

AECOM: Torfaen RLDP - Habitats Regulations Assessment Scoping Report Executive Summary (July 2023)

Torfaen County Borough Council (TCBC) is in the early stages of producing the Replacement Local Development Plan (RLDP) (2022-2037) for the authority. The RLDP will set out the spatial vision, objectives, levels and types of growth, strategic and development management policies that will guide planning across the Borough. It will also identify infrastructure requirements and allocate sites for development in the period covered by the RLDP including to meet the housing and economic development needs of Torfaen. AECOM has been appointed to undertake the report to inform the Habitats Regulations Assessment (HRA) of the emerging Torfaen RLDP.

TCBC is a Competent Authority as defined in Regulation 7 of the Conservation of Habitats and Species Regulations 2017 (as amended). Regulation 105 states that '*A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which... is likely to have a significant effect on a European site [a Special Area of Conservation, Special Protection Area or, as a matter of Government policy, a Ramsar site] or a European offshore marine site (either alone or in combination with other plans or projects) ...must make an appropriate assessment of the implications of the plan or project for that site in view of that site's conservation objectives*'. This process is called Habitats Regulations Assessment (HRA).

This Scoping Report is being prepared to inform the HRA, although there is no legal requirement to do so. Its purpose is to set out:

- Current legal requirements (with summary of key applicable case law) and how these may change under planning reforms.
- Proposed methodology for the HRA.
- Information on the Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and Ramsar's in, and within 15km of, the Torfaen County Borough boundary.
- Impact pathways requiring appraisal in an HRA of the Torfaen RLDP.
- Agencies / stakeholders that need to be involved in the process.
- Overview of all Conservation Objectives, current threats and pressures facing relevant European sites.
- Strategic mitigation solutions already in place at relevant European sites.
- Identifying any opportunities or threats that RLDP spatial options for development could have on European sites.
- In-combination plans and projects that will be covered in the HRA.

In relation to the RLDP, it was determined that for the initial screening process, European sites within the authority boundary, and up to a 15km distance from it, require consideration (see Table 1).

Table 1 Relevant European sites and their location in relation to Torfaen

European site	Location
Usk Bat Sites SAC	The closest SSSI underpinning this SAC, the Mynydd Llangatwg (Mynydd Llangattock) SSSI, is located approx. 1.4km to the north of Torfaen County Borough in the adjoining authority of Monmouthshire.
Cwm Clydach Woodlands SAC	Located approx. 840m to the north of Torfaen in the adjoining authority of Monmouthshire.
River Usk SAC	At its closest the SAC runs approx. 3.5km to the east of Torfaen County Borough.
Aberbargoed Grasslands SAC	Located approx. 6km to the west of the Torfaen County Borough
Sugar Loaf Woodlands SAC	Located approx. 6km to the north-east of the Torfaen County Borough
Severn Estuary SAC / SPA / Ramsar	This is an extensive estuarine site 6.9km to the south of Torfaen and directly adjoins Cardiff and Monmouthshire.
Coed y Cerrig SAC	Located approx. 10km to the north-east of the Torfaen County Borough
Wye Valley and Forest of Dean Bat Sites SAC	Located approx. 1.4km to the north of the Torfaen County Borough.
Cardiff Beech Woods SAC	The closest component part of this SAC to Torfaen lies approx. 12.5km to the south-west in the adjoining authority of Cardiff.

Consideration of the relevant site sensitivities indicates that a wide range of impact pathways will need to be considered, including recreational pressure, water quality, water quantity / level / flow, loss of functionally linked habitat, atmospheric pollution, noise and visual disturbance, and coastal squeeze. Recreational pressure is one of the dominant pressures on the Severn Estuary SAC / SPA / Ramsar, which is sandwiched between Local Planning Authorities in Wales (Vale of Glamorgan, Cardiff, Monmouthshire) and England (e.g. Stroud District). Currently, there is no formal strategic mitigation framework in place for the SAC / SPA / Ramsar, although several authorities have undertaken visitor survey work to establish a core recreational catchment for the estuary. Survey data from various stretches of the estuary indicate that a standardised 7km catchment is likely to be adequate for the site, which would place Torfaen just at the upper limit of this catchment.

