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## Bridgend LDP Review

LDP Pre-Deposit Documents (LDP Preferred Strategy) Habitats Regulations  
Assessment Screening Report

On behalf of **Bridgend County Borough Council**



Project Ref: 42796/002 | Rev: FINAL | Date: September 2019

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# 1 Introduction

## 1.1 Background

- 1.1.1 Peter Brett Associates (PBA), now part of Stantec, has been commissioned by Bridgend County Borough Council (BCBC) to undertake a Habitats Regulations Assessment (HRA) of the Bridgend LDP Review and the emerging Replacement Bridgend LDP ('the emerging RLDP').
- 1.1.2 In accordance with statutory requirements Bridgend County Borough Council (BCBC) previously commissioned Baker Associates, now part of PBA, to undertake an HRA of the first adopted Bridgend LDP (September 2013). In Spring 2018 BCBC consulted on a draft Delivery Agreement to underpin the LDP Review and the finalised Bridgend replacement LDP Delivery Agreement was subsequently agreed with the Welsh Assembly Government on 25<sup>th</sup> June 2018. This sets out the process, timescales and consultation arrangements to undertake a 'Full Review' of the existing LDP and in doing so to prepare and adopt a replacement LDP ('the RLDP') by September 2021. Section 1.5 of the finalised Delivery Agreement outlines the proposed approach to undertaking a staged HRA of the LDP Review in accordance with relevant statutory requirements.
- 1.1.3 The HRA process for the Bridgend LDP Review commenced in June 2018 with the identification of relevant European Sites to consider in the HRA. Details of the site selection process and the qualifying features of these sites is set out in **Bridgend LDP Review: Initial HRA Screening Report (PBA, 2018)**. This report builds on the Initial HRA Screening to documents the findings of an assessment carried out to identify any 'likely significant effects' (LSE) arising from the Bridgend LDP Pre-Deposit Documents published in accordance with Regulation 15 of the Development Planning (Wales) Regulations 2005, including the Bridgend LDP Preferred Strategy ('the LDP Preferred Strategy').

## 1.2 Purpose of this Report

- 1.2.1 Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires that a HRA must be undertaken to demonstrate compliance with statutory duties set out in the Habitats Directive and the Habitats Regulations where a plan or project is considered likely to have significant effects on European Sites and is not directly connected with or necessary for the management of the site.
- 1.2.2 The purpose of this report is to document the first formal stage of this HRA process, namely to ascertain whether there would be any LSE on relevant European Sites from the emerging Bridgend RLDP, which at this stage comprises the LDP Preferred Strategy.

## 1.3 The Bridgend LDP Preferred Strategy

- 1.3.1 The Development Planning (Wales) Regulations 2005 ('the 2005 Regulations') require LDP Pre-Deposit Documents to set out the "*preferred strategy, options and proposals*" for an emerging LDP and to identify the implications of these. In doing so, the implications of earlier alternatives not forming part of the preferred strategy must be made explicit.
- 1.3.2 In accordance with the 2005 Regulations, the LDP Preferred Strategy is being consulted to inform the emerging RLDP and sets out a proposed strategic framework and strategic implementation proposals, comprising:
- Strategic Framework:
    - LDP Vision;
    - Objectives;

- Preferred Growth Level;
  - Preferred Spatial Option; and,
  - Growth and Spatial Strategy
  - Implementation and Delivery:
    - Strategic Policies
    - Candidate Sites Register
- 1.3.3 These substantive components have been subject to HRA screening, as documented in this report.
- 1.3.4 At this stage the LDP Preferred Strategy only identifies broad locations where development should be directed to, rather than determining which individual candidate sites should be allocated. The broad development locations are identified within the Growth and Spatial Strategy as Sustainable Growth Areas and Strategic Regeneration Growth Areas, each of which has been subject to a proportionate level of HRA as detailed in this report.
- 1.3.5 These proposed Sustainable Growth Areas and Strategic Regeneration Growth Areas generally correspond with existing site allocations and some new candidate sites as promoted through the Bridgend RLDP Call for Sites (2018) and listed in the Candidate Sites Register which accompanies the LDP Preferred Strategy. It would not be proportionate to undertake a detailed HRA screening of all individual candidate sites at this stage, as none are presently proposed for allocation. However, to inform the development of the LDP Deposit Plan, all new candidate sites and potential LDP rollover sites have been subject to proportionate Sustainability Appraisal (SA) at this stage to identify likely significant environmental and sustainability effects (including in relation to biodiversity interests) from their potential inclusion in the emerging Bridgend RLDP. This is reported separately within Appendix F of the **Bridgend LDP Preferred Strategy SA Report** (PBA, August 2019).

## 2 Methodology

### 2.1 Introduction

2.1.1 This section of the report outlines the methodology adopted to undertake a proportionate screening of the Bridgend LDP Preferred Strategy in order to identify any LSE on relevant European Sites from the emerging Bridgend RLDP. This screening has been prepared with reference to:

- The Habitats Regulations Assessment Handbook (DTA Publications Ltd available online at [www.dtapublications.co.uk](http://www.dtapublications.co.uk)). The handbook provides a regularly updated source of guidance on the understanding and interpretation of the Habitats Regulations and consistency in applying the requirements of the legislation; and,
- Technical Advice Note 5 (TAN5): Nature Conservation and Planning. Welsh Assembly Government (2009).

