

# Conwy Deposit Local Development Plan 2007 – 2022 (Revised edition 2011)



## Supplementary Planning Guidance Focussed Changes Document LDP5 Biodiversity August 2012

This document is available to view and download on the Council's web-site at: [www.conwy.gov.uk/ldp](http://www.conwy.gov.uk/ldp) . Copies are also available to view at main libraries and Council offices and can be obtained from the Planning Policy Service, 26 Castle Street, Conwy LL32 8AY or by telephoning (01492) 575461. If you would like to talk to a planning officer working on the Local Development Plan about any aspect of this document please contact the Planning Policy Service on (01492) 575181 / 575124 / 575445 / 575447.

**If you would like an extract or summary of this document on cassette, in large type, in Braille or any other format, please call the Planning Policy Service on (01492) 575461.**

## INTRODUCTION

This report sets out the changes that the Council considers it is necessary to make to the Supplementary Planning Guidance Documents following the public consultations held in March – April 2011.

The Supplementary Planning Guidance Documents were subject to public consultations which invited comments on all aspects of the document.

In addition to changes proposed in light of comments received, other changes to the document are also necessary to take account of new information not previously available. Minor editorial changes are also proposed to improve legibility or provide clarification. Collectively, the changes proposed in this report are referred to throughout as 'focussed changes'.

Where a change proposes deleting text, this is shown by a ~~strikethrough~~.

Where a change proposes adding text, this is shown by red text.

The changes proposed are shown in the order they appear in the document. Paragraph numbers indicate the original number within the document; any new paragraphs have not yet been given a paragraph number but are shown in the order they will appear in the final adopted document.

Consultation on this document will start on **Friday 31<sup>st</sup> August 2012**. All comments must be received by the Conwy County Borough Council **no later than 4.45pm on Friday 12<sup>th</sup> October 2012**. **Comments in response to this consultation must relate only to the focussed changes being proposed and not to other areas of the document.**

The Council encourages comments to be made via their website: [www.conwy.gov.uk/ldp](http://www.conwy.gov.uk/ldp)

Alternatively comments can be made using the Focussed Changes comment form – copies are available at the following Conwy County Borough Council Offices between the hours of 8.45 a.m. – 5.15 p.m. Monday to Thursday and 8.45 a.m. – 4.45 p.m. Friday:

Planning Policy Officer, 26 Castle Street, Conwy LL32 8AY  
Civic Offices, Colwyn Bay LL29 8AR  
Bodlondeb, Conwy LL32 8DU

Copies are also available at Local Libraries (please call individual libraries for opening times).

LDP5: BIODIVERSITY				
Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed	Justification
LDP5 - 001	1.1	5	The main purpose of this SPG is to be of assistance to <del>members of the public, applicants and developers, planning officers and Council Members</del> <b>everyone involved in dealing with planning applications new development in Conwy and assessing what impact it may have</b> <del>which may impact</del> on biodiversity.	Minor editorial change
LDP5 – 002	1.3	5	Well-designed development can help home-owners meet their changing needs, add value to properties and provide vibrant retail, office or tourism opportunities enhancing the local area. With good design it is also possible to reduce energy bills and avoid wasting natural resources. Most development can also provide <b>and enhance</b> habitats for <del>a variety of</del> various species and improve the biodiversity of the site and surrounding area	Minor editorial change
LDP5 – 003	1.4	5	The Council will have regard to this SPG when making planning decisions with immediate effect. The Welsh <del>Assembly</del> Government ( <b>WG</b> ) advises that SPGs may be used as a means of setting out more detailed guidance on the application of LDP policies. Although this guidance supplements existing policies, it also reflects the updated national policy context, and this will be reflected in the LDP through annual monitoring.	Minor editorial change
LDP5 – 004	2.1	5	Biodiversity is the richness and diversity of habitats and species. Some habitats and species are recognised as being of international or national importance while others may be of local significance. All contribute to, and help to define, the natural character of a given area. Wildlife of our rural and coastal open spaces constitutes a significant part of people’s contact with the natural environment in Conwy and fortunately many of these places are easily accessible, adding to the quality of life <b>and attractiveness of the area</b> . Biodiversity is an integral part of a healthy and functional natural environment. <b>It is essential for sustaining the natural living systems, or ecosystems, that provide us with food, fuel, health, wealth, and other vital services. It is vital for our wellbeing.</b>	Minor editorial change
LDP5 –	2.2	6	<del>Biodiversity is essential for sustaining the natural living systems, or ecosystems,</del>	Minor editorial change

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005			that provide us with food, fuel, health, wealth, and other vital services. It is vital for our wellbeing.	Incorporated into 2.1
LDP5 – 006	3.1	6	Conwy has a wealth of wildlife and a diversity of habitats. In the north is the beautiful headland of the Great Orme, with its sea cliffs, limestone pavements and grassland. It is accessed from Marine Drive which provides views across Traeth Lafan to Snowdonia, Puffin Island and Anglesey to the west, and the North Wales and Lancashire coasts to the East. In stark contrast are the windswept uplands of the Hiraethog moors that form forming a niche between the vast coniferous forest of Clocaenog, the hills forming the Migneint and the course of the River Conwy. The Hiraethog provides habitat for breeding Hen Harrier, Merlin and Black Grouse whilst the Red Kite is slowly gaining a stronghold in the South of the County.	Minor editorial change
LDP5 – 007	3.2	6	Our rural hinterland forms the core of Conwy and provides a patchwork of woodlands, grazed uplands, valleys and hedgerows. Oak woodland offers habitat for summer visitors such as the redstart, pied flycatcher and wood warbler whilst tawny owls and woodpeckers are here all year round. The wide Conwy valley links Snowdonia’s northern Carneddau range and Gwydir Forest in the west to Coed Hafod and the rolling hills to the east which continue into Denbighshire and its agriculturally diverse Clwyd valley and further east, there are the hills forming the Clwydian Range, and the Area of Outstanding Natural Beauty (AONB).	Minor editorial change
LDP5 - 008	3.3	6	Our marine life is a rich variety of animals, including soft corals, sea anemones, fish, crabs, and breeding sea birds. Conwy’s coastal sea cliffs provide habitats for the red-billed chough, the rarest species of crow breeding in Britain. Kinmel Bay holds important areas for the water vole and common lizard. Conwy also has nine species of bat, including the critically endangered lesser horseshoe bat, which has disappeared from most of its northern range in Europe. The Conwy Valley, in particular, holds strong populations of this species therefore the reuse of derelict buildings needs careful assessment.	Minor editorial change

