
Planning Policy Wales on Net benefit for Biodiversity and Ecosystems Resilience

Afonydd Cymru is the umbrella body for rivers trusts in Wales and leads on advocacy with Welsh Government and Natural Resources Wales. Our vision is for clean and healthy rivers for every community in Wales.

We thank Welsh Government for the opportunity to comment on revisions to the Planning Policy Wales on Net benefit for Biodiversity and Ecosystems Resilience. The presentation of proposed changes to the policy has aided our consultation response and we have provided our comments alongside your tracked change proposals in the consultation document.

We are very pleased to see the strengthening of planning policy in Wales and the inclusion of biodiversity and ecosystems resilience to the policy. It is clear that under new proposals far greater emphasis will need to be given by local planning authorities to consideration of green infrastructure in Wales. We also very much welcome the direct inclusion of considering nature-based solutions as a recognised planning requirement for all new development.

Afonydd Cymru has suggested that reference in some areas is strengthened further by making specific reference to Section 7 Species and Habitat, as defined under the Environment Act (Wales) 2016.

The First Minister of Wales is currently leading the phosphate summits of Wales, due to the significance of impact of failure for phosphorus compliance on five SAC rivers in Wales. Current planning decisions have contributed to the failure of those standards by allowing development to occur which has led to raised nutrient levels in those rivers, either by failing to apply cumulative assessments under Habitats Regulations 2017 (due to planning authorities failing to recognise the impact to a SAC in another planning authority area) or by failing to assess impact of planning decisions on riverine SAC catchments, when development is not a direct impact to the river. We therefore welcome the strengthening of policy in this area, but ask that further detail is added to ensure that no future developments compromise site integrity.

Our tabulated responses therefore reflect only where we seek additional amendment to the policy and we are happy to accept all other proposed changes.

Yours sincerely,



Gail Davies-Walsh, CEO

Proposed Changes	Afonydd Cymru Comment
<p>Collaboration must occur instrategically <u>in</u> planning for the protection and enhancement of landscapes, the historic environment, biodiversity, geodiversity, air quality and soundscapes as well as addressing environmental risks to ensure priorities align and opportunities, such as regeneration and the provision of homes, can be sustainably provided. There will be issues which require cross boundary collaboration and will be best addressed through joint working on <u>Strategic development Development plans</u>Plans. To do this, close involvement of various agencies and communities will be required to ensure needs and aspirations can be aligned, investment is targeted to the right places and beneficial outcomes can be gained by better use of shared information, evidence and assessments. The State of Natural Resources Report (SoNaRR) and Area Statements will provide evidence on a range of environment and natural resource <u>management</u> issues and an effective de-risking approach should facilitate greater transparency about environmental risks, appropriate solutions and the potential for wider associated benefits.</p>	<p>We concur that strategic planning decisions are required as there is clear evidence at the moment of incorrect planning decisions on our rivers, due to decisions being made to authority boundaries.</p> <p>We would ask that this is strengthened in new planning policy by imposing a cumulative assessment of impact from all planning decisions (as is required legally under Habitats Regulations). This could be a role for the new Nutrient Management Boards set up by Welsh Government. No planning decisions for new housing or agricultural development should be allowed until such time that planning authorities can sign off no adverse impact for the full length of the river. This should include an assessment of impact on tributaries not designated, but which impact the designated site. Currently, evidence shows failure of these conditions for poultry unit applications and for tree planting.</p> <p>Planning policy in Wales needs to also recognise that cross boundary includes boundaries with England.</p>
<p>Rising levels of airborne <u>and water</u> pollution: SoNaRR reports increases in air pollution across a range of pollutants from urbanisation, road traffic and intensification of agriculture. <u>Within freshwater and marine environments SoNaRR reports elevated nutrient and chemical contaminants which are detrimental to ecosystem function and resilience.</u></p>	<p>We welcome the recognition of water in this section but ask that planning policy is strengthened as above. All planning decisions should require the consideration of impact, rather than <i>consider</i>.</p>
<p>6.2 Green Infrastructure</p> <p>6.2.1 Green infrastructure is the network of natural and semi-natural features, green spaces, rivers and lakes that intersperse and connect places. Component elements of green infrastructure can function at different scales. At the landscape scale green infrastructure can comprise entire ecosystems such as wetlands, waterways, <u>peatlands</u> and mountain ranges. At a local scale, it might comprise parks, fields, <u>ponds, natural green spaces</u>, public rights of way, allotments, cemeteries and gardens. At smaller scales, individual urban interventions such as street trees, hedgerows, roadside verges, and green roofs/walls can all contribute to green infrastructure networks</p>	<p>We believe that trees and hedgerows should be explicitly referenced at landscape scale – they are a fundamental part of a catchment ecosystem.</p>