### 2.1 Statutory Requirements

2.1.1 In October 2005 (Case C-6/04), the European Court of Justice ruled that Articles 6(3) and 6(4) of Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora (known as the 'Habitats Directive') applied to land use plans in England. This ruling was made with specific reference to the definition of the term 'plans or projects' as referenced within Article 6(3) of the Directive).

2.1.2 In Wales, the Habitats Directive is transposed into law through the Conservation of Habitats and Species Regulations 2017 (as amended) (hereafter referred to as the "Habitats Regulations"). Part 6 of the Habitats Regulations covers the assessment of plans and projects and it sets out the requirement that the authority preparing a land-use plan must assess the potential effects of the plan upon European Sites prior to the plan being published.

2.1.3 In accordance with Article 6.3 of the Habitats Directive and Regulation 63 of the Habitat Regulations, before deciding to authorise an emerging plan or project a competent authority is required to assess whether this would have a 'likely significant effect' (LSE) on any European Sites included in the Natura 2000 network, namely:

- Special Areas of Conservation (SAC) designated under European Council Directive 92/43/EEC(a) on the Conservation of Natural Habitats and of Wild Fauna and Flora (the Habitats Directive) (European Commission, 1992); and,
- Special Protection Areas (SPA) designated under the European Council Directive 79/409/EEC on the Conservation of Wild Birds (the Birds Directive) (European Commission, 2009).

2.1.4 As a matter of policy, the Welsh Assembly Government expects competent authorities in Wales to treat all Ramsar sites, Potential SPAs (pSPAs), and Candidate Special Areas of Conservation (cSACs) as though they were statutory European Sites, and they should be treated as such in HRA<sup>1</sup>. The term 'European Sites' is therefore used in this report to collectively refer to SACs, SPAs, Ramsar sites and pSPAs.

2.1.5 The assessment of LSE follows a staged process known as Habitats Regulations Assessment (HRA). BCBC is the relevant competent authority for plans and projects within their administrative area when they act as the decision maker, including for the adoption of LDPs and the determination of planning applications. The LDP Review is a relevant emerging plan for the

<sup>1</sup> Welsh Assembly Government (2009). Technical Advice Note 5: Nature Conservation and Planning.

purposes of the Habitat Regulations as it will result in the adoption of a replacement LDP for the BCBC area and at this stage has the potential to result in LSE on the integrity of relevant European Sites. The LDP Review must therefore be subject to an HRA which will supersede that produced in 2013.

## 2.2 The HRA Process

### Overview

- 2.2.1 The standard approach to HRA comprises four-stages (illustrated in **Figure 2.1** below) and emphasises the iterative nature of the process. The term 'Habitats Regulations Assessment' is used to describe the whole process of assessing the effects of a land use plan on European Sites and Ramsar sites, with Appropriate Assessment (Stage 2) being only one stage of process. In accordance with statutory requirements, all relevant stages of the process must be completed prior to a competent authority (e.g. BCBC) adopting a relevant plan.

Figure 2.1: HRA Process



### Stage 1: Screening

- 2.2.2 In the context of preparing a RLDP, HRA screening involves identifying the European sites which could potentially be affected by the emerging document, determining their qualifying interests, and determining whether or not the RLDP could result in a LSE, either alone or in combination with other plans and projects. This requires consideration of:
- All substantive aspects of the emerging RLDP, as detailed in the LDP Preferred Strategy, alone and in combination with other proposals;
  - The qualifying interest features and conservation objectives of relevant European Sites; and,
  - Best available scientific evidence on potential impact pathways and significance.
- 2.2.3 The following resources were used to collate pertinent baseline information regarding relevant European Sites:
- Joint Nature Conservation Committee (JNCC) website ([www.jncc.gov.uk](http://www.jncc.gov.uk)): citations for SACs, SPAs, and Ramsar sites; detailed information about interest features;
  - NRW website ([www.naturalresources.wales](http://www.naturalresources.wales)): condition assessments for component SSSIs; potentially damaging operations for component SSSIs; and
  - MAGIC Website ([www.magic.gov.uk](http://www.magic.gov.uk)): boundary maps for SACs, SPAs and Ramsar sites.
- 2.2.4 Recent caselaw (see **Section 2.3** below) has confirmed mitigation cannot be taken account of in Stage 1, meaning that screening must examine the likely effects of the emerging Bridgend RLDP, which at this stage comprises the LDP Preferred Strategy, without any additional mitigation being taken account of (e.g. potential mitigation requirements for site allocations, changes to policies, etc).

- 2.2.5 The Bridgend LDP Review: Initial HRA Screening Report (PBA, 2018), which was consulted on with Natural Resources Wales in July 2019, identified relevant European Sites with the potential to be affected by the emerging Bridgend RLDP. These sites are examined in more details in **Sections 3** and **4** of this report, with the screening of LSE documented in **Section 5**.

### Stage 2: Appropriate Assessment

- 2.2.6 In the event that LSE are identified at the Screening Stage on the basis of objective information, an assessment of whether there would be an adverse effect on the integrity of relevant European Sites (i.e. those experiencing LSE), and the consideration of measures to address this effect, is required.
- 2.2.7 In accordance with relevant caselaw, the HRA process for the emerging Bridgend RLDP will proceed to at least Stage 2 – Appropriate Assessment, to be undertaken at LDP Deposit stage. This will allow all substantive components of the emerging RLDP and all relevant mitigation measures incorporated within the document at that stage to be taken account of when determining whether the RLDP would have an adverse effect on relevant European Sites. Only if and when it is not possible to identify suitable measures to address identified effects (i.e. to demonstrate the avoidance of adverse effects) would consideration of Stages 3 and 4 be required.

