

Appendix 3

Updated National Planning Policy for Chapter 6 of Planning Policy Wales (Summary)

Objectives/ Outcomes

The Distinctive and Natural Places theme of planning policy topics covers historic environment, landscape, biodiversity and geodiversity, coastal characteristics, air quality, soundscape, water services, flooding and other environmental (surface and sub-surface) risks. Policy updates have however been made only to the following topics: landscape, biodiversity and geodiversity, and water and flood risk. There could be further amendments with the publication of Planning Policy Wales Edition 12. While the changes to the theme's outcome are not substantial, they are repeated below to provide Members with guidance and framework for policy interpretation.

'Distinctive and Natural Places' aims to create and sustain places in which:

- *the role which landscapes, the historic environment, habitats and biodiversity, the characteristics of coastal, rural or urban environments play in contributing to Distinctive and Natural places are identified, understood, valued, protected, maintained and enhanced;*
- *further fragmentation and isolation of habitats and species is avoided, wherever possible, and wildlife corridors and stepping stones forming wider ecological networks are protected, maintained and enhanced;*
- *sites designated for their landscape or biodiversity or geodiversity importance are fully considered and their special characteristics and features protected and enhanced, whilst the series of sites should be recognised as being at the heart of improving the resilience of ecosystems;*
- *development proposals are directly shaped by the principle of retaining and enhancing existing habitats and species. This is the most cost effective and robust option for biodiversity, taking into account the benefits of a preventative approach;*
- *opportunities in all areas to improve the resilience of ecosystems are taken by addressing problems such as, building on floodplains, diffuse pollution, soil*

compaction and sealing, ensuring the protection of peat resources and improving approaches to coastal flood defence in urban areas and coastal margins;

- *opportunities to improve health and well-being are taken, in particular, to reduce average levels of airborne pollution, protect appropriate soundscapes, create areas of tranquillity, secure sustainable drainage systems, ensure water sensitive design, address soil carbon management and secure access to informal spaces for recreation through green infrastructure provision so as to improve capacity for adaptability to the challenges of climate change, such as flood risk and increased temperatures;*
- *opportunities to develop green infrastructure are taken, where this would improve the resilience of ecosystems; and*
- *support development which contributes positively to an area and addresses environmental risks which constrain potential and impact adversely on communities and the natural and built environment by using PDL or existing buildings and taking opportunities to ‘clean up’ land and address dereliction, where this is informed by the historic and natural environment.*

PPW 11 Chapter 6 (as amended) defines ‘net benefit for biodiversity’ in paragraph 6.4.5 as “*A net benefit for biodiversity is the concept that development should leave biodiversity and the resilience of ecosystems in a significantly better state than before, through securing immediate and long-term, measurable and demonstrable benefit, primarily on or immediately adjacent to the site.*”

National policy amendments with implications for Strategic Planning and Development Management

Paragraph/ Section	Requirements
first new paragraph under 6.4.8	<p>Collaboration</p> <p><i>It may not be possible for planning authorities to identify opportunities for a net benefit for biodiversity within their own</i></p>

	<p><i>administrative boundaries and co-operation may be needed to identify, capture and monitor net benefits for biodiversity across larger areas, making use of existing regional mechanisms or setting up new voluntary arrangements.</i></p>
6.4.21	<p>Adhering to ‘The Step-wise Approach’ (Impact on habitats and species: Avoid → Minimise → Mitigate/ Restore → Compensate on site → Compensate off site → Refuse planning permission)</p> <p>Please refer to ‘Figure 1X: Summary of the Step-Wise Approach’ and detailed description in Section ‘Maintaining and Enhancing Biodiversity’ PPW 11 Chapter 6 (as amended).</p> <p><i>Planning authorities must follow a step- wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimized, mitigated, and as a last resort compensated for.</i></p>
6.4.15	<p>Protection and Management of Designated Sites</p> <p><i>Statutorily designated sites must be protected from damage and deterioration, with their important features conserved and enhanced by appropriate management.</i></p>
Figure 12	<p>Protection and Management of Designated Sites</p> <p>‘Designated Sites Hierarchy’ has been cancelled at national level (see PPW 11 Chapter 6 (as amended) Figure 12 “Designated Sites”) with development in designated sites to be assessed in line with the ‘Step-wise Approach’ (see above); principal approach - avoid any adverse effect on biodiversity in statutory site designations; apply step-wise approach to determine impact in non-statutory site designations</p>

