

**Pembrokeshire County Council Draft Biodiversity Supplementary Planning Guidance
Consultation Report February 2014**

Annex 1: Consultation Responses				
Ref. number	Individual/ Organisation	Representation summary	PCC Response	Recommended change to SPG (if required)
1	Anthony Rogers <i>Pembrokeshire Biodiversity Partnership</i>	P6 Para 3.1.3. None of these species are endemic and some, such as Bats are widespread. Try Skomer Vole for an endemic species and Willow Blister Fungus as an exceptionally rare one.	Agree. Factual error.	Amend SPG to read: These habitats support numerous rare and vulnerable species such as...
2		P9 – the habitats table refers to Natural 2000 sites. That should be Natura 2000	Agree. Typographical error.	Amend SPG to read: Natura 2000 site.
3	David Clements <i>David Clements Ecology Ltd</i>	P8 – Heading 4.2.1 Para 3 after habitats and species protection -..... and provides statutory protection for certain species additional to those protected under the Habitats Regulations.	Agree.	Amend SPG to read: provides a general framework for habitats and species protection and sets out details of species afforded protection at UK level. It provides statutory protection for certain species additional to those protected under the Habitats Regulations.
4		Page 10 Table 1 Habitats Col.3 Row.2 - or the Welsh equivalent (Section 42)	Noted.	No change required to SPG.
5		Page 12 Para. 4.5.2 - Actually the fines are potentially up to £5K per animal or plant individual harmed – i.e. effectively unlimited.	Noted. Factual error.	Amend SPG to read: ...maximum penalties for destroying a bat roost are six months imprisonment and/or a £5000 fine per individual animal harmed.
6		Page 12 Para. 4.5.4 - But the applicant must be able to demonstrate that the development can be achieved in such a way that a licence could be obtained before the planning consent can be issued. Applicants must supply all of the necessary survey data and show that the development can meet the three tests before the	Noted.	No change to SPG required.

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		planning authority can consider the planning application. Surveys cannot be conditioned within a planning consent.		
7		Page 14 Para 5.1.1 - Applications for development cannot be considered until all of these elements have been satisfied in advance.	Noted.	No change to SPG required.
8		Page 14 Para. 5.1.3 - WWBIC acts as a central repository for habitats and species records for the area.	Noted.	No change to SPG required.
9		Page 15 Design - Show that licence could be obtained for the development as proposed.	Noted.	No change to SPG required.
10		Page 17 above Para. 5.4 - Bear in mind that it is not always possible to be certain that protected species are absent from a site, and that their presence may only become evident as the development progresses, in which case the statutory obligations and restrictions will still apply and delays may be encountered. Adequate and sufficiently detailed prior survey and assessment at the right time of year will considerably reduce the probability of such occurrences, however, if not eliminate them entirely.	Noted.	No change to SPG required.

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11		Page 19 Para.5.5.1 - Where licences have been obtained in respect of protected species, these will also usually require some level of post-development survey and monitoring.	Noted.	Amend SPG. Insert text at the end of paragraph: Where licences have been obtained in respect of protected species, these will also usually require some level of post-development survey and monitoring.
12		Page 19 Para 5.5.3 - Surveys for species or sites protected under the Habitats Regulations cannot be included in planning conditions.	Noted.	Amend SPG. Insert text at end of paragraph: Surveys for species or sites protected under the Habitats Regulations cannot be conditioned as part of any planning consent.
13		Page 20 Para 6.1.1- The presence (or potential presence) of protected species will require compliance with all of the relevant statutory obligations and responsibilities, and may involve obtaining a licence from the NRW, if criminal offences are to be avoided.	Noted.	Amend SPG. Insert text at end of paragraph to read: The presence (or potential presence) of protected species will require compliance with all of the relevant statutory obligations and responsibilities, and may involve obtaining a licence from the NRW, if criminal offences are to be avoided.
14		Page 20 Para. 6.2.2 - As with permitted developments, above, where protected species occur all of the statutory obligations and responsibilities relating to these, potentially including the need to obtain a licence from the NRW, will apply and must be resolved before the demolition proceeds, otherwise a criminal offence may be committed.	Noted.	Amend SPG. Insert text at end of paragraph to read: Where protected species occur all of the statutory obligations and responsibilities relating to these, potentially including the need to obtain a licence from the NRW, will apply and must be resolved before demolition proceeds, otherwise a criminal offence may be committed.