### Stage 3: Assessment of Alternatives

- 2.2.8 The assessment should identify and assess alternatives that have been considered. Alternative solutions could include a project of a different scale, a different location, and an option of not having the scheme at all (the ‘do nothing’ approach).

### Stage 4: Consideration of IROPI

- 2.2.9 Where it can be demonstrated that there are no alternative solutions to the plan that would have a lesser effect or avoid an adverse effect on the integrity of the European site, it may still be adopted out if the competent authority is satisfied that the scheme must be carried out for imperative reasons of overriding public interest (IROPI).

## 2.3 Recent HRA Case Law

- 2.3.1 This subsection provides a review of recent HRA caselaw related to the interpretation of Article 6 of the Habitats Directive which needs to be followed in undertaking a HRA of the emerging Bridgend RLDP.

### People over Wind & Sweetman- Case C323/17

#### Summary

- 2.3.2 *People over Wind & Sweetman* (2018) as a reference by the Irish High Court for a preliminary ruling on the interpretation of Article 6(3) of the Habitats Directive. The case concerned the laying of a cable to connect a wind farm to the electricity grid and the potential effect of undertaking this work on two European Sites (Special Areas of Conservation) which the cable route passed through. The competent authority initiated an HRA of the project but concluded at Stage 1 that, taking account of “protective measures” including a Construction Environmental Management Plan, no significant effects were likely. On this basis an Appropriate Assessment (HRA Stage 2) was not carried out prior to planning permission being granted.
- 2.3.3 The key question for the Court of Justice of the European Union (CJEU) was whether it was competent in initial HRA Screening to take account of proposed protective (i.e. mitigation) measures intended to avoid or reduce a project’s harmful effects on a European Site. The CJEU held this was not possible, as in accordance with Article 6(3) of the Habitats Directive, when

determining whether it is necessary to carry out an Appropriate Assessment “*it is not appropriate, at the screening stage, to take account of the measures intended to avoid or reduce the harmful effects [mitigation] of the plan or project on that site*”. The main concern of the CJEU was that the identification of the need for mitigation itself suggested the project would otherwise significantly affect the SPA, such that the HRA process should have proceeded to Appropriate Assessment to allow the adequacy of proposed mitigation measures to be considered in full.

### Implications

- 2.3.4 The main implication of *People over Wind & Sweetman* for the Bridgend LDP Review is that potential LSE from development plans cannot be screened out based on the presence of mitigation measures, i.e. components intended to mitigate such effects that may otherwise occur from the plan. Plans therefore need to be structured to allow their core objectives and associated components (which could include site, land use and design selection) to be distinguished from any specific environmental mitigation measures considered necessary to avoid LSE from the implementation of the projects. This is required to allow a clear-cut HRA Screening to be carried out, without reliance on specific mitigation measures that, if needed to avoid LSE, would necessitate the need for an Appropriate Assessment to be undertaken.

## Grace & Sweetman

### Summary

- 2.3.5 *Grace & Sweetman* (2018) was similarly a reference by the Irish High Court for a preliminary ruling on the interpretation of Article 6 of the Habitats Directive. The case concerned a proposed wind farm in a SPA for the hen harrier, an Annex I species. The development involved the direct loss of habitat but included a species and habitat management plan intended to address the potential effects on the hen harrier’s foraging habitat. The plan included measures to restore areas to blanket bog and to fell and replace different forest areas through the life of the development.
- 2.3.6 The case centred on the decision of the relevant competent authority to conclude that the development would not adversely affect the integrity of the SPA, which was challenged on the basis that the development and its related management plan entailed compensatory measures. Article 6(3) of the Habitats Directive makes clear that the Appropriate Assessment stage of the HRA process can only consider mitigation to avoid adverse effects on the integrity of a European Site, not compensation falling under Article 6(4) of the Directive. The question was therefore whether the proposed management plan fell within the scope of Article 6(3) as mitigation rather than compensation. Consistent with previous caselaw, the CJEU determined that the proposed management plan amounted to compensation rather than mitigation measures and thus could not be used in the Appropriate Assessment stage of the HRA process to conclude no adverse effects on the integrity of the European Site. In consequence, it would have been necessary for the project to proceed through and satisfy Stages 3 and 4 of the HRA process.

### Implications

- 2.3.7 The key implication of *Grace & Sweetman* for the Bridgend LDP Review is that compensation and the offsetting of LSE cannot be relied upon in isolation to successfully navigate the HRA process. In consequence, whilst habitat enhancement could form part of the approach to protecting European Sites, any development must also be supported by appropriate mitigation measures to minimise (and where possible avoid) LSE on the integrity of the European Site.