<p>Green infrastructure plays a fundamental role in shaping places and our sense of well-being, and are <u>is</u> intrinsic to the quality of the spaces we live, work and play in.</p> <p>This will require effective joint working and collaboration across sectors and activities. The protection and enhancement of biodiversity <u>and the resilience of ecosystems</u> must be carefully considered as part of green infrastructure provision <u>but this must occur</u> alongside the need to meet society's wider social and economic objectives and the needs of local communities.</p>	<p>This will require effective joint working and collaboration across <u>planning authorities</u>, sectors and activities.</p> <p>Text should be amended to reflect the requirement for planning authorities to also collaborate to avoid planning decisions which impact a different planning authority ecosystem or area.</p>
<p>[NEW PARAGRAPH] <u>A green infrastructure statement (prepared by the applicant), incorporated into a Design and Access Statement, will be an effective way of demonstrating positive multi- functional outcomes.</u> There are multiple ways of incorporating green infrastructure, dependent on the needs and opportunities a site presents <u>but in all cases development proposals should address well-being priorities and the nature and climate emergencies and demonstrate how this has been done (Green Infrastructure Assessments should be referred to where available).</u></p>	<p>We believe that Green Infrastructure Assessments should be a compulsory addition to planning applications. Therefore, the text should be amended so that it states <u>(Green Infrastructure Assessments should be referred to)</u> removing <u>where available</u>.</p>
<p>The Green Infrastructure Assessment should be used to develop a robust approach to <u>maintaining and</u> enhancing biodiversity, increasing ecological resilience and improving well-being outcomes, and should identify key strategic opportunities where the <u>retention, maintenance, buffering,</u> restoration, maintenance, creation <u>and or</u> connection of green features and functions would deliver the most significant benefits.</p> <p>6.2.8 The outcomes of the Green Infrastructure Assessment</p>	<p>Significant benefits should be defined and classified, perhaps by direct reference to Section 7 species and habitat, defined under the Environment Act Wales (2016). This would include the protection of all rivers, designated fish species, soils, native tree species and many other mammals, invertebrates and birds.</p>
<ul style="list-style-type: none"> <u>facilitate the reduction of pollution by identifying nature based solutions which form part of, or complements, wider activity at a catchment scale to address pollution and improve the restoration of riverine and other habitats;</u> 	<p>We very much welcome the inclusion of nature based solutions into planning policy in Wales. We believe these are an important part of the solution to current chronic biodiversity decline and water quality failure.</p>