6.4.13	<p>Protection and Management of Designated Sites</p> <p>Local authorities could derive a hierarchy of designated sites or protected species for their respective administrative areas with the help of Green Infrastructure Assessment.</p> <p><i>As part of a Green Infrastructure Assessment it may be necessary to differentiate between the relative significance of the designation, when considering the value of the nature conservation interests and the weight to be attached to this value in respect of development proposals.</i></p>
<p>new paragraph under 6.4.17</p>	<p>Sites of Special Scientific Interest (SSSIs)</p> <p><i>Development in a SSSI which is not necessary for the management of the site must be avoided. This is a matter of principle to ensure that these sites can continue to fulfil their role at the heart of resilient ecological networks.</i></p> <p><i>There is a presumption against all other forms of development in a SSSI as a matter of principle and this presumption should be appropriately reflected in development plans and development management decisions. There is also a presumption against development not within a SSSI but likely to damage a SSSI.</i></p>

National policy amendments with implications for Strategic Planning/ LDP

Paragraph/ Section	Requirements
6.2.6 to 6.2.10	<p>Section 6.2 sets out the principal requirements for producing Green Infrastructure Assessments in support of LDP preparation.</p> <p><i>Planning authorities must, as part of adopting a strategic and proactive approach to green infrastructure, biodiversity and</i></p>

	<i>ecosystems resilience produce, up to date inventories and maps of existing green infrastructure and ecological assets and networks.</i>
6.2.12	<p>Requirement to maintain an up-to-date GIA to assist Development Management (DM) with decision-making.</p> <p><i>Green Infrastructure Assessments and their data and mapped outputs must be regularly reviewed to ensure that information on habitats, species and other green features and resources is kept up-to-date. This will ensure development management decisions are informed by appropriate spatial information about the potential effects of development on biodiversity and green infrastructure functions.</i></p>
6.4.3	<p>LDP Evidence Base and development proposals should take account of several documents when addressing climate change.</p> <p><i>Addressing the consequences of climate change should be a central part of any measures to protect, maintain and enhance biodiversity and the resilience of ecosystems. Information contained in SoNaRR, Area Statements, Local Nature Plans, Local Nature Recovery Action Plans, Local Biodiversity Action Plans and held by Local Environmental Record Centres should be taken into account.</i></p>
6.4.20	<p>Local policy on protection of non-statutory designations</p> <p><i>Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be maintained or enhanced, planning authorities should state in their development plans what features or characteristics require protection and why and explain how the policies will achieve this protection.</i></p>
new paragraph under 6.4.20	<p>Local policy consideration/ LDP Proposals Maps</p> <p><i>Where, for reasons of scale, local authorities have decided not to map non-statutory designations on a proposals or a constraints map, development plans should include a criterion-based policy to</i></p>

	<i>provide for sites that meet the qualifying criteria for non-statutory designation (including those sites that are currently unidentified); these sites carry equal weight to mapped sites.</i>
--	---

National policy amendments with implications for Development Management

Paragraph/ Section	Requirements
6.2.2	Development of Green Infrastructure (GI) is an important way to comply with Section 6 of Environment (Wales) Act 2016 duty.
6.2.4	Planning system must maximise its contribution to the protection and provision of GI assets and networks as part of meeting society's wider social and economic objectives.
6.2.10	Avoiding adverse impacts on Biodiversity (requirement equally applies to the candidate site selection process as part of Strategic Planning / LDP preparation). <i>Planning authorities firstly must ensure that development avoids and then minimises impact on biodiversity and ecosystems and secondly that it provides opportunities for enhancement within areas identified as important for the ability of species to adapt and/or to move to more suitable habitats.</i>
6.2.12	(Long-term) Monitoring the delivery of net benefits for biodiversity. <i>The monitoring of the success and delivery of net benefits for biodiversity secured through conditions and obligations would usefully feed into this process (i.e., monitoring) in addition to any agreed management plan for the site. At the end of each reporting period planning authorities should use this data to indicate whether there has been a net benefit or loss of biodiversity; whether progress is being made on securing mitigation and enhancement measures; and they should use the trends identified to determine future priorities for planning and decision making, with the aim of</i>

	<i>furthering the goals of the Section 6 Duty.</i>
first new paragraph under 6.2.5	<p>New!</p> <p><i>A green infrastructure statement should be submitted with all planning applications. This will be proportionate to the scale and nature of the development proposed and will describe how green infrastructure has been incorporated into the proposal. In the case of minor development this will be a short description and should not be an onerous requirement for applicants.</i></p>
second new paragraph under 6.2.5	<p>Submission of a 'Green Infrastructure Statement' in support of planning proposals</p> <p><i>In most cases the green infrastructure statement should highlight any baseline data considered and surveys and assessments undertaken, including but not limited to, habitats and species surveys, arboricultural surveys and assessments, sustainable drainage statements, landscape and ecological management plans, open space assessments and green space provision and active travel links.</i></p>
third new paragraph under 6.2.5	'Building with Nature' standards should be used in the absence of Green Infrastructure Assessments or any planning guidance.
6.4.4	<p>When to refuse planning permission:</p> <p><i>All reasonable steps must be taken to maintain and enhance biodiversity and promote the resilience of ecosystems and these should be balanced with the wider economic and social needs of business and local communities. Where adverse effects on biodiversity and ecosystem resilience cannot be avoided, minimised or mitigated/restored, and as a last resort compensated for, it will be necessary to refuse planning permission.</i></p>
6.4.5 and 6.4.9	Planning authorities must take account of and promote the resilience of ecosystems by way of following the attributes that are

