

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

LDP Document: 57 SPG - Biodiversity

RefPoint: 57.

27 Clwyd Powys Archaeological Trust

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
27.P1		13/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
27.P2		13/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
27.P3		13/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
27.P3		13/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Question **Representation Texts**

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

See question BG8 below.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
27.P4		13/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question **Representation Texts**

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

CPAT welcomes the introduction of this SPG.

It may be worth noting that there is some cross over between biodiversity and the historic environment and there may be occasions when historic environment policies might be brought to bear to assist biodiversity issues. For example many things which are mentioned in the SPG such as peat bogs, hedges and boundaries, field systems, veteran trees, ancient woodland, parkland, caves, rivers, streams, lakes and ponds (not to mention buildings, structures and earthworks that have by chance become important habitats, or habitats that may be obscuring such features) all of which have an historic environment dimension which might be useful allies to biodiversity.

Mention might be made of this cross over.

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222 Elan Valley Trust

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
222.P1		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
222.P2		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
222.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

It is good that the document incorporates policy DM7 and recognises that Powys has one of the most light pollution-free night skies in the UK. The county itself has one privately owned but publicly accessible IDA International Dark Sky Park (Elan Valley) and an IDA Dark Sky reserve (Brecon Beacons) on its borders. The Elan Valley Trust can vouch that there is a lot of interest in Powys' dark skies and have heard from various individuals from the hospitality sector around the county that increasing numbers of tourists are looking to visit the area to stargaze.

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222.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

In addition and more relevant to this document, the uniqueness of the biodiversity outlined is largely due to the lack of encroaching light pollution. In order to preserve the quality of Powys' skies it would be good if PCC protects such valuable biodiversity by including robust lighting management policy into the planning process.

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516 Mochdre Community Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P26		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P27		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P28		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question *Representation Texts*

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Don't think so.

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P29		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question *Representation Texts*

Question: **Details**

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

No.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P30		20/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question *Representation Texts*

Question: **Details**

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
516.P31		20/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Question *Representation Texts*

Question: **Details**

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

Yes - The inclusion of such a checklist or flowchart would be of use to summarise the process.

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<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
516.P32		20/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

<i>Question</i>	<i>Representation Texts</i>
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Question:	Details
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Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Yes - Appendix C does tie in to and support other parts of the SPG adequately enough.

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542 Abermule (with) Llandyssil Community Council

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P4		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (nonprofessional) planning applicants)?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P5		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Yes.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
542.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question *Representation Texts*

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Please see BG7.

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
542.P7		21/08/2018	<input type="checkbox"/>		S		M			Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question *Representation Texts*

Question: **Details**

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

The layout is good.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
542.P8		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question *Representation Texts*

Question: **Details**

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Clarification is needed in Appendix C (page 57) which refers to Town and Country Planning (Environmental Impact Assessment)(Wales) Regulations (2017) Schedule 2 as there is a confusing inconsistency within this document which lists the types of development project that are subject to an EIA before planning permission can be granted. Specifically:

10 a) – Industrial development projects | The area exceeds 5 hectares 11 b) – Installations for the disposal of waste | The area of the development exceeds 0.5 hectares

The 5 hectares specified in 10 a) is uniquely at odds with equivalent UK legislation that states 0.5 hectares, which Schedule 2 is otherwise identical to.

Is it therefore possible that the 5 hectares specified in 10 a) is simply a typo and it should state 0.5 hectares in line with the similar type of development detailed in 11 b) – as this seems more logical?

If the discrepancy is intentional, what legal process was followed to deviate from the UK legislation?

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1481 The Coal Authority

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
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1481.P1		19/08/2018	<input type="checkbox"/>		S		M		Summary: Response to consultation with no comments
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Document:SPG - Biodiversity Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . I have reviewed the consultation document and can confirm that the Coal Authority has no specific comments to make.

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5201 Montgomeryshire Wildlife Trust

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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5201.P1		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1
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Document:SPG - Biodiversity Clear and logical format

<i>Question</i>	<i>Representation Texts</i>
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Question:	Details
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Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Large documents of this nature are likely to feel over-whelming to those not used to the format, particularly for ordinary members of the public seeking permission for small-scale domestic development. Two separate documents would be clearer, but as this is not possible, it is important to make it very clear which sections applicants need to read. The document appears in a logical order, but we're not sure that it is necessarily obvious that domestic applicants need to refer to page 33 onwards. For ease of reference, it may also be helpful to label the professional developer and domestic applicant sections with unique section numbers.

Table 1 – for the ease of clarity, we suggest the inclusion of a bold horizontal line between the sub-sections of sites, habitats and species.

Paragraph 6.31 - suggest that this paragraph is moved to below Table 1 as it is essential information, but doesn't stand out where it currently sits; it looks like a second paragraph about Veteran Trees.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
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5201.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2
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Document:SPG - Biodiversity Language and terminology

<i>Question</i>	<i>Representation Texts</i>
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Question:	Details
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Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Throughout the document, the phrase "proposed development site" should be used, rather than "development site"; a site is not a development site until planning and other relevant permissions have been granted.

Table 1 – The final six columns of this table are confusing for the layman. For example, the applicant may be left thinking that a site listed under "No Statutory Protection" can be ignored. We would therefore recommend that the final six columns are removed from Table 1.

Wildlife Trust Reserves (WTRs) – we welcome the inclusion of our nature reserves in this document, however, it seems odd that other NGO nature reserves are not, notably for Powys, Woodland Trust & RSPB. If changed, paragraph 6.18 would also need updating.

What is the purpose of the ticks in brackets?

Paragraph 6.33 to 6.35 – Locally Important Habitats – It is unfortunate that the "Powys LBAP Habitats and Species" are referred to in Policy DM2, leading to the necessity to refer to it in

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5201.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2
<p>this SPG, as this adds a layer of unnecessary complexity and confusion to the applicant. The Powys LBAP is now the Powys Nature Recovery Action Plan (NRAP) and so this is the terminology which should be used throughout the SPG. We recommend the following wording for paragraph 6.33 – “The Powys Nature Recovery Action Plan (NRAP), formally known as the Powys Local Biodiversity Action Plan (LBAP), identifies the following habitats...”</p> <p>The NRAP has a list of habitats which could be listed in paragraph 6.33, instead of the out of date LBAP habitats.</p> <p>Paragraph 6.34 could then be altered to refer to the Powys NRAP and 6.35 removed entirely, along with the link to the Powys LBAP in Appendix B. All references to Powys LBAP elsewhere in the document would need to be replaced with NRAP, including in Table 1 and the section in Appendix C on page 60.</p> <p>Appendix A: Powys Nature Partnership – With the above in mind, the reference to Powys Nature Partnership in Appendix A also needs changing. “Their aims are as set out in the Powys Local Biodiversity Action Plan (LBAP).” Should be changed to: Their aims are as set out in the Powys Nature Recovery Action Plan (NRAP).</p> <p>Appendix A: Section 42 ‘Important (priority) habitat and species’ – Section 42 no longer exists and should only be referred to as ‘Section 7’.</p>									

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3
<p>Document:SPG - Biodiversity Missing content or parts to improve</p>									

Question **Representation Texts**

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Table 1 - Section 7 habitats and species and Veteran Tress are missing from Table 1 and should be added.

Paragraph 6.16 – “These are selected, after being subject to rigorous and transparent selection criteria, on the basis of their nature conservation interest using specific criteria. These are developed by members of the Powys Nature Partnership (see Appendix A).” – suggest the following wording instead: These are assessed and selected using specific criteria which recognise their wildlife value, developed and agreed by members of the Powys Nature Partnership (see Appendix A).

