

VALE OF GLAMORGAN

REPLACEMENT LOCAL DEVELOPMENT PLAN
2021 - 2036

UPDATED NATIONAL PLANNING POLICY FOR CHAPTER 6 OF PLANNING POLICY WALES AND THE IMPLICATIONS FOR THE RLDP

November 2023



BACKGROUND PAPER - BP24



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1. Introduction

- 1.1. This Briefing Paper has been prepared as part of the evidence base to support the Vale of Glamorgan Replacement Local Development Plan (RLDP). On the 11th of October 2023 the Minister for Climate Change wrote to Local Authorities setting out that Chapter 6 of Planning Policy Wales (PPW) was being updated with immediate effect. Chapter 6 relates to the Distinctive and Natural Placemaking and Well-being theme of PPW and the changes focus on the biodiversity and green infrastructure. This policy will be included in the next iteration of Planning Policy Wales (version 12) programmed for later this year.
- 1.2. The purpose of this Briefing Paper is to set out the potential implications of the changes that have been made to PPW for the RLDP Preferred Strategy, which will be consulted on from the 6th of December 2023 to the 14th of February 2024. This exercise is being carried out as it was not possible to review and update the Preferred Strategy prior to this consultation, following the publication of the updated PPW Chapter 6.
- 1.3. This Paper finds that it remains that the Preferred Strategy generally conforms with the changes made to Chapter 6 of PPW. It is considered that updates can be made to the content of the Preferred Strategy, including relevant Strategic Policies, as the Plan progresses to Deposit Stage.

2. Changes Made to Chapter 6 of PPW

- 2.1. On the 11th of October 2023 the Minister for Climate Change wrote to Local Authorities setting out that Chapter 6 of PPW was being updated with immediate effect. The changes that comprised the update were set out in an annexe to the Ministers letter.
- 2.2. Chapter 6 of PPW relates to Distinctive and Natural Placemaking and Well-being. The changes to this Chapter focus on its biodiversity and green infrastructure aspects, and the sections that have been amended are 6.2 'Green Infrastructure', 6.4 'Biodiversity and Ecological Networks', and 6.6 'Water and Flood Risk'. It is not apparent that alterations have been made to the other sections within this Chapter, and these are the only sections included within the annexe to the Minister's Letter.
- 2.3. These changes have been made following the COP15 Biodiversity Summit, the Welsh Government's Biodiversity Deep Dive in response to the COP15 Summit, and the Welsh Government's on-going commitment to their duties under Section 6 of the Environment (Wales) Act (2016). These changes have been made following public consultation in Spring 2023, which the Council responded to.
- 2.4. The Minister's Letter sets out that the primary changes to PPW are as follows:

Green Infrastructure: stronger emphasis on taking a proactive approach to green infrastructure covering cross boundary considerations, identifying key outputs of green infrastructure assessments, the submission of proportionate green infrastructure statements with planning applications and signposting Building with Nature standards.

Net Benefit for Biodiversity and the Step-wise Approach: further clarity is provided on securing net benefit for biodiversity through the application of the step-wise approach, including the acknowledgement of off-site compensation measures as a last resort, and, the need to consider enhancement and long-term management at each step. The use of the green infrastructure statement as a means of demonstrating the stepwise approach is made explicit. A simplified diagram of the policy approach has been developed (which will be further refined in the consolidated version of PPW12). The importance of strategic collaboration to identify and capture larger scale opportunities for securing a net benefit for biodiversity is recognised.

Protection for Sites of Special Scientific Interest: strengthened approach to the protection of SSSIs, with increased clarity on the position for site management and exemptions for minor development necessary to maintain a ‘living landscape’. Other development is considered unacceptable as a matter of principle. Exceptionally, a planned approach may be appropriate where necessary safeguards can be secured through a development plan.

Trees and Woodlands: closer alignment with the stepwise approach, along with promoting new planting as part of development based on securing the right tree in the right place.

2.5. The full extent of the changes to Chapter 6 of PPW are set out in an Annexe to the Minister’s Letter. In particular, it provides further insight into how and where the step-wise approach should be applied. To assist with this Figures 1 and 2 of this Paper, as shown below, have been inserted into PPW. Figure 1 displays the diagram referred to under the Minister’s explanation of Net Benefit for Biodiversity and the Step-wise Approach, and Figure 2 displays implications of the policy changes for statutory and non-statutory ecological designations.

