

**BACKGROUND PAPER 2
PAPUR CEFNDIR 2**



NATURAL HERITAGE

**DEPOSIT LOCAL DEVELOPMENT PLAN
UP TO 2021**

October 2008

TREFTADAETH NATURIOL

**CYNLLUN ADNEUO DATBLYGU LLEOL
HYD AT 2021**

Hydref 2008



**CAERPHILLY COUNTY BOROUGH
LOCAL DEVELOPMENT PLAN
Up to 2021**

**BWRDEISTREF SIROL CAERFFILI
CYNLLUN DATBLYGU LLEOL
Hyd at 2021**

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PAPUR CEFNDIR 2 TREFTAETH NATURIOL

**LDP DEPOSIT
October 2008**

**CDL ADNEUO
Hydref 2008**

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CONTENTS	Page
1 Introduction	2.3
Part A – Context	
2 Key Natural Heritage Policy and Legislative Assessment	2.4
2.1 <u>International</u>	2.4
2.1.1 Council Directive 92/43/EEC on the Conservation of Natural Habitats and of wild flora & fauna (Habitats Directive)	2.4
2.1.2 The Convention of Biological Diversity	2.4
2.1.3 The European Landscape Convention	2.5
2.2 <u>National – UK</u>	2.5
2.2.1 Wildlife and Conservation Act	2.5
2.2.2 The Conservation (Natural Habitats, &c.) Regulations	2.6
2.2.3 The Countryside and Rights of Way Act	2.6
2.2.4 The Natural Environment and Rural Communities Act	2.7
2.2.5 The UK Biodiversity Action Plan	2.7
2.2.6 The Hedgerow Regulations	2.7
2.3 <u>National – Wales</u>	2.8
2.3.1 Wales Spatial Plan	2.8
2.3.2 People, Places, Futures: Wales Spatial Plan, 2008 Consultation Document	2.9
2.3.3 Planning Policy Wales	2.10
2.3.4 Technical Advice Note 5: Nature Conservation and Planning	2.11
2.3.5 Draft revised Technical Advice Note 5: Nature Conservation and Planning	2.11
2.3.6 Technical Advice Note 6: Agriculture and Rural Development	2.12
2.3.7 Technical Advice Note 10: Tree Preservation Orders	2.12
2.3.8 Technical Advice Note 12: Design	2.13
2.3.9 Shaping the Way we Work, Live and Play: Practical Guidance on Delivering Sustainable Development through the Planning System	2.13
2.3.10 Wales Biodiversity Framework	2.14
2.3.11 Environment Strategy for Wales	2.15
2.3.12 Ministerial Interim Planning Policy Statement on Climate Change	2.15
2.3.13 The LANDMAP system	2.16
2.4 <u>Regional – South East Wales</u>	2.17
2.4.1 Turning Heads... A Strategy for the Heads of the Valley 2020	2.17
2.4.2 Valleys Regional Park Concept	2.17
2.5 <u>Local</u>	2.18
2.5.1 Community Strategy: Community Planning in Action	2.18
2.5.2 The Living Environment Partnership Strategy	2.18
2.5.3 Caerphilly County Borough Council Local Biodiversity Action Plan	2.19
2.5.4 Countryside Strategy	2.19
2.5.5 Caerphilly Local Development Strategy	2.20

3	Key Issues for Caerphilly County Borough	2.20
	Part B – Protection of the Natural Heritage	2.21
4	Biodiversity	2.22
4.1	Special Areas of Conservation	2.22
4.2	Sites of Special Scientific Interest	2.24
4.3	Sites of Importance for Nature Conservation	2.25
4.4	Local Nature Reserves	2.26
4.5	Protected Species	2.27
4.6	Ecological Networks	2.28
4.7	Conservation of Landscape, Amenity and Biodiversity Outside Designated Areas	2.29
5	Landscape	2.30
5.1	Special Landscape Areas	2.31
5.2	Visually Important Local Landscapes	2.33
5.3	Green Belts	2.34
5.4	Green Wedges	2.35
5.5	Trees, Woodlands and Hedgerows	2.35
5.6	Common Land, Allotments, Town & Village Greens	2.38
6	Geology & Geomorphology	2.38
6.1	Regionally Important Geological Sites	2.38
6.2	Soil	2.39
	Part C – Development and the Natural Heritage	2.40
7	Access, Recreation and Tourism	2.40
7.1	Access	2.41
7.2	Recreation	2.41
7.3	Tourism	2.42
8	Development	2.42
8.1	Design	2.42
8.2	Rural Diversification	2.43
8.3	Development in the Countryside	2.44
8.4	Rural Building Conversions	2.45
8.5	Climate Change	2.45
9	Agriculture and Forestry Development	2.46
9.1	Conserving the Best and Most Versatile Agricultural Land	2.46
9.2	Development Associated with Agriculture and Forestry	2.47
9.3	Farm and Forestry Diversification	2.47
10	Key Issues of for the Local Development Plan	2.48
10.1	Natural Heritage Local Development Plan Recommendations	2.48
10.2	Supplementary Planning Guidance	2.49
	Glossary	2.50
	References	2.51

1. INTRODUCTION

- 1.1 The term *Natural Heritage* covers the geology, geomorphology, biodiversity, landscape and amenity value of the Welsh environment. It embraces the relationships between landform and landscape, habitats and wildlife, the capacity to sustain and promote economic activity and to provide enjoyment and inspiration. The natural heritage is not confined to the countryside or designated sites and is just as important in our urban areas.
- 1.2 The natural heritage of Wales offers an abundance of things to do, see, enjoy and benefit from. Caerphilly County Boroughs countryside offers extraordinary natural heritage and breathtaking and diverse landscapes that shift and change throughout the year. The natural heritage is a valuable natural resource proving many of our basic needs, clean air, water, food, raw materials, recreation and economic activity, for example.
- 1.3 The natural heritage, is however vulnerable and under significant pressure. Increasing populations, the need to supply additional housing, expand transport networks, provide employment sites, waste treatment and disposal facilities, changing rural practices and economies and climate change are all contributing to the pressure that the natural heritage is being put under.
- 1.4 Often perceived as an urban authority, Caerphilly County Borough is actually a rural authority and is made up of 80% countryside, which is defined within the context of the Local Development Plan (LDP) as *land that lies beyond the settlement boundary*. 44% of the land is classified as agricultural holdings (June 2003 Welsh Agriculture Census) 13% is common land and 10% is forestry.
- 1.5 Changes to the countryside and our natural heritage are inevitable and necessary. But, these changes must be appropriate and seek to not only protect and conserve, but also to enhance the natural heritage over the plan period, so not to devalue this precious resource.
- 1.6 This background paper is a supporting document of the LDP, it sets out the detailed information, evidence and reasoning behind the countryside and natural heritage policies and will highlight the key issues.

Part A - Context

2. KEY NATURAL HERITAGE POLICY AND LEGISLATIVE ASSESSMENT

This assessment will identify adopted and emerging international, national, regional and local (Caerphilly CBC) policy that will be considered in the formulation of policies for the Local Development Plan. The following highlights the main policy considerations and is not an exhaustive list.

2.1 International

The following legislation and guidance contain treaties, obligations or commitments that the UK and Wales have signed up to. As such, these must be considered in the formulation of any development plan document that affects the natural heritage;

2.1.1 Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Flora & Fauna (Habitats Directive)

As people make increasing demands on the environment our wildlife habitats are coming under more and more pressure. The Habitats Directive recognises this and aims to protect the wild plants, animals and habitats that make up our diverse natural environment.

The Habitats Directive main aim is to promote the maintenance of biodiversity, taking into account economic, social, cultural and regional requirements. The Directive recognises the importance of tackling habitat deterioration and loss at a community level in order to conserve them and states that "*land use planning and development policies should encourage the management of features of the landscape which are of major importance for wild fauna and flora.*"

Special Areas of Conservation (SACs) are designated and managed through the Habitats Directive. Caerphilly County Borough has one designated SAC, namely Aberbargoed Grasslands.

2.1.2 The Convention of Biological Diversity, May 1992

The Biodiversity Convention is an international treaty that sets overall goals, policies and general obligations. The three main objectives of the treaty are:

- The conservation of biological diversity (biodiversity);
- Sustainable use of its resources;
- Fair and equitable sharing of benefits arising from genetic resources.

The responsibility for achieving these objectives rests largely with the countries themselves. The Convention requires governments to develop national biodiversity strategies and action plans, and to integrate these into national plans for development and the environment.

2.1.3 The European Landscape Convention, 2000

The European Landscape Convention (ELC) was created to provide an international legal instrument that dealt directly and specifically with landscapes and their protection, development and sustainable management. The significant quality of the ELC is that it refers to not only the exceptional landscapes, but also the 'ordinary' and 'everyday' landscapes. It promotes and recognises landscape as a living environment which includes the more traditional rural view of landscapes as well as the modern suburban landscapes that are home to so many of the population now.

The ELC defines '*Landscape*' as an area, perceived by people, whose character is the result of action and/or human factors.

In accepting the principles and aims of the convention, countries have a duty to protect, manage and/or plan their landscapes by adopting a whole series of general and specific measures at national level. Countries signed up to the convention agree to implement four general measures at national level;

- Legal recognition of landscapes as constituting an essential component of the setting for peoples lives, as reflecting the diversity if their common cultural and natural heritage and as the foundation of their identity;
- Establishment and implementation of policies to protect, manage and plan landscapes;
- Procedures for participation by the general public, local and regional authorities and other parties interested in the formulation and implementation of landscape policies;
- Integrating landscapes into regional and town planning policies, cultural, environmental, agricultural, social and economic policies, and any other policies which may have direct or indirect impact on the landscape.

The UK government signed the European Landscape Convention on 24th February 2006, and was subsequently ratified by the Council of Europe on the 21st November 2006.

2.2 National - UK

The following legislation, law and guidance contains requirements or policy considerations that need to be considered and included when formulating a development plan in relation to the countryside and natural heritage;

2.2.1 Wildlife and Countryside Act, 1981

The Wildlife and Countryside Act is the principle piece of legislation and means by which the Convention on the Conservation of European Wildlife and Natural Habitats (the 'Bern Convention') and the European Union Directives on the Conservation of Wild Birds (79/409/EEC) (N.B. this was in 1992 and is transposed into UK law by the Habitats Regs in 2.2.2 below not this Act) are implemented in Great Britain. The Wildlife and Countryside Act is divided into four parts.

- Part I – Protection of Wildlife
- Part II – Countryside and National Parks (and the designation of protected areas)
- Part III – Public Rights of Way
- Part IV – Miscellaneous provisions of the Act

The Wildlife and Countryside Act requires local authorities to take steps that they consider expedient for bringing to the attention of the public the effect of the Act and any order made affecting the whole or part of their area. Any part of the Act that is considered to be relevant in land use planning terms should be given due care and consideration when preparing the Local Development Plan.

2.2.2 The Conservation (Natural Habitats, &c.) Regulations 1994 (as amended)

The Habitats Directive has been transposed into English and Welsh law as the Conservation (Natural Habitats &c.) Regulations. More commonly known as the Habitats Regulations.

Under the Habitat Regulations Local Government has a duty to have regard of the Habitats Directive. The Habitat Regulations require that before permission or authorisation is given for a plan, it should ensure that there would be no significant affect upon a European site or species (regulation 48.1, Part IV).

These Regulations were amended in 2007 (England and Wales) in response to two judgements from the European Court of Justice (ECJ) with regards to the inadequate transposition of the Habitat Regulation requirements into UK law.

2.2.3 The Countryside and Rights of Way Act, 2000

The Countryside and Rights of Way Act 2000 (also known as the CROW Act) extends the public's ability to enjoy the countryside whilst also providing safeguards for landowners and occupiers. It creates a new statutory right of access to open country and registered common land, modernises the rights of way system, gives greater protection to Sites of Special Scientific Interest (SSSIs), provides better management arrangements for Areas of Outstanding Natural Beauty (AONBs), and strengthens wildlife enforcement legislation.

The Countryside and Rights of Way Act, 2000 places a duty on the Assembly to have regard to conserving biodiversity in accordance with the United Nations Convention on Biological Diversity, 1992. This included a requirement under Section 74 to publish a List of Species and Habitats of Principal Importance for the Conservation of Biological Diversity, which was published by the Welsh Assembly Government as 'Going Wild in Wales' in November 2003. These habitats and species are more commonly referred to as section 42 priority species and habitats. The list contains all UK Biodiversity Action Plan habitats and species known to occur in Wales in addition to species of particular conservation significance in Wales and is required by legislation under the NERC (see below) (2006) Biodiversity Duty.

2.2.4 Natural Environment and Rural Communities Act, 2006

The Natural Environment and Rural Communities Act (NERC) places a duty on local authorities in England and Wales to play a key role in the conservation of biodiversity (Section 40, NERC ACT, 2006).

The Act requires that local authorities must be able to show that they are actively implementing the NERC duty by:

- Appropriately integrating biodiversity conservation and enhancement throughout all departmental policies and activities;
- Ensuring that all staff, managers and elected members understand how biodiversity issues relate to their own decisions and actions;
- Ensure provision is sustained to support local biodiversity initiatives such as Local Biodiversity Action Plans, Biological Record centres and Local Site Systems;
- Ensure biodiversity, in particular species and habitats of principle importance, are properly protected and enhanced in line with statutory nature conservation obligations;

Local authorities have a statutory obligation to consider and integrate biodiversity conservation throughout all their policies, strategies and development plans. Forward planning is considered to offer the opportunities to maintain and enhance biodiversity, improve quality of life and adapt to climate change.