Paragraph 6.18 – suggest the following amended wording: “The three Wildlife Trusts in Powys also own, lease and manage land as Wildlife Trust Reserves (WTRs). These protect locally or nationally rare or vulnerable wildlife or habitats and many carry statutory designations. In Powys there are...”

Paragraph 6.27 – the Ancient Woodland Inventory places woodland in one of four categories:

- Ancient Semi-Natural Woodland (ASNW)
- Plantation of Ancient Woodland Sites (PAWS)
- Restored Ancient Woodland Sites (RAWS)
- Ancient Woodland Site of Unknown Category (AWSU)

This paragraph needs tidying up to properly reflect these categories, for clarity.

Paragraphs 6.30 & 6.31 – Veteran trees - Powys has internationally important areas of veteran trees / historic parkland, for example, the Elan Valley. We feel that the importance of these areas should be emphasised.

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5201.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Biologically rich ponds - The Freshwater Habitats Trust has recognised that parts of Powys are 'IAPs' (Internationally Important Areas for Ponds). In particular the 'mawn' pools frequently found on common land across North Brecknock and Radnorshire. We feel it is important that these are recognised in the Biodiversity SPG.

Many of these important areas lack statutory protection and yet are areas of significant biodiversity value and have some of the highest populations of important species, such as the Great Crested Newt. The SPG should be stronger in recognising that non-statutory sites can have biological features of international significance, in the same way that not all sites of SSSI quality end up being designated SSSI.

With the latter point in mind, it is important to remember that the national network of SSSIs forms a representative suite of the country's very best wildlife and geographical sites; this needs to be emphasised in paragraph 6.12.

Paragraph 6.32 – it is important to retain the significance of the difference between nationally important and locally important sites. Either list the Section 7 habitats here (could remove any that aren't relevant for Powys) or refer the reader to the Wales Biodiversity Partnership for the list.

Paragraph 6.33 - it is important to retain the significance of the difference between nationally important and locally important sites. Depending on how paragraph 6.32 is dealt with, either list the NRAP habitats or refer the reader to the Powys NRAP for the list.

Paragraph 6.42 – this paragraph refers to “Section 4.4 below”, but Section 4.4 does not exist.

Paragraph 7.7 & 7.8 – Environmental Permits (EPRs) are not mentioned within the document. They could be included here.

Table 2 – you need to emphasise the need for Phase 2 vegetation surveys, at the appropriate time of year, if the preliminary ecological appraisal identifies interesting habitat. This is relevant for the top 10 development sites in this table.

Paragraph 7.27 - further surveys should include those for priority habitats and species as well as EPS.

Table 3 – recommend amending the detail on the dormouse survey periods. The optimal period would be considered May to October inclusive, whilst the rest of the year would be sub-optimal.

Paragraph 8.18 - refers to “See Sections 5.5 and 5.6”, but these sections don't exist.

Paragraph 8.23 – remove “However” from the start of the second sentence and insert “For example,” instead.

Paragraph 8.26 - when saying that “compensation does not necessarily need to be like for like replacement” it should be emphasised that the replacement gain should have integrity and value within the ecological landscape it sits in.

Paragraph 8.30 – in the second bullet point, please include 'bat bricks'.

Paragraphs 9.13 & 9.15 – these paragraphs make reference to “Section 6.5 below” but there is no Section 6.5 below!

Paragraph 9.16 to 9.20: Intensive Livestock Units – in a recent letter (12th June 2018) from Neil Harrington, Welsh Government's Chief Planner within the Planning Directorate of WG, which was sent to all the Heads of Planning across all the Welsh LPAs, the impacts of intensive agricultural developments was emphasised. The appropriate wording of this section is a great opportunity to improve the current decision making process. We urge PCC to take heed of recent advice from the Welsh Government* regarding the importance of a wide range of consultees when considering these developments.

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5201.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

* letter from Lesley Griffiths AM, Cabinet Sec for Energy, Planning and Rural Affairs (30th April 2018) in which she specifically states:

"Planning applications for poultry units must be determined in accordance with the Local Development Plan unless material considerations indicate otherwise. LPAs must take into account the views of statutory consultees such as NRW, bodies such as Public Health Wales, Local Wildlife Trusts and other organisations or members of the Public who have views about these applications. It is for LPAs to ensure they have sufficient expert advice available to them to properly determine applications. If this is not available internally, such as from their ecologists or environmental health specialists, they will need to procure external advice in the same way they do for other application types."

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P4		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question Representation Texts

Question: Details

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

Section 6 is clearly laid out, with the different priority species and habitats easily picked out from the text. We cannot make any suggestions to how this could be improved.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P5		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to qusetion BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Yes; we also suggest that this section could be rationalised by removing Table 5 and paragraphs 8.70 & 8.71. Most, if not all or the actions listed in Table 5 are mentioned elsewhere, so this is repetition. Whilst we appreciate you are attempting to illustrate how these actions fit in with resilience targets, this is likely to mean very little to an applicant and so are best incorporated, for example in the enhancing biodiversity section. The majority of the actions listed tick all the boxes in any case.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5201.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

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5201.P6		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Question *Representation Texts*

Question: **Details**

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

Some sort of graphical illustration, such as a flowchart, is likely to be very helpful for applicants. Perhaps an app or other computer-based key could be developed, as this would allow the detail to be retained.

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5201.P7		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question *Representation Texts*

Question: **Details**

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

This could be reinforced further by making reference to Appendix C a little more in other parts of the document.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
5201.P8		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Paragraph 6.17 – the individual Powys wildlife trusts names need amending, i.e:
•Montgomeryshire WT – change to Montgomeryshire Wildlife Trust
•Radnorshire WT – change to Radnorshire Wildlife Trust
•WT for South & West Wales – change to The Wildlife Trust of South and West Wales

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
5201.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Appendix B: Brecknock Wildlife Trust – “(see South and West Wales Wildlife Trust below)” – the name of this organisation is The Wildlife Trust of South and West Wales, so this needs amending here and under “South and West Wales Wildlife Trust” lower down the Appendix.

The contact details for The Wildlife Trust for South and West Wales need changing to the following:
The Nature Centre, Fountain Road, Tondu, Bridgend CF32 0EH. Tel: 01656 724100. Website: www.welshwildlife.org

Appendix B: Montgomeryshire Wildlife Trust – please use the homepage website address: www.montwt.co.uk.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

5704 Glandwr Cymru - Canal & River Trust in Wales

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P9		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

Subject to the comments made below, then the document would appear to be appropriate. As set out below the introduction of images may help to break up the text.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P10		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

Subject to the comments made below, then the document would appear to be appropriate.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P11		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question *Representation Texts*

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Section 7 could be moved to an appendix rather than being in the main part of the SPG.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status</i>	<i>Modified</i>	<i>Summary</i>
5704.P12		17/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question *Representation Texts*

Question: **Details**

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

Section 6 is quite text rich and could possibly be condensed. The introduction of appropriate images may also help to break up the text.

Some of the detail could possibly be put into an appendix. An explanation of each term/designation (those in bold) appear to also be repeated in the Glossary. Perhaps to reduce the amount of text in this section this repetition could be removed.

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status</i>	<i>Modified</i>	<i>Summary</i>
5704.P13		17/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question *Representation Texts*

Question: **Details**

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Yes, when read as whole the document would flow better if paras 8.67 to 8.77 were to be embedded in the design section.

