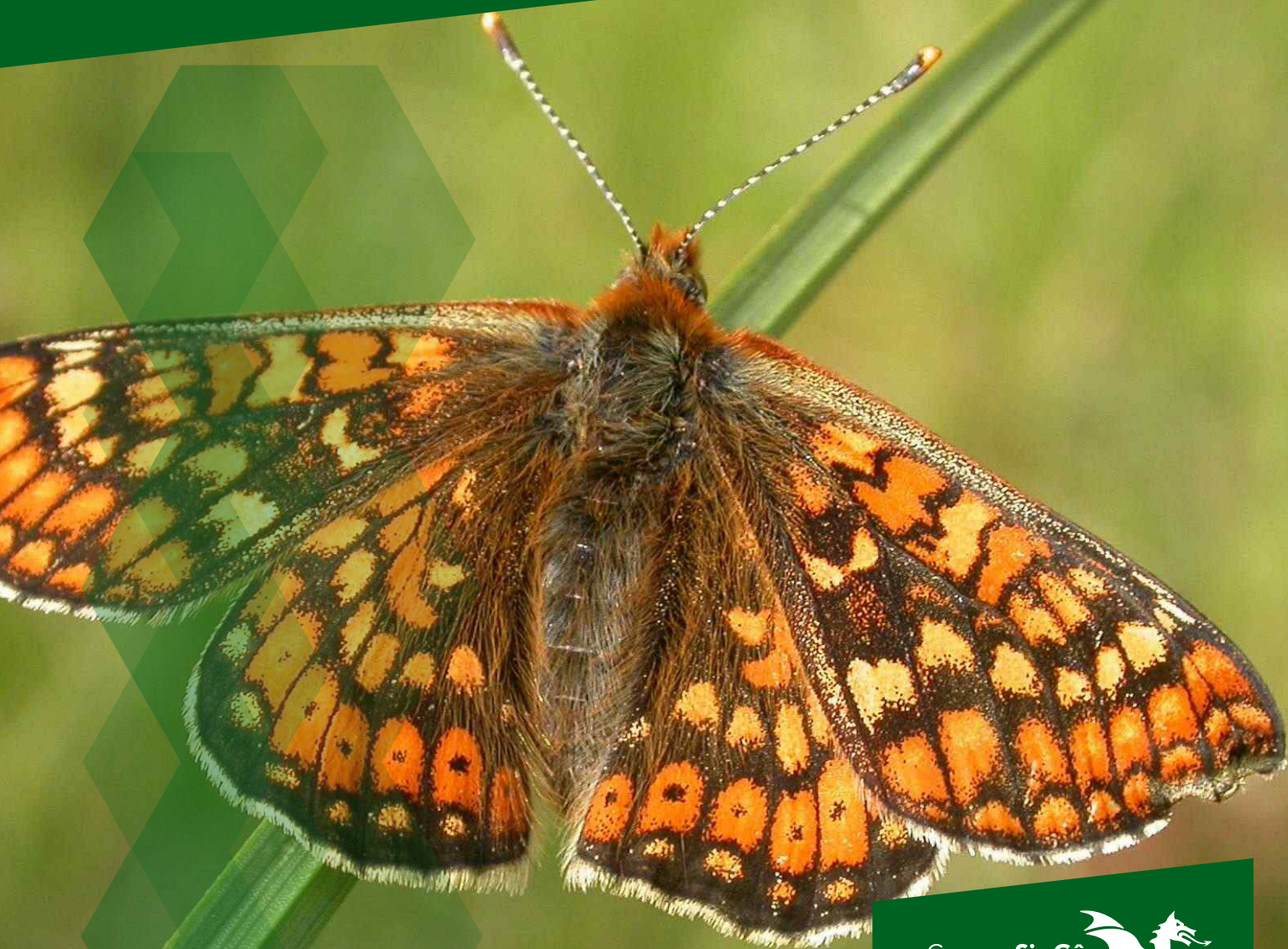


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Revised 2018-2033
Local Development Plan

Draft Supplementary Planning Guidance
Methodology for Determining Sites of
Importance for Nature Conservation in
Carmarthenshire