## 3 Relevant European Sites for Assessment

### 3.1 Identification Process

- 3.1.1 The initial step in the HRA process was to identify and agree a list of European Sites to take forward in consideration of the potential for LSE to arise as a result of the LDP Review. This includes European Sites within the Bridgend County Borough Council area (the BCBC area) and others located outwith this, but within the surrounding zone of influence which could be affected by the LDP Review.
- 3.1.2 The identification of European Sites is based on the likely impacts of the LDP review and the presence of conceivable effect pathways between the BCBC area and the European Sites, which could expose the qualifying features of the Sites to significant effects. Whilst the LDP review can only influence planning strategy or development within the boundary of the BCBC area, there may be trans-boundary effects as a result of its implementation. In consideration of this, a 15km buffer area (zone of influence) has been used around the BCBC area, to identify those European Sites that could conceivably be affected by the LDP review.
- 3.1.3 The identification of relevant European Sites to take forward for assessment was undertaken in 2018, and the process for selection of these sites along with full details of the sites is set out in **Bridgend LDP Review: Initial HRA Screening Report (PBA, 2018)**. Twelve European Sites (11 SACs and 1 Ramsar site) were identified to take forward for HRA. Three of these sites are within the BCBC area, seven are within 15 km of the BCBC boundary and two are over 15 km from the BCBC boundary. These are the same sites that were considered previously within the HRA carried out in respect of the first Bridgend LDP (adopted September 2013). European Sites taken forward through the HRA are set out below.
- 3.1.4 European Sites identified within the BCBC area:
- Blackmill Woodlands SAC;
  - Glaswelltiroedd Cefn Cribwr / Cefn Cribwr Grasslands SAC; and,
  - Kenfig / Cynffig SAC.
- 3.1.5 European Sites within 15 km of the BCBC area:
- Dunraven Bay SAC;
  - Blaen Cynon SAC;
  - Cardiff Beech Woods SAC;
  - Coedydd Nedd a Mellte SAC;
  - Crymlyn Bog / Cors Crymlyn SAC;
  - Crymlyn Bog Ramsar site; and,
  - Cwm Cadlan SAC.
- 3.1.6 European Sites over 15 km of the BCBC area:
- River Wye/Afon Gwy SAC; and,
  - River Usk/Afon Wysg SAC.

### **3.2 Overview of Threats and Pressures to Relevant European Sites**

- 3.2.1 The relevant European Sites considered in this HRA are shown on Figure 1 in Appendix A, with details of their characteristics, condition and current threats and pressures to their conservation objectives detailed in **Table 3.1** below. This provides a robust basis on which to identify potential impact pathways from the LDP Review.

Table 3.1: Details of Relevant European Sites and Potential Impact Pathways

European Site Name and Code	Qualifying Features	Threats and Pressures	Condition (and influencing factors)
<b>European Sites within the BCBC area (see Figure 1)</b>			
Blackmill Woodlands SAC (UK0030090)	Old sessile oak woodlands at the southern extreme of the habitat's range in Wales.	<ul style="list-style-type: none"> <li>- Grazing</li> <li>- Forestry activities</li> <li>- Air pollution, air-borne pollutants</li> <li>- Invasive non-native species</li> <li>- Problematic native species.</li> </ul>	Unfavourable. Largely due to overgrazing and woodland management.
Glaswelltiroedd Cefn Cribwr / Cefn Cribwr Grasslands SAC (UK0030113)	Fen-meadow (Molinia) grasslands, and marsh fritillary butterfly.	<ul style="list-style-type: none"> <li>- Grazing</li> <li>- Succession</li> <li>- Air pollution, air-borne pollutants</li> <li>- Other ecosystem modifications</li> <li>- Invasive non-native species</li> <li>- Forestry activities</li> <li>- Human induced changes in hydraulic conditions</li> </ul>	Unfavourable. Largely due to land management.
Kenfig / Cynffig SAC (UK0012566)	An assemblage of coastal habitats including sand dune systems, shallow lakes, and salt marsh along with two species of plant, the fen orchid and petalwort.	<ul style="list-style-type: none"> <li>- Changes in abiotic conditions</li> <li>- Other ecosystem modifications</li> </ul>	Unfavourable. Largely due to land management.

European Site Name and Code	Qualifying Features	Threats and Pressures	Condition (and influencing factors)
		<ul style="list-style-type: none"> <li>- Abiotic (slow) natural processes</li> <li>- Fishing and harvesting aquatic resources</li> <li>- Human induced changes in hydraulic conditions</li> <li>- Grazing</li> <li>- Pollution to surface waters</li> <li>- Hunting</li> <li>- Problematic native species</li> <li>- Mowing / cutting of grassland</li> <li>- Soil pollution and solid waste</li> <li>- Use of biocides, hormones and chemicals</li> <li>- Outdoor sports and leisure activities, recreational activities</li> <li>- Air pollution, air-borne pollutants</li> <li>- Succession</li> <li>- Invasive non-native species</li> </ul>	

European Site Name and Code	Qualifying Features	Threats and Pressures	Condition (and influencing factors)
<b>European Sites within 15km from the BCBC area (see Figure 1)</b>			
Dunraven Bay SAC (UK0030139)	The 20 or so plants of shore dock <i>Rumex rupestris</i> growing on damp coastal limestone are the only remnant of the species' former Bristol Channel range.	- Abiotic (slow) natural processes	Unfavourable – due to coastal erosion
Blaen Cynon SAC (UK0030092)	The site contains an extensive complex of damp pastures and heaths supporting marsh fritillary.	<ul style="list-style-type: none"> <li>- Grazing</li> <li>- Human induced changes in hydraulic conditions</li> <li>- Changes in abiotic conditions</li> <li>- Air pollution, air-borne pollutants</li> <li>- Pollution to groundwater</li> <li>- Succession</li> <li>- Invasive non-native species</li> <li>- Other ecosystem modifications</li> </ul>	Unfavourable - largely due to land management.
Cardiff Beech Woods SAC (UK0030109)	Cardiff Beech Woods contains one of the largest concentrations of <i>Asperulo-Fagetum</i> beech forests in Wales.	<ul style="list-style-type: none"> <li>- Interspecific floral relations</li> <li>- Invasive non-native species</li> <li>- Outdoor sports and leisure activities, recreational activities</li> </ul>	Unfavourable - still recovering from undesirable effects of past management

