

Executive Summary

Introduction

AECOM was appointed by Monmouthshire County Council (MCC) to undertake a Habitats Regulations Assessment of its Replacement Local Development Plan (RLDP) Deposit Plan, which sets out the development in Monmouthshire between 2018 and 2033 that includes provision for approximately 6,210 net new homes and 38ha net new 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 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.

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.

Likely Significant Effects

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 effects¹. 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 process². For this HRA, both Task 1 (Screening for Likely Significant Effects; LSEs) and Task 2 (Appropriate Assessment) were carried out.

The HRA shows that LSEs can be excluded for the identified impact pathways in relation to most European sites. However, the following require investigation in appropriate assessment:

- 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, Usk Bat Sites SAC, River Usk SAC, River Wye SAC, Sugar Loaf Woodlands SAC, and Wye Valley Woodlands SAC.

¹ 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)

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

- Functionally linked land relating to the Severn Estuary SPA / Ramsar, Usk Bat Sites SAC, and Wye Valley & Forest of Dean Bat Sites SAC
- Water quality in the River Usk SAC, River Wye SAC and Severn Estuary SAC
- Water quantity, level and flow in the River Usk SAC, River Wye SAC and Severn Estuary SAC

Appropriate Assessment

Atmospheric Pollution

All traffic growth on major roads within 200m of the relevant European sites was modelled. This included both traffic growth due to Monmouthshire Local Plan and wider traffic growth on the road network over the plan period to 2033. Oxides of nitrogen, ammonia and nitrogen deposition were modelled. Four scenarios were modelled. Three transects were modelled into Severn Estuary SAC/SPA/Ramsar site. Since the critical level for NO_x or ammonia is not forecast to be breached no adverse effect on integrity will arise notwithstanding traffic growth. On the English side the nearest saltmarsh in the SAC is 20m from the road. At this point the modelled in combination nitrogen deposition effect from all traffic growth is well below 1% of the critical load and therefore adverse effects on integrity can be dismissed.

Two transects were modelled into Wye Valley Woodlands SAC. Since the critical level for NO_x is not forecast to be breached no adverse effect on integrity will arise notwithstanding traffic growth. At the distances the SAC lies back from the road (100m and beyond), modelling shows that there is no impact of traffic growth (alone or in combination) on ammonia concentrations. The modelled in combination nitrogen deposition effect from all traffic growth is well below 1% of the critical load and therefore adverse effects on integrity can be dismissed. Cwm Clydach Woodlands and Usk Bat Sites SACs are considered together because they both lie adjacent to A465 Heads of the Valleys Road at Daren-felen, with Cwm Clydach Woodlands SAC lying immediately beyond the Usk Bat Sites SAC to the south of the road. Three transects were modelled. Since the critical level for NO_x is not forecast to be breached no adverse effect on integrity will arise notwithstanding traffic growth.

For both ammonia and nitrogen deposition the in combination effect of Monmouthshire Replacement Local Development Plan in combination with other plans and projects does exceed 1% of the critical level and load and therefore cannot be dismissed on purely numerical grounds. However, the A465 is one of the major trunk roads in Wales and is a main east–west route in South Wales along with the M4 motorway. Moreover, large sections of the road are being converted to dual carriageway by 2025. As such, traffic-related changes in air quality on the A465 are not a local (Monmouthshire) issues but a Wales-wide issue and is the responsibility of the Welsh Government or South Wales Trunk Road Agent (SWTRA).

This is relevant because Joint Nature Conservation Committee (JNCC) guidance on the issue states (pages 20/21) that: 'The trunk road network forms the core of the national transport system. Trunk roads are central to long distance travel and connectivity across the UK and traffic patterns on trunk roads are a consequence of predicted growth across the UK generally. The effects of development on traffic flows on trunk roads are more appropriately taken into account as part of national and regional strategic plan level HRAs.' As such, this is considered to be an issue to be address at a strategic national scale rather than through the Monmouthshire Local Plan.

Recreational Pressure

Severn Estuary SPA/SAC/Ramsar

To obtain visitor data for the Severn Estuary SPA / Ramsar (and also the SAC), a survey (comprising visitor counts and interviews) was undertaken at four key access locations along the estuary. The home postcodes of interviewees provide the key most important parameter that is used to identify recreational catchments. Typically, the 75th percentile of interviewees (i.e. the distance from the SPA / Ramsar from which 75% of interviewees originate) is used to denote the core recreational catchment. This cut-off point is used to remove the influence of outliers and to demark the catchment that forms the most likely visitor pool. Pooling the postcodes from all 'local' visitors (i.e. those on a day trip from home), 75% of visitors travelled a linear distance of 6.5km to the SPA / Ramsar.

