

# **Executive Summary for the Habitats Regulations Assessment of the Monmouthshire Local Development Plan Preferred Strategy**

## **Introduction**

AECOM was appointed by Monmouthshire County Council (MCC) to undertake a Habitats Regulations Assessment of its Replacement Local Development Plan (RLDP) Preferred Strategy, which sets out the development in Monmouthshire between 2018 and 2033 that includes provision for 8,366 new residential dwellings, 43ha of employment land and the delivery of 7,215 additional jobs. The objective of this assessment is to identify any aspects of the Plan that would cause an adverse effect on the integrity of internationally important wildlife 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 specific site allocations nor detailed policy wording. While it does contain potential development site options in Appendix 3 these are subject to considerable change between Preferred Strategy and Deposit Plan. As such, the Appropriate Assessment (the second stage of the HRA process) of some of the impact pathways is 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 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, Wye Valley Woodlands SAC, Wye Valley and Forest of Dean Bat Sites SAC, Severn Estuary SPA / Ramsar, Severn Estuary SAC, River Wye SAC, Avon Gorge Woodlands SAC, River Usk SAC, Aberbargoed Grasslands SAC, Sugar Loaf Woodlands SAC, Llangorse Lake SAC and Coed y Cerrig 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<sup>1</sup>. Furthermore, a recent ruling established that habitats or species outside a European site, which are essential for the functioning of the protected site, must be taken into account in the HRA process<sup>2</sup>. 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 the combination of missing scientific evidence (i.e. no air quality modelling or visitor data being available) 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:

<sup>1</sup> According to a decision by the European Court of Justice, these can no longer be taken into account at the screening stage of HRA. *People Over Wind and Sweetman v Coillte Teoranta* (C-323/17)

<sup>2</sup> The 2018 Holohan ruling. Case C-461/17

- Atmospheric pollution impacts on the Usk Bat Sites SAC, Cwm Clydach Woodlands SAC, Wye Valley Woodlands SAC and the Severn Estuary SAC / SPA / Ramsar
- Recreational pressure in the Severn Estuary SAC / SPA / Ramsar
- Functionally linked land relating to the Usk Bat Sites SAC, Wye Valley and Forest of Dean Bat Sites SAC
- Water quality in the River Usk SAC and the River Wye SAC
- Water quantity, level and flow in the River Usk SAC and the River Wye SAC

Regarding atmospheric pollution adverse effects on the site integrity of the Usk Bat Sites SAC, Cwm Clydach Woodlands SAC, Wye Valley Woodlands SAC and the Severn Estuary SAC / SPA / Ramsar cannot be excluded, because air quality modelling for sensitive habitat components within these sites is not available. **It is recommended to model a minimum of one road transect** in the Usk Bat Sites SAC and the Cwm Clydach Woodlands SAC to inform the Deposit Plan HRA. A transect should also be modelled along each of the M4 and M48, traversing the Severn Estuary SAC / SPA / Ramsar within 200m of coastal saltmarsh. Furthermore, due to the length of the Wye Valley Woodlands SAC along a potential north-south commuter route, it is advised that **two road transects are modelled** along this site.

Regarding recreational pressure in the Severn Estuary SPA / Ramsar it is concluded that, given the allocation of new residential dwellings in Monmouthshire and that there are suitable access points to the SPA / Ramsar in the authority, further evidence is required. **This will include a visitor survey** at the two access points identified (Black Rock Picnic Site car park, Caldicot coastal path), **an investigation into recreational use of potential functionally linked land parcels** in southern Monmouthshire and, if the visitor survey indicates a requirement, **setting up an Interim Avoidance Strategy**. Furthermore, it is recommended to introduce protective policy wording into the Deposit Plan, which assesses the acceptability of proposals that increase recreational access to sensitive SAC components (see HRA for detailed policy wording).

Adverse effects on site integrity cannot be excluded regarding land that is functionally linked to the Usk Bat Sites SAC, Wye Valley and Forest of Dean Bat Sites SAC and the Severn Estuary SPA / Ramsar, because proposed candidate sites in the Strategic Growth Areas of Monmouth, Chepstow and Severnside comprise suitable habitats and are sufficiently large to support Bewick's swans, lesser horseshoe bats and greater horseshoe bats. A definitive Appropriate Assessment of this impact pathway is deferred to the Deposit Plan HRA, when site allocations will be available. Nonetheless, to help reduce the potential for adverse effects, it is recommended to **insert protective policy wording into the Deposit Plan that recognises the importance of functionally linked supporting habitats to these SACs, including the typical 2km and 3km Core Sustainance Zones (CSZ)**, for lesser and greater horseshoe bats (see HRA for detailed wording). Scientific evidence indicates that foraging and / or commuting habitat outside the designated site boundaries is essential for the integrity of the bat SACs. Furthermore, it is advised that, regarding the Severn Estuary SPA / Ramsar and allocated greenfield sites of sufficient size (at least 2ha) in southern Monmouthshire, **policy wording requiring the need for detailed habitat assessment and, if suitable, bird surveys** is inserted into the Deposit Plan (see HRA for detailed wording).

Finally, **regarding both water quality and water quantity, level and flow**, a definitive Appropriate Assessment will be undertaken for the Deposit Plan, when the spatial distribution of development and its associated Wastewater Treatment Works (WwTWs) infrastructure is available. However, given the sensitivity of both riverine SACs to these impact pathways, **it is recognised that mitigation in the form of policy wording needs to be inserted into the Deposit Plan**. This is to ensure that new development can be accommodated within the permitted headroom of WwTW infrastructure and that the supply of water to new development will not change the natural flow regimes in the two rivers (see HRA for detailed wording). The emerging issue of phosphorus neutrality was also investigated in this HRA. All of the potential sites assessed in the Strategic Growth Areas of Abergavenny and Monmouth would result in a phosphorus surplus in the River Wye SAC and River Usk SAC. Therefore, mitigation measures, tailored to the quantum and spatial distribution of growth allocated in the Deposit Plan, will be required to allow development to come forward.