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LDP5 – 009	4.2	7	The LDP has a crucial role in safeguarding the important habitats and species identified in this guidance. This SPG is an important link showing how it is implemented, <del>in part,</del> through the planning system.	Minor editorial change
LDP5 – 010	4.3	7	Loss of biodiversity runs contrary to the aims and objectives of the LDP in terms of achieving sustainable development. Therefore it is important that new development, re-development and changes in land use <del>should</del> avoid loss or harm to wildlife features present on a site <del>wherever possible</del> . However, in exceptional cases, where there are over-riding material planning considerations that mean avoidance is not possible, then the Council will seek measures from developers that minimise any adverse effects and offset or compensate for those impacts that cannot be avoided or reduced, prior to the commencement of development.	Minor editorial change
LDP5 – 011	4.4	7	Much of the pressure on biodiversity is related to development and land use. Consequently, the planning system has a vital role to play in biodiversity conservation. <del>Conwy County Borough</del> The Council has an ecologist and a <del>planning enquiries officer</del> who can advise on biodiversity issues relating to planning applications. <del>Policy NTE/4 is shown in full on page 8 and forms part of the Natural Environment chapter of the LDP. This outlines the requirements of new development in relation to Biodiversity.</del>	Minor editorial change
LDP5 – 012	5.2	9	In particular applicants should: <ul style="list-style-type: none"> <li>• Avoid adverse impacts on designated sites <del>(see Appendix 2)</del> <del>(see CCW website)</del> and protected species <del>(including those listed in see Appendix 2 and 3)</del>.</li> <li>• Avoid adverse impacts to priority habitats and species identified in the Section 42 list of habitats or species of principle importance to Wales and the Conwy LBAP.</li> <li>• Retain existing habitats and <del>consider provision for</del> species in the site layout and design <del>integrating the process into the DAS/Biodiversity Statement.</del></li> </ul>	Minor editorial change

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Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed	Justification
			<ul style="list-style-type: none"> <li>Where appropriate <del>provide</del> <b>prepare</b> a landscaping scheme <b>at pre-app stage</b> taking into account the above prior to <b>submitting an application</b> <del>the granting of planning permission.</del></li> <li>Avoid leaving existing habitats and species isolated within the finished development by linking them to adjacent habitats via appropriate wildlife corridors as identified in earlier survey work.</li> </ul>	
LDP5 – 013	5.3	9	Ideally the design stage should follow on from the survey information gathered during Pre-Application Stage, if appropriate. The aim should be to provide sufficient measures in the design for the biodiversity identified on site to be retained or enhanced, linking with adjacent wildlife features wherever possible. These can be detailed and justified in the Biodiversity Statement <del>(see Section 6).</del>	Minor editorial change
LDP5 – 014	5.5 Mitigation to Minimise Unavoidable Harm	10	<p>Where adverse effects are unavoidable they can be minimised by appropriate mitigation measures that can be included in conditions or planning obligations / agreements. In particular applicants <b>will be required to</b> <del>should</del> ensure that:</p> <ul style="list-style-type: none"> <li>Works are carried out at the appropriate time of year to avoid disturbance to species, <del>(see Appendix 6),</del></li> <li>Any necessary licences are obtained <b>early in the process</b>, so that protected species are treated appropriately. CCW provides guidance on protected species, <del>(see Section 7, page 18).</del> However, note that a licence to disturb a European protected species can only be applied for after planning permission has been granted.</li> <li>All other measures have been taken to reduce effects on biodiversity to a minimum, for example by creating buffer zones between sensitive areas and development areas to reduce disturbance to habitats.</li> <li>New infrastructure (for example bridges) are designed to enable continued movement of wildlife.</li> <li>The hydrological status of sensitive sites is maintained through the careful</li> </ul>	Minor editorial change

LDP5: BIODIVERSITY				
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			<p>design of drainage infrastructure.</p> <ul style="list-style-type: none"> <li>Habitats which cannot be retained in their current location are translocated whenever feasible. Hedgerows <b>and trees</b> for example, can be successfully translocated if sufficient care is taken</li> <li>Species from destroyed habitats are translocated to suitable receptor sites (to be used only as a rescue operation to save species that would otherwise be lost).</li> </ul>	
LDP5 – 015	5.6 Compensation to Offset Residual Harm	10	<p>Where, despite all possible mitigation, there will be residual adverse effects on wildlife, they can be compensated for by measures that are designed to offset the harm. Developers should, where necessary, alter the site design to accommodate compensatory features at an early stage in the planning process.</p> <p>Whilst compensation is always a last resort, the Planning Authority will seek to:</p> <ul style="list-style-type: none"> <li>Ensure that habitats are enhanced, restored or recreated on <b>the site or on other areas of land (such as an offsetting scheme) adjacent to, or in close proximity to the site.</b></li> <li>Ensure that compensatory measures are guaranteed by conditions or planning obligations / agreements.</li> </ul>	Minor editorial change
LDP5 - 016	5.9	11	<p>Examples of design measures that might achieve new benefits which developers should consider include:</p> <ul style="list-style-type: none"> <li>Creating areas of new habitat such as woodland, rough grassland, wildflower grassland, green roofs, or ponds in landscaped areas or public open space.</li> <li>Siting open space and landscaping so that planting within such areas forms a wildlife corridor between areas of habitat adjacent to the site</li> <li>Making provision on new buildings <b>or conversions</b> for species such as bats, swallows, <b>swifts</b> or barn owls.</li> </ul>	Minor editorial change