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15		Page 21 Para. 6.4.1 - Where light-sensitive protected species such as bats are involved, appropriate design of lighting to avoid or minimise adverse impacts will be a statutory requirement and may be subject to licensing by the NRW.	Noted.	Amend SPG. Insert text at end of paragraph to read: Where light-sensitive protected species such as bats are involved, appropriate design of lighting to avoid or minimise adverse impacts will be a statutory requirement and may be subject to licensing by the NRW.
16	Alison Lee <i>Cllr Pembroke Dock Central</i>	The proposed new guidance "may" be used in considering planning applications. Another words it is open to misinterpretation, manipulation & misuse.	Noted. The SPG is a material consideration in determining planning applications.	No change to SPG required.
17	Mary Chadwick <i>Conservation Officer Natural Resources Wales</i>	Para 3.1.3 - there are very few, if any, species endemic to Pembrokeshire that I'm aware of. Perhaps it would be better to say 'Pembrokeshire supports numerous rare or vulnerable species'.	Noted. Factual error.	Amend SPG to read: These habitats support numerous rare and vulnerable species such as...
18		Table 1 - Sites - Ramsar sites aren't included in Natura 2000 (just SAC and SPA)	Noted. Drafting error.	Amend SPG to read: SPA's and SAC's known collectively as 'Natura 2000' sites (see Habitats table below).
19		Table 1 - Species - places of shelter/protection of EPS are protected from any damage or destruction, regardless of intent. (This is quite important, because if someone e.g. destroys a bat roost, ignorance is not a defence.)	Noted.	No change to SPG required.
20		Table 1 - Species - there is a statement that species should be protected and enhanced - perhaps its better to say species should	Agree.	Amend SPG to read: Species should be protected and their habitats enhanced.

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		be protected and their habitats enhanced?		
21	Colin Russell <i>Centre Manager West Wales Biodiversity Centre</i>	On behalf my own organisation, I would like to say that we welcome the references to WWBIC as a source of local biodiversity information within section 5.	Noted.	No change required to SPG.
22		<p>With regard to section 5.1.3. there is an error in that we are described as an independent charity. In actual fact we are a not-for-profit company limited by guarantee and our service level agreement is primarily to provide PCC with managed biodiversity data extracted from our database of biological records. May I therefore suggest the following wording as being more accurate whilst maintaining the brevity of your original?</p> <p>The County Council has a service level agreement to provide managed biodiversity data with West Wales Biodiversity Information Centre (WWBIC), an independent not-for-profit company that operates across south west Wales.</p>	Noted. Factual error.	<p>Amend SPG: delete paragraph 5.1.3.</p> <p>Reference made to WWBIC in Figure 1.</p>
23	Helen Milton-High <i>Pembroke Design Ltd</i>	Greater emphasis of the LBAP and better links to it.	Noted. Links to LBAP already throughout SPG.	No change required to SPG.

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24		Stressing the importance of mitigation measures and their inclusion into the final design solution in as sensitive a manner as possible.	Noted.	No change required to the SPG.
25		A clearer understanding of a clients responsibilities, the severity of fines, and that the licensing is an entirely separate issue to the planning process - most folk to not realise this.	Noted.	No change required to the SPG.
26		A form of 'idiots guide' similar to your good practice diagram would be worth considering.	Noted.	No change required to the SPG.
27		Some actual examples of preferred types of lighting and controls would be useful as clients often question types of fittings etc.	Noted.	No change required to the SPG.
28		A link to a list of NRW approved consultants for all protected species types would be useful, not just for us but for our clients too.	Noted. Link to suitably qualified ecologists already provided in SPG.	No change required to the SPG.
29	David Harries <i>County Fungus Recorder</i>	Given that S42 grassland fungi species are well represented in Pembs - should the matrix (appendix 1) either include grassland fungi as a separate line with (Sep-) October (-Nov) shown for field recording, or should the range of habitats/vegetation extended into this period?	Agree.	Amend SPG Appendix 1 to extend range of habitats/vegetation to October and November.