Figure 1X: Summary of the Step-Wise Approach

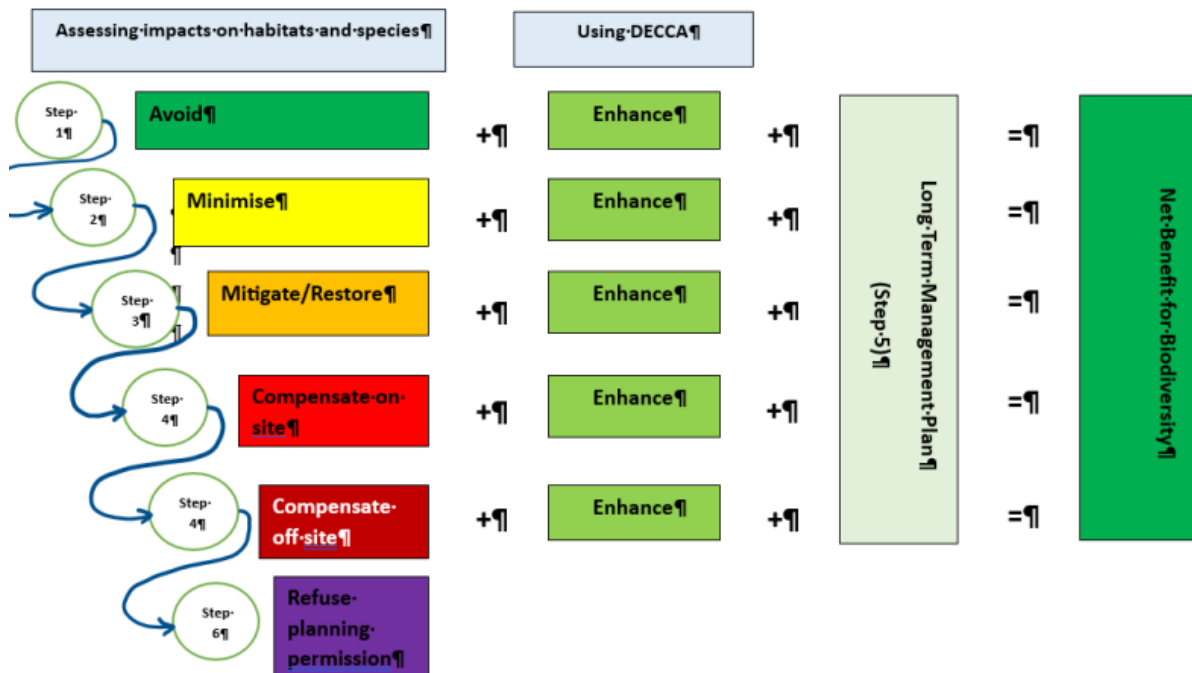


Figure 1: The Step-wise Approach

Designation	Statutory or Non-Statutory	Interaction with Step-wise Approach
Special Area of Conservation	Statutory	Avoid
Special Protection Area	Statutory	
RAMSAR Sites	Statutory	
Site of Special Scientific Interest National Nature Reserve	Statutory Statutory	
UNESCO Biosphere Reserve	Non-Statutory	Apply Step-wise Approach to determine
UNESCO Geoparks	Non-Statutory	
Sites of Importance for Nature Conservation	Non-Statutory	
Local Nature Reserve	Non-Statutory	
Local Wildlife Sites	Non-Statutory	
Regionally Important Geodiversity Sites (RIGS)	Non-Statutory	
Potential National Natural Resources Areas (Future Wales)	Development Plan	
Resilient Ecological Networks (RENs)/Nature Network Maps (NRW)	Area Statements/Green Infrastructure Assessments	

Figure 2: Applying the Step-wise approach to statutory and non-statutory designations

3. Addressing Green Infrastructure in the Preferred Strategy

3.1. Green infrastructure forms an integral part of the Preferred Strategy as drafted and has informed site selection thus far. Prior to these changes green infrastructure featured prominently in PPW Edition 11 and also within Policy 9 of Future Wales. Furthermore, the Preferred Strategy was drafted with foresight of the consultation on changes to Chapter 6 that took place in Spring 2023. Therefore, it is considered that the Preferred Strategy, as drafted, broadly conforms with the principles introduced by the changes that have taken place to Chapter 6.

