

Cynulliad Cenedlaethol Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
Fframwaith Datblygu Cenedlaethol
Cymru
NHAMG (5) NDF 13
Ymateb gan Ymddiriedolaethau Natur
Cymru

National Assembly for Wales
Climate Change, Environment and
Rural Affairs Committee
National Development Framework
CCERA(5) NDF 13
Evidence from Wildlife Trusts Wales

NATIONAL DEVELOPMENT FRAMEWORK (NDF) 2020-2040

Introduction



1. The Wildlife Trusts in Wales are pleased to see that the NDF includes, under 'Challenges & Opportunities', "*We face a number of challenges and opportunities and these have shaped our first NDF. **Climate change and the decline in biodiversity are global challenges and the biggest issues faced by our nation.** Addressing these is our greatest responsibility when considering the legacy we will leave for future generations and as a consequence we have declared a Climate Emergency.* These are the existential threats of our time.
2. We also welcome the intent behind Outcome 10 and Policy 8 and 9. **It is these obligations,, amongst others such as section 6 and 7 of the Environment Act, that every other policy and outcome within the NDP should be judged against.** This is because Wales is one of the world's most nature depleted countries in the worldⁱ and none of our ecosystems show signs of resilienceⁱⁱ. There has been a 56% decline in wildlife with severely depleted populations of birds, insects and many species at risk of extinctionⁱⁱⁱ. This loss has created an 'empty landscape syndrome'^{iv}, where even if we have the habitats available, we do not have the wildlife left to occupy them.
3. **The Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) stated that one million species may be pushed to extinction in the next few years, with serious consequences for human beings as well as the rest of life on earth^v.** They ranked the direct drivers of loss of biodiversity with the largest one being **changes in land and sea use which includes habitat loss due to development.** The IPBES Report also finds that global goals for conserving and sustainably using nature and achieving sustainability cannot be met by current trajectories, and goals for 2030 and beyond may only be achieved through 'transformative change'.
4. **The NDF must be part of that 'transformative change' required to restore biodiversity and address climate change and therefore drive forward the well-being of future generations in Wales.**
5. The NDF is the top tier development plan in Wales (Paragraph 5 page 6). Therefore, the NDF is a development plan in the town and country planning sense of a plan and should have significant policies on the environment^{vi}. Therefore, the Environment Act should be given more prominence in the evidence base, outcomes and policies of the NDF and it should include policies for spatially defined policies for natures recovery.

Out-Of-Date Data

6. Large parts of the NDF (especially housing and transport) are based on an out of date and significantly overstated population projections. The NDF housing calculations background paper

states that the calculations are based on 2014 figures. Paragraph 1 page 12 of the NDF states: **"...population (of Wales) is projected to rise by 4% between 2018 and 2038"**.

However, the most recent ONS projections^{vii} (released on 21ST October 2019) states a population rise of only 0.6% by 2028 in Wales and a projected population decline of 0.9% between mid 2018 and mid 2043. As such, there may be considerably less housing and other infrastructure required than previously thought. This is very significant because Welsh Government housing calculations, as set out in the draft NDF, are used in Strategic Development Plans (SDP) and Local Development Plans (LDP) for their housing figures. Therefore, we would like to see the NDF utilize the most up to date information.

Nature Conservation Policies

7. Outcome 10, and Policies 8 and 9 must be more ambitious in order to reverse biodiversity decline and combat climate change.
8. **Natura 2000, SSSIs and LWS/SINC together form that ecological network** of the best examples of species, habitats and rock and landform features throughout Wales, **and support a wider network across Great Britain and the European Union**. The network of designated sites are a major store of carbon rich habitats and play an important role in responding to the challenges we face from climate change, both through mitigation and adaptation. It also delivers other socio-economic benefits such as maintaining water flow and quality, conserving natural pollinators, preserving landscape and amenity values, and supporting tourism and recreation.
9. A study^{viii} to estimate the current benefits SSSIs in Wales placed their value at £128m million per annum. This benefit would increase to £241 million per year if SSSIs were all restored to favourable condition. However, **the last review of favourable condition of SSSI in 2006 highlighted that 68% of SSSIs were in unfavourable condition and 71% of assessed habitat features are judged to be in unfavourable condition**^{ix}.
10. One of the reasons why SSSIs and other protected sites are in unfavorable condition is because the current planning system still allows development that harms them. Development eats away at these sites creating death by a thousand cuts. For example, **there has been 331ha lost within the Gwent Levels SSSIs, this figure includes both land already developed as well as allocations within the relevant Local Development Plans yet to be developed**^x.
11. Development over sensitive ecological habitats can lead to **an extinction vortex triple jeopardy** (events that ultimately lead small populations to become increasingly more vulnerable as they spiral toward extinction); development reduces the total amount of habitat, it squeezing remaining wildlife into smaller and more isolated patches and indirect impacts such as pollution can cause significant impacts on the remaining populations.
12. Policy 8 to "ensure the enhancement of biodiversity and the resilience of ecosystem" or the supporting text does not explicitly state that we must protect biodiversity. **The emphasis on ecological networks is very important, but the policy needs to highlight protecting and restoring priority habitats and species populations, making them bigger, better, creating more of them and connecting them to each other and us**^{xi}. It should include
 - Section 7 habitats and species from the Environment Act
 - securing the protection and positive management of local, national and international designated and non-designated sites.
13. The draft NDF also uses weak language in places such as Policy 8 stating "**areas which could be safeguarded as ecological networks for their potential importance for adaptation... securing the enhancement of biodiversity and the resilience of ecosystems should be demonstrated**".

