with descriptive profiles highlighting what distinguishes one landscape from another, with reference to their regionally distinct natural, cultural and perceptual characteristics.

2.0.16 Neath Port Talbot falls within two of the NLCAs, NLCA 37: South Wales Valleys and NLCA 38: Swansea Bay. The full landscape descriptions for these two NLCAs are available on the NRW website⁽⁵⁾.

NPT Landscape Advice Report (2011)⁽⁶⁾

2 <https://naturalresources.wales/LANDMAP>

3 Neath Port Talbot LANDMAP Landscape Assessment (White Consultants - December 2004).

4 Available on the Council's website: www.npt.gov.uk

5 <https://naturalresources.wales/evidence-and-data/maps/nlca/?lang=en>

6 Provision of Landscape Advice (TACP - June 2011).

2. The Landscapes and Seascapes of Neath Port Talbot

2.0.17 The Landscape Advice Report was commissioned by NPTCBC in order to provide background and evidence based information for the preparation of the LDP. The report covered four main issues:

1. The identification of areas of countryside where **wind farms**, coal, aggregates and stone extraction **and waste landfill** would not be acceptable;
2. The identification of areas of countryside as Special Landscape Areas (SLAs), with justification;
3. The assessment of existing areas designated as Green Wedges in the former Unitary Development Plan (UDP), with recommendations for amendments and new areas as appropriate; and
4. The assessment of the appropriate distance for mineral buffer zones around settlements or designated landscape features that should be protected.

2.0.18 In relation to issue 1, the report recommended refinements to the TAN8⁽⁷⁾ Strategic Search Areas (SSAs) to define the areas considered most appropriate for wind farm developments. The refined SSAs were subsequently discussed and evaluated through the LDP Examination in Public process and finalised in the adopted LDP. Similarly, recommendations were made in relation to areas considered inappropriate for mineral extraction, which informed the LDP process.

2.0.19 The study also included detailed analysis using LANDMAP data in order to identify areas appropriate for designation as SLAs (issue 2) and set out the primary landscape qualities and features and key policy and management issues for each identified area. In relation to the Green Wedges (issue 3), the pre-existing UDP Green Wedges were taken as a starting point and recommendations for amendments made following detailed analysis and ground truthing, which informed the final boundaries adopted through the LDP process.

2.0.20 Mineral buffer zones (issue 4) were approached similarly, with recommendations made that were implemented through inclusion within the adopted LDP.

2.0.21 The Landscape Advice Report is available as a supporting document to this SPG⁽⁸⁾.

Register of Landscapes of Historic Interest in Wales

2.0.22 **The most important and best-surviving historic landscapes in Wales are identified in the 'Register of Landscapes of Historic Interest in Wales'. There are two Registered Historic Landscapes within (or partly within) NPT: 'Merthyr Mawr, Kenfig and Margam Burrows' Registered Landscape of Outstanding Historic Interest [Cadw Ref**

7 PPW Technical Advice Note 8: Planning for Renewable Energy (Welsh Government - July 2005).

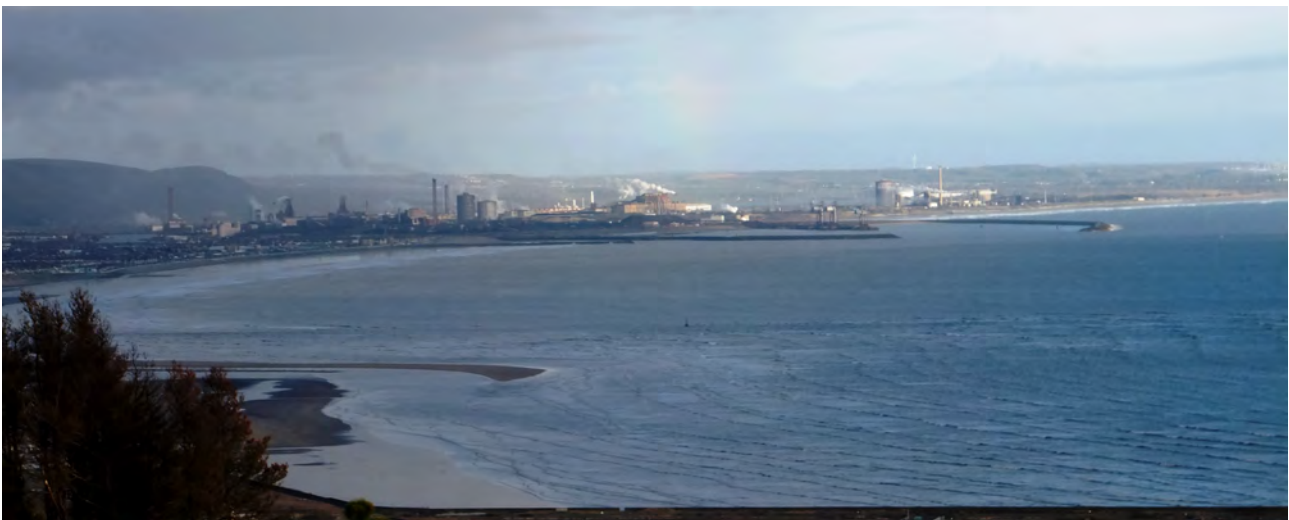
8 Available on the Council's website: www.npt.gov.uk

HLW(MGI)1]; and 'Mynydd Margam' Registered Landscape of Special Historic Interest [Cadw Ref HLW(WGI/MGI)2].⁽⁹⁾ Specific guidance on the management and conservation of these areas within the planning process has been published by Cadw.⁽¹⁰⁾

Seascape

2.0.23 Seascape is a less widely used term than landscape, but it embodies similar concepts of character and visual resource. Seascape is defined in the UK Marine Policy Statement (2011)⁽¹¹⁾ as "*Landscapes with views of the coast or seas, and coasts and adjacent marine environment with cultural, historical and archaeological links with each other.*" The definition put forward in the Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment follows the European Landscape Convention landscape definition more closely: "*an area of sea, coastline and land, as perceived by people, whose character results from the actions and interactions of land and sea, by natural and/or human factors*".

2.0.24 Proposals for developments below the mean low water mark are generally outside the control of the planning system, and a range of additional controls apply to land between high and low water mark. All developments in coastal areas however can have a significant effect on the wider seascape and all such effects will need to be fully taken into consideration.



Baglan Bay

The Seascape of Neath Port Talbot

2.0.25 The coastline of Neath Port Talbot stretches from the River Kenfig in the south to the administrative boundary with Swansea at the University Bay Campus. The coastline encompasses areas of beach, sand dunes, river estuaries and more formal promenades as

9 **The extent of these areas is available via the Lle website:** <http://lle.gov.wales>.

10 **Guide to Good Practice on Using the Register of Landscapes of Historic Interest in Wales in the Planning and Development Process (2nd Edition):** <http://cadw.gov.wales/docs/cadw/publications/landscapesRegisterGoodPracticeEN.pdf>

11 **UK Marine Policy Statement (2011)(HM Government 2011):**<https://www.gov.uk/government/publications/uk-marine-policy-statement>

2. The Landscapes and Seascapes of Neath Port Talbot

well as residential areas, dockland and industrial sites, most notably the Tata steelworks. The seascape when seen from the County Borough includes views across Swansea Bay to Mumbles Head, the Devon coastline and the Welsh coast to the south.

2.0.26 The dunes at Crymlyn Burrows and at Kenfig (adjacent to the County Borough boundary) are designated as Sites of Special Scientific Interest (SSSI), with Kenfig pool, dunes and beach to the south also being a National Nature Reserve (NNR) and Special Area of Conservation (SAC). **Kenfig and Margam Burrows is also a Registered Landscape of Outstanding Historic Interest included in the Register of Landscapes of Historic Interest in Wales (Cadw).**

2.0.27 Significant coastal activities within the County Borough include commercial shipping using the wharfs on the River Neath, Port Talbot docks and the deep water harbour; sea fishing; and coastal recreation, especially at Aberafan Beach and some leisure boating from the River Afan and from Monkstone Marina on the River Neath.

Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment

2.0.28 The Local Seascape Character Assessment was commissioned by the Local Authorities in the study area, together with Natural Resources Wales (NRW). The assessment is intended to form part of the national dataset in accordance with national seascape guidance. The study area stretches from Carmarthen Bay in the west through to Porthcawl in the south east, and seawards as far as the limit of territorial waters.

2.0.29 The study defines Seascape Character Areas (SCAs) within the structure of National Marine Character Areas (MCAs) established at the national level by the National Seascape Assessment for Wales. Full details of the methodology used is set out in the Local Seascape Character Assessment.

2.0.30 Each Seascape Character Area is described, with key characteristics, natural and cultural influences set out and aesthetic, perceptual and experiential qualities given.

3 Evaluating the Impacts of Change and Development



Vale of Neath

3.1 Impacts on Landscapes and Seascapes

3.1.1 Key impacts on landscape character include not only new development and its location, siting, design and construction impacts, but also changes in land and property management (e.g. tree felling or loss of traditional management practices such as the introduction of larger field sizes), and increasing recreational activity.

3.1.2 Changes that can significantly affect the landscape include direct physical changes that are an immediate direct consequence of a development; indirect changes that may result from complex interactions that may be delayed or off-site (e.g. changes in drainage altering vegetation cover, new associated infrastructure such as gardens, car parks and access roads); or cumulative changes resulting from a new development combined with other developments, arising from intervisibility or other combined effects (e.g. erosion of a setting or urban encroachment).

3.1.3 The significance and acceptability of these impacts will vary according to landscape sensitivity and condition, and the nature of the development, including the scope for mitigation in character with the existing landscape. Sensitivity includes reference to the expectations and proximity of visual receptors including user groups such as walkers, cyclists, passengers on public transport, visitors and local residents, as well as existing land-use, the pattern and scale of the landscape and degree of openness.

3.1.4 Development may have positive as well as negative impacts. Indeed, an important part of landscape protection may be its enhancement where its character has been eroded or lost by existing development (including large scale pylons and overhead electricity

3. Evaluating the Impacts of Change and Development

distribution and transmission wires). Development brings regeneration opportunities of both landscape character restoration, including reinforcement of what is left, and creation of new character. It should be noted that even small enhancements may have a much bigger effect when considered cumulatively, beyond the individual development.

3.1.5 Opportunities to enhance landscape character and minimise negative impacts should be addressed through the development location and design process. They may be secured by planning conditions (e.g. maintenance and management) or obligations where necessary. Possible measures include:

- Re-use or use of traditional building forms, styles and materials;
- Rationalisation of signage and other intrusive ‘clutter’;
- Retention and restoration of key landscape features or details within the development (e.g. walls, hedgerows, trees etc.);
- Careful consideration given to fitting the development into the landscape including attention to contours, textures, variety and general visual impact (both during the day and at night) in the siting, scale and form of development; and
- Use of mitigation measures such as screening, and boundary/transition treatment to ensure integration with the existing landscape character.

3.2 Landscape and Visual Impact Assessment

3.2.1 Landscape and Visual Impact Assessment (LVIA) will often be required as part of the Environmental Impact Assessment (EIA) process for many proposals, but should be undertaken in all cases where there is likely to be a significant landscape or seascape impact from a proposal. Impacts on skylines, views and panoramas will be important considerations and these impacts should be identified in relation to significant receptors (local residents or communities) as well as the wider landscape/seascape generally.

3.2.2 LVIA should include assessments of the effects of the changes brought about by the proposed development on the landscape (as a general resource) and its visual effects on specific views and visual amenity generally. The significance of the effects will also need to be assessed, together with cumulative impacts. The LVIA will need to be proportionate to the scale and nature of the proposed development.

3.2.3 Landscape, seascape and townscape can have cultural and historic associations that are important for the local community, visitors and the wider national interest. Cultural associations could include art works or literature (in English or Welsh) relating to the landscape, while features of historic importance could include listed buildings, scheduled monuments, conservation areas and registered Historic Landscapes and Parks and Gardens.

Visualisation

3.2.4 'Visualisation' of the appearance of a proposal can help in the assessment of its landscape impact. This can include plans, elevations and sections; sketches; annotated photographs; wirelines; augmented reality; photomontages; or 3-D simulations etc. The type of visualisation that is appropriate will depend on its intended use, the anticipated users, the sensitivity of the visual receptors (including visual context) and the likely effect of the development in terms of its 'size and scale', 'geographic extent' and 'duration and reversibility' ('magnitude').

3.2.5 Further advice on Landscape and Visual Impact Assessment is available in the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)⁽¹²⁾. More specific advice on the use of visualisation techniques is available from the Landscape Institute⁽¹³⁾.

12 Guidelines for Landscape and Visual Impact Assessment (Third Edition) (Landscape Institute and Institute of Environment Management and Assessment April 2013).

13 [Technical Guidance Note 02/17 Visual Representation of Development Proposals \(Landscape Institute 2017\)](#)

4 Policy Context

4.0.1 The following legislation, policy and guidance documents set the key policy context for landscape and seascape issues in Neath Port Talbot.

Well-Being of Future Generations (Wales) Act 2015

4.0.2 The Well-Being of Future Generations (Wales) Act 2015 places a duty on public bodies (including Welsh Ministers) that they must carry out sustainable development. In carrying out this duty, actions which public bodies must take include:

- Setting and publishing objectives ('well-being objectives') that are designed to maximise its contribution to achieving each of the well-being goals; and
- Taking all reasonable steps (in exercising its functions) to meet those objectives.

4.0.3 The Act puts in place seven well-being goals to help ensure that public bodies are all working towards the same vision of a sustainable Wales. In relation to landscape and seascape matters, the most relevant well-being goal is the achievement of 'a resilient Wales', which would include the need to conserve and enhance statutorily designated areas, the countryside and the undeveloped coast and the conservation of biodiversity, habitats and landscapes.

Planning Policy Wales (PPW) (Edition 9)

4.0.4 PPW gives more detailed advice in relation to planning matters. In respect of landscape and seascape it stresses throughout that conservation of biodiversity and landscape should be promoted and taken into account in all development decisions and development plans and that the undeveloped coastline should be protected or enhanced.

4.0.5 It is stated that non-statutory designations such as Special Landscape Areas should be soundly based on a formal scientific assessment of the nature conservation, landscape or geological value of the site. Such designations should be applied to areas of substantive conservation value where there is good reason to believe that normal planning policies cannot provide the necessary protection.

4.0.6 The policy relating to green wedges is set out including the purposes of the designation (limited essentially to preventing coalescence and managing urban form and setting), the methods to be used in defining such areas and the definition of types of development that are inappropriate within them.

The Lavernock Point to St Ann's Head Shoreline Management Plan (SMP2)

4.0.7 SMP2 provides a large-scale assessment of the risks associated with coastal erosion and flooding along the coast and estuaries along the south coast of Wales. It defines high level policies to help manage these risks to people and to the developed, historic and natural environment in a sustainable manner.

4.0.8 The coastline is divided into policy units and appropriate ways of managing coastal protection are identified for each unit, for the short, medium and long term periods. Most of Neath Port Talbot's coastline is to be defended as at present ('hold the existing defence line') for all three time periods, with areas of dunes at Crymlyn Burrows and Baglan Bay being identified for 'managed realignment' (i.e. allowing the shoreline to move backwards or forwards, with management to control or limit movement) over all three time periods.

Neath Port Talbot Local Development Plan (LDP) (2011 - 2026)

4.0.9 The LDP sets the local planning policy framework for landscape and seascape matters. Policy SP14 is the strategic policy setting the context for the detailed policies and seeks to protect and enhance the countryside and undeveloped coast, landscapes, seascapes and agricultural land. Detailed policies EN1, EN2 and EN3 are of particular relevance to landscape and seascape issues, while policies EN4 and EN5 deal with the management of development proposals in the countryside (and therefore also have a potential influence on landscape/seascape matters).

