

Vale of Glamorgan Replacement Local Development Plan

Preferred Strategy Habitats Regulations Assessment

Vale of Glamorgan Council

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Executive Summary

Introduction

AECOM was appointed by Vale of Glamorgan Council (VGC) to undertake a Habitats Regulations Assessment (HRA) of its Preferred Strategy Replacement Local Development Plan (RLDP), which specifies broad growth targets for the authority between 2021 and 2036. Policy SP1 (Growth Strategy) provides for 7,890 dwellings and 67.8ha of employment space, with the location of Key Sites for development also being identified in the RLDP. The objective of the HRA is to identify any aspects of the RLDP that could result in Likely Significant Effects (LSEs) and, where relevant, adverse effects on the integrity of European sites, including Special Areas of Conservation (SACs), Special Protection Areas (SPAs) and, as a matter of Government policy, Ramsar sites. The HRA assesses potential environmental impacts from the RLDP alone, as well as in-combination with other plans and projects, advising on appropriate policy mechanisms for delivering mitigation where required. However, given its relatively early stage of development, the RLDP does not yet set out all development allocations nor comprehensive policy wording. As such, the Appropriate Assessment (AA; the second stage of the HRA process) of some of the impact pathways is deferred to the Deposit Plan HRA and areas of further work to inform that HRA are identified.

Legislative Context

The need for an assessment of impacts on European sites is set out in English and Welsh law by 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 AA if necessary, before approving it.

Scope

Given an initial assessment of the relevant European sites within 15km of the Vale of Glamorgan, their sensitivities and the likely impact pathways arising from RLDP policies, the following European sites are included in the assessment (at least until completion of the LSEs Screening stage): Severn Estuary SAC / SPA / Ramsar, Dunraven Bay SAC, Kenfig SAC, Cardiff Beech Woods SAC, Cefn Cribwr Grasslands SAC and Blackmill Woodlands SAC.

HRA tasks

Following initial evidence gathering, the first stage of any Habitats Regulations Assessment is a screening for LSEs, essentially an assessment of the potential risks of development plans for European sites. If LSEs cannot be excluded, mainly because a realistic mechanism for an adverse interaction between a policy and a qualifying habitat / species is present, the next stage of HRA, known as AA, is triggered. The AA is a more detailed analysis of the impact pathways and European sites considered at the Screening stage. One of the key aspects of AAs is the consideration of mitigation measures, which help protect European sites from adverse effects on site integrity. In this HRA both LSEs Screening and AA were carried out.

Findings & Recommendations

Based on objective information, LSEs could be excluded for some impact pathway – European site interactions. However, LSEs could not be excluded for some impact pathways in relation to the Severn Estuary SAC / SPA / Ramsar, Cardiff Beech Woods SAC and Kenfig SAC. The following impact pathways were screened in for AA:

- Recreational pressure in the Severn Estuary SAC / SPA / Ramsar;
- Water quality in the Severn Estuary SAC / SPA / Ramsar and Kenfig SAC;
- Water quantity, level and flow issues in the Kenfig SAC and Severn Estuary SAC / SPA / Ramsar;

- Loss of functionally linked habitat in relation to the Severn Estuary SPA / Ramsar;
- Visual and noise disturbance to qualifying birds in the Severn Estuary SPA / Ramsar; and
- Coastal squeeze impacts in the Severn Estuary SAC / SPA / Ramsar.

In most instances, further information (e.g. full set of allocations, complete policy wording) is required to undertake a thorough assessment and make definitive conclusions / recommendations.

Furthermore, additional information will be sought from relevant stakeholders (e.g. Welsh Water, Natural England and Environment Agency) in support of the Deposit Plan HRA. The following paragraphs summarise the key findings and recommendations regarding the most pertinent impact pathways and European sites.

Recreational Pressure

The Preferred Strategy RLDP allocates Key Sites within the 7km core recreational catchment of the Severn Estuary SAC / SPA / Ramsar, which will lead to an increase in recreational pressure along the estuary. For the Deposit RLDP, AECOM will engage with Natural Resources Wales and the Vale of Glamorgan Council ecologist over the need to deliver mitigation for this site along the east of the authority. One potential approach would be to deliver location-specific measures at relevant access points. Alternatively, a collaborative approach with other authorities delivering residential growth in the core recreational catchment of the Severn Estuary SAC / SPA / Ramsar (e.g. Stroud District Council, Cardiff City Council, Monmouthshire Council) could be developed.