However, Stroud Council (in England) and Forest of Dean Council (also in England) have both recently increased the recreational catchment in their area for Severn Estuary from 7km to 12.6km, based on

more recent visitor survey from 2022. It is to be expected that different parts of the Severn Estuary have different recreational catchments, and the survey data for Monmouthshire clearly indicates a smaller core catchment. However, there is also value in authorities around the Severn Estuary adopting a consistent core catchment. Therefore, it may be advisable for Monmouthshire Council to adopt 12.6km as their core catchment, and thus the zone within which financial contributions to recreational pressure mitigation on the SAC/SPA/Ramsar site would be collected. Allocations within 7km and 12.6km of the SPA/Ramsar site were assessed. A 7km catchment would capture five residential and mixed used allocations (HA3, HA2/EA1m, HA9/EA1l, HA13 and HA18). Increasing the catchment to 12.6km would capture one more residential development site (HA14).

Given the high sensitivity of the SPA / Ramsar to impacts resulting from recreational pressure, adverse effects on its site integrity due to additional residential development cannot be excluded. It is anticipated that mitigation measures will be required to avoid adverse effects on the SPA / Ramsar. These could be delivered in the form of Strategic Access Management and Monitoring (SAMM) in the estuary itself, and / or through access enhancements and improvements to appropriately sited, existing or newly developed greenspaces. In England, authorities within the recreational catchment of sites that are sensitive to recreational pressure have developed SAMM strategies to avoid adverse effects on the European sites, including Severn Estuary SPA/Ramsar where such strategies exist for both Stroud and Forest of Dean districts.

It is noted that relevant Deposit Site Allocation policies, with the exception of Site HA14 include reference to the site being within 7km of the Severn Estuary European Marine Site (site HA14 is within 12.6km) and that a financial contribution may be required as part of a mitigation strategy as well the SANG requirements to reduce recreational pressures on the features of the estuary. Policy NR2 – Severn Estuary Recreational Pressure also sets out requirements for proposals that would result in visitor pressure on the Severn Estuary SAC, SPA, Ramsar site, or Functionally Linked land will not be supported unless it can be demonstrated that no adverse impact on the integrity of the European Marine Site will occur. The supporting text links this requirement to a Core Recreational Catchment Zone of 7km identified by the HRA. AECOM recommends that the mixed use sites EA1m and EA1l are also included in this solution along with residential site HA14. As such AECOM recommends that the same policy requirement is included in those policies as has already been included in other relevant allocations.

It is generally considered that adverse effects on the site integrity of the Severn Estuary SAC could be avoided within the remit of a Strategic Access Management and Monitoring Strategy. There are also several policy mechanisms through which the Severn Estuary SAC could be protected, for example by introducing the following wording into a policy addressing the protection of European sites in Monmouthshire: 'Any development proposals that would increase visitor access to sensitive habitat features in the Severn Estuary SAC, SPA and Ramsar site, especially on to saltmarsh and mudflat habitat, will not be supported unless no adverse effect on the integrity of the sites could be confirmed.'

Other European sites

Impacts on Usk Bat Sites SAC, River Usk SAC, River Wye SAC, Sugar Loaf Woodlands SAC, and Wye Valley Woodlands SAC were also investigated but it was concluded no adverse effect on integrity would arise, without the need for mitigation. For Wye Valley Woodlands SAC this assessment included undertaking a visitor survey in 2023. Using these data, the 75th percentile of all visitors that travelled to the SAC is 39.3km. In other words, three quarters of visitors live within 39.3km of the SAC boundary. This is a very large catchment and represents the importance of the SAC in drawing visitors from long distances. For example, visitors come from as far afield as Lincolnshire, Sheffield, Devon, Hampshire and Nottinghamshire, and visitors from outside Monmouthshire and Wales, make up a large proportion of the survey pool. Even excluding people on holiday to focus entirely on people 'visiting from home' still leaves a relatively large catchment of 24km.

This indicates that the Wye Valley Woodlands SAC has a regional, not to say national, draw rather than a local one. In contrast, during surveys of the Severn Estuary SPA/Ramsar/SAC, 75% of visitors lived within 6.5km of the site, indicating the much greater proportion of local residents in the visitor pool. The core recreational catchment for the Wye Valley Woodlands SAC for residents of Monmouthshire (i.e. the zone within which 75% of Monmouthshire-resident visitors are found) is 7km, but it is important to remember that Monmouthshire residents make up a minority of visitors, with 71% of visitors living in other local authorities.

