

Caerphilly 2nd Replacement Local Development Plan 2020- 2035

Habitats Regulations Assessment Executive Summary

Caerphilly County Borough Council

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Quality information

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1. Introduction

1.1 Background to the project

AECOM was appointed by Caerphilly County Borough Council (CCBC) to undertake the HRA of the emerging 2nd Replacement Local Development Plan for the County Borough of Caerphilly for the period 2020-2035 (hereafter referred to as the '2RLDP or the 'Plan'). The objectives of the assessment are to:

- Identify any aspects of the Plan that would cause a likely significant effect on any Habitat Sites, which include Special Areas of Conservation (SACs), candidate SACs (cSACs), Special Protection Areas (SPAs) and potential SPAs (pSPAs) and as a matter of Government policy, Ramsar sites, both in isolation and in combination with other plans and projects;
- Determine whether appropriate assessment would be required; and
- Undertake an analysis to inform the appropriate assessment, with a view to whether any aspects of the plan would have an adverse effect on the integrity of any Habitat sites.

2. Methodology

2.1 The process of HRA

Central government have released general guidance on appropriate assessment.¹ In Wales, Habitats Regulations Assessment is also informed by Technical Advice Note 5: Nature Conservation and Planning and The Planning Series 16: Habitats Regulations Assessment. These documents provide additional guidance regarding the application of the Habitats Regulations within the Welsh planning system. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations, and any relevant changes to the plan until no likely significant effects remain.

2.2 Physical scope

The physical scope of the assessment i.e. the range of Habitat sites to be considered will be based upon a combination of tracing impact pathways and using distances derived from various studies. Caerphilly County Borough Council previously agreed a 15km search area for Habitat sites with Natural Resources Wales. This report has adopted that Zone of Influence, with sites beyond this area considered where there are identified impact pathways.

¹ <https://www.gov.uk/guidance/habitats-regulations-assessments-protecting-a-european-site>

2.3 The ‘in-combination’ scope – other plans and projects

It is a requirement of the Regulations that the impact and effects of any plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the Habitat sites(s) in question.

The principal other plans and projects that have been considered for in-combination effects are:

- Cardiff Replacement Local Development Plan
- Rhondda Cynon Taf Revised Local Development Plan
- Vale of Glamorgan Replacement Local Development Plan
- Monmouthshire Local Development Plan
- Blaenau Gwent Local Development Plan
- Newport Replacement Local Development Plan
- Torfaen Local Development Plan
- Water Resources Management Plans (WRMPs) covering Caerphilly
- Drainage and Wastewater Management Plans (DWMPs) covering Caerphilly

2.4 Stage One: Likely Significant Effect test (screening)

The first stage of any Habitats Regulations Assessment is a Likely Significant Effect (LSE) test - essentially a high level assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

‘Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon Habitat sites?’

The objective is to ‘screen out’ those plans and projects (or site allocations/policies) that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon Habitat sites, usually because there is no mechanism or pathway for an adverse interaction with Habitat sites. This stage is undertaken in Section 4 of this report.

In evaluating significance, AECOM have relied on our professional judgement as well as the results of previous stakeholder consultation regarding development impacts on the Habitat sites considered within this assessment.

2.5 Stage Two: Appropriate Assessment

Habitat Site(s) which have been ‘screened in’ during the previous Task will have a detailed assessment undertaken on the effect of the policies on the Habitat Site(s) site integrity. Avoidance and mitigation measures to avoid adverse significant effects will be incorporated where necessary.

As established by case law, ‘appropriate assessment’ is not a technical term; it simply means whatever further assessment is necessary to confirm whether there would be adverse effects on the integrity of any Habitat sites that have not been dismissed at

Likely Significant Effects. Since it is not a technical term it has no firmly established methodology except that it essentially involves repeating the analysis for the likely significant effects stage, but to a greater level of detail on a smaller number of policies and sites, this time with a view to determining if there would be adverse effects on integrity. For the air quality pathway the appropriate assessment is where detailed traffic and air quality modelling is reported.

