

Executive Summary for the Habitats Regulations Assessment of the Blaenau Gwent Local Development Plan Preferred Strategy

Introduction

AECOM was appointed by Blaenau Gwent County Borough Council to undertake a Habitat Regulations Assessment of its Preferred Strategy of its Replacement Local Development Plan (RLDP), which sets out the housing and employment needs for the period between 2018 and 2033. The objective of this assessment was to identify any aspects of the Plan that might 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 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 were identified.

Legislative Context

The need for an assessment of impacts on European sites is set out within Article 6 of the Habitats Directive and transposed into English and Welsh law by the Conservation of Habitats and Species Regulations 2017 (as amended). The purpose of the Habitats Directive is to “*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*” (Article 2(2)). 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 Blaenau Gwent 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, Cwm Cadlan SAC, Brecon Beacons SAC, Llangorse Lake SAC, Coed y Cerrig SAC and Blaen Cynon 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 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.

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 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 is deferred to the Deposit Plan HRA:

- ☐ Atmospheric pollution impacts on the Usk Bat Sites SAC and the Cwm Clydach Woodlands SAC
- ☐ Functionally linked land relating to the Usk Bat Sites SAC
- ☐ Water quality in the River Usk SAC

Regarding atmospheric pollution adverse effects on the site integrity of the Usk Bat Sites SAC and the Cwm Clydach Woodlands SAC cannot be excluded, because air quality modelling for sensitive habitat

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

components within these sites is not available. It is recommended to model a minimum of one road transect in each of these SACs to inform the Deposit Plan HRA.

Regarding land that is functionally linked to the Usk Bat Sites SAC, adverse effects on site integrity cannot be excluded because the site allocations are not yet available for assessment. A definitive Appropriate Assessment of this impact pathway is therefore 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. Finally, regarding water quality, a full 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. If significant development in the north-eastern section of Blaenau Gwent is coming forward, which is served by WwTWs that discharge into the catchment of the River Usk SAC, it is recommended that precautionary wording is incorporated into an appropriate policy of the Deposit Plan to ensure that any new development can be accommodated within the permitted headroom of WwTW infrastructure (see HRA for detailed wording). However, it is understood that little development may come forward in this area.

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