

Consultation Response: Ecology

To	Planning Service Manager	From	Planning and Regeneration; Ecology
FAO	Miss E Rowley		Ms Erica Dixon
Date	28/01/2021	Tel	01443 866615
Your Ref	20/1037/TCA	Email	dixone1@caerphilly.gov.uk
Location	Hillview New Road Gelli-haf Pontllanfraith Blackwood NP12 2QE		
Proposal	Reduce height of boundary dividing hedge (between the properties Hill View and Ty Melin, Gellihaf) to approximately 2m and carry out lopping/pruning to overhanging side branches		
cc	Planning Admin		

Summary

We recommend the inclusion of one planning condition to protect wildlife on site.

Comments

The hedgerow may support breeding birds, all British birds are protected during the breeding season. Therefore, a condition is recommended to protect birds during the breeding season, by restricting works at this time, which may be taken as March to August inclusive.

Recommendations

Planning Condition #1 – Biodiversity Enhancement

The tree works associated with the development hereby approved shall not take place during the breeding season for birds, from March to August inclusive in any given year, unless otherwise agreed in advance and in writing by the Local Planning Authority.

REASON: To ensure that breeding birds are protected. All British birds, are protected by law whilst on, at or near a nest under the Wildlife and Countryside Act 1981 (as amended). The nest is also protected during construction and when eggs or dependant young are present.

Supporting information – Legislation and Policy

PLANNING POLICY WALES (EDITION 10, DECEMBER 2018)

Planning Policy Wales, Section 6.4 places a duty on local authorities to ensure that biodiversity and resilience are fully considered by Local authorities.

Particular reference is made to The Section 6 Duty (Environment Act) to ensure that planning authorities demonstrate that they have sought to fulfil the duties and requirements of Section 6 of the Environment Act by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions.

Protected Species under European or UK legislation, or under section 7 of the Environment Act are a material consideration when a planning authority is considering a development proposal which, if carried out, would be likely to result in disturbance or harm to the species or its habitat and to ensure that the range and population of the species is sustained. (Section 6.4.22)

PLANNING POLICY WALES SEPTEMBER 2009 (TECHNICAL ADVICE NOTE 5: NATURE CONSERVATION AND PLANNING)

Section 6.2.1 – the presence of a protected species is a material consideration when a local planning authority is considering a development proposal, that, if carried out, would be likely to result in disturbance or harm to the species or its habitat.

Section 6.2.2 – 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.

ENVIRONMENT (WALES) ACT 2016 - THE BIODIVERSITY AND RESILIENCE OF ECOSYSTEMS DUTY

The Environment (Wales) Act became law on 21st March 2016 and replaces the Natural Environment and Rural Communities Act 2006. It puts in place legislation to enable Wales' resources to be managed in a more proactive, sustainable and joined up manner and to form part of the legislative framework necessary to tackle climate change. The Act supports the Welsh Government's wider remit under the Well-Being of Future Generations (Wales) Act 2015 so that Wales may benefit from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities. Caerphilly County Borough Council as a public body has obligations under section 6 of the Environment (Wales) Act 2016 to demonstrate how the Local Authority will ***“seek to maintain and enhance biodiversity in the proper exercise of their functions and in doing so promote the resilience of ecosystems”***.

The intention is to ensure that in carrying out their functions, public authorities will:

- Place biodiversity as a natural and integral part of policy and decision making within public bodies, embedding it in its plans, policies and projects and day-to-day activities

- Address biodiversity decline through positive actions that will result in maintenance or enhancement of our biodiversity
- Develop ecosystem resilience through maintaining and enhancing biodiversity

The reporting associated with the Section 6 duty will report against the 6 NRAP objectives (see section on Nature Recovery Plan, below)

A resilient ecosystem is one that is healthy and functions in a way that is able to address the pressures and demands that are placed on it, and is able to meet current social, economic and environmental needs whilst being able to also provide the same benefits for future generation. A resilient ecosystem is the cornerstone of the “Resilient Wales” goal in the Well-Being of Future Generations Act.

STATE OF NATURAL RESOURCES REPORT (SONARR)

The Environment (Wales) Act 2016 [EWA] requires Natural Resources Wales (NRW) to publish a State of Natural Resources Report¹ (SoNaRR); to provide information on the current state of our natural resources to enable Welsh Ministers to set priorities for action at the national level. The Authority is required to have regard to the findings of this report in exercising its functions.

The SoNaRR report, finalised in September 2016 recommends a proactive approach to building resilience and for the first time links the resilience of Welsh natural resources to the well-being of the people of Wales. This Report will underpin Natural Resources Policy.

The economic and social benefits that a fully functioning environment can provide to human society include agricultural production, forestry, building materials, tourism and leisure, energy generation, flood prevention, pollination services for crops, clean water, clean air and healthy soils. The SoNaRR report spells out the major threats to the proper functioning of ecosystems in Wales, which include:

- Climate change
- Land use change
- Over exploitation of natural resources; and
- Nutrient enrichment and pollution

NATURE RECOVERY PLAN

The Welsh Government launched the Nature Recovery Plan² (NRP) which sets out its commitment to biodiversity in Wales and how Wales will address the Convention on Biological Diversity's Strategic Plan for Biodiversity and the associated Aichi biodiversity targets in Wales. The Nature Recovery Action Plan links to and complements The Well-being of Future Generations (Wales) Act 2015 and the Environment Act (Wales) 2016.

¹ <https://naturalresources.wales/evidence-and-data/research-and-reports/the-state-of-natural-resources-report-assessment-of-the-sustainable-management-of-natural-resources/?lang=en>

² <https://www.biodiversitywales.org.uk/Nature-Recovery-Action-Plan>

The NRP highlights the issues that we need to address and the objectives for action to show how, in Wales we can address the underlying causes of biodiversity loss. Specifically through:

- Putting nature at the heart of decision making
- Increasing the resilience of our natural environment
- Taking specific action for habitats and species

The Nature Recovery Plan consists of three parts:

Part 1: Sets out the position with regard to biodiversity in Wales

Part 2: actions identified to support biodiversity, (**The Nature Recovery Action Plan (NRAP)**)

Part 3: Under development: The Nature Recovery Framework