

# Bridgend LDP Review

## Initial HRA Screening Report

On behalf of **Bridgend County Borough Council**



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## Document Control Sheet

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# 1 Introduction

## 1.1 Background

- 1.1.1 Peter Brett Associates LLP (PBA) has been commissioned by Bridgend County Borough Council (BCBC) to undertake a Habitats Regulations Appraisal (HRA) for the Bridgend LDP Review ('the LDP Review'). This report outlines the proposed approach to undertaking the HRA, provides baseline information and identifies sites designated at the European level of relevance to the LDP Review and to this HRA process.
- 1.1.2 This report is the first stage of a HRA process to identify, assess and address any likely significant effects on European sites from the LDP Review and from the resulting replacement LDP for the BCBC area.

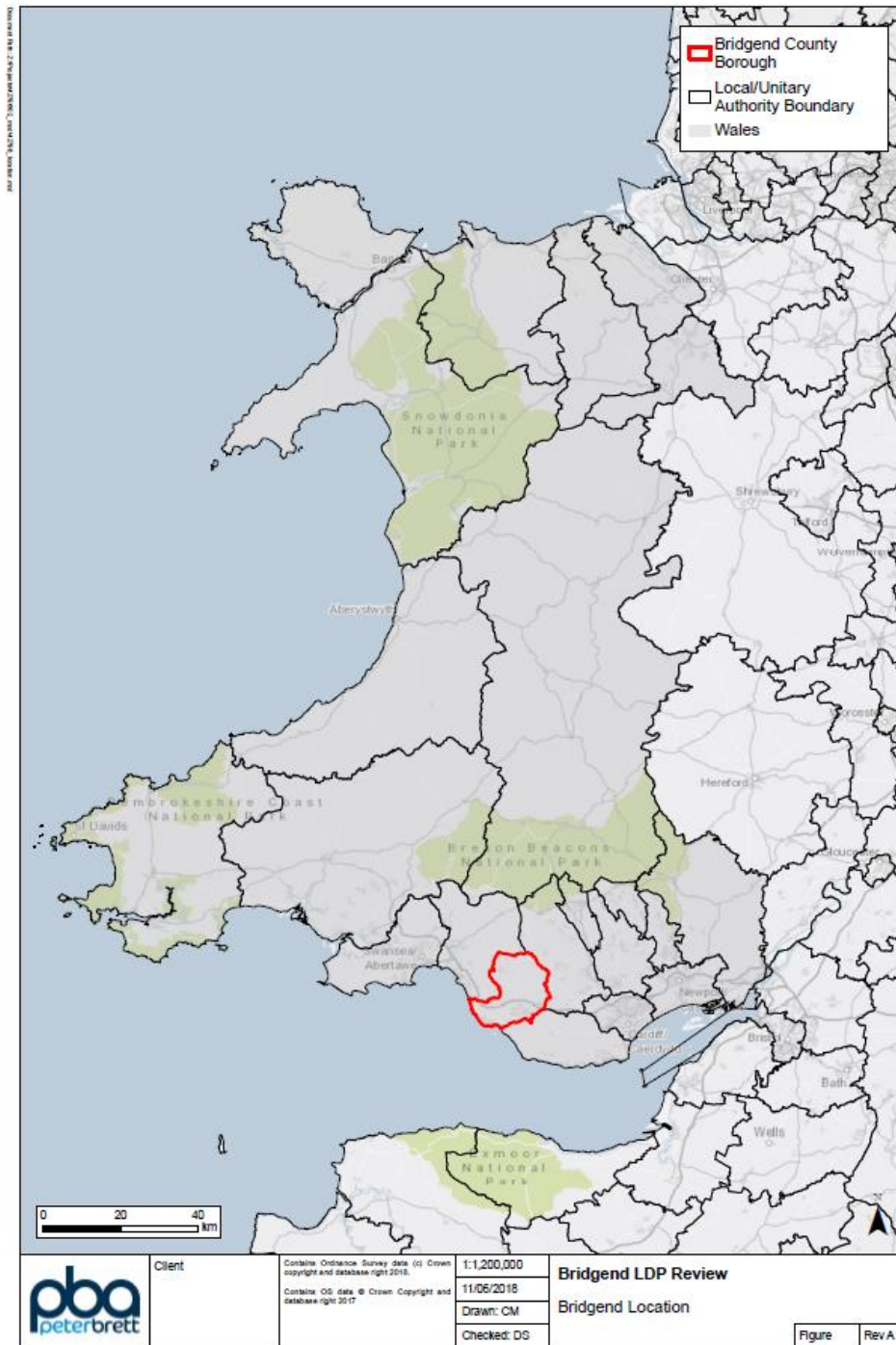
## 1.2 Report Purpose

- 1.2.1 This report seeks the views of the Statutory Nature Conservation Body (SNCB) for Wales, namely Natural Resources Wales, on the proposed list of European sites to take forward for a legally compliant HRA of the Bridgend LDP Review. The HRA is required to assess whether there would be a 'likely significant effect' (LSE) from the LDP Review (and the subsequent adoption of a new LDP) on any European sites, as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