14. We recommend that Policy 8 must

- a) require nature network mapping to ensure important ecological areas are not unduly compromised by future development, but are actively protected, enhanced or restored.
- b) strengthen the language to 'must' rather than should
- c) explicitly state that
 - Natura 2000,
 - SSSIs
 - Local Wildlife Sites (LWS)/Sites of Importance for Nature Conservation (SINCs)
 - priority habitats
 - areas with priority species populationsare sacrosanct and thus exempt from development including within Priority Areas for renewables. **You cannot halt the loss of biodiversity by allowing development on the most biodiverse sites.** This would align the draft NDP with the Environment Act, Well-being of Future Generations Act, the Wildlife and Countryside Act (as amended) and policies such as the Natural Resources Policy (NRP)^{xii}. It would also make things simpler and less time consuming and expensive for Welsh Government, developers, members of the public and statutory and non-statutory stakeholders such as NRW and the Wildlife Trusts. It would also reduce the chance of 'call-in' and/or judicial review.
- d) state that plans and projects 'must' undertake the mitigation measures stated within the Habitat Regulations Assessment (HRA) of the NDF. This is needed as it is a legal requirement to avoid adverse effects on Natura 2000 sites. The NDF should not rely on the current weak wording of the NDF to be a 'a strong guide' to lower-tier plans and projects.
- e) Include the following *If, during the course of a planning application or development plan formulation, it transpires that a development site or proposed allocation is worthy of LWS, SSSI or Natura 2000 designation, it will, as a matter of Welsh Government policy, be treated as if it were designated"*
- f) State that the protection afforded to designated sites qualifying interests should follow those interests whether or not they are within the designation itself. This is the purpose of the protection i.e. to sustain the nature conservation interest for which the area has been designated.
- g) Require a significant contribution by all developments to reversing the decline of biodiversity through requiring net biodiversity benefit – for example, requiring each Priority Area to have a Statement of Environmental Masterplanning (SEMPs)^{xiii} which will identify nationally significant opportunities local to contribute to the ecological network.
- h) Look to create a national target of having at least 20% tree cover in towns and cities and a minimum of 25% tree cover in new builds.
- i) Include targets, support and advice for green infrastructure such as green roofs especially on commercial buildings including a requirement for every new commercial building to have a green roof.
- j) Include a way of translating policy 8 into credible and timely implementation including a commitment to identify areas of national significance for biodiversity enhancement. There is a role for the national spatial plan to identify national spatial priorities for enhancement.

Policy 10-13 Energy Policies

15. We have major concerns in relation to the treatment of SSSIs within the relation to NDF. RSPB have shown that there are 179 SSSIs within the Priority Areas. It is likely that there is a significant amount of LWS/SINCs also. As such, our concerns include

- a) The draft NDF doesn't highlight nationally or locally significant biodiversity assets i.e. SSSIs, National Nature Reserves (NNR) and LWS/SINC.

- b) The traffic light diagram states that national wildlife designations such as SSSIs are not exempt from development. Therefore, this policy sets the level of protection of national

landscape designations (National Parks and AONBs) higher than that of the national nature conservation designations. It is worth noting that SSSIs and National Parks are both UK- national designations. However, unlike SSSIs, AONBs are not a UK-national designations as they are not present in Scotland.

