

**Monmouthshire**  
**Replacement Local Development**  
**Plan**

**Habitats Regulations**  
**Assessment**  
**Initial Screening Report**

**October 2018**



monmouthshire  
sir fynwy

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## 1. Background to the Revision of the Monmouthshire Local Development Plan (LDP)

In accordance with the Planning and Compulsory Purchase Act (2004) Monmouthshire County Council adopted its first Local Development Plan (LDP) in February 2014. Since 2014 the Council has undertaken, in accordance with statutory requirements, annual monitoring of the plan, with four Annual Monitoring Reports (AMRs) published to date. The AMRs assess the extent to which the LDP strategy, objectives and policies are being delivered and implemented.

The 2016 Monmouthshire AMR recommended an early review of the LDP as a result of the need to address the shortfall in the housing land supply and an acknowledgement that the current LDP expires in December 2021. The 2017 AMR, which formed the first stage of the LDP review process, confirmed the recommendation to continue with an early review of the LDP.

A full review of the LDP commenced in 2017, with the final Review Report published in March 2018. Based on the evidence contained in the Review Report, it was concluded that the LDP should be revised and that this should take the form of a full revision procedure.

## 2. Report Purpose

This initial screening report is the first stage of the Habitats Regulations Assessment (HRA) being carried out in respect of the revision of the LDP. This will need to build upon the HRA carried out for the first Monmouthshire LDP (adopted February 2014) which was undertaken by Baker Associates on behalf of the Council.

The purpose of the HRA process is to identify, assess and address any 'significant effects' on European sites from the revision of the Monmouthshire LDP and from the resulting replacement LDP for the Monmouthshire County Council planning area as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

For the purposes of this report 'European Sites'<sup>1</sup> comprise:

- Special Areas of Conservation (SAC) and candidate SACs (cSACs) [designated under the Habitats Directive 1992 (European Economic Community, 1992)];
- Special Protection Areas (SPA) and potential SPAs (pSPAs), [classified under the EC Wild Birds Directive 1979 (European Economic Community, 1979) as amended by the Birds Directive (European Commission, 2009) and
- Ramsar sites [Designated under the Convention on Wetlands of International Importance 1971, as amended (Ramsar Convention Secretariat, 1971).

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

This report seeks the views of the statutory Nature Conservation Body for Wales, Natural Resources Wales (NRW), on the proposed list of European sites to take forward for a HRA of the replacement Monmouthshire LDP.

### 3. Statutory Requirements

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) is transposed into national legislation in the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). The objective of the Habitats Directive is to protect biodiversity through the conservation of natural habitats and species of wild fauna and flora. The legislation sets the framework for the creation of a network of protected sites across Europe. These are known as Natura 2000 sites or European Sites.

These include sites designated as Special Areas of Conservation (SACs) for their species and habitats and Special Areas of Protection (SPAs) designated for the protection of birds. As a matter of policy the Welsh Government also expects local planning authorities to treat all Ramsar sites and potential SPAs (pSPAs) as though they were statutory European sites or, as the case may be, European offshore marine sites, and they should be treated as such in HRA.

Any plan or project that has the possibility of impacting on a European Site must be assessed to ascertain the likelihood and significance of effects to the integrity of the site. The Habitats Directive Articles 6(3) and 6(4) sets the requirement for assessment as:

*“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans and projects, shall be subject to Appropriate Assessment of its implications for the site in view of the site’s conservation objectives...”*

### 4. The Habitats Regulations Assessment Process

The HRA is used to describe the process of Appropriate Assessment (AA) required under the Habitats Directive. Guidance on HRA is set out in Annex 6 of Technical Advice Note 5: Nature conservation and Planning (September 2009). This is ‘*The Appraisal of Development Plans in Wales under the Provisions of the Habitats Regulations*’.

In accordance with the Habitats Regulations, the HRA process follows a series of stages which will be undertaken for the revision of the LDP, as necessary, to meet with the requirements of the Regulations:

- Stage 1 – HRA Screening – to determine whether the revision of the LDP, alone or in combination with other plans or projects, is likely to have a significant effect on

any European sites or European offshore marine sites. Screening will need to be undertaken for each iteration of the replacement LDP, namely the Preferred Strategy and the Deposit Plan. This report identifies relevant European sites for consideration within the HRA Screening.

- Stage 2 – Appropriate Assessment – if the HRA Screening indicates that the revision of the LDP is likely to have significant effects a further level of assessment is needed to consider whether the replacement LDP could adversely affect the integrity of one or more European sites, either alone or in combination with other plans or projects, in view of those sites' conservation objectives.
- Stage 3 – Consideration of Alternatives – where the 'appropriate assessment' identifies potentially significant impacts on a European site, identifying whether there are possible alternative solutions or mitigation measures which, if adopted, will avoid or counteract those adverse impacts. Where there are no such alternative solutions, determining whether there are imperative reasons of overriding public interest for giving effect to the development plan.