## 1.3 Overview of the Bridgend LDP Review

- 1.3.1 In accordance with the Planning and Compulsory Purchase Act 2004 ('the 2004 Act'), BCBC adopted the first LDP for its administrative area (shown in **Figure 1**) in September 2013.

Figure 1: The Bridgend County Borough Council Area



1.3.2 BCBC have undertaken regular monitoring of the LDP since 2013 and in 2018 prepared a LDP Review Report which concluded that the LDP should be subject to a ‘Full Review’, to be carried out in accordance with the Town and Country Planning (Local Development Plan) (Wales) Regulations 2005 as amended (‘the 2005 LDP Regulations’). This review (‘the LDP Review’) is needed to allow BCBC to prepare and adopt a replacement LDP prior to the expiry of the current LDP in 2021 and to ensure that the statutory Development Plan for the BCBC area remains up to date. In particular, a replacement LDP is needed to take account of a range of new Acts, policy frameworks, initiatives, evidence and spatial issues at national, regional and local levels since the adoption of the current LDP.

- 1.3.3 In Spring 2018 BCBC consulted on a draft Delivery Agreement to underpin the LDP Review and the finalised Bridgend replacement LDP Delivery Agreement was subsequently agreed with the Welsh Assembly Government on 25<sup>th</sup> June 2018. This sets out the process, timescales and consultation arrangements to undertake a 'Full Review' of the existing LDP and in doing so to prepare and adopt a replacement LDP by September 2021. **Section 1.5** of the finalised Delivery Agreement outlines the proposed approach to undertaking a staged HRA of the LDP Review in accordance with relevant statutory requirements.

## 1.4 Statutory Requirements

- 1.4.1 In the UK, the European Habitats Directive (Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna) (European Commission, 1992) has been transposed into national legislation in the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The aim of the Habitats Directive and the Habitat Regulations is to contribute to biodiversity through the conservation of natural habitats and of wild fauna and flora.
- 1.4.2 In accordance with Article 6.3 of the Habitats Directive and Regulation 63 of the Habitat Regulations, before deciding to authorise an emerging plan or project a competent authority is required to assess whether this would have a 'likely significant effect' (LSE) on any European sites included in the Natura 2000 network, namely:
- Special Areas of Conservation (SAC) designated under European Council Directive 92/43/EEC(a) on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) (European Commission, 1992); and,
  - Special Protection Areas (SPA) designated under the European Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) (European Commission, 2009).
- 1.4.3 As a matter of policy, the Welsh Assembly Government expects competent authorities in Wales to treat all Ramsar sites and pSPAs as though they were statutory European sites, and they should be treated as such in HRA<sup>1</sup>. The term 'European sites' is therefore used in this report to collectively refer to SACs, SPAs, Ramsar sites and pSPAs.
- 1.4.4 The assessment of LSE follows a staged process known as Habitats Regulations Appraisal (HRA). BCBC is the relevant competent authority for plans and projects within their administrative area when they act as the decision maker, including for the adoption of LDPs and the determination of planning applications. The LDP Review is a relevant emerging plan for the purposes of the Habitat Regulations as it will result in the adoption of a replacement LDP for the BCBC area and at this stage has the potential to result in LSE on relevant European sites. The LDP Review must therefore be subject to an HRA.

## 1.5 HRA Process

- 1.5.1 In accordance with the Habitats Regulations, the HRA process follows a series of stages which will be undertaken for the LDP Review, as necessary, to meet with the requirements of the Regulations:
- Stage 1 - HRA Screening: to determine whether the LDP Review is likely to have significant effects on any European sites. Screening will be undertaken for each draft of the emerging replacement LDP, namely the Preferred Strategy – LDP Pre-Deposit and LDP Deposit Documents. This report provides identifies relevant European sites for consideration within the HRA Screening;

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<sup>1</sup> Welsh Assembly Government (2009). Technical Advice Note 5: Nature Conservation and Planning.