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status</i>	<i>Modified</i>	<i>Summary</i>
5704.P14		17/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P14		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Question **Representation Texts**

Question: **Details**

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

It would be useful to see what a checklist or flowchart would appear like, but in principle it would be useful to help summarise the requirements. As this document is aimed at all levels of expertise it would be a useful addition.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P15		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question **Representation Texts**

Question: **Details**

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Reference is provided within the main document to appendix C, e.g at paragraphs 2.1, 7.2, 8.13. Given the length of the document it may be useful to elaborate upon the legal context within section 2.0 of the document.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
5704.P16		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question **Representation Texts**

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Glandŵr Cymru would request that consideration is given to these other minor edits:

Paragraph 4.7 should include 'canals', within the list of habitats, especially given the Montgomery canal is designated as a SAC and SSSI.

Paragraph 8.30 includes "Creation of a buffer zone along watercourses planted with native species"
Glandŵr Cymru have previously commented upon this and note that it has been edited within Table 5.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
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5704.P16		17/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8
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As previously advised, this criteria relates to all watercourses but is not considered to be necessarily appropriate in respect of all development adjacent to a canal. Leaving an undeveloped buffer strip may be impractical where there is a towpath. Where a development is on the non-towpath side, it may be appropriate (e.g. for a retail business) to provide moorings for boats and otherwise encourage public access to the water. There are many examples of appropriate development bordering a canal with a hard edge and it is considered that the guidance would benefit from a greater degree of flexibility to allow for such circumstance. We would ask that the wording be amended to be more specific in terms of the waterways to which it refers (ie rivers). This could be achieved by "Creation of a buffer zone along natural watercourses planted with native species (where appropriate)".

Paragraph 9.11 should also include the Montgomery canal is designated as a SAC.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

6160 Bond, Ms Sarah

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P1		21/08/2018	<input type="checkbox"/>		O		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

NO.

Firstly, it is of concern that it is considered that the SPG is only for planning applicants. The SPG will be a material consideration when determining planning applications; it is therefore of relevance to Planning Officers, Planning Inspectors and the general public who may wish to understand due process.

In the text there are:
numerous repetitions of content,
poor paragraph ordering of some topics,
poor or muddled wording in some paragraphs,
errors in cross referencing,
worrying omissions.

PLEASE CHECK ALL CROSS REFERENCES THAT REFER TO PARA NUMBERS, INCLUDING IN APPX C.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

YES with proviso that glossary expanded – eg, NRAP, SoNaRR.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question *Representation Texts*

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

YES, see below and expanded discussion at BG4 and BG8

4.1 "Species, habitats and geodiversity can be adversely affected as a result of development and it is essential to consider the potential impacts of proposals upon the ecology of development sites."

This statement is inconsistent. Suggest change to consider the potential impacts of proposals upon these interests on or near development sites

4.2 and 4.5 Repetitious

4.7 "As a consequence of its extent, it has a considerable diversity of habitat types"

This statement is misleading. It is not because of Powys' extent but its geodiversity and man's interaction that there is considerable diversity of habitats.

6.16 Repetitious

6.20 Omit NB - unnecessary

6.25, 6.26, 6.27 Repetitious

6.42 Incorrect cross ref

7. Biodiversity and Geodiversity Assessments, Surveys and Licences: Table 3 and table 4 in section 7 are welcome but table 2 is inconsistent when describing surveys, (not all cribbing is helpful); as a result following text, in its attempt to reference this table, becomes confusing about the status of species, eg, 7.29 to 7.36 discusses EPS but then bats are discussed separately at 7.41.

7.27 "CIEEM issued Guidelines for Preliminary Ecology Appraisal in 2017 (see Appendix B; the LPA will expect applicants and their ecological consultants to adhere to the best practice principles in this guidance."

Environmental guidance is regularly updated. Best practice requires the latest guidance to be followed.

Suggest: adhere to the best practice principles in this or any updated guidance.

7.33 Incorrect cross ref

7.35 Repetitious

7.37 Surveying for Barn owls

This paragraph is unacceptable. Whilst 7.37 is designed to expand on information at table 2, it totally dismisses many protected avian species in Powys. Most other raptors are Schedule 1 birds, as are some other species which may be affected by development in Powys. Paras 7.37 and 7.38 should be moved and amalgamated with para 8.48 in section 8.

Para 7.39 should have a new heading, eg, avian surveys, and include discussion about nesting birds and protected birds.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3
<p>7.39 ".....Areas of dense vegetation (e.g. hedgerows, or long-derelict land) are also important for other nesting birds" This statement whilst correct is an oversimplification. It ignores ground nesting birds and in particular the critical status of curlew which nest in damp habitats and are particularly susceptible to the types of agricultural development being applied for and the solar LSAs.</p> <p>8.2 ".... biodiversity and geodiversity interests on development sites." Suggest: biodiversity and geodiversity interests affected by development sites</p> <p>8.8) Incorrect cross ref 8.14) 8.18)</p> <p>8.27 Should explain compensatory measures will be conditioned.</p> <p>8.31 Should read: "is appropriate"</p> <p>8.32 "Management Plan": both words should be bold type</p> <p>8.34 It is of great concern that this document has been put forward for public consultation with this illustration missing. Based on current practice of accepting inadequate plans the public can have no confidence that this illustration will be fit for purpose.</p> <p>8.38 This para omits reptiles from the list of fauna. Slow worms are quite common as a garden reptile in Powys.</p> <p>8.39) Incorrect cross ref 8.41) 8.43)</p> <p>8.44 Should read "affected by development proposals".</p> <p>8.45 "..... If a planning application is likely to directly impact on a pond, canal, ditch or cellar a great crested newt survey may be required." This is incorrect advice and contradictory to advice on EPS at 7.23 A survey for great crested newts is required if: •there are historical records of newts within or close to the site proposed for development. •there's a pond within 500 metres of the application site boundary even if it only holds water some of the year •the development site includes refuges (eg log piles or rubble), grassland, scrub, woodland or hedgerows</p> <p>9.13) Incorrect cross ref 9.15)</p>									
6160.P4		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Biodiversity Representations by Represantor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P4		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG4

Question Representation Texts

Question: Details

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

6.25, 6.26 and 6.27 are repetitive

6.27 and 6.28 discusses wood pasture but fails to explain or expand on what is considered wood pasture – eg, does it include old orchards or ffridd?

6.31 When I first read this para I thought it was referencing 6.30. Suggest para has a title, eg, designated sites mapping.

6.43 discusses UK protected species but fails to explain how plants are protected.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P5		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

YES.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Question **Representation Texts**

Question: **Details**

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

NO.

This would just duplicate text and oversimplify considerations.

Any flowchart/checklist would not be available for public consultation, a matter of considerable concern considering the errors within this draft SPG.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P7		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question **Representation Texts**

Question: **Details**

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Appx C is adequate.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6160.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question **Representation Texts**

Question: **Details**

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

Geodiversity: Despite the LDP at DM13 referring to protection of soils as resources providing ecosystem services this is not expanded upon in this SPG.

WFD: It is disappointing that the WFD is treated as "Other Considerations". The WFD is included as part of LDP DM2 and the LPA has a statutory duty to consider a RBMP when making planning decisions. The WFD overarching aim is to protect hydrology and part of that protection includes, for example, groundwater derived ecosystems, some of which are listed as LBAP habitats. The discussion of the WFD requirements should be made to dovetail better with biodiversity beyond phosphate pollution. It also ties in with geodiversity and protection of soils.