3.2. As set out below, green infrastructure and specifically biodiversity feature in the Preferred Strategy's Vision and Objectives, and two strategic policies have been drafted relating to directly to the topic.

3.3. Green infrastructure features principally in the Vision as follows:

The Vale enjoys a network of connected, multi-functional and accessible green and blue spaces, providing a range of enhanced leisure and health benefits within and between towns, villages, and the countryside. More residents participate in active and healthy lifestyles. Investment in green infrastructure has produced a net biodiversity benefit with the creation of new habitats, enhanced connectivity and Planting providing carbon storage and contributing towards Climate Change resilience and adaptation.

3.4. Objective 5 relates specifically to green infrastructure:

Objective 5 – Protecting and Enhancing the Natural Environment

- Ensure that all development makes a positive contribution towards the development of a network of green infrastructure, protect natural habitats and soil quality and assist in reversing the nature emergency by delivering a local net biodiversity benefit.
- Prioritising previously developed brownfield land for new development, directing development away from areas of nature conservation interest and safeguarding the sensitive natural environment from inappropriate development.

3.5. Policy SP18 Green Infrastructure provides the strategic policy context for green infrastructure:

SP18: GREEN INFRASTRUCTURE

Development proposals will incorporate measures that protect and enhance high quality green infrastructure provision and maximise its functionality. To achieve this, development proposals must:

- A. Strategically incorporate existing green infrastructure into design, taking advantage of opportunities that are presented by existing and potential assets, through following the principles of placemaking.
- B. Protect and enhance connectivity between green infrastructure assets.
- C. Achieve biodiversity net benefit.
- D. Protect landscapes designated for their geological, natural, visual, historic or cultural significance.
- E. Employ nature-based solutions, including the Building with Nature Standards, where possible.
- F. Provide amenity open space, which fulfils a wide range of roles.
- G. Facilitate environments that promote mental and physical health and well-being.
- H. Promote urban cooling and shading, sustainable drainage systems, and allotments and community orchards.

3.6. Given the importance of the subject area, it was considered necessary to include a strategic policy on biodiversity, which expands upon Policy SP18. Resultantly, Policy SP19 prescribes the following:

SP19: BIODIVERSITY AND ECOSYSTEM RESILIENCE

Biodiversity in the Vale of Glamorgan will be protected, maintained and enhanced. Development must provide a net benefit for biodiversity and improve the resilience and connectivity of ecosystems. To achieve this, all developments must:

- A. Demonstrate that there has been an overall net benefit for biodiversity proportionate to the nature and scale of the development.
- B. Ensure that UK/European protected species and habitats are protected in accordance with statutory requirements.
- C. Protect the integrity of statutory and non-statutory designated sites ensuring that they are properly protected and managed.
- D. Be directed away from areas of high ecological value.
- E. Incorporate green infrastructure at the early stages of design, that protects and enhances existing site features and improves the connectivity of the ecological network.
- F. Incorporate nature-based solutions within development to support biodiversity and build ecosystem resilience within the site and the wider area.

Development on or adversely affecting other non-designated sites or wildlife corridors with biodiversity value will only be permitted where it can be demonstrated that the need for the development outweighs any harm caused by the development and that net biodiversity benefit measures can be provided.

- 3.7. The above policies are supplemented by a reasoned justification further explaining their intent. Throughout the Preferred Strategy there are cross-references that flag the importance of green infrastructure, for example, relevant connections are made in SP5 Placemaking and SP6 Creating Healthy and Inclusive Places and Spaces and SP12 Community Infrastructure and Community Obligations.
- 3.8. In addition to the above, paragraphs 3.34 to 3.49 of the Preferred Strategy provide an overview of the provision of green infrastructure in the Vale of Glamorgan. Also, Policies SP4 K1 to K5 set out specific green infrastructure related requirements of the Key Sites that are identified in the RLDP.

4. Implications for the RLDP Preferred Strategy

- 4.1. As Section 3 sets out the Preferred Strategy currently provides comprehensive coverage on green infrastructure, and the Council consider that this is compliant with national planning policy at the time of writing.
- 4.2. Notwithstanding this, given that the publication of the amendments to Chapter 6 came into effect immediately in October 2023 it is necessary to review the Preferred Strategy and ensure it is in general conformity with the updated PPW. As the Preferred Strategy was prepared with foresight of the changes, afforded by the consultation on them in Spring 2023, it is considered that it performs well against these changes.
- 4.3. The key changes that have been made to Chapter 6, as set out in the Minister's Letter (identified in paragraph 2.3), provide a basis for assessing the Preferred Strategy and considering whether revisions are required. These key changes, and how the Preferred Strategy aligns with them, are discussed in turn below. Following this, several further detailed changes that may have implications for the RLDP are identified and discussed.