4.0.10 Other policies that may affect landscape and seascape issues include SC1 which restricts the types of developments allowed outside defined settlement limits, EN7 which seeks to protect important natural features including trees and hedgerows etc, RE1 which sets out policy for wind farms and other types of renewable and low carbon energy development including the approach within Strategic Search Areas (SSAs), and BE1 which sets out requirements for the design of developments, including effects on landscapes and arterial 'gateways' to the County Borough among other issues. Further information on these matters is available in the Renewable and Low Carbon Energy SPG and Design SPG.

4.0.11 The full NPT LDP and the adopted SPG documents are available online⁽¹⁴⁾ and the relevant policies are reproduced in Appendix A and are covered in detail in Section 5 below.

5 Landscape Policy Implementation

5.1 Landscape in the Design Process

5.1.1 Outside settlements, an understanding of landscape character should be a starting point in the design process for any development. The development layout, form and detailed design should respond to the landscape and should seek to enhance it where possible. Under most circumstances, proposals that would have a significant negative landscape impact will be resisted.

5.1.2 Detailed landscape character area assessments for all parts of the County Borough are provided in the NPT LANDMAP Landscape Assessment⁽¹⁵⁾. Developers should assess the impact of their development in relation to the attributes of the character area in which it is to be sited and in relation to any other character area bounding the site or from which it will be visible.

5.1.3 Sites that may be prominent from neighbouring authority areas should be assessed in relation to the equivalent appropriate landscape assessments. Views from within the Brecon Beacons National Park are likely to be particularly sensitive, and developments that would be visible from the national park will need to ensure that any adverse effects are avoided or minimised. In all cases it should be demonstrated how the relevant landscape considerations have been responded to and have informed the overall development design. Further advice on design matters is available from the Design SPG on the Council's website⁽¹⁶⁾.

5.1.4 Within designated SLAs (Policy EN2) and Green Wedges (Policy EN3), the special considerations applying to the designations will be applied in addition to the above matters. Further information is given below.

5.2 Policy Implementation

LDP Policy SC1: Settlement Limits

5.2.1 All proposed developments have the potential to have an impact on the wider landscape, although in practice the majority of smaller scale proposals within urban areas or existing settlements are likely to have a negligible effect. Development outside the settlement limits defined in the LDP and therefore in the open countryside is more strictly controlled than within settlements, but the types of development set out in **LDP Policy SC1** may be permitted, subject to the provision in the policy: *'Where development is permitted outside settlement limits, any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form'* (refer to Appendix A for relevant LDP policies).

5.2.2 The requirement to be *of an appropriate scale and form* relates to the visual impact of proposals in the countryside, including impacts on the wider landscape. In order to ensure that developments comply, it will be necessary to make an assessment of the local landscape character, the site and the proposed building design and to show that the new building(s)

15 Neath Port Talbot LANDMAP Landscape Assessment (White Consultants - December 2004).

16 www.npt.gov.uk

have been sited in the most appropriate position and have been designed with their landscape impact in mind. LANDMAP information will be useful to define the local landscape character, together where appropriate with a design and access statement commensurate with the size and nature of the proposal. Further information and advice on these matters is available from Planning Policy Wales (PPW), Technical Advice Note 12 (Design) and the Guidelines for Landscape and Visual Impact Assessment (GLVIA3)⁽¹⁷⁾.

5.2.3 LDP policies that relate to specific types of development that are common in the open countryside / outside settlement limits are EN4 (Replacement Dwellings in the Countryside) and EN5 (Conversion and Extension of Existing Buildings in the Countryside). Both policies include criteria about the scale and appearance of development and require proposals to be of a scale and design that will not have adverse visual impacts. These policies are reproduced in Appendix A.

5.2.4 Many of the more significant types of development proposals affecting the landscape will require Environmental Impact Assessment (EIA), and an important part of this will be the assessment of landscape impacts, usually using GLVIA methodology. Such developments include in particular mineral extraction and renewable energy proposals (including wind farms). These development types are special cases in respect of landscape impacts, in the case of mineral developments because the minerals have to be worked where they are located, and in the case of wind farms because of national policy and the identification of Strategic Search Areas within which landscape change is expected.

5.2.5 Further information on these topics is available in PPW, relevant TANs and the Council's Renewable and Low Carbon Energy SPG.

LDP Policy EN1: The Undeveloped Coast

5.2.6 *LDP Policy EN1* concerns the undeveloped coast, the extent of which is defined on the LDP Proposals Map. Although this policy does have relevance in respect of the landscape, it relates more directly to seascape issues and is therefore covered in more detail in Section 6.

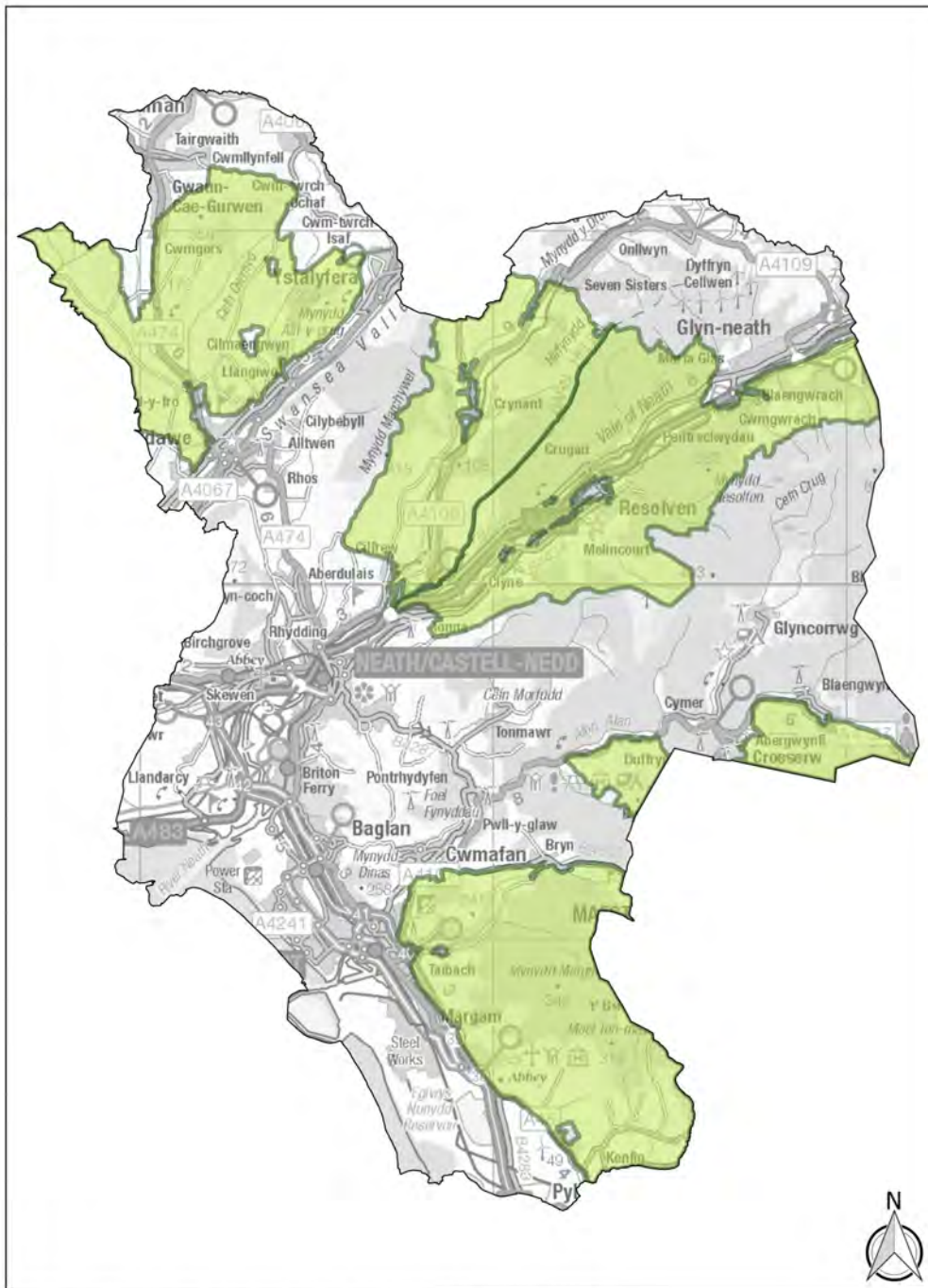
LDP Policy EN2: Special Landscape Areas

5.2.7 *LDP Policy EN2* concerns Special Landscape Areas (SLAs). These are areas of high landscape quality, identified using criteria set out in the Countryside Council for Wales Guidance Note 1 (2008) (now superseded by NRW LANDMAP Guidance Note 1⁽¹⁸⁾).

17 Guidelines for Landscape and Visual Impact Assessment (Third Edition) (Landscape Institute and Institute of Environment Management and Assessment April 2013).

18 LANDMAP Guidance Note 1 (2017)

5. Landscape Policy Implementation



Special Landscape Areas in Neath Port Talbot

5.2.8 The extent of the six designated SLAs is illustrated above. The NPT Landscape Advice Report⁽¹⁹⁾ explains in detail the approach and methodology used to identify the SLAs and gives full details of each one.

19 Provision of Landscape Advice (TACP June 2011).

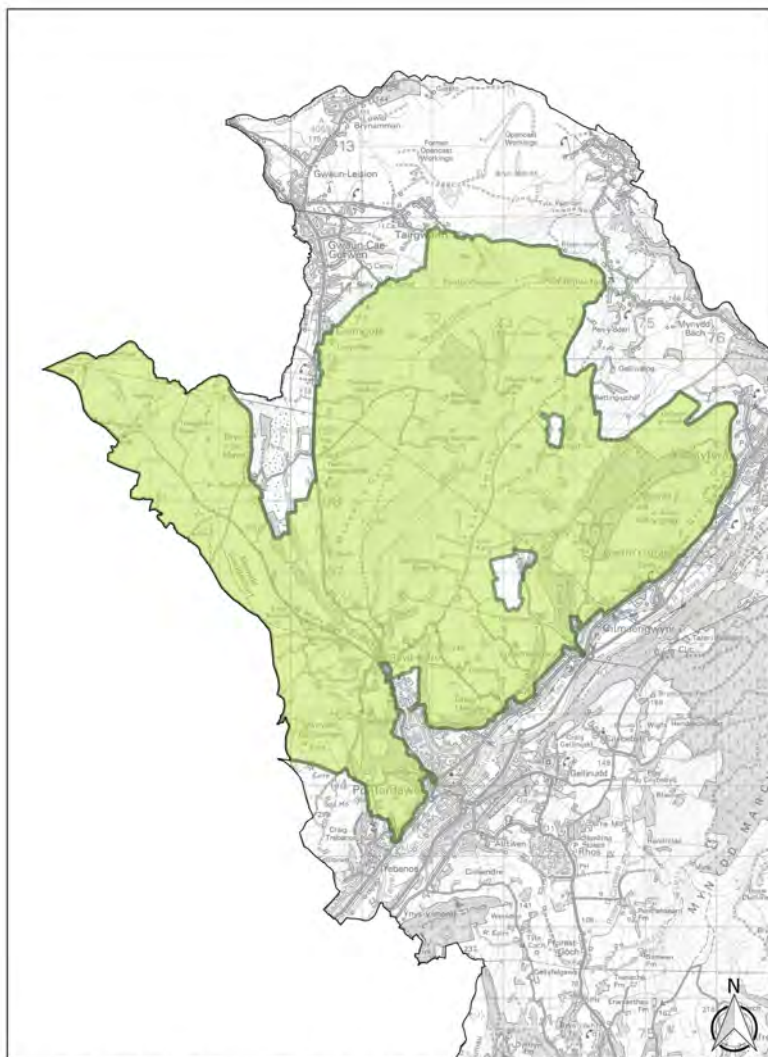
5.2.9 Policy EN2 sets out the approach to be taken to proposed developments within SLAs, and is specifically focused on the protection of landscape quality. Since all the SLAs are located outside settlement limit boundaries, any proposals here will need to meet the requirements set out in Policy SC1 for developments in the open countryside (including the need for new buildings to be located adjacent to existing buildings or settlements and to be of an appropriate scale and form) as well as also complying with the terms of Policy EN2.

5.2.10 Policy EN2 states that developments within SLAs will only be permitted where it is demonstrated that there will be *no significant adverse impacts on the features and characteristics for which the SLA has been designated*. This is the main issue in respect of the landscape that will need to be addressed in any application, EIA or design statement for proposals within any SLA.

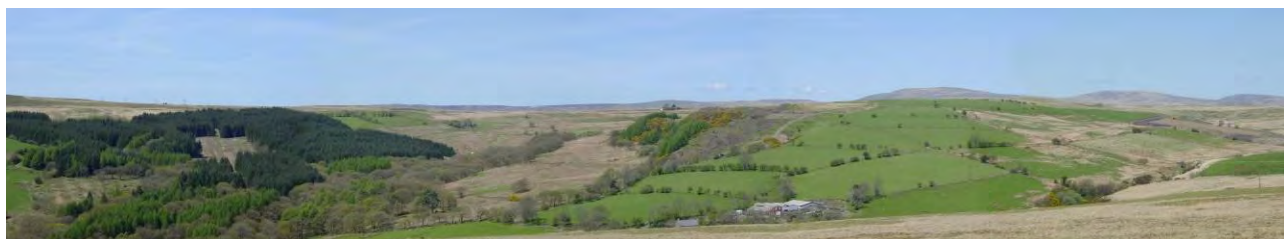
5.2.11 The features and characteristics of each SLA, set out in the Landscape Advice Report, are reproduced below.

SLA Features and Characteristics

SLA1 (EN2/1) Mynydd y Garth



SLA 1 Mynydd y Garth

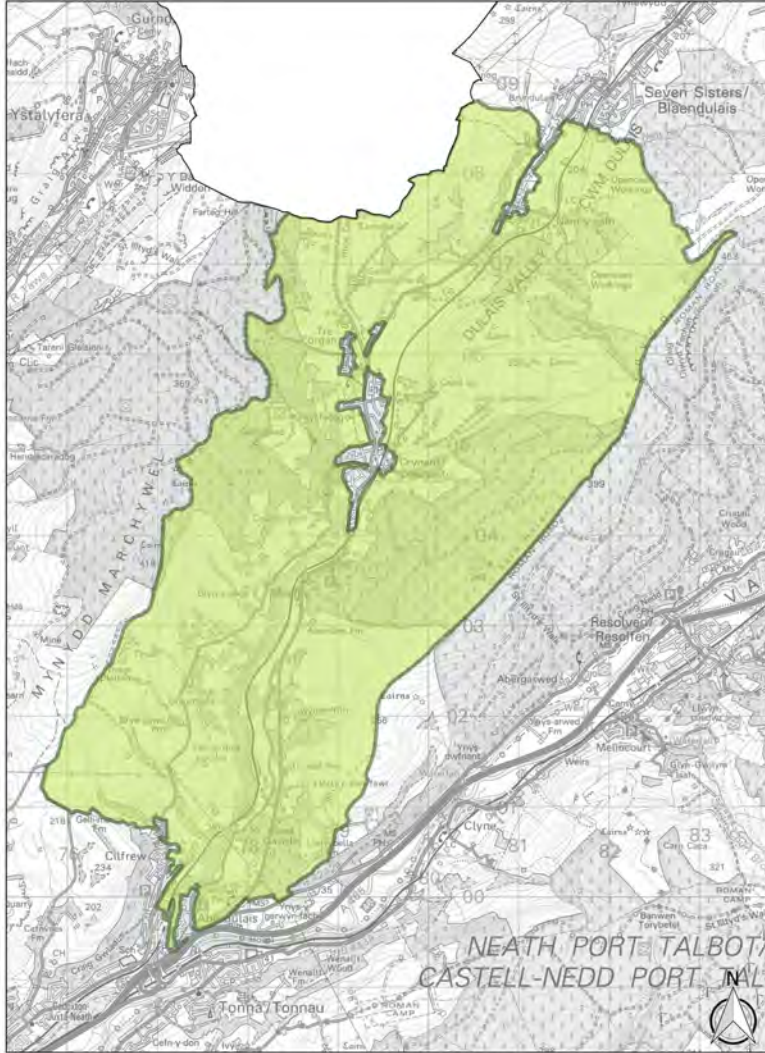


SLA1 Mynydd y Garth Features and Characteristics

- SLA1 includes the upland moorland plateau of Mynydd y Garth, Cefn Gwrhyd and Mynydd Carnllechart.
- The upland plateau is dominated by pennant sandstone and underlying Productive Coal Formation, up to 357m AOD.
- The land cover is predominantly grazed pasture with deciduous tree cover especially along riparian corridors.
- Restricted access to the area provides a remote, exposed yet settled and tranquil feel.
- It has a high scenic upland mosaic landscape quality with panoramic views out from higher elevations. It is relatively unspoilt with a strong sense of place which adds to the integrity and coherence of the landscape.
- The landscape bears evidence of evolution over millennia to include: prehistoric cairns, ancient field systems, trackways, industrial spoil heaps and small pockets of afforestation which combine to evoke a timeless quality of great scenic, cultural value and strong cultural identity. Gwrhyd road has a local dialect meaning the Long Man which is a possible reference to a prehistoric burial site.
- The post medieval boundary stones and sheep folds are features of the upland which is one of the three most important and significant funerary and ritual landscapes in south Wales.
- It is one of the key non forested areas within the County Borough that is classified as “tranquil” but which has seen considerable erosion in area of tranquillity since 1997.

