

Appendix 7/1: Relevant Legislation and Planning Policy

Legislation

A summary of legislation relevant to biodiversity in Wales is provided below. Note that the summary provided here is intended for general guidance only and the original legislation should be consulted for definitive information.

Conservation of Habitats and Species Regulations 2017

The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) are one of the pieces of domestic law that transposed the land and marine aspects of the Habitats Directive (Council Directive 92/43/EEC) and certain elements of the Wild Birds Directive (Directive 2009/147/EC) (known as the Nature Directives) into English and Welsh law. These regulations were last amended in 2019 to make them operable from 1 January 2021 despite the UK's withdrawal from the European Union (EU).

Wildlife and Countryside Act 1981

The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way (CROW) Act 2000 and the Natural Environment and Rural Communities (NERC) Act 2006, consolidated and amended existing national legislation to implement the Convention on the Conservation of European Wildlife and Natural Habitats (Bern Convention) and Council Directive 79/409/EEC on the Conservation of Wild Birds (Birds Directive).

Protection of Badgers Act 1992

The Protection of Badgers Act 1992 makes it illegal to kill, injure or take a badger or to intentionally or recklessly interfere with a badger sett. Sett interference includes disturbing badgers whilst they are occupying a sett or obstructing access to it.

Well-being of Future Generations Act 2015

The Act includes a set of seven statutory sustainable development goals for Wales and place a well-being duty on public bodies. The goals encompass the need to act on the causes and adapt to the consequences of climate change, as well as ensuring that Wales is globally responsible in its actions.

Environment (Wales) Act 2016

The Environment (Wales) Act 2016 seeks to ensure that natural resources are managed sustainably such that they are able to deliver social, economic and environmental benefits, including nature-based solutions to climate change adaptation and mitigation.

Welsh Government Policy

Future Wales: The National Plan 2040

Future Wales – the National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It addresses key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of communities.

Planning Policy Wales Edition 11 (2021)

Planning Policy Wales (PPW) sets out the Welsh Government's land use principles and what development plans must achieve. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy framework for Wales.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation.

Technical Advice Note 5 Nature Conservation and Planning

This Technical Advice Note provides advice about how the land use planning system should contribute to protecting and enhancing biodiversity and geological conservation.

Natural Resources Policy (2017)

The focus of the Natural Resources Policy (NRP) is on improving management of natural resources. It is a key part of the delivery framework for the sustainable management of natural resources established by the Environment (Wales) Act. It is also key to the delivery of the Well-being Goals set out within the Well-being of Future Generations Act and Wales international contribution to the delivery of the United Nation's (UN's) Global Goals.

Natural Resources Wales (NRW) North West Wales Area Statement

Natural Resources Wales (NRW) has developed seven Area Statements that relate to different regions of Wales. Viewed together, the seven Area Statements presents NRW's response to the NRP. The North West Area Statement identifies six themes:

- Ways of working;
- Climate and nature emergency;
- Reconnecting people with nature;
- Encouraging a sustainable economy;
- Supporting sustainable land management; and
- Opportunities for resilient ecosystems.

Nature Recovery Action Plan for Wales 2020 – 2021

The above plan identifies five immediate priorities for further action:

- Aligning the responses to the climate emergency with the biodiversity crisis;
- Addressing the post European Union (EU) exit funding gap for agri-environment measures;
- Providing spatial direction for targeting action for biodiversity;
- Improving the condition of the Protected Sites Network; and
- Exploring new and sustainable funding mechanisms for biodiversity action.

Further, more specific objectives are included in **Error! Reference source not found..**

Local Planning Policy

Anglesey and Gwynedd Joint Local Development Plan Adopted 2017

Specific policies within the Local Plan related to biodiversity include:

STRATEGIC POLICY PS 19: CONSERVING AND WHERE APPROPRIATE ENHANCING THE NATURAL ENVIRONMENT

The Councils will manage development so as to conserve and where appropriate enhance the Plan area's distinctive natural environment, countryside and coastline, and proposals that have a significant adverse effect on them will be refused unless the need for and benefits of the development in that location clearly outweighs the value of the site or area and national policy protection for that site and area in question. When determining a planning application, consideration will need to be given to the following:-

1. *Safeguard the Plan area's habitats and species, geology, history, the coastline and landscapes;*
2. *Protect or where appropriate enhance sites of international, national, regional and local importance and, where appropriate, their settings in line with National Policy;*
3. *Have appropriate regard to the relative significance of international, national or local designations in considering the weight to be attached to acknowledged interests, ensuring that any international or national responsibilities and obligations are fully met in accordance with National Policy;*
4. *Protect or enhance biodiversity within the Plan area and enhance and/or restore networks of natural habitats in accordance with the Local Biodiversity Action Plans and Policy AMG 5;*
5. *Protect or enhance biodiversity through networks of green/ blue infrastructure;*
6. *Safeguard internationally, nationally and locally protected species;*
7. *Protect, retain or enhance the local character and distinctiveness of the individual Landscape Character Areas (in line with Policy AMG 2) and Seascape Character Areas (in line with Policy AMG 4);*
8. *Protect, retain or enhance trees, hedgerows or woodland of visual, ecological, historic cultural or amenity value.*

POLICY AMG 5: LOCAL BIODIVERSITY CONSERVATION

Proposals must protect and, where appropriate, enhance biodiversity that has been identified as being important to the local area by:

- a. *Avoiding significant harmful impacts through the sensitive location of development.*
- b. *Considering opportunities to create, improve and manage wildlife habitats and natural landscape including wildlife corridors, stepping stones, trees, hedges, woodlands and watercourses.*

A proposal affecting sites of local biodiversity importance will be refused unless they can conform with all of the following criteria:-

1. *That there are no other satisfactory alternative sites available for the development.*
2. *The need for the development outweighs the importance of the site for local nature conservation;*
3. *That appropriate mitigation or compensation measures are included as part of the proposal. Where necessary, an Ecological Assessment which highlights the relevant local biodiversity issues should be included with the planning application.*

Natur Gwynedd Biodiversity Action Plan 2005 & Gwynedd Council Biodiversity Duty Plan 2017

The aims of Natur Gwynedd (available at <https://www.gwynedd.llyw.cymru/en/Council/Strategies-and-policies/Environment-and-planning/Natur-Gwynedd-Biodiversity-Action-Plan.aspx>) are to:

- help conserve the biodiversity of Gwynedd and, thereby, contribute to biodiversity conservation in Wales, the UK and the world.
- develop effective local partnerships to make sure that what we do will be maintained long term.
- increase our knowledge of Gwynedd's biodiversity.
- raise public awareness of biodiversity in Gwynedd.

The Plan includes action plans for priority species and habitats within Gwynedd, outside of Snowdonia National Park.

The Biodiversity Duty Plan (BDP) aims to build on the successes of the Natur Gwynedd Plan by taking a more holistic approach across the Council. It states, *“The recent recession in the UK and Brexit creates new challenges for maintaining and enhancing our biodiversity. Therefore more than ever we need to ensure that we prioritise conserving our wildlife for generations to come in order to sustain healthy communities, environment and economy in the future”*. 7. The BDP sets out an Action Plan containing the Council’s current actions for biodiversity and proposed actions for 2017-19.