<ul style="list-style-type: none"> • <u>Address the climate emergency by ensuring tree canopy in urban area is increased</u> 	<p>We believe this statement should be widened and recognise the importance of tree canopy across all landscapes, so :</p> <p>Address the climate emergency by increasing tree canopy, in urban areas, as part of effective natural flood management along river catchments and as part of sustainable urban drainage solutions and as buffers to river corridors.</p>
<p>6.2.10 The need for ecosystems, habitats and species to adapt to climate change <u>and other pressures</u> should be considered as part of the Green Infrastructure Assessment. This should include identifying ways to <u>minimise avoid</u> or reverse the fragmentation of habitats, and to improve habitat connectivity through the promotion of wildlife corridors and identifying opportunities for land rehabilitation, <u>reducing pollution</u>, landscape management and <u>habitat restoration and the creation of new or improved habitats.</u></p>	<p>We believe the words ‘riverine corridors’ should be added alongside wildlife corridors to reflect the importance of rivers as an ecological corridor between land and sea and to act as a significant policy protection of our rivers to combat water quality pollution and habitat restoration. This should also be reflected in 6.2.11.</p>
<p>6.2.12 Green Infrastructure Assessments should be regularly reviewed to ensure that information on habitats, species and other green features and resources is kept up-to-date, so that development management decisions are informed by appropriate information about the potential effects of development on biodiversity and green infrastructure functions. Where information is submitted as part of a development proposal (for example, a green infrastructure statement) it should consider the Green Infrastructure Assessment. Planning authorities should use the best available data to monitor a set of key species and habitats, and incorporate these indicators into both their Annual Monitoring Reports (AMRs) and, where appropriate, into the appropriate Section 6 Plan and Report. The monitoring of success and delivery of habitat and species mitigation requirements secured through conditions and obligations can also usefully feed into this process.</p>	<p>Whilst this is not new text, we wish to feed back on the Annual Monitoring Report mechanism applied by planning authorities.</p> <p>We see no evidence in Wales that key species and habitats are monitored and reported on by planning authorities. Where reporting occurs, it is merely feeding back on NRW reporting mechanisms. We strongly feel that planning authorities should be explicitly reporting on their annual impact of their planning decisions on species and habitat, and recognising their own impact to reasons for not achieving good under the Water Framework Directive (WFD). In no Annual Monitoring reports that we have reviewed for 2022, have local authorities recognised their own sectorial impact to WFD failure, as an example, and reported on their own progress as a local authority to address.</p> <p>There are no clear records of how planning decisions have impacted species and habitats, nor how authorities have met their obligations for monitoring.</p> <p>Further, AMR contain the following statements: ‘ There is currently no standardised mechanism for reporting on Nature Recovery Action Plan progress. Previously, the Biodiversity Action Reporting System (BARS) was used to report on actions contributing towards the delivery of the Local Biodiversity Action</p>

	Plans, but this is no longer available.’ We feel it is imperative that Welsh Government ensures that planning authorities are collating and reporting on this data, and ensuring that monitoring of their decisions takes place.
<p>6.4.3 safeguard protected and priority species <u>of principal importance</u> and existing biodiversity assets from impacts which <u>indirect or cumulative adverse impacts that</u> affect their nature conservation interests and compromise the resilience of ecological networks and the components which underpin them, such as water and soil, including peat; and</p>	<p>We welcome the inclusion of cumulative adverse impacts and ask that our other comments are considered to strengthen this requirement.</p> <p>We would suggest replacing biodiversity assets with Section 7 species and habitats in this section given it is specifically referencing designated sites.</p>
<p><u>Development in a designated site which is not necessary for the management of the site must be avoided. This is a matter of principle to ensure designated sites can continue to fulfil their role at the heart of resilient ecological networks. In line with criterion 1) of the stepwise approach it will be necessary to demonstrate that no alternative locations to statutorily designated sites exist to fulfil the needs for any development proposed. Where development is proposed in proximity to a designated site, unacceptable impacts must be avoided or minimised in line with the step wise approach because of the importance of their role at the heart of resilient ecological networks.</u></p> <p>[NEW PARAGRAPH] <u>Where development has been appropriately planned by either the planning authority, the nature conservation body or an approved custodian such as an environmental Non-Governmental Organisation it may, exceptionally, be possible to propose development. In such circumstances, a planning authority will have established a broad framework in which biodiversity and the resilience of ecosystems can be maintained and enhanced and the attributes of resilience improved as part of its green infrastructure assessment. Otherwise, development in such designations should be considered exceptional.</u></p>	<p>We very much welcome this new inclusion into planning policy. We ask, that to ensure avoidance of doubt, that planning policy is clear that this also includes the impact of development to designated rivers and their associated impact to nutrient neutrality.</p> <p>Therefore, we would assume that unless all development (housing and agricultural) is nutrient neutral it is deemed ‘not necessary’ as it would not meet the protection requirements of the site.</p> <p>We welcome the new requirement that only exceptional development should be allowed.</p> <p>We would ask that activities which enhance the designated site, for example, restoration, natural flood management, nature-based solutions are explicitly excluded from these new requirements.</p>
Section 6.4.22 and 6.4.23 Protected Species	The current planning policy has failed to protect designated riverine species as cumulative impact for the whole river catchment has not been implemented, and assessments have ceased at the planning authority boundary. Key examples of this are the approval of poultry units where planning has been approved as the disposal of slurry is