European Site Name and Code	Qualifying Features	Threats and Pressures	Condition (and influencing factors)
Coedydd Nedd a Mellte SAC (UK0030141)	A complex of old sessile oak woodland habitats.	<ul style="list-style-type: none"> <li>- Grazing</li> <li>- Interspecific floral relations</li> <li>- Air pollution, air-borne pollutants</li> <li>- Outdoor sports and leisure activities, recreational activities</li> <li>- Problematic native species</li> <li>- Forest and plantation management &amp; use</li> </ul>	Unfavourable - largely due to presence of non-native species, over-grazing, and visitor pressure.
Crymlyn Bog / Cors Crymlyn SAC & Ramsar (UK0012885 / UK14006)	A complex of wetland habitats including traditional mires, quaking bogs, and calcareous fens.	<ul style="list-style-type: none"> <li>- Succession</li> <li>- Human induced changes in hydraulic conditions</li> <li>- Grazing</li> <li>- Air pollution, air-borne pollutants</li> <li>- Pollution to surface waters</li> <li>- Soil pollution and solid waste</li> </ul>	Unfavourable – largely due to succession
Cwm Cadlan SAC (UK0013585)	Fen-meadow (Molinia) grasslands, and alkaline fens.	<ul style="list-style-type: none"> <li>- Human induced changes in hydraulic conditions</li> <li>- Air pollution, air-borne pollutants</li> </ul>	Unfavourable - largely due to historical land management

European Site Name and Code	Qualifying Features	Threats and Pressures	Condition (and influencing factors)
		<ul style="list-style-type: none"> <li>- Problematic native species</li> <li>- Succession</li> <li>- Fertilisation</li> <li>- Grazing</li> </ul>	
<b>European designated sites over 15km from the BCBC area (see Figure 1)</b>			
River Wye/Afon Gwy SAC (UK0012642)	A range of riverine habitats and associated species including white-clawed crayfish, Atlantic salmon, and otter.	<ul style="list-style-type: none"> <li>- Pollution to groundwater</li> <li>- Human induced changes in hydraulic conditions</li> <li>- Other ecosystem modifications</li> <li>- Invasive non-native species</li> <li>- Forest and plantation management &amp; use</li> </ul>	Unfavourable – various reasons including diffuse pollution, invasive species, under-grazing.
River Usk/Afon Wysg SAC (UK0013007)	A range of riverine habitats and associated species Atlantic salmon and otter.	<ul style="list-style-type: none"> <li>- Invasive non-native species</li> <li>- Forestry activities</li> <li>- Other ecosystem modifications</li> <li>- Forest and plantation management &amp; use</li> <li>- Soil pollution and solid waste</li> </ul>	Unfavourable (some features Favourable) – various reasons including invasive species

European Site Name and Code	Qualifying Features	Threats and Pressures	Condition (and influencing factors)
		<ul style="list-style-type: none"><li>- Pollution to surface waters</li><li>- Grazing</li><li>- Human induced changes in hydraulic conditions</li></ul>	

### 3.3 Potential Impact Pathways

3.3.1 Following from the above analysis, the following potential impact pathways have been identified through which effects on the identified European Sites could arise from the emerging Bridgend RLDP:

- Air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions.
- Recreation – impacts could arise through increased recreational pressure from outdoor sports and leisure activities, such as fishing, dog walking, kayaking.
- Habitat loss – either through direct loss of habitats within the European Sites, or through loss of habitats outside the European Sites but which are used to some extent by qualifying species such as the marsh fritillary butterfly (sometimes referred to as ‘functionally linked land’). **Potential for direct land take from Glaswelltiroedd Cefn Cribwr / Cefn Cribwr Grasslands SAC and Kenfig / Cynffig SAC has been identified due to overlap with candidate sites.**
- Changes in hydrology through land development which could impact hydrological regimes within European Sites; and,
- Pollution to surface waters, ground waters, soil, and solid waste with subsequent impacts to European Sites.

3.3.2 These impact pathways could arise from the allocation of specific sites for development (of particular uses) or, more indirectly, from the application of specific policies.

## 4 Likely Significant Effects

### 4.1 Introduction

4.1.1 This section provides a proportionate HRA screening of all substantive components of the LDP Preferred Strategy.

### 4.2 Strategic Framework

4.2.1 Chapter 4 of the LDP Preferred Strategy sets out a strategic framework to underpin the emerging Bridgend LDP, comprising the following substantive components:

- LDP Vision;
- Objectives;
- Preferred Growth Level;
- Preferred Spatial Option; and,
- Growth and Spatial Strategy<sup>2</sup>

#### LDP Vision and Objectives

4.2.2 The LDP Preferred Strategy sets out a Vision for the growth of Bridgend over the RLDP period to 2033. This Vision is designed to integrate the Bridgend RLDP with the Bridgend Local Wellbeing Plan, the Well-being of Future Generations (Wales) Act 2015, the Welsh Government's National Sustainable Placemaking Outcomes and thematic priorities within the Draft NDF (2019) and PPW – 10<sup>th</sup> Edition (2018). In consequence, the proposed LDP Vision is based around using placemaking to achieve both economic and spatial outcomes.

