

Executive Summary for the Habitats Regulations Assessment of the Replacement Local Development Plan (RLDP) Preferred Strategy for Torfaen

Introduction

AECOM was appointed by Torfaen County Borough Council (TCBC) to undertake a Habitats Regulations Assessment of its Preferred Strategy Local Development Plan (RLDP), which sets out the extent of development in Torfaen between 2018 and 2033. The RLDP makes a provision for 5,600 new residential dwellings and 50ha of employment land. The objective of this assessment is to identify any aspects of the Plan that would cause an adverse effect on the integrity of Natura 2000 sites, otherwise known as European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and, as a matter of Government policy, Ramsar sites), either in isolation or in combination with other plans and projects, and to advise on appropriate policy mechanisms for delivering mitigation where such effects are identified. However, given its relatively early stage the RLDP does not yet set out the full list of the specific site allocations nor detailed policy wording. As such, the Appropriate Assessment (the second stage of the HRA process) of some of the impact pathways are deferred to the Deposit Plan HRA and areas of further work are identified, to inform that HRA.

Legislative Context

The need for an assessment of impacts on European sites is set out in English and Welsh law by the Conservation of Habitats and Species Regulations 2017 (as amended). To ascertain whether the integrity of any European sites will be affected, competent authorities must therefore undertake an HRA of the plan or project in question, including an Appropriate Assessment if necessary, before approving it.

Scope

Given an initial assessment of the relevant European sites within 15km of Monmouthshire and the impact pathways present, the HRA addresses the following European sites: **Usk Bat Sites SAC, Cwm Clydach Woodlands SAC, River Usk SAC, Aberbargoed Grasslands SAC, Sugar Loaf Woodlands SAC, Coed y Cerrig SAC, Severn Estuary SPA / Ramsar, Severn Estuary SAC, Wye Valley and Forest of Dean Bat Sites SAC and Cardiff Beech Woods SAC.**

HRA tasks

Following initial evidence gathering, the first stage of any Habitats Regulations Assessment is a screening for Likely Significant Effects (LSEs), essentially an assessment of the risks for European sites, associated with a development plan. If LSEs cannot be excluded, and a mechanism for an adverse interaction between a plan and a receptor site is present, the next stage of HRA, known as Appropriate Assessment, needs to be undertaken. The Appropriate Assessment is a more detailed analysis of the impact pathways and European sites considered at the screening stage. One of the key elements of an Appropriate Assessment is the consideration of mitigation measures, which might protect a European site from potential harmful adverse effects. For this HRA, both Task 1 (Screening for Likely Significant Effects; LSEs) and Task 2 (Appropriate Assessment) were carried out.

Findings & Recommendations

The HRA shows that LSEs can be excluded for the identified impact pathways in relation to most European sites. However, due to a combination of scientific evidence that is in the process of collation (i.e. no visitor data currently being available for the Welsh parts of the Severn Estuary) and lacking detail in the current Preferred Strategy (i.e. no site allocations,

limited policy wording), a definitive Appropriate Assessment of the following impacts pathways relating to specific European sites is deferred to the Deposit Plan HRA:

- Recreational pressure in the Severn Estuary SAC / SPA / Ramsar
- Loss of functionally linked land relating to the Usk Bat Sites SAC and the Severn Estuary SPA / Ramsar
- Water quantity, level and flow in the River Usk SAC

Regarding recreational pressure in the Severn Estuary SPA / Ramsar it is concluded that, given the allocation of new residential dwellings in Torfaen, particularly the area around Cwmbran, and the fact that there are potential parking access locations to the SPA / Ramsar in the adjoining authority of Newport (approx 7km from Cwmbran), further evidence is required to conclude the HRA process. **A visitor survey at two parking access points** (near the RSPB Newport Wetlands and the car park at the Lighthouse Inn, St. Bride's Wentlooge) to the Severn Estuary SPA / Ramsar has been commissioned to identify Torfaen's contribution to recreational pressure. If the survey indicates it is necessary, further mitigation measures (**e.g. setting up a joint Interim Avoidance Strategy** with adjoining authorities) will be required.

Regarding land that is functionally linked to the Usk Bat Sites SAC and the Severn Estuary SPA / Ramsar, adverse effects on site integrity cannot be excluded because not all of the site allocations are available for assessment yet. Therefore, a fully conclusive Appropriate Assessment of this impact pathway is deferred to the Deposit Plan HRA. Nonetheless, to help reduce the potential for adverse effects, it is recommended to **insert protective policy wording into the Deposit Plan that recognises the 2km Core Sustainance Zone (CSZ)** for lesser horseshoe bats (see HRA for detailed wording). Scientific evidence indicates that foraging and / or commuting habitat within this buffer is essential for the integrity of the bat populations in the SAC. Furthermore, regarding the Severn Estuary SPA / Ramsar potential greenfield development allocations in southern Torfaen might be functionally linked to the Severn Estuary SPA / Ramsar if they are of sufficient size (at least 2ha). **This will be investigated further once allocations are identified but at the moment it is recommended to insert policy wording requiring the need for detailed habitat assessment and, if suitable, bird surveys** into the Deposit Plan (refer to HRA for detailed wording).

Regarding water quantity, level and flow, a definitive Appropriate Assessment will be undertaken for the Deposit Plan when the spatial distribution of development is available and issues such as surface runoff can be considered.. Finally, **regarding water quality**, Dwr Cymru (Welsh Water) has confirmed that Ponthir WwTW has sufficient headroom to accommodate the new growth delivered in the RLDP. Given the sensitivity of the River Usk SAC to changes in water quality, **it is nonetheless recommended that specific policy wording is inserted into the Deposit Plan to state that where allocated development exceeds the permitted headroom of any Wastewater Treatment Works (WwTW), the development will be delivered in phases to ensure that the consented discharge is not exceeded.**