See also application documents discussion below.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

<i>Rep'n/Para/Policy</i>	<i>AccessnNo</i>	<i>DateLodgd</i>	<i>Late?</i>	<i>Source</i>	<i>Type</i>	<i>Mode</i>	<i>Status</i>	<i>Status Modified</i>	<i>Summary</i>
6160.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Intensive Livestock Units: The discussion of the requirements for intensive livestock proposals is relegated to "other considerations". This is unacceptable and illogical. These types of applications are mainstream, being validated at several per month and all require EIA screening.

Logically, the discussion of ILUs should sit next to householder applications in Section 8.

9.18 reads: In determining applications for intensive livestock units the Council will seek technical advice, in the first instance, from NRW who are the competent authority for determining environmental thresholds and whether any one development proposal may threaten to exceed them either alone or in combination with other projects.

This is misleading. NRW only make consultee responses on emissions impacts on internationally/nationally designated sites. They clearly state that it is for the local authority to consider effects on other biodiversity interests. It is therefore for the LPA to consider effects of, eg, bryophytes in ancient woodland.

Application documents: It is disappointing that the SPG has not seized the opportunity to enforce best practice for application documents to aid with the LPA's environmental statutory duties. It is not unreasonable to expect potentially polluting development to follow best practice when submitting a planning application.

DM accepts poultry ranging plans without contours despite NRW having stated that it is a requirement. This is unacceptable in a county of hills and surface waters. In order to properly fulfil their WFD duties DM should require all livestock unit plans to show contours or Sci mapping. The Wye and Usk Foundation, a delivery partner for the Severn RBMP, advocate Sci mapping for potentially polluting agricultural activities including field operations. The requirement for Sci mapping could be extended to other major development. Using Sci mapping information in planning would have benefits for both bio/geodiversity, particularly if it was used early in the design process.

ILU applications require manure management plans but again DM accept field plans without contours. Agents routinely fail to submit plans that follow best practice for nutrient management, (coloured according to slope/safe spreading periods). Land put forward as enough acreage for the waste from the ILU could all be on slopes that should only have seasonal spreading. This is deceptive and DM are inadvertently colluding over the risk of pollution. Colour coded manure management plans should be a standard requirement.

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

6235 CPRW Brecon & Radnor and Montgomery *Agent:* **CPRW Brecon & Radnor**

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P1		21/08/2018	<input type="checkbox"/>		C		M		Summary: Introductory Comments

Document:SPG - Biodiversity Other comments

Question *Representation Texts*

Question: **Details**

Representation Text: . BRB-CPRW are aware that it is a complex and demanding task to compile an SPG and we very much appreciate the effort the planning team has made to get the consultation draft ready by this date and all the work that has gone in to it.

Our comments below are intended to help attain the clearest possible body of guidance to help all parties involved in the planning process and all who wish to enhance and maintain the biodiversity and geodiversity of Powys.

We have had formatting problems filling in this form and therefore include all our detailed responses, ordered by SPG paragraph number, in section BG8.

We have also been considerably confused by the two versions of the SPG consultation which are available on the Powys website. They show different numbering and some different arrangement of text with some alterations in the second version but the SPG still retains some references to the first version.

Officer note - the two versions referred to are 1) the version made available to the LDP Working Group and 2) the Draft Consultation SPG issued for public consultation.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (non-professional) planning applicants)?

(see BG8 for more detailed response).

The audience includes all interested parties.

It should concentrate on clarifying how existing legislation, policy and guidance on biodiversity and geodiversity is incorporated into the Powys planning process in order to help all interested parties.

The format is considerably improved since the previous draft version circulated to "expert" stakeholders (CPRW was advised not to respond to this).

The text is sometimes vague, long-winded and repetitive.

Audiences need to know exactly how responsibilities in the planning process are allocated between PCC and NRW. This is not clear and we suggest detailed discussion and agreement

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P2		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1

with NRW to establish this.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

The glossary is helpful.

The language is sometimes verbose making the SPG unnecessarily long and more cumbersome to read.

To give an example: 6.7 SPAs could be condensed:

"Special Protection Areas (SPAs): a European designation for the conservation of birds. Three SPAs are wholly or partially within the Powys planning area and another two are close enough to be at risk from development within the planning area. Developers should be aware of ranging and foraging buffers around SPAs". (50 words instead of 74 words)

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P4		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

Question *Representation Texts*

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

(see BG8 for more detailed response)

before 5.0 LDP policies:

Environment (Wales) Act Part 1 Section 3 and Section 4 and particularly Section 6 should be set out as they are in the Act (see BG7)

5.0 LDP policies: Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For instance:

DM7 on light pollution

DM13.13.v. on protection of soils

DM14.2 Air quality management

Biodiversity Representations by Representor

by: Representation No

Filtered to show: (all of) Stage=P; Status=M; Document= SPG - Biodiversity

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
6235.P4		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG3

DM15 Waste within developments

Major Missing Elements:

Importance of State of Nature Wales report: urgency of reversing decline in Biodiversity
Discussion of Protection of Soils
Discussion of Cumulative impacts
Informative discussion about Intensive Livestock Proposals , regulatory framework and PCC role.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
6235.P5		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question *Representation Texts*

Question: **Details**

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

(see BG8 for more detailed response)

Section 6 could be much improved.
The layout and structure of headings should be made clear and consistent.

Bold Headings should be used to guide reader clearly through different designations instead of scattering specific designations within paragraph text eg 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21.

This section is all very confusing. Terms need to be used carefully and consistently.

Careful explanation is needed for:

- "designation" and "statutory"
- "protected" and "important"
- devolution to Wales of some planning functions
- what information applicants need to provide about woodland and LBAP categories
- what regard PCC will have to LBAP categories in planning determinations.

In the sub-sub-headings, LBAP habitats and species are only "important", however, in Table 1, LBAP Habitats and Species do have statutory protection but RVNRs and AW do not have statutory protection.

it needs to be clear that the duty to enhance and maintain biodiversity everywhere where there is no national or international designation lies with Powys CC.
For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests.

Biodiversity Representations by Representor

by: Representation No

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

(see BG8 for more detailed response)

Incorporating resilience would be better with the design section because, as it stands, it reads as an empty wish-list imposing no obligation on the developer.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P7		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Question Representation Texts

Question: Details

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

(see BG8 for more detailed response)

There is such a variety of development type and impacts that it could oversimplify important considerations however any insistence that developers/applicants address the all issues in their application information is welcome. In general the text could be tightened and sometimes shortened to underline exactly what a developer has to do.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to BG7

Document:SPG - Biodiversity Appendix C legal context

Biodiversity Representations by Representor

by: Representation No

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to BG7

Question **Representation Texts**

Question: Details

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

(see BG8 for more detailed response)

The WBFGA is much less clear and specific about Biodiversity and Geodiversity than the Environment (Wales) Act section 6 duties which are key to this SPG and their text is a serious omission. The description in Apex C is not good enough.