Green Infrastructure

- 4.4. The Preferred Strategy sets out a strong position on green infrastructure, particularly in respect of multifunctionality. A Green Infrastructure Assessment (GIA) has been completed, however, the wider Green Infrastructure Strategy that this forms a part of is still under preparation. The Green Infrastructure Strategy, incorporating the GIA, will form part of the background evidence on green infrastructure to support the Deposit Plan, as set out in paragraph 4.6 of this document.
- 4.5. The GIA provides the basis for strategically reviewing green infrastructure within the Vale of Glamorgan, and how it interrelates with development proposals. It is considered that criterion A of Policy SP18, as well as its reasoned justification, facilitates consideration of the GIA in development proposals. This will allow developers to have regard to the green infrastructure context both on their site and in the surrounding locality. All allocations will be required to be accompanied by a site-specific green infrastructure strategy, which will be informed by the GIA. An example of the early implications of this work is set out in paragraph 4.13, with regards to improved connectivity between divorced parcels of the Barry Woodland SSSI.
- 4.6. The GIA will be published as part of the evidence base for the Deposit Plan, and a background paper will also be produced identifying ecological designations and identifying how new development allocations, will

respond to their green infrastructure contexts. The background paper will ensure that the GIA and its outcomes are fully integrated into the RLDP.

- 4.7. Criterion E of Policy SP18 provides a reference back to the Building with Nature Standards (BwNS) and further explanation is provided on these in the Policy's reasoned justification. BwNS is cited as an alternative to guidance on green infrastructure where GIAs, local policy or SPG doesn't yet exist. These will be put in place through the RLDP, however, the Council view the Building with Nature Standards as a standard to be sought on all development, and they will inform our Policy development.
- 4.8. The requirement for a Green Infrastructure Statement is not covered in the Preferred Strategy and this will need to be communicated in the Deposit Plan. This must be accompanied, likely through future Supplementary Planning Guidance (SPG), with guidance on what the Council would expect a Green Infrastructure Statement to comprise of. As set out below, it will be important for the Green Infrastructure Statement to address new ecological and biodiversity requirements. Also, they will have to have regard to other important functions of green infrastructure and how they interrelate, such as: facilitating environments that promote health and wellbeing, responding to the climate emergency, managing water resources, and growing food (amongst others).

Net Benefit for Biodiversity and the Step-wise Approach

- 4.9. As identified above, it was necessary to draft a specific policy focusing on biodiversity (Policy SP19). It is considered that this adequately reflects the need to achieve a net benefit for biodiversity and for a step-wise approach where relevant. The policy wording focuses on what is required for a development to achieve a biodiversity net benefit. It then refers back to the step-wise approach in setting out how biodiversity enhancements will be achieved. This level of reference to the step-wise approach, albeit limited, is considered sufficient given the detail on it that is prescribed in the updated 'Maintaining and Enhancing Biodiversity' section of Chapter 6. However, it may be necessary to identify that green infrastructure assets that are not designated for biodiversity value will have to be subject to the step-wise approach as discussed in paragraphs 4.16 and 4.17 below. It will be necessary to reiterate national policy on the step-wise approach (including the new diagrams displayed in Figures 1 and 2) in new guidance on the composition of Green Infrastructure Statements.

Protection for Sites of Special Scientific Interest

- 4.10. Chapter 6 retains specific protection for Sites of Special Scientific Interest, including a presumption against development in these areas. Clarification has, however, been introduced on this to allow for development that

relates to site management or maintaining a 'living landscape'. Policy SP19, and particularly criterion C and D, are considered to afford a commensurate level of protection to SSSIs through protecting statutory designated sites and areas of high ecological value. Therefore, the Plan fulfils the requirement of reflecting the presumption against development in SSSIs. The implications of the exemptions introduced need to be reviewed in detail to ensure that the RLDP does not go beyond national policy in blocking suitable forms of development.