The AA noted that there is some uncertainty regarding the current recreational baseline and existing negative impacts to qualifying habitats within the Cardiff Beech Woods SAC. Notwithstanding this, due to the geographic distribution of residential growth (all Key Sites lying considerably more distant from the SAC than a typical 5km core catchment for terrestrial European sites), it is considered extremely unlikely that the Vale of Glamorgan RLDP will make a significant contribution to any deviation from the current recreational baseline. Therefore, there will be no adverse effects of the RLDP on the Cardiff Beech Woods SAC regarding recreational pressure, both alone and in-combination.

Water Quality

A review of Wastewater Treatment Works (WwTWs) serving the Vale of Glamorgan indicates that developments in the eastern part of the authority (closest to the Severn Estuary SAC / SPA / Ramsar) are likely to be served by Cog Moors WwTW. However, this WwTW discharges to the River Cadoxton (via Sully Brook), which enters the Bristol Channel to the west of the SAC / SPA / Ramsar. It is unlikely that there is any material hydrological link between treated sewage effluent from the Cog Moors WwTW and the Severn Estuary SAC / SPA / Ramsar. Overall, therefore, adverse effects of the Vale of Glamorgan RLDP on the Severn Estuary SAC / SPA / Ramsar regarding water quality impacts from treated sewage effluent can be excluded.

The water quality in the Kenfig SAC is likely to be influenced by treated sewage effluent from the Peny-Y-Bont, Merthyr Mawr WwTW, which discharges to the R. Ogmore immediately north-east of the SAC. Currently, it is unclear whether this WwTW serves any current development within the Vale of Glamorgan. AECOM will be liaising with Welsh Water to confirm this for the Deposit RLDP. The WwTW is situated in the authority of Bridgend and any wastewater infrastructure connecting to developments in the Vale of Glamorgan would need to cross the R. Ogmore. Furthermore, even if the WwTW serves parts of the Vale of Glamorgan, it is uncertain whether the RLDP will allocate development within the geographic area it serves. **At the time of writing, adverse effects of the Vale of Glamorgan RLDP on the Kenfig SAC regarding water quality impacts from treated sewage effluent cannot be excluded.** For the Deposit RLDP, the full suite of development allocations and associated sewerage connections will be assessed.

Negative water quality impacts may also occur due to surface runoff from hardstanding in close proximity to waterbodies. None of the Key Sites are located at distances to the Severn Estuary SAC / SPA / Ramsar and Kenfig SAC at which surface runoff is a material issue. However, to ensure protection from runoff-related water quality impacts, the full suite of allocations will be assessed in relation to their distance and hydrological connectivity with these European sites. **At the time of writing, adverse effects of the Vale of Glamorgan RLDP on the Severn Estuary SAC / SPA /**

Ramsar and Kenfig SAC regarding water quality impacts from surface runoff cannot be excluded. This conclusion will be reassessed in the Deposit RLDP HRA.

Water Quantity, Level and Flow

According to the Water Resources Management Plan (WRMP) published by Welsh Water, the Vale of Glamorgan is divided between two Water Resource Zones (WRZs; Tywi Gower and South-East Wales Conjunctive Use System), both of which have a forecast supply-demand deficit over the WRMP period. However, the AA highlights that the options required to address this supply-demand deficit will not require the use of any additional surface or groundwater sources beyond currently consented limits. Therefore, there is no potential for the Vale of Glamorgan RLDP to reduce the freshwater supplies to any European site. Overall, the RLDP will not lead to adverse effects on the Kenfig SAC and Severn Estuary SAC / SPA / Ramsar regarding impacts on water quantity, level and flow, either alone or in-combination.

Loss of Functionally Linked Habitat

The potential of the Key Sites allocated in the RLDP Preferred Strategy to be functionally linked to the Severn Estuary SPA / Ramsar was assessed. Data presented in the AA indicate that two Key Sites (Land North of Dinas Powys, Land at North East Barry) have medium-high suitability as off-site supporting habitat for SPA / Ramsar bird species. Additional site allocations are likely to be allocated in the Deposit RLDP, which will also require individual assessment.