- Stage 2 – Appropriate Assessment: If the HRA Screening indicates that the LDP Review is likely to have significant effects, a further level of assessment is needed to consider whether the LDP Review could adversely affect the integrity of one or more European site(s), either alone or in combination with other plans or projects, in view of their established conservation objectives and conservation status. If the potential for adverse effects on site integrity are identified, the Appropriate Assessment should also consider mitigation measures to control the identified impacts in order to avoid adverse effects on site integrity; and,
  - Stage 3 and 4 – Consideration of Alternatives and Imperative Reasons of Overriding Public Interest: Only where significant effects remain at the end of Stage 2 in the HRA process, is there a need to consider alternatives and Imperative Reasons of Overriding Public Interest.
- 1.5.2 This report is the first stage of the HRA being carried out in respect of the LDP Review, which will need to build upon the HRA carried out for the first Bridgend LDP (adopted September 2013). This was undertaken by Baker Associates (now part of PBA) on behalf of BCBC.
- 1.5.3 It is intended that the HRA process will run concurrently with the plan making process and form an iterative part of the LDP Review, involving the consideration of all emerging policy and site options at the appropriate stage of plan preparation. As the SNCB for Wales, Natural Resources Wales will be consulted throughout the HRA process.
- 1.5.4 The HRA process will be undertaken in conjunction with a Sustainability Appraisal (SA) (incorporating Strategic Environmental Assessment) which is also being carried out in respect of the LDP Review by PBA on behalf of BCBC. Whilst respecting the separate statutory requirements applicable to HRA and SA, an integrated approach will be adopted to complete these processes. In particular, the findings from the HRA in terms of any likely significant effects from the emerging replacement LDP on European sites will inform a wider assessment of likely significant effects on biodiversity and ecological interests within the SA.



## 2 Identification of Sites

### 2.1 Introduction

- 2.1.1 The initial step in the HRA process is identify and agree a list of European sites to take forward in consideration of the potential for likely significant effects (LSE) to arise as a result of the LDP Review. This includes European sites within the Bridgend County Borough Council area (the BCBC area) and others located outwith this but within the surrounding zone of influence which could be affected by the LDP Review.
- 2.1.2 The identification of European sites is based on the likely impacts of the LDP Review and the presence of conceivable effect pathways between the BCBC area and the European sites, which could expose the qualifying features of the European sites to significant effects. Whilst the LDP Review can only directly determine planning strategy or development within the boundary of the BCBC area, there may be trans-boundary effects as a result of its implementation, for instance through air pollution, aquatic impacts or recreational pressure. In consideration of this, a 15km buffer area has been used around the BCBC area to identify those European sites that could conceivably be affected by the LDP Review. The nature and scale of potential effects is typically limited by distance, and it is considered that beyond 15 km, in most situations any potential effects arising from the LDP Review would be so minimal as to have an imperceptible effect on European sites beyond this distance. The 15 km distance has been extended in certain situations where source-receptor pathways, such as hydrological connectivity, are evident.
- 2.1.3 The use of a 15 km search area is the same approach as agreed with NRW for the HRA of the first Bridgend LDP in 2013.

### 2.2 Site Identification Process

- 2.2.1 All European sites within the BCBC area and within 15 km of its boundaries have been identified using current GIS datasets (as of June 2018). Potential additional source-receptor pathways have also been considered, such as roads or rivers that may increase risks from the implementation of policies within the BCBC area to other European sites outwith the identified zone of influence. This includes consideration of the potential need to include the two additional European sites located outwith the zone of influence which NRW requested be considered within the HRA carried out for the first Bridgend LDP.

## 2.3 European Sites Identified within Bridgend County Borough Council Area

2.3.1 Details of European sites identified with the BCBC area can be shown in **Table 1** below.

Table 1: Details of European sites identified with the BCBC area

Site Name	Status	Site Code	Area (ha)	Qualifying features of the site
Blackmill Woodlands	SAC	UK0030090	70	Old sessile oak woodlands at the southern extreme of the habitat's range in Wales.
Glaswelltiroedd Cefn Cribwr / Cefn Cribwr Grasslands	SAC	UK0030113	58	Fen-meadow ( <i>Molinia</i> ) grasslands, and marsh fritillary butterfly.
Kenfig / Cynffig	SAC	UK0012566	1187	An assemblage of coastal habitats including sand dune systems, shallow lakes, and salt marsh along with two species of plant, the fen orchid and petalwort.

2.3.2 These are the same European sites within the BCBC area which were considered within the HRA carried out for the first Bridgend LDP.

## 2.4 Sites within 15 km of the Bridgend County Borough Council Area

2.4.1 Details of European sites identified within 15 km of the BCBC area are shown in **Table 2** below:

Table 2: Details of European sites identified with 15 km of the BCBC area

Site Name	Status	Site Code	Distance from the BCBC area	Area (ha)	Qualifying features of the site
Dunraven Bay	SAC	UK0030139	3.7 km	6 ha	The 20 or so plants of shore dock <i>Rumex rupestris</i> growing on damp coastal limestone are the only remnant of the species' former Bristol Channel range.