The CROW Act Section 74 list has been subsumed into Section 42 of the NERC Act and has been revised by the WAG (consultation completed December 2007).

2.2.5 United Kingdom Biodiversity Action Plan, 1994

The United Kingdom Biodiversity Action Plan (UKBAP) is the UK Government's response to the Convention on Biological Diversity (CBD) signed in 1992 and describes the UK's biological resources, commits a detailed plan for the protection of these resources and has 391 Species Action Plans, 45 Habitat Action Plans and 162 Local Biodiversity Action Plans with targeted actions.

The UKBAP details the UK natural resources and methods to implement sustainable management. It sets out the broad strategy for conserving and enhancing wild species and habitats in the UK over the next 20 years.

The UKBAP recommendations and objectives should be transposed into Local Biodiversity Action Plans, for action at the local level, which in turn should be transposed into Local Development Plans.

2.2.6 The Hedgerow Regulations, 1997

The Hedgerow Regulations are intended to protect important countryside hedges from destruction or damage and removal. Hedgerows in the countryside, and their conservation, is a quite different subject from the management and regulation of hedges around houses, and, more specifically, between neighbours.

For this reason, the Hedgerow Regulations 1997 specifically exclude any hedgerow, which is within, or borders, a domestic garden. For these hedges other legislation exists, namely the High Hedges and Anti-Social Behaviour Act, 2003.

Parts of the county borough are strongly characterised by the presence of hedgerows, and these features are integral to creating a sense of place and local distinctiveness. The unnecessary removal of hedgerows should be avoided and their continued presence and further enhancement should be critical. However, there are no requirements for the LDP to include policies on the retention of hedgerows as a feature in their own rights due to their background in national legislation. Hedgerows are recognized as a priority habitat in the UK BAP and also as a local priority habitat LBAP for Caerphilly County Borough.

2.3 National - Wales

The following guidance and advice contains national requirements or policy considerations that need to be considered and included when formulating the Local Development Plan in relation to the countryside and natural heritage;

2.3.1 Wales Spatial Plan, 2004 (WSP, 2004)

The Wales Spatial Plan *“aims to ensure the Welsh Assembly Government’s policies and programmes come together effectively with the workings of local government, business and other partners across Wales, to enable a truly sustainable future”*.

The WSP vision for the environment states that *“The quality of our environment is a fundamental asset; for its intrinsic value, for our economy and quality of life. By safeguarding and enhancing both the natural and built environment we will attract people to and retain them in our communities and preserve the foundations for the future.”* (page 22, WSP 2004)

The WSP highlights the important role that the environment plays by recognising it as a critical asset. Wales benefits from high quality landscapes, a wealth of archaeological sites, historic monuments, and a rich biodiversity. Preserving and enhancing this quality will be increasingly important to the long-term ability of Wales to be a place where people chose to live and work. However, the environment is more fundamentally our life-support system; a system which we are placing under increasing strain.

Caerphilly County Borough is located in the South East “Capital Network”. This area is considered to be *“strikingly beautiful countryside”*. Perhaps one of the most important points made is that this beautiful countryside *“runs not just through the Vale of Glamorgan and Monmouthshire, but throughout the former coalfield industrial area.”* The Wales Spatial Plan highlights that protecting and enhancing this countryside is not just important for its own sake, but for the quality of life, which is a key factor in its attractiveness to skilled workers.

2.3.2 People, Places, Futures: Wales Spatial Plan, 2008 Consultation Document

The revised Wales Spatial Plan sets out a vision for how each part and the whole of Wales should develop economically, socially and environmentally over the next 20 years.

The revised Wales Spatial Plan has highlighted that since the publication of the WSP, 2004, one issue has become ever more prominent – Climate Change. The increasing importance of adapting to and mitigating against climate change is critical and taking the long term view of the impacts on all aspects of Wales including the natural environment is essential.

The Wales Spatial Plan sets out the need to “*understand better how we can use Wales’ great environmental assets and opportunities in a way that really benefits people and the economy, without damaging them*”. The WSP, 2008 continues by recognising that it is not just the environmental assets that are “*traditionally*” recognised as being important such as Areas of Outstanding Natural Beauty or National Parks, but also the remainder of Wales’ rural landscapes and the built environment.

The South East Wales Spatial Area has much to offer in terms of a first class quality of life and this needs to be protected and enhanced by;

- Getting the best of both high quality urban living and close proximity to stunning countryside;
- Careful management of development pressures to safeguard and enhance the areas of high quality landscape and countryside;
- Protecting environmentally sensitive areas and identifying opportunities to restore and create other sites, which will safeguard the areas of biodiversity and help, adapt to and mitigate for the effects of climate change.

The Environment Strategy sets out the Welsh Assembly Governments vision for the environment in Wales. The Wales Spatial Plan is a key driver of this vision. Making the South East Wales Spatial Area work, as a Networked Environment Region is central to addressing the challenges of past and future development whilst delivering many of the Environment Strategy Options.

The concept of the Environment Region builds on work currently being undertaken by the Countryside Council for Wales – the main elements being;

- Strategic wildlife corridors that will be identified to join up natural habitats and link existing designated habitats;
- River habitats will be important wildlife corridors. Their management as wildlife corridors need to be combined with their role in protecting against flooding and in offering opportunities for leisure and tourism;
- Action to strengthen the environmental networks will enhance the quality of life and support tourism and leisure;
- Planning by local planning authorities and all habitat management should seek to protect soil carbon, supporting wider action on climate change and flood risk mitigation.

2.3.3 Planning Policy Wales, 2002 (PPW, 2002)

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Assembly Government (WAG). PPW is national planning policy and local government is obliged to take it into account when preparing development plans.

PPW recognises the countryside as a dynamic and multi-purpose resource. It goes on to state that “*In line with sustainability principles, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiological, historical, archaeological and agricultural value and for its landscape and natural resources, balancing the need to conserve these attributes against the economic, social and recreational needs of local communities and visitors*” (para 2.4.5)

The Assembly Government’s objectives for the conservation and improvement of the natural heritage are to;

- Promote the conservation of landscape and biodiversity, in particular the conservation of native wildlife and habitats;
- Ensure that action in Wales contributes to meeting international responsibilities and obligations for the natural environment;
- Ensure that statutorily designated sites are properly protected and managed; and to;
- Safeguard protected species.

PPW advises that local planning authorities take account of the following;

- Considerations of biodiversity and landscape, specifically the objectives of the UK Biodiversity Action Plan and any Local Biodiversity Action Plans (5.2.4, 5.2.7, 5.4.2)
- International, national and local designations (5.3.2)
- Integrated strategies for social, economic and environmental sustainability (5.4.1)
- Ways to benefit local communities and enhance social and economic progress through the conservation and enhancement of natural heritage (5.4.1)
- Principles and targets set out in Local Agenda 21 Strategies, National Habitat and Species Action Plans, Countryside and Community Strategies (5.4.2).
-

2.3.4 Technical Advice Note 5: Nature Conservation and Planning, 1996

Technical Advice Note 5 (TAN5) provides technical advice to supplement the policy set out in *PPW*. *TAN5* must be considered when preparing the LDP. *TAN5* relates to the land use planning considerations of Nature Conservation, however UK and national nature conservation policy provide its context. *TAN5* should be viewed in conjunction with *PPW* and draft revised *TAN5*.

TAN 5 requires Local Planning Authorities to ensure that all nature conservation policies in development plans should indicate the criteria against which a

development will be judged having regard to the relative significance of international, national and local designations.

TAN5 also recognises the important role that local authorities have in delivering biodiversity objectives at a local level.

2.3.5 Draft Revised Technical Advice Note 5: Nature Conservation and Planning, 2006

The revision of *TAN5* aims to bring together advice on sources of legislation relevant to various nature conservation topics, which may be encountered by local planning authorities.

In summary, the *draft revised TAN5* requires LPA's to:

- Set out the key principles of planning for nature conservation;
- Provide advice about the preparation and review of development plans, including the relevant statutory requirements;
- Address nature conservation in development control procedures;
- Deal with the conservation of internationally and nationally designated sites and habitats and also covers local sites;
- Deal with the conservation of protected and priority species.

The draft revised TAN5 is currently awaiting the decision of the European Court of Justice's Judgement in the Case C6-04 Commission v UK prior to formal adoption so that any necessary revisions in light of the decision can be made to the document.

The draft TAN is a material consideration and as such regard should be given to the key principles identified within draft TAN5, including:

- Look for development to provide a net benefit for biodiversity conservation with no significant loss of habitats or populations of species, locally or nationally;
- Integrate nature conservation into all planning decisions looking for development to deliver social, economic and environmental objectives;
- Plan to accommodate and reduce the effects of climate change by encouraging development that will reduce damaging emissions and energy consumption and that will help habitats and species to evolve in response to climate change.

Local development plan policies and proposals should be based upon up-to-date information and should promote opportunities for the incorporation of wildlife and geological features within the design of development and green infrastructure.

When considering policies and proposals in local development plans, local planning authorities should:

- Pay particular attention to the principle of sustainable development;
- Contribute to the protection to improvement of the environment, so as to improve the quality of life and protect local and global ecosystems, avoiding irreversible harmful effects on the natural environment;

- Achieve the conservation and enhancement of statutorily designated areas;
- Ensure that appropriate weight is attached to designated sites of international, national and local importance;
- Protect wildlife and natural features in the wider environment;
- Ensure that the range and population of protected species is sustained;
- Adopt a stepwise approach to avoid harm to nature conservation, minimise unavoidable harm by mitigation measures, offset residual harm by compensation measures and look for new benefits for nature conservation.

2.3.6 Technical Advice Note 6: Agricultural and Rural Development, 2000

The development of agricultural land will invariably result in the loss of the valuable natural resource and its return to agricultural use is seldom practicable. The restoration of natural habitats or landscape features is rarely possible, very expensive and once archaeological and/ or historic features are lost, they are irreplaceable. LPAs should keep this in mind with considering agricultural land and rural development.

Technical Advice Note 6 (TAN6) deals with the following issues;

- Agricultural land quality;
- Re-use and adaptation of rural buildings;
- Development related to farm diversification;
- Development related to agricultural and forestry;
- Agricultural and forestry dwellings;
- Development involving horses.

TAN 6 should be read in conjunction with PPW and any relevant circulars. The TAN requires LPAs to consider the quality of agricultural land, other agricultural factors and seek to minimise any adverse affects on the environment when preparing development plans.

2.3.7 Technical Advice Note 10: Tree Preservation Orders, 1997

Under the Town and Country Planning Act 1990 (Section 198) Local Planning Authorities are empowered, in the interests of amenity, to protect trees and woodlands by making Tree Preservation Orders (TPOs). As such, any tree or woodland that has a TPO attached to it is legally protected from cutting down, uprooting, topping, lopping, wilful damage or destruction without consent from the LPA.

Tree Preservations Orders should be considered where provision should be made for the preservation of trees or woodlands in the interest of amenity (para 14). TPOs should be made where the removal of trees and woodlands whose removal would have a significant impact on the environment and its enjoyment by the public. TPOs cannot be made on bushes, shrubs or hedgerows.

2.3.8 Technical Advice Note 12: Design, 2002

The quality of cities, towns, villages and the urban and rural landscape are important in defining the confidence and direction of a nation and its culture. The design of development in the environment is significant to the quality of our lives and is major factor in sustaining a positive image of Wales. TAN 12 has an underlying focus of sustainability as its main theme.

Technical Advice Note 12: Design (TAN12) includes the following issues;

- Inclusive design;
- Transport and movement;
- Landscape;
- Biodiversity;
- The public realm;
- The historic environment;
- Housing design and layout;
- Rural areas
- Resource efficient layout;
- Resource efficient buildings.

TAN 12 stipulates that the planning system has a responsibility to *“be pro-active in raising the standard of design and in raising awareness of design issues amongst the general public”* (para 3.5) The objectives of good design; achieving sustainable design solutions, sustaining or enhancing character, promoting innovative design and designing for change all provide a more holistic approach to design issues.

TAN 12 makes specific reference to the many aspects of the natural heritage including the landscape setting of designs and inclusive design that includes landscape and biodiversity issues. TAN 12 highlights that Local Planning Authorities have a duty to consider the conservation and enhancement of biodiversity in their planning policy and are responsible for adequately assessing the relative qualities of their local landscape.

It is considered that *“good design will almost always be dependent on working within the natural constraints of the landscape, and this should be the starting point from which the design of development evolves”*. The aim of all new developments should be to *“achieve sustainable design solutions which maximise environmental impact.”* (para 5.18).

2.3.9 Shaping the Way We Work, Live & Play: Practical Guidance on delivering sustainable development through the planning system, Welsh Local Government Association (WLGA), May 2007

Shaping the Way We Work, Live & Play is practical guidance to assist local planning authorities in Wales in successfully promoting and implementing sustainable development through the statutory planning system.

The key natural heritage objective of the guidance is to “*Protect and enhance the natural environment by ensuring that opportunities are taken to integrate biodiversity throughout the design of new developments*”.

The guidance gives an overview of the role that biodiversity and landscapes plays in natural processes and highlights a number of the key issues, including the fragmentation of habitats and the presence of biodiversity in urban and brownfield sites as well as rural and greenfield areas.

The guidance also offers advice on what the planning system can do to address biodiversity issues within development plans, including:

- Ensure that at the least, new developments minimise impacts on the site biodiversity or on species which use the site;
- Take particular care to protect trees which may be affected by development, or through the building of development;
- Support local biodiversity through requiring appropriate species in landscaping schemes, and ensure that the maintenance of landscaping is appropriate and timely so that plant and animal species derive benefit;
- Look for opportunities to enhance biodiversity through the development, particularly where these features have a dual role such as providing private open spaces, extra energy efficiency or reducing rain water run-off;
- Make sure the role of the site in the wider biodiversity context is explored, and require appropriate to support species that visit the site;
- Ensure the development plans identify green corridors and green infrastructure to ensure the protection and enhancement of biodiversity at the strategic level.