- c) Not making SSSIs (and LWS/SINC) an absolute constrain is contradictory to National Outcome 10 and Policy 8 of the NDF as well as Welsh Governments legal and policy obligations.
- d) The draft NDF, in combination with PPW 10 Renewable Energy Section, constitutes a considerable but understated downgrading of the protection afforded to SSSIs.
- e) The methodology used to produce the Priority Areas lacks transparency in terms of decisions made i.e. how the section 6 of the Environment Act was considered. The approach was obviously strongly landscape led and ecosystem resilience was not considered as a primary criterion. No environmental eNGOs were involved in discussions regarding the delineation of the Priority Areas. This is contrary to the five ways of working of the Well-being of Future Generations Act, i.e. collaboration and involvement. This may also be contrary to the Aarhus Convention.

16. We cannot allow one response to a crisis, such as climate change, to be offset at the expense of another such as biodiversity.

17. We therefore recommend that SSSIs and LWS/SINC sites are given full protection in Policies 8 and 10, 11, 12 and 13.

Bad Planning Practice

- 18. **The traffic light system, and therefore Policy 11, is further deficient because it constitutes bad planning practice.** In establishing Priority Areas for development type within which there is a presumption *in favour* of development, (i.e. wind and solar energy) but it does not to state there is a presumption *against* such developments outside these zones except in exceptional circumstances.

Balance

- 19. The Future Generation Commissioner commented on the use and interpretation of the word 'balance' by Welsh Government^{xiv}. Ms Howe, stated that **historically it has not been uncommon for perceived economic benefits to be given precedence over environmental assets.** This in part is one of the reasons why NRW State of Natural Resources Report (SoNaRR) states that no ecosystem in Wales is resilient. **This is one of the reasons why legislation was needed to redress this imbalance.**
- 20. Therefore, we recommend that the NDF is aligned with the FG Commissioner's interpretation of the WFG Act. The NDF should highlight that applications must maximize all goals and pillars of sustainable development and crucially not harm critical elements of well-being i.e. biodiversity. If so, NDF should recommend that applications should be refused.

Inappropriate Development

21. **The NDF cannot, and must not, allow climate busting or ecologically destructive applications.**
22. As previously highlighted, under 'Challenges & Opportunities' the NDF states "*We face a number of challenges and opportunities and these have shaped our first NDF. Climate change and the decline in biodiversity are global challenges and the biggest issues faced by our nation.*"
23. Therefore, it is essential that the scale of the challenge is not made even more significant by policy decisions that have the potential to harm biodiversity, increase emissions and lock us into carbon intensive activities. Such schemes would be emblematic of a failure to acknowledge the challenges enshrined in the Paris Agreement and the Environment Act.
24. One such example of a carbon intensive scheme is road construction. Road transport is the one of the largest sectoral emitters of greenhouse gases. The ONS states^{xv} that
 - In 2017, GHG emissions from road transport made up around a fifth of the UK's total GHG emissions
 - reducing emissions from road transport remains a significant challenge as the UK looks to reach net zero emissions by 2050;
25. Therefore, at the same time as IPCC and IPBES scientists deliver an uncompromising assessment of the climate change and ecological challenges, it is troubling that we see climate busting and ecologically destructive proposals such as the
 - **Deeside Relief Road** – a proposed new stretch of the A55 which will significantly damage an ancient woodland and be built through 138 acres of organic farmland.
 - **Cardiff Airport Link Road** which will destroy six ancient woodlands^{xvi}.
26. **Also, Policy 32 (Cardiff Airport) is very troubling also.** Policy 32 states "*The Welsh Government supports the growth and development of Cardiff Airport*". This is a complete contradiction with the climate and ecological policies within the draft NDF and other government policies and legislation. There is no recognition of the contribution to climate change in terms of the airport (flights) and its ancillary developments etc. There is no mention of how these effects might be mitigated or carbon budgets required to get to net zero carbon target^{xvii}.
27. Policy 32 also contradicts the need for the Cardiff airport Link Road re: "*modal shift from the private car*".
28. **We would recommend that the NDF contain a transport hierarchy and set out a presumption against new highway construction and other climate busting developments.** This hierarchy must prioritize walking, cycling and public transport ahead of the private motor vehicles. The NDF should look to reduce the need to travel, prevent car and airplane dependent developments in unsustainable locations, and support the delivery of schemes located, designed and supported by infrastructure which prioritises access and movement by active and sustainable transport.

Greenbelt

29. We support the delineation of the greenbelts in Wales, for example, the Southeast Wales greenbelt in the draft NDF. We recommend that the boundaries of the greenbelt in SE Wales are amended to take in the Gwent Levels SSSIs as it fully meets the criteria for designation.

