

<b><u>APPENDIX A</u></b>			
<b>BIODIVERSITY SPG – SCHEDULE OF COMMENTS</b>			
<b>Organisation</b>	<b>Ref.</b>	<b>Summary of Comments</b>	<b>Response and Recommendation</b>
Environment Agency		The Agency considers this guidance clear and comprehensive	The support is noted. <b>Recommendation: no change</b>
	Appx. E	Historic records exist for the depressed river mussel a UK BAP species in the River Wye. It is likely this species does still exist in the county.	Accept. <b>Recommendation: Item 7</b>
	3.2.3	It would be worth listing the cSACs here.	Accept. <b>Recommendation: Item 17</b>
	5.5.13	Add Environment Agency land drainage consent is required for the culverting of any watercourse and that consent is not usually given unless the culvert is required for access.	Accept. <b>Recommendation: Item 49</b>
Herefordshire and Worcestershire Earth Heritage Trust	2.1	There should be a definition of geodiversity here. Local Geodiversity Plans are being drawn up in pilot schemes under the guidance of English Nature and this should be referenced. The Trust proposes to begin writing such a plan for the county in 2004.	Accept. <b>Recommendation: Item 7</b>
	Appx F.	The Trust should be listed in the table here as a discretionary consultee against RIGs and Minerals applications. You may wish to add the Trust as a consultee for Waste applications and Engineering/earth moving operations due to interests and expertise in geology and waste disposal hydrology.	Accept. <b>Recommendation: Item</b>
	6.1.3	Comment on UDP Policy NC8. Would benefit from a modification to read "...enhance existing wildlife habitats and geological exposures and provide new habitats for wildlife and new geological exposures as opportunities..."	This is a comment on a UDP policy so will be considered as such rather than a comment on the SPG.
	Table 6	Would like to see first bullet point in first three boxes read 'Incorporate and manage existing	Accept.

		habitat, species and geological exposures...' and under Road and rail schemes include 'Conservation of geological exposures'.	<b>Recommendation: Item 52</b>
	Appx A	Should include references to geoconservation e.g. Oliver, P.G. (Ed) (1998) Proceedings of the First UK RIGS Conference. Herefordshire and Worcestershire RIGS Group.	Accept. <b>Recommendation: Item 56</b>
	Appx B	Should include Geodiversity, Earth Heritage and Local Geodiversity Action Plan (LGAP). Regionally Important Geological/Geomorphological Site should be followed By (RIGS) not (RIGs) and definition should state scientific not research.	Accept. <b>Recommendation: Item 57</b>
	Appx H	Add Trust's details under Useful contacts, Useful websites and under Useful websites add the national RIGS leaflet.	Accept. <b>Recommendation: Item 56</b>
Barn Owl Trust	Appx G	Final paragraph incomplete.	Accept. <b>Recommendation: Item 65</b>
NFU East Midlands Region	6.2.5	Points 9 and 10 no problem with the use of these criteria provided the cost of mitigation measures must be reasonable if not farm and rural diversification proposals will be prevented.	Accept. <b>Recommendation: Item 50</b>
	6.2.6	Insert a sentence about the need for consideration of the costs of mitigation measures so that they are not too excessive.	Accept. Included within recommendation 50. <b>Recommendation: Item 50</b>
Herefordshire Nature Trust		Welcomes and strongly supports the production of this document as both guidance to planners and developers on issues concerning biodiversity and as a key mechanism for the delivery of UK and Herefordshire BAP targets.	The support is noted. <b>Recommendation: no change</b>
	2.1.2	Regional work e.g. The Environmental Economy of the West Midlands report identifies the important contribution the natural environment makes in terms inward investment and employment e.g. the environmental sector now employs more people than the car industry. Reword to emphasise this "Herefordshire's biodiversity, and the natural environment which	Accept. <b>Recommendation: Items 8 and 9</b>