The guidance does not cover designated sites as they are already covered by detailed guidance and legislation. The landscape is not specifically mentioned or referred to in *Shaping the Way We Work, Live & Play*.

2.3.10 Wales Biodiversity Framework, 2007

The Wales Biodiversity Framework (WBF) was developed in response to the Environment Strategy for Wales, 2006. It was created as a first step guide to:

- Identify the key practical, policy and legislative drivers for protecting, restoring and enhancing biodiversity in Wales;
- Outlining the mechanisms for promoting positive action;
- Explaining the roles and remit of those responsible for undertaking biodiversity action; and
- Providing links to the tools and information to help maintain and improve biodiversity in Wales.

The Wales Biodiversity Framework is primarily concerned with Biodiversity Action Plans. The WBF should therefore be a consideration in the preparation of the LDP, and it is recommended that Local Biodiversity Action Plans should no

longer be formally adopted as Supplementary Planning Guidance (SPG), but should support a specialist Biodiversity SPG.

2.3.11 Environment Strategy for Wales, 2006

The Environment Strategy for Wales (ESW) is the Assembly Government's long-term strategy for the environment of Wales and sets the strategic direction for the next 20 years. The purpose of the strategy is to provide the framework within which to achieve an environment that is clean, healthy, biologically diverse and valued by the people of Wales. The ESW is supported by an annual Action Plan, which contains details of specific and additional actions that will be taken during its year life span to delivering the outcomes set out in the ESW. The ESW should be read in conjunction with the *Our Environment – Our Future*.

The ESW identifies four main outcomes for biodiversity and landscape:

- The loss of biodiversity has been halted and we can see a definitive recovery in the number, range and genetic diversity of species, including those species that need very specific conditions to survive;
- The wider environment is more favourable to biodiversity through appropriate management, reduced habitat fragmentation and increased extent and interconnectivity of habitats;
- Sites of International, Welsh and local importance are in favourable conditions to support the species and habitats for which they have been identified;
- The quality and diversity of the natural and historic character of the landscape is maintained and enhanced.

The Environment Strategy requires local authorities to interpret it for the regional and local level, with development plans playing a key role in helping to deliver the outcomes.

2.3.12 Ministerial Interim Planning Policy Statement on Climate Change, Dec 2006

Climate change is one of the most serious challenges facing the world. Concerted action is required across the globe, and the Welsh Assembly Government recognise the part that they must play. The Ministerial Interim Planning Policy Statement on Climate Change (Climate Change MIPPS) provides a commitment from the Assembly Government to reduce emissions of the greenhouse gases that cause climate change, and to plan for and respond to the change that is already underway.

Climate change presents not only risks to people, property, infrastructure and resources, but also opportunities. The climate change MIPPS highlights the significant role the planning system has to play in delivering the mitigation and adaptation measures required.

The climate change MIPPS recommends the inclusion of the following paragraph to PPW;

“In both development plans and development control. Populations of species may need to move within the landscape to stay within their climatic requirements, or risk extinction. Development should minimise impact within areas identified as important for the ability of the species to adapt and /or move to more suitable habitats and where possible contribute to these areas appropriately through landscaping etc.” (para 5.2.7).

The climate change MIPPS provides a summary of key issues for LDPs, bearing in mind that consideration of climate change is identified as one of the basic principles, which underpins the Assembly Government approach to planning (para 2.2.1). The key issues specifically referred to in the context of the natural environment are as follows;

- Sustain biodiversity and habitat connectivity and recognise that the distribution of habitats and species will be affected by climate change
- Ensure that design of new buildings enables adaptation to direct and indirect impacts of climate change through conservation of biodiversity and habitat connectivity is maintained through design.

Local Authorities, when preparing the LDP, should provide policies that will provide a clear framework for the objectives as set out in the climate change MIPPS, in order to facilitate and implement national policy objectives.

2.3.13 The LANDMAP system, 2006

The Countryside Council for Wales LANDMAP system is an all Wales GIS based landscape resource where landscape characteristics, qualities and influences on the landscape are recorded and evaluated into a nationally consistent data set.

The LANDMAP approach takes into account five factors of landscape character:

- Visual and Sensory;
- Landscape Habitats;
- Historic Landscape;
- Geological Landscape;
- Cultural Landscape.

All five layers are of equal importance and none should be given more weight than the other when undertaking a full landscape assessment. Individual layers can however be used in isolation to provide more specific information as and when required.

The LANDMAP system is a holistic approach to landscape assessment, it no longer views the value of the Landscape simply as its visual quality, but takes into account everything that contributes to how and why the landscape is as it is, from the purely physical features such as the underlying geology to the purely man-made such as the culture and history of the area.

The LANDMAP system was recommended and is now endorsed by the Assembly Government as *“an important information resource upon which Local Planning Authorities can draw in making landscape assessment needed to*

inform local policy, guidance and decision making in this field. LANDMAP provides the basis of a consistent Wales-wide approach to landscape assessment.” (PPW, para 5.3.13)

The LANDMAP system is based on aspect areas being awarded an overall evaluation, which reflects one aspect of the landscape. Evaluation scores of outstanding, high, moderate or low are then attributed to the aspect layer. Each aspect layer has a varying number of criteria behind it, which makes up the final evaluation. Further information on this can be found at <http://landmap.ccw.gov.uk/>.

2.4 Regional – South East Wales

The following regional guidance should also be taken into consideration when formulating the Local Development Plan in relation to the countryside and natural heritage:

2.4.1 Turning Heads... A Strategy for the Heads of the Valleys 2020, June 2006 (HOV, 2006)

The Heads of the Valley Strategy sits within the context of the Wales Spatial Plan and sets out a broad framework for change in the Heads of the Valleys area. Within the Caerphilly County Borough context the HoV strategy includes the Upper Rhymney Valley, the Upper Sirhowy Valley, Princetown, Fochriw, Deri, New Tredegar, Bargoed, Aberbargoed, Gilfach, Argoed, Markham and Hollybush.

The key themes of the HOV strategy are;

- An attractive and well-used natural, historic and built environment
- A vibrant economic landscape offering new opportunities
- A well-educated, skilled and healthier population
- An appealing and coherent tourism and leisure experience
- Public confidence in a shared bright future

The HoV strategy and its objectives should be considered when preparing the Local Development Plan due to the impact it will have on the northern area of the county borough.

2.4.2 Valleys Regional Park Concept (VRP)

The Valleys Regional Park Concept (VRP) is a funded concept that has spun off from the Heads of the Valleys Strategy. The main purpose of the VRP is to co-ordinate, develop and market the natural heritage assets of the South Wales Valleys, including commodities such as common land, country parks, cycle and footpath networks, the industrial and earlier heritage and biodiversity features such as Sites of Importance for Nature Conservation, Local Nature Reserves, Sites of Special Scientific Interest and Special Areas of Conservation.

The whole of Caerphilly County Borough is included within the VRP area.

2.5 Local - Caerphilly County Borough Council

As a corporate document, the Local Development Plan must have regard to other strategies produced by the Council in order to ensure consistency. The following contains Caerphilly County Borough Council requirements or policy considerations that need to be taken account of and included when formulating the Local Development Plan in relation to the countryside and natural heritage;

2.5.1 Community Strategy: Community Planning in Action (November 2004)

Under the Local Government Act, 2000 Caerphilly Council has a duty to prepare a community strategy for the county borough. The Community Strategy sets out the overarching strategic framework for all other plans and strategies for the county borough, including the LDP.

The Community Strategy sets out how the Council, in partnership with other agencies and local communities, will make the county borough a place where people:

- Like to live and want to stay and make a home (Living Environment Theme)
- Can find opportunities (for paid and unpaid) that is rewarding (Regeneration theme)
- Can develop a range of interests, knowledge and activities (Education for life theme) and,
- Can lead a full, healthy life and get treatment, support and care as and when required (Health, Social Care and Well Being Theme).

The Caerphilly County Borough LDP is committed to delivering the land use elements of the community strategy. In respect of the natural heritage topic, it will seek to:

- Increase awareness of opportunities for safe access to the countryside and open spaces (Living Environment);
- Ensure the protection and enhancement of the natural environment, including the quality of the air and river/ watercourses, flood prevention, landscape and biodiversity, and our built heritage(Living Environment);
- Increase awareness of environmental assets and utilise their potential for enhanced quality of life and sustainable tourism opportunities (Education for Life);
- Increase appreciation of environmental issues and utilise their potential for enhanced quality of life and sustainable tourism opportunities (Education for Life);
- Improve public health by promoting factors that contribute to healthy lifestyles and well-being (Health, Social Care and Well-Being).

2.5.2 Living Environment Partnership Strategy 2007 - 2012

The Living Environment Partnership Strategy covers a five-year period and seeks to address the environmental aspects of the community strategy. The Living Environment Strategy has seven key objectives, which the LDP should have due

regard for and seek to integrate into the development plan as part of the national commitment to community planning, under the Local Government Act, 2000.

The Seven key objectives of the Living Environment Strategy are to;

- Encourage the development and maintenance of high quality, well-designed and efficient, sustainable homes and residential environments that can meet all needs;
- Promote a culture of community self help, cohesion and citizenship and involvement in decision making;
- Improve community safety and quality of life by reducing crime, nuisance behaviour and the fear of crime;
- Increase awareness and opportunities for safe access to the countryside and open spaces;
- Ensure the protection and where appropriate, enhancement of the natural environment, including the quality of the air, rivers and watercourses, flood prevention, landscape, biodiversity and historic environment;
- Encourage the improvement of town and village centres as a focus for community pride, with accessible services and activities for all;
- Improve energy, waste and water efficiency and promote environmentally acceptable renewable energy to maintain a cleaner environment and help reduce our impact on climate change.

2.5.3 Caerphilly County Borough Local Biodiversity Action Plan, March 2002

The Local Biodiversity Action Plans (LBAP) is the principle mechanism by which the national biodiversity strategy is translated into effective action at the local level. The LBAP has two main functions;

- To ensure that national plans are translated into effective action at the local level; and
- To establish targets and actions for characteristic species and habitats of each local area.

There are three main parts of the LBAP; the overview, the habitats statements and the species action plan. Caerphilly County Boroughs LBAP was adopted as Supplementary Planning Guidance (SPG) in 2004. Local planning authorities are obliged to take into account the functions and targets of the LBAP when preparing Local Development Plans.

2.5.4 Countryside Strategy, 1996

The Countryside Strategy was prepared in 1996 to assist in the development of local policies that will meet people's needs and improve the quality of life without damaging the environment. The strategy focuses on local issues, which the county borough can directly influence by its own actions.

The objectives of the Countryside Strategy are as follows:

- To protect and enhance the landscape quality and character of Caerphilly County Borough;

- To support the role of the farming community and woodland managers in maintaining the varied landscape of the County Borough;
- To support the maintenance and enhancement of the wildlife value of sites through planning policies and practical initiatives;
- To support initiatives which encourage appropriate habitat and species diversity and meet the objectives of the Local Biodiversity Action Plan;
- To provide encouragement and opportunities for countryside recreation for all sectors of the community;
- To encourage additional visits by the management and development of facilities for recreation, taking into account the needs of other countryside interests and land users;
- To promote and encourage a greater understanding of wider global environmental issues;
- To support initiatives which interpret and provide information on sustainable development, environmental and planning matters in the County Borough.

The Countryside Strategy is due for review in line with the implemented rolling monitoring programme, which takes place every three years. However, the objectives of the strategy remain relevant and are unlikely to be altered to any significant degree. As such, in the preparation of the LDP due care and consideration should be given to integrating the objectives of the strategy into the plan to address local natural heritage issues.

2.5.5 Caerphilly Local Development Strategy 2007-2013

The Caerphilly Local Development Strategy (LDS) 2007-2013 was produced by Caerphilly County Borough in support of the Rural Development Plan for Wales 2007 – 2013. In a local context, the LDS supports the development and implementation of the Caerphilly Community Strategy.

The vision for the LDS is “*To promote foster and enhance viable and sustainable rural communities within the Boundary of Caerphilly County Borough and to improve the overall quality of life and opportunities for people living in those communities*” (para1). In response to the vision the following sectors are recommended to be targeted; rural industry and produce, tourism and recreation and villages and communities.

3. KEY ISSUES FOR CAERPHILLY COUNTY BOROUGH

A Vision Statement has been produced for the Local Development Plan, which states:

“The Development strategy for the Local Development Plan will capitalise on the strategic location of Caerphilly County Borough at the centre of the Capital Network region. It will ensure that the needs of all the County Borough’s residents and visitors are met and that the regeneration of our towns, villages and employment centres and the surrounding countryside is delivered in a well-

balanced and sustainable manner that reflects the specific role and function of individual settlements”.