We believe that these should be set out in full earlier in the document, before the Powys Policies.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
6235.P9		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

Question **Representation Texts**

Question: Details

Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

detailed response in page sequence of SPG:

Purpose of this Guidance. 2.1 First bullet

The SPG purpose is more inclusive than “developers”, “applicants” and “PCC”. It is also important for all those stakeholders and Powys residents who are interested in ensuring that the planning system is properly employed to maintain and enhance biodiversity in Powys and beyond. PPW9 says (1.2) the planning system manages the development and use of land in the public interest (3.1.4) LPA’s must take into account relevant views expressed by neighboring occupiers, local residents and third parties and (1.3.3) that the LPA should ensure that all interested parties are fully consulted on planning applications. Therefore, instead of first bullet point suggest:

Set out the way in which LDP planning policy is to be interpreted and applied to protect biodiversity and geodiversity in the public interest”

Purpose of this Guidance. 2.1 . Second bullet

In the interests of completeness, suggest replacing “developers and other applicants” with “applicants and all developers, consultants and other agents involved in preparing planning applications”

Biodiversity and Geodiversity 4.1

The ecological impacts of development do not stop at the site boundary.

Suggested addition “It is essential to consider the potential impacts of each proposal upon the ecology of the development site and also the ecology beyond the development site”

Biodiversity and Geodiversity 4.2 Para 3

“where necessary national planning legislation and policy”

Biodiversity Representations by Representor

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It would be neater and clearer to explain at the outset;

1. that the LDP sits within over-arching International/EU and National legislation and policy which is already reflected in the latest version of Planning Policy Wales
2. LDP policy re bio/geodiversity, which is mainly set out in SP7 and DM2, does not directly repeat PPW (PPW9 2.3.1).
3. The SPG therefore expands the guidance in the LDP by setting out the requirements for planning decisions derived from all of these sources to make them clear and accessible for all.

4.3 last sentence.

You cannot properly accommodate something you have not looked for information about.
Suggest "biodiversity and geodiversity have been assessed and accommodated...."

What is 'Biodiversity' and why is it important? 4.4

The examples given are more like explanations than definitions.

2 very simple definitions are:

"totality of genes, species and ecosystems of a region"

"a biological community of interacting organisms and their physical environment"

This introductory section needs further explanation:

- enhancing and maintaining biodiversity cannot be achieved by only protecting nature reserves and certain species categories whether of international, national or local importance. The ecosystem duty applies to biodiversity throughout Powys and this will be taken into account in planning determination. (The SPG statement Biodiversity in Powys 4.9 "designations alone cannot guarantee the integrity and prolonged existence of these valuable resources" is not clear and forceful enough).
- living organisms (plants, animals, insects, birds, micro-organisms etc.) are dependent on one another throughout their life-cycles
- any species requires a healthy breeding population size to survive so that small, isolated populations are likely to become locally or more generally extinct
- we are still discovering all the complex ways in which living things depend upon each other and learning about the adverse impacts which human activity has on the environment so we do not understand the full extent of negative impacts of our development activities. Therefore we should exercise the "precautionary principle". However we do know that improving and preventing loss of existing natural habitats and creation of new ones is the best way to avoid loss of species.

Note that "ecosystem" is not defined in glossary.

****Missing reference to State of Nature (Wales) Report:****

A discussion of the very concerning findings about the decline in biodiversity in the State of Nature (Wales) report should be included.

****Missing text from Environment (Wales) Act Part 1:****

Section 3: Sustainable Management of natural resources

Section 4: Principles of Sustainable Management of natural resources

and particularly Section 6: Biodiversity and resilience of ecosystems duty

are key to this SPG and (start of underline for emphasis) should be set out in full towards the beginning of the document before Powys LDP Policy (end of underline). The précis in Appendix C is not sufficient.

5.0 LDP Policies

Should make it clear that the LDP is an integrated document and other policies besides SP7 and DM2 are relevant to Biodiversity and Geodiversity. For example:

DM7 on light pollution

DM13.13.v. on protection of soils

DM14.2 Air quality management

DM15 Waste within developments

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****Missing discussion of cumulative impacts:****

If not here, somewhere in the SPG, there should be a discussion of the cumulative impact of development on biodiversity and geodiversity. This should include the cumulative impacts of different parts of a single development and the cumulative impacts of a development considered together with impacts of other developments adversely affecting the same species, habitat or ecosystem.

For single developments, it should be spelt out that that access arrangements and highways alterations such as road widening, extra passing places etc., extra traffic, services and electrical connections all have biodiversity and geodiversity impacts which should be assessed and taken into account by the applicant/developer and LPA. All the information should be available with the application for public consultation before determination.

If impacts of proposals are considered "on their own merits" and cumulative impacts together with those of other developments which have adverse impacts on the same species, habitat or ecosystem are ignored, there is a risk of unwittingly exceeding critical thresholds for biodiversity and precipitating serious local declines and extinctions. It is precisely this risk that the new NRW ammonia/nitrogen guidelines seek to avert for designated sites. The risk applies to all biodiversity interests in Powys, designated or otherwise.

****Missing Discussion of Soils:****

LDP DM13.13.v.Protects soils and particularly peat which are geodiversity features. This policy is not mentioned in the SPG and the only specific mention of soils is in relation to woodland. Carbon soils, including peat provide a valuable carbon sink and specific soil types support unique ecosystems.

Section 6 could be much improved.

Comments on minor mistakes:

Table 1.

should be widened so brackets in geodiversity items not on two rows.

6.31 "sites" should be "site"

6.9 refers to "6.2, 6.3 and 6.4" which are the numberings in an alternative version of the SPG Biodiversity and Geodiversity consultation document available on the Powys website:

<https://powys.moderngov.co.uk/documents/s28208/Biodiversity%20geodiversity.pdf>

suggest: replace with "see sections on Water framework Directive, Air Quality and Intensive livestock units (9.8 to 9.20)

Comments on general structure of Section 6:

6.1 explains that the section follows the format of DM2 with "designations being treated in the order of sites, habitats and species and within each of these subsections, in the order of International, European, National and Local scales", summarised in Table 1.

In the material which follows:

- The main headings are inconsistent
 - Designated Sites
 - Habitats of principle importance
 - Protected and important Species
- Geodiversity is combined with Biodiversity and a new level of "Regional" is introduced. It would be better to treat Geodiversity separately from Biodiversity in this section
- The structure is inconsistent and confusing as can best be shown by isolating the headings:

SPG Headings:

Designated Sites (heading 1)

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International and European site designations (sub-heading 1.1)

National and Statutory Site Designations (sub-heading 1.2)

Local and Non-Statutory Site Designations (sub-heading 1.3)

Trees and Woodlands (sub-heading 1.4)

These are not "designated" or "sites"

but, under this sub-heading 6.25, says Ancient Woodland is "designated by NRW"

and 6.33 says Coniferous WI, Upland Oak WI & Wet WI are LBAP habitats

Veteran Trees (sub-heading 1.5)

These are not designated sites

Habitat of Principle Importance (heading 2)

Nationally Important Habitats (sub-heading 2.1)

Locally Important Habitats (sub-heading 2.2)

Protected and Important Species (heading 3)

European Protected Species (EPS) (sub-heading 3.1)

National (UK) protected species (sub-heading 3.2) Nation is "UK": suggest "UK Protected Species"

Nationally Important Species (sub-sub-heading 3.2.1) Nation is "Wales" suggest "...Species in Wales"

Locally Important Species (sub-sub-heading 3.2.2)

but "nationally and locally important habitats" are sub-headings, not sub-sub-headings.

Mobile Species and Non-designated Habitats (sub-sub-heading 3.2.3)

this should be separated out and perhaps put together with missing item below

The structure of headings needs to be clear and consistent.

Bold headings should be used to guide reader clearly through different designations instead of scattering specific designations within paragraph text eg 6.11, 6.13, 6.16, 6.17, 6.18, 6.19, 6.21.