5. Landscape Policy Implementation

SLA2 (EN2/2) Dulais Valley



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SLA2 Dulais Valley

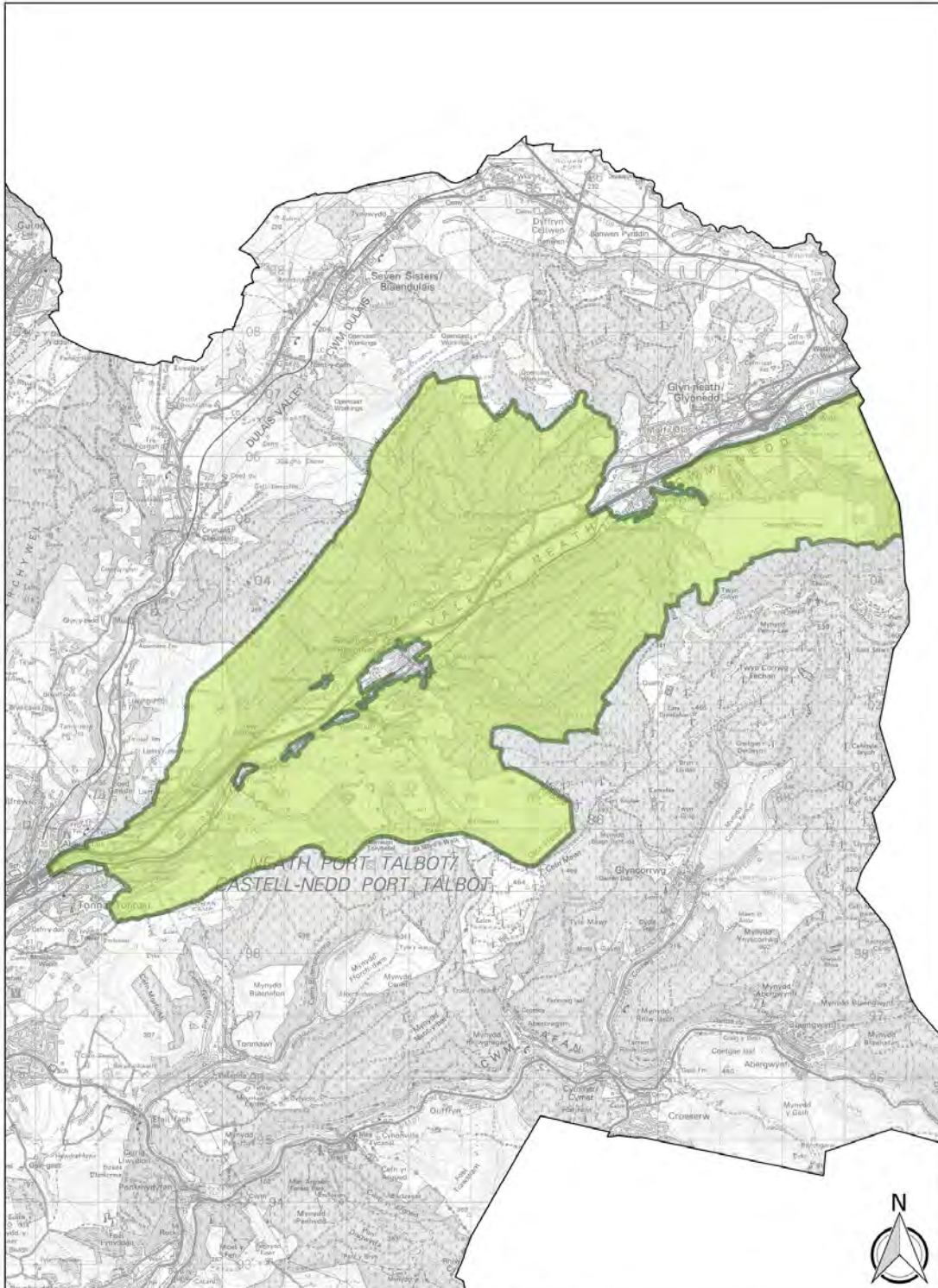


SLA2 Dulais Valley Features and Characteristics

- SLA2 stretches from the outskirts of Aberdulais in the south to Seven Sisters in the north. The SLA covers the valley sides to reinforce its visual context and therefore includes the unforested uplands of Mynydd Hirfynydd and Mynydd Marchywel as the backdrop to the valley. Areas of forestry plantation are included on both valley sides for coherence as it forms the same land mass and recognising that the appearance and biodiversity of this landcover can be enhanced through management. To the south-east the SLA links to the Vale of Neath SLA via a contiguous boundary (refer to SLA 3 below).
- The Dulais is a typical upland u-shaped glacial river valley creating a wide valley floor and predominantly open landscape on the valley sides. The north east – south west running ridge along the Dulais valley is important for its Pennant sandstones and coal measures.
- It is a wide, rolling, pastoral valley with significantly treed field boundaries, many of these contain grown out hedges which are a strong element in this landscape on the lower ground whereas drystone walls are a landscape feature of the upper reaches of the valley sides.
- Tranquillity is a key feature of the upper ridge areas supported by lack of development. It should be noted that whilst the tranquillity indices for the upper slopes indicate that they are “undisturbed” there has been a degrading of the valley floor from zone C to Zone B.
- It is an evolved landscape containing evidence from prehistory, important Roman remains, open cast and forestry. The edges of the woodland are often regular and geometric, forming an abrupt edge to the surrounding open areas, which reduces the sense of place in the upper valley sides.
- Although the historic context is mostly Roman, the landscape contains many examples of prehistoric land uses and the presence of sheepfolds indicates the importance of animal husbandry, in this area, in the post-medieval period.
- The ridge of Mynydd Hirfynydd has been a significant route through the landscape from the prehistoric period through into the medieval period, which is now used as an historic walk (Sarn Helen). It is also crossed by the long distance footpath St Illtyd’s Way.
- The Cefn Coed Colliery Museum, located to the south of Crynant, is an example of the mining industry which until the 1980s visually dominated the visual and social landscape of the S Wales Valleys and provided a strong sense of place and cohesion to the valley.

SLA3 (EN2/3) Vale of Neath

Supplementary Planning Guidance: Landscape and Seascape (TRACKED CHANGES May 2018)



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SLA3 Vale of Neath



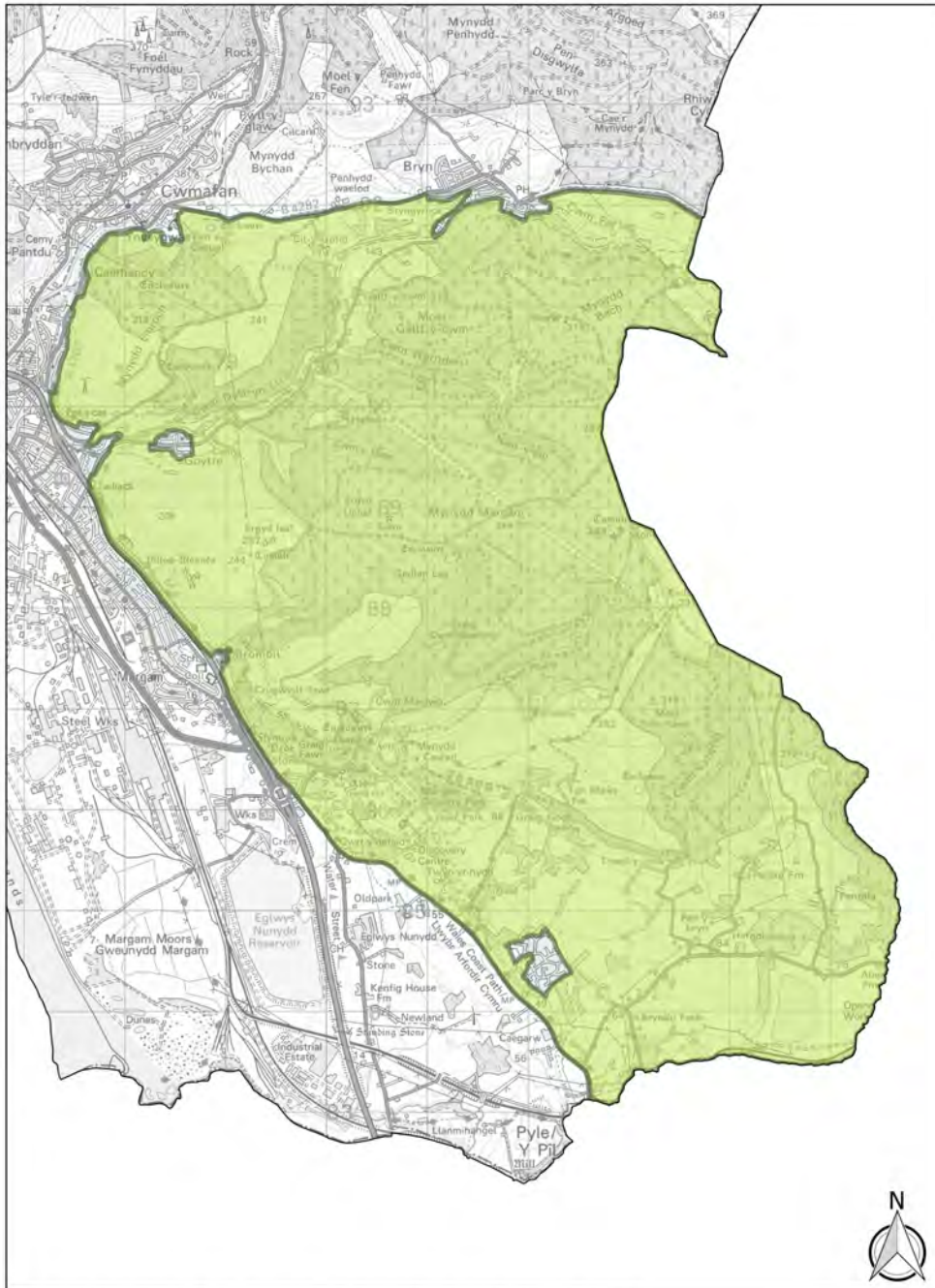
SLA3 Vale of Neath Features and Characteristics

- The Vale of Neath is similar to the south east valley side of the Dulais valley with its NE-SW fault controlled U-shaped broad glacial valley floodplain and channel, flanked by steep valley slopes. The area is a pastoral and deciduous mosaic providing diversity within the valley and contrasting with the heavily coniferous wooded nature of the upper slopes.
- The broad floodplain makes the Neath valley distinctive from the Tawe or the Dulais. The topography and woodland cover on the northern and southern slopes of the Neath valley is a significant and dominant feature and provides coherence and integrity to the SLA.
- The landscape contains many examples of prehistoric land use alongside the Roman camps and fortlets. The high ridge conveys the sense of the terrain having formed the ancient tribal frontier between the Silures and Demetae. Although now heavily forested in the east, open cast mining in the north demonstrates a geological "frontier" between surface outcrops and the deep mines of the Tawe, Dulais and Neath Valleys. To the north-east of the SLA it is geologically and topographically dominated by sundry small rivers and waterfalls, suggesting a natural boundary between the County Borough and the high moorland of the Brecon Beacons National Park.
- The SLA includes Cwm Gwrelych and Nant Llyn Fach SSSI and to the south east of the Selar opencast is the Graig-y-Llyn geological SSSI.

5. Landscape Policy Implementation

- A strong sense of place, coherence, local distinctiveness and cultural identity combine to contribute to the special qualities of the Vale of Neath. From Aberdulais to Glynneath the Vale of Neath's topographical beauties have attracted painters including Turner, poets, photographers in large numbers over several centuries.
- The upper reaches of the valley have a tranquil and remote feeling, removed from settlements and dwellings although this contrasts significantly with the valley floor which is an important communications corridor.
- The unforested areas of the valley sides are primarily sheep grazed, and there is evidence of relict post-medieval fieldscapes within the forested areas. Footpaths, long distance paths to include St Illtyds Way and bridleways facilitate views across the valley.
- Cut into the hillslopes of the valley, on both the north and south sides, are many small collieries, levels and quarries and Fynnon Oer windfarm lies to the south east of the SLA.
- The settlements of Resolven, Blaengwrach and Glynneath are not included in the SLA.