Given these data it is considered that visitor pressure within the SAC is limited, is a regional or national issue, and will not be heavily affected by housing and population growth within Monmouthshire. As such, no mitigation strategy for the Local Plan is required and a conclusion of no adverse effect on integrity is reached. The foregoing assessment inherently takes account of growth in Monmouthshire in combination with growth elsewhere in the recreational catchment of the SAC.

Loss of Functionally Linked Land

The potential for loss of functionally linked land for bats associated with Usk Bat Sites SAC, Wye Valley & Forest of Dean Bat Sites SAC and birds associated with Severn Estuary SPA/Ramsar was assessed.

Usk Bat Sites SAC and Wye Valley & Forest of Dean Bat Sites SAC

No sites are allocated within the Core Sustenance Zone of Usk Bat Sites SAC. Five Local Plan allocations were identified within 3km (the Core Sustenance Zone) of Wye Valley & Forest of Dean Bat Sites SAC: HA8, EA1b, HA4, HA13 and HA18. It was recommended that the following text (or similar) is inserted into a suitable policy in the next iteration of the LP: 'To meet the requirements of the Habitats Directive regarding allocated greenfield sites within the Core Sustenance Zones (CSZs) of the Usk Bat Sites SAC and the Wye Valley and Forest of Dean Bat Sites SAC, the applicant is required to provide evidence that the development will not result in adverse effects on site integrity. To achieve this, a habitat assessment will have to be undertaken by a suitably qualified professional. Where habitats are suitable, a suite of bat surveys (e.g. bat activity surveys, roost emergence surveys) will need to be undertaken between April and September. Where a land parcel is demonstrably used by SAC bats, mitigation and avoidance measures might be required, and the planning application will likely need to be assessed through a project-level Habitats Regulations Assessment and will need to consider matters such as habitat connectivity, foraging value and minimised lighting'.

With regard to this recommendation Monmouthshire Council expressed concern as to whether the extent of the suggested wording is needed as it is too prescriptive. Instead, the Deposit Plan addresses these recommendations by providing less prescriptive form of wording in Policy NR1 – Nature Recovery and Geodiversity and its supporting text in paragraphs 11.10.2 – 11.10.8 under the heading International/National (Statutory) Sites and Protected Sites and Species with specific reference to Functionally Linked Land in paragraph 11.10.5, but without providing specific details of the need for bat surveys, survey seasons and the potential need for mitigation. Policy LC5 – Dark Skies and Lighting, offers further policy requirements in relation to external lighting and potential impacts on biodiversity and ecology. Strategic Policy S8 – Site Allocation Placemaking Principles also covers dark corridors as well as requirements in the site-specific allocation policies where relevant, for example Policy HA4 – Land at Leasbrook, Monmouth. Further specific requirements can be set out in Supplementary Planning Guidance.

Severn Estuary SPA/Ramsar

To aid consideration of functionally-linked land issues Natural England has produced unpublished guidance (there is no Natural Resources Wales equivalent). This guidance groups birds by their maximum foraging distance. According to this guidance most waterfowl and waders remain within 2km of their core roost areas (i.e. the SPA/Ramsar site) when foraging. Of those species for which Severn Estuary SPA/Ramsar is designated the exceptions are Bewick's swan and white-fronted goose which forage up to 10km from their core roost sites. The same Natural England guidance considers that residential development could have an adverse effect on these two species if it resulted in loss of functionally-linked land up to 5km from the core roost areas (the SPA/Ramsar). Therefore 5km was used as the zone to identify potential areas of functionally-linked land that might need further assessment and (if necessary) mitigation for planning applications.

The following sites were identified as being of sufficient size and proximity to the SPA and Ramsar to be utilised by SPA birds: HA3, HA2/EA1m, HA9, EA1l, EA1d/W3c, EA1f/W3d, EA1g, EA1h/W3e and EA1/W3f. These sites were all identified as greenfield sites, although without further survey the level of suitability is difficult to assess. These are generally the parameters that are used for the identification of potential functionally linked land. In addition to the size of the candidate sites and distance of the candidate sites from the Severn Estuary, the Monmouthshire Council ecologists reviewed Preliminary Environmental Appraisals where available and undertook a desk study to determine whether housing sites should be considered (during plan preparation / application preparation) for potential use by overwintering birds. This formed part of the proforma preparation for candidate sites. Of the allocation

sites listed above, many were determined to be unsuitable, with the exception of the Caldicot site HA2, due to habitats present, disturbance levels, agricultural practices. This assessment also applies to site EA1/W3f, which has been considered to have potential for overwintering birds. Other sites considered to be suitable are Gwent Europark and Quay Point.