LDP5: BIODIVERSITY				
Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed	Justification
			<ul style="list-style-type: none"> <li>Restoring landfill and mineral sites to grassland, heathland or reed bed</li> <li>Using Sustainable Drainage Schemes (SUDS) so that drainage infrastructure (such as reed bed filtration) also acts as biodiversity habitat.</li> </ul>	
LDP5 – 017	5.10 Achieving a net gain in biodiversity	12	<p>Achieving a net gain in Biodiversity gains</p> <p>A net gain in biodiversity means an increase in the abundance, quality or extent of species and/or habitats as a result of development. In other words, the development of a site results in an increase in the area's biodiversity assets.</p>	Minor editorial change
LDP5 – 018	5.12	12	<p>These areas of safeguarded habitat will be extended or added to through restoration of degraded habitat or creation of new habitat where conditions allow. This will form an extensive network of linked green infrastructure that will provide additional, complementary wildlife habitat, buffering key habitats from adverse impacts related to developed areas of the within sites and their associated activities.</p>	Minor editorial change
LDP5 – 019	5.13 Adequate Information	12	<p>In dealing with a planning application, the Planning Authority needs to ensure that sufficient information is available about the site's biodiversity, the potential effects of the development on biodiversity both on and off-site and the significance of these effects.</p> <p>To provide adequate information planning applicants can:</p> <ul style="list-style-type: none"> <li>Consider whether the proposed development site is within or in close proximity to or adjacent to a site designated for nature conservation interest.</li> <li>Consider fully the site's biodiversity interests and the presence or absence of protected species and habitats of biodiversity importance. A detailed survey may be needed.</li> <li>Consider linkages with habitats or natural features outside the site.</li> </ul>	Minor editorial change

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			<ul style="list-style-type: none"> <li>Contact the Local Record Centre (such as COFNOD) to obtain site-specific habitat and species data (if it is available) that may assist in <b>shaping</b> <b>informing</b> the <b>details-function and method</b> of any survey.</li> <li>Consider whether the development requires an Environmental Impact Assessment (EIA).</li> </ul>	
LDP5 - 020	5.14	13	<p><b>Professional surveys and survey reports can assist the developer to:</b></p> <ul style="list-style-type: none"> <li><del>Identify the key habitats and features within, or adjacent, to the site.</del></li> <li>Assess the impact of the development on biodiversity.</li> <li>Provide sufficient environmental information to the Planning Authority about the site's interests and the likely effects of the development.</li> <li>Consider whether licences need to be applied for.</li> <li>Consider whether an Appropriate Assessment may be required under the Habitats Regulations <b>1994 as amended</b>.</li> </ul>	Minor editorial change
LDP5 – 021	5.16	13	<p>It should be noted that <b>current-currently developing</b> research aims <b>are being developed for-at</b> the creation of analogues of BAP habitats on roofs, so very significant contributions to biodiversity are possible.</p>	Minor editorial change
LDP5 - 022	5.17	13	<p>It is important to note that provision for particular species should be guided by what is locally appropriate, and that advice on the amount of provision, its location within the development, siting and associated information should be sourced from an experienced ecologist. Technical guidance on how these features can be incorporated continues to be developed. Details of measures for consideration can be found from the following sources:</p> <ul style="list-style-type: none"> <li>Bat Conservation Trust – <a href="http://www.bats.org.uk">http://www.bats.org.uk</a></li> <li>RSPB (Royal Society for the Protection of Birds) – <a href="http://www.rspb.org.uk">http://www.rspb.org.uk</a></li> <li>London's Swifts – <a href="http://www.londons-swifts.org.uk">http://www.londons-swifts.org.uk</a></li> <li>Barn Owl Trust – <a href="http://www.barnowltrust.org.uk">http://www.barnowltrust.org.uk</a></li> <li>Black Redstarts – <a href="http://www.blackredstarts.org.uk">http://www.blackredstarts.org.uk</a></li> </ul>	Minor editorial change

LDP5: BIODIVERSITY				
Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed	Justification
			<ul style="list-style-type: none"> <li>National Trust – <a href="http://www.nationaltrust.org.uk">http://www.nationaltrust.org.uk</a></li> </ul>	
LDP5 – 023	5.18	14	Where an impact has been identified the applicant will be expected to mitigate for the impact of development and secure a net biodiversity gain. Many developments, even if they do not contain priority habitats, are important in sustaining more widespread and common species, as well as providing buffering for key habitats. These areas may also provide other Green Infrastructure functions	Minor editorial change
LDP5 – 024	5.19	14	This can be achieved by following guidance provided in this document and by using specific references listed at the back of the document. These modifications to design should be included on the drawings submitted as part of the application as well as described in the Biodiversity Statement (see Section 6).	Minor editorial change
LDP5 – 025	6.1	15	All proposals should include a Biodiversity Statement which can be submitted as part of the ‘One App’ approach in the DAS or as a separate document. The level of detail will depend on the proposal and extent of impact on biodiversity. This assessment of impact should form the reasoning behind the Biodiversity Statement. This will also provide the framework for delivering net biodiversity gain by setting out what is to be achieved and the steps that are needed to achieve it. Also, most importantly, how biodiversity will be increased and enhanced in advance of and alongside development rather than at the end of the development process.	Minor editorial change
LDP5 – 026	6.2	15	Larger proposals should include specific measurable targets for net biodiversity gain, reflecting local priorities for biodiversity (and contributing to National Wales’ targets where as appropriate). They should also take account of the challenges posed by climate change.	Minor editorial change
LDP5 – 027	6.3	15	Appendix 5 4 provides basic examples of what is expected in a Biodiversity Statement in relation to the size and scope of a development. For larger	Minor editorial change