	<p>outside of the planning authority boundary, but is still occurring within a SAC boundary. We do not consider that the current planning policy changes address this issue sufficiently.</p> <p>Additionally, new development which is not nutrient neutral should be explicitly referenced and should fall under the conditions of the above new text, ie discharges to a river from a new development should be considered as failing to protected a designated river and deemed unnecessary.</p>
<p>Section 6.4.24 and 6.4.25 Trees</p>	<p>We feel that this has been written from an urban tree perspective. We ask that this is strengthened to also reference the importance of trees to water quality/nutrient removal and natural flood management.</p>
<p>Permanent removal of <u>trees, woodland and hedgerows should will</u> only be permitted where it would achieve significant and clearly defined public benefits. <u>Welsh native tree species, characteristic of the local area, provide a strong ecosystem resilience function, providing resources for local wildlife, particularly other native plants and species. They help to define our cultural heritage and landscape creating a strong sense of place and connection to our past.</u> <u>Conifer woodlands are important for the provision of timber and carbon capture, and also provide some biodiversity benefit and landscape character.</u> Where woodland or individual or groups of trees are removed as part of a proposed scheme, developers will be expected <u>required</u> to provide compensatory planting <u>(reflecting the scale and species mix which has been lost), this must be onsite and at a minimum ratio of at least 3 trees of a similar type planted for every 1 lost. Where a woodland or a shelterbelt area is lost as part of a proposed scheme, the compensation planting must be at a scale, design and species mix reflective of that area lost. In such circumstances, the planting rate must be at a minimum of 1600 trees per hectare for broadleaves, and 2500 trees per hectare for conifers.</u></p>	<p>Whilst conifer trees are an import timber source, they are also detrimental to the water quality of rivers. In order for Welsh Government to meet its commitments to nature and biodiversity, First Minister phosphate summit commitments and salmon extinction, planning policy in Wales must recognise that conifer planting must be restricted in order that our rivers are protected. Therefore, there must be no conifer planting on or near peatlands, there must be native broadleaf buffers to our river corridors, no tree planting should be allowed in acid sensitive waters. We must also ensure, under cumulative impact assessments, that non designated tributaries (for example of the Afon Tywi) do not allow coniferous plantations which contribute to the downstream impact of a designated SAC main river.</p> <p>We disagree that conifer plantations provide 'landscape character'. This would be achieved by mixed plantations only.</p> <p>It should be recognised that tree planting should not be 'like for like' if any of the criteria above are threatened.</p>
<p>Development which is poorly designed or badly located can exacerbate problems associated with resource depletion, exposure to surface water flooding and diffuse pollution. The planning system should:</p>	<p>The word 'diffuse' should be removed from this sentence to leave:exposure to surface water flooding and pollution – point source pollution from development is also impactful.</p>

<p>Protect and improve water resources ‘and quality’</p>	<p>Quality has been added to this sentence but the following text relating to efficiency and demand management would have no impact on quality. We would suggest a separate bullet which states: Protect and improve water quality by ensuring that no development contributes to further failure of any water quality standards on any river, that Welsh Government principles for nutrient neutrality are met on designated sites and that all development seeks to enhance and improve water quality</p>
<p>The ability of the planning system to protect water features and foster sustainable water management as key attributes of attractive and resilient places to live is closely aligned with securing the multiple benefits of green infrastructure. <u>Ensuring the implementation of nature based solutions is a key preference and the multiple benefits of protecting river corridors should be maximised. The identification of riparian buffer zones should be a key output of green infrastructure assessments because they will have a positive benefits in both reducing diffuse pollution and as part of securing a net benefit for biodiversity and improving the attributes of ecosystem resilience.</u> Embracing integrated approaches should make a contribution toward achieving the requirements imposed by EU Water Framework Directive¹³³ <u>and ensuring the restoration of protected habitats</u> along with Welsh Government policy for the integrated planning and management of water both in urban and rural areas <u>and at a catchment scale.</u></p>	<p>This is a very welcome improved and amended paragraph within the policy.</p> <p>We welcome direct protection of river corridors and inclusion of riparian buffer zones.</p> <p>Rivers and streams, open water and canals are all freshwater Habitats of Principal Importance under Section 7 of the Environment (Wales) Act.</p> <p>Add <i>“Protect water features, freshwater habitats and foster sustainable water management ...”</i></p>