		supports it, makes a major contribution to the local economy, attracting inward investment, providing significant employment in the land based sector and high-tec industries, supporting the growing tourism sector and providing a healthy and attractive...	
	2.1.3	Reduce length of first two sentences by separating into three sentences. Reorder third and fifth sentences “ The 1995 UK Steering Group Report identified priority habitats and species..” “These national action plans are translated in to local action through Herefordshire Biodiversity Action Plan”.	Accept. <b>Recommendation: Item 10</b>
	2.2.1	Refer to Brundtland Report for most widely recognised and accepted definition of sustainable development.	Accept. <b>Recommendation: Item 11</b>
	2.2.3	Strongly support the use of the precautionary principle not only because of the unpredictability and complexity of impacts that can result from certain types of development but also because of the lack of current information about the status and distribution of certain priority habitats and species.	The support is noted. <b>Recommendation: no change</b>
	3.2.1	Replace word imposed with introduced to infer positive benefits that new legal obligations and provisions have brought for biodiversity.	Accept. <b>Recommendation: Item 13</b>
	3.2.2	Reword second and third sentence “This section deals with each of the statutory and non-statutory site designations in Herefordshire each of which is also summarised in Table 1 below”	Accept. <b>Recommendation: Item 14</b>
	3.2.2	Table 1 includes abbreviations of site designations in brackets.	Accept. <b>Recommendation: Item 16</b>
	3.3.1	Refer to fact that protected species are not restricted to designated sites alone and can be found in a rural and urban context.	Accept. <b>Recommendation: Item 18</b>
	3.3.7	Define what full protection means.	Accept. <b>Recommendation: Item 19</b>

	3.4.1	Reorder first sentence as per 2.1.3.	Accept. <b>Recommendation: Item 20</b>
	3.4.2	Reword first sentence by removing "Included within"	Accept. <b>Recommendation: Item 21</b>
	3.4.5	Replace ">" sign with "greater than"	Accept. <b>Recommendation: Item 22</b>
	3.5	Refer to stepping stones as well as wildlife corridors.	Accept. <b>Recommendation: Item 23</b>
	4.1	Strongly support approach by RTPi for all applications likely to effect designated or priority habitats and species but strongly recommend this be a requirement rather than simply advocating it as best practice.	The support is noted. <b>Recommendation: no change</b>
	5.1.3	Strongly supports the requirement for developers to provide ecological information and the Council to refuse applications if insufficient information is made available. Strongly support the view that proposals cannot be fully assessed and therefore potential meet legislative and policy tests without such information nor can survey, mitigation and/or compensation through use of conditions/obligations in every case be satisfactory.	The support is noted. <b>Recommendation: no change.</b>
	5.1.4	Place second para in a box with a case study heading.	Accept. <b>Recommendation: Item 32</b>
	5.1.11	Replace "understand" with "identify and assess" in first sentence to indicate the two stage process involved.	Accept. <b>Recommendation: Item 34</b>
	5.1.13	Include the requirement to include construction footprints in certain instances as from experience these can often be much larger and more damaging than the layout plans for proposals initially suggest.	Accept. <b>Recommendation: Item 35</b>
	5.1.16	This paragraph should highlight the importance of undertaking surveys at the correct time of year.	5.1.15 states this. <b>Recommendation: no change</b>
	5.1.18	Should include a requirement for developers to assess impact according to English Nature's	The assessment of impact magnitude and an evaluation of the environmental resource being

		Planning Naturally guidelines with an assessment of impact magnitude and an evaluation of the environmental resource being impacted and include statements to indicate certainty of impacts occurring and also take account of any cumulative effects. Each element should be accompanied by clear information to justify the conclusions of each stage.	affected are stated here. The Developing Naturally handbook is cited as a useful reference in Appendix A but will also be referenced in the main body of the text.  <b>Recommendation: Item 36</b>
	5.1.19 (becomes 5.1.20 as a result of Item 37)	Reword second sentence as follows "Where loss is unavoidable recommendations for mitigation, compensation and enhancement proposals must be included."	Accept.  <b>Recommendation: Item 37</b>
	5.2.20	Strongly recommend that impacts on sites of local importance are assessed as per our recommendation under 5.1.18.	Agree but this is stated under 5.1.18.  <b>Recommendation: no change</b>
	5.2.20	Reword point 3 "Proposals for the protection and enhancement of habitats and species and if loss is unavoidable mitigation and compensation measures";	Accept.  <b>Recommendation: Item 39</b>
	5.3.6	Remove last sentence which seems somewhat out of place.	Accept.  <b>Recommendation: Item 42</b>
	5.3.6	Amend point 7 to include land immediately adjacent to railways as well as railways themselves as these areas often act as breeding, hunting and shelter areas for slow worms.	Accept.  <b>Recommendation: Item 41</b>
	5.6.4	Strongly support the inclusion of a no net biodiversity loss approach in the SPG. Habitats such as semi-natural grassland have undergone 97% loss in the last few decades for example so if damaging development is unavoidable it should seek to compensate fully for any further losses. It should be clear that some habitats cannot be easily replaced and in these instances it may be a requirement to recreate larger areas, than those lost through development, of lower quality habitat	The support is noted.  <b>Recommendation: no change</b>