LDP5: BIODIVERSITY				
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			developments the Council encourages developers to engage in pre-application discussions.	
LDP5 - 028	6.5	17	<p><b>The principal objectives for a Biodiversity Statement are to show how the following have been achieved within the development proposal:</b></p> <ul style="list-style-type: none"> <li>• <b>Protecting and enhancing the best of existing biodiversity:</b> key habitat areas of sufficient quality and quantity to support both characteristic and uncommon species should be sustained. These areas include designated conservation sites, and habitats of national, regional and local importance, where environmental conservation is the main priority. Mechanisms and resources will be required for long-term management of these habitats to ensure no net loss as a result of development.</li> <li>• <b>Mitigating the impact of development and securing net biodiversity gains:</b> where nature conservation is not the primary concern, 'supplementary' or 'transitional' habitats (in addition to key habitats) will be important in sustaining more widespread and common species, as well as providing buffering for key habitats. <b>These areas may also provide other Green Infrastructure functions.</b></li> <li>• <b>Integrating biodiversity with the built environment:</b> large scale sites should incorporate a high degree of permeability for wildlife within the built environment, helping to increase and sustain biodiversity. Planning and designing for this is particularly important due to recent changes in building regulations leaving very few roosting or nesting opportunities for certain species in new-build.</li> </ul>	Minor editorial change
LDP5 – 029	6.6	17	<p><b>Key elements of a Biodiversity Statement:</b></p> <ul style="list-style-type: none"> <li>• <b>Siting, location and context:</b> Adverse impacts of development should be mitigated and compensatory measures should be taken to ensure an overall gain in biodiversity. Strategic site proposals will need to include an Environmental Impact Assessment, context studies, and careful</li> </ul>	Minor editorial change

LDP5: BIODIVERSITY				
Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed	Justification
			<p>consideration of the <b>siting footprint</b> of the development.</p> <ul style="list-style-type: none"> <li>• <b>Design:</b> Detailed design of buildings and other structures should include specific measures for biodiversity, including trees in hard landscaping, living ('green') roofs, nesting and roosting sites.</li> <li>• <b>Management:</b> Positive management can ensure long-term sustainability. If left unmanaged, neglect and the impact of development can adversely affect habitats and green spaces. Management should be planned and properly funded, and should involve local communities.</li> <li>• <b>Funding:</b> Allocation of funding for long-term management should be an integral part of the green infrastructure funding arrangements, including the provision of contingency funding.</li> </ul>	
LDP5 – 030	7.1	18	The Welsh <b>Assembly</b> Government is responsible for issuing licences for activities that would be illegal, for example the disturbance of a European protected species, but where a valid justification exists, for example for public health and safety, agricultural purposes etc.	Minor editorial change
LDP5 – 031	7.2	18	Most licences are issued free of charge. <del>The Countryside Council for Wales</del> <b>CCW</b> also issue licences for certain purposes such as science and education.  Visit: <a href="http://www.ccw.gov.uk/landscape--wildlife/habitats--species/species-protection/licensing/application-forms.aspx?lang=en">http://www.ccw.gov.uk/landscape--wildlife/habitats--species/species-protection/licensing/application-forms.aspx?lang=en</a>	Minor editorial change
LDP5 – 032	New paragraph		<b>Countryside and Rights of Way (CRoW) Act 2000</b> The CRoW Act 2000A8 provides for public access on foot to certain types of land, amends the law relating to public rights of way, increases measures for the management and protection for Sites of Special Scientific Interest and strengthens wildlife enforcement legislation, and provides for better management of Areas of Outstanding Natural Beauty. It also provided for the establishment of Local Access Forums.	Amended to reflect representations received on the Revised Deposit LDP

<b>LDP5: BIODIVERSITY</b>				
<b>Focussed Change Ref. No.</b>	<b>Section/Heading</b>	<b>Page No.</b>	<b>Change Proposed</b>	<b>Justification</b>
LDP5 – 033	8.1.12 National Guidance	22	The Welsh <del>Assembly</del> Government has recognised the important role for the planning system in conserving biodiversity in its planning policy guidance:	Minor editorial change
LDP5 – 034	8.1.13	22	Planning Policy Wales (PPW) (2011) sets out the land use planning policies of the Welsh <del>Assembly</del> Government. It is supplemented by a series of Technical Advice Notes (TANs). Procedural advice is given in National Assembly for Wales / Welsh Office circulars. PPW, TANs and circulars together comprise national planning policy to which local planning authorities in Wales must have regard in the preparation of development plans. They may be material to decisions on individual planning applications and will be taken into account by the Assembly Government and Planning Inspectors in the determination of called-in planning applications and appeals.	Minor editorial change
LDP5 - 035	New paragraph		<p><b>Water Framework Directive</b></p> <p>The EU Water Framework Directive (WFD) came into force in 2000 and was transposed into UK legislation in 2003. The overarching target of the WFD is for all inland and coastal waters to meet ‘good ecological status’ (or good ecological potential in the case of heavily modified water bodies) at the latest by 2027. In addition to this, no water bodies should deteriorate in status. River Basin Management Plans have been developed for all 11 River Basin Districts in England and Wales. These plans set out the status of waterbodies and the actions that are needed to meet European obligations. Planning has an important role to play in helping to meet these challenges. Advice on the WFD initially provided to local planning authorities by the Environment Agency Wales is still relevant and is accessible at: <a href="http://www.environmentagency.gov.uk/research/planning/33102.aspx">http://www.environmentagency.gov.uk/research/planning/33102.aspx</a>.</p>	Amended to reflect representations received on the Revised Deposit LDP
LDP5 - 036	New paragraph		<p><b>Flood and Water Management Act 2010</b></p> <p>Schedule 3 of the Flood and Water Management Act 2010 requires all new developments of over one dwelling to incorporate SuDS into their development plans. These need to be approved by a SuDS Approving Body (SAB) (within local</p>	Amended to reflect representations received on the Revised Deposit LDP