One of the key considerations during appropriate assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the appropriate assessment takes any policies or allocations that could not be dismissed following the high-level Likely Significant Effects analysis and analyse the potential for an effect in more detail, with a view to concluding whether there would actually be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the Habitat site(s)). The analysis first subjects each policy or site allocation to screening based upon potential pathways of impact.

3. Assessment Outcomes

A screening assessment of the 2RLDP policies is undertaken in Appendix A. It was concluded that LSEs cannot be excluded in relation to the following policies that are taken forward to the AA:

- SP1: The Strategy for the 2RLDP – the policy provides for sustainable growth across the authority, including 7,151 new dwellings and 40.3 hectares of employment land over the LP period.
- SP7: Housing Requirement – the policy makes provision for 7,151 new dwellings.
- HO1: Housing Allocations – the policy allocates land for the provision of 2,767 new dwellings.
- HO2: Housing-led Regeneration Opportunities – the policy identifies several housing-led regeneration opportunities.
- HO8: Gypsy and Traveller Accommodation – the policy allocates land for the provision of 12 Gypsy and Traveller pitches.
- RC4: Caerffili Town 2035 – the policy allocates land for regeneration opportunities, including housing provision.
- CF1: Community and Social Facilities – the policy identifies locations for community and social facilities.
- LE6: Former Markham Colliery – the policy allocates land for a mixed-use scheme.
- SP12: Managing Employment Growth - the policy makes provision for 40.3ha of new employment floorspace.
- EM1: Allocated Employment Sites – the policy allocates multiple sites for employment use.
- HE3: Heritage-led Regeneration Opportunities – the policy identifies two heritage-led regeneration opportunities.

This HRA assessed the potential implications of the policies and site allocations included in the Caerphilly 2RLDP on the following Habitats sites:

- Aberbargoed Grasslands SAC

- Cardiff Beech Woods SAC
- Blaen Cynon SAC
- Brecon Beacons SAC
- Cwm Cadlan SAC
- Cwm Clydach Woodlands SAC
- Severn Estuary SAC/SPA/Ramsar
- River Usk/Afon Wysg SAC
- Usk Bat Sites SAC
- Llangorse Lake SAC
- Sugar Loaf Woodlands SAC
- Coedydd Nedd y Mellte SAC

Considering the scale and location of growth and site-specific ecological sensitivities, the impact pathways that required consideration were atmospheric pollution, recreational pressure, loss of functionally linked land, water quantity, level and flow, and water quality. All identified impact pathways were taken forward to Appropriate Assessment.

3.1 Recreational Pressure

3.1.1 Severn Estuary SAC/SPA/Ramsar

The Severn Estuary SPA / Ramsar / SAC is sensitive to impacts from recreational pressure. Delivery of additional housing in the south of the authority will be more impactful than development elsewhere in the authority. Travel distance is the main parameter in determining the likelihood of future residents to visit a site which, in combination with the attractiveness of the estuary for recreation, would make it unlikely for future residents to visit elsewhere.

Prior visitor surveys have found that there are a range of recreational catchments in different components of the Habitats sites, with the greatest being that found by Stroud Council of 12.6km. It is to be expected that different parts of the Severn Estuary have different recreational catchments. However, there is value in authorities around the Severn Estuary adopting a consistent core catchment.

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. Given the substantial distance between Caerphilly and the Severn Estuary sites, as well as the fact that Caerphilly does not have control over development on and access to the coast, it would be beneficial to coordinate recreation mitigation provision with Cardiff and Newport Councils.

It is recommended Caerphilly Council commit to liaising with Cardiff Council and Newport Council to input into their recreation management strategies for Severn Estuary SAC/SPA/Ramsar sites as appropriate to ensure that there is no adverse effect on the sites.