Site Name	Status	Site Code	Distance from the BCBC area	Area (ha)	Qualifying features of the site
Blaen Cynon	SAC	UK0030092	10.6 km	67	The site contains an extensive complex of damp pastures and heaths supporting marsh fritillary.
Cardiff Beech Woods	SAC	UK0030109	12.4 km	115	Cardiff Beech Woods contains one of the largest concentrations of Asperulo-Fagetum beech forests in Wales.
Coedydd Nedd a Mellte	SAC	UK0030141	12.0 km	377	A complex of old sessile oak woodland habitats.
Crymlyn Bog / Cors Crymlyn	SAC	UK0012885	12.2 km	299 ha	A complex of wetland habitats including traditional mires, quaking bogs, and calcareous fens.
Crymlyn Bog	Ramsar site	UK14006	12.2 km	267 ha	Comprises a floodplain-valley mire located within a lowland coastal context and is the most extensive wetland of its type in Wales.
Cwm Cadlan	SAC	UK0013585	14.0 km	84 ha	Fen-meadow (Molinia) grasslands, and alkaline fens.

2.4.2 These are the same European sites within the zone of influence outwith the BCBC area that were considered within the HRA carried out for the first Bridgend LDP.

## 2.5 Sites over 15 km of Bridgend County Borough

2.5.1 Details of European sites identified outwith 15 km of the BCBC area are shown in **Table 3** below

Table 3: Details of European sites identified outwith 15 km of the BCBC area

Site Name	Status	Site Code	Distance from BCBC area	Area (ha)	Qualifying features of the site
River Wye/Afon Gwy	SAC	UK0012642	30 km	2148	A range of riverine habitats and associated species including white-clawed crayfish, Atlantic salmon, and otter.
River Usk/Afon Wysg	SAC	UK0013007	55 km	968 ha	A range of riverine habitats and associated species Atlantic salmon and otter.

2.5.2 Subject to any views expressed by NRW it is proposed to include these two sites within the HRA on a precautionary basis and to ensure continuity in the HRA process.

## 3 Conclusion

### 3.1 Overview

- 3.1.1 This report has outlined the requirement to undertake a Habitats Regulations Appraisal in respect of the Bridgend LDP Review, which is intended to result in a replacement LDP being adopted by Bridgend Borough County Council for their administrative area by September 2021. The report has also identified relevant European sites (also including any relevant Ramsar sites and proposed Special Protection Areas) for consideration within the HRA process.
- 3.1.2 Twelve European sites (11 SACs and 1 Ramsar site) have been identified to take forward to the next stage of the HRA process. Three of these sites are within the BCBC area, 7 are within 15 km of the BCBC boundary and 2 are over 15 km from the BCBC boundary. These are the same sites that were considered previously within the HRA carried out in respect of the first Bridgend LDP (adopted September 2013).

### 3.2 Questions for Natural Resources Wales

- 3.2.1 NRW, as the Statutory Nature Conservation Body (SNCB) for Wales, are requested to confirm whether:
- NRW is content for a 15 km radius to be adopted around the BCBC boundary as the zone of influence for any LSE from the LDP Review (i.e. from the emerging replacement LDP for the BCBC area); and whether,
  - NRW is content for the River Wye SAC and the Usk SAC to be included within this HRA on a precautionary basis.

### 3.3 Next Steps

- 3.3.1 Reflecting the requirements of the Habitat Regulations, iterative HRA Screening Reports will accompany the Preferred Strategy – LDP Pre-Deposit Document and the LDP Deposit Documents. These will determine whether any further stages of the HRA process, as outlined in **Section 1.5** (i.e. any need for Appropriate Assessment) need to be undertaken for the LDP Review. The HRA Screening Reports are proposed to comprise the following sections:
- A Non-Technical Summary;
  - A chapter setting out the scope and purpose of HRA and the assessment methodology;
  - A chapter providing an overview of the form, content and development of the emerging replacement LDP to date;
  - A chapter summarising the pertinent baseline conditions of identified European sites, including their qualifying features, conservation objectives, current status and known vulnerabilities;
  - A chapter setting out whether the implementation of the emerging replacement LDP would have LSE on any European sites. This will take account of the baseline conditions of identified European sites, any likely cumulative effects from the emerging replacement LDP in combination with other relevant plans and projects, identified uncertainties and risks; and,
  - A chapter presenting views on the further assessment and monitoring of any identified LSE.

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