It was recommended that the following text (or similar) was inserted into an appropriate policy of the Deposit Plan: 'To meet the requirements of the Habitats Directive, the applicant should be required to provide evidence that the development will not result in adverse effects on the integrity of the Severn Estuary SPA / Ramsar regarding its qualifying bird species. To demonstrate this, a survey will be required to determine the habitats and current site use to verify if the land parcel is indeed suitable for supporting a significant population of designated bird species. Where habitats are suitable, non-breeding bird surveys will be required to determine if the site and neighbouring land constitute a significant area of supporting habitat. Bird surveys will need to be undertaken during autumn, winter and spring. If habitat within the site or adjacent land are identified to support significant populations of designated bird species, avoidance measures and mitigation will be required, and the planning application will likely need to be assessed through a project specific Habitats Regulations Assessment to ensure that the development does not result in adverse effects on integrity.'

With regard to this recommendation, Monmouthshire Council expressed concern as to whether the extent of the suggested wording is needed as it is too prescriptive. Instead, the Deposit Plan addresses these recommendations by providing a less prescriptive form of wording in Policy NR1 – Nature Recovery and Geodiversity and its supporting text in paragraphs 11.10.2 – 11.10.8 under the heading International/National (Statutory) Sites and Protected Sites and Species. Site specific allocation policies also set out policy requirements, such as for Policy HA2 – Land to the East of Caldicot.

Water Quality

River Usk SAC and River Wye SAC

In the Preferred Strategy HRA no housing was allocated in Monmouth due to issues with nutrient neutrality. However, in response to that document the Welsh Government has advised Monmouthshire Council that new site allocations should be considered in Monmouth on the basis that sufficient certainty is provided by Dwr Cymru Welsh Water's (DCWW) planned improvements at the Monmouth Wastewater Treatment Works by 31st March 2025. Monmouthshire Council produced a phosphate briefing note in July 2023 which updates developers and sets out how issues with nutrients in the River Usk and Wye catchments will be addressed. Given the clear commitment from DCWW to provide phosphate mitigation at the Llanfoist and Monmouth WwTWs by 31st March 2025, the Local Planning Authority is now able to issue planning permissions within the area served by these two WwTWs, subject to a suitably worded 'Grampian condition' preventing commencement of development until 31st March 2025. This will give confidence to the development industry and unlock stalled sites while ensuring new development proposals do not have an adverse impact on water quality within the river SACs.

Monmouthshire Council has confirmed that phosphate solutions have been agreed as part of a wider approach to the issue in partnership with Natural Resources Wales and Welsh Water. Natural Resources Wales has issued a new version of detailed planning guidance that has to be met satisfied in relation to both planning applications and allocations. This guidance will be considered as part of the HRA process. The RLDP allocations have been made in consultation with Welsh Water and Natural Resources Wales, having regard to headroom limits and phosphate solutions proposed Policy NR3 – Protection of Water Sources and the Water Environment sets out requirements for development which may impact upon the water environment and associated land. Given this, it is concluded that there would not be adverse effects on the site integrity of the River Usk SAC and the River Wye SAC regarding water quality.

Severn Estuary SAC/SPA/Ramsar

No water quality adverse effects on the integrity of the Severn Estuary SAC/SPA/Ramsar were identified during the appropriate assessment.

Water Quantity, Level and Flow

River Usk SAC and River Wye SAC

It was considered that no adverse effect on integrity would arise on River Usk SAC or River Wye SAC through this impact pathway due to Monmouthshire Replacement Local Development Plan. Moreover, the RLDP (see Policies S4 and S5) already contains some broad policy wording that protects European sites, which are reliant on water supply, from adverse effects. However, due to the sensitivity of these SACs to water abstraction, it is recommended that specific reference to the sites and the relevant flow targets established by Natural Resources Wales is made in the supporting text to either of these policies. The following text could be added to ensure greater protection of the rivers' flow regimes: 'Any development proposals have to ensure that there will be no adverse effects on the site integrity of the two riverine SACs, the River Usk SAC and the River Wye SAC, regarding water quantity, level and flow. In particular, development will not be permitted if it cannot be accommodated under the Review of Consents for flow in these rivers, including the maximum permissible percentage reduction from naturalised flow levels and hands-off flow conditions.'

Monmouthshire Council have commented that this has been considered as part of the plan making process in consultation with Welsh Water in relation to allocations. Proposals coming forward via planning applications are required to satisfy detailed planning guidance published by Natural Resources Wales so a specific DM policy is not considered necessary.

Severn Estuary SAC

No water quantity, level or flow adverse effects on the integrity of the Severn Estuary SAC/SPA/Ramsar were identified during the appropriate assessment.

Conclusion

With the changes made to the Local Plan in response to recommendations, it is considered that the Monmouthshire Local Plan contains a sufficient policy framework that no adverse effect would arise on Habitats sites either alone or in combination with other plans or projects.