4.2.3 The proposed LDP Vision usefully explains that the BCBC area is undergoing incremental, long-term socio-economic renewal, such that the Bridgend RLDP should support existing regeneration efforts and further growth without imposing fundamental change. However, a new LDP Vision is set out which appropriately addresses the key spatial challenges and opportunities facing the BCBC area. The proposed LDP Vision also calls for Bridgend, Porthcawl, Maesteg and the Llynfi Valley to accommodate the majority of growth and have distinct roles within a coherent network of settlements.

4.2.4 The LDP Preferred Strategy also sets out a 4 thematic Strategic Objectives (SO) and 35 constituent LDP Objectives to support the implementation of the proposed LDP Vision. Whilst individual LDP Objectives relate to specific topics, taken together the 35 LDP Objectives provide strong coverage of and appropriately respond to identified key sustainability issues and planning problems. As with the proposed LDP Vision these components are aspirational and focused on placemaking: the 6 LDP Objectives under SO1 – Placemaking explicitly identify spatial priorities in the growth of key settlements, whilst many other LDP Objectives seek socio-economic, environmental, cultural or infrastructure changes in specific places within the BCBC area.

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<sup>2</sup> At this early stage of the RLDP preparation process the LDP Preferred Strategy only identifies broad locations where development should be directed to, rather than determining whether individual candidate sites should be allocated. The broad development locations are referred to as Sustainable Growth Areas and Strategic Regeneration Growth Areas, with strategic sites identified therein.

- 4.2.5 Owing to their high-level nature, the proposed LDP Vision and Objectives do not themselves have the capacity to result in any LSE on European Sites and are therefore excluded from further consideration.

### Growth and Spatial Strategy (Strategic Policy 1)

- 4.2.6 Chapter 4 of the LDP Preferred Strategy includes a Growth and Spatial Strategy which draws together the preferred growth level and spatial options to present a holistic strategy to underpin the Bridgend RLDP. This is articulated succinctly in Strategic Policy 1 – Regeneration and Sustainable Growth Strategy.

- 4.2.7 Strategic Policy 1 confirms that between 2018-2033, the Plan will make provision for 60 hectares of employment land to accommodate up to 4,995 additional jobs. It will also make provision for 8,333 new homes to meet a housing requirement of 7,575 (based on a 10% Flexibility Allowance, to be refined at Deposit Stage). Informed by the SA of candidate sites (Appendix F of the LDP Preferred Strategy SA Report), the policy also directs growth to a suite of broad areas:

- Sustainable Growth Areas - settlements most conducive to logical expansion through delivery of under-utilised site within their functional area / on their periphery;
  - Bridgend;
  - Pencoed; and,
  - Pyle, Kenfig Hill and North Cornelly.
- Strategic Regeneration Growth Areas - strategic sites in need of redevelopment and investment to widely benefit the community:
  - Maesteg and Llynfi Valley; and,
  - Porthcawl.

- 4.2.8 Strategic Policy 1 and supporting text also identifies the Ogmere and Garw Valleys as Regeneration Areas, which are topographically constrained but would benefit from smaller scale growth relative to their form, role and function. Taking account of the high-level nature of the proposed spatial strategy and the absence of individual site allocations at this stage, the limited scale of development likely to be supported within these Regeneration Areas precludes this element of the spatial strategy from resulting in any LSE on European Sites.

- 4.2.9 An assessment of LSE from the proposed Sustainable Growth Areas and Strategic Regeneration Growth Areas, as the spatial components of Strategic Policy 1 where development would be focused, is provided in **Tables 4.1 - 4.3** below. In short, this indicates that, depending on the amount of development directed to these areas and the location of individual site allocations (to be determined at Deposit stage), the Sustainable Growth Areas and Strategic Regeneration Growth Areas could generate LSE on European Sites within the BCBC area. Owing to separation distances, no LSE on European Sites outwith the BCBC area are predicted.

Table 4.1. Assessment of LSE from Sustainable Growth Areas and Strategic Regeneration Growth Areas to European Sites within the BCBC area

European Site	Blackmill Woodlands SAC	Glaswelltiroedd Cefn Cribwr / Cefn Cribwr Grasslands SAC	Kenfig / Cynffig SAC
<b>Bridgend Sustainable Growth Area</b>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions.</li> </ul>
<b>Pencoed Sustainable Growth Area</b>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions.</li> </ul>
<b>Pyle, Kenfig Hill and North Cornelly Sustainable Growth Area</b>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> <li>- <b><u>Potential for LSE due to habitat loss. Either direct loss (one candidate site includes compartment of SAC), or through loss of functionally linked habitats used by marsh fritillary butterflies.</u></b></li> <li>- Potential for LSE due to human induced changes in hydraulic conditions.</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions.</li> <li>- Potential for LSE due to recreation – due to the proximity between the growth area and the SAC, LSE could arise through outdoor sports and leisure activities, such as fishing, dog walking, kayaking.</li> <li>- Potential for LSE due to changes in hydraulic conditions through land development which could impact hydrological regimes within SAC.</li> <li>- Potential for LSE through pollution to surface waters, ground waters, soil, and solid waste with subsequent impacts to SAC.</li> </ul>
<b>Maesteg and Llynfi Valley Strategic Regeneration Growth Area</b>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions.</li> </ul>