SLA4 (EN2/4) Margam



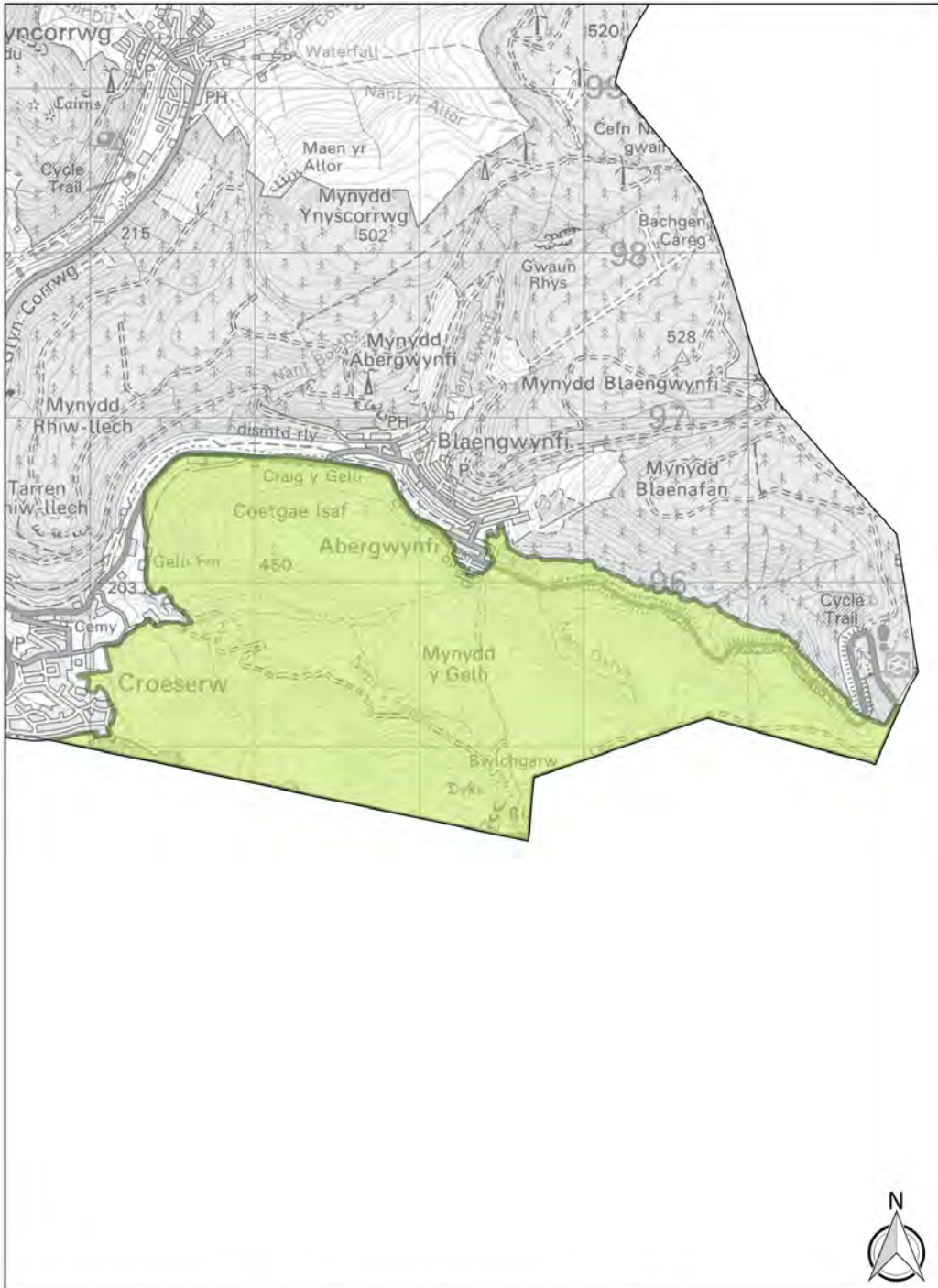
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SLA4 Margam Features and Characteristics

- Mynydd Margam is a broad, low lying plateau of NE dipping Productive Coal Formation mudstones and coals between South Wales Pennant Formation escarpment and E-W Millstone Grit ridge to the South, dissected by shallow, alluvium filled valleys of tributaries and the main Cynfig valley. It includes mine workings and the proposed deep mine.
- Cultural features in the landscape include evidence of prehistoric and later agricultural practices, rural settlements and contemporary forestry activities.
- It is an evolved landscape containing multi-period cultural expressions untrammelled by industrial exploitation - extensive archaeological evidence of land husbandry, now given over to forestry interspersed with some small farms and thus is a comparatively rare example of a surviving relict landscape.
- The SLA, which contains Margam Park, with its exceptional examples of architecture; its history as a major Cistercian Abbey and the wider monastic landholdings, provides a combination of high grade historic visitor attraction and a variety of multi-period pleasure grounds. It contains cultural elements dating from pre-history through every period up to the 21st century.
- Whilst the SLA contains areas of forested upland these are important to the overall historical context of the area and could be managed to enhance the landscape quality of the wider area.
- The scenic quality of the area is enhanced by the historic buildings of the Park and the backdrop of scarp creating a sheltered setting which link visually and provide the integrity of the whole. The sense of place for the park is initially prompted with boundary walls and entrance gates. The historic core and deer park make this area unique within the County.

SLA5 (EN2/5) Mynydd y Gelli



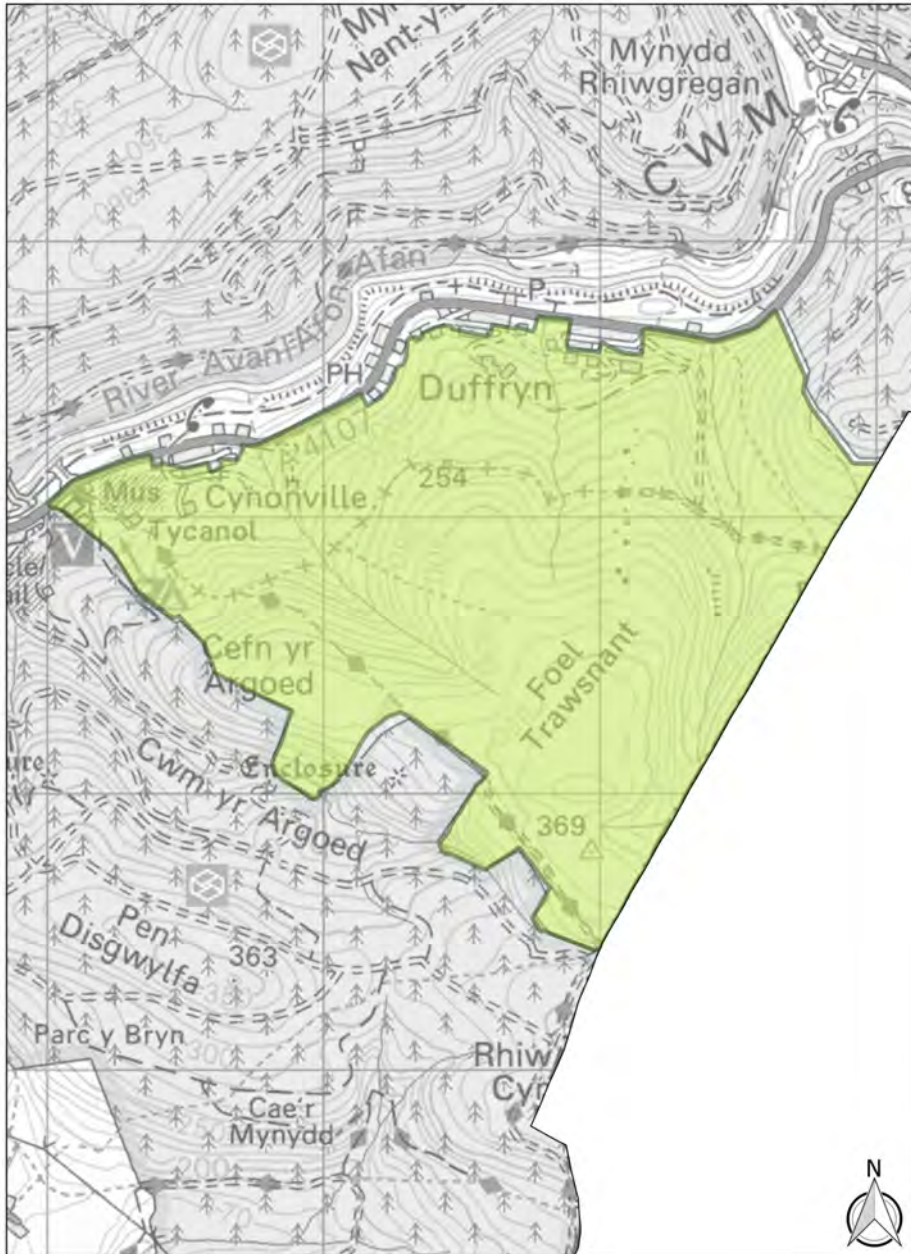
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SLA5 Mynydd y Gelli Features and Characteristics

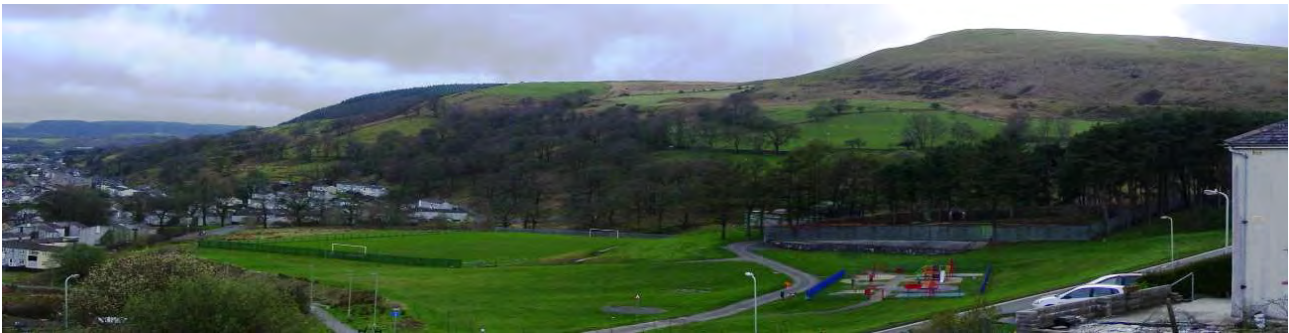
- The landform of Mynydd y Gelli is a coherent landscape element and relates to the Western Uplands Bridgend SLA which includes the adjacent Mynydd Llangeinwyr.
- Similar to Foel Trawsnant it forms an open exposed plateau area within the eastern highlands complex.
- The landform and topography creates an imposing presence and with its simple land cover provides a contrast to the more complex landscapes of surrounding areas
- The open remote plateau has a sense of exposure and wilderness in contrast with the adjacent Afan valley.
- It is unspoilt by development or land use and has a coherent distinct character, with topographical and visual unity, high scenic quality and strong sense of place

SLA6 (EN2/6) Foel Trawsnant



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SLA6 Foel Trawsnant



SLA6 Foel Trawsnant Features and Characteristics

- SLA 6 covers the steep, exposed, upland slopes in NE-SW striking N and NE dipping sandstones and coals of the South Wales Pennant Formation Llynfi-Britthdir Beds (Lower Pennant Measures).
- It forms part of the eastern highlands complex and is one location within the relict landscape of mixed periods which is not covered in conifer plantations.
- There is no development and the area feels exposed and bleak, access is via foot and bridle paths.
- The simple landscape features and pattern, upland grazing to 271m AOD creates a local sense of place and distinctiveness.

LDP Policy EN3: Green Wedges

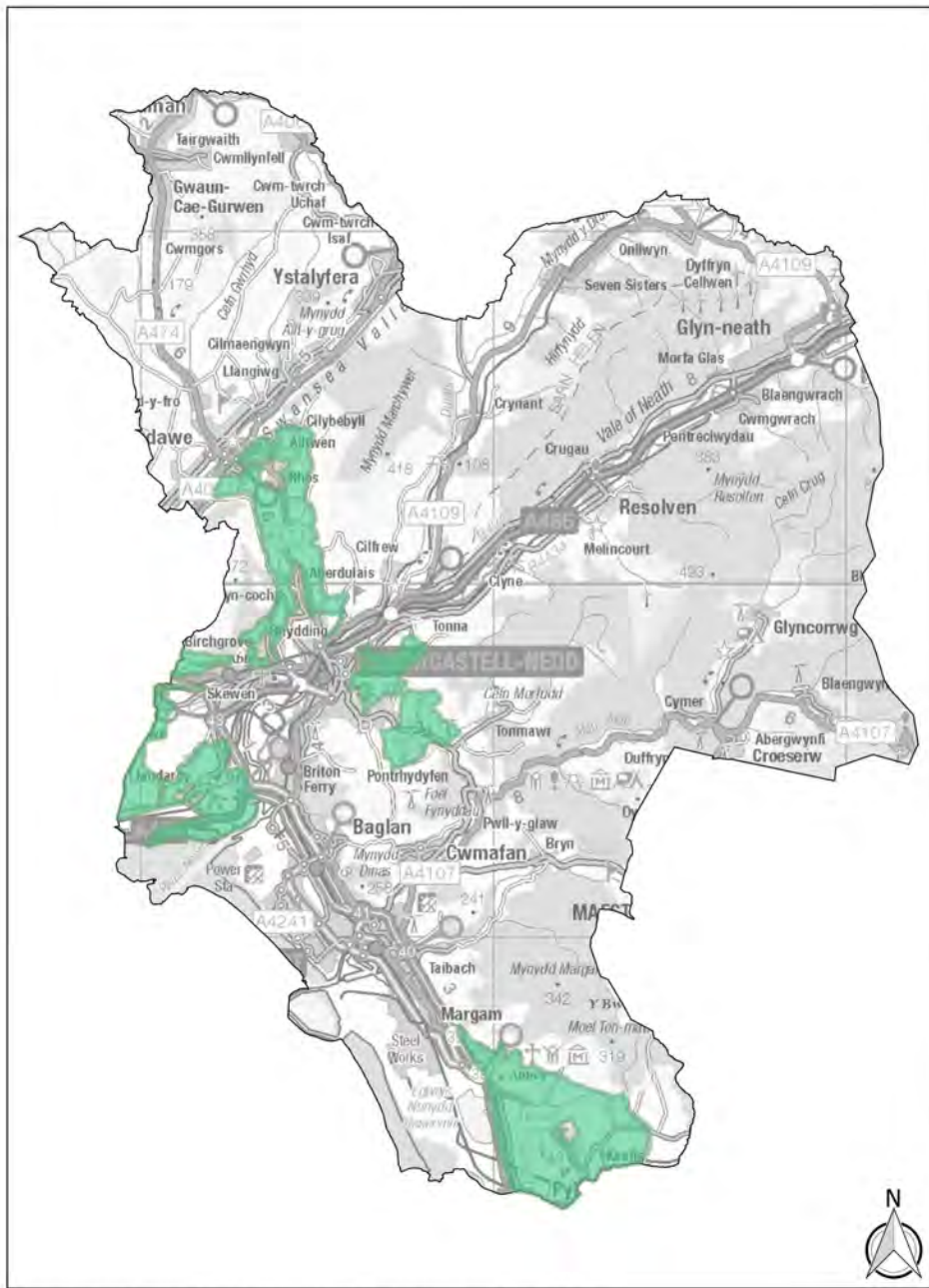
5.2.12 Green Wedges are designated areas of countryside where development is more strictly controlled in order to maintain openness and prevent the coalescence of settlements. PPW sets out the purpose of green wedges as being to:

- Prevent the coalescence of large towns and cities with other settlements;
- Manage urban form through controlled expansion of urban areas;
- Assist in safeguarding the countryside from encroachment;
- Protect the setting of an urban area; and
- Assist in urban regeneration by encouraging the recycling of derelict and other urban land.

5.2.13 Green wedges are therefore not primarily a landscape designation, but they can have an impact on the wider landscape due to their impacts on the form and setting of urban areas. The NPT Landscape Advice Report⁽²⁰⁾ includes a full assessment of the green wedges in NPT. The study took the pre-existing green wedge designations in the former UDP (2008) as a starting point and recommended changes and refinements where necessary. The revised green wedges were adopted through the adoption of the LDP.

5.2.14 There are five designated green wedges within Neath Port Talbot. These are illustrated on the plan below, with further details for each green wedge in the subsequent sections. The green wedges are also shown in more detail on the LDP Proposals Map.

5. Landscape Policy Implementation



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EN3 Green Wedges in Neath Port Talbot

5.2.15 Policy EN3 states that within green wedge areas *'there is a presumption against inappropriate development'*. The supporting text to the policy states that *'inappropriate development'* in this context is as defined in PPW. This definition is given in Section 4.8 of PPW and states as follows:

The construction of new buildings in a Green Belt or in a locally designated green wedge is inappropriate development unless it is for the following purposes:

- Justified rural enterprise needs;
- Essential facilities for outdoor sport and outdoor recreation, cemeteries, and other uses of land which maintain the openness of the Green Belt or green wedge and which do not conflict with the purpose of including land within it;
- Limited extension, alteration or replacement of existing dwellings;
- Limited infilling (in those settlements and other development sites which have been identified for limited infilling in the development plan) and affordable housing for local needs under development plan policies; or
- Small scale diversification within farm complexes where this is run as part of the farm business.