3.1.2 Cardiff Beech Woods SAC

The Cardiff Beech Woods SAC is designated for habitats sensitive to recreational disturbance, particularly as a result of trampling. The SAC lies in the highly populated northern part of Cardiff, adjoining the urban areas of Penttyrch, Taff's Well and Tongwynlais, in close proximity to Caerphilly. While no operational limits in terms of recreation have been set, NRW clearly highlight that a fuller understanding of a recreational baseline and habitat impacts is required. Overall, regarding the Cardiff Beech Woods SAC a balance between sustainable recreational use and protecting the nature conservation importance of the site is being sought by NRW.

Popular activities in the Cardiff Beech Woods SAC include walking, climbing and mountain biking, which are undertaken in all SSSI component parts. The site has seen a particular increase in climbing, which has been identified as a potential threat to the trees at the top of the crag. The CMP indicates that access management is undertaken by individual site owners, with potential conflicts of interest being addressed through the Local Authority Access Forum. Given the increasing popularity of the site, there is increasing pressure to open up additional areas for access with potential negative impacts on the woodland ground flora and qualifying trees.

In 2024, AECOM, in conjunction with a specialist survey company, undertook a visitor survey around Cardiff Beechwoods to provide visitor data for Cardiff Beechwoods SAC. This survey found a core catchment of 6km for the site. Given the known vulnerabilities of Cardiff Beechwoods SAC, it is considered that the net new dwellings that do not already have planning consent will potentially increase recreational pressure in the SAC further. Given the majority of visitors to the site originate from Cardiff, it is considered that alternative greenspace provision should be coordinated with Cardiff Council. However, given the unique setting and appeal of Cardiff Beech Woods, and its close proximity to such a large source of visitors, it may be concluded that off-site new recreational greenspace has limited potential to draw people away from the SAC. If alternative natural greenspace is considered likely to be ineffective, the focus would be on recreation management within the SAC (SAMM).

It is recommended Caerphilly Council commit to liaising with Cardiff Council to input into their recreation management strategy for Cardiff Beechwoods SAC as appropriate to ensure that there is no adverse effect on the SAC.

3.1.3 Usk Bat Sites SAC

Given the high sensitivity of this lesser horseshoe bats to disturbance, the most important caves have been gated for conservation reasons. Access to these caves requires prior application for a permit. However, numerous other roost and hibernation sites are not gated and as such potentially sensitive to higher visitor footfall. However, caving is a potentially dangerous activity that requires prior consent of a local caving club and the assistance of a qualified expedition leader². Furthermore, the Caves of South Wales website outlines the Cave Conservation Code, which aims at minimising impacts on cave biota as well as geological formations³.

The BBNP visitor survey found that the area of the SAC is not heavily frequented and that caving was not among the most popular recreational activities mentioned by interviewees and as such is likely to be carried out by very few people. Given its

² <http://www.breconbeacons.org/caves>

³ <http://www.ogof.org.uk/>

specialised nature, it cannot be assumed that this activity is directly linked to a general increase in the local population, in the same way as dog-walking.

Given the relatively small number of residents that visit the approximate area around the SAC, the existing access controls (e.g. locked gates) of the most important roost and hibernation caves and the wider regulation of caving activities, it is considered that the implementation of the 2RLDP would not result in adverse effects on the integrity of the caves in the Usk Bat Sites SAC, both alone and in-combination.

The Usk Bat Sites SAC lies over 6km from Caerphilly and therefore does not lie within easy walking distance of the plan area. Car-based visitors will of course visit sites further afield but scrutiny of the small number of public roads that provide access into the SAC's component sites indicates that they are generally narrow, and parking is very limited, which will inherently control the number of casual visitors. The site will therefore not be a destination for mass recreational visits arising from Caerphilly.

The potential adverse effects of recreational climbing in the SAC are appropriately addressed via the existing permitting system. The overall increase in the number of climbers as a result of the 2LRPD is therefore expected to be limited and is adequately addressed through the permit system that already operates in the SAC.