In order to achieve the vision, the LDP outlines a series of key objectives that should be considered when preparing policies. The following are all relevant to the countryside and nature conservation:

- Ensure that the county borough is well served by accessible public open space and accessible natural open green space (Objective 2);
- Ensure the effective and efficient use of natural and built resources while preventing the unnecessary sterilisation of finite resources through inappropriate development (Objective 3);
- Ensure that the environmental impact of all new development is minimised (Objective 4);
- Improve energy, waste and water efficiency while promoting environmentally acceptable renewable energy to maintain a cleaner environment and help reduce our impact on climate change (Objective 5);
- Encourage waste management based on a hierarchy of re-use, recovery (including material recycling, energy recovery and composting) and safe disposal (Objective 6);
- Encourage the re-use and / or reclamation of appropriate brownfield and contaminated land and prevent the incidence of further contamination and dereliction. (Objective 7);
- Identify, protect and where appropriate enhance valuable landscapes and landscape features and protect them from unacceptable development (Objective 11);
- Identify, protect and enhance sites of nature conservation and earth science interest and ensure the biodiversity of the county borough is enhanced (Objective 12);
- Create appropriate new landscape and ecological features and habitats as an integral part of new development wherever possible (Objective 13);
- Manage, protect and enhance the quality and quantity of the water environment and reduce water consumption (Objective 14);
- Encourage the development of high quality, all season tourist attractions and tourist accommodation which complements the natural and built heritage of the County Borough (Objective 19);
- Protect and enhance the overall quality of the historic natural and built environment of the County Borough (Objective 24).

In order to ensure a robust basis for the development strategy, a review has been undertaken of the social, economic and environmental data available for issues affecting the County Borough. A detailed discussion of the broad issues that are relevant to the LDP is contained in the ‘Strategic Environmental Assessment /Sustainability Appraisal: Draft Scoping Report’ (October 2006). A review of the data supports many of the issues identified through the pre-deposit public consultation exercise with key stakeholders.

The following are some of the key land use issues raised in relation to the countryside and natural heritage:

- People living in towns and villages value the large areas of countryside, the large variety of wildlife in the county borough and high quality of the air and rivers;
- People and businesses take responsibility for enhancing their local environment (both urban and rural), preventing pollution and fly-tipping and minimising waste/ litter and use of water and energy;
- Local people and visitors have easy, low cost access to the rural areas of the county and local heritage attractions via a good rights of way network and choice of low impact transport;
- Protection of national/ local conservation area LBAP;
- Promote access to the countryside and wildlife – include interpretation;
- Exploit the benefits afforded by the cycle path network;
- Designation, protection and safeguarding rights of way.

Part B – Protection of the Natural Heritage

This section covers the protection of the natural heritage within the county borough. These topic areas are exclusive to the natural heritage topic area and will identify the LDP designations and allocations.

4.0 BIODIVERSITY

- 4.0.1 Biodiversity is the term given to the variety of life on earth and is short for '*Biological Diversity*'. It describes the richness and variety of all living things from the smallest of microscopic organisms to the largest of trees.
- 4.0.2 Biodiversity is essential to maintain the life support systems that allow life, including human life, to exist on the planet. Biodiversity is of fundamental importance to our future well being and prosperity because a rich and diverse environment supports a long term sustainable economy, contributes to a healthier, happier society and provides opportunities for lifelong learning, recreation and tourism.
- 4.0.3 The planning system has an important role to play in meeting biodiversity objectives. *"By promoting approaches to development which create new opportunities to enhance biodiversity, by preventing biodiversity losses or compensating for losses where damage is unavoidable.* (PPW, para 5.2.7) Local Planning Authorities must address biodiversity issues, insofar as they relate to land use planning and development plans.

4.1 Special Area of Conservation

- 4.1.1 Special Areas of Conservation (SACs) are strictly protected sites designated under the EC Conservation (Natural Habitats &c.) Regulations 1994 (Council Directive 92/43/EEC of 21 May 1992). The UK are bound to the terms of the Habitats Regulations, which are translated into the Wildlife and Countryside Act 1981, as amended by the Countryside Rights of Way Act, 2000. The legislation focuses not only on protection, but also on management.

- 4.1.2 Planning Policy Wales, 2002 define SACs as Statutory Nature Conservation Designations. The Assembly will seek to ensure that the “*international responsibilities and obligations for conservation are fully met, and that, consistent with the obligations of the designation, statutorily designated sites are protected from damage and deterioration, with their important features conserved by appropriate management*” (para. 5.3.9)
- 4.1.3 TAN 5 and draft TAN 5 highlight the UK’s obligations and international responsibilities to protect statutory protected sites from damage and deterioration, with their important features to be conserved by appropriate management.
- 4.1.4 In planning law, SACs are afforded the highest possible biodiversity protection. Wales has a total of 85 SACs including Caerphilly County Boroughs one designated SAC, Aberbargoed Grasslands, which is a 40ha area of land and was designated in December 2004 due primarily to the presence of Marsh Fritillary Butterflies.
- 4.1.5 Aberbargoed grasslands current condition is “*unfavourable, recovering*”. A number of reasons contribute to this current condition, including the site being regularly burnt and damaged by vandals, historic land ownership issues and various sections of the site having been managed more efficiently or regularly than others. In 2005 a management plan for the SAC was agreed by the Countryside Council for Wales, under the requirements of the Habitats Directive. Caerphilly CBC has a duty under the Habitats Directive to implement the management plan.
- 4.1.6 The SAC received Objective 1 funding in May 2005 which provided £184,000 for the implementation of the management plan and for promoting the site as an education resource, including the provision of a classroom on the site and a dedicated ranger for the site.
- 4.1.7 Under Article 6(3) of the Habitats Directive and Regulation 48(1) of the Habitats Regulations, an ‘Habitat Regulation Assessment’ needs to be undertaken by law on all European protected sites. ‘Habitat Regulation Assessments’ in essence, assesses the likelihood of significant effect on a site as a result of development, including the cumulative impact of other plans, strategies, allocations or individual development proposals. Where significant effects are identified, alternative options should be examined. It is important to note that the effect of the plan on protected sites outside of the County Borough boundaries also have to be taken into consideration when preparing the LDP.
- 4.1.8 Enfusion were commissioned in May 2008 to undertake a habitat regulation assessment for Caerphilly County Borough, as part of the Strategic Environmental Assessment and Sustainability Appraisal in relation to the LDP and its proposals.
- 4.1.9 Planning Policy Wales states that the Assembly will “*ensure that the international responsibilities and obligations for conservation are fully met, and that, consistent with the objectives of the designation, statutory protected sites are protected from*

damage and deterioration, with their important features conserved by appropriate management.” (para 5.3.9)

- 4.1.10 TAN5 and draft TAN5 both set the rigorous requirements associated with SACs and their place within the planning system and all development considerations to be taken into account.
- 4.1.11 The inclusion of a policy within the LDP that refers specifically to the SAC is not considered necessary due to the protection it has within international and national legislation. The inclusion of a policy within the local development plan would be repeating national legislation and guidance.

4.2 Sites of Special Scientific Interest

- 4.2.1 Sites of Special Scientific Interest (SSSI) are areas of land that have been notified and designated under the Wildlife and Countryside Act 1981 (as Amended) because it contains wildlife, geological or landform features that are considered to be of special importance at the national level. SSSIs are protected to safeguard these important assets for the benefit of current and future generations.
- 4.2.2 PPW identifies SSSI's as a statutory designated site, which makes a vital contribution to protecting biodiversity. Local Planning Authorities should have regard to the relative significance of national important nature conservation sites. The assembly government will *“ensure that the international responsibilities and obligations for conservation are fully met, and that, consistent with the objectives of the designation, statutory protected sites are protected from damage and deterioration, with their important features conserved by appropriate management.”* (para 5.3.9)
- 4.2.3 TAN 5 and draft TAN 5 both cover the requirements associated with SSSIs and their place within the planning system and all development considerations to be taken into account.
- 4.2.4 The designation of a SSSI does not preclude development on or near the site, as highlighted in PPW (para 5.5.8), TAN 5 (para 21) and Draft Revised TAN5 (Para 5.2.3). However, Local Planning Authorities have a duty to protect the integrity and valuable features of the site under the Habitats Regulations, 1994 and the Wildlife and Countryside Act (as amended), 1981. Where development will have an unacceptable significant direct or indirect impact on the SSSI, the development would not be permitted, unless the reasons for the development clearly outweigh the value of the site itself and the national policies set to safeguard the designation.
- 4.2.5 The Wildlife and Countryside Act 1981, (as amended) and Schedule 9 to the Countryside and Rights of Way (CROW) Act, 2000 imposes an important new duty on public bodies that require them to take reasonable steps to further the conservation and enhancement of the features for which the site is of special interest. This gives local authorities more powers to ensure better protection and management of SSSI's and safeguard their existence into the future.

- 4.2.6 Caerphilly County Borough has 10 designated SSSI's, these are of varying sizes and are in varying condition. The Countryside Council for Wales (CCW) is responsible for selecting and designating SSSIs, which are identified under scientific criteria published by the Joint Nature Conservation Committee (JNCC).
- 4.2.7 The inclusion of a policy within the LDP that refers specifically to the SSSI is not considered necessary due to the protection it has within national legislation. The inclusion of a policy within the local development plan would be repeating national legislation and guidance.

4.3 Sites of Importance for Nature Conservation

- 4.3.1 Sites of Importance for Nature Conservation (SINCs) are sites of substantive nature conservation value at the local level. They are the most important places for wildlife and habitats outside legally protected land such as SSSIs.
- 4.3.2 Planning Policy Wales 2002 highlights Sites of Importance for Nature Conservation (SINCs) as a *measure to conserve biodiversity* (para 5.3.11). SINCs are local non-statutory designations. They should be designated where there is good reason to believe that normal planning policies cannot provide the necessary protection.
- 4.3.3 TAN 5 and revised draft TAN5 highlight the need to select and designate SINCs based only on clear and strict criteria. A SINC review has been undertaken as part of the LDP preparation and process, using the *Guidelines for the Selection of Wildlife Sites in South Wales, August 2004*. 'Wildlife Sites' is the generic term for local nature conservation designations.
- 4.3.4 The year long SINC review commenced in February 2007 and was completed in February 2008. The review was undertaken by Hyder Consulting (UK) Limited. The review re-assessed all the existing SINC's designated as part of the Council Approved Unitary Development Plan under the criteria set out in *Guidelines for the Selection of Wildlife Sites in South Wales, August 2004*. The purpose of the re-assessment was threefold: to develop a suite of SINCs for consideration for inclusion in the LDP; to identify any other sites that meet the criteria; and to de-designate SINCs that no longer meet the criteria. The SINC review process included a desktop study, a site visit and a detailed report for each site and a reporting exercise with a final report and SINC schedule being produced. The report and schedule will be used as evidence for the LDP and the SINCs identified within the review as qualifying will be designated,
- 4.3.4 Currently a total of 186 SINCs are designated in the Unitary Development Plan (UDP). These vary massively in size, location, reason for designation and condition. SINCs do not have to be in the ownership of the Council and permission does not have to be sought from a landowner prior to designation. Where SINCs do not fall in Council ownership, the landowner is not obliged to undertake any management and development is not prohibited, although both are encouraged by the LPA in order to preserve the nature conservation value of the site.
- 4.3.5 As a result of the SINC review a total of;

- Thirteen SINC's no longer qualify and have been de-designated;
- One of the SINC's has been up graded to a Local Nature Reserve;
- Two SINC's have been subsumed into other SINC's;
- Sixteen new sites qualify as SINC's, including five river SINC's;
- 162 SINC's require boundary amendments.

4.3.6 A total of 190 sites now qualify as SINC's following the SINC review and will be included within the LDP. A policy will be included within the LDP that will seek to maintain and enhance the ecological importance of the SINC and provide mitigation and/ or compensation for any loss to the SINC as a result of development proposals.

4.3.7 In addition to this, the Welsh Assembly Government has confirmed that as soon as a site has been assessed and qualifies as a SINC under the guidelines, then its status as a SINC will be honoured. The SINC does not need to and will not necessarily feature in the LDP as a SINC as they can be identified and designated at any time. Its SINC status will be equal to those directly cited in the LDP. The council have the power to consider the site as a SINC as part of the development process, with necessary mitigation, enhancement and maintenance put in place where appropriate. SINC records and referencing will be updated at the first review of the plan.

4.4 Local Nature Reserves

4.4.1 A Local Nature Reserve (LNR) is a statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949 by principal local authorities in England, Scotland and Wales. LNRs are of local and regional, but not necessarily national importance. LNRs are a very flexible designation, which allows sites to be declared because of their high value for nature conservation or because they have local wildlife or geological interest and are of particular value for community enjoyment, involvement and education.

4.4.2 A Nature Reserve is defined in Section 15 of the National Parks and Access to the Countryside Act, 1949 as;

“ Land managed for the purpose:

- (a) of providing, under suitable conditions and control, special opportunities for the study of, and research into, matters relating to the flora and fauna of Great Britain and the physical conditions in which they live, and for the study of geological and physiographical features of special interest in the area; or*
- (b) of preserving flora, fauna, or geological or physiographical features of special interest in the area, or for both these purposes.”*

4.4.3 The UK biodiversity action plan encourages local authorities to make reasonable provision for Local Nature Reserves in development plans, They are recognised as being able to foster environmental awareness and a greater understanding of the world in which we live in, thereby facilitating conservation of nature resources.