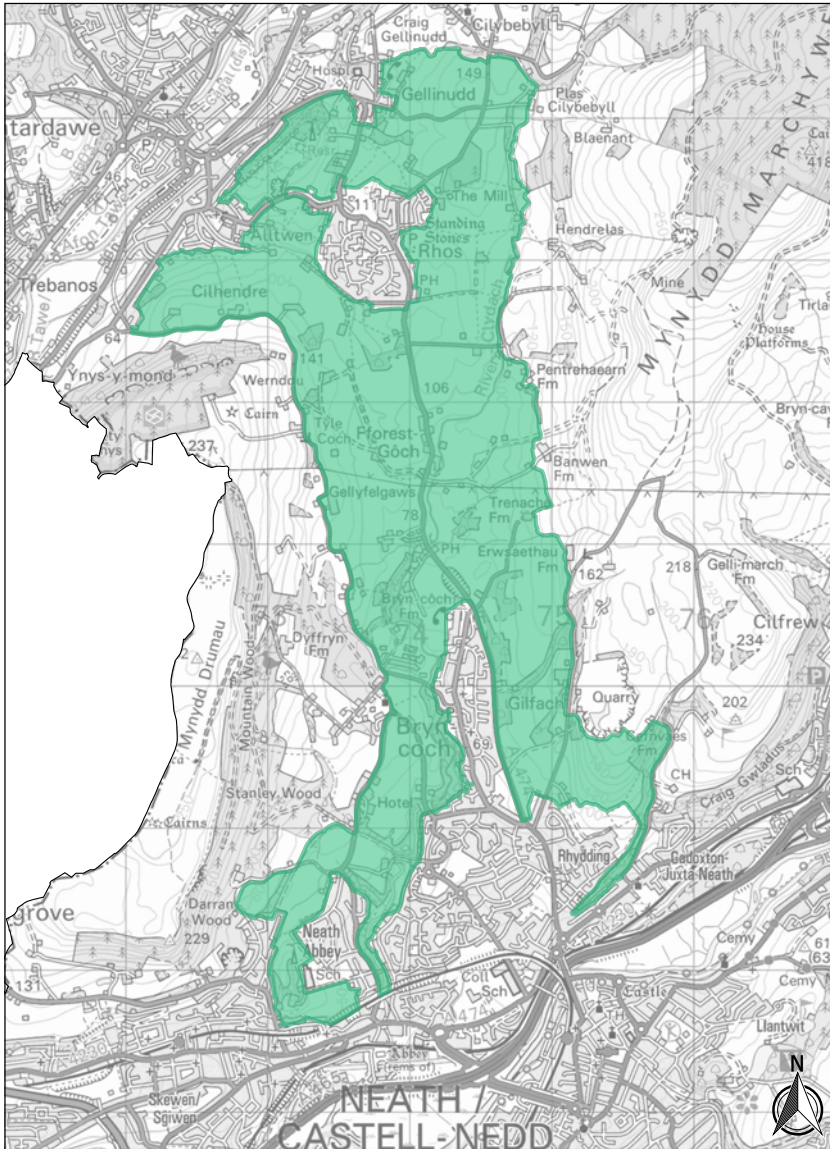
5.2.16 It is further clarified that the re-use of buildings in a green wedge is not inappropriate development provided that:

- The original building is substantial, permanent and capable of conversion without major reconstruction;
- The new use will not have a greater impact on the openness of the green belt or green wedge and the purposes of including land within it. Strict control will need to be exercised over the extension, alteration or any associated use of land for re-used buildings; and
- The building is in keeping with its surroundings.

5.2.17 Other forms of development would be inappropriate development and therefore contrary to EN3 unless they maintain the openness of the green belt or green wedge and do not conflict with the purposes of including land within it (as listed in para 5.2.12 above).

5. Landscape Policy Implementation

Green Wedge 1 (EN3/1): Alltwen / Rhos / Bryncoch / Neath Abbey / Leiros Park



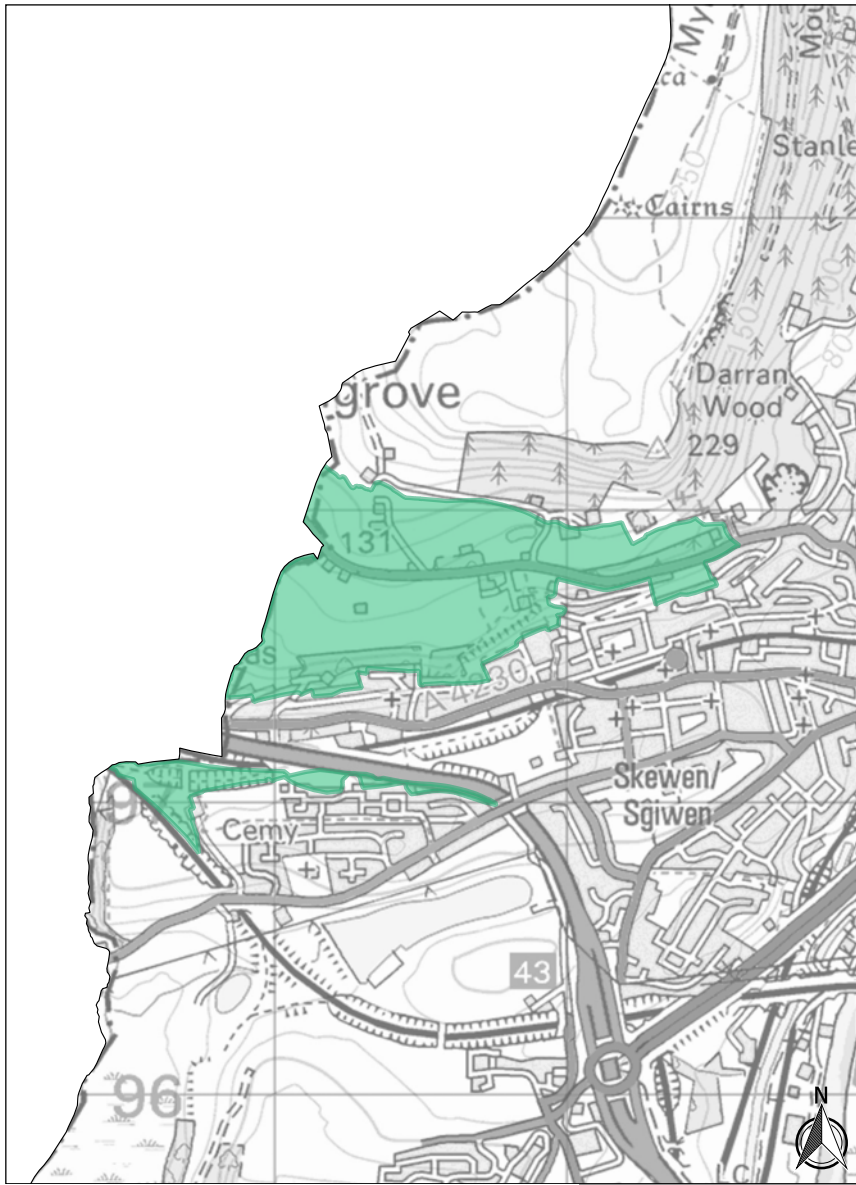
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EN3/1 Alltwen/Rhos/Bryncoch/Neath Abbey/Leiros Park Green Wedge

5.2.18 The Alltwen / Rhos / Bryncoch / Neath Abbey / Leiros Park Green Wedge covers an area of some 943 hectares and has an important function of preventing any further expansion of the urban area of Neath northwards. It is also intended to restrict the further southward expansion of Pontardawe and associated settlements

5.2.19 As illustrated above, the Alltwen / Rhos / Bryncoch / Neath Abbey / Leiros Park Green Wedge stretches from Neath to Pontardawe and includes the small settlement of Fforest Goch which has a sporadic linear form along the main A474 that links Neath and Pontardawe and lies within the green wedge designation.

Green Wedge 2 (EN3/2): Skewen / Birchgrove



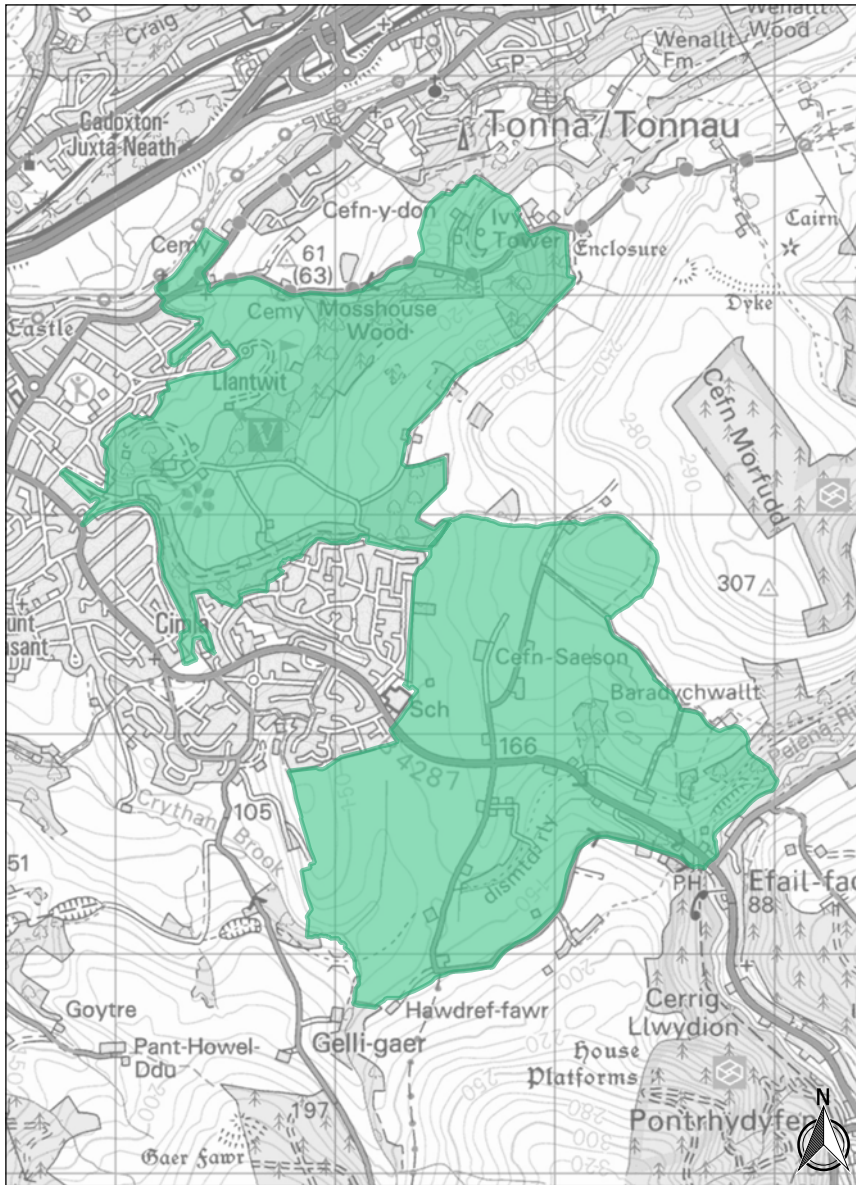
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EN3/2 Skewen/Birchgrove Green Wedge

5.2.20 The Skewen / Birchgrove Green Wedge covers an area of some 82 hectares and has the important function of preventing the coalescence of the built up areas of Skewen and Birchgrove. It is situated north of the A4230 to the north west of Skewen up to the administrative boundary with Swansea. It falls within a high value landscape and Special Landscape Area broad search area, although it is not within a designated SLA.

5. Landscape Policy Implementation

Green Wedge 3 (EN3/3): Neath / Tonna / Cimla / Efail Fach

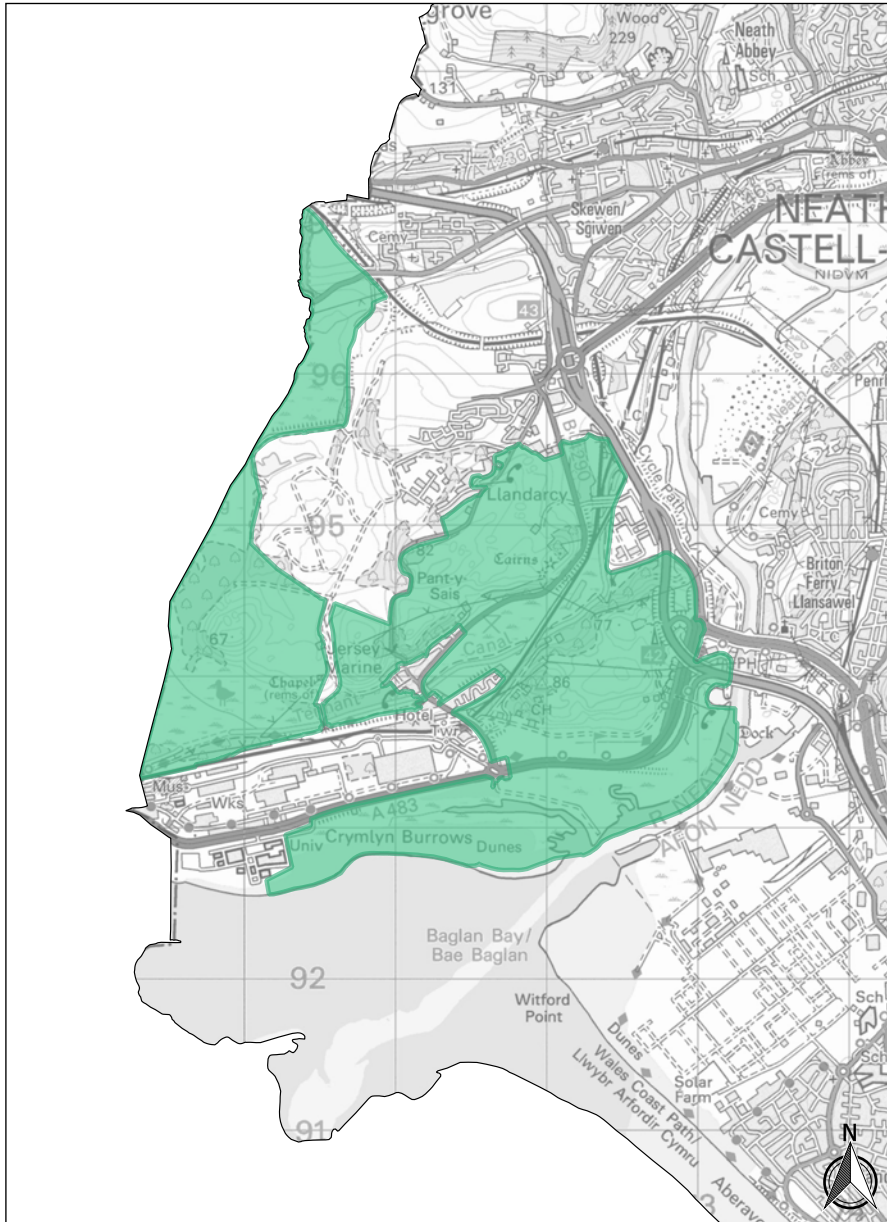


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EN3/3 Neath/Tonna/Cimla/Efail FachGreen Wedge

5.2.21 The Neath / Tonna / Cimla / Efail Fach Green Wedge covers an area of some 482 hectares and is intended to prevent the coalescence of Neath and Tonna and prevent expansion of Neath (Cimla) towards Efail Fach. Significant parts of the green wedge are situated within SLA search areas and display some of the criteria necessary for SLA designation indicating that they are areas of high landscape value, although they are not within any designated SLA.