LDP5: BIODIVERSITY										
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			government jurisdiction) before construction begins. Sewerage Undertakers, the Environment Agency, Internal Drainage Boards, British Waterways, and Highway Authorities are to be statutory consultees to the SAB. The Secretary of State has published National Standards for the design, construction, operation and maintenance of SuDS, and all SuDS must, at a minimum, comply with these standards. Local planning authorities can develop these standards further by taking other legislation and policy into account (for example the Natural Environment and Rural Communities Act and species of principal importance), thereby using SuDS for multi-disciplinary functions. Local developers will have to comply with the local standards produced by their local planning authority. Also see policy NTE/9.							
LDP5 – 037	8.2.6	26	It should be noted that nothing in this document the LBAP introduces additional legislation obligations on any partner organisation or landowner, and compliance with this document is wholly voluntary (although certain partner organisations may be instructed via other documents to comply with this LBAP).	Minor editorial change						
LDP5 - 038	8.3 Appendix 3 Development Checklist	29	<p><del>If any of the species or habitats listed in column 2 are present on, or adjacent to, the development site you must either use the Biodiversity Statement to explain how all impacts have been avoided, or carry out an appropriate survey and evaluation to enable any impacts to be evaluated</del></p> <table border="1"> <thead> <tr> <th><del>Checklist of Development Activities</del></th> <th><del>Habitats or Species affected?</del></th> <th><del>Habitat enhancement, creation and management</del></th> </tr> </thead> <tbody> <tr> <td><del>Riverside development</del></td> <td><del>Habitat: ponds, river, other water feature</del></td> <td><del>Enhance water feature or create new one. Create habitat suitable for otter / water vole / amphibians; long term management; screening</del></td> </tr> </tbody> </table>	<del>Checklist of Development Activities</del>	<del>Habitats or Species affected?</del>	<del>Habitat enhancement, creation and management</del>	<del>Riverside development</del>	<del>Habitat: ponds, river, other water feature</del>	<del>Enhance water feature or create new one. Create habitat suitable for otter / water vole / amphibians; long term management; screening</del>	Minor editorial change – only format changed for clarity.
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				<p><b>Species:</b> water vole</p> <p>Ditches with vegetation, undisturbed bankside vegetation; long term management</p>	
				<p><b>Species:</b> otter</p> <p>Undisturbed habitat by rivers, establish wet woodland; keep dark by screening</p>	
				<p><b>Species:</b> bats</p> <p>Retain and extend riverside woodland and wetlands; keep dark by screening; improve connectivity by tree planting</p>	
				<p><b>Species:</b> Kingfisher</p> <p>Trees by rivers/streams, undisturbed bank sides</p>	
				<p><b>General</b></p> <p>Riverside development should be avoided</p>	
			Barn or rural building conversions	<p><b>Species:</b> bats</p> <p>Provide bat boxes, bat “lofts” or other bat roost provision, suitable planting and habitat links.</p>	
				<p><b>Species:</b> barn owl</p> <p>Incorporate barn owl platforms or other suitable spaces within the conversion, extension or renovation; retain mature/decaying trees</p>	
				<p><b>Species:</b> Swallows and swifts</p> <p>Dedicate alternative nesting locations; incorporate nest boxes or nest bricks; retain overhanging eaves/cavities for</p>	

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					nest sites	
			Developments affecting greenfield sites e.g. residential or industrial	<b>Habitat:</b> Rough grassland, wildflower meadows <b>Species:</b> badger	Create area of wildflower-rich grassland, glades, or grassland strips / verges. Plant native species of local origin and allow natural expansion / colonisation; long term management	
			Developments affecting (or adjacent to) woodland, hedgerows, lines of trees and scrub e.g., residential or industrial	<b>Habitat:</b> Woodland <b>Species:</b> Barn owl, other bird species, badger, bats	Retain as many trees as possible. Plant new trees, erect suitable nest boxes. Plant native species of local or regional origin and allow natural expansion / colonisation; retain mature or veteran trees, maintain boundaries.	
			Developments affecting old and veteran trees including any felling or lopping	<b>Habitat:</b> Mature trees <b>Species:</b> Barn owl, other bird species, bats	Maintain existing mature/veteran trees. Pollard or coppice. Leave existing trees in situ and plant new trees to succeed the old ones. Leave standing dead wood, as well as cut deadwood in piles beneath shade. Plant native species of local or regional origin and allow natural expansion / colonisation.	
			Major residential development, landfill site, commercial	<b>Species:</b> Depending on the location of the development, it is possible for any number	Restore landfill or mineral sites to habitats that are suitable to the local area; retain new geological exposures through	

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			industrial site, mineral working	of species to be present.	periodic clearance of vegetation.	
				<b>Species:</b> Newts and other amphibians	Create accessible ponds with some shading, adjacent to areas of rough grassland and scrub.	
				<b>Species:</b> Common lizard and other reptiles	Create undisturbed areas of habitat and basking areas of bare ground/short grass on south facing slopes. Create features for hibernation such as stones & log piles.	
				<b>Species:</b> Other Birds	Swift holes, swallow platforms and house martin boxes attached to buildings. Other bird boxes on trees etc., native planting particularly trees with berries / seeds	
			<p><b>Checklist of when biodiversity surveys are required</b>  <b>See also Appendix 4 Biodiversity Surveys</b></p> <p>Where development is proposed which is likely to have an impact on protected or priority species or habitats, further information must be provided by the applicant in the form of a biodiversity survey and evaluation of impacts. The following table provides guidance on when such surveys are required, and you should ensure that all habitats present on the development site are covered.</p> <p>Detailed survey information need not be provided where it is decisively shown that the habitat/species will not be affected, either because it is definitely not present or</p>			