- 4.4.2 PPW regard LNRs as local non-statutory designations. The designation of LNRs should be based on sound scientific assessment and are considered to add value to the planning process (para 5.3.11).
- 4.4.3 TAN 5 states that local authorities should make sure “*reasonable provision should be made for Local Nature Reserve.*” (para 26). LPA’s should consider designating LNRs on sites, which have high value for nature conservation or local wildlife or geological interest and are of particular value for community enjoyment, involvement or education.
- 4.4.4 Local Nature Reserves are identified and designated using the same guidelines and criteria as SINCs, however to establish a LNR the declaring local authority must first have a legal interest in the land concerned, for example, they could own it, lease it or have a nature reserve agreement with the owner. The land must lie wholly within the area, which the declaring authority controls.
- 4.4.5 Numbers of designated LNRs within an authorities boundary generally remain fairly small, as they should represent the finest examples of the main habitat type for the area. LNR can range in type from ancient woodland to revegetating abandoned mineral workings; from meadows to roadside verges; from parts of urban parks to industrial wasteland; and from rivers and streams to lakes and marshes.
- 4.4.6 Caerphilly County Borough currently has 4 designated LNRs, 1 in Blackwood (Memorial Park Meadows), 1 in Cwmfelinfach (Graig Goch), 1 in Sirhowy Valley Country Park (Flatwood Meadow Nature Reserve) and 1 in Parc Cwm Darran (Cwmllydrew Meadows).
- 4.4.7 A countywide policy will address LNRs within the local development plan. This will seek to maintain, enhance and provide mitigation for any loss to the LNR. The important natural heritage features of the site will be protected through the policy.

4.5 Protected Species

- 4.5.1 Protected species include both fauna and flora species. Species that are vulnerable, in decline or require protection when they are at risk of persecution or cruelty (e.g. Badgers or the collection of bird eggs) are normally classified as protected. Species can be protected at a number of levels including international, European, national, regional and local. The only difference between these levels is the level of protection that is afforded to the species.
- 4.5.3 The Conservation (Natural Habitats &c.) Regulations 1994 implement EC Directive 92/43/EEC, known as The Habitats Directive which makes it an offence to deliberately kill, capture, or disturb a European Protected Species, or to damage or destroy the breeding site or resting place of such an animal.
- 4.5.4 The presence of European protected species is a material planning consideration, as highlighted in PPW (para 5.5.11), TAN 5 (para 30) and Draft Revised TAN5 (Para 6.2.1). As such, local planning authorities need to take due regard to them when considering development proposals, which if carried out

- would be likely to result in disturbance or harm to the species or its habitat. All developments that have protected species present or will impact upon protected species, even if they do not directly form part of the development site, are subject to the requirements and obligations set out in the Habitat Regulations.
- 4.5.5 Currently, PPW (para 5.5.11) and guidance issue by the Assembly Government in line with Planning and the Conservation (Natural Habitats &c.) Regulations 1994 (SI 1994/2716), as issued on 13th July 2004, CCBC advise applicants who are undertaking demolition or conversion works that a bat survey must be completed prior to the determination of the application. Other European protected species such as Otter, Dormouse, Great Crested Newts and flora species also require surveys prior to determination, but the need for a survey is normally determined on the basis of the individual circumstances of the development proposal. There is evidence of European protected species across the whole county borough.
- 4.5.6 However, European protected species, whilst awarded the highest level of legal protection are not the only protected species to take into consideration when preparing the LDP. Particular species of flora and fauna in the UK and Wales are subject to special protection under the Wildlife and Countryside Act, 1981. The UKBAP and the Caerphilly LBAP also highlight protected and priority species and habitats. Local Authorities have a duty to take biodiversity action plans into consideration when preparing development plans, and seek the relevant level of protection, management and enhancement for the LBAP species and habitats.
- 4.5.7 Caerphilly County Boroughs LBAP has identified 10 broad habitats covering a total of 38 habitats under the broad umbrella titles and 63 species including amphibians, birds, fish, mammals, reptiles, bees, butterflies, moths and plants.
- 4.5.8 The inclusion of a policy within the local development plan that refers to European protected species is not considered necessary, as this would be repeating international and national legislation and guidance.
- 4.5.9 The inclusion of a policy relating to local priority habitats and species will be included within the local development plan as these are specific examples of locally important natural heritage features. The policy will seek to maintain and enhance the ecological feature and provision is made for compensatory measures where a feature is lost as a result of development.
- 4.6 Ecological Networks**
- 4.6.1 The term '*Ecological Networks*' is the principle of facilitating species migration and dispersal, widening the genetic diversity of species, increasing the extent and interconnectivity of habitats and providing corridors that can provide shelter, food and possibly breeding sites and enable species to cross hostile areas, expand their range and colonise new sites. The terminology varies and is often referred to as *Ecological Connectivity*, '*Green Networks*', '*Green Infrastructure*', '*Stepping Stones*', '*Wildlife Corridors*' as well as ecological networks. Currently there is no recommended term of reference at either a national or local level.

- 4.6.2 The importance of managing landscape features such as riverbanks, hedgerows and ponds, to facilitate the principles of wildlife corridors is considered essential in biodiversity terms. The protection, management and enhancement of ecological networks are identified as being particularly important under Article 10 of the EU Habitats Directive. Regulation 37 of the Conservation (Natural Habitats etc.) Regulations 1994 requires that development plans contain policies that encourage the positive management of landscape features which make up this network and are of major importance for wild flora and fauna.
- 4.6.2 The Environment Strategy for Wales, 2006 highlights the various pressures that biodiversity currently faces. The reduction in habitat fragmentation and increased extent and interconnectivity of habitats is identified as a key objective outcome by 2010.
- 4.6.3 PPW states "*development plans should encourage the appropriate management of features of the landscape, which are of major importance for wild flora and fauna in order to complement and improve ecological coherence*" (para 5.4.3). Important features include linear or continuous structures such as hedgerows, boundary stonewalls, roadside verges, abandoned railway lines and riverside corridors. PPW recognises the importance of developing networks of statutory and non-statutory sites, and of the landscape features, which provide links from one habitat to another. PPW also recognises the importance these linkages make in contributing to the conservation and enhancement of biodiversity and the quality of the local environment.
- 4.6.4 Ecological networks are recognised as an important step to conserving biodiversity in the light of climate change, enabling species to disperse within the landscape as temperatures increase. It is not just about narrow corridors, but larger areas of semi-natural habitats that species will be able to use to move into new areas as necessary.
- 4.6.5 Ecological networks are currently addressed in the Local Biodiversity Action Plan (as wildlife corridors), which is Council approved Supplementary Planning Guidance. However, reference will be made to the green corridors within a natural heritage protection policy. The policy will seek to maintain and enhance green corridors and where green corridors are lost as part of a development, then mitigation and compensation should be provided.

4.7 Conservation of Landscape, Amenity & Biodiversity outside Designated Areas

- 4.7.1 Whilst there are many levels and types of protection for recognised and valuable landscape and biodiversity areas, often the landscape and biodiversity that is outside of these designated areas play an important role in the value of the local environment. Biodiversity and landscape does not restrict itself to site boundaries or county boundaries and is often unpredictable in its behaviour, making certainty on these issues very difficult. As such, it is important to recognise the potential value of areas that are outside of any designation. It is also important to remember that important and valuable landscape and biodiversity features do not restrict themselves to rural or green areas and are also abundantly found in our built environment.

- 4.7.2 The Assembly Government is committed, through the Countryside and Rights of Way Act, 2000 to ensure that its policies contribute to the conservation of the abundance and diversity of native wildlife and its habitats, and will minimise the adverse effects on wildlife where conflict of interest is unavoidable (para 5.2.2)
- 4.7.3 The importance of wildlife conservation outside designated sites is recognised in the Habitats Directive. Article 10 acknowledges that the series of Natura 2000 sites (i.e Special Areas of Conservation and Special Protection Areas) should function as an ecologically coherent network.
- 4.7.4 There is no requirement in UK or Welsh policy guidance or legislation that requires the direct protection of landscape or biodiversity features of value outside of designated areas, although good design and best practice should take into consideration the integration of these features into developments and the built environment in general. Development Design Guide 1: Building Better Places to Live, Oct 2005 does go some way to doing this, although further, more detailed guidance could be provided to supplement this basic information.
- 4.7.5 A strategic policy will be included within the local development plan that will seek to protect, maintain, enhance and positively manage all aspects of the natural heritage. Biodiversity features that are not specifically designated or protected will be covered under this designation.

5.0 LANDSCAPE

- 5.0.1 The landscape is the most accessible and inclusive of all aspects of our heritage. Landscape takes many guises and surrounds us all constantly in one form or another, providing us with a sense of place and local distinctiveness. It contains many qualities and is constantly changing, it reflects our past, determines how we live, it provides many of our natural resources and supplies us with many of the things that are essential for living including food, materials for our homes and even the air we breathe.
- 5.0.2 The landscape is made of more than just its visual and amenity value. In order to truly appreciate and place a value on the landscape you have to understand why it looks the way it does. The fundamental structure of the landscape is determined by the underlying geology, geomorphology and soil. The cultural heritage of an area makes a particular contribution and includes historic parkland and common land. The historic landscape includes archaeological sites, monuments and buildings, features and patterns of historic land use and management and provides us with an understanding of how our landscapes have developed over time.
- 5.0.3 The Countryside Council for Wales use the following working definition for landscape;
- “The physical reality of the environment around us, the tangible elements that give shape and diversity to our surroundings. But landscape is also the environment perceived, predominantly visual but additionally through our senses of smell, touch and hearing. Our appreciation of landscape is affected, too, by our cultural*

backgrounds, and by personal and professional interests. It is the sum off all these components” (CCW, 2001).

- 5.0.4 Caerphilly County Borough has a recognised and valued landscape within both the rural and built environment. The council realise the importance of a well-managed living landscape, which can benefit the economy, safeguard and create wildlife habitats and add to the general public amenity and perception of the area.

5.1 Special Landscape Areas

- 5.1.1 The use of non-statutory designations to protect areas of landscape value have been an element in UK planning guidance since the introduction of the 1947 Town and Country Planning Act, and continues to be so today. Special Landscape Areas (SLAs) are one such non-statutory designation that has been identified in the Welsh planning system as a means of identifying important local landscape.
- 5.1.2 The role and function of SLAs is highlighted within Planning Policy Wales and states that they can add value to the planning process and should be applied where there is good reason to believe that the normal planning policies cannot provide the necessary protection (para 5.3.11).
- 5.1.3 Methods for landscape assessment have altered over the years. Landscape assessment is no longer based wholly on the visual quality of the landscape and as such the traditional landscape studies and assessments have now become outdated and obsolete. In order to get a more comprehensive evaluation of landscape quality the Assembly Government recommend using the LANDMAP information system (PPW, 2002) to assess the importance of different aspects of the Landscape (see para 2.3.12). The national and comprehensive coverage of landscape information in LANDMAP provides an opportunity for identifying and revising SLAs, as recommended by PPW (para 5.3.13).
- 5.1.3 As part of the LDP preparation process, The South East Wales Strategic Planning Group (SEWSPG) commissioned a study into developing a consistent methodology for identifying and designating Special Landscape Areas. This work was developed as part of a consortium consisting of eight southeast Wales local authorities with Caerphilly County Borough Council as the lead authority, CCW and TACP commissioned as the consultants to undertake the study. The study culminated in the *‘Development of Criteria for Special Landscape Area Designation for South East Wales Local Authorities, July 2007’*. The criteria is likely to be adopted as national guidance with WAG currently considering the position in this in association with CCW.
- 5.1.4 The designation criteria sought to identify the most appropriate methodology for identifying and designating SLAs with regard to current planning policy guidance and legislation. The criteria also sought to ensure that a consistent approach was being undertaken to landscape assessment throughout South East Wales initially with the long-term view of rolling the criteria out across Wales. Cross boundary partnership working with adjoining local authorities was also identified as a key issue for the overall success and coherence of Special Landscape Areas.

- 5.1.5 The criteria for designation was based on the LANDMAP system and has 4 main stages, including addressing the strategic criteria, establishing broad search areas, establishing specific SLA areas and a statement of value. The criterion is currently being presented to the Assembly Government by CCW with a view for it to be adopted as national guidance in the near future. The following authorities have so far followed the SLA criteria to identify and designate SLA's; Cardiff City Council, Vale of Glamorgan, Merthyr Tydfil County Borough Council and Blaenau Gwent County Borough Council. Newport City Council is soon to start work on the SLA using the criteria.
- 5.1.6 The broad search area of the criteria is the first time that potential SLAs will be identified in the designation criteria process. By overlaying the five individual aspect layers in sequence (with the outstanding, high and moderate evaluations highlighted) 'hot spots' of similar evaluated aspect layers start to appear. There is no formula identified in the designation criteria that prescribes how many outstanding, highs or moderates are required for an SLA, as this would not reflect local circumstances, distinctiveness and landscapes, and would result in comparisons being made between recognised areas of outstanding national importance such as Snowdonia. 'Hot Spots' are identified at the local level to respect local distinctiveness.
- 5.1.7 The current UDP has seventeen allocated SLAs, occupying most of countryside areas outside of the identified settlement boundaries. These SLAs were based on previous Rhymney Valley and Islwyn landscape studies that date back to 1994, and were identified and designated prior to Caerphilly County Borough being established in 1996. These studies were based on the traditional visual assessments of the landscape.
- 5.1.8 The SLA designation aims to protect areas that are considered to be important to the distinctive overall landscape of the county borough and are examples of regionally important landscape areas. Currently, SLAs are not being used as effectively as they might in terms of a pro-active landscape tool for landscape enhancements, improvements or management and are only being used as a secondary reason for refusal (where appropriate) by the Council.
- 5.1.9 As part of the LDP preparation, TACP consultants were commissioned in July 2007 to undertake a review of the existing SLAs in the Caerphilly County Borough. The regional designation criteria for SLAs have been used in this exercise and Caerphilly was the pilot authority to use the criteria.
- 5.1.10 The SLA study recommends that the Council should seek to designate six areas as SLAs in the LDP. The proposed SLAs have been identified taking into account the five factors of landscape character as follows: Visual and Sensory; Landscape Habitats; Historic Landscape; Geological Landscape; and Cultural Landscape.
- 5.1.11 The landscape assessment process identified six areas as landscape hot spots. After further interrogation of the data and after detailed consideration and consultation with internal departments within the Council, TCAP have defined boundaries for six areas that are considered to be of special landscape value in

the context of the regional and the county borough. Boundaries of the SLAs have been taken to defensible boundaries which include, the county boundary, settlement boundaries and physical features such as roads or rivers to give the SLA coherence.