Green Wedge 4 (EN3/4): Crymlyn Bog / Crymlyn Burrows / Llandarcy



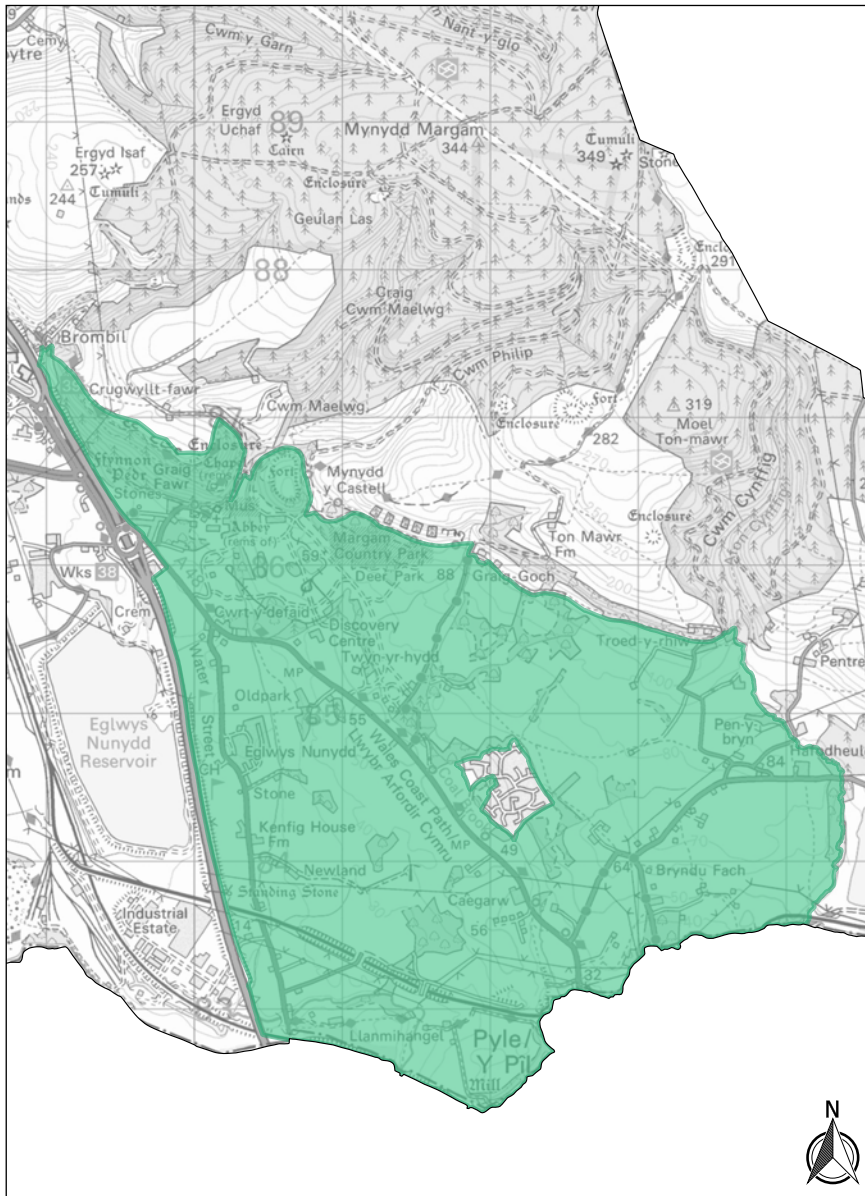
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EN3/4 Crymlyn Bog/Crymlyn Burrows/Llandarcy Green Wedge

5.2.22 The Crymlyn Bog / Crymlyn Burrows / Llandarcy Green Wedge has an area of some 704 hectares and is intended to prevent the coalescence of Skewen, Briton Ferry and the east side of Swansea. It includes Crymlyn Bog, Crymlyn Burrows and extensive areas of land between the M4 and the administrative boundary with Swansea. Crymlyn Burrows and the water frontage to Baglan Bay are within an SLA broad search area and display some of the criteria necessary for SLA designation indicating that it is within a high value landscape, but no part of the green wedge is within a designated SLA.

5. Landscape Policy Implementation

Green Wedge 5 (EN3/5): Margam



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EN3/5 Margam Green Wedge

5.2.23 The Margam Green Wedge has an area of some 1,280 hectares and is intended to protect the setting of Margam Park and prevent the expansion of the built up areas of Pyle and North Cornelly north into Neath Port Talbot. The green wedge is bounded by the M4 to the west and the main railway line and County Borough boundary to the south and extends as far as the base of the escarpment of Margam Mountain in the east. The part of the green wedge east of the A48 is also designated as part of the Margam SLA (SLA4), indicating that this is an area of high landscape value (refer above).

6 Seascape Policy Implementation

6.0.1 Developments affecting the seascape can include proposals on shore, those within the inter-tidal zone and those in the marine environment.

6.0.2 This SPG (and the terrestrial planning system generally) covers proposals above the mean low water mark (LWM). Seaward of the mean LWM the local planning authority has no planning controls (except where a Harbour Revision Order has included such provision) and proposals are subject to licensing regimes dealt with by the UK Government.



Crymlyn Burrows

6.1 Seascape in the Design Process

6.1.1 Any development near to the coast could potentially impact on the local seascape. If a proposed building or structure would be visible in a coastal context (i.e. visible from coastal locations) or would have a coastal setting, the local seascape character should be taken into account in the design, layout and form of the development from the outset. The development design should respond to the identified seascape character and should seek to enhance it where possible. Proposals that would have a negative seascape impact will be resisted.

6.1.2 Detailed seascape character area assessments relevant to all coastal parts of the County Borough are provided in the **Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment** (refer to Section 6.2 below). Developers should assess the impact of their development in relation to the attributes of the *seascape character areas* (SCAs) within which or from which it would be seen. In all cases it should be demonstrated how the relevant seascape considerations have been responded to and how they have informed the overall development design (refer below).

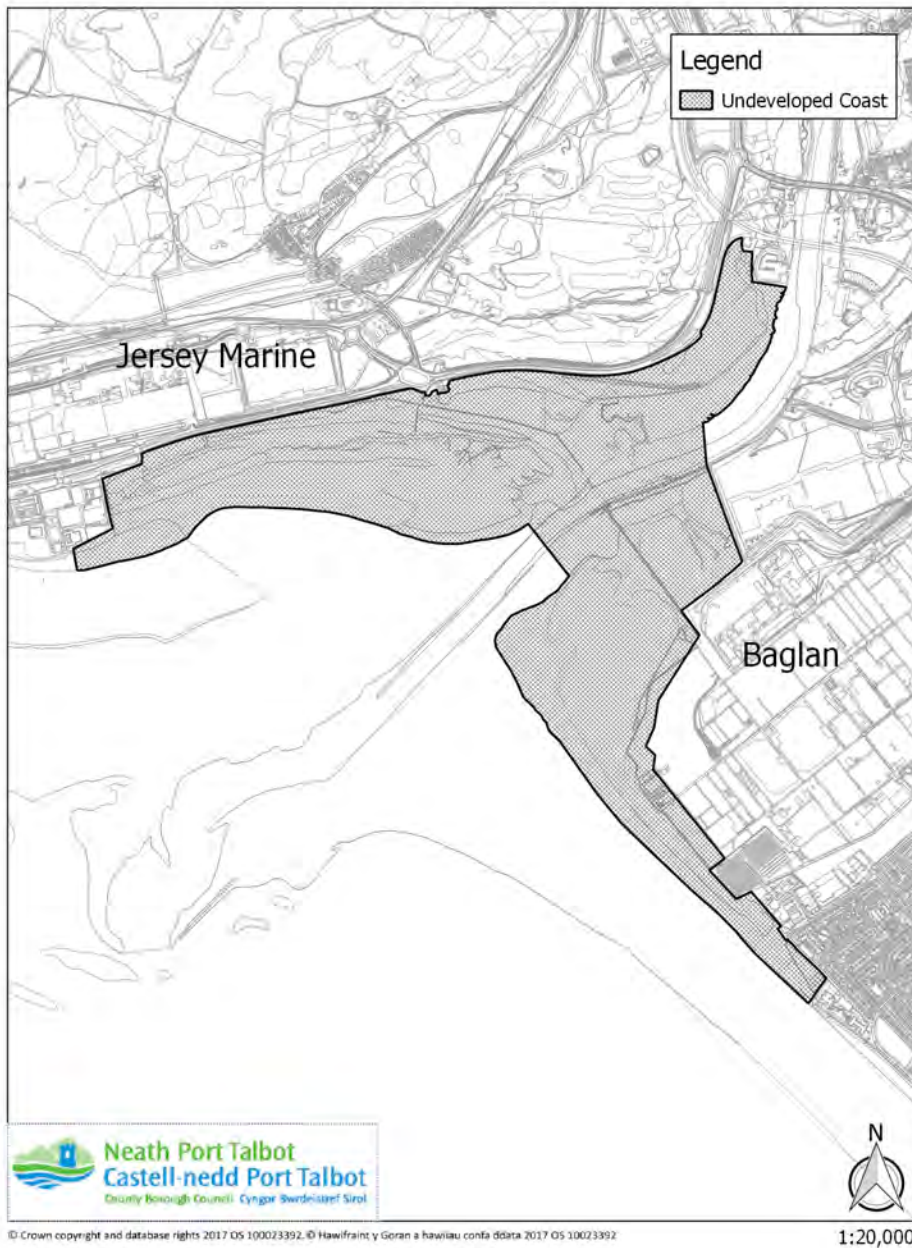
6. Seascape Policy Implementation

6.2 Policy Implementation

LDP Policy EN1: The Undeveloped Coast

6.2.1 The extent of undeveloped coast to which Policy EN1 applies is defined on the LDP Proposals Map and is also illustrated below.

ENV1 - Undeveloped Coast



ENV1 - Undeveloped Coast

6.2.2 The policy indicates that within the defined undeveloped coast, any development will be strictly controlled and that proposals will have to demonstrate firstly that a coastal location is necessary and secondly that the proposal could not be located elsewhere, on a part of the coast that is already developed. Only if these conditions are met would the limited types of development listed in the policy criteria be acceptable.

6.2.3 This policy follows on from national policy outlined in PPW which indicates that the undeveloped coast will rarely be the most appropriate location for development. It also gives protection to areas that are important for biodiversity reasons and helps to allow flexibility for adaptation to climate change and to implement the provisions of the Shoreline Management Plan. It will also help to maintain important natural parts of the coast and therefore benefit the wider seascape.

Other Coastal Developments

6.2.4 Elsewhere, coastal developments will still need to demonstrate that a coastal location is required and to show that the development will be resilient to the effects of climate change, as set out in PPW (Section 5.8). Any coastal proposals or other proposals that could have an impact on the wider seascape will also need to take into account the **Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment**.

Carmarthen Bay, Gower and Swansea Bay Local Seascape Character Assessment (LSCA)

6.2.5 The Carmarthen Bay, Gower and Swansea Bay LSCA was published in 2017 and covers east Carmarthen Bay, the Burry Inlet / Loughor Estuary, Gower and all of Swansea Bay including territorial waters up to 12nm offshore. The study divides the marine and coastal parts of the study area into *seascape character areas* (SCAs) and seeks to define the distinctive character of each area. This was done by identifying sea areas of shallow depths (0-30m), moderate depths (30-60m), and deeper waters (>60m). Also assessed were sea floor topography and bedrock type and wave climate (relating to wind exposure, tidal and current conditions).

6.2.6 The wider setting of the SCAs is also taken into consideration and is described within each SCA profile. The SCA profiles are contained within the LSCA. The profiles contain descriptions of the key characteristics, natural and cultural influences, aesthetic, perceptual and experiential qualities, cultural benefits and services, forces for change and key sensitivities of each of the SCAs.

6.2.7 The LSCA provides a list of factors that contribute to or detract from sensitivity. These should be taken into consideration when defining a level of sensitivity for a given seascape character area in relation to a specific type of development. Overall, the LSCA provides baseline evidence which can inform where and what type of development would be likely to be acceptable in terms of seascape, landscape and visual impact.

6.2.8 The method that should be used to assess the effects of a proposal on seascape character is similar to that for assessing effects on landscape character which are set out in the Guidelines for Landscape and Visual Impact Assessment (GLVIA) published by the

6. Seascape Policy Implementation

Landscape Institute (refer to Section 3.2). The effects on individual seascape character areas should be assessed in the same way as the effects on landscape character areas or LANDMAP aspect areas.

6.2.9 Development on areas of coast or hinterland exposed to views from the sea has the potential for significant effects on character and users of the sea, even if outside an SCA. The effects not only include visual impact but also the effects on coastal processes which could more fundamentally change the character of an area.

6.2.10 Further detailed advice on the use of the LSCA in the development process is given within Chapter 3 of the LSCA document.

7 Monitoring and Review

7.0.1 The implementation of LDP landscape and seascape policies will be monitored annually and will be reported in the LDP Annual Monitoring Report. The effectiveness of the policies in implementing the LDP strategy and objectives in relation to landscape and seascape issues will be evaluated as part of this procedure.

7.0.2 This SPG may be updated over the Plan period to reflect any significant issues or changes that may arise, and any such findings may be taken into account in future reviews of the LDP.

A Relevant LDP Policies

A.0.1 Policy SC1 Settlement Limits

Policy SC1

Settlement Limits

Development within settlement limits that is proportionate in scale and form to the role and function of the settlement as set out in the Settlement Hierarchy will be acceptable in principle.

Outside settlement limits, development will only be permitted under the following circumstances:

1. It constitutes a sustainable small scale employment use adjacent to a settlement limit; or
2. It constitutes live-work unit(s) immediately adjacent to a settlement limit in the Valleys Strategy Area only; or
3. It constitutes the small-scale expansion of an existing business or the suitable conversion of an existing building; or
4. It constitutes the appropriate replacement of an existing dwelling; or
5. It is an affordable housing exception site; or
6. It is an appropriate rural enterprise dwelling; or
7. It is an appropriate 'One Planet Development'; or
8. It is a sustainable tourism or farm diversification proposal that is suitable in a countryside location; or
9. It is associated with the provision of public utilities, infrastructure and waste management facilities that cannot reasonably be located elsewhere; or
10. It is associated with either agriculture, forestry, minerals or energy generation; or
11. It relates to the appropriate provision of accommodation for Gypsies / Travellers; or
12. It constitutes the provision of open space and small scale ancillary facilities adjoining the settlement limit.

Where development is permitted outside settlement limits, any new buildings must be located adjacent to existing buildings or settlements wherever possible and be of an appropriate scale and form.

A.0.2 Strategic Policy SP14 The Countryside and the Undeveloped Coast

Policy SP14

The Countryside and the Undeveloped Coast

The countryside and undeveloped coast, including landscapes, seascapes and agricultural land, will be protected and where feasible enhanced through the following measures:

1. The protection of the open countryside through the control of inappropriate development outside settlement limits;
2. The protection of the undeveloped coast through the control of inappropriate development;
3. The designation and protection of Special Landscape Areas;
4. The designation and protection of Green Wedges.

LDP Objective: OB 15

A.0.3 Policy EN1 The Undeveloped Coast

Policy EN1

The Undeveloped Coast

Development proposals within the undeveloped coast will only be permitted where it is demonstrated that a coastal location is necessary, the development cannot be accommodated on the developed coast and the proposal relates to:

1. The management and/or maintenance of coastal or flood defences or coastal processes; or
2. The management and/or maintenance of shipping channels / port access and other associated infrastructure; or
3. The provision of appropriate recreational, leisure, access or other necessary infrastructure.

A.0.4 Policy EN2 Special Landscape Areas

Policy EN2

Special Landscape Areas

In order to protect areas of high landscape quality, the following Special Landscape Areas are designated:

Reference	Special Landscape Area
EN2/1	Mynydd y Garth
EN2/2	Dulais Valley
EN2/3	Vale of Neath
EN2/4	Margam
EN2/5	Mynydd y Gelli
EN2/6	Foel Trawsnant

Development within the designated Special Landscape Areas will only be permitted where it is demonstrated that there will be no significant adverse impacts on the features and characteristics for which the Special Landscape Area has been designated.

A.0.5 Policy EN3 Green Wedges

Policy EN3

Green Wedges

In order to prevent the coalescence of settlements and to protect the setting of urban areas, Green Wedges have been designated in the following locations:

Reference	Green Wedge
EN3/1	Alltwn / Rhos / Bryncoch / Neath Abbey / Leiros Park
EN3/2	Skewen / Birchgrove
EN3/3	Neath / Tonna / Cimla / Efail Fach
EN3/4	Crymlyn Bog / Crymlyn Burrows / Llandarcy
EN3/5	Margam

Within these areas there is a presumption against inappropriate development.