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Content

- 1. Introduction.....3
- 2. Status of the Supplementary Planning Guidance.....4
- 3. Policy Context.....4
- 4. Terminology9
- 5. SINC designation.....9

1. Introduction

This Supplementary Planning Guidance (SPG) is one of a series of guidance notes that has been produced to supplement and support the Revised Carmarthenshire Local Development Plan (LDP). It provides further guidance and, where applicable, elaborates on how policies and proposals of the Development Plan are to be implemented. This SPG in particular supplements the consideration and application of specifically Policy NE1. The SPG is intended to provide the framework for the identification and designation of Site of Importance for Nature Conservation (SINC) and will ensure consistency and robustness in their designation and the resultant application of the LDP policy. The SPG does not apply to the area of Carmarthenshire which falls within the Brecon Beacons National Park.

Sites of Importance for Nature Conservation are an important resource in Carmarthenshire, covering significant areas of biodiversity priority habitats and species. Designation is based on objective scientific criteria for Carmarthenshire that accord with the Wales wide guidelines. This SPG sets out the methodology for designation of SINCs, however, LDP policy will be applied to all sites that meet the criteria for designation.

In interpreting this guidance, regard should also be had to the other pertinent policies of the LDP.

This guidance is intended to ensure that all parties, including decision makers and applicants, receive clear advice and information in respect of the designation and identification of SINCs.

The Council will have regard to this SPG when making planning decisions. It is a material consideration in the determination of planning applications and appeals, alongside the policies and provisions of the LDP and other SPG.

In accordance with good practice, applicants are encouraged to discuss developments with officers before submitting an application where there may be implications with the provisions of Policy NE1 and the designated SINCs.

2. Status of the Supplementary Planning Guidance

This SPG is subject to a 6-week consultation exercise conducted in a manner consistent with that set out within the Delivery Agreement for the Revised Local Development Plan (rLDP).

3. Policy Context

CCC's 2nd deposit Revised Local Development Plan 2018 – 2033

NE1: Regional and Local Designations Development proposals that will result in adverse effects to a Local Nature Reserves (LNR), Site of Importance for Nature Conservation (SINC), and/or Regionally Important Geological/Geomorphological Site (RIGS), will only be permitted where it can be demonstrated that:

All adverse impacts are addressed in accordance with the mitigation hierarchy; Where this is not feasible, ensure sufficient compensatory measures are put in place which address all potential adverse impacts upon these sites resulting from the proposal; or in exceptional circumstances, where the reasons for the development and/or land use change clearly outweighs the need to safeguard conservational interests of the site.

Development proposals must not cause any significant loss of habitats or populations of species, locally or nationally, and must provide net benefits for biodiversity.

Paragraph 11.412 of the Revised LDP states 'Sites of Importance for Nature Conservation Value (SINCs) offer significant potential as a biodiversity resource. Whilst there are no SINCs identified within the plan area, it remains an objective of the authority to actively explore their designation. Any future designation of SINCs will be in accordance with emerging SPG detailing the revised methodology for underpinning their identification. This SPG will be produced concurrently with the adoption of the Plan (2nd deposit revised Local Development Plan 2018 – 2033)'

Environment (Wales) Act 2016

6. Biodiversity and resilience of ecosystems duty

(1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent

with the proper exercise of those functions.

(2) In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects—

(a) diversity between and within ecosystems;

(b) the connections between and within ecosystems;

(c) the scale of ecosystems;

(d) the condition of ecosystems (including their structure and functioning);

(e) the adaptability of ecosystems.

...

(5) In complying with subsection (1), a public authority other than a Minister of the Crown or government department must have regard to—

(a) the list published under section 7;

(b) the state of natural resources report published under section 8;

(c) any area statement published under section 11 for an area that includes all or part of an area in relation to which the authority exercises functions.

(6) A public authority other than a Minister of the Crown or government department must prepare and publish a plan setting out what it proposes to do to comply with subsection (1).

7 Biodiversity lists and duty to take steps to maintain and enhance biodiversity

(1) The Welsh Ministers must prepare and publish a list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.