- 5.1.12 Each SLA is designated for the individual contribution it makes to the overall landscape of the county borough. The reasons for the SLAs being designated will vary and will depend upon the LANDMAP information for each site derived from particular aspect areas. The SLA will however of had to had scored highly on the vast majority of all five aspects layers to have been identified as making an important contribution to the landscape of Caerphilly County Borough.
- 5.1.13 The proposed reduction in the number of SLAs from 17 to 6 represents a positive approach to the designation of SLAs, as it highlights the holistic consideration of the landscape and emphasis the 'special' nature of the landscape features in the six areas in question.
- 5.1.14 Each SLA is accompanied by a 'Statement of Value' and provides a breakdown of the key landscape features within the SLA by aspect layer. This provides a comprehensive data set and a more efficient policy tool for implementing not only the conservation and protection of the landscape but also the enhancement and management of the landscape, which is considered as important in the wider development setting.

5.2 Visually Important Local Landscapes (VILL)

- 5.2.1 Visually Important Local Landscapes (VILLs) are areas of the county borough that are considered visually important as a backdrop or setting for settlements and need additional protection from inappropriate development. VILLs are not specifically identified in any current planning policy guidance or legislation. VILLs are a non-statutory local designation, and as such have an equal weighting in policy terms to SLAs.
- 5.2.2 The traditional view of the landscape is one of visual quality, and historically landscape assessments and designations have identified these areas as important. However, the LANDMAP system has drastically altered the approach to identifying and assessing landscape quality (see LANDMAP and Special Landscape Area Sections). Landscapes are now assessed on the basis of their holistic contribution and value using the LANDMAP methodology and not just the visual quality. Special Landscape Areas have been designated on this basis within the LDP.
- 5.2.3 However, as a result of the SLA study and the subsequent designations, a number of important landscapes were no longer designated in the LDP. Visually Important Local Landscapes have been identified and designated to protect the important visual landscapes within the county borough.
- 5.2.4 Visually Important Local Landscape are designated by identifying LANDMAP evaluations of moderate or above on the visual and sensory layer of the LANDMAP system. Any area that is not allocated as a SLA and but is valued at moderate value or above on the visual and sensory layer was identified as a

VILL. It is not necessary for a VILL to overlap a special landscape area designation, as the SLA should already have taken the visual and sensory aspect layer into consideration as part of the allocation. A VILL policy should clearly emphasize that development should not be detrimental to the visual quality of the landscape. It should be made clear that no other LANDMAP aspect layer, i.e. history, culture, landscape habitats or geology has been used to determine the value of the landscape.

- 5.2.5 A VILL study was undertaken by TACP in light of the special landscape area results. VILLS were identified using the same approach and criteria as the SLA designation methodology, with the notable difference being that only the LANDMAP visual and sensory layer was used and not all five aspect layers. The study revealed four areas that all qualified as VILLS. These four areas have all been included within the local development plan as VILL allocations.
- 5.2.6 Each VILL is accompanied by a 'Statement of Value' and provides a breakdown of the key visual and sensory landscape features within the VILL. This provides a comprehensive data set and a more efficient policy tool for implementing not only the conservation and protection of the landscape but also the enhancement and management of the landscape, which is considered as important in the wider development setting.

5.3 Green Belts

- 5.3.1 Green belts were established under the 1947 Town and Country Planning Act, which after pressure from the Greater London Regional Planning Committee in 1935, allowed local authorities to include Greenbelts in their development plan to restrict the sprawl of built up areas on to previously undeveloped land and to preserve the character of historic towns. There are currently no Green Belts in Caerphilly County Borough. However, all local authorities in Wales, which are subject to significant pressure for development, must consider the need for a green belt as part of the Local Development Plan preparation process. (PPW, 2002, 2.6.4)
- 5.3.2 Green Belts often contain areas of attractive landscape, however, the quality of the landscape is not relevant to the inclusion of land within a Green Belt or to its continued protection. The most important attributes of Green Belts are their permanence and their openness. Land within a green belt are protected for a longer period than the development plan period, and the green belt is not reviewed as part of the development plan process. There are strict controls associated with development in green belts.
- 5.3.3 Green belts can be designated for a variety of reasons, including;
- To prevent the coalescence of large towns and cities with other settlements;
 - To manage urban form through controlled expansion of urban areas;
 - Assisting in the safeguarding of the countryside from encroachment;
 - To protect the setting of an urban area;
 - Assisting in the urban regeneration by encouraging the recycling of derelict and other urban land.
- (PPW, 2002)

- 5.3.4 Before establishing green belts around urban areas, the LPA should consider and justify the most appropriate means of protection before designation of green belts. When green belts are designated the LPA should demonstrate why normal planning and development control policies would not provide the necessary protection (PPW, para 2.6.6). In some cases (although not normally in the UK) the area designated as a green belt is not a circular 'belt' as the name implies, but something else, such as Green Wedges - axes of protected land which extend into the city, or even 'Green Lungs' - areas entirely surrounded by development.
- 5.3.5 Green belts have been criticised for causing a 'leap-frogging' effect, where development takes place in rural countryside, rather than in the more heavily protected suburban greenbelt areas. The consequence of this is that development tends to 'leapfrog' over the green belt and land in much more vulnerable parts of the natural environment.
- 5.3.6 Caerphilly and Blackwood are the largest in terms of area and population of the five principle settlements in Caerphilly County Borough, the remaining three principle towns Ystrad Mynach, Bargoed and Risca are in relative terms, smaller. The designation of green belts around any of the principle towns to contain urban sprawl is considered unnecessary in Caerphilly County Borough.
- 5.3.7 Caerphilly town is the largest settlement in the county borough and the settlement that is under the most pressure for development. The designation of a green belt around Caerphilly (i.e. Caerphilly Mountain between Caerphilly and Cardiff) would prevent any further development. This would cause a leap frogging effect to adjoining settlements and could potentially result in unsustainable development patterns, which would be contrary to LDP strategic policies and the overall vision of the plan.
- 5.3.8 Urban growth in Caerphilly County Borough is cited as essential in the Wales Spatial Plan. However, It is considered that development pressure in these high-pressure development areas could be contained by other LDP policies such as the settlement boundary, special landscapes and visually important local landscapes without a need for restrictive green belts.

5.4 Green Wedges

- 5.4.1 Green wedges are a local non-statutory designation that primarily prevents the coalescence of individual settlements and maintain important open green spaces within settlement boundaries. Green wedges are an anti-coalescence policy.
- 5.4.2 Green wedges "*protect the integrity and setting of communities, neighbourhoods and settlements, manage urban form through controlled expansion of urban areas, assist in the safeguarding of the countryside from encroachment and assist in urban regeneration by encouraging the recycling of derelict and other urban land.*" (PPW, 2002)
- 5.4.2 Caerphilly County Borough currently has 33 green wedges designated within the council approved UDP.

- 5.4.3 Planning Policy Wales recommends green wedges for inclusion in the LDP where the anti-coalescence function is clear and essential (para 2.6.12) and that it can be demonstrated that normal planning and development control policies cannot provide the necessary protection (para 2.6.11).
- 5.4.4 A review of the green wedges as part of the local development plan process, assessed the purpose and function of the green wedges. In light of the PPW guidance a set of criteria was identified. Each potential green wedge needed to fulfil at least one of the criteria before being considered for designation. The following criteria were all considered important functions for a green wedge;
- Prevents the coalescence between two separate settlements;
 - Prevents the coalescence between two areas within a settlement;
 - Does not duplicate an existing allocation that would offer adequate protection from anti-coalescence (i.e. formal or informal leisure)
- 5.4.5 Following the assessment of the existing UDP green wedges, it is considered that: 24 are serving an important function and should therefore be retained.
- Six green wedges fall within the Heads of the Valley Regeneration Area;
 - Eleven fall within the Northern Connections Corridor;
 - Seven fall within the Southern Connections Corridor.
- 5.4.6 In some cases it may be necessary to duplicate policies, for example a green wedge and an SLA may cover the same area. This is not considered an unnecessary duplication or over designation or protection of a site, it simply indicates that the area is being protected for very different reasons and the individual policies are fulfilling this role.

5.5 Trees, Woodlands and Hedgerows

- 5.5.1 Planning Policy Wales identifies trees, woodlands and hedgerows as great importance both as wildlife habitats and in terms of their contribution to the landscape character beauty of an area. They benefit not only the rural environment, but also the built environment by enhancing townscapes and providing a sense of place and local distinctiveness. Our ancient trees and woodland provide a living piece of natural history that also enhances our link with the past and our sense of place.
- 5.5.2 PPW recommends that local planning authorities should seek to protect trees and groups of trees (para. 5.2.8). PPW goes onto state that local planning authorities should make full use of their powers to protect and plant trees to maintain and improve the appearance of the countryside and built up areas (para 5.2.9). This is endorsed by the Town and Country Planning Act, 1990 (as amended) which states that "*it shall be the duty of the local planning authority to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees*" (Section 197).

- 5.5.3 Currently, only trees and woodlands that are protected under Tree Preservation Orders (TPOs) or are within a conservation area are legally protected. *Technical Advice Note 10: Tree Preservation Orders, 1997* highlights the fact that protected trees are a material planning consideration (TACP, 1990 Section 197).
- 5.5.4 Caerphilly County Borough currently has: 144 TPOs and 185 Ancient woodland and trees. It is not considered important or necessary to include a policy relating to TPOs in the LDP due to the protection they are awarded in national legislation.
- 5.5.5 Ancient trees and woodlands and veteran trees are not awarded any protection under any statutory legislation in landscape terms. However, the contribution they make to not only the landscape setting, but also the amenity, cultural and historical value of the county borough is significant. Ancient trees and woodlands are under increasing pressure from development, changes in rural management and climate change. Their continued preservation and safety is vital. The designation and/or identification of ancient trees and woodland should be considered as a non-statutory local designation when preparing the LDP. Locally important trees and woodlands should also be included in this policy to protect these features that have no statutory protection but are important within the local context and setting and make a contribution to local distinctiveness
- 5.5.6 Draft Supplementary planning guidance is currently being prepared, entitled "*Trees and Development: A Guide to Incorporating Trees in Proposals for Developing Land*". This SPG focuses and provides a great reference for developers, it does not cover the general issues relating to trees such as what species to plant, where it is appropriate to plant trees, trees and biodiversity, trees and landscape etc. This would need to be addressed in a more general natural heritage SPG relating to all aspects of landscape (see section 10.2.3)
- 5.5.7 Hedgerows are often seen as key defining features of the British and Welsh landscape character. However, the loss of hedgerows through removals, dereliction and general lack of management has been a key feature in recent decades to the detriment of our natural environment.
- 5.5.8 With this in mind, the Hedgerow Regulations, 1997, which were made under the Environment Act 1995 were introduced in England and Wales to protect hedgerows for the contribution they make to the natural heritage. The legislation protects hedgerows that qualify as 'important' under the hedgerow regs criteria. When a hedgerow qualifies as important, there is a strong presumption that it will be protected.
- 5.5.9 The failing of the Hedgerow Regulations is that it only protects species and features of the hedgerow that qualify under the assessment criteria (e.g. banks, trees present, length). However, this does not take into account the important biodiversity role of hedgerows. The UK Biodiversity Action Plan and the Caerphilly CBC Local Biodiversity Action Plan both identify ancient and/or species rich hedgerows as priority habitats. There is a commitment at a national and local level to halt the loss of hedgerows and protect them for their biodiversity value. Hedgerows are considered as integral to green corridors and will need to be considered as a key feature of any green corridor policy.

5.6 Common land

- 5.6.1 Commons of the 21st century are relics of ancient land-use systems dating back to the medieval times with legislation relating to common land dating back to the Commons Act of 1285 ('The Statute of Westminster'). Registered common land is generally defined as land where legally recognised rights exist that enable certain registered people or properties (commoners) to use the land. Different commons have different rights attached to them. It is a popular misconception that common land belongs to everyone. In general terms, common land is land owned by one person or estate, over which another person is entitled to exercise rights of common (such as grazing animals or cutting bracken for livestock bedding).
- 5.6.2 Common Land is heavily protected against development under the Law of Property Act, 1925. This has recently been replaced by the Commons Act 2006, which is the first consolidating statute after 700 years of legislation on common land. The act provides a streamlined process for gaining consent for works on common land, whilst taking into consideration effects on public interests, landscape, biodiversity, access and the historic environment.
- 5.6.3 PPW states that "*Common land is a finite resource and should not be developed unnecessarily*" (para 5.2.10) PPW recommends that access to common land should not be prevented or impeded unnecessarily, and its proper management should be encouraged.
- 5.6.4 Technical Advice Note 5: Nature Conservation states that "*much common land is important ecologically*" and that "*The Secretary of State is committed to maintaining the status of common land, protecting the rights of commoners and encouraging the proper management of commons.*" (para 33).
- 5.6.5 Caerphilly County Borough has fourteen commons covering a total of 3512 hectares. The common rights in the county borough are predominately grazing. Due to the legislative and national policy protection afforded to common land, it is not considered necessary to include a policy in the local development plan referring specifically to common land due to the significant protection they are afforded under national law, legislation and policy.