A.0.6 Policy EN4 Replacement Dwellings in the Countryside**Policy EN4****Replacement Dwellings in the Countryside**

The replacement of a dwelling outside settlement limits will only be permitted where all of the following criteria are satisfied:

1. It is demonstrated that the building has a current lawful use as a permanent dwelling;
2. The replacement dwelling, its means of enclosure, garden, parking space and other associated features, are sited within the curtilage of the building to be replaced;
3. The proposed scale, form, siting, design, materials and landscaping are suitable within its context and/or the context of the building to be replaced and would not have an unacceptable adverse effect on the character of the area;
4. The conservation of existing buildings which are of architectural or historic interest would not be prejudiced;
5. The original dwelling is removed and the land suitably reinstated prior to the occupation of the new dwelling.

A.0.7 Policy EN5 Conversion and Extension of Existing Buildings in the Countryside**Policy EN5****Conversion and Extension of Existing Buildings in the Countryside**

The alteration, extension or conversion of existing suitable buildings outside the defined settlement limits for residential, employment, or tourism uses will only be permitted where:

1. The existing building is structurally sound and is capable of conversion without substantial major external alteration or reconstruction.
2. In the case of changes of use to residential purposes alone:
 - (a) It can be demonstrated that there are no viable alternative uses to secure the retention of the building; and
 - (b) That the building is of architectural and/or historic merit.
3. In the case of residential extensions, the extension does not result in a disproportionate increase in the size, scale and massing of the building.

A.0.8 Policy EN7 Important Natural Features

Policy EN7

Important Natural Features

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

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

A.0.9 Policy RE1 Criteria for the Assessment of Renewable and Low Carbon Energy Development

Policy RE1

Criteria for the Assessment of Renewable and Low Carbon Energy Development

Proposals for renewable and low carbon energy development will only be permitted subject to the following criteria:

1. Large scale wind farm developments (>25MW) will be expected to be located within the boundaries of the refined Strategic Search Areas.
2. Proposals for wind farms of any size outside the SSAs will only be permitted where it is demonstrated that there will be no unacceptable impact on visual amenity or landscape character through the number, scale, size, design and siting of turbines and associated infrastructure.
3. Small scale wind farm developments (<5MW) will be required to demonstrate that impacts are confined to the local scale.
4. All renewable energy or low carbon energy development proposals will be required to demonstrate that:
 - (a) Measures have been taken to minimise impacts on visual amenity and the natural environment;

- (b) There will be no unacceptable impacts on residential amenity;
- (c) The development will not compromise highway safety;
- (d) The development would not interfere with radar, air traffic control systems, telecommunications links, television reception, radio communication and emergency services communications; and
- (e) There are satisfactory proposals in place for site restoration as appropriate.

A.0.10 Policy BE1 Design

Policy BE1

Design

All development proposals will be expected to demonstrate high quality design which fully takes into account the natural, historic and built environmental context and contributes to the creation of attractive, sustainable places.

Proposals will only be permitted where all of the following criteria, where relevant, are satisfied:

1. It complements and enhances the character and appearance of the site, building or area in terms of siting, appearance, scale, height, massing and elevation treatment;
2. It respects the context of the site and its place within the local landscape, including its impact on the important arterial gateways into the County Borough, its effects on townscape and the local historic and cultural heritage and it takes account of the site topography and prominent skylines or ridges;
3. It utilises materials appropriate to its surroundings and incorporates hard and soft landscaping and screening where appropriate;
4. It would not have a significant adverse impact on highway safety, the amenity of occupiers of adjacent land or the community;
5. Important local features (including buildings, amenity areas, green spaces and green infrastructure, biodiversity and ecological connectivity) are retained and enhanced as far as possible;
6. It achieves and creates attractive, safe places and public spaces, taking account of 'Secured by Design' principles (including where appropriate natural surveillance, visibility, well lit environments and areas of public movement);

7. It plays a full role in achieving and enhancing an integrated transport and communications network promoting the interests of pedestrians, cyclists and public transport and ensures linkages with the existing surrounding community;
8. It uses resources, including land and energy, as efficiently as possible through:
 - (a) Making the best and most efficient use of the land available through being of appropriate density taking into account the character and appearance of the area, normally a minimum of 35 dwellings per hectare in the Coastal Corridor Strategy Area or a minimum of 30 dwellings per hectare in the Valleys Strategy Area;
 - (b) The layout and form of the development does not preclude the reasonable use of other adjacent land;
 - (c) Developing brownfield land in preference to greenfield land where possible;
 - (d) Minimising building exposure while maximising solar gain.
9. Its drainage systems are designed to limit surface water run-off and flood risk and prevent pollution;
10. The layout and design of the development achieves inclusive design by ensuring barrier free environments, allowing access by all and making full provision for people with disabilities.



Neath Port Talbot
Castell-nedd Port Talbot
County Borough Council Cyngor Bwrdeistref Sirol



www.npt.gov.uk/ldp



Local Development Plan
Cynllun Datblygu Lleol

APPENDIX 3

Biodiversity and Geodiversity SPG
(Tracked Changes – May 2018)



Neath Port Talbot County Borough Council

Local Development Plan 2011 - 2026

Biodiversity and Geodiversity

Supplementary Planning Guidance
(Tracked Changes – May 2018)



Sand Martin Bank © Barry Stewart

Pipistrelle Bat © Laura Palmer

Shrill Carder Bee © Mark Hipkin

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Contents

Supplementary Planning Guidance: Biodiversity and Geodiversity (TRACKED CHANGES May 2018)

Note to Reader

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

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

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

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

Note to Reader

Supplementary Planning Guidance: Biodiversity and Geodiversity (TRACKED CHANGES May 2018)

1 Introduction

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

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

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

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

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

Purpose of the SPG

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

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

Structure and Content

1.0.8 The SPG addresses the following:

- An introduction to the local biodiversity and geodiversity resource;

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

1 . Introduction

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

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

2 Biodiversity and Geodiversity in Neath Port Talbot

2.1 What is 'Biodiversity' and 'Geodiversity'?

Biodiversity

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

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

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

Geodiversity

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

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

2.2 Biodiversity in Neath Port Talbot

Species, Habitats and Sites

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

2 . Biodiversity and Geodiversity in Neath Port Talbot

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

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

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

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

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

Picture 2.1 Fen Raft Spider (by Steve Bolchover)



Sites of Importance for Nature Conservation

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

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

2 . Biodiversity and Geodiversity in Neath Port Talbot

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

Impacts on the Biodiversity Resource

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

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

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

2.3 Geodiversity in Neath Port Talbot

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

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

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

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

2 . Biodiversity and Geodiversity in Neath Port Talbot

Picture 2.2 Craig y Llyn



Regionally Important Geodiversity Sites

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

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

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

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

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

2.4 Green Infrastructure

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

2 . Biodiversity and Geodiversity in Neath Port Talbot

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

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

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

2 Green Infrastructure: An Integrated Approach to Land Use - Position Statement (2013 Landscape Institute).
3 **Open Space and Greenspace Supplementary Planning Guidance (July 2017)**,

2 . Biodiversity and Geodiversity in Neath Port Talbot

3 Policy Context

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

Commitments and Legislation

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

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

3 . Policy Context

Picture 3.1 Floodplain, Neath



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

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

the protection of specific sites or species.

3.1 National Policy Context

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

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

Picture 3.2 Lapwing (by Barry Stewart)



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

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

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

3.2 Local Policy Context

Local Biodiversity Plans

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

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

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

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

3 . Policy Context

Local Well-Being Plan and Objectives

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

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

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

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

Policy SP15

Biodiversity and Geodiversity

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

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

LDP Objective: OB 15

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

Policy EN6

Important Biodiversity and Geodiversity Sites

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

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

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

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

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

3 . Policy Context

Picture 3.3 Adder (Copyright Peter Hill)



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

Policy EN7

Important Natural Features

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

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

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

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

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

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

3 . Policy Context

Supplementary Planning Guidance: Biodiversity and Geodiversity (TRACKED CHANGES May 2018)

4 Policy Requirements

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

4.1 General Principles

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

General Principles for Biodiversity and Geodiversity in Planning and Development

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

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

7 Refer also to the British Standard.

4 . Policy Requirements

Step-Wise Approach

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

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

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

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

5 Policy Implementation

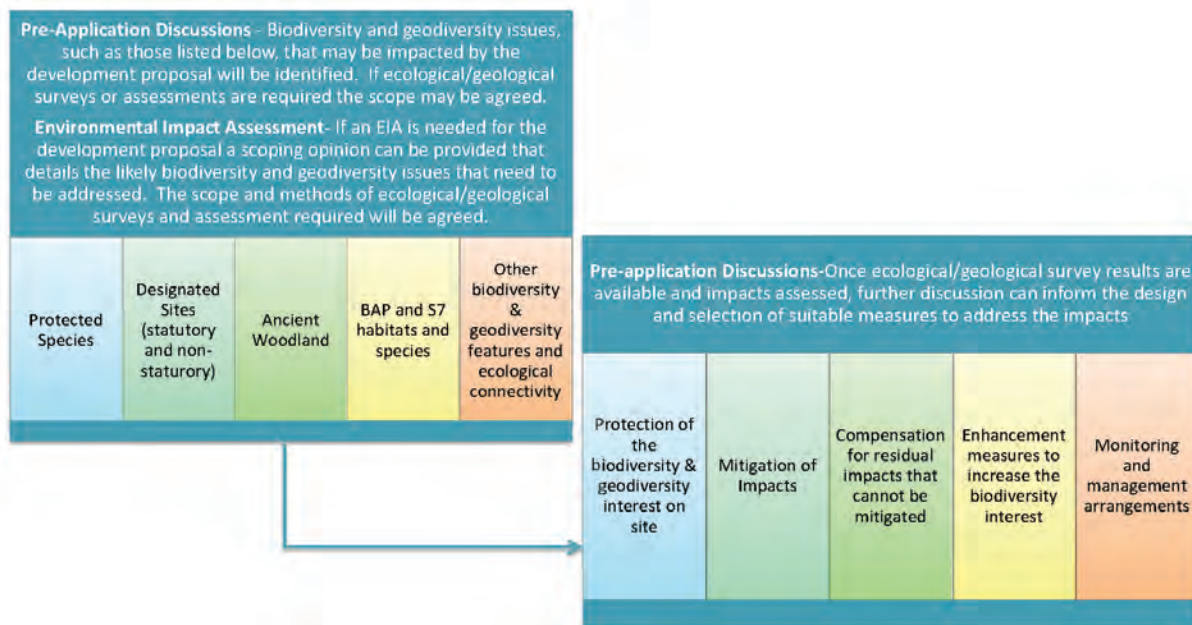
5.1 Pre-Application Discussion

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

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

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

Picture 5.1 Summary of the Scope of Pre-Application Discussions



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

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

5 . Policy Implementation

Information Requirements

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

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

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

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

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

Information Requirements

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

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

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

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

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

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

Additional Requirements (*where relevant*)

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

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

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

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

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

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

Picture 5.2 Kenfig, Port Talbot



Habitat Regulations Assessment (HRA)

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

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

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

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

Ecosystem Resilience

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

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

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

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Picture 5.3 Hedgerow, Bryncoch



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

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

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

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

Addressing Adverse Impacts

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

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

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

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

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

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

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

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

Picture 5.4 Living Roof (Copyright Chris Jones)



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

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

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

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

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



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

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

Enhancement Opportunities

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

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

Potential New Benefits

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

Wind Energy Schemes

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

5.2 Planning Application Submission

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

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

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

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

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

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

Picture 5.6 River Tawe, Near Ystalyfera

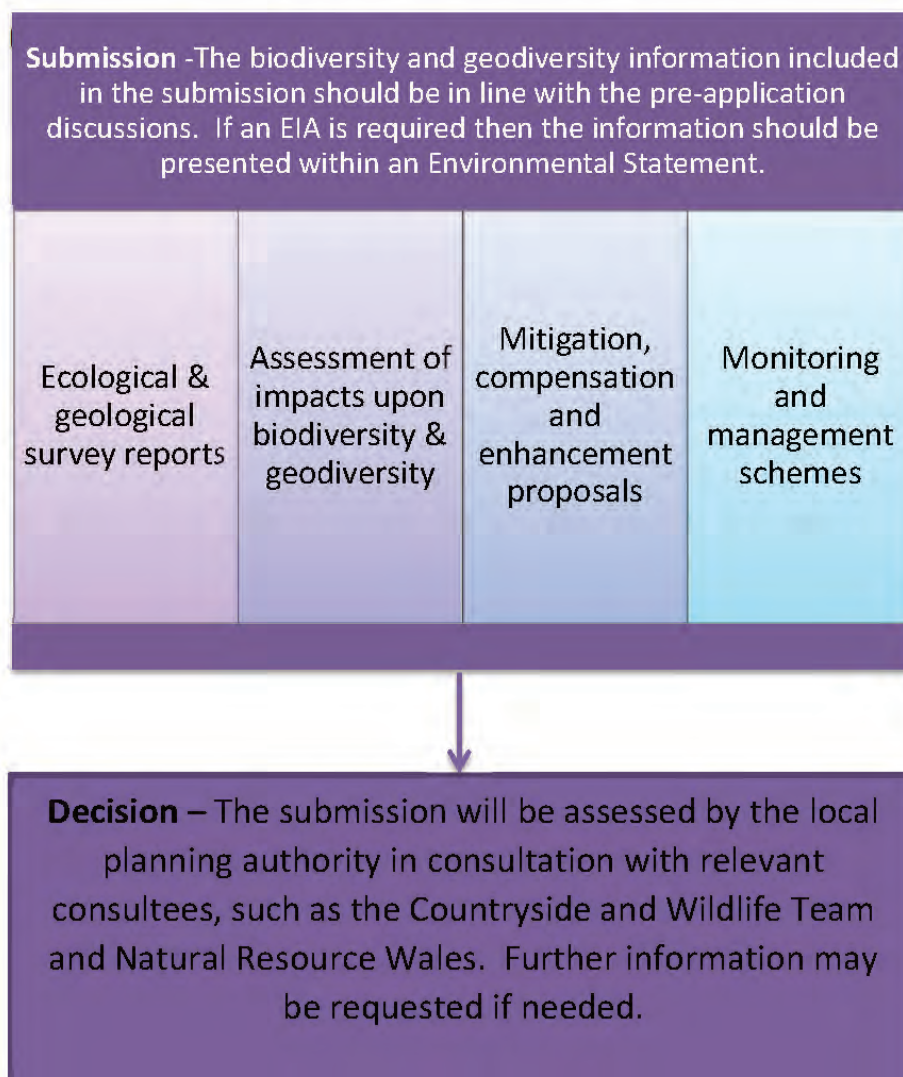


5.2.4 Through ensuring adequate information is provided as part of the submission following detailed pre-application discussion, the requirement to provide further information prior to the commencement of the development (e.g. mitigation schemes), will be minimised. Severe delays in the implementation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

