



Caerphilly County Borough
2nd Replacement
Local Development Plan 2020-2035

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

January 2025



Caerphilly County Borough Council 2nd Replacement Local Development Plan 2020 – 2035

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1 Introduction

1.1 On 29th October 2019 Caerphilly County Borough Council resolved to undertake a full revision of the Adopted Local Development Plan. As well as preparing the 2nd Replacement Local Development Plan (2RLDP) itself, along with its evidence base, it is also a requirement for the Council to prepare an Integrated Sustainability Appraisal (ISA) of the plan and to undertake a Habitats Regulations Assessment (HRA) of the plan as well.

1.2 The Council has prepared the Scoping Report and Initial Assessment Report for the ISA. This document is the first stage of the HRA process to identify, assess and address any likely significant effects on European sites from the 2RLDP and from the resulting replacement LDP for the CCBC area.

Purpose of the Initial Scoping Report

1.3 This report has been prepared to seek the views of the Statutory Nature Conservation Body (SNCB) for Wales, namely Natural Resources Wales, on the proposed list of European sites to take forward for a legally compliant HRA of the Council's 2RLDP.

1.4 The purpose of the HRA process is to identify, assess and address any 'significant effects' on European sites from the revision of the Adopted LDP and from the resulting 2RLDP for the Caerphilly County Borough Council planning area as required by Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

1.5 For the purposes of this report 'European Sites' 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).

The Background to the 2RLDP

1.6 In accordance with the Planning and Compulsory Purchase Act 2004 Caerphilly County Borough Council adopted the first LDP for its administrative area in November 2010. The Council has undertaken annual monitoring of the LDP since then with 13 Reports having been prepared to date.

1.7 In January 2013 the Council resolved to review the Adopted LDP. The Replacement Local Development Plan (RLDP), which was accompanied by a full HRA Report, was placed on Deposit in February and March 2016. However, on 19th July 2016 the Council resolved to withdraw the RLDP.

1.8 On 23 October 2019 the Council resolved to commence work on the 2RLDP and the first Pre-Deposit Plan was published for consultation in October / November 2022. This plan was the subject of conformity objections from Welsh Government and, as a result of these objections the Council resolved to amend the Preferred Strategy and undertake a second Pre-Deposit Consultation on the 2RLDP. This report has been prepared in support of this document.

Statutory Requirements

1.9 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.

1.10 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.

1.11 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...”

2 The HRA Process

2.1 In accordance with the Habitats Regulations, the HRA process follows a series of stages which will be undertaken for the preparation of the 2RLDP, as necessary, to meet with the requirements of the Regulations:

- Stage 1 - HRA Screening: to determine whether the 2RLDP is likely to have significant effects on any European sites. Screening will be undertaken for each draft of the emerging replacement LDP, namely the Pre-Deposit Plan, identifying relevant European sites for consideration in the HRA, and the Deposit Plan considering whether the plan will have any likely significant effects.
- Stage 2 – Appropriate Assessment: If the HRA Screening indicates that the 2RLDP is likely to have significant effects, a further level of assessment is needed to consider whether the LDP Review could adversely affect the integrity of one or more European site(s), either alone or in combination with other plans or projects, in view of their established conservation objectives and conservation status. If the potential for adverse effects on site integrity are identified, the Appropriate Assessment should also consider mitigation measures to control the identified impacts in order to avoid adverse effects on site integrity; and,
- Stage 3 and 4 – Consideration of Alternatives and Imperative Reasons of Overriding Public Interest: Only where significant effects remain at the end of Stage 2 in the HRA process, is there a need to consider alternatives and Imperative Reasons of Overriding Public Interest.

2.2 This report is the first stage of the HRA being carried out in respect of the 2RLDP, which will need to build upon the HRA carried out for the Adopted LDP and the RLDP, both of which were undertaken by Enfusion on behalf of the Council.

2.3 It is intended that the HRA process will run concurrently with the plan making process and form an iterative part of the 2RLDP preparation process, involving the consideration of all emerging policy and site options at the appropriate stage of plan preparation. As the SNCB for Wales, Natural Resources Wales will be engaged throughout the HRA process.

2.4 The HRA process will be undertaken in conjunction with the ISA. Whilst respecting the separate statutory requirements applicable to HRA and ISA, an integrated approach will be adopted to completing these processes. In particular, the findings from the HRA in terms of any likely significant effects from the emerging replacement LDP on European sites will inform a wider assessment of likely significant effects on biodiversity and ecological interests within the ISA

3 Identification of Ramsar Sites

The Method for Identifying Sites

3.1 The initial step in the HRA process is identify and agree a list of European sites to take forward in consideration of the potential for likely significant effects to arise as a result of the LDP Review. This includes European sites within the Caerphilly County Borough Council area (the CCBC area) and others located outside of the county borough but within the surrounding zone of influence which could be affected by the LDP Review.