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30	Martina Dunne <i>Pembrokeshire Coast National Park Authority</i>	1.1.1 Biodiversity is a material consideration in the planning process and must be integrated from an early stage into the timetabling, design and delivery of any development	Agree.	Amend SPG para 1.1.1 replace 'important' with 'material'.
31		2.2.2 Biodiversity in Pembrokeshire is influenced by both natural and anthropogenic factors. Development can have significant negative impacts on biodiversity that can lead to the destruction of habitats and the loss of biodiversity. However, by considering biodiversity issues at an early stage in the design and development process, development can provide significant positive benefits for biodiversity e.g through the creation of new and enhancing existing habitats, providing new opportunities for species conservation and enhancing ecological connectivity in the wider countryside.	Agree.	Amend SPG para 2.2.2 to read: Biodiversity in Pembrokeshire is influenced by both natural and anthropogenic factors. Development can have significant negative impacts on biodiversity that can lead to the destruction of habitats and the loss of biodiversity. However, by considering biodiversity issues at an early stage in the design and development process, development can provide significant positive benefits for biodiversity e.g. through the creation of new and enhancing existing habitats, providing new opportunities for species conservation and enhancing ecological connectivity in the wider countryside.
32		3.3.1 The Partnership has produced a Local Biodiversity Action Plan (LBAP) to co-ordinate existing, and initiate new actions, to conserve, enhance and promote biodiversity in Pembrokeshire, taking account of local, national and international, including European priorities. The LBAP	Agree.	Amend SPG para 3.3.1 to read: The Partnership has produced a Local Biodiversity Action Plan (LBAP) to co-ordinate existing, and initiate new actions, to conserve, enhance and promote biodiversity in Pembrokeshire, taking account of local, national and

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		identifies key habitats and species which are a priority for conservation action in Pembrokeshire and, for each, has produced an action plan to coordinate effort in line with the aims agreed amongst the partners of the PBP. These provide a focus for conservation action, including that within the development process. The planning system is an important mechanism for implementing actions set out in the Biodiversity LBAP and its individual habitat and species action plans. Further information on the LBAP including the habitat and species action plans can be found in the Council's Biodiversity web pages: www.pembrokeshire.gov.uk		international, including European priorities. The LBAP identifies key habitats and species which are a priority for conservation action in Pembrokeshire and, for each, has produced an action plan to coordinate effort in line with the aims agreed amongst the partners of the PBP. These provide a focus for conservation action, including that within the development process. The planning system is an important mechanism for implementing actions set out in the Biodiversity LBAP and its individual habitat and species action plans. Further information on the LBAP including the habitat and species action plans can be found in the Council's Biodiversity web pages: www.pembrokeshire.gov.uk
33		4.1.1 Key Principles Bullet Point 3 – The Council is committed to the implementation of the Local Biodiversity Action Plan which includes action plans for habitats and species See paragraph 3.3.1.	Noted.	No change required to SPG.
34		4.2 The Conservation of Habitats and Species Regulations 2010 transpose (92/43/EEC) into UK law	Agree.	Amend SPG to read: The Conservation of Habitats and Species Regulations 2010 @"The Habitats Regulations") – transpose the EU directive on the Conservation of Wild Fauna and

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				Flora (92/43/EEC) into UK law.
35		<p>Para 4.2.1 (Add in) To follow para The Conservation of Habitats etc.</p> <p>The Birds Directive 2009 – the 2010 Habitats Regulations were amended in 2012 to transpose Article 2d of the Birds Directive 2009 into UK law, Regulation 9A places a statutory duty in public bodies for the provision of sufficient diversity and area of habitats for wild birds. Joint Department for Environment Food and Rural Affairs (DEFRA) and Welsh Government guidance on the interpretation and implementation of Regulation 9A is currently in preparation.</p>	Agree.	<p>Amend SPG insert new paragraph following The Conservation of Habitats and Species Regulations 2010... to read:</p> <p>The Birds Directive 2009 – the 2010 Habitats Regulations were amended in 2012 to transpose Article 2d of the Birds Directive 2009 into UK law, Regulation 9A places a statutory duty in public bodies for the provision of sufficient diversity and area of habitats for wild birds. Joint Department for Environment Food and Rural Affairs (DEFRA) and Welsh Government guidance on the interpretation and implementation of Regulation 9A is currently in preparation.</p>
36		4.2.2 The proposed Environment (Wales Bill, currently in the form of a White Paper that has been subject to formal consultation, has the aim	Agree.	Amend SPG para 4.2.2 to read: The proposed Environment (Wales Bill, currently in the form of a White Paper that has been subject to formal consultation, has the aim