- 4.11. The changes to Chapter 6 enhance the scope of the presumption against development with regard to SSSIs to include land not within an SSSI but adjacent to it, where development is likely to damage the SSSI. The protection afforded by Policy SP19 criterion E, in requiring the protection of the integrity of sites, would extend to blocking development on areas outside of a SSSI that could be prejudicial to its integrity. However, this is not reflected explicitly in the policy wording or reasoned justification. Therefore, it is necessary to review Policy SP19 in this context to see if further clarification is required.
- 4.12. The changes in respect of SSSIs have implications for the Key Site North East Barry (Policy SP4 KS1 refers), which is sited in close proximity to the SSSI at Barry Woodlands. Importantly, no built development as part of that Key Site is proposed within the SSSI. As set out in paragraph A3.9 of the Preferred Strategy, the SSSI will be protected from inappropriate development on its boundaries through suitable buffering. The particulars of such a buffer will be developed as the masterplanning of the site progresses, and will be fully detailed at Deposit Plan stage. This will be conducted in liaison with the developer's nominated ecologist, the County Ecologist and NRW.
- 4.13. As displayed in Figure 3, the Barry Woodlands SSSI is currently fragmented into two distinct parcels. A portion of The North East Barry Key Site separates these two parcels. That land is currently used for agriculture. However, it could be repurposed through the progression of this site in the RLDP to provide high value net benefits, improve the connectivity between the two parcels of the SSSI, with the intention of joining them. The developer has already indicated that this will be included in a green infrastructure strategy for the site to be produced ahead of the Deposit Plan.