		in order to compensate.	
	6.2.4	Strongly support the targeting of Prime Biodiversity Areas for habitat creation, restoration and enhancement a part of planning proposals. However proposals in such areas should be required to make a positive contribution towards tackling habitat and species isolation and fragmentation.	The support is noted. <b>Recommendation: no change</b>
	6.4.9	Amend point 3 to include costed management options	Accept. <b>Recommendation: Item 53</b>
	Policy NC2	Registered an objection to this policy and should this policy be amended would like to see appropriate amendments to advice within SPG.	This is a comment on a UDP policy so will be considered as such rather than a comment on the SPG. <b>Recommendation: no change</b>
Herefordshire Ornithological Club		SPG is quite comprehensive and about which they have no objections.	The support is noted. <b>Recommendation: no change</b>
	Appx H	Herefordshire Ornithological Club could be usefully listed under Contacts and further Information.	Accept. <b>Recommendation: Item 68</b>
Ledbury Town Council	5.5.7	Trees and Tree Preservation Orders. Members would like to see point taken into consideration with immediate effect on all new planning applications received between now and the formal adoption of the UDP and SPG.	The support is noted. <b>Recommendation: no change</b>
	Table 6	Examples of enhancing biodiversity within different developments – “Residential development”. Members would like to see point taken into consideration with immediate effect on all new planning applications received between now and the formal adoption of the UDP and SPG.	The support is noted. <b>Recommendation: no change</b>
	6.5.3	Community participation and access to natural greenspace. Members would like to see point taken into consideration with immediate effect on all new planning applications received between now and the formal adoption of the UDP and SPG.	The support is noted. <b>Recommendation: no change</b>

Forestry Commission		Biodiversity is a key component of the England Forestry Strategy's (EFS) Environment and Conservation programme. FC takes the lead in the development and implementation of Woodland Habitat Action Plans and various Species Action Plans. We therefore welcome this SPG for Herefordshire as will help to inform and guide various elements of the FC's work, particularly at the current time in relation to the development of the Regional Forestry Framework.	The support is noted.  <b>Recommendation: no change</b>
	3.5.7/8	The TPO system should not be set out in isolation from felling controls under the Forestry Act. Therefore there should be a concise reference here to the felling licensing system operated by the FC, which needs to operate in conjunction with TPOs to produce an effective and joined up system of overall control.	Accept.  <b>Recommendation: 25</b>
	3.5.9 (will become 3.5.10 as a result of above Item 51)	State the relative richness and importance of Herefordshire's ancient woodland resource, including those areas under 2ha in size. The conservation, restoration and enhancement of ancient woodlands is a priority of the England Forestry Strategy.	Accept.  <b>Recommendation: Item 26</b>
	5.1.11 to 5.1.20	FC's Native Woodland Plans are a key mechanism for achieving appropriate and effective ecological appraisal of semi-natural woodland in Herefordshire. As such they should be referred to in this section.	Accept.  <b>Recommendation: Item 38</b>
	5.5.13 – 5.5.14	Paragraph numbers are repeated under Ancient woodlands and Ponds and watercourses sections	Accept. <b>Recommendation: Item 49</b>
	5.5.13 – 5.5.15	Draft regional planning guidance reinforces the importance and priority given to ancient woodlands, plus the consultation with the FC.	Accept. At the time of publication of the SPG RGP policies were only indicative <b>Recommendation: No change</b>
	Appx A	Include reference to England Forestry Strategy (1998) and Forestry Act (1967)	Accept. <b>Recommendation: Item 55</b>
	Appx B	Add 'Felling licence to Glossary.	Accept.

			<b>Recommendation: Item 58</b>
	Appx F	Replace FC address shown with West Midlands Conservancy office address in Worcester.	Accept. <b>Recommendation: Item 63</b>
	Appx H	Add FC website to 'useful websites'.	Accept. <b>Recommendation: Item 67</b>
Highways Agency		The Highways Agency supports the aims of the SPG and in general the guidance is consistent with the approach of the Agency to the issue of biodiversity. The Agency has produced its own Biodiversity Action Plan.	The support is noted. <b>Recommendation: no change</b>
Mason Richards Planning	5.0	There should be a clear distinction between the requirements of a planning application subject to EIA and a planning application that is not subject to EIA.	Agree. <b>Recommendation: Item</b>
	5.1.18	Strongly disagree with statement "all ecological appraisals must contain an assessment of the impact of the development, both construction and operational phase". Ecological appraisals are not designed to address these issues unless they relate to EIA development. Generally speaking, an Ecological Appraisal is undertaken prior to a masterplan being prepared so that Appraisal can inform and guide the masterplanning process. The overall remit of an Ecological Appraisal is to identify the value of habitats within a site, indicating which habitats would be retained and enhanced. Recommend rewording first sentence 2Where EIA is required, the ecological appraisal..."	Disagree. National guidance on ecological appraisal as published by the RTPI, within Developing Naturally and being developed by IEEM concurs that in order to enable planning decisions to be well informed about the potential effects of development upon sites or features of nature conservation value or on protected species, ecological appraisals should be undertaken to the extent necessary to adequately inform the decision. Development may take many forms and involve many operations and activities that may cause a change to the environment, which may then lead to an impact on wildlife. A review of the likely activities associated with the development throughout phases of its life should be considered for the ways in which they may change or disturb wildlife on or surrounding the development site. This change should be characterised and quantified. <b>Recommendation: no change</b>
English Nature		Guidance is excellent, extremely well written, logical and comprehensive and so has our full support.	The support is noted. <b>Recommendation: no change</b>
	3.5.9 (will	The Herefordshire Inventory of Ancient Woodlands report is out of date and due for	Accept.