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37		4.6 Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), collectively referred to as the Natura 2000 series, are designated under the EC Habitats Directive as sites that will make a significant contribution to conserving habitat and species identified as most in need of conservation. There are a number of Natura 2000 sites in Pembrokeshire; certain forms of development impact upon habitats and/or species to which these sites are of European importance, both inside and outside Pembrokeshire County Council local planning authority jurisdiction.	Agree.	Amend SPG para 4.6.1 to read: Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), collectively referred to as the Natura 2000 series, are designated under the EC Habitats Directive as sites that will make a significant contribution to conserving habitat and species identified as most in need of conservation. There are a number of Natura 2000 sites in Pembrokeshire; certain forms of development impact upon habitats and/or species to which these sites are of European importance, both inside and outside Pembrokeshire County Council local planning authority jurisdiction.
		Para 6.2.1with a planning application or by applying for ...	Noted. Typographical error.	Amend SPG to read:with a planning application or by applying for ...
		Para 6.3.1wind turbine blades and linear	Noted. Drafting error.	Amend SPG to read:wind turbine blades and linear

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38	PCC recommended additional change to SPG	Summary page.	-	<p>Amend summary to read: Biodiversity is fundamental to the physical, economic and social well-being of all who live and work in Pembrokeshire but it also has a value in its own right.</p> <p>Amend SPG 1st sentence to read... everyone involved with development proposals...</p> <p>1st bullet point to read: The legislation protecting flora and fauna and habitats</p> <p>4th Bullet point to read: The integration of biodiversity into development proposals in order to enhance existing habitats and create new habitats for flora and fauna.</p>
39	PCC recommended additional change to SPG	Page 4 para 1.1.2	-	Amend SPG 1.1.2 to read: ...development proposals on legal responsibilities, obligations and the protection, conservation and enhancement of biodiversity during the development process.
		Page 4 Para 1.2.1	-	No change required to the SPG.
		Page 4 Para 1.2.2	-	No change required to the SPG.

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		Page 4 Para 1.2.3	-	No change required to the SPG.
40	PCC recommended additional change to SPG	Page 5 Para 2.2.2	-	No change required to the SPG.
41	PCC recommended additional change to SPG	Page 5 Para 2.3 The Ecosystems Approach	-	Amend SPG. Delete 2.3 The Ecosystems Approach paragraphs.
42	PCC recommended additional change to SPG	Page 6 Para 3.1.2	-	No change required to SPG.
		Page 6 Para 3.1.3 'endemic species'?	-	Amend SPG to read: These habitats support numerous rare and vulnerable species such as...
43	PCC recommended additional change to SPG	Page 7 Para 4.1.1	-	Change to SPG already made.
		Page 7 para 4.2	-	Change to SPG already made
44	PCC recommended additional change to SPG	Page 8 para 4.3 British Institute Standards	-	Amend SPG page 8 para 4.3. Insert new para 4.3.2 to read: The British Standards Institute (BSI) has published the British Standards for Biodiversity – Code of practice for planning and development (BS 420202:2013). The document amalgamates best practice and gives recommendations and guidance for those in the planning and development sectors whose work might affect or have

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				implications on biodiversity. Pembrokeshire County Council will take into account the British Standard for Biodiversity and would encourage those in the planning, development and environmental sector to adopt the processes and recommendations as published.
45	PCC recommended additional change to SPG	Page 9 Table 1.	-	No change required to SPG.
46	PCC recommended additional change to SPG	Page 11 Para 4.5	-	Amend SPG Page 11 Para 4.5 delete Licences from heading. Delete para 4.5.1 and table
		Page 11 Para 4.5.2	-	Amend SPG. Insert text at end of paragraph: It is the responsibility of the Local Planning Authority to consider species and habitats when determining a planning application and to ensure that there are no unnecessary adverse impacts.
		Page 11 Para 4.5.3	-	Amend SPG. Insert text at end of paragraph: ...Natural Resource Wales (NRW). If this information is not provided and is considered necessary as a requirement for the purposes of planning then this may be requested....

