Cyswllt Amgylchedd Cymru | Wales Environment Link

Planning Policy Wales (PPW): net benefit for biodiversity and ecosystems' resilience

Wednesday 31st May 2023

Q1: Do you agree with the proposed changes in section 6.2? Please explain where you disagree with the change.

We agree. We welcome the improvement to the green infrastructure section, particularly the acknowledgement of the importance of the connections between ecosystems and avoiding isolation of sites. We welcome the notion of green infrastructure strategies and suggest these should be a requirement on Local Planning Authorities (LPAs). The requirement for developers to submit a green infrastructure statement to demonstrate how they are contributing to the creation of new green infrastructure and ensuring ecosystem resilience is supported. Both the strategies and statement need to recognise a hierarchy of habitat value, with designated sites at the top along with other irreplaceable habitats, and habitats and species of Principle Importance listed under Section 7 of the Environment (Wales) Act 2016, whether designated or not.

We are pleased to see the requirement for use of the Building for Nature Standard as a quality checklist.

We welcome the mention of non-statutory sites (6.2.11) in addition to more highly protected sites in our Welsh nature network. We think Green Infrastructure assessments need to recognise a value hierarchy in "biodiversity assets." Again, this must recognise the importance of irreplaceable habitats and those habitats and species of primary importance listed in Section 7, including long-undisturbed soils and the mature habitats they support, and old trees and other ancient and enduring features.

Among the bullet points at 6.2.9 we would welcome a reference to the urgent need to control ammonia emissions to minimise the risk to plant biodiversity and to human health via PM2.5 particle formation. PPW does not require action, only consideration of action, e.g.

- 5.6.9 Care should be exercised when considering intensive livestock developments
- 6.7.18 Early consideration is required

We would like to see an acknowledgement of the overall poor state of nature in Wales to provide context and to affirm that the aim of this guidance is for the development planning system to play its part in restoring, enhancing and building the resilience of nature. We acknowledge there is reference to habitat restoration in this section, but we would like more emphasis on the need for urgent nature recovery on a national scale, reflecting the Welsh voice at COP15 pressing for urgent transformative action across the whole of society .

Q2: Do you agree with the proposed changes to the step wise policy in section 6.4 paragraph 6.4.21? Please explain where you disagree with the proposed changes.

We agree. We consider that a paragraph should be added to the front of this section to state that there will be a presumption against development on sites – other than that designed to improve its management – where species or habitats are irreplaceable and/or contain species and habitats of Principle Importance as set out in Section 7. We suggest the removal of the sentence: “It will be exceptional for development to be justifiable in such instances”. There cannot be compensation or net benefit once something irreplaceable is lost. The step wise approach can then logically follow on from this (amended accordingly).

We welcome the introduction of the principle of net benefit for biodiversity embedded in this section, that it should not just be site-related but have wider impact over and above the specific, and on creating connected and resilient ecosystems. Replacing the “no significant loss” principle with a positive duty to provide net benefit is critical in overcoming the common practice of seeking to demonstrate that the current condition of nature is so impoverished that it provides

no bar to development. The shift in emphasis in the step wise approach, to give significant weight to the absence of biodiversity enhancement benefit in the determining of planning applications, is particularly welcomed. The clarity provided by a new paragraph relating to the pre-application stage is also supported and serves to emphasise the significance to be afforded to the principles.

We would like to see a specific requirement that all significant information relating to achieving net gain in biodiversity is submitted as part of the application and decision-making process and not left for the future in the form of planning conditions requiring key information, such as essential baseline surveys and biodiversity enhancement plans at a later date.

It is important that there is a strong disincentive against pre-emptive site clearance. We suggest that the requirement be modified to say that where clearance has taken place, and the value of the previous habitat cannot be ascertained, it must be 'assumed that it was of high quality', and this should be the baseline for assessing the net benefit requirement (under 6.4.21 – by adjusting the new paragraph highlighting site clearance).

In order to protect sites provided for net benefit for biodiversity in perpetuity (tied to the planning permission) from the adverse effects of future development and adjacent land uses, there should be an enabling provision in Planning Policy Wales to allow LPAs to then designate these sites in development plans as net benefit for biodiversity. This will ensure sites are mapped for the public record and will help to demonstrate and encourage future connectivity. Once a site has been designated for net benefit for biodiversity, it will need to be monitored by LPAs to ensure continued biodiversity benefit and action taken if it becomes apparent that it is not doing so.

As above, to emphasise the nature emergency, section 6.4 should be set within the context of the current poor state of nature in Wales and the need to act now. The Welsh Government should make clear in PPW that biodiversity net benefit, mitigation and compensation, negotiated as part of a planning application, shouldn't be seen as a way of bringing existing sites in unfavourable condition into favourable condition (or providing a better condition site elsewhere) nor a reason to grant

planning permission. Net benefit must mean additional benefit and over and above compensation or mitigation.

In relation to 6.4.21, para 3b, we think it is important that ***native*** species are favoured in new habitat creation.