Section 6 is all very confusing. Terms and format need to be used clearly and consistently. Careful explanation is needed for:

- "designation" and "statutory"
 - suggest: "statutory" means regulated by law
 - suggest: "designation" means "given special status for a specific purpose"
- "protected" and "important"
- devolution to Wales of some planning functions
- what information applicants need to provide about woodland and LBAP categories
- what regard PCC will have to LBAP categories in planning determinations.

In the sub-sub-headings, LBAP habitats and species are only "important", however, in Table 1, LBAP Habitats and Species have statutory protection but RVNRs and AW do not have statutory protection.

Missing: importance of biodiversity and soils everywhere in Powys

Biodiversity Representations by Representor

Powys County Council Local Development Plan

by: Representation No

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6235.P9		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG8
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it needs to be clear that the duty to enhance and maintain biodiversity) everywhere where there is no national or international designation lies with Powys CC. For International and Nationally designated sites, PCC is responsible for considering cumulative impacts. PCC is also responsible for considering cumulative impacts on all other biodiversity interests. A similar statement is needed for geodiversity (especially soils).

Comments on specific protected categories:

Table 1

A note on mapped/unmapped categories would be useful

Nationally Important Habitats 6.32

Section 7 of Env.(W)A imposes the duty to create a list but does not contain the habitat or species lists which are published by the Wales Biodiversity Partnership (but under the name of the WG) as is described in 6.3.4 for species).

Suggest: The Welsh Government publishes a list of habitats of importance for the conservation of Biodiversity in Wales as required by the Environment (Wales) Act (2016)

Protected and Important Species 6.38

"if it is absent then it may delay" is inconsistent with Para 3 (TAN 5) "It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted"

Suggest: "if it is absent then it may delay determination" be replaced by "This information is required to be submitted with the application documents prior to determination"

7.2 EIA

This section should be improved. It is vague and misleading for a document intended to clarify planning issues for developers and others.

It should say that EIA regulations set out "Schedule 1" and "Schedule 2" development.

It should say that EIA is mandatory for Schedule 1 development which includes many relatively common larger-scale developments (which the reader would not immediately equate with "airports or large industrial works") for instance, applications including intensive livestock units for more than 85,000 broilers, 60,000 hens or 3,000 pigs over 30kg or 900 sows and extensions which bring numbers over these thresholds.

7.3 Instead of saying "Other development types are listed in Schedule Two that only require EIA if the proposal is likely to have significant environmental effects", it should be more precise and say that there are a listed variety of development types to which specific criteria and thresholds are applied to determine if the project counts as Schedule 2 development. Any Schedule 2 development must be screened by the LPA (or WG or NRW as appropriate) to determine if there are likely significant impacts which indicate that an EIA is required.

HRA & AA 7.16

The stringency of the HRA test should be made clear.

Suggest: "Consent cannot be granted unless the results of the Appropriate Assessment show beyond reasonable scientific doubt that the proposal will not have a significant adverse effect on the integrity of the protected site "

7.18 We have been unable to trace this reference to mapping of the 21 European Sites using Google search. The draft LDP underwent many changes since 2015 and so a better, updated, easily located reference needs to be provided. The SPG should explain again here that, irrespective of site boundaries or buffer zones, significant air and water pollution can occur far beyond a development site.

Why are Biodiversity Surveys Necessary 7.20

2nd sentence. Surveys are not necessary for every development and there are a multitude of types.

suggest: "It is often necessary to carry out desk-top or field surveys to understand which protected sites, habitats and species will be affected on the site or beyond the application site".

When are surveys required: text and Table 2.

This is confusing. 7.23 mentions EPS which a reader might equate with "protected species surveys". Then Table 2 mentions two general types of survey: "preliminary ecological appraisal" and "protected species surveys" but for Watercourses we have "fish" and "birds" and for Woodlands we have EPS and "badgers, birds".

Biodiversity Representations by Representor

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The table (based on BBNP SPG) needs revision. There is no mention of plants or potential of important habitats. There is no guidance as to what species are considered "protected". The duty to maintain and enhance biodiversity cannot be fulfilled by a limited checklist-approach.

7.23. Clumsy last sentence .

Suggest: "When a development proposal is on land, or has an impact on land beyond the site, in one of the categories in Table 2, it is likely that an ecological survey will be required. This survey may need to extend beyond the site boundary. "

Surveying for EPS

7.30 to 7.36. This is repetitive.

Suggest: "if a proposal is likely to affect EPS on or beyond the application site, all relevant survey information and assessment of the likely impacts on EPS must be submitted in a survey report as part of the planning application. The report must include mitigation proposals for any adverse impacts, and details matching the mitigation requirements in the Survey Report must be clearly shown on any submitted plans and drawings. The survey, survey reportlicensed surveyor

The LPA needs sufficient information to assess the information against the Habitat Regulations and to decide whether the proposal would pose a risk to maintaining the Favourable Conservation Status of the species at risk (the "FCS test"). NRW is usually consulted for comments on the content and conclusions of the ecological report and advice about planning conditions to protect biodiversity if permission is granted.

If EPS are present and significant damage or disturbance to individuals, their habitat or resting places is likely and cannot be sufficiently mitigated, the LPA must either refuse the application, or, in exceptional circumstances, apply three derogation tests."

We think the second of the three LPA derogation tests (FCS test) is wrong: the tests are "no alternative", "IROPI", "necessary compensation for network of European sites" ..see P3 of: http://www.assembly.wales/research_documents/17-038/17-038-web-english.pdf

Suggest: the derogation tests are copied in from this document.

We think there has been confusion with the three tests for an NRW licence to be found at:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/european-protected-species/information-on-european-protected-species-licensing/?lang=en>

It would be clearer to write about permission first and then about need for NRW licence.

Surveying for Barn Owls, Nesting birds and Bats. 7.37 to 7.43

Confusing again because bats are EPS. We don't think the reader will appreciate the differences or indications for the different surveys. At least they could be labelled "examples of specific surveys" because there are many other types of survey as shown in Table 3.

Who needs a licence? 7.48

confusing repetition of 7.33 in EPS section and then introduction of "conservation licence" in UKPS section so reader can't tell if a "development licence" only applies to EPS or not. Suggest: policy and licensing professional from NRW reviews and helps amend this section.

Tree Felling Licence 7.59 line 2 - typo. "Licence"

8.2 RTP1 Step-Wise Approach and 8.5 Incorporating Biodiversity

suggest add to 8.5: "The LPA will need to consider evidence for whether the new features or habitats will lead to sufficient biodiversity gain to mitigate, off set or compensate for the adverse impacts of the development. "

Pre Application discussions 8.10

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suggest: delete "the" in "the NRW" – X 2

Survey 8.14

Repeats points already made so heading is confusing.

suggest delete heading and just retain 8.15 (of Survey) as third para of Pre- Application discussions

saying: "Where pre-application discussions suggest the need for ecological surveys, up-front.....(see Table 3) and early surveying could minimise delays in the application process.

Exceptions to survey work and additional surveys 8.16

suggest delete heading and make this fourth para of Pre Application discussions saying

" In some cases.....needed however Developers should..... that in other cases additionalapplication."

Then there should be a new heading for current 8.12 & 8.13 and so that abuse of the system is separated from proper use of the system.

Suggest new heading:

"Unlawful Activity

8.12 Where.....applicable.

8.13 If.....investigations."

Mitigate

8.21 This paragraph is unacceptable. If "the land take for construction" involves any earthworks, habitat, species or geological disturbance, it should be within the red line shown on the application form. The ecological impact should be taken into consideration in the biodiversity assessment and any mitigation and restoration plans should be described.