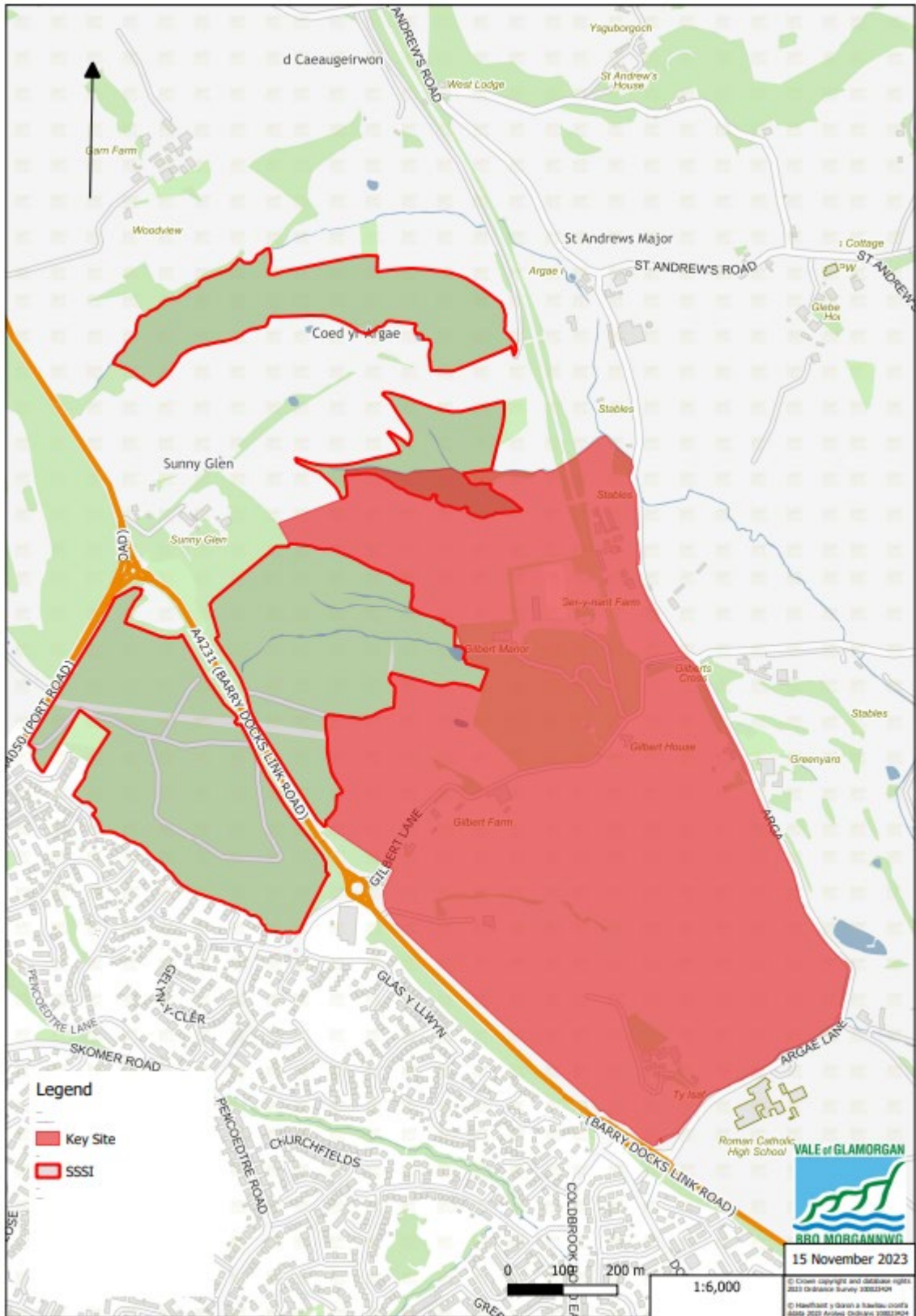


Figure 3: The relationship between the North East Barry candidate site (ref. SP4 KS1), and the Barry Woodland SSSI.

Trees and Woodlands

- 4.14. Chapter 6 introduces specific protection for green infrastructure assets outside of statutory and non-statutory designations, highlighting the importance of trees and woodlands, as well as hedgerows. It identifies that these green infrastructure assets are integral in forming Resilient Ecological Networks (RENs).
- 4.15. The new Chapter identifies that tree and hedgerow planting should be promoted in new development. Indirectly it is considered that Policies SP17 and SP18, as well as wider priorities of the Preferred Strategy would deliver on this. However, it may be necessary to include specific policy wording on delivering trees, groups of trees and hedgerows on development sites, irrespective of a loss of biodiversity and the requirement for a step-wise approach. This form of intervention would have to be worded as such to ensure that planting would only be encouraged where possible and practical. This would amount to a net benefit if planting would improve connectivity in the wider locality. Hedgerow planting between development plots could be considered, which this new national policy facilitates.
- 4.16. Paragraph 6.4.25 sets out that where trees, groups of trees, woodland, and hedgerows have ecological value they must be protected. This is not an update, however, the inclusion of RENs in Figure 12 of the updated PPW (Figure 2 in this document), calls for the step-wise approach to be applied to green infrastructure assets outside of statutory and non-statutory designations. Whether green infrastructure assets have ecological value would be identified through a Preliminary Ecological Assessment (PEA), which the Council currently require on all developments outside the curtilage of existing buildings¹. Policy SP19 should be reviewed to ensure that where PEAs identify ecological value the step-wise approach would be applied.
- 4.17. Chapter 6 maintains that green infrastructure assets, irrespective of ecological value, should only be removed if there are significant and clearly defined public benefits. However, where this public benefits test is met the step-wise approach has been introduced as a requirement. Policy SP18 would have to be updated in order to communicate this. This updated section of PPW goes on to identify that replacement tree planting is now required at a minimum ratio of 3:1, although this is dependant on the quality and environmental and ecological importance of the tree(s) lost. This standard will have to be communicated either in Policy SP19, its reasoned justification or future SPG.

¹ Required by the adopted Biodiversity and Development SPG. See Appendix 3 of that document: [Biodiversity and Development SPG 2018 \(valeofglamorgan.gov.uk\)](https://www.valeofglamorgan.gov.uk)

- 4.18. The inclusion of RENs in Figure 12 of the updated Chapter 6, which is titled 'Designated Sites', implies that a form of designation is required for them, especially as they are listed alongside other types of designation. Through the GIA the Council has been able to map what would be considered RENs. Whether these are to be identified with a designation or left discoverable through the GIAs, without formal identification, is to be considered ahead of the production of the Deposit Plan. Whichever way it is decided to treat RENs, they would require attention in updated policy wording and likely further guidance in SPG on green infrastructure.
- 4.19. A requirement is made for planning authorities to set tree canopy cover targets for their authority areas. Whilst evidence being prepared by the Council, including the GIA, identifies where new planting is required, the relationship that this has with the RLDP is not currently communicated. That is because the RLDP would not be able to directly impact the provision of tree planting outside of development sites, which cover a limited area. Therefore, further consideration of this is required, and guidance may be required from Welsh Government.

Additional Relevant Changes

- 4.20. There are several changes outside of the Ministers listed 'Key Changes' that may have implications for the Deposit Plan. These are discussed in turn below.