Q3: Do you agree with the proposed changes to designated sites in paragraphs 6.4.10–6.4.20. Please explain where you disagree with the proposed changes.

We agree. We welcome the increased weight given to the consideration of designated sites and the features for which they were designated. The 'in principle' avoidance of any proposals not necessary for the management of the sites, plus the need for development plans to identify opportunities for restoration and enhancement of networks beyond its boundaries, is strongly supported.

We do however want to note that whilst 'traditional development' (i.e. buildings) would usually be far from necessary or desired for a designated site, a 'development' in the sense as just something that requires planning permission might not always be at odds with the ecosystem management. For example, we wouldn't want to see a wholesale blockage on any small development that has to do with increasing public access (like parking in an otherwise non-accessible area, for example) or education or anything that enables long-term, desirable management like landscape scale nature-based solutions. Allowing proposals for development from certain public bodies (and including custodians environment NGOs) would also potentially create inequality between public and private owners of land. However, we do still support the overall principle, we just need to be mindful of unintended consequences.

We consider that the list of designated sites in Figure 12 to mean that Irreplaceable Habitats and Habitats and Species of Principal Importance as listed in Section 7 are not explicitly recognised in national planning policy as these are not a designation in themselves and are not completely included in other existing designations. As irreplaceable habitats are, by definition, extremely important and critical to conserve, we consider that Figure 12 should be renamed 'Significant Biodiversity Assets and Designated Sites' with the Irreplaceable Habitats and Habitats and Species

of Principle Importance also listed here and therefore considered as part of any green infrastructure assessment. This would ensure non-designated ancient woodlands and peatland are also covered.

We are concerned with the qualification in paragraph 6.4.1 that in relation to protected sites and assessing their relative significance, "….will only [be] necessary when options to locate development, or activity, which is required to meet the social or economic needs of the community are severely limited". Given the nature emergency, we do not consider there should be any qualification that may allow development on designated sites. Again, we consider the general poor state of designated sites in Wales should be acknowledged and provide a context for the need to act. Add wording: "…..***and some components, such as trees and woodland are universally present and function at all scales***…"

Q4: Do you agree with the proposed changes to trees and woodland in paragraphs 6.4.24-27? Please explain where you disagree with the proposed changes.

We agree. We welcome the acknowledgement of the importance of trees and hedgerows for locking up carbon, water storage and for biodiversity and the requirement for LPAs to have canopy cover targets. This should be applied with caution in rural areas, however, where open ground habitat is important for certain bird species and as a means of predator control. We welcome the 'in principle' retention of existing trees and hedgerows on application sites.

We welcome the additional protection of ancient and veteran trees out with the planning system. Ideally, we would like to see automatic protection for ancient and veteran trees due to their historical significance, but also as a result of their benefits to biodiversity. Whilst we understand this is not within the scope of PPW to implement, reference and signposting to a regulatory regime elsewhere would be welcomed.

We welcome the acknowledgement that native tree species not only enhance the biodiversity value of local areas but also their importance to the landscape and

cultural heritage of an area. We support the replacement of any one tree lost with three to be planted. However, conifers have relatively little biodiversity value compared to other native Welsh trees, although can be helpful for provision of timber and carbon capture. We would like to see a caveat here to say 'replacement where appropriate for nature restoration and conservation purposes', as a recognition that the removal of trees can be beneficial for nature conservation purposes for some species e.g. curlew.

Q5: Do you agree with the consequential changes to section 5.14 paragraph 5.14.37? Please explain where you disagree with the proposed changes.

We agree. We support the changes to Paragraph 6.3.10 which enables National Park Authorities to consider what constitutes 'major development' in the local context.

The need for this change is supported by the recommendations from research on the major development test in the English and Welsh National Parks by Sheffield Hallam University which identified the importance of National Park Authorities (NPAs) being able to apply the major development test in a way which is appropriate to their local context.

Q6: Do you agree with the consequential changes to section 6.6 paragraphs 6.6.1, 6.6.5 and 6.6.6? Please explain where you disagree with the proposed changes.

We partially agree. We welcome the reference to the multiple benefits of nature based solutions and the requirement for LPAs to identify riparian buffer zones, in the effort to improve and protect the quality of our rivers.

The consequential changes do not directly mention freshwater ecology. While some waterbodies have SAC and/or SSSI designation, many of our major waterbodies do not. Current planning policy has failed to protect designated riverine species as cumulative impact for the whole river catchment has not been properly considered. We do not consider that the current planning policy changes address the

consequences of development for biodiversity outside the immediate area sufficiently. For example, planning consent has been granted for poultry units on the grounds that disposal of manure is outside of the planning authority's responsibility, so long as it is exported off-site although the nutrients are still being spread within a SAC (Special Area of Conservation) boundary.

Additionally, new development which is not nutrient-neutral should be explicitly referenced and should fall under the conditions of the above new text i.e. discharges to a river from a new development should be considered as failing to protected a designated river and deemed unnecessary.