(2) Before publishing a list under this section the Welsh Ministers must consult the Natural Resources Body for Wales (“NRW”) as to the living organisms or types of habitat to be included in the list.

(3) Without prejudice to section 6, the Welsh Ministers must—

(a) take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and

(b) encourage others to take such steps.

(4) The Welsh Ministers must, in consultation with NRW—

(a) keep under review any list published by them under this section,

(b) make such revisions of any such list as appear to them appropriate, and

(c) publish any list so revised as soon as is reasonably practicable after revising it.

(5) In exercising their functions under this section, the Welsh Ministers must apply the principles of sustainable management of natural resources.

Planning Policy Wales 11

Designated Sites

6.4.10 Many of the most important areas of nature conservation value have been statutorily designated. These statutorily designated sites make a vital contribution to protecting biodiversity and can also be important in providing opportunities for achieving wider well-being objectives.

Hierarchy of Designations: International, National, Local

6.4.11 Planning authorities must have regard to the relative significance of international, national and local designations in considering the weight to be attached to nature conservation interests. Further guidance, particularly in relation to Natura 2000 sites, is contained in TAN 5: Nature Conservation and Planning.

6.4.12 The supporting reasoning for the designation at all levels and an outline of the qualifying features of the designation should be clearly recorded as part of the Green Infrastructure Assessment and considered in formulating development plans, when designing new development proposals and in development management decisions.

Figure 12: Designated Sites Hierarchy

<i>Tier</i>	<i>Name</i>	<i>Statutorily and Non-Statutorily Protected Sites</i>
<i>International</i>	<i>Special Area of Conservation</i>	<i>Statutory</i>
	<i>Special Protection Area</i>	<i>Statutory</i>
	<i>Ramsar sites</i>	<i>Statutory</i>
	<i>UNESCO Biosphere Reserve</i>	<i>Non-Statutory</i>
<i>National</i>	<i>Site of Special Scientific Interest</i>	<i>Statutory</i>
	<i>National Nature Reserve</i>	<i>Statutory</i>
<i>Local</i>	<i>Sites of Importance for Nature Conservation</i>	<i>Non-Statutory</i>
	<i>Local Nature Reserve</i>	<i>Non-Statutory</i>
	<i>Local Wildlife Sites</i>	<i>Non-Statutory</i>

Protection of Non-statutory Designations

6.4.20 Although non-statutory designations carry less weight than statutory designations, they

can make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process. Before authorising development likely to damage a local wildlife designation, planning authorities should give notice of the proposed operation to the County Ecologist and third sector environmental organisations. Where a Green Infrastructure Assessment has identified that certain features or characteristics of the site need to be conserved or enhanced, planning authorities should state in their development plans what features or characteristics require this extra protection and why, and explain how the policies will achieve this protection. Assessments should similarly consider the presence of protected and priority species including those on the Section 7 list and appropriate weight attached to their protection. Policies for non-statutory sites should make it clear that such designations do not preclude appropriate developments, where there are no adverse impacts on the features for which a site is designated.

Technical Advice Note (TAN) 5: Nature Conservation and Planning

TAN5 states: **5.5 Local Sites**

Local Sites: includes Sites of Interest for Nature Conservation (SINCs), Local Nature Reserves (LNRs), Wildlife Sites and Regionally Important Geological Sites (RIGS)

5.5.1 Local sites have an important role to play in meeting biodiversity targets and contributing to the quality of life and well-being of the community. Paragraph 5.3.11 of PPW explains the policy in respect of such sites. Policies in UDPs and Local Development Plans provide for their protection. The nature conservation interests for which they have been designated are a material consideration in planning decisions.

5.5.2 Locally designated sites should be subject to the application of rigorous criteria to ensure their designation is justified on biological or geological grounds. The process of designating and maintaining the sites should be transparent with records and assessments publicly available, unless information about particular species is sensitive in terms of their protection. Developers should be able to identify how their proposals may affect the interests for which the sites are designated (either positively or negatively) and where relevant, how the sites contribute to wider ecological networks or mosaics.