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Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed	Justification														
			<p>because the design of the development has avoided all possible impacts. The guidance below is necessarily general, and you are welcome to contact the planning department to confirm site specific requirements.</p> <table border="1"> <thead> <tr> <th>Habitat</th> <th>Survey requirements *</th> </tr> </thead> <tbody> <tr> <td> Ponds, other standing water, ditches  Rivers and streams  Fens, marshes and swamps </td> <td> Habitat Survey to minimum of enhanced Phase 1 standard  Great crested newt  Otter  Water vole  Kingfisher  Nesting bird </td> </tr> <tr> <td> Brownfield sites  Grassland (calcareous, semi-natural neutral, marsh and acid grassland) </td> <td> Habitat Survey to minimum of enhanced Phase 1 standard  Badger  Reptile  Nesting bird  (Great crested newt if Cofnod has records within 500m) </td> </tr> <tr> <td> Sand dune  Coastal grassland  Coastal shingle </td> <td> Habitat Survey to minimum of enhanced Phase 1 standard  Reptile  Nesting bird  Feeding &amp;wintering bird </td> </tr> <tr> <td>Foreshore</td> <td>Feeding &amp;wintering bird</td> </tr> <tr> <td>Agriculturally improved grassland</td> <td>Badger</td> </tr> <tr> <td>Heath and heather moorland</td> <td> Habitat Survey to minimum of enhanced Phase 1 standard  Reptile </td> </tr> </tbody> </table>	Habitat	Survey requirements *	Ponds, other standing water, ditches Rivers and streams Fens, marshes and swamps	Habitat Survey to minimum of enhanced Phase 1 standard Great crested newt Otter Water vole Kingfisher Nesting bird	Brownfield sites Grassland (calcareous, semi-natural neutral, marsh and acid grassland)	Habitat Survey to minimum of enhanced Phase 1 standard Badger Reptile Nesting bird (Great crested newt if Cofnod has records within 500m)	Sand dune Coastal grassland Coastal shingle	Habitat Survey to minimum of enhanced Phase 1 standard Reptile Nesting bird Feeding &wintering bird	Foreshore	Feeding &wintering bird	Agriculturally improved grassland	Badger	Heath and heather moorland	Habitat Survey to minimum of enhanced Phase 1 standard Reptile	
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Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed		Justification						
				Nesting bird (Great crested newt if Cofnod has records within 500m)							
			Hedgerows, scrub, woodland	Habitat Survey to minimum of enhanced Phase 1 standard Nesting bird Dormouse Bat							
			Quarries, cliff faces	Habitat Survey to minimum of enhanced Phase 1 standard Bat Nesting bird Reptile							
			Disused buildings, bridges	Bat Barn owl Nesting bird							
			<p>* Please note that <i>all</i> biodiversity interest of a site should be recorded by the surveyor, even if it does not appear in the right hand column.</p> <p><b>Specific development types</b> Additionally, the following two development types have specific survey requirements, but you may wish to seek further guidance:</p> <table border="1"> <thead> <tr> <th>Development type</th> <th>Survey requirements</th> </tr> </thead> <tbody> <tr> <td>Development in rural areas which includes any roof alteration</td> <td>Bat</td> </tr> <tr> <td>Small scale wind turbine development</td> <td>Habitat Survey to minimum of enhanced Phase 1 standard Bat</td> </tr> </tbody> </table>		Development type	Survey requirements	Development in rural areas which includes any roof alteration	Bat	Small scale wind turbine development	Habitat Survey to minimum of enhanced Phase 1 standard Bat	
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LDP5 – 039	8.4 Appendix 4 Biodiversity Surveys	31	<b>Biodiversity Surveys Statements</b>	Minor editorial change
LDP5 – 040	8.4.1	31	<p><del>Where a survey is required, the following notes provide further guidance.</del></p> <p><del>It is important to remember that as well as the survey itself, the Planning Authority requires an evaluation of impacts, and recommendations for how impacts will be avoided or, if they cannot be avoided, what mitigation is proposed. These will normally be included in the survey report after discussion between the surveyor and the applicant. It may also be useful to involve the LPA in discussions regarding proposed mitigation, to ensure that it is considered appropriate and adequate. This part of the report can replace the <i>Biodiversity Statement</i> if it contains all the information required.</del></p>	Moved into Appendix 5 to become paragraph 8.5.1
LDP5 – 041	8.4.2	31	<p><del>At the time of publication of this SPG, a common template for presentation of survey results is in preparation for North Wales, and when this is agreed, it will be expected that survey reports will be presented in this format (see <a href="http://www.conwy.gov.uk/biodiversitysurveys">www.conwy.gov.uk/biodiversitysurveys</a>)</del></p>	Moved into Appendix 5 to become paragraph 8.5.2
LDP5 – 042	8.4.3	31	<p><del>By submitting survey results to accompany planning applications, the applicant is giving his/ her consent, and that of the surveyor, to these being passed to Cofnod, the North Wales Environmental Information Service and used to further the knowledge of biodiversity in North Wales, unless the Council is notified in writing that such consent is being withheld.</del></p>	Moved into Appendix 5 to become paragraph 8.5.3
LDP5 – 043	8.4.4	31	<p><b>Surveys</b></p> <ul style="list-style-type: none"> <li><del>must be carried out by suitably qualified and experienced persons; if the surveyor is not a IEEM member, or if the surveyor is not previously known to the LPA, then a CV and reference will be required.</del></li> </ul>	Moved into Appendix 5 to become paragraph 8.5.4