We warmly welcome the text under Compensate and Enhance but would like to see a proviso that the gains are evidence-based and subject to condition and monitoring because in our experience they do not always happen.

Incorporating Biodiversity...8.37

Reads as if author run out of steam. E.g. 8.50. "Further advice can be sought from... the internet" This

section could be tightened up and simplified e.g. 8.38 " Bats and birds, especially..... martins and barn owls may nest or roost in buildings. Great crested newts may be found in cellars or, more commonly, outdoors in ponds, canals or ditches and among stones"

suggest: all the headings re-ordered to put EPS first, mammals then GCNs, then non-EPS bird categories. If they were presented as e.g. Hazel Dormouse (EPS) there would be no need to say "this is an EPS"!

GPDOs and GPDO, EIA, "Prior notification", Building Control 8.51 to 8.58

Vague and does not inspire confidence in information presented or management of these issues. People need to know how to find out/who to ask about these things because the SPG is where they will expect precise detailed advice.

Geodiversity and Development Proposals 8.59

Misunderstanding of "enhancement and maintaining". Promoting, learning about and publicising Geodiversity is desirable but not the same as enhancing and maintaining it.

Incorporating resilience 8.67 and Green Infrastructure 8.72

8.67 Unfortunately, this is not "relatively easy". It is extremely difficult to get applicants, particularly those for the larger scale proposals, to "target their actions" to these attributes. On the whole, habitat and species destruction from development and modern agricultural practices far outweighs any of these measures. While we fully support all these resilience measures, this document is Supplementary Planning Guidance and there is nothing in this add-on section to make us feel confident that these resilience ambitions will be incorporated into the planning system.

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We therefore agree (BG5) that these measures should be incorporated into the design phase where they will attract better scrutiny.

Water Quality and the WFD 9.8

This section fails to set out the LPA role in achieving the objectives of the WFD, under which it has duties as a competent authority to protect water quality in Powys. The SPG suggests that all responsibility lies with NRW however NRW has published an advice note "Local Authority services and the water environment" <https://naturalresources.wales/media/2627/wfd-docs-eng.pdf>

which states "Local Authorities have a key role in contributing to the planning, delivery and promotion of the RBMPs in exercising their functions." This includes ensuring development is appropriately located and delivering habitat improvement and green infrastructure, minimising pollution, protecting water-related sensitive habitats, avoiding flood risk etc. Water quality is essential for fresh-water biodiversity which is declining faster than that of any other habitat type and these issues should be addressed in an SPG on biodiversity.

In order to fulfil this role, LPAs must have the relevant information about the water environment suggest add: "Applicants must provide contour maps with clearly mapped details of all water features on the development site and surrounding land wherever any flooding or pollution risks may occur."

Scimap diffuse pollution risk mapping is a useful tool for helping landowners and decision-makers work out where to prioritise activities that protect the water environment and could be incorporated into the planning process where there is likely risk, for example from intensive livestock development.

Air Quality 9.14

Air pollution from traffic is not mentioned.

9.15 refers to "6.5". This is another hangover from the alternative rogue version of the SPG consultation document.

Suggest: replace with "9.16 to 9.20"

Intensive Livestock Units 9.16 to 9.20

This section is unsatisfactory and misleading.

The Council has not explained, and possibly does not understand or acknowledge, its own responsibility in determining ILU planning applications. There has been an unprecedented expansion in intensive farming in Powys, especially poultry. 116 applications to PCC representing 3.5 million new chicken places (at any one time) were submitted in the three years between 1/7/15 and 30/6/18. All but two of the 90 decisions for these 116 applications were for approval (2 were withdrawn and the remainder were still awaiting decision 30/6/18).

This issue is causing such concern in Powys that we discuss it in detail. We regard it as essential that the SPG

- gets the guidance factually right and in sufficient detail
- accords with WG and NRW advice
- explains the roles of NRW and PCC in enhancing and maintaining biodiversity in the planning process
- is crystal clear to PCC officers, applicants and the general public.
- informs all parties how planning conditions will be monitored and by whom
- is not published until any unclear issues are resolved

The SPG says the Council will seek technical advice in determining these applications, in the first instance from NRW, which is described as "the competent authority" and describes the new NRW guidance as if it were designed for developers to engage with NRW. Para 4 says that the information requested in NRW GN021 is for "NRW to form an opinion".

The SPG does not accord with the recent Welsh Planning Inspectorate advice to LPA CPOs (12/6/18) about ILUs which is explicit that NRW guidance is for use by LPAs in determining land uses in planning applications. LPAs should ensure:

- significant consideration of environmental protection and the impacts on natural resources
- particular care in considering ILUs in close proximity to environmentally sensitive areas.
- account is taken of cumulative impacts of such developments
- policy governing ILUs be included in the LDP

by: Representation No

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In spite of CPRW's repeated requests at the LDP examination, no ILU policy was included in the LDP which was adopted shortly before the CPO letter. The only mention of ILUs is in the reasoned justification 4.2.7 & 8 to DM2. This refers to NRW guidance and says further details will be outlined in the Biodiversity SPG.

NRW Guidance also places responsibility with the LPA.

NRW GN21 (p1 & 3) says "the document is for applicants, LPAs and NRW staff" and sets out information that the LPA needs to inform assessments.

NRW GN21(p7) says "Applications need to include information about nearby local wildlife sites, ancient woodland and other semi-natural habitats, (start underline) with information to help the Local Planning Authority assess impacts on those features, including the impacts of ammonia and nitrogen deposition" (end underline) (our emphasis).

NRW GN020 (p3) only covers internationally/nationally designated sites and not LNRs, LWSs and AW.

NRW GN020 is primarily concerned with NRW permitting but says (p1) that the guidance "can also be used by local authority planning officers to help assess planning applications" and (p3) that the guidance is the same for NRW permits and LPA planning determinations, and EIA assessment.

NRW GN020 (p5) says that "applicants will need to contact the relevant LPA to identify any relevant sources (of ammonia/nitrogen) that require permission from that authority."

SPG 6.4 Para 3 says NRW are the competent authority for determining whether any one development proposal may threaten to exceed environmental thresholds either alone or in combination with other projects. This is wrong. The guidance and its application by NRW show that NRW only comment on emissions impacts on designated sites and only up to a certain point in the planning permission decision process even for internationally/nationally designated sites.

For NRW environmental permits, NRW does complete full consideration of emission impacts on internationally/nationally designated sites and Ancient Woodland but it does not consider Ancient Woodland for Planning Applications which are a separate process from Permit Applications. The great majority of ILU applications are under 40,000 birds and do not require NRW permits.

As we understand the current process, NRW statutory responses to Powys planning applications advise up to a certain point on proposal emissions for proposals within 5km of internationally/nationally designated sites. The new NRW GN20 (& OGN41) says that if simple modelling of the process contribution (PC) shows it is above 1% of the appropriate ammonia critical level/nitrogen critical load at any of these sites, detailed in-combination assessment is required. Proposals within 250m of a designated site must all provide detailed in-combination assessment. Detailed in-combination assessment requires more sophisticated modelling and adding in (to the application-PC) the PCs of all other sources that could potentially act in combination and cumulatively.

If this sum of PCs is over 1% (of critical level/load), background level/load at the site must be determined and added in to give a total "predicted environmental concentration" (PEC) for the designated site. If the PEC exceeds the critical level/load for the site, permission can only be given if sufficiently effective control measures are in place to reduce the emissions. Otherwise it must be refused.