To minimise the potential for the emerging RLDP to result in the loss of functionally linked habitat, it is recommended that the following text (or similar) is inserted to an appropriate policy of the Deposit Plan: ***'To meet the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended), the applicant is required to provide evidence that development will not result in adverse effects on the integrity of the Severn Estuary SPA / Ramsar regarding the loss of functionally linked habitat. To demonstrate this, a survey of the habitats on site is required. Where habitats are suitable, non-breeding bird surveys to determine whether the site constitutes functionally linked habitat (defined as supporting close to or above 1% of the any qualifying population) must be undertaken. These will need to cover autumn, winter and spring to capture the core overwintering as well as any passage periods. If habitat within the site is 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.'*** Provided that this policy wording is included, it can be concluded that the Vale of Glamorgan RLDP does not result in adverse effects on the integrity of the Severn Estuary SPA / Ramsar regarding the loss of functionally linked habitat.

Visual and Noise Disturbance

Some areas in the east of the Vale of Glamorgan lie within 300m of the Severn Estuary SPA / Ramsar, the distance within which material visual and noise disturbance impacts to qualifying birds are likely to occur. While the Preferred Strategy RLDP does not allocate any Key Sites within this disturbance buffer zone, further site allocations will be coming forward under the Deposit RLDP. There is also the potential that windfall development will occur in the wider area around Penarth. To ensure that the qualifying species in the Severn Estuary SPA / Ramsar are protected from disturbance and adequate mitigation measures will be delivered at planning application level, it is recommended that a policy mechanism to this effect is included in the Deposit RLDP.

The following recommendations are made for the Deposit Plan RLDP, which will ensure that there are no adverse effects on the integrity of the Severn Estuary SPA / Ramsar regarding visual and noise disturbance (to be included either in the supporting text of a relevant policy or, in condensed format, in the policy text itself):

- ***To minimise the potential for visual and noise disturbance, it is recommended that any construction works within 300m of the Severn Estuary SPA / Ramsar are undertaken in the summer months, when qualifying populations in the site will not be present.***
- ***If construction works cannot be timed to avoid the non-breeding season (i.e. passage and winter periods), noise impact assessments will need to be undertaken to ensure that noise levels at sensitive receptors will remain non-disturbing. HRAs***

accompanying relevant planning applications would need to demonstrate this by either (a) using an absolute threshold of 69dB or (b) comparing construction noise levels to the pre-development baseline. Where construction-phase noise levels are shown to be disturbing, mitigation measures (e.g. noise screens, selection of less noisy construction techniques, damping / noise shielding of equipment, avoidance of lighting) are likely to be required.

- ***Construction works within 300m of any established high-tide roosts or key foraging areas within our outside the SPA / Ramsar should have appropriate screening in place to minimise visual disturbance.***

Coastal Squeeze

Development within the Vale of Glamorgan may be situated adjoining the Severn Estuary SAC / SPA / Ramsar, potentially resulting in coastal squeeze. However, as discussed in the AA, the overarching approach to coastal management is identified in the Severn Estuary Shoreline Management Plan (SMP). The Vale of Glamorgan coastline within Policy Unit PEN2 is already highly developed, with housing directly adjoining the Esplanade. Therefore, it is unlikely that the Vale of Glamorgan RLDP will allocate many developments on greenfield sites adjoining the estuary. Furthermore, as highlighted above, the overall management approach of Hold The Line (HTL) for this Policy Unit is dictated by the strategic SMP. Prior to its adoption, the SMP would have undergone HRA to assess whether it would result in adverse effects on the Severn Estuary SAC / SPA / Ramsar regarding coastal squeeze. For any coastal strategies for which adverse effects on intertidal habitats cannot be excluded, the Regional Habitat Compensation Programme (RHCP) is in place to deliver habitat compensation through Managed Realignment (MR) schemes. Overall, there will be no adverse effects of the Vale of Glamorgan RLDP on the Severn Estuary SAC / SPA / Ramsar regarding coastal squeeze. This is due to any HTL policy approaches being identified, assessed and compensated for at the SMP level.