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			<ul style="list-style-type: none"> <li>must be carried out at an appropriate time and month of the year, in suitable weather conditions and use recognised surveying techniques;</li> <li>must be to an appropriate and recognised level of scope and detail and must record and map the range of habitats and species of flora and fauna found on site;</li> <li>must include the results of a search of ecological data from Cofnod, the North Wales Environmental Information Service (searches of the NBN gateway are <b>not</b> normally sufficient)</li> </ul>							
LDP5 – 044	8.4.5	32	<p><b>Evaluation</b></p> <ul style="list-style-type: none"> <li>must include an assessment of the likely effects of development on the nationally and locally important species and habitats recorded on site or in the locality;</li> </ul>	Moved into Appendix 5 to become paragraph 8.5.5						
LDP5 – 045	8.4.6	32	<p><b>Mitigation</b></p> <ul style="list-style-type: none"> <li>must identify measures to be taken to avoid impacting on the biodiversity of the site and in the locality, either directly or indirectly, both during construction and afterwards;</li> </ul>	Moved into Appendix 5 to become paragraph 8.5.6						
LDP5 – 046	8.4.7	32	The Council will require additional surveys if the detail provided is deemed inadequate. Mitigation proposals may be imposed by the Council through Planning Conditions, either to ensure that those proposed by the applicant are implemented, or to ensure that mitigation proposals deemed appropriate by the Council are implemented as part of the development	Moved into Appendix 5 to become paragraph 8.5.7						
LDP5 - 047	8.5 Appendix 5 Recommended Survey Times	39	<table border="1"> <thead> <tr> <th>Habitat/Species</th> <th>Optimal Survey Time</th> </tr> </thead> <tbody> <tr> <td>Grassland</td> <td>May – August</td> </tr> <tr> <td>Woodland/hedgerows</td> <td>April – June</td> </tr> </tbody> </table>	Habitat/Species	Optimal Survey Time	Grassland	May – August	Woodland/hedgerows	April – June	Minor editorial change
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Grassland	May – August									
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Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed								Justification						
			Ponds/water courses	May – June													
			Birds, their nests and eggs (breeding)	March – August													
			Birds Wintering	October - March													
			Water vole	March – October													
			Otter	Search for signs at any time but note flooding along watercourses may remove spraints													
			Dormouse	Hazel nut searches September – November Nest searches May – September													
			Bats	Depends on nature of roost e.g. summer roosts and feeding areas April – September but may occupy separate hibernation roosts October – March													
			Badger	Sett surveys October – April Bait marking February – April and September – October													
			Grass snake, adder, slow worm, common lizard	April – June and September													
			Fish	Varies for species, life stages and environmental conditions													
			Invertebrates	All year for different larval and adult life stages.													
			Fungi	July - December													
			Survey for:	Type	J	F	M	A	M	J	J	A	S	O	N	D	

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			Birds	Breeding			✓	✓	✓	✓	✓				
				Wintering	✓	✓							✓	✓	
			Reptiles	Presence			✓	✓	✓	✓	✓	✓			
			Great crested Newts	Presence			✓	✓	✓	✓	✓				
			Water Vole	Presence			✓	✓	✓	✓	✓	✓	✓		
			Otter	Search for signs at any time but note flooding along watercourses may remove spraints.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	
			Badger	Sett surveys	✓	✓	✓	✓					✓	✓	
				Bait marking		✓	✓	✓					✓	✓	
			Dormice	Hazel nut searches									✓	✓	
				Nest searches				✓	✓	✓	✓	✓			
			Bats	Roosts				✓	✓	✓	✓	✓			
				Hibernating	✓	✓	✓							✓	✓
			Marsh fritillary Butterfly	Presence					✓				✓	✓	
			High brown fritillary butterfly						✓						
			Habitats:	Grassland				✓	✓	✓	✓				
				Woodland/hedger				✓	✓	✓					

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Focussed Change Ref. No.	Section/Heading	Page No.	Change Proposed											Justification			
				ow													
				Ponds/watercourses					✓	✓							
			Fungi								✓	✓	✓	✓	✓	✓	
LDP5 – 048	8.6.5	40	The UK GBC's online portal at <a href="http://www.ukgbc.org/">http://www.ukgbc.org/</a> provides detailed guidance on how to enhance biodiversity in the built environment. <del>The full report, sector-specific guidance and case studies linked to the report can be found at: <a href="http://www.ukgbc.org/site/taskgroups/info?id=2">http://www.ukgbc.org/site/taskgroups/info?id=2</a>.</del>											Minor editorial change			
LDP5 – 049	8.6.19	45	Offences under Section 9 carry a maximum penalty of a fine up to £5000, imprisonment for up to six months, or both, for each animal in respect of which an offence is committed. No offence will be committed if the activity which would otherwise result in the commission of an offence is carried out under (and in accordance with) a licence granted by the Countryside Council for Wales or the Welsh <del>Assembly</del> Government under section 16 (3) of the Wildlife and Countryside Act 1981.											Minor editorial change			
LDP5 – 050	8.6.21	45	Licences are available from the Welsh <del>Assembly</del> Government under section 16(3) for the following purposes: <ul style="list-style-type: none"> <li>• Preserving public health or public safety;</li> <li>• Preventing the spread of disease;</li> <li>• Preventing serious damage to livestock, foodstuffs for livestock, crops, vegetables, fruit, growing timber or any other form of property or to fisheries.</li> </ul>											Minor editorial change			
LDP5 – 051	8.6.25	46	Any person intending to carry out development or maintenance work in these circumstances will need to make their own judgement as to whether the steps they have taken are likely to be sufficient to enable them to establish - in the event of a											Minor editorial change			