6. GEOLOGY & GEOMORHOLOGY

6.1 Regionally Important Geological Sites

- 6.1.1 A Regionally Important Geological Site (RIGS) is a locally designated site that protects the most important places for geology and geomorphology. RIGS are designated using criteria that not only consider the earth science aspect, but also the educational purposes of the site, the historical value and the aesthetic value of a site. RIGS typically include quarries, road and rail cuttings, exposures of rock strata and both active and static geomorphological features.
- 6.1.2 The concept of RIGS was first initiated by the Nature Conservancy Councils (NCC) publication *Earth Science Conservation in Great Britain – A Strategy* (1990). They started life as SSSIs, which were denotified after the *Geological*

Conservation Review (1997-1990). The statutory agencies wished to secure their conservation in another form. RIGS sites are those which, whilst not benefiting from national statutory protection, are nevertheless regionally or locally representative sites where '*... consideration of their importance becomes integral to the planning process*' according to the *Earth Science Conservation Strategy* (ESCS).

- 6.1.3 Caerphilly County Borough has five RIGS, which are not formally designated due to their recognition as they are also important national sites and as such are designated as SSSIs, which is a higher level of protection in policy terms.
- 6.1.4 Planning Policy Wales makes no specific reference to geological sites, although their part in the wider natural heritage context is recognised and its importance is recognised. Geological landscapes is one of the LANDMAP aspect layers further highlighting the integral role that geology plays within the natural heritage setting.
- 6.1.5 The draft revised TAN5 refers to RIGS (5.7.1) stating that policies in the LDP should provide for their protection. However, the process of designation and maintaining the site should be transparent, with the records and assessments being publically available.
- 6.1.6 The five RIGS within Caerphilly County Borough will continue to remain protected under the SSSI status and as such it is not considered necessary to replicate this protection by formally adopting them as a RIG within the LDP. The statutory protected sites appendices will however, clearly highlight the SSSIs that are designated for their geological interest.

6.2 Soil

- 6.2.1 Soils are diverse, reflecting the wide range of underlying rock types and drainage, and are variable on their characteristics. With climate change, rising food costs, deforestation and changing pressures on our natural heritage, the importance of soil as a natural heritage feature is now gaining national and European attention. Soil supports our natural habitats, it is essential for the production of food, timber and fibre. It is vital for carbon storage, for regulating water flow and contribute to the character of the natural heritage.
- 6.2.2 There are currently 698 soil types described for England and Wales, these have been simplified into 27 classifications of 'Soilscapes'. Soil types are also a major component of Agricultural Land Classification maps, which indicate the productive potential of land.
- 6.2.3 No statutory protection currently exists specifically for the protection of soil in the UK or Wales. As such, the protection of soil remains under the remit of other indirect pieces of legislation, contaminated land for example.
- 6.2.4 The Environment Strategy for Wales (ESW), 2006 recognises that soil is a living medium, it is essential for supporting plant and animal life, for growing food, it acts as a crucial link between the atmosphere and water, it neutralises pollutants and greenhouse gases, it decomposes and stabilises waste, provides raw materials, protects our cultural heritage and provides a platform for the built

environment. Soils take a long time to form and are “*vulnerable to loss through erosion, contamination and development*”. The ESW requires that “*Soil is managed to safeguard its ability to support plants and animals, store carbon and provide other important ecosystems services*” The ESW seeks to achieve this by 2026 with a change in soil carbon as an indicator.

- 6.2.5 Planning Policy Wales seeks to protect the best and most versatile agricultural land (para 2.8.1) by conserving agricultural land of grades 1, 2 and 3a.
- 6.2.6 Technical Advice Note 6: Agricultural Development states that when preparing development plans and considering planning applications, local planning authorities should consider “*the quality of agricultural land and other agricultural factors and seek to minimise any adverse affects on the environment*” (para 4).
- 6.2.7 Currently, there is little scope to include a policy within the local development plan relating specifically to the protection of soil due to the lack of requirements to do so within international, European, national, regional or local policy.

Part C – Development and the Natural Heritage

The following section seeks to address only the natural heritage aspects of a number of wider issues that are relevant to the natural heritage and development. These topic issues will be covered in more detail within national legislation and may be covered in another background paper.

7. ACCESS, RECREATION & TOURISM

- 7.0.1 In Wales, even if you live in a town or city, you are never far away from the natural environment. Many of our urban areas have large open green spaces and parks that are fantastic natural environments in their own rights. Being able to enjoy the freedom of the surrounding natural heritage is a right to which everyone is entitled. However, we're not all aware of the tremendous benefits the countryside can offer. Enjoying the countryside can improve your fitness and physical health. Walking, cycling and riding whilst enjoying nature and wildlife is good for both body and mind. There are many important links between the protection and enhancement of the natural environment and opportunities that it provides in terms of access, recreation and tourism.
- 7.0.2 Tourism plays a vital role in helping to sustain the rural economy. Tourists spend over £8 million a day on trips to Wales, amounting to around £3 billion a year (WTB, 2006). Many of the tourist activities in Wales take place around the natural environment including walking, cycling, horse riding, adventure and fishing.
- 7.0.3 Caerphilly County Borough has a number of existing access, recreation and tourism attractions that promote, encourage and respond to people's desires and needs to enjoy the natural heritage, Cwmcarn forest drive, the country parks, the long distance walks and the extensive cycle networks for example.

7.1 Access

- 7.1.1 The Countryside and Rights of Way Act, 2000 (CROW) extends the public's ability to enjoy the countryside whilst providing safeguards for landowners and occupiers. With regards to access the CROW Act creates a new statutory right of access to open country and registered common land and modernises the rights of way system. The Countryside Council for Wales has designated 5728 hectares of Caerphilly County Borough as open countryside under the CROW Act, providing valuable access and recreational opportunities.
- 7.1.2 Planning Policy Wales puts *“an attractive ecological rich and accessible countryside”* (para 2.4.4) as one of the priorities for the rural area. Currently, Caerphilly County Borough has over 1000km of public rights of way including bridleways and cycle ways. Public rights of way (ProW) offer the opportunity to present and likely future needs of people for essential and recreational journeys, to encourage recreational walking and cycling to meet our needs to reduce carbon emissions, traffic congestion and to improve our general health and well-being. Maintaining ProWs is a statutory duty for local authorities.
- 7.1.3 Over 80% of Caerphilly County Borough falls outside of the defined settlement boundary. A large number of opportunities for informal and formal access exists including the enjoyment of rivers, canal towpaths, footpaths, cycle ways, bridleways, disused railways, country parks, urban parks, woodlands and commons.
- 7.1.4 The Local Development Plan continues to provide opportunities for this continued access to the natural heritage to further promote the county borough as a vibrant, accessible and enjoyable place to visit and enjoy. This point is particularly pertinent as there is potentially a massive market to target in the form of two large settlements, Cardiff and Newport.

7.2 Recreation

- 7.2.1 The Wales Spatial plan proposes that the tourism and leisure sector has the potential to contribute to a much greater extent to the southeast Wales area's economy. This includes heritage, culture, events and countryside based activities and destinations.
- 7.2.2 The range of recreational activities available have strong links with the natural environment, often the natural environment is the integral component to the success of the activity. Recreational activities based around the natural heritage and countryside include the creation of new country parks, cycle paths, mountain biking, adventure facilities and areas, fishing, water based activities and outdoor events. These activities are not only local provisions for local people and communities, but are also considered to be important for the provision of leisure and tourism opportunities at a larger scale.
- 7.2.3 Whilst the majority of recreation activities will positively contribute to the county borough and its natural heritage, there are some activities that can cause considerable harm. One example of this is off road motor vehicle activities. Legal provisions for this type of activity can bring in tourism and boost the local

economy. However, due to policy, legislation and environmental restrictions there are very few instances available where this type of activity is suitable. Caerphilly county borough has been unable to identify or provide a site. As such, illegal off roading occurs and has caused significant damage to the county's countryside. The Leisure background paper covers this issue in more depth.

- 7.2.4 The Local Development Plan makes provisions for future recreational opportunities that would benefit many aspects of the County Borough including the economy and the social and educational opportunities available to the communities of the county borough. The local development policy seeks the sustainable management, positive enhancement and promotion of the natural heritage through all recreational proposals.

7.3 Tourism

- 7.3.1 Tourism makes a particularly welcome contribution to economic activity in rural areas. It is a significant and growing source of employment and investment based on the county borough's cultural and environmental diversity. Tourism can also act as a significant factor in environmental protection and enhancement.
- 7.3.2 Planning Policy Wales recognises tourist development as an essential element in providing for a healthy, diverse, local and national economy. Rural tourism can contribute to the provision and maintenance of facilities for the local community, although all development should be well designed and sympathetic in scale and nature to the local environment and the needs of the community. (para 11.2.6).
- 7.3.3 In terms of visitor spending, tourism spend across the County Borough has steadily increased in the last five years generating a significant income for the rural economy. Day visits to the County Borough are responsible for 42% of all tourism spends (Caerphilly Local Development Strategy, March 2007, section 4.2.69)
- 7.3.4 Providing opportunities for the provision, protection and enhancement of tourism, recreation and access facilities within the LDP is recommended by PPW (para 11.2.2). However, the LDP seeks to protect the integrity of the natural heritage and encourage and permit tourism that would not be detrimental to the rural area and is sustainable. Where tourist development could be accommodated within existing settlement boundaries or existing rural facilities then this would be preferable to new development in the open countryside.

8. DEVELOPMENT

8.1 Design

- 8.1.1 Design should be considered in its broadest sense and recognise that natural heritage features in both the rural and urban environment are significant to the quality of our lives, and is a major factor in promoting natural design. Often the biodiversity and landscape that people encounter on their doorsteps is the only time they will in their daily lives. Whilst the countryside is important, in terms of education, awareness and appreciation of the natural environment the built up areas role is also significant.

- 8.1.2 Landscape considerations are considered as an integral part of the design process and can make a positive contribution to “*environmental protection and improvement*” (PPW, para 2.9.4) with examples being biodiversity, air quality and the protection of water resources.
- 8.1.3 *TAN12 – Design* highlights a number of landscape and biodiversity design issues that should be considered within the Local Development Plan and by developers (para 5.14 – 5.20). The enhancement and protection of landscape and biodiversity features as part of the design of the development should be factored into any development proposal;
- The retention and enhancement of trees and hedgerows as part of a site layout (boundary treatments)
 - The provision of bat boxes on houses where there are known colonies of bats in the area
 - The use of native species to the local area in landscaping schemes
 - Careful planning of site layout to conserve an existing feature and prevent damage to features of high value such as river corridors and banks and the use of plants to encourage native local species to the site.
- 8.1.5 The Local Development Plan countywide policy requires opportunities for the provision for biodiversity and landscape enhancements as part of general design considerations. Further more detailed guidance and information is contained within Development Design Guide (DDG) 1. This DDG does however, only refer to residential development and not all developments.

8.2 Rural Diversification

- 8.2.1 Caerphilly County Borough has traditionally had a strong link with agriculture, with many farms located throughout the county borough. However, the agricultural industry has, in general been in decline, and this has been reflected in the loss of many of our traditional farms and farming practices. Many of the farms have now diversified into tourist accommodation, boarding kennels, riding schools etc. Rural diversification can contribute to the rural economy, can sustain rural communities, can provide tourism opportunities for the county borough and continue to protect the rural landscape and character.
- 8.2.2 Planning Policy Wales encourages the facilitation of rural diversification, including the accommodation of both traditional and rural industries and new enterprises. Many commercial and light manufacturing activities, woodland products and the processing of agricultural products for example, can be located within the rural environment potentially without any detrimental impact on the character and value of the countryside (para 7.3.1). However, for the continued integrity of the natural heritage and the protection of its character, it is often more appropriate to diversify existing facilities such as farm complexes rather than provide new facilities. Diversification is essentially changing an existing facility that is no longer suited to its original purpose to another use that will benefit the local environment, economy and people in a sustained way.
- 8.2.3 The local development plan should seek to support rural diversification, where feasible and appropriate to provide a vibrant and varied economy. Further, the

local development plan policy should seek to retain the character of the rural area by permitting schemes that are consistent in scale and compatible with their rural location, the re-use of existing buildings is sought and the proposed operation is complimentary to the existing business on the site.

8.3 Development in the countryside

- 8.3.1 PPW states that development in the countryside should be located within and adjoining settlements that are best accommodated in terms of infrastructure, access, habitat and landscape conservation. New building in the countryside away from existing settlements should continue to be strictly controlled. (para 2.5.7). However, PPW makes special provision in a few circumstances including rural exception sites and agriculture and forestry dwellings (para 9.2.18 and 9.3.7)
- 8.3.2 Due to Caerphilly County Boroughs strategic location at the centre of the Capital Network, as identified by the Wales Spatial Plan, it has a key role to play in delivering development. However, a careful balance of economic prosperity for the County Borough and safeguarding its precious and vulnerable natural heritage needs to be met.
- 8.3.3 Where development is permitted in the countryside for any of the provisions identified within PPW (including rural exceptions or agriculture and forestry dwellings), PPW recommends sustainability principles be embodied to *“benefit the rural economy and local communities while maintaining and enhancing the environment.”* (para 9.2.18).
- 8.3.4 The local development plan will seek to restrict the development in the countryside so that the integrity of the natural heritage can be maintained and that existing settlements can become more sustainable in terms of additional community facilities, infrastructure, choice of housing and leisure and recreation activities and facilities. However, as previously discussed there are going to some forms of development that are conducive to a rural setting and will boost rural economy, tourism and benefit communities. These forms of development should be supported and recognised as important to the natural heritage and sustainability.
- 8.3.5 Many locations within the countryside have small isolated villages or hamlets that maybe capable of accommodating infill development without detriment to the character and local distinctiveness of the area. Planning Policy Wales states that *“sensitive infilling in of small gaps, or minor extensions to such groups, may be acceptable”* (para 9.2.18) PPW continues that the appropriateness of infill development would depend upon the *“character of the surroundings, the pattern of development in the area and the accessibility to main towns and villages”*
- 8.3.5 It is not considered necessary to include a LDP policy that directly addresses new building development in the countryside, including infill development as both national guidance and other LDP policies adequately cover this issue.