However, many polluting activities fall outside the planning authority's development management system. We would like to see reference here to how the planning system joins up with other sectors and with Welsh government policy, particularly regarding agriculture and forestry, with appropriate signposting.

Q7: The proposed changes will provide a framework for the development of further guidance on the DECCA framework and a potential means of measuring whether a net benefit for biodiversity has been achieved and the resilience of ecosystems promoted. Do the proposed changes provide a sufficient framework to enable this or are there omissions which would need to be included with PPW itself? Please explain further if you consider there to be omissions which would prevent the effective development of further guidance.

We support the principle of net benefit for biodiversity and the use of the DECCA framework. There will have to be some form of evidence-based metric or means of assessment that is easy to use and transparent in enabling a clear idea of what benefit is being added to biodiversity without losing the depth and usefulness of the information. An effective monitoring and enforcement regime will need to be put in place to maintain net benefit in perpetuity.

Q8: It is considered that the order of paragraphs in section 6.4 could be changed so that the stepwise approach comes before the paragraphs on designated sites. The order of the paragraphs has been changed in the

proposed changes document; do you agree with this suggestion? Please explain if you do not agree.

We agree.

Q9: Please also explain how you believe the proposed policy could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language, and on treating the Welsh language no less favourably than the English language.

Neither agree or disagree.

Q10 We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We welcome the reference to peat soils and an acknowledgement of their fragility and importance to carbon and water storage. We would like to see this importance reflected and signposted to elsewhere in Welsh Government, notably in Forestry and Woodland Policy, where deep peat is still considered to be 50cm. This is out of step with the science regarding carbon and water storage and the other UK countries (England 30cm, Scotland 40cm).

Annex – direct wording suggestions to the PPW text

Q1 Do you agree with the proposed changes in section 6.2? Please explain where you disagree with the change.

6.2.1.

"ecosystems such as…" add "***woodlands***"

Reason – draw attention to woodland

"might comprise…" add **"*ancient woodlands*"**

Reason – draw attention to ancient woodland

Add wording: "…***and some components, such as trees and woodland are universally present and function at all scales****…"*
Reason – specific mention of trees and woodland, reflecting the statements of its importance that are in paras 6.4.24 and 6.4.65 and that trees and that they are a near universal component of GI at every scale, and particularly at landscape scales, where they are core components of habitat networks and catchment ecosystems.

6.2.2.

"diversity and connections…" change to "***diversity within ecosystems and connections between ecosystems***"
Reason – "connections within ecosystems" difficult to understand because connections are inherent in an ecosystem.

"resist, recover and adapt to pressures" change to "***resist, recover from and adapt to pressures***"
Reason – grammar**.**

" The planning system should protect…" – change to "…***networks, recognising that green infrastructure has multifunctional roles. The planning system should provide a framework which promotes implementation of green infrastructure strategies within maintenance and management regimes in urban areas and within wider land-management activities in rural areas***"
Reason – ambiguous reference of "its" and to change confusing long sentence. "Facilitates" is vague.

" but this must occur…" change to "***but they must be considered***"
Reason – clearer, active obligation of people involved.

6.2.5

"well-being priorities and the nature and climate emergencies" – change to "***Well-being of Future Generations priorities and both the nature emergency and climate emergency***"

Reason – need to emphasize future well-being and avoid nature emergency getting subsumed in climate emergency.

6.2.9

"from part of or complements" change to "***from part of or complement***"
Reason – grammar

Bullet 4 – "soundscapes and by requiring…" change to **"*soundscapes and by minimising hard-standing, requiring*…"**

Add bullet. " ***minimise the risk from ammonia emissions arising from rural development, acknowledging the negative impacts on plant biodiversity in non-statutory wildlife sites and priority habitats, including Ancient Woodland, and on human health from formation of PM2.5 particles which reduce air quality throughout Wales."***
Reason – link between ammonia emissions, plant biodiversity, urban air quality is omitted from this list.

6.2.10

"habitats, and to … creation." change to **"*habitats, to improve habitat connectivity with wildlife corridors and to use opportunities for land rehabilitation, pollution reduction, landscape management, habitat restoration and habitat creation*."**
Reason – sentence very difficult to read with lots of "ands".

Q2 Do you agree with the proposed changes to the step wise policy in section 6.4 paragraph 6.4.21? Please explain where you disagree with the proposed changes.

6.4.3.

"protect, maintain and enhance" change to "***protect, restore, maintain and enhance***"
Reason – "restoration" is different from "enhancement" because it means retrieval of what has been lost.

Bullet 4: “water, soil, including peat” – change to “***water, soil, including peat, and air***”
Reason – air quality is important for biodiversity just as water quality is.

6.4.4. “and as a last resort compensated for” change to “***or as a last resort compensated for***”
Reason – this is a last resort.

6.4.7. “information, where appropriate”, add “**information, where appropriate and consider local ecological information submitted by environmental organisations or informed members of the public**”

Wales Environment Link (WEL) is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales. WEL is a respected intermediary body connecting the government and the environmental NGO sector. Our vision is a thriving Welsh environment for future generations.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.

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