	<p>set out in ‘The DECCA Framework’:</p> <ul style="list-style-type: none"> ▪ <i>diversity between and within ecosystems;</i> ▪ <i>the extent or scale of ecosystems;</i> ▪ <i>the condition of ecosystems including their structure and functioning;</i> ▪ <i>the connections between and within ecosystems; and</i> ▪ <i>adaptability of ecosystems including their ability to adapt to, resist and recover from a range of pressures likely to be placed on them through climate change for example.</i> <p>Detailed information on DECCA is contained in paragraph 6.4.9</p>
<p>new paragraph under 6.4.8</p>	<p>Planning permission: monitoring of compliance with planning conditions.</p> <p><i>Net benefits for biodiversity would need to be monitored to ensure they are not lost to future development and that development proposals do not impact existing and previously agreed areas of net benefit for biodiversity.</i></p>
<p>new paragraph under 6.4.21</p>	<p>When to refuse planning permission:</p> <p><i>Where biodiversity enhancement proportionate to the scale and nature of the development is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise, it will be necessary to refuse permission.</i></p>
<p>6.4.20</p>	<p>Consultation on development proposals within non-statutory site designations</p> <p><i>Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the local authority Ecologist and third sector environmental organisations. In all cases a written opinion must be secured from the local authority Ecologist.</i></p>

6.4.17	<p>Granting of planning permission for developments outside SSSIs but affecting qualifying features against advice from NRW.</p> <p><i>Before authorising development outside of a SSSI but likely to damage any of the notified features of a SSSI, planning authorities must give notice of the proposed operations to NRW, and must take its advice into account in deciding whether to grant planning permission and in attaching planning conditions. Where local planning authorities are minded to grant planning permission against the advice of NRW they must notify Welsh Ministers.</i></p>
6.4.24 and 6.4.25	<p>Planting and protection of tree, hedgerows, groups of trees etc.</p> <p><i>Planning authorities must promote the planting of new trees, hedgerows, groups of trees and areas of woodland as part of new development.</i></p> <p><i>Planning authorities must protect trees, hedgerows, groups of trees and areas of woodland where they have ecological value, contribute to the character or amenity of a particular locality, or perform a beneficial green infrastructure function.</i></p>
new paragraph under 6.4.25	<p>Information to be submitted with planning application</p> <p><i>Where trees, woodland and hedgerows are present, their retention, protection and integration should be identified within planning applications. Where surveys identify trees, hedgerows, groups of trees and areas of woodland capable of making a significant contribution to the area, these trees should be retained and protected. The provision of services and utilities infrastructure to the application site should also avoid the loss of trees, woodlands or hedges and must be considered as part of the development proposal; where such trees are lost, they will be subject to the replacement planting ratios set out below.</i></p>

6.4.25	<p>Removal of trees and replacement planting</p> <p><i>Permanent removal of trees, woodland and hedgerows will only be permitted where it would achieve significant and clearly defined public benefits. Where individual or groups of trees and hedgerows are removed as part of a proposed scheme, planning authorities must first follow the step-wise approach as set out in paragraph 6.4.21. Where loss is unavoidable developers will be required to provide compensatory planting (which is proportionate to the proposed loss as identified through an assessment of green infrastructure value including biodiversity, landscape value and carbon capture). Replacement planting shall be at a ratio equivalent to the quality, environmental and ecological importance of the tree(s) lost onsite, or immediately adjacent to the site, and at <u>a minimum ratio of at least 3 trees of a similar type and compensatory size planted for every 1 lost</u>. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers.</i></p>
6.6.5	<p>Water and Flood Risk</p> <p><i>The planning system should:</i></p> <ul style="list-style-type: none"> ▪ <i>protect and improve water resources and quality by promoting and encouraging increased efficiency and demand management of water as part of new developments...;</i> ▪ <i>ensure that the infrastructure networks, including nature based solutions, on which communities and businesses depend is adequate to accommodate proposed development, and takes into consideration the impacts of climate change...;</i> ▪ <i>ensure sustainable drainage systems are an integral part of</i>

	<p><i>design approaches for new development; and</i></p> <ul style="list-style-type: none">▪ <i>ensure the protection of the quantity and quality of surface and ground water supplies is taken into account as part of development proposals.</i>
--	--