5.5.3 The conservation and enhancement of locally designated sites is an important contribution to the implementation of Biodiversity Action Plans and to the management of features of the landscape of major importance for wild flora and fauna (see paragraph 3.2.2 above). Developers should avoid harm to those interests where possible. Where harm is unavoidable it should be minimised by mitigation measures and offset as far as possible by compensation measures designed to ensure there is no reduction in the overall nature conservation value of the area or feature. Where locally designated sites may be affected, developers should consult the local planning authority and Wildlife Trust and/or Local Record Centre to agree the information that will be required to assess the implications of the development and mitigation and compensatory measures.

5.5.4 Where development proposals may affect national or local BAP habitats or species the same principles apply as to locally designated sites in paragraph 5.5.2 above (see further habitats and species of principal importance for biodiversity in Wales in section 6.5 below).'

4. Terminology

Many titles are used for biological Local Sites, including, Biological Heritage Site, Site of Nature Conservation Interest (SNCI), Sites of Interest for Nature Conservation (SINC), Site of Biological Interest and Site of Community Interest, whilst the term 'Wildlife Site' is the title preferred by the UK Wildlife Trusts Partnership.

In Wales, Site of Interest for Nature Conservation (SINC) is the recognised term used in WAG planning guidance and local planning policies for biological Local Sites. It is suggested that SINC continues to be used in that context, a SINC may be considered a Wildlife Site when owner's agreement, management advice and/or assistance, and potentially funding have been provided. Local geological sites are called RIGS, Regionally Important Geological Sites, recognized by WAG planning guidance and local planning policies.

5. SINC designation

SINC designation in Carmarthenshire will follow the Guidelines for the Selection of Local Sites in

Wales, 2008 (Wales Biodiversity Partnership) (hereafter, SINC Guidelines), or any subsequent upgrades to these guidelines.

Carmarthenshire Council welcomes submissions of candidate SINC from organisations and individuals that follow sections 3.1 – 3.2 below.

Requirements for designation - reports

Submissions of candidate SINC shall be presented in a report and describe the existing ecological value of the candidate SINC, this will usually be principally based on botanical survey but with consideration of other potential protected or priority species that may be present. Reports must follow section 7 of the SINC Guidelines. It must be clear in the report that the proposed site meets one or more of the habitats or species guides described in the SINC Guidelines.

In addition to this, GIS (Geographical Information Systems) data in the format of shape files must be provided to provide visual representation of the proposed boundaries of the candidate SINC.

a. Expertise

The report shall be prepared and reviewed by an appropriately experienced ecologist, naturalist or conservationist. Evidence of relevant experience, qualifications and any professional memberships must be provided.

b. Requirements for designation – GIS datasets, remote sensing, and aerial imagery

SINC designation of groups of sites may be possible based on GIS data, remote sensing, and aerial imagery where that data can be shown to be accurate enough to meet the SINC Guidelines.

Groups of sites must be assessed by the expert panel before being confirmed as SINC.

c. The expert panel

Carmarthenshire County Council will establish a panel of relevant experts to manage the process of assessing SINCs against the SINC Guidelines and selecting sites for designation. The basis for individual site selection will be recorded for each site in terms of the species, habitat or feature for which it was judged to be of substantive value and the criteria on which it was selected.

d. Ecological networks

Small, isolated populations of species are far more vulnerable to extinction than populations that can disperse and interbreed with other populations. The effects of climate change are likely to increase local extinctions among small, isolated populations. It is important to maintain and enhance ecological networks of semi-natural habitats that have a high degree of connectivity. The Habitat Regulations require planning policies which conserve features of the landscape that are of major importance for wild flora and fauna, including those linear features that are essential for the migration, dispersal and genetic exchange of wild species.

Information gathered from ecological network datasets such as Natural Resources Wales' Habitat Networks and Priority Ecological Networks (PENs) will be used to help inform the overall value and boundaries of the proposed candidate SINC.

e. SINC mapping

Sites selected by the expert panel will be designated as SINCs and accessibly mapped. SINC locations will be available to the public and reports will be available by public request.