It is therefore considered that the Caerphilly 2RLDP will not result in adverse effects on the integrity of Usk Bat Sites SAC as a result of recreational pressure, either alone or in-combination with other Plans or Projects.

3.1.4 River Usk SAC

The River Usk SAC is a freshwater system that is designated for its plain to montane water course, several anadromous fish species and otter.

Overall, it is considered that adverse disturbance impacts on otter from dog walkers and other recreational activities are very unlikely to arise. Otter are nocturnal animals and therefore predominantly active when recreational activities typically are not taking place. Furthermore, otter show high adaptive resilience towards disturbance. Overall, it is concluded that the overall health of otter populations is not adversely impacted by human disturbance.

Canoeing access in specific stretches of the River Usk SAC is subject to voluntary access arrangements by the Wye and Usk Foundation⁴. The advice set out by this organisation stipulates that canoeing and kayaking should only be undertaken freely in winter, when the rivers are in spate flow. Restricting boating activities to the winter ensures that damage to the qualifying species and habitat is minimised.

Regarding recreational fishing, catch and release is now promoted by Natural Resources Wales as an angling technique to aid the conservation of fish stocks. Furthermore, any Atlantic salmon or sea trout that is caught must be returned to the river⁵. There are also rod fishing byelaws in place for Wales, detailing the open seasons for a range of fish species, which are designed to protect the integrity of qualifying fish populations.

While canoeing and fishing are popular in the River Usk SAC, only approx. 1.5% of the UK population engage in recreational fishing⁶, which is exceedingly small

⁴ <https://www.wyeuskfoundation.org/>

⁵ <https://naturalresources.wales/days-out/things-to-do/fishing/?lang=en>

⁶ approximately 1 million fishing licences are sold annually in the UK, equating to approximately 1.5% of the UK population; even assuming that an equal number of people regularly fish without licences that still equates to only 3% of the population

compared to more popular recreational activities such as dog walking. Therefore only a small fraction of residents would add to the number of canoeists and fishers. Consequently, a direct link between the delivery of new housing in an area and a significant increase in the number of people that will engage in fishing or canoeing cannot be drawn. Given this, it is concluded that there will be no adverse effects of the 2RLDP on the site integrity of the River Usk SAC with regards to recreational pressure.

3.2 Functionally Linked Land

The Severn Estuary SPA/Ramsar is designated for its large population of waterfowl and waders generally, and for its specific populations of non-breeding Bewick's swan, white-fronted goose, dunlin, redshank, shelduck, gadwall, ringed plover, curlew and pintail. To aid consideration of functionally-linked land issues Natural England has produced unpublished guidance. 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). Given that Severn Estuary SPA/Ramsar lies approximately 5.7km away from the plan area, and in line with this Natural England guidance, it can be concluded that the 2RLDP will not result in adverse effects of the Severn Estuary SPA and Ramsar sites with regards to loss of functionally linked land, either alone or in-combination with other Plans or Projects.

3.3 Water Quality

WwTWs serving new housing and employment development will discharge additional treated effluent, either directly into the Severn Estuary or into waterbodies that are in hydrological continuity with the Habitat sites. Both the SPA / Ramsar and SAC designations are considered vulnerable to negative water quality impacts.

Caerphilly lies within DCWW's South East Valleys operational wastewater planning area⁷. Welsh Water employed several predictive modelling tools to inform their DWMP. Caerphilly lies within the Rhymney R – conf Nant Cylla to Chapel Wood planning catchment, which is served by five WwTWs. The results for the DWF assessment indicate that there will be sufficient headroom at the WwTWs to accommodate the allocated growth up to 2050, including a 20% spare treatment capacity. DCWW seeks to address the shortages in treatment capacity under wet weather flows by improving headroom of the sewage network, primarily by reducing per capita water consumption (to 100l per person per day by 2050) and volume of trade effluent (by 25% in the long-term). Currently, 19 schemes are put forward in the first cycle preferred plan for Cardiff Bay WwTW to reduce the number of CSO overflows and other flooding events associated with the works.