European Site	Blackmill Woodlands SAC	Glaswelltiroedd Cefn Cribwr / Cefn Cribwr Grasslands SAC	Kenfig / Cynffig SAC
<p><b>Porthcawl Strategic Regeneration Growth Areas</b></p>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions</li> </ul>	<ul style="list-style-type: none"> <li>- Potential for LSE due to air quality – potential for impacts arising from residential development and increased numbers of motor vehicle journeys and associated emissions, and from industrial emissions.</li> <li>- Potential for LSE due to recreation – due to the proximity between the growth area and the SAC, LSE could arise through outdoor sports and leisure activities, such as fishing, dog walking, kayaking.</li> <li>- <b><u>Potential for LSE due to habitat loss (candidate site overlaps with small area of SAC).</u></b></li> <li>- Potential for LSE due to changes in hydraulic conditions through land development which could impact hydrological regimes within SAC.</li> <li>- Potential for LSE through pollution to surface waters, ground waters, soil, and solid waste with subsequent impacts to SAC.</li> </ul>

Table 4.2. Assessment of LSE from Growth Areas to European Sites within 15 km of the BCBC area

European Site	Dunraven Bay SAC	Blaen Cynon SAC	Cardiff Beech Woods SAC	Coedydd Nedd a Mellt SAC	Crymlyn Bog / Cors Crymlyn SAC & Ramsar	Cwm Cadlan SAC
<b>Bridgend Sustainable Growth Area</b>	- No LSE identified	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation and air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC/Ramsar)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)
<b>Pencoed Sustainable Growth Area</b>	- No LSE identified	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation and air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC/Ramsar)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)
<b>Pyle, Kenfig Hill and North Cornelly Sustainable Growth Area</b>	- No LSE identified	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation and air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC/Ramsar)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)
<b>Maesteg and Llynfi Valley Strategic Regeneration Growth Areas</b>	- No LSE identified	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation and air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC/Ramsar)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)
<b>Porthcawl Strategic Regeneration Growth Areas</b>	- No LSE identified	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation considered unlikely due to distance from SAC)	- No LSE identified (significant effects from recreation and air quality considered unlikely due to distance from SAC)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC/Ramsar)	- No LSE identified (significant effects from air quality considered unlikely due to distance from SAC)

4.2.10 N.B. Due to the distance of these European Sites (over 10km) from the BCBC area and candidate sites and LDP rollover sites, at this stage effects from air quality have been scoped out. However, in line with Policy SP17, individual development proposals will need to be screened to assess their potential impact (directly and indirectly) on European Sites from air quality.

Table 4.3. Assessment of LSE from Growth Areas to European Sites over 15km from the BCBC area

European Site	River Wye/Afon Gwy SAC	River Usk/Afon Wysg SAC
<b>Bridgend Sustainable Growth Area</b>	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)
<b>Pencoed Sustainable Growth Area</b>	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)
<b>Pyle, Kenfig Hill and North Cornelly Sustainable Growth Area</b>	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)
<b>Maesteg and Llynfi Valley Strategic Regeneration Growth Areas</b>	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)
<b>Porthcawl Strategic Regeneration Growth Areas</b>	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)	- No LSE identified (significant effects due to pollution or changes in hydraulic conditions considered unlikely due to distance from SAC and lack of hydrological connectivity)

### 4.3 Proposed Strategic Policies

4.3.1 The potential for Strategic Policy 1 to result in LSE on relevant European Sites is addressed above in relation to the LDP strategic framework. Chapter 5 of the LDP Preferred Strategy considers how this strategic framework will be implemented through the following strategic policies:

#### **Strategic Objective 1: To create high quality sustainable places (placemaking)**

- SP2 - Design and Sustainable Place Making;
- SP3 - Mitigating the effects of climate change;
- SP4 - Transport and accessibility;
- SP5 - Active Travel;

#### **Strategic Objective 2: To create active, healthy, cohesive and social communities**

- SP6 - Sustainable Housing Strategy;
- SP7 - Gypsy and Travellers;
- SP8 - Health and Well-being;
- SP9 - Social and Community Infrastructure;
- SP10 – Infrastructure;

#### **Strategic Objective 3: To create productive and enterprising places**

- SP11 - Employment Land Strategy;
- SP12 - Retail and Commercial Centres;
- SP13 - Decarbonisation and Renewable Energy;
- SP14 - Safeguarding Mineral Resources;
- SP15 - Sustainable Waste Management Facilities;
- SP16 – Tourism;

#### **Strategic Objective 4: To protect and enhance our distinctive and natural places**

- SP17: Conservation and Enhancement of the Natural Environment; and
- SP18: Conservation of Historic Environment.

4.3.2 Linked to Strategic Policy 1, SP6 and SP11 were identified at this stage as having at least the potential for LSE on European Sites. These strategic policies identify targets for housing and employment growth and direct development to broad locations including identified Sustainable Growth Areas, Strategic Regeneration Growth Areas and existing employment sites. It is anticipated that the approach to further developing these policies will be undertaken in line with the overall strategy for the RLDP (i.e. development sites will be located away from European Sites and largely concentrated within or adjacent to existing conurbations). However, this will

require to be further considered at Stage 2: Appropriate Assessment, not least as individual proposed housing site allocations have not yet been confirmed.