However, a visitor survey carried out by AECOM, started in 2020 and resumed in 2022 following the end of COVID restrictions, demonstrated that residential development coming forward in Torfaen does not fall within the core recreational catchment of 7km identified for the Severn Estuary SPA / Ramsar / SAC. While a total of 5 residents (2.8%) from Torfaen were interviewed in the estuary, the interviewee living closest to the site had travelled 8.8km from home, which is well beyond the 75th percentile of visitors. Applying the widely accepted methodology for delineating recreational catchments, Torfaen residents are not considered to meaningfully contribute to recreational impacts in the SPA / Ramsar / SAC. Therefore, housing that is projected to come forward under the Torfaen RLDP will not require mitigation

Another impact pathway of relevance is atmospheric pollution resulting from housing and employment development within Torfaen. Several European sites within the 15km study area are sensitive to ammonia (NH₃) emissions and nitrogen (N) deposition resulting from commuter traffic, particularly the Severn Estuary SAC / SPA / Ramsar and Cardiff Beech Woods SAC. Traffic-related emissions within 200m of sensitive qualifying features due to the RLDP have the potential to

change ecosystem composition in-combination with other plans and projects. It is likely that air quality modelling will be required in relation to some of these European sites to demonstrate that the emerging RLDP will not result in adverse effects on site integrity.

The emerging RLDP can take advantage of the opportunities identified in this report, either by using it to inform the spatial distribution of development, or by combining mitigation solutions with other biodiversity targets needing to be delivered:

- As part of the RLDP development process it will be necessary to consider where delivering residential growth may cause additional disturbance / trampling issues in the future. This analysis cannot be undertaken at the Scoping Stage, but will be relevant as specific site allocations and growth amounts come forward later in the planning process.
- Reducing the potential mitigation need associated with the RLDP would facilitate its deliverability. For example, TCBC may wish to explore the option of directing the majority of residential growth to the west of the authority and away from Llantarnam. This would reduce the mitigation burden (e.g. of SANG and on-site access management measures) associated with the emerging RLDP and make the delivery of housing more affordable for developers.
- Consideration should be given to changing legislation that may come into force during the RLDP process. For example, delivering land to achieve mandatory Biodiversity Net Gain may be co-located with SANG mitigation solutions for alleviating recreational pressure issues in the Severn Estuary SAC / SPA / Ramsar, such as by delivering significant biodiversity enhancements in new greenspaces. For example, Country Parks can be zoned to provide both biodiversity benefits and recreational opportunities. Moreover, any large area delivered for Net Gain purposes is likely to be informally used for recreation unless steps are taken to physically exclude the public. To achieve co-location, greenspaces would need to be sufficiently large and meet other SANG criteria. Alternatively, other types of natural greenspace or recreational resources could be delivered (also referred to as infrastructure projects), such as those originally devised for the Thames Basin Heaths.

It is the purpose of this Scoping Report to present an appraisal of relevant European sites, background knowledge of various impact pathways and identifying existing evidence sources that can be drawn upon in the subsequent screening for Likely Significant Effects (LSEs) and Appropriate Assessment (AA).

Glossary

Appropriate Assessment: The term given to the second, detailed, stage of the Habitats Regulations Assessment process. An assessment that is appropriate to determine whether the integrity of a European site will be affected.

Emerald Network: the network of internationally important wildlife sites established under the Bern Convention, 1979, signed in Bern, Switzerland.

European sites: an informal term for the network of SACs, SPAs and Ramsar sites.

HRA - Habitats Regulations Assessment: the term given in England and Wales for assessments of impacts on European sites designated through the Conservation of Habitats and Species Regulations 2017 (as amended).

Impact pathways: Mechanisms through which a particular activity can affect a particular SAC, SPA or Ramsar site such as air quality, water quality or recreational pressure.

Test of Likely Significant Effects: The term given to the first stage of the Habitats Regulations Assessment process. An initial high-level examination of a plan or project to determine whether the potential for significant negative effects on a European site exists.

Ramsar site: An internationally important wildlife site designated under the Ramsar Convention on Wetlands of International Importance, 1979, signed in Ramsar, Iran.

SAC - Special Area of Conservation: an internationally important wildlife site designated for its habitats or for species other than birds.

SANG - Suitable Alternative Natural Greenspace: areas of natural recreational greenspace created to draw visitors away from other sensitive areas of land and spread the recreational load.

Site integrity: the ability of a European site to achieve its conservation objectives.

SPA - Special Protection Area: an internationally important wildlife site designated for its bird interest.

SSSI - Site of Special Scientific Interest: a nationally important wildlife site. All European sites on the UK mainland are also designated as SSSIs.