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			prosecution - that their acts were the incidental result of a lawful operation and could not reasonably have been avoided. Ultimately, however, this will be a matter for a court to determine on the basis of the particular facts and for that reason neither the Welsh <b>Assembly</b> Government or the Countryside Council for Wales can provide legal advice on this issue.	
LDP5 – 052	8.7.8	50	<p><b>The monitoring might include:</b></p> <ul style="list-style-type: none"> <li>the establishment of new or enhanced habitat – success criteria can be set</li> <li>the effectiveness of relevant mitigation and compensation measures – success criteria can be set complying with wildlife law after planning permission has been granted; this responsibility is shared between the developer (who ensures that the work carried out is according to the planning permission and expert advice), the local planning authority (who ensures that the conditions/obligations are complied with), the Welsh <b>Assembly</b> Government (who ensures that the conditions of any licence are complied with) and the Countryside Council for Wales (who advises on protected species).</li> </ul>	Minor editorial change
LDP5 - 053	9.4	52	CIWEM (2004) <i>Habitats Guide</i> . Chartered Institution of Water and Environmental Management: London. <a href="http://www.ciwem.org/">http://www.ciwem.org/</a>	Minor editorial change
LDP5 – 054	9.5	52	UK GBC Biodiversity Task Group (2009) <i>Biodiversity and the Built Environment</i> . UK Green Building Council: London. <a href="http://www.ukgbc.org/resources/publication/uk-gbc-task-group-report-biodiversity-and-built-environment">http://www.ukgbc.org/resources/publication/uk-gbc-task-group-report-biodiversity-and-built-environment</a>	Minor editorial change
LDP5 - 055	10. Useful Links	53	<ul style="list-style-type: none"> <li>Action for swifts <a href="http://www.actionforswifts.blogspot.com/">www.actionforswifts.blogspot.com/</a></li> <li>Bat Conservation Trust <a href="http://www.bats.org.uk">www.bats.org.uk</a></li> <li>Barn Owl Trust <a href="http://www.barnowltrust.org.uk">www.barnowltrust.org.uk</a></li> <li>Black Redstarts - <a href="http://www.blackredstarts.org.uk">http://www.blackredstarts.org.uk</a></li> </ul>	Minor editorial change-further links added for clarity.

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			<ul style="list-style-type: none"> <li>• British Trust of Ornithology <a href="http://www.bto.org">http://www.bto.org</a></li> <li>• Buglife <a href="http://www.buglife.org.uk">http://www.buglife.org.uk</a></li> <li>• Building Research Establishment (BRE) <a href="http://www.bre.co.uk/sustainable">www.bre.co.uk/sustainable</a></li> <li>• The Butterfly Conservation <a href="http://www.butterfly-conservation.org">www.butterfly-conservation.org</a></li> <li>• Centre for Alternative Technology <a href="http://www.cat.org.uk">www.cat.org.uk</a></li> <li>• CIRIA <a href="http://www.ciria.org">http://www.ciria.org</a></li> <li>• COFNOD <a href="http://www.cofnod.org.uk">www.cofnod.org.uk</a></li> <li>• Conwy County Borough Council <a href="http://www.conwy.gov.uk">www.conwy.gov.uk</a></li> <li>• Conwy BAP <a href="http://www.conwy.gov.uk/sectionextra.asp?cat=1361&amp;Language=1an">http://www.conwy.gov.uk/sectionextra.asp?cat=1361&amp;Language=1an</a></li> <li>• Denbighshire County Borough Council <a href="http://www.denbighshire.gov.uk">www.denbighshire.gov.uk</a></li> <li>• Denbighshire County Borough Council Biodiversity <a href="http://www.biodiversityindenbighshire.co.uk">http://www.biodiversityindenbighshire.co.uk</a></li> <li>• Energy Efficiency Best Practice Programme <a href="http://www.direct.gov.uk/en/environmentandgreenerliving/energyandwatersaving/index.htm">http://www.direct.gov.uk/en/environmentandgreenerliving/energyandwatersaving/index.htm</a></li> <li>• Environment Agency <a href="http://www.environment-agency.gov.uk">http://www.environment-agency.gov.uk</a></li> <li>• Forestry Commission <a href="http://www.forestry.gov.uk">http://www.forestry.gov.uk</a></li> <li>• Joint Nature Conservation Committee <a href="http://www.jncc.gov.uk">www.jncc.gov.uk</a></li> <li>• Living Roofs <a href="http://www.livingroofs.org">www.livingroofs.org</a></li> <li>• London's Swifts <a href="http://www.londons-swifts.org.uk">http://www.londons-swifts.org.uk</a></li> <li>• National Trust <a href="http://www.nationaltrust.org.uk">www.nationaltrust.org.uk</a></li> <li>• North Wales Wildlife Trust <a href="http://www.northwaleswildlifetrust.org.uk">www.northwaleswildlifetrust.org.uk</a> 376 High St, Bangor, Gwynedd LL571YE. Tel 01248 351541</li> <li>• Planning Policy Wales <a href="http://wales.gov.uk/docs/desh/publications/110228ppwedition4en.pdf">http://wales.gov.uk/docs/desh/publications/110228ppwedition4en.pdf</a></li> <li>• Renewable Energy SPG, Energy Savings Trust <a href="http://www.est.org.uk">www.est.org.uk</a></li> <li>• Renewable Energy <a href="http://www.decc.gov.uk/">http://www.decc.gov.uk/</a></li> <li>• RSPB <a href="http://www.rspb.org.uk">www.rspb.org.uk</a></li> </ul>	

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			<ul style="list-style-type: none"> <li>• Sustain <a href="http://www.sustainweb.org">http://www.sustainweb.org</a></li> <li>• Sustainable Homes <a href="http://www.sustainablehomes.co.uk">www.sustainablehomes.co.uk</a></li> <li>• Town and Country Planning Association (TCPA) <a href="http://www.tcpa.org.uk">http://www.tcpa.org.uk</a></li> <li>• Trees and Design Action Group <a href="http://www.forestry.gov.uk/tdag">http://www.forestry.gov.uk/tdag</a></li> <li>• UK BAP <a href="http://www.ukbap.org.uk">www.ukbap.org.uk</a></li> <li>• Welsh Assembly Government <a href="http://www.wales.gov.uk">www.wales.gov.uk</a></li> <li>• Wildfowl and Wetlands Trust <a href="http://www.wwt.org.uk">http://www.wwt.org.uk</a></li> <li>• The Wildlife Trusts (TWT) <a href="http://www.wildlifetrusts.org">http://www.wildlifetrusts.org</a></li> <li>• Woodland Trust <a href="http://www.woodlandtrust.org.uk">http://www.woodlandtrust.org.uk</a></li> </ul>	