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		Page 11 Para 4.5.4	-	Amend SPG to read:be required from NRW to allow otherwise illegal activities to go ahead. If the development....
		Page 11 Para 4.5.5	-	Amend SPG to read:that planning permission to be approved (or a permitted....
47	PCC recommended additional change to SPG	Page 11 Para 4.5.6	-	No change required to SPG.
48	PCC recommended additional change to SPG	Page 12 Para 4.6	-	Amend SPG: Page 12 Para 4.6.1Areas (SPAs) are designated.... contribution to conserving habitats and species Para 4.6.2....must make an appropriate assessment of the.... Effect (TLSE) as required under regulation 61 of Habitats Regulations. If the proposal.... Assessment may be required. Applicants and developers are advised to seek advice....
49	PCC recommended additional change to SPG	Page 13 Para 5.1	-	Amend SPG: Delete WWBIC paragraph and planning toolkit paragraph.

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50	PCC recommended additional change to SPG	Page 14 Figure 1	-	Amend SPG. Page 14 Enlarge sub headings. Add Monitoring (if req) to Post application stage
51	PCC recommended additional change to SPG	Page 15 Para 5.3	-	Amend SPG. Delete para 5.3.1. Insert new paragraph to read: In accordance with the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 and the British Standards for Biodiversity, applications which require ecological surveys, will not be validated until such information can be provided. The level of information should be necessary, relevant and proportionate to the development and adequate to inform the determination of the application. Pre-application discussions provide an opportunity for applicants to identify if surveys are required and the necessary level of information.
52	PCC recommended additional change to SPG	Page 15 Para 5.3.2	-	Amend SPG to read: it will need to be undertaken and incorporated into early.... There are seasonal and time constraints to ecological surveying, which should be carefully planned into the development

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				process. Appendix 1 sets out Ecological Survey Seasons if unsure on survey requirements pre-application advice should be sought.
		Page 15 Para 5.3.3	-	Amend SPG to read:habitats or species to be present or affected by.....
53	PCC recommended additional change to SPG	Page 17 Para 5.4.6	-	Amend SPG to read: The Local Authority has statutory duty.... achieve this duty is through the planning process by ensuring development proposals maintain and enhance the Habitat and SPP on site. <i>Delete the rest of para.</i>
54	PCC recommended additional change to SPG	Page 17 Para 5.4.8	-	No change required to SPG.
55	PCC recommended additional change to SPG	Page 18 Para 5.5	-	No change required to SPG.
56	PCC recommended additional change to SPG	Page 19 Para 6.1.1....	-	Amend SPG to read: Even is a proposal is permitted development the work may still disturb a protected SPP or damage an important habitat. To ascertain the potential impact of a proposal or establish if a licence would be

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				required....
	PCC recommended additional change to SPG	Page 19 Para 6.2.2	-	Amend SPG to read:and define any biodiversity issues, such as the presence of protected SPP that need to be....
57	PCC recommended additional change to SPG	Page 19 Para 6.3	-	Amend SPG. Change heading to read: Renewable Energy Proposals. Amend paragraph to read: Renewable energy proposals have the potential to impact on wildlife. ...connections to grid, so as to reduce the potential impact on habitat features of species If you are.... ...preliminary survey may need to be undertaken....
58	PCC recommended additional change to SPG	Page 22 Glossary	-	No change required to SPG.
59	PCC recommended additional change to SPG	Page 23	-	Amend SPG. Re-order email addresses so Conservation main point of contact. Under useful documents include: British Standards for Biodiversity – Code of practice for planning and development (BS 420202:2013), British Standards Institute.

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				Insert link to list of ecologists, best practice documents and PCC planning ecologist web pages.
60	PCC recommended additional change to SPG	Page 25	-	Amend SPG. Delete Appendix 2.
61	PCC recommended additional change to SPG	Re order sections of document.	-	Amend SPG. Re-order sections <ul style="list-style-type: none"> - 4 – 4.4 - 5 - Figure 1 - 5.2 – 5.4 - 4.5 – 4.6 - 5.5 - 6