

RDP013 – ‘Where the Wild Things Are’ project

Pilot activity – Local Wildlife Sites: a material consideration in Local Authority planning process

Introduction

Local Wildlife Site (LWS) status does not carry confer conservation protection like that of Statutory Designated sites, such as Sites of Special Scientific Interest (SSSI), but are a material consideration in the Local Authority planning process. The new Powys Local Development Plan (LDP), adopted in April 2018, fails to specifically mention Local Wildlife Sites (LWS) or Sites of Interest/Importance to Nature Conservation (SINCs) in ‘Policy DM2 – The Natural Environment’. However, both LWS and SINCs are included in the Biodiversity and Geodiversity Supplementary Planning Guidance, adopted October 2018:

“6.26 As well as sites referred to in Policy DM2, there are a number of other important locally designated sites, which applicants’ proposals will need, to ‘demonstrate how they protect, positively manage and enhance’.

6.27 The most common of these local designations are Sites of Interest for Nature Conservation (SINC). These are assessed and selected using specific criteria, which recognise their wildlife value, agreed by members of the Powys Biodiversity Partnership (see Appendix B). These sites help meet local and national biodiversity objectives and contribute to the quality of life and well-being of the local community. SINC are not necessarily open to the public, with the majority having no public access at all. Should a site visit be necessary for surveying purposes then applicants must contact the landowner to seek permission to enter the site.

6.28 When a SINC has been identified, subsequent negotiations with the landowner can result in a management agreement being drawn up and the site becoming a Local Wildlife Site (LWS). Where funding allows, these additional negotiations are usually carried out by the three Wildlife Trusts (WT) that operate in Powys (see Appendix B).”

Despite this protection, in the past, sites of LWS quality, but not yet selected as such, were being ignored in the planning process. One of the objectives of this LWS project is to review the criteria by which these sites are selected to ensure that this process is easily workable and fully embedded within the planning system into the future. Whilst the criteria is being reviewed, we are unable to select any new sites. This pilot set out to test whether a site could be protected from inappropriate development, on the basis of the site’s ecology and likelihood of becoming a LWS.

Gwarchod natur ar gyfer y dyfodol

Protecting wildlife for the future

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Actions undertaken

Site under threat – lowland meadow & rush pasture
Planning application - Erection of poultry unit
Local Authority – Powys County Council (PCC)

Montgomeryshire Wildlife Trust (MWT) initially objected to the planning application on 20th April 2017, primarily on the basis of insufficient information regarding the ecological impacts of the proposal.¹ This was followed with a follow up objection on 31st July 2017.² A survey was then arranged for the 2017 survey season and was carried out by MWT staff and volunteers on 14th August 2017. The survey data indicated a biodiverse site of largely National Vegetation Classification (NVC) MG5 grassland; a habitat likely to qualify as a LWS. The site also contained rush pasture of NVC M23. Information provided verbally on the day was fed back to the owner via email on 15th August 2017. Additional information, including map and species list, was then sent to the relevant planning officer, confirming the site status and our continued objection to the planning application.³ In part empowered by our support and information, the local community continued to fight the proposals, raising the profile with AM Russell George and the local press. It was brought to our attention a few months later that an ecological survey had been submitted (although PCC failed to bring this directly to our attention). However, this report failed to assess the full impact of the proposed development and stated that “*According to Montgomery Wildlife Trust, this site is ‘likely to be considered Local Wildlife Site quality’ although no evidence for this is available*” despite never contacting us directly. MWT provided comments on this document to PCC on 11 October 2017.⁴

On 24th November 2017 PCC refused planning permission this poultry unit application. Two reasons were given for this; point 2 referred to biodiversity and ecology as follows: “*Insufficient information has been submitted to demonstrate that the proposed development would not have an unacceptable impact on biodiversity and features of ecological interest. The proposed development is therefore considered to be contrary to policies ENV3, ENV5 and ENV6 of the Unitary Development Plan (March 2010), Technical Advice Note 5- Nature Conservation and Planning (2009) and Planning Policy Wales (Edition 9, 2016).*”

Conclusion

It is very positive that this potentially damaging planning application was refused and it is our understanding that this was the first time PCC refused an application of this kind in Powys. There is no doubt that its potential status as a LWS added greater weight to ecological considerations in this case and the project allowed us to provide a greater level of support than we are normally able to for a planning application. So in this case, we are able to prove that it is possible for LWS to be a material consideration in planning. Working with local people is also key.

This planning application was refused under the Powys Unitary Development Plan. A fresh planning application was then submitted for a poultry unit at the same location and MWT once again objected. This application was considered against the new Powys LDP and was refused on 23rd May 2019, however the reasons given for refusal on this occasion did not include ecological considerations, just highways safety and foul drainage. This refusal has since been appealed by the applicant. This would suggest that the new Powys LDP fails to adequately protect LWS on the basis of the site’s ecological value.

Supporting documents

1. MWT letter of objection to planning application dated 20th April 2017.
2. Follow up objection via email dated 31st July 2017.
3. Email to PCC planning dated 15 August 2017.
4. Email to PCC planning dated 11 October 2017.