Various steps in the guidance require complex knowledge and methodology. It is not entirely clear from the guidance how much of this assessment is the responsibility of the LPA however, the proof of the pudding would seem to be in the eating: NRW, in consultation response to P/2018/0474, Muslop farm, Leighton (23/5/18), has assessed the detailed PC for each designated site and found threshold exceedances. NRW goes on to say:

"As the threshold is exceeded for the protected sites above, in line with NRW GN020 step4, an in-combination/cumulative assessment is required for all other relevant proposals in the area. The in-combination/cumulative assessment must be undertaken by the decision-making authority, which in this case is Powys Local Planning Authority. For the detailed modelling the following intensive agriculture units should be counted: Those: submitted but not yet determined, authorised but not started, started but not completed, livestock units that started operating since the most recent updates of levels (the APIS background was last updated in December 2015)."

CPRW is not aware of any LPA published lists of such units to inform detailed modelling and therefore we do not understand how there can be a transparent process.

The SPG is weak in describing the risks posed by ILUs from ammonia/nitrogen excess and pollution for the fresh-water environment and does not even mention impacts of outdoor ranges or manure spreading. The SPG fails to mention the NRW research finding that free-range egg units, below the NRW permitting threshold, are responsible for the greater share of pollution

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6235.P9		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG8

from intensive poultry farms. It also fails to set out the livestock number thresholds for EIA assessment and NRW permits and to explain that additional new units which bring total livestock numbers over the thresholds trigger the EIA and permit requirements.

With respect to outdoor ranges, it is clear that PCC has a duty to consider the impacts of these. The WG Chief Planner wrote to PCC (5/2/15 re P/2014/0877) quoting the EC document 'Interpretation of definitions of certain project categories of Annex I and II of the EIA Directive' which says (paragraph 2.3) the 'Intensive livestock installation' project category can be considered to include installation for the concentrated rearing of livestock either in purpose-built units or in areas dedicated to this activity, either indoor or outdoor.'

It is clear from the quotations from WG and NRW above that the SPG does not describe PCCs responsibility to assess ammonia emissions and nitrogen deposition on local nature designations and habitats. These include other protected and unprotected habitats besides Ancient Woodland and should include in-combination assessment. For instance, the wild-flower biodiversity on roadside verges and various Section 7 priority habitats and species are at serious risk from excess emissions from ILUs. It is for PCC to consider these impacts.

It is also clear that NRW expects PCC to make in-combination assessments and PEC assessments on internationally/nationally designated sites for planning purposes but the SPG does not reflect this nor does it clarify the difference between NRW permitting and LPA planning.

It is not clear whether PCC should be making HRA assessments for Natura 2K sites as part of the planning process for certain ILUs. We think this is a legal planning issue for LPAs for which expert advice should be sought.

Appendix A: Glossary
Appropriate Assessment
This step should follow an HRA screening for likely significant effect
suggest addition: "projects which have undergone HRA screening and are considered likely....."

****Missing items in Glossary:****
Cumulative impact
Ecosystem

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7076 Natural Resources Wales

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P1		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG1

Document:SPG - Biodiversity Clear and logical format

Question *Representation Texts*

Question: **Details**

Representation Text: . BG1 - Is the information in the Biodiversity and Geodiversity SPG presented in a clear and logical format for the different audiences (ie professional developers and domestic (nonprofessional) planning applicants)?

The overall format is well thought and follow a logical progression. Comments on details of layout have been made within the report using track changes. Please refer to the attached document.

Note: The representation form was accompanied by a copy of the Consultation Draft SPG showing the representor's comments on layout.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P2		21/08/2018	<input type="checkbox"/>		S		M		Summary: Response to question BG2

Document:SPG - Biodiversity Language and terminology

Question *Representation Texts*

Question: **Details**

Representation Text: . BG2 - Is the language and terminology used in the SPG appropriate for these different audiences?

It is NRW opinion that the language used within the document is appropriate for the target audience.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P3		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG3

Document:SPG - Biodiversity Missing content or parts to improve

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Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
7076.P3		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG3

Question **Representation Texts**

Question: **Details**

Representation Text: . BG3 - Is there any content missing from the SPG, or parts that could be improved?

Additional information on ASNW (see comments on page 13 of SPG draft attached).

Information on the Birds directive (see comments on page 15 of SPG draft attached).

Additional details on associated legislation which is not regulated under planning (see comments on page 17 of SPG draft attached).

Additional information on NRW role in flood defence (see comments on page 30 of SPG draft attached).

Consideration of long term post construction issues (see comments on page 33 of SPG draft attached).

Clarification over INNS legislation and biosecurity requirements during the planning process (see comments on page 44 of SPG draft attached).

Additional reference to the Public Authorities duty including Powys LPA to report and monitor on the Nature Recovery Action Plan under Section 6 of the Env Act. (see comments on page 59 of SPG draft attached).

Note: The representation form was accompanied by a copy of the Consultation Draft SPG showing the representor's comments on improvements.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
7076.P4		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG4

Document:SPG - Biodiversity Layout and contents of Section 6

Question **Representation Texts**

Question: **Details**

Representation Text: . BG4 - Section 6 covers a complex topic. Could the layout or contents of this section be improved? If so how?

Some suggestions made within the text of the Draft SPG attached.

Note: The representation form was accompanied by a copy of the Consultation Draft SPG showing the representor's comments on this section.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status	Modified	Summary
7076.P5		21/08/2018	<input type="checkbox"/>		C		M			Summary: Response to question BG5

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7076.P5		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG5

Document:SPG - Biodiversity Incorporating Resilience and Green Infrastructure

Question Representation Texts

Question: Details

Representation Text: . BG5 - Would the sections on 'Incorporating Resilience into Development Proposals' and 'Green Infrastructure and Resilience' (paras 8.67 to 8.77) be better embedded within the 'Design' section (8.17 to 8.34)?

Yes, after section 8.4 or 8.18.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P6		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG6

Document:SPG - Biodiversity Checklist/flowchart summarising planning process

Question Representation Texts

Question: Details

Representation Text: . BG6 - Would the inclusion of a checklist or flowchart for incorporating biodiversity and geodiversity in the planning process be of use to summarise the process, or could this oversimplify important considerations?

A carefully designed flowchart can be very useful, provided it is made clear that it is indicative and that each application will be assessed on a case by case basis with the information available at the time of application.

Rep'n/Para/Policy	AccessnNo	DateLodgd	Late?	Source	Type	Mode	Status	Status Modified	Summary
7076.P7		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG7

Document:SPG - Biodiversity Appendix C legal context

Question Representation Texts

Question: Details

Representation Text: . BG7 - Does Appendix C tie in to and support other parts of the SPG adequately enough, or should the legal context (i.e. the reason why something is required) be reinforced?

Relevant legislation should be mentioned within the SPG and appropriate reference to Appendix C should be made for additional details.

This is important as it helps to clarify what is a legislative requirement and what is best practice /guidance.

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7076.P7		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG7

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7076.P8		21/08/2018	<input type="checkbox"/>		C		M		Summary: Response to question BG8

Document:SPG - Biodiversity Other comments

<i>Question</i>	<i>Representation Texts</i>
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Question:	Details
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Representation Text: . BG8 – If you have any other comments you want to make which are not covered by the above questions please include them here:

It could be noted in the guidance under section 8 that some sites are not suitable for development and for developers/applicants to seek professional advice.

It would be useful to provide a framework to applicants for how it might be justified that the benefit of development proposals may significantly outweigh the effects on the environment.

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