Monitoring

- 4.21. Paragraph 6.25 of the updated PPW broadens the scope for what should be monitored in respect of green infrastructure. Stating '*a set of key indicators*' should be monitored, as opposed to '*a set of key species and habitats*' (PPW Edition 11). Further guidance is now provided on what these key indicators may be. These will be considered in the preparation of the RLDP's monitoring framework.

Changes to the Requirements of Paragraph 6.4.3

- 4.22. The original PPW (Edition 11) paragraph 6.4.3 set out high level requirements for what development plan strategies and policies must consider in five bullet points. Whilst the five bullet points and the intent of each is retained, their wording has been tightened. It is considered that the Preferred Strategy and its policies reflect these bullet points. The final bullet point now draws direct attention to RENs, as follows:

...Development plan strategies, policies and development proposals must consider the need to:...

- *secure the maintenance and enhancement of ecosystem resilience and resilient ecological networks by improving diversity, extent, condition, and connectivity.*

As set out in paragraph 4.16 of this Paper, it will be necessary to review RENs, and whether they need to be identified spatially.

Collaborative Arrangements

- 4.23. A new section has been introduced setting out that biodiversity net benefits should be sought in neighbouring authorities if there are no opportunities within a local authority's own boundary. Through the production of the GIA, an i-Tree Eco project that identifies where new tree planting is required in the Vale, and a Tree Strategy, the Council have identified significant opportunities for net benefits. However, it is understood that investigatory work may be required in relation to the creation of collaborative arrangements with neighbouring authorities. Any potential collaborative arrangements may need to be communicated in the reasoned justification of Policy SP18 or future SPG.

5. Conclusion

- 5.1. It was not possible to update the RLDP Preferred Strategy after changes to Chapter 6 of Planning Policy Wales came into effect on the 11th of October 2023. Therefore, it was necessary for this Paper to consider the implications of those changes for the Preferred Strategy as drafted.
- 5.2. This paper identifies that the Preferred Strategy generally conforms with the changes made to Chapter 6 and no contradictions have been introduced. This was assisted by the Council preparing the Preferred Strategy with the ability to access a consultation on proposed changes to Chapter 6.
- 5.3. As set out in the Paper there were four primary areas where policy had been updated in the amended Chapter 6: green infrastructure; net benefit for biodiversity and the stepwise approach; protection of SSSIs; and trees and woodlands.
- 5.4. In respect of green infrastructure, it is considered that the Preferred Strategy, and particularly SP18, responds to the content of the updated PPW effectively. A current omission from the evidence base is a GIA, however, this has been completed and will be published in support of the Deposit Plan. Policy SP18 of the Preferred Strategy sets the context for future developments having regard to the GIA. As well as a GIA, the Deposit Plan will be accompanied by a specific background paper focusing on green infrastructure in the context of the Plan. Green Infrastructure Statements will need to be required through the Deposit Plan and guidance on their content will need to be set out.
- 5.5. Policy SP19 of the Preferred Strategy is considered to respond well to the changes made in respect of net benefits for biodiversity and the step-wise approach. Policy SP19 may have to be updated to reflect that any green infrastructure assets that are to be removed would require the step-wise approach to be applied. Further guidance reiterating the step-wise approach may be required in broader Green Infrastructure related SPG.
- 5.6. The additional protection afforded to the periphery of SSSIs, protecting them from damage from development outside of the designation, is covered in policy SP19. However, it may be necessary to review the policy to communicate this more strongly. The changes have implications for the Barry Woodlands SSSI and the masterplanning of this site will need to give full regard to these. However, the site does offer the opportunity for bettering the SSSI, and development of the site is viewed as a means of achieving this.

- 5.7. The changes to Chapter 6 stipulate that tree and hedgerow planting should be promoted through the LDP, and consideration will need to be given to how this is done. Through requiring net benefits the Plan already seeks to achieve this, although it could be more explicit. There is also a focus on RENs as a potential designation, and the way in which these are treated needs to be investigated further.
- 5.8. Further reviews to the wording and detail of the Preferred Strategy as it is progressed to Deposit Stage exists in relation to collaborative arrangements, as the intent of these is investigated further. Consideration also needs to be given to the monitoring framework that is developed in respect of green infrastructure for the Deposit Plan.
- 5.9. In summary, it is considered that the Preferred Strategy remains sound when considered against national planning policy, however, review of the detail introduced by the changes to Chapter 6 is required in some instances.



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