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

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

Figure 5.2 Summary of the Submission Requirements

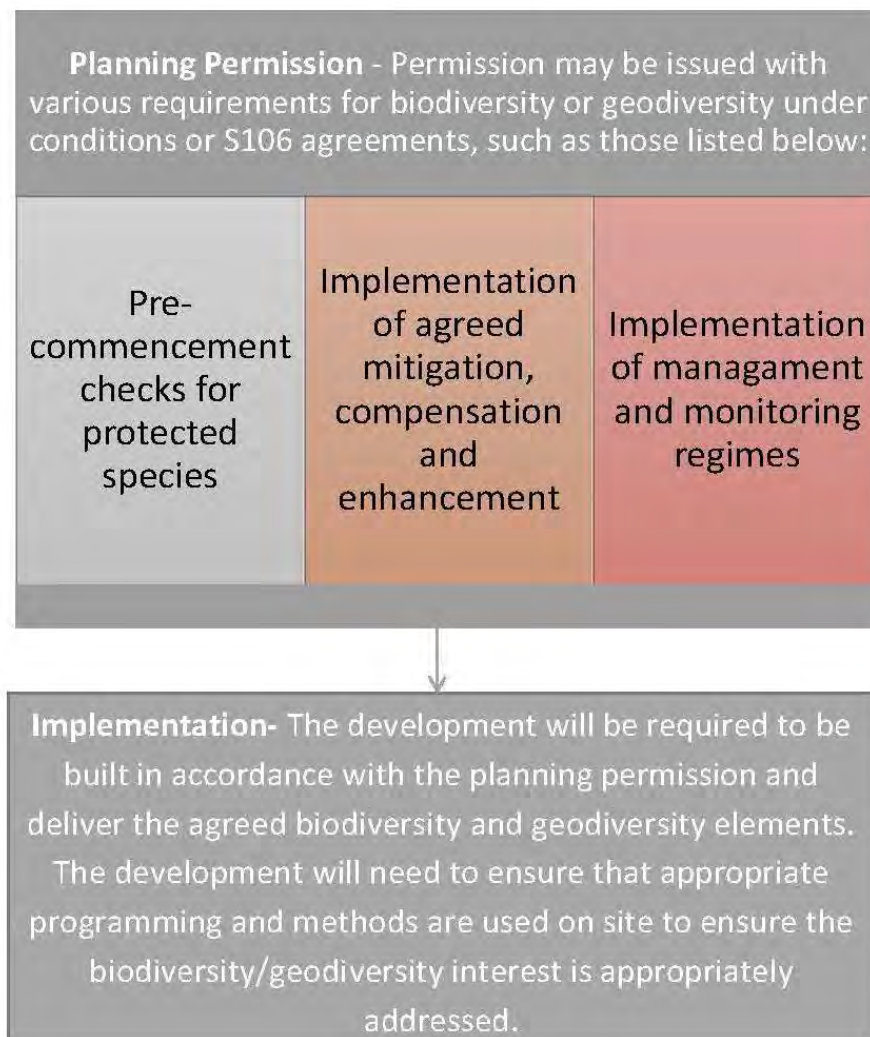


5.3 Decision / Determination

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

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Figure 5.3 Issue of Planning Permission and Implementation



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

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

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

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

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

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

Planning Obligations - these are particularly appropriate for providing for:

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

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

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

5 . Policy Implementation

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

Negotiating S106 Contributions

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

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

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

5.4 Monitoring, Management and Review

Scheme/Site Monitoring and Management

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

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

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

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

Monitoring and Management

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

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

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

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

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

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

5 . Policy Implementation

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

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

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

Picture 5.7 Selar Nature Reserve, Blaengwrach



LDP Monitoring and Review

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

5 . Policy Implementation

6 Contact Details

Development Management

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

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

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

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

Email: planning@npt.gov.uk

Planning Policy

[For queries relating to the LDP and Planning Policy]

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

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

Email: ldp@npt.gov.uk

Countryside & Wildlife

[For queries relating to biodiversity requirements]

Rebecca Sharp [Ecologist]: Tel: 01639 686149

Email: biodiversity@npt.gov.uk

6 . Contact Details

Supplementary Planning Guidance: Biodiversity and Geodiversity (TRACKED CHANGES May 2018)

Appendix A SINC Criteria

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

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

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

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

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

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

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

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

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

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

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

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

30 South East Wales Biodiversity Records Centre (SEWBRC).

Appendix A . SINC Criteria

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

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

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

SINC Criteria

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

NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

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

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

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

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

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

Amendments and Additions

Habitats Guidelines

A.0.14 No amendments to the habitats selection guidelines.

Species Guidelines

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

A.0.15 No change to Welsh guidelines.

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

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

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

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

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

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

[S3] AMPHIBIANS

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

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

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

[S4] FISH

A.0.23 No change to Welsh guidelines.

Appendix A . SINC Criteria

[S5] INVERTEBRATES [Reviewed by Steve Bolchover]

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

LEPIDOPTERA [Reviewed by Russell Hobson (BC)]

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

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

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

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

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

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

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

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

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

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

Appendix A . SINC Criteria

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

Appendix A . SINC Criteria

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

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

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

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

Appendix A . SINC Criteria

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

Appendix A . SINC Criteria

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

Appendix A . SINC Criteria

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

[S8] BRYOPHYTES

A.0.30 No change to Welsh guidelines.

[S9] FUNGI

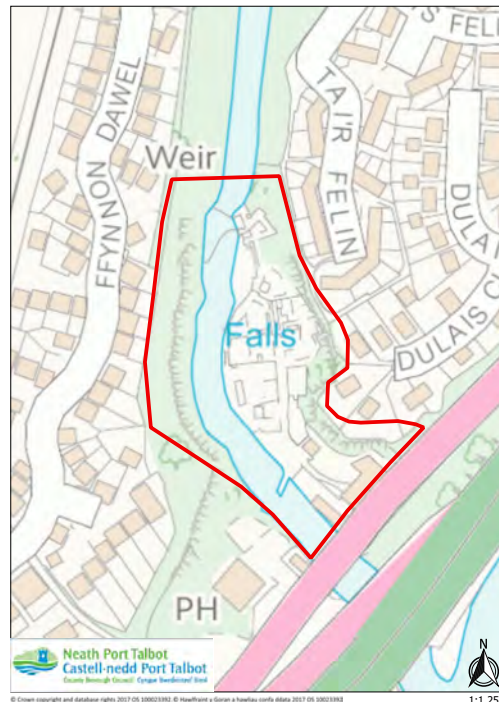
A.0.31 No change Welsh guidelines.

[S10] CHAROPHYTES

A.0.32 No change to Welsh guidelines.

Appendix B RIGS

Aberdulais Falls



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

Geological Setting / Context

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

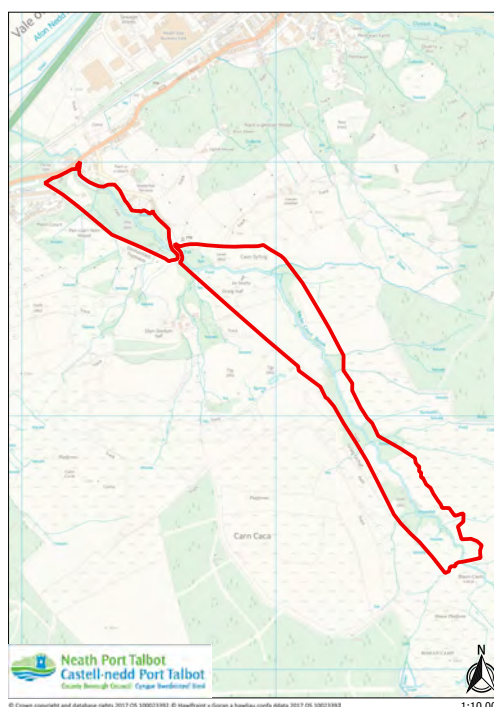
B.0.2 The site has good exposures of Brithdir age Pennant Sandstone. Brithdir Beds are typically *'green-grey lithic arenites with conglomeratic lenses at the base of units. The sandstones are interbedded with thin mudstones or siltstones and seat earths and thin coals'*. The site displays good examples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

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

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

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

Melincourt Brook



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

Geological Setting / Context

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

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

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

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

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

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

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

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

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

Appendix C Specific Guidance on Wind Energy Schemes

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

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

Information Requirements

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

Specific Information Requirements

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

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

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



Addressing Adverse Impacts

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

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

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

Appendix C . Specific Guidance on Wind Energy Schemes

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

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

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

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

Appendix C . Specific Guidance on Wind Energy Schemes

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

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



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

Enhancement Opportunities

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

Potential New Benefits

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

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

Appendix C . Specific Guidance on Wind Energy Schemes

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

Appendix D Compensation Scheme

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

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

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

The Way Forward

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

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

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

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

Appendix D . Compensation Scheme

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

Biodiversity Compensation Process

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

Step 1 - Habitat Banking

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

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

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

Step 2 - Development

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

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

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

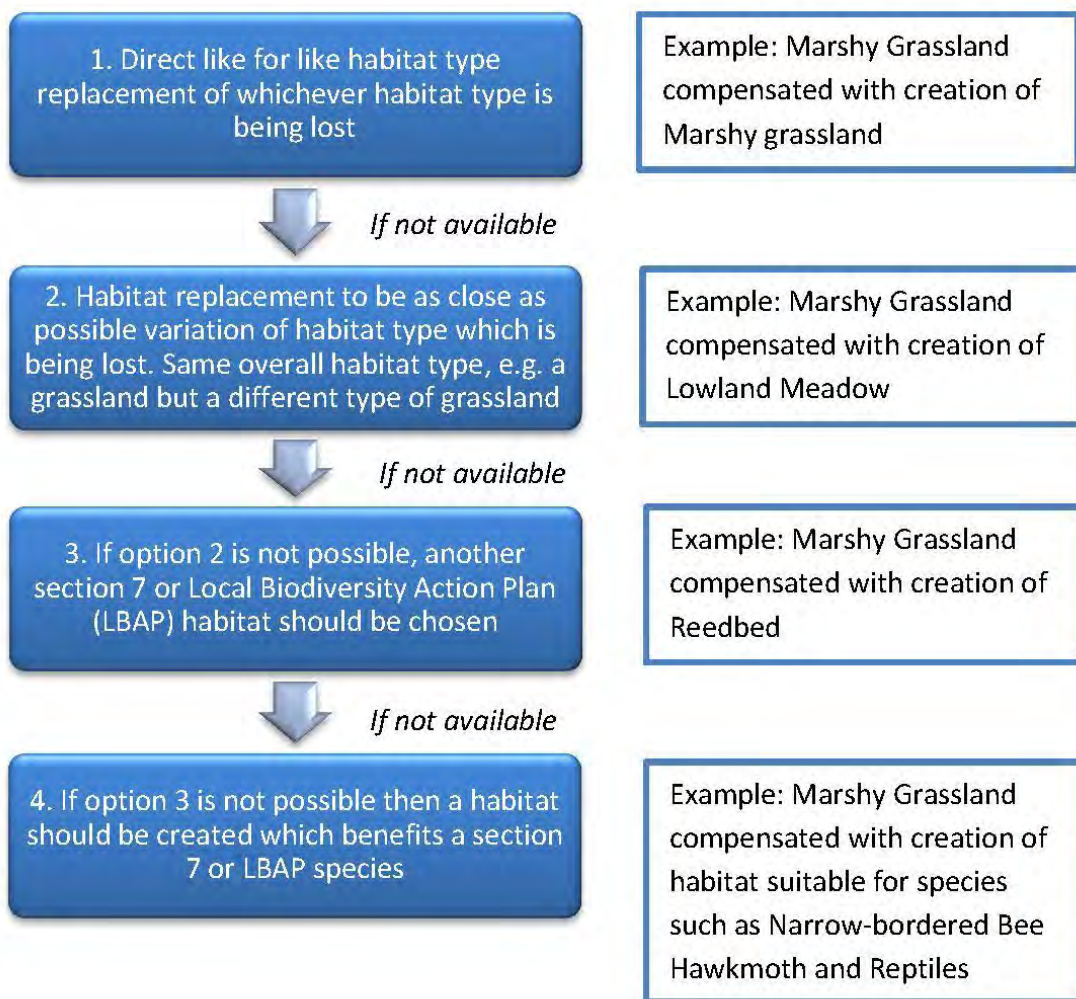
36 Further detail on the issue of time-lags and multipliers is set out in 'Biodiversity Offsetting Pilots Technical Paper: The Metric for the Biodiversity Offsetting Pilot in England (DEFRA - March 2012).

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

Step 3 - Compensation Site Selection

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

Figure D.1 Habitat Compensation Hierarchy



Appendix D . Compensation Scheme

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

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

Step 4 - Legal Agreement

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

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

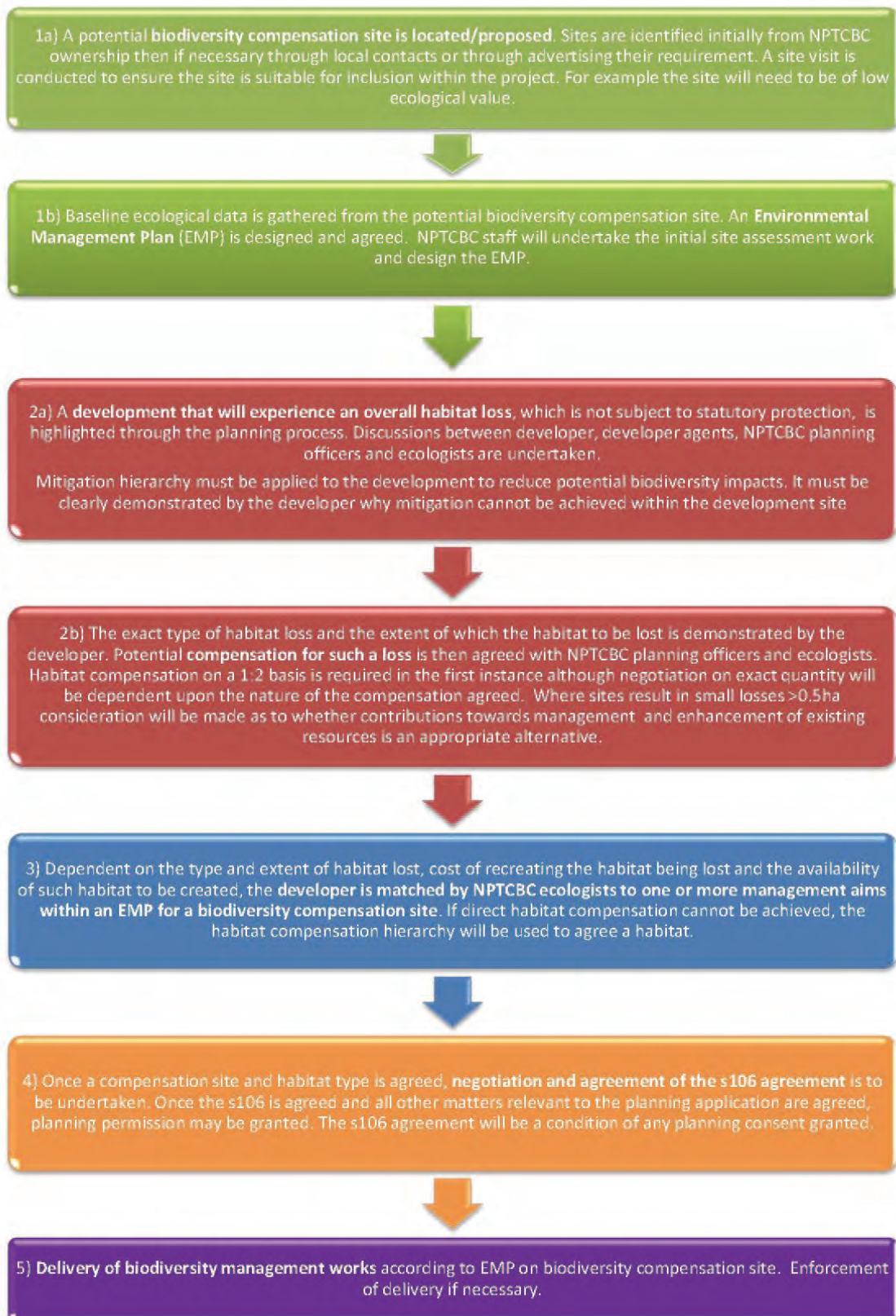
Step 5 - Delivery

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

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

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

Figure D.2 Biodiversity Compensation Process



Appendix D . Compensation Scheme

Appendix E Glossary

Table E.0.1 Glossary of Terms

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

Appendix E . Glossary

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

Appendix E . Glossary

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



Neath Port Talbot
Castell-nedd Port Talbot
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Local Development Plan
Cynllun Datblygu Lleol