	become 3.5.10 as a result of above (Item 25)	review and hence the list of sites may change. The Forestry Commission have undertaken a review of woodlands including those under 2ha as well as individual trees so reference to this might be appropriate.	<b>Recommendation: Item 27</b>
	5.1.6	For completeness list the Schedule 1 & 2 projects.	Disagree. The list of projects is considered to be too long to include here.  <b>Recommendation: no change</b>
	5.5.11	Works to ancient trees although covered by EN report referred to it would be helpful to note where trees do require felling rather than surgery, consideration should be given to retaining trunk section standing as a 'monolith'/hulk.	Accept.  <b>Recommendation: Item 47</b>
	6.4.9	Bullet point 6. Should read 'monitoring and review.'	Accept. <b>Recommendation: Item 53</b>
	Appx E	Add caveat to indicate the species listed are subject to review with the possibility of additions and deletions e.g. the hoverfly, <i>Myolepta potens</i> has been discovered at Moccas Park so should be added.	Accept.  <b>Recommendation: Item 61</b>
	Appx D and E	<i>Austropotamobius pallipes</i> is referred to as 'Atlantic Stream Crayfish' in D and 'Freshwater white clawed crayfish' in E. English Nature usually refers to this species as 'white-clawed crayfish'.	Accept.  <b>Recommendation: 60</b>
	Appx E	Typographic mistakes in the species list <i>Ranunculus tripartitus</i> , <i>Orobancha rapumgenistae</i> , <i>Ranunculus penicillatus</i> , <i>Coeloglossum viride</i> , <i>Potamogeton trichoides</i> , <i>Viscum album</i> , <i>Eleocharis acicularis</i> , <i>Riccia heubeneriana</i> .	Accept.  <b>Recommendation: Item 62</b>
	Appx B	Ramsar is a 'town'.	Accept. <b>Recommendation: 59</b>
Llangarron Parish Council		Full support to the proposals in the draft supplementary planning guidance.	The support is noted.  <b>Recommendation: no change.</b>
Welsh Newton and Llanrothal		Amounts to Objectives and Opportunities, there is some legislation like TPOs etc, also innovations	The support is noted.

Group Parish Council		like incorporating bat bricks, bird boxes on bridges in road and rail schemes.	<b>Recommendation: no change</b>
Gloucestershire County Council		This is a comprehensive and useful document for developers and planners in Herefordshire and is welcomed.	The support is noted. <b>Recommendation: no change</b>
		There is some scope to simplify the main text by putting some of the species information into the appendices instead e.g. Appendices should be expanded to include Habitats Regulations (European) species and also nationally protected Schedule 8 plants that are protected under the W&C Act (e.g. delete Tables 2 & 3 and extend scope of appendices). Similarly the list of BAP priority habitats could be placed in front of priority species Appendix E.	Disagree. Tables 2 and 3 and the list of BAP priority habitats are considered sufficiently brief to be included in the main body of the text.
	3.5	The coverage of important landscape features for biodiversity under Habitat networks is excellent and good to see in the SPG.	The support is noted. <b>Recommendation: no change</b>
	4.1	The main objectives list is so important that we suggest it is highlighted by making it a boxed item. 5 and 6 will be particularly useful to developers and answers many FAQs.	Accept. <b>Recommendation: Item 28</b>
	5.3.11	Licensing arrangements for European Protected Species are currently the subject of a review consultation by DEFRA. A note to this effect should be included that arrangements are subject to change during the lifetime of the SPG. This part might be better placed in Appendix after lists of protected species.	Accept. <b>Recommendation: Item 43</b>