

Policy DM2 – The Natural Environment

5. ~~At the site level, proposals for~~ Development **proposals** shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests ~~to produce a net gain both at the particular site,~~ including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site.

Development proposals which **would** impact on the following natural environment ~~features~~ **assets** will only be permitted where they do not unacceptably adversely affect:

~~1. Site Designations, Habitats and Species~~

1. ~~The important~~ **habitats, species and** site designations, **habitats and species** ~~listed below from i. to vi. are~~ afforded the highest levels of protection and will be protected from any development that would harm ~~their distinctive features or characteristics.~~ **through European legislation including:**

A. i. ~~European Protected Sites (SAC, SPA and Ramsar).~~

i. ~~Development proposals likely to have a significant effect on a~~ **European site, when considered alone or in combination with other proposals or plans, will only be permitted where it can be demonstrated that:**

a) ~~The proposal is directly connected with or necessary for the~~ **protection, enhancement and positive management of the site for conservation purposes; or**

b) ~~The proposal will not adversely affect the integrity of the site.~~

ii. ~~Where it cannot be demonstrated that development proposals would not adversely affect the integrity of the site and there is no~~ **satisfactory alternative solution, permission will be refused unless:**

a) ~~There are imperative reasons of over-riding public interest; and~~

b) ~~Appropriate compensatory measures are secured.~~

~~ii. European Protected Habitats (Natura 2000 Annex 1 habitats).~~

B. ~~European Protected Species afforded strict protection by the~~ **Conservation of Habitats and Species Regulations 2010 (as amended) (Habitats Directive Annex IV Species).**

~~Development proposals likely to have an adverse effect on a European protected species will only be permitted where it can be demonstrated that:~~

- a) The proposal is for the purposes of preserving public health or public safety or there are imperative reasons of over-riding public interest; and
- b) There is no satisfactory alternative; and
- c) The action authorised will not be detrimental to the maintenance of the habitat or population of the species concerned at a favourable conservation status in their natural range.

2. The important site designations, habitats and species afforded levels of protection in line with national policy and legislation including:

- A. ~~iii.~~ National Nature Reserves and Sites of Special Scientific Interest;
- B. ~~iv.~~ Protected Species including those listed in the ~~Habitats Directive (Natura 2000 Annex 2 Species)~~ and the Wildlife and Countryside Act 1981 (as amended) and the Protection of Badgers Act 1992;
- C. ~~v.~~ Habitats and Species of principal importance for the purpose of maintaining and enhancing biodiversity conservation in Wales as listed in Section 7 of the Environment (Wales) Act 2016; and
- D. ~~vi.~~ National Biodiversity Action Plan Habitats and Species.

Development proposals likely to have an adverse effect on the conservation value of nationally protected sites, habitats or species, either directly, indirectly or in combination, will only be permitted where it can be demonstrated that:

- i. The proposal contributes to the protection, enhancement or positive management of the site, habitat or species; or
- ii. There is no suitable alternative to the proposed development; and
 - a) It can be demonstrated that the benefits from the development clearly outweigh the special interest of the site, habitat or species; and
 - b) Appropriate compensatory measures are secured; and
 - c) The population or range and distribution of the habitat or species will not be adversely impacted.

3. The locally important site designations, habitats and species including:

- A. ~~vii.~~ Local Nature Reserves;
- B. ~~vi.~~ Local Biodiversity Action Plan Habitats and Species;
- C. ~~viii.~~ Wildlife Trust Reserves, ~~and Sites.~~ Road Verge Nature Reserves, Sites of Interest for Nature Conservation and Local Wildlife Sites; and
- D. ~~ix.~~ Regionally Important ~~Geological~~ Geodiversity Sites and Geological Conservation Review Sites.

In relation to site designations ~~vii. to ix. below,~~ d) Development proposals likely to have an adverse impact upon these sites, habitats or species will only be permitted where it can be demonstrated that:

i. (a) They conserve and where possible enhance the natural heritage importance of the site, **habitat or species**; or

ii. (b) The development could not reasonably be located elsewhere; and

a) The benefits of the development outweigh the natural heritage importance of the site, **habitat or species**; and

b) (c) Mitigation and/or compensation measures ~~will need to be agreed~~ **are provided** where adverse effects are unavoidable.

4. 2. The achievement of the Water Framework Directive's overarching objectives.

5. 3. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.