8.4 Rural Building Conversions

- 8.4.1 Rural buildings play an important part of meeting the needs of rural areas for commercial and industrial development, tourism, sport and recreation as well as for rural housing. Rural buildings can include farm buildings, chapels, manor houses and castles.
- 8.4.2 PPW requires LPAs to adopt a positive approach to conversion of rural buildings for business use, especially where they are located within or adjacent to existing farm complexes. However, care should be taken to make sure that the conversion is suitable for the re-use, does not lead to the dispersal of activity as to prejudice town and village vitality, the form, bulk and general design are in keeping with the surroundings, buildings are of sound quality and do not need substantial re-build and does not detrimentally impact upon the integrity of a building of historic or architectural importance. (para 7.6.9)
- 8.4.3 The residential conversion of rural buildings which have ceased to be used for industrial, commercial or agricultural should not be permitted unless every reasonable attempt has been made to continue the buildings use as an economic or business asset, residential development forms part of the business re-use and the resulting housing will contribute to an identified local need for affordable housing (para 7.6.10). Any residential conversion should not involve the substantial rebuild, alteration or extension of the building or the creation of a residential curtilage that would have an adverse impact on the character of the surrounding countryside.
- 8.4.4 It is considered necessary to include a local development plan policy referring to the conversion, extension and replacement of buildings outside of the settlement boundary. This topic is covered by national guidance to a certain degree, but the LDP policy will seek to 'localise' the policy and relate it specifically to the challenges of Caerphilly County Borough. The policy will seek to ensure that any proposal is well related to the proposed scale, form, siting, design and materials are appropriate.

8.6 Climate Change

- 8.6.1 Through much of the 20th century the prevailing worldview was that the environment was in a fairly stable state. We knew that things like changes in agricultural practices and increases in commercial forestry were altering the appearance of the landscape, as well as damaging wildlife in localised areas.
- 8.6.2 What we didn't consider until the later part of the 20th century were the far-reaching continental and, indeed, global impacts of our actions. Today, we recognise that our effect on the global environment is truly a critical issue. Although we now recognise the challenges, changes in land use and management and resource exploitation continue the process of environmental change.
- 8.6.3 The sustainable use of the land and other resources throughout Caerphilly County Borough, in ways that are sympathetic to our natural heritage, are going

to be fundamental to the long term protection of our natural heritage in relation to climate change.

- 8.6.4 Changes to Welsh natural heritage and the rural economy as a result of climate change have been predicted to include;
- Longer growing and grazing seasons;
 - Range of crops capable of growing in the Welsh regions could change which would result in more ploughing of the familiar pattern of grazing fields;
 - More land coverage suitable for woodland, leading to a decrease in our familiar open moorland landscape;
 - More land given over to growing biofuels;
 - Loss of historic landscapes and archaeological features due to changes in farming practices, planting forests and drier soil conditions which would jeopardise the preservation of the remains;
 - The increase in provision of green energy schemes such as wind farms, hydroelectric schemes and biofuel plantations to lessen the effects of climate change;
 - Habitats will be lost, the upland habitats are particularly vulnerable to climate change;
 - Rivers and lakes will get warmer, leading to faster growth and metabolism in many species and leading to a decline of many of our vulnerable species such as salmon and trout;
 - Wetter and stormier winters may well keep the visitors away between October and March and the tourist and recreation industry will then have to rely even more on peak summer season business;
 - Footpaths could face erosion due to an increase in the number of walkers as well as the extremes of summer droughts and heavy winter rainfall. The need for greater maintenance will be a growing issue as many footpaths will be badly affected.

8.6.5 The need to consider climate change in relation to the natural environment is embedded in UK and Welsh planning policy and obligations including *Planning Policy Wales* (para 2.3.2), the *Environment Strategy for Wales* (page 21), *Draft revised TAN5* (para 2.1) and *Planning for Climate Change*, Dec 2006. Full consideration should be given to climate change when preparing the LDP and embedding the principles behind climate change and subsequently sustainability into all of the LDP and Supplementary Planning Guidance (SPG). It is therefore, not necessary to have a climate change policy in its own right. The Strategic Environmental Assessment process seeks to ensure that climate change issues are fully considered and integrated into the plan.

9. AGRICULTURAL AND FORESTRY DEVELOPMENT

9.1 Conserving the best and most versatile agricultural land

9.1.1 Historically, most of our land use areas were occupied by agriculture and as a result this has not only created the landscape that we are familiar with today, but has also protected the open countryside in its own right. With changing farming practices and a general decrease in the agricultural sector over the recent past,

the open nature and character of the countryside is suddenly coming under great pressure for change. The way that planning responds to this period of change is vital, not only for the integrity of our natural environment, but also for the sustainable use of a valuable natural resource.

- 9.1.2 Agricultural land is classified by grades, namely 1, 2, 3a, 3b, 4, 5 (1 being Excellent quality and 5 being very poor). Caerphilly County Borough is predominately classified as grade 4 or 5, which is poor quality agricultural land. Planning Policy Wales seeks to protect land that is classified as grade 1, 2 or 3a (para 2.8.1). Technical Advice Note 6: Agricultural and Rural Development, 2000 endorses the view of PPW that only the most valuable and versatile land should be protected. The protection of Caerphilly County Boroughs agricultural land, in reference to its graded quality, is therefore not essential in policy terms.

9.2 Development associated with agriculture and forestry

- 9.2.1 Agricultural and forestry development could include the provision of ancillary buildings, storage and parking areas and workers housing, conversion and rehabilitation of existing buildings.
- 9.2.2 PPW states that it is important to establish that the intentions to engage in agriculture or forestry are “*genuine and are likely to materialise and be capable of being sustained for a reasonable period*” (para 9.3.8). The provision of new dwellings associated with the agricultural and forestry are not precluded, although a need should be proven through a functional and financial test.
- 9.2.3 TAN 6 states that one of the few circumstances in which isolated residential development in the countryside is justified when accommodation is required to enable farm or forestry workers to live at or close to their place to work. However, the sentiments of PPW are reflected in TAN6 with regards to the need being clearly demonstrated prior to the permission being granted.
- 9.2.4 The advice, guidance and criteria provided in TAN12 with regards to the design of development associated with agriculture or forestry is comprehensive and the need for additional policies in the LDP is unlikely to be necessary.

9.3 Farm Diversification

- 9.3.1 Farm diversification is the change of emphasis of the traditional farm unit and use and includes uses such as farm shops, farm workshops and small farm-based or related operations (TAN6, para 21-25). Due to our changing farming practices and decline in traditional agriculture, farm diversification will play a significant role in maintaining the character of the countryside and rural environment. Farm diversification will also offer rural economic opportunities. Farm diversification needs to be considered along side the general economy of the borough to establish the need and extent of farm diversification in the local area.
- 9.3.2 PPW defines farm diversification as “*economic diversification on working farms, which is subject to planning control,*” (para 7.3.3). PPW requires Local Planning Authorities to adopt a positive approach to development associated with farm diversification in rural areas when preparing the Local Development Plan. The

LDP should consider the possible uses and adaptations of appropriate existing farm buildings and complexes. However, as stated in PPW (para 7.3.3) farm diversification should not be constrained to re-using and adapting existing buildings. The provision of sensitively designed new buildings on a working farm within existing farm complexes may be appropriate where a conversion opportunity does not exist.

- 9.3.3 It is not considered that a separate policy is required specifically for farm diversification. National guidance already comprehensively covers this topic and the LDP policy referring to rural diversification will also cover the topic of farm diversification.

10. KEY ISSUES FOR THE LDP

10.1 Natural Heritage Local Development Plan Recommendations

- 10.1.1 Having regard for the presented evidence and consideration of the policy and legislative context, the following are considered as key issues for inclusion within the Local Development Plan:

- The continued designation of local biodiversity designations such as Local Nature Reserves and Sites of Importance for Nature Conservation, with a generic policy to reflect the local designation rather than separate policies for each local designation;
- Local biodiversity designations, such as Local Nature Reserves and Sites of Importance for Nature Conservation being placed on the proposals map rather than the constraints map;
- Safeguarding existing green networks that link not only designated sites, but also non-designated sites. The policy should seek to maintain and enhance the key **local** green network features and linkages including the features in the built environment;
- The continued designation of local landscape designations such as Special Landscape Areas and Green Wedges;
- The inclusion of Visually Important Local Landscapes;
- A generic policy promoting local access, recreation and tourism;
- A generic policy protecting locally important trees, woodlands and ancient woodland and trees;
- A generic policy relating to appropriate development in the countryside including housing, farm diversification, rural diversification and conversions. These should be relevant to the local context and not repeat national guidance.

- A policy or part of a policy requiring the integration of natural heritage features to be included within the design of developments.

10.2 Supplementary Planning Guidance

10.2.1 The following Supplementary Planning of relevance to the natural heritage is currently used in conjunction with the Unitary Development Plan (UDP) to provide guidance to prospective developers:

- DDG1 - Building Better Places to Live – Approved
- DDG3 – New dwellings in the countryside- Draft
- DDG5 – Countryside and Nature Conservation- Draft
- DDG9 – Development and Nature Conservation-Draft
- DDG10 – Trees and Development – Draft
- Local Biodiversity Action Plan (with the associated guidance document) - Approved

10.2.2 In order to update the policy framework it will be necessary for existing guidance to be updated as an integral part of the LDP preparation process. In this context it is recommended that Supplementary Planning Guidance be prepared for the following areas in support of the Local Development Plan policies:

- *Development outside of the settlement boundaries* (including housing, stables, design, re-use of rural buildings, barn conversions, tourism, leisure, agriculture and forestry development, rural and farm diversification)
- *Trees and development* (including woodlands)

The production of the above SPG will seek to take the existing UDP SPG (para10.2.1) and amalgamate the contents into the two SPGs. None of the existing topics covered in the UDP SPG will be omitted unless it is now irrelevant in national guidance or legislative terms. The LDP SPG will seek to cover all of the necessary SPG topics within more succinct headings and policy documents that are more user friendly for professionals and developers.

10.3.5 The need for the continued use of the Local Biodiversity Action Plan as Supplementary Planning Guidance is no longer recommended by the Wales Biodiversity Framework. The Wales Biodiversity Framework now recommends the use of the LBAP as the information that supports a more planning focused biodiversity SPG.

10.3.6 At the first review of the LBAP, Caerphilly County Borough will be following the Wales Biodiversity Framework guidance and be producing a slim line biodiversity SPG, with the current LBAP forming the evidence base to the document.

Glossary - Acronyms

CCW	Countryside Council for Wales
CROW Act	Countryside Right of Way Act
DDG	Development Design Guide
EJC	European Court of Justice
ELC	European Landscape Convention
ESW	Environment Strategy Wales
EU	European Union
HOV	Heads of the Valley
LBAP	Local Biodiversity Action Plan
LDP	Local Development Plan
LDS	Local Development Strategy
LNR	Local Nature Reserve
LPA	Local Planning Authority
MIPPS	Ministerial Interim Planning Policy Statement
NCC	Nature Conservancy Council
NERC Act	Natural Environment and Rural Communities Act
PPW	Planning Policy Wales
ProW	Public Right of Way
RIGS	Regionally Important Geological Sites
SACs	Special Areas of Conservation
cSACs	Candidate Special Areas of Conservation
SINC	Site of Importance of Nature Conservation
SLA	Special Landscape Area
SPG	Supplementary Planning Guidance
SSSI	Site of Special Scientific Interest
TAN	Technical Advice Note
TPO	Tree Preservation Order
UDP	Unitary Development Plan
VILL	Visually Important Local Landscape
VRP	Valleys Regional Park
WAG	Welsh Assembly Government
WBF	Wales Biodiversity Framework
WLGA	Welsh Local Government Association
WSP	Wales Spatial Plan
WTB	Wales Tourist Board

REFERENCES

- Caerphilly County Borough Council **1996** *Countryside Strategy* Caerphilly County Borough Council
- Caerphilly County Borough Council **March 2002** *Local Biodiversity Action Plan* Caerphilly County Borough Council
- Caerphilly County Borough Council **November 2004** *Community Strategy: Community Planning in Action* Caerphilly County Borough Council
- Caerphilly County Borough Council **March 2007** *Caerphilly Local Development Strategy 2007-2013* Caerphilly County Borough Council
- Caerphilly County Borough Council **2007** *Living Environment partnership Strategy 2007-2012* Caerphilly County Borough Council
- Council of Europe **20th March 2000** *The European Landscape Convention* Council of Europe, Florence
- Office for Deputy Prime Minister **1981** *Wildlife and Countryside Act* HMSO, London
- Office Deputy Prime Minister **October 1994** *The Conservation (Natural Habitats, &c.) Regulations (as amended)* HMSO London
- Office for Deputy Prime Minister **1997** *Hedgerow Regulations SO 1997/ 1160* HMSO, London
- Office for Deputy Prime Minister **2000** *Countryside and Rights of Way Act*, HMSO, London
- Office for Deputy Prime Minister **March 2006** *Natural Environment and Rural Communities Act 2006* HMSO London
- The Council of the European Communities **May 1992** *Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora* European Economic Community, Brussels
- UK Government **1994** *United Kingdom Biodiversity Action Plan* HMSO, London
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