3.2 The identification of European sites is based on the likely impacts of the 2RLDP and the presence of conceivable effect pathways between the CCBC area and the European sites, which could expose the qualifying features of the European

sites to significant effects. Whilst the LDP Review can only directly determine planning strategy or development within the boundary of the CCBC area, there may be trans-boundary effects as a result of its implementation, for instance through air pollution, aquatic impacts or recreational pressure. In consideration of this, a 15km buffer area has been used around the CCBC area to identify those European sites that could conceivably be affected by the LDP Review. The nature and scale of potential effects is typically limited by distance, and it is considered that beyond 15 km, in most situations any potential effects arising from the LDP Review would be so minimal as to have an imperceptible effect on European sites beyond this distance. The 15 km distance has been extended in certain situations where source-receptor pathways, such as hydrological connectivity, are evident.

3.3 The use of a 15 km search area is the same approach as agreed with NRW for the HRA for the Adopted Plan and the RLDP.

Identifying the Sites

3.4 All European sites within the CCBC area and within 15 km of its boundaries have been identified using current GIS datasets and are set out in the tables below. Just the sites have been identified for the purposes of this report. The qualifying features and important characteristics of each site will be identified and considered as part of the screening process undertaken for the Deposit 2RLDP.

Sites within Caerphilly County Borough Council Area

Site Code	Site Name	Site Type	Local Authority Area
UK0030071	Aberbargoed Grasslands	SAC	Caerphilly

Sites within 15km of the County Borough Boundary

Site Code	Site Name	Site Type	Local Authority Area
UK0030092	Blaen Cynon	SAC	Rhondda Cynon Taf
UK0030096	Brecon Beacons	SAC	Powys
UK0030109	Cardiff Beech Woods	SAC	Cardiff, Rhondda Cynon Taf.
UK0013585	Cwm Cadlan	SAC	Rhondda Cynon Taf
UK0030127	Cwm Clydach Woodlands	SAC	Blaenau Gwent, Monmouthshire.
UK0012985	Llangorse Lake	SAC	Powys
UK0013007	River Usk	SAC	Newport, Monmouthshire, Powys.
UK0013030	Severn Estuary	SAC, SPA & Ramsar	Wales: Cardiff, Newport, Vale of Glamorgan, Monmouthshire England: City of Bristol, Gloucestershire,

			North Somerset, Somerset, South Gloucestershire.
UK0014784	Usk Bat Sites	SAC	Blaenau Gwent, Powys, Monmouthshire.
UK0030072	Sugar Loaf Woodlands	SAC	Monmouthshire
UK0030141	Coedydd Nedd y Mellte	SAC	Neath Port Talbot, Powys, Rhondda Cynon Taf.

4 Conclusion

Overview

4.1 This report has outlined the requirement to undertake a Habitats Regulations Appraisal in respect of the 2RLDP. The report has also identified relevant European sites for consideration within the HRA process.

4.2 Twelve European sites (11 SACs and 1 SAC/SPA/Ramsar site) have been identified to take forward to the next stage of the HRA process. Only one of these sites is located within the County Borough, with the remainder being within 15km of the CCBC boundary. Ten of these sites were included within the HRAs prepared for the Adopted LDP and RLDP. Two sites have been added to the list for this HRA (Sugar Loaf Mountains and Coedydd Need y Melte).

4.3 With the European sites, which will be included for the HRA, having been identified the next step in the screening process would be to determine whether there are likely to be any significant effects on any of the sites and their defining characteristics. The Pre-Deposit Plan is a high-level strategic overview for the more detailed policy and allocation framework that will be set out in the Deposit Plan, which is the next stage in the plan's preparation. Given the high-level nature of the Preferred Strategy there is not sufficient detail, in respect of detailed policies or the location of allocations, that would lead to a meaningful assessment of significant effects. This report makes no determination on whether the plan will have significant likely effects, and does not rule out the potential for the plan to have such effects, as this will be best served by an assessment undertaken when the detailed policy framework and allocations are being defined. Consequently, it is proposed to undertake the full Screening of the Plan as part of the process of preparing the Deposit Plan, and any significant effects that are identified will also be subject of Stage 2 - Appropriate Assessment process in line with the Regulations. The full HRA Report will be published a part of the Deposit Plan consultation that is scheduled for the early part of 2026.

Questions for Natural Resources Wales

4.4 NRW, as the Statutory Nature Conservation Body (SNCB) for Wales, are requested to confirm whether:

- NRW is content for a 15 km radius to be adopted around the CCBC boundary as the zone of influence for any LSE from the 2RLDP; and whether,

- The list of sites identified in this report are the appropriate set for the HRA.

Next Steps

4.5 Following the completion of the Pre-Deposit Consultation the Council will work with their consultants to prepare the full screening for the HRA and undertake any Appropriate Assessment that comes out of that process. The full HRA Report including the full Screening, any Appropriate Assessment and Consideration of Alternatives and Imperative Reasons of Overriding Public Interest, will be published as part of the 2RLDP Deposit consultation which is scheduled for early 2026.

4.6 NRW will be fully engaged with the Council and their consultants in the HRA process as it moves forward towards Deposit.