Coast

30. The draft NDF has no specific policies for the coast. Given the timeline and implications for climate change, and its impacts upon coastal areas, this seems an omission. There should be a policy for the coastal zone (such as coastal realignment, compensation for coastal squeeze) which integrates with marine planning.

Retrofitting Developments of National Significance with priority areas

31. The draft NDF does not make clear what the Welsh government intends with regards to Developments of National Significance which are currently lodged with the Planning Inspectorate (PINS) *vis-a-vis* the NDF. It is assumed that considerable weight will be attached to the draft NDF in such circumstances, as it has reached an advanced state of formulation, but this is not set out. It is furthermore assumed that such developments would very likely to be refused on prematurity grounds, but this is also not explained in the document

ⁱ State of Nature (2016) Available at: <https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/state-of-nature-uk-report-2016.pdf>

ⁱⁱ NRW State of Natural Resources

ⁱⁱⁱ State of Nature (2016) Available at: <https://www.rspb.org.uk/globalassets/downloads/documents/conservation-projects/state-of-nature/state-of-nature-uk-report-2016.pdf>

^{iv} Akin to the 'empty forest syndrome' reported by Redford's 'The Empty Forest' which states that often trees remain in a forest that human activities have emptied of many of its large animals. The absence of these animals has profound implications, one of which is that a forest can be destroyed by humans from within as well as from without.

Kent H. Redford Source: BioScience, Vol. 42, No. 6 (Jun., 1992), pp. 412-422 Published by: University of California Press on behalf of the American Institute of Biological Sciences

<https://web.archive.org/web/2013111203443/http://www.biology.ufl.edu/courses/pcb5356/2011fall/kitajima/Redford1992Biosci.pdf>

^v <https://www.un.org/sustainabledevelopment/blog/2019/05/nature-decline-unprecedented-report/>

^{vi} It is not a defense to state "Planning Policy Wales sets out a range of policies to maintain and enhance biodiversity and promote the resilience of ecosystems, including the stepwise approach" (paragraph 1, page 33) "The NDF does not repeat PPW nor cover all of the same policy areas" (paragraph 2, page 10). Because PPW is not set out in development plan policy form, PPW is policy, not a development plan or LDPs, and presumably SDPs, have policies on biodiversity, therefore in the pursuit of consistency the draft NDF should also do so.

^{vii} National population projections: 2018-based - The potential future population size of the UK and its constituent countries. This is widely used in planning, for example, fiscal projections, health, education and pensions.

<https://www.ons.gov.uk/peoplepopulationandcommunity/populationandmigration/populationprojections/bulletins/nationalpopulationprojections/2018based>

^{viii} GHK Consulting Ltd and partners were commissioned by Defra to examine the **benefits of Sites of Special Scientific Interest (SSSIs)** in England and Wales – see [here](#)

^{ix} Sites of Special Scientific Interest (SSSIs) in Wales Current state of knowledge Report for April 2005 – Mar 2006

^x [Jessica Poole NRW Proof of Evidence to the M4 Public Inquiry](#)

^{xi} See 'Prof Sir John Lawton Making Space for Nature' <https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today>

^{xii} The NRP, page 10, states that "To build resilience into our ecosystems we need to: Proactively develop resilient ecological networks to maintain and enhance the wider resilience of Wales' ecosystems. The evidence shows that diversity is declining and that land and sea use change, including urbanisation, is leading to fragmentation and loss of habitats and species, and soil sealing. Building on the protected sites Wales has, our aim is to improve resilience and reverse the decline of biodiversity in

Wales. Reversing this trend, by better managing existing areas and creating new ones will also provide important wider benefits for society."

^{xiii} http://ww2.rspb.org.uk/Images/sempdocument_tcm9-257052.pdf

^{xiv} Ms Sophie Howes letter to the Public Inquiry <http://bailey.persona-pi.com/Public-Inquiries/M4-Newport/E%20-%20PI%20Documents/PID/ID109a.pdf>

^{xv} <https://www.ons.gov.uk/economy/environmentalaccounts/articles/roadtransportandairmissions/2019-09-16>

^{xvi} <https://www.walesonline.co.uk/news/wales-news/new-road-linking-a48-m4-14872178>

^{xvii} Welsh Government accepts the Committee on Climate Change (CCC) recommendation for a 95% reduction in greenhouse gas emissions by 2050 and it will go further with an ambition to reach net-zero, Minister for Environment, Energy and Rural Affairs, Lesley Griffiths confirmed <https://gov.wales/wales-accepts-committee-climate-change-95-emissions-reduction-target>