An important part of the HRA is determining whether the replacement LDP is likely to have a significant effect on European sites. The assessment guidance on HRA from the Welsh Assembly Government<sup>2</sup> suggests that:

- The development plan should be 'likely' to have such an effect if the planning authority is unable to exclude the possibility that the plan could have significant effects on any European site either alone or in combination with other plans or projects.
- An effect will be 'significant' if it undermines the site's conservation objectives.

Guidance on HRA sets out a requirement that in addition to determining if the replacement LDP would have a significant effect on European sites on its own, it is also necessary to assess if there would be any significant effects in combination with other plans and projects.

This 'in combination' assessment will need to look at other plans and projects that also require HRA, such as the LDPs and LDFs of neighbouring local authorities, as well as projects proposed or underway in the area. Guidance on HRA provide examples of the types of plans that may need to be taken into account when considering 'in combination' effects.

The HRA process should run concurrently with the plan process and form an iterative part of the revision of the LDP. The HRA should be programmed to fit in with plan-making procedures, including the SA/SEA but should not be incorporated into the SA or SEA, it should run alongside the processes.

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<sup>2</sup> Welsh Government (September 2009) Technical Advice Note 5: Nature Conservation and Planning

## 5. Identification of Sites

This is the initial step of the screening process and involves identifying and agreeing a list of European sites to take forward in consideration of the potential for likely significant effects to arise as a result of the revision of the Monmouthshire LDP. This includes European sites within the Council boundary as well as others located within the surrounding area which could be affected by the revision of the LDP. In consideration of this a 15km buffer area has been used around Monmouthshire to identify those European sites that could possibly be affected. The use of a 15km search area is the same approach as that taken for the HRA of the first Monmouthshire LDP.

All European sites within the Monmouthshire County Council boundary and within 15km of its boundary have been identified using the Natura 2000 Viewer (September 2018), an on-line tool that presents all Natura 2000 sites, provides key information on species and habitats for which each site has been designated, data on their estimated population size and conservation status. This tool is available on the Environment area of the European Commission website.

**Table 1: European sites identified within the Monmouthshire County Council Planning Area**

| Site Name          | Status | Site Code | Area (Ha) | Qualifying features of the site                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------|--------|-----------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| River Usk*         | SAC    | UK0013007 | 1015      | The site contains habitats listed under Annex I of the Habitats Directive and these are a qualifying feature. The River Usk is also important for a variety of species listed under Annex II of the Habitats Directive that are primary reasons for site selection.                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| River Wye/Afon Gwy | SAC    | UK0012642 | 2269      | The site contains habitats listed under Annex I of the Habitats Directive and these are primary reason for selection. The site also contains a variety of species listed under Annex II of the Habitats Directive which are also the primary reasons for selection. The River Wye is important for its population of Atlantic salmon, and whilst stocks have declined the salmon population is still of considerable importance in UK terms. The Wye also holds the densest and most well established otter population in Wales. The site is considered one of the best in the UK for white-clawed crayfish. Other important species supported by the River Wye are twaite shad, bullhead and river, sea and brook lamprey. |

| Site Name                               | Status            | Site Code | Area (Ha) | Qualifying features of the site                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------|-------------------|-----------|-----------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Severn Estuary                          | SAC, SPA & Ramsar | UK0013030 | 73779     | <p>The Severn Estuary is the largest coastal plain estuary in the UK with the second highest tidal range in the world. The site contains habitats listed under Annex I of the Habitats Directive and these are the primary reason for selection. These include estuaries, mudflats and sandflats. Additional primary reasons for selection are species listed under Annex II of the Habitats Directive including Sea lamprey, River lamprey and Twaite shad.</p> <p>Primary reasons for Special Protection Area designation is that the site qualifies as an area of Internationally Important Assemblage of Birds, under Article 4.2, where over the winter the area regularly supports 84,317 waterfowl.</p> <p>Primary reasons for Ramsar designation is that there are 8 criteria that are within the Ramsar designation. This includes the immense tidal range creating diversity of the physical environment and biological communities, and due to unusual estuarine communities, reduced diversity and high productivity. This site is also designated due to the importance for the run of migratory fish between sea and river via the estuary. It is also of particular importance for migratory birds during spring and autumn.</p> |
| Wye Valley and Forest of Dean Bat Sites | SAC               | UK0014794 | 146       | <p>The Wye Valley and Forest of Dean Bats SAC straddles the Wales-England border. It is underpinned by 4 SSSIs in Wales and 9 in England, all of which lie entirely within the SAC. This complex of sites contains by far the greatest concentration of lesser horseshoe bat in the UK, totalling about 26% of the national population.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Wye Valley Woodlands                    | SAC               | UK0012727 | 926       | <p>The Wye Valley Woodlands SAC is a large woodland SAC that straddles the Wales-England border. The site is underpinned by 9 SSSIs in Wales and 7 in England. The Wye Valley contains abundant and near-continuous semi-natural woodland along the gorge. The variety of woodland types found is rare within the UK.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |

\* Part is within the Brecon Beacons National Park planning area

**Table 2: European sites identified within the Brecon Beacons National Park Planning Area**

| Site Name             | Status | Site Code | Area (Ha) | Qualifying features of the site                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------|--------|-----------|-----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Coed y Cerrig         | SAC    | UK0012766 | 9         | It is a good example of alluvial forest in South Wales and contains habitats listed under Annex I of the Habitats Directive and these are a primary reason for its designation. It is also designated a SSSI and divided into 10 management units of which numbers 2, 4, 5 and 9 comprise to form the Coed Y Cerrig SAC.                                                                                                                                        |
| Cwm Clydach Woodlands | SAC    | UK0030127 | 29        | The Cym Clydach Woodlands is broadleaved woodland, intergrading with more open habitats. The woodlands contain a habitat type listed under Annex I of the Habitats Directive which is the primary reason for its designation. The site also forms the Cym Clydach SSSI.                                                                                                                                                                                         |
| Sugar Loaf Woodlands  | SAC    | UK0030072 | 174       | They are the largest example of old sessile oak woods near the south-eastern fringe of the habitat's range in the UK and Europe. The woodland also supports a smaller area of beech woodland. Sugar Loaf Woodlands are of special interest for their stands of broadleaved woodland dominated by oak, intergrading with other habitats, including semi-natural acid grassland, heathland, bracken and scrub. The site also forms the Sugar Loaf Woodlands SSSI. |
| Usk Bat Sites         | SAC    | UK0014784 | 1687      | Located around the valley of the River Usk near to Abergavenny, the site comprises Lesser horseshoe bat roosts, upland habitats, woodlands and cave systems.                                                                                                                                                                                                                                                                                                    |



**Table 3: European sites identified within 15km of the Monmouthshire County Council Boundary**

| Site Name                           | Status | Site Code | Area (Ha) | Qualifying features of the site                                                                                                                                                                        |
|-------------------------------------|--------|-----------|-----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Llangorse Lake/Llyn Syfaddan, Powys | SAC    | UK0012985 | 216       | Natural eutrophic lakes with Magnopotamion or Hydrocharition-type vegetation for which this is considered to be one of the best areas in the United Kingdom.                                           |
| Aberbargoed Grassland, Caerphilly   | SAC    | UK0030071 | 40        | The area is considered to support a significant presence of Molinia meadows on calcareous, peaty or clayey-silt-laden soils. Considered to be one of the best areas in the United Kingdom for aurinia. |

Of these eleven identified sites nine are within 15km of towns and villages in the Monmouthshire County Council planning area. These towns and villages are the most likely locations for allocated development through the replacement LDP therefore, subject to any views expressed by NRW, it is proposed to concentrate the appropriate assessment on these sites. These nine sites are:

- Coed y Cerrig – SAC
- Cwm Clydach Woodlands – SAC
- River Usk – SAC
- River Wye/ Afon Gwy – SAC
- Severn Estuary – SAC, Ramsar and SPA
- Wye Valley and Forest of Dean Bat Sites - SAC
- Wye Valley Woodlands – SAC
- Sugar Loaf Woodlands – SAC
- Usk Bat Sites – SAC

These are the same sites that were considered previously within the HRA carried out in respect of the first Monmouthshire LDP (adopted February 2014). The reasons given for screening two of the sites out of the process then are still considered relevant, in summary:

Aberbargoed Grassland SAC - Given the distance of the site from Monmouthshire and that site level management is identified as the most important factor in maintaining site integrity, **it was assessed that the Deposit Plan would not have likely significant in combination effects on Aberbargoed Grasslands SAC through increased atmospheric pollution.** However, should the replacement LDP include significant development or infrastructure in proximity to this site, the screening out of this site will be reviewed.

Llangorse Lake SAC - Given the small size of the catchment along with mitigation provided by Deposit LDP policies (which seek to protect biodiversity and minimise the impact of development on the environment), **it was assessed that the Deposit LDP**

would not have likely significant in combination effects on Llangorse Lake SAC through reduced water quality<sup>3</sup>. The replacement LDP is likely to include similar biodiversity policies to the current LDP but this screening need will be reviewed should that position change.

## 6. Conclusion

This report has outlined the requirement to undertake a Habitats Regulations Assessment in respect of the replacement Monmouthshire LDP. The report has also identified the relevant European sites for consideration within the HRA process.

Nine European sites have been identified to take forward to the next stage of the HRA process. Five of these are within the Monmouthshire County Council planning area and four are within the Brecon Beacons National Park planning area.

NRW, as the statutory Nature Conservation Body for Wales are requested to confirm whether:

- They are content for a 15km radius to be adopted around the Monmouthshire County Council boundary area as the zone of influence for any likely significant effects from the replacement LDP; and whether.
- They are content for the Aberbargoed Grassland SAC and the Llangorse Lake SAC to be screened out of the HRA process at this stage.

## 7. Next Steps

Reflecting the requirements of the Habitats Regulations, iterative HRA Screening Reports will accompany the Preferred Strategy and the Deposit Plan. These will determine whether any further stages of the HRA process, as outlined in Section 1.4 (i.e. any need for Appropriate Assessment) need to be undertaken for the replacement LDP.

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<sup>3</sup> Monmouthshire County Council Deposit Local Development Plan Habitat Regulations Assessment (Appropriate Assessment) Report – June 2011 (Appendix 3)