Natural Resources Wales set Environmental Quality Standards (EQS) for all important non-toxic and toxic aquatic pollutants, which are set in the context of broad water quality targets specified in the Water Framework Directive (WFD). The water quality requirements of qualifying habitats and species are fundamental in informing these targets and, therefore, remaining within the consented discharge flows /

⁷ Welsh Water. (November 2023). Drainage and Wastewater Management Plan 2024 – River Basin Catchment Summary for South East Valleys. 58pp. Available at: <https://www.dwrcymru.com/en/our-services/wastewater/drainage-and-wastewater-management-plan>

concentrations implies that no adverse effects on Habitat sites will occur in relation to water quality changes. Since the DWMP is undertaken at a strategic level it inherently takes into account the impact of population growth across its service area and is therefore inherently 'in combination'.

Aberbargoed Grasslands SAC is potentially susceptible to changes in water quality as a result of surface water run off from neighbouring development. The 2RLDP allocates Land at Heol y Cefn for development which lies adjacent to Aberbargoed Grasslands SAC. Sustainable Drainage Systems (SuDS) are considered the main approach to reduce the volume of surface run-off that reaches sensitive ecological receptors by limiting the occurrence and magnitude of flooding. SuDS are interventions that manage surface water at source by limiting run-off to pre-development greenfield rates. Given that SuDS can prevent surface run-off from reaching Habitats sites, policy framework is required to ensure that Land at Heol y Cefn will have appropriate SuDS provision incorporated into the design. Policy PM2: Design and Amenity requires development to ensure the *"incorporation of resource efficiency and passive solar gain... and where required, the use of sustainable drainage systems"*. This policy ensures that there will be suitable sustainable drainage systems in place for the development at Land at Heol y Cefn. Therefore, it is considered that there is adequate policy framework in place to ensure there will be no adverse impacts on Aberbargoed Grasslands SAC as a result of changes in water quality as a result of the Plan.

3.4 Water Quantity, Level and Flow

The Severn Estuary SAC is designated for a range of habitats that are sensitive to changes in water flow rates. It is unlikely that changes in water flow rates in the estuary will impact SPA / Ramsar birds (e.g. Bewick's swan) directly. Instead, the primary impacts would occur as indirect effects on foraging and roosting habitats.

DCWW has produced a Water Resources Management Plan (WRMP) 2024⁸, which incorporates improved evidence around water resource resilience and a stronger obligation towards enhancing the environment in Welsh catchments. Caerphilly falls within the SEWCUS WRZ which is predicted to face deficits in the supply-demand balance to 2050. This indicates that the current level of water provision will not be sufficient to meet the projected population.

Based on the projected shortfall in potable water supply, DCWW produced a Preferred Plan to address any supply deficits. The main pillar of the strategy is an ambitious demand management programme. Welsh Water has rejected options for new water sources and the preferred options for addressing the supply-demand deficit relate to connectivity within the company's distribution system. The HRA of the WRMP conclude that it will not lead to adverse effects on the Severn Estuary Habitats Sites. Therefore, adverse impacts on the integrity of the estuary can be excluded. Since the WRMP is undertaken at a strategic level it inherently takes into account the impact of population growth across its service area and is therefore inherently 'in combination'.

3.5 Atmospheric Pollution

Atmospheric pollution could not be excluded as a potential impact pathway for several Habitats sites. These are:

- Aberbargoed Grasslands SAC

⁸ Welsh Water. (October 2022). Draft Water Resources Management Plan 2024. 66pp. Available at: <https://www.dwrcymru.com/en/our-services/water/water-resources/draft-water-resources-management-plan-2024>

- Cardiff Beech Woods SAC
- Brecon Beacons SAC
- Cwm Clydach Woodlands SAC
- Usk Bat Sites SAC

Following detailed consideration, including review of traffic and air quality modelling undertaken by adjacent authorities, it has been concluded that there will be no adverse effects on the integrity of any of these sites.