4.3.3 All other strategic policies were reviewed and are considered to have no LSE on European Sites. This is because the policies themselves would not directly lead to development or otherwise create potential impact pathways to European Sites. In addition, many of the strategic policies set out key principles, which whilst not specifically 'mitigation' in respect of European Sites, are intended to afford appropriate protection to the natural environment and amenity. This includes policy criteria which seek to:

- Reduce car dependencies and improve active travel infrastructure;
- Protect and enhance access to high quality outdoor sports facilities, parks and open spaces;
- Promote the efficient use of resources, including moving towards a low carbon economy, use of waste as a resource, energy efficient buildings, and appropriate renewable and low carbon energy;
- Take measures to protect air quality levels and aim to mitigate any activity which could affect air quality levels;
- Give consideration to development impacts on water, including water quality, ecosystems, sustainable use of water, capacity of sewerage, flood risk and the opportunities to improve flood risk management;
- Seek ways to maximise multi-functional green infrastructure coverage and ensure they provide a network of linked wildlife corridors (across a wide range of scales and increase ecosystems services including biodiversity);
- Seek ways to maximise the health benefits of green infrastructure;
- Use land efficiently by prioritising the use of previously developed land;
- Promote development that minimises adverse impacts on landscape character.

4.3.4 Strategic Policy 17 - Conservation and Enhancement of the Natural Environment specifically includes provisions related to avoiding adverse effects on European Sites, as well as to safeguard other designated sites (including SSSIs which underpin European Sites). As set out in **Section 2.3** above, this would be considered 'mitigation' within the context of the recent People Over Wind and Sweetman Vs Coillte Teoranta (C-323/17)) and as such, this HRA screening of the LDP Preferred Strategy has not had regard to any potential influence of strategic policy 17 in mitigating LSE from other components of the emerging Bridgend RLDP.

4.3.5 The mitigation provided in strategic policy 17 will instead be considered when undertaking a full Appropriate Assessment of the emerging Bridgend RLDP at the Deposit Plan stage. However, to ensure that appropriate mitigation is provided and to inform the preparation of the Deposit Plan, it is recommended that in the next iteration of the emerging RLDP, Strategic Policy 17 should be expanded to include the following additional wording:

*"Development which directly or indirectly results in significant adverse effects to a European site should be refused, or referred to the Welsh Government".*

## 4.4 Cumulative Effects

4.4.1 With reference to the requirement for in-combination assessment, HRA screening has considered any likely interactions between the emerging Bridgend RLDP and other relevant plans and projects, as identified from the following information sources:

- Review of other HRA reports from the BCBC area;
- Review of the Bridgend Planning Portal, in order to gather information on other local planning policy and planning applications in progress. The identification of projects for in-combination assessment focussed on major projects within the BCBC area and surrounding area. It included those that are located in close proximity to the European Sites or are otherwise of such a scale that any adverse effects to European Sites could clearly interact with those arising from the policies contained in the LDP Review;
- A review of adjoining Local Authorities (Neath Port Talbot, Rhondda Cynon Taff, and Vale of Glamorgan) planning portal websites; and,
- A review of the National Infrastructure Planning Website for Nationally Significant Infrastructure Projects (NSIP) located within 15 km of the BCBC administrative boundary.

4.4.2 At the time of preparing this HRA screening (August 2019), no major projects, allocations or policy proposals have been identified with the potential to act cumulatively with the emerging Bridgend RLDP. Appropriate Assessment will be required in relation to the emerging Bridgend RLDP in any case, but due to there being no identified in-combination effects, at this stage it can be concluded that no substantive components of LDP Preferred Strategy would be likely to have a significant effect on the integrity of any European Site in combination with other plans or projects. This position will be reviewed at the time of undertaking an Appropriate Assessment of the Bridgend RLDP Deposit Plan.

## 5 Conclusion

### 5.1 Overview

5.1.1 This report has presented the findings of a HRA screening carried out to identify any 'likely significant effects' (LSE) arising from the Bridgend LDP Pre-Deposit Documents published in accordance with Regulation 15 of the Development Planning (Wales) Regulations 2005, including the Bridgend LDP Preferred Strategy ('the LDP Preferred Strategy'). The report documents the first formal stage in the HRA process and is published alongside the LDP Preferred Strategy to demonstrate compliance with Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

### 5.2 Summary of Conclusions

5.2.1 As detailed in Section 4, at this stage it is considered that there is the potential for LSE on three of the identified European Sites within the BCBC area, on account of potential development within proposed Sustainable Growth and Strategic Regeneration Growth Areas under Strategic Policy 1. Allocation of individual sites (whether new candidate sites or LDP rollover sites) in these locations, and their subsequent development, could generate LSE to the European Sites through the following impact pathways:

- **Blackmill Woodlands SAC** – air quality;
- **Glaswelltiroedd Cefn Cribwr / Cefn Cribwr Grasslands SAC**, and Kenfig / Cynffig SAC – habitat loss, air quality, human induced changes in hydraulic conditions; and,
- **Kenfig / Cynffig SAC** - habitat loss, air quality, human induced changes in hydraulic conditions, pollution, recreation.

5.2.2 No LSE on the vulnerabilities of European Sites outwith the BCBC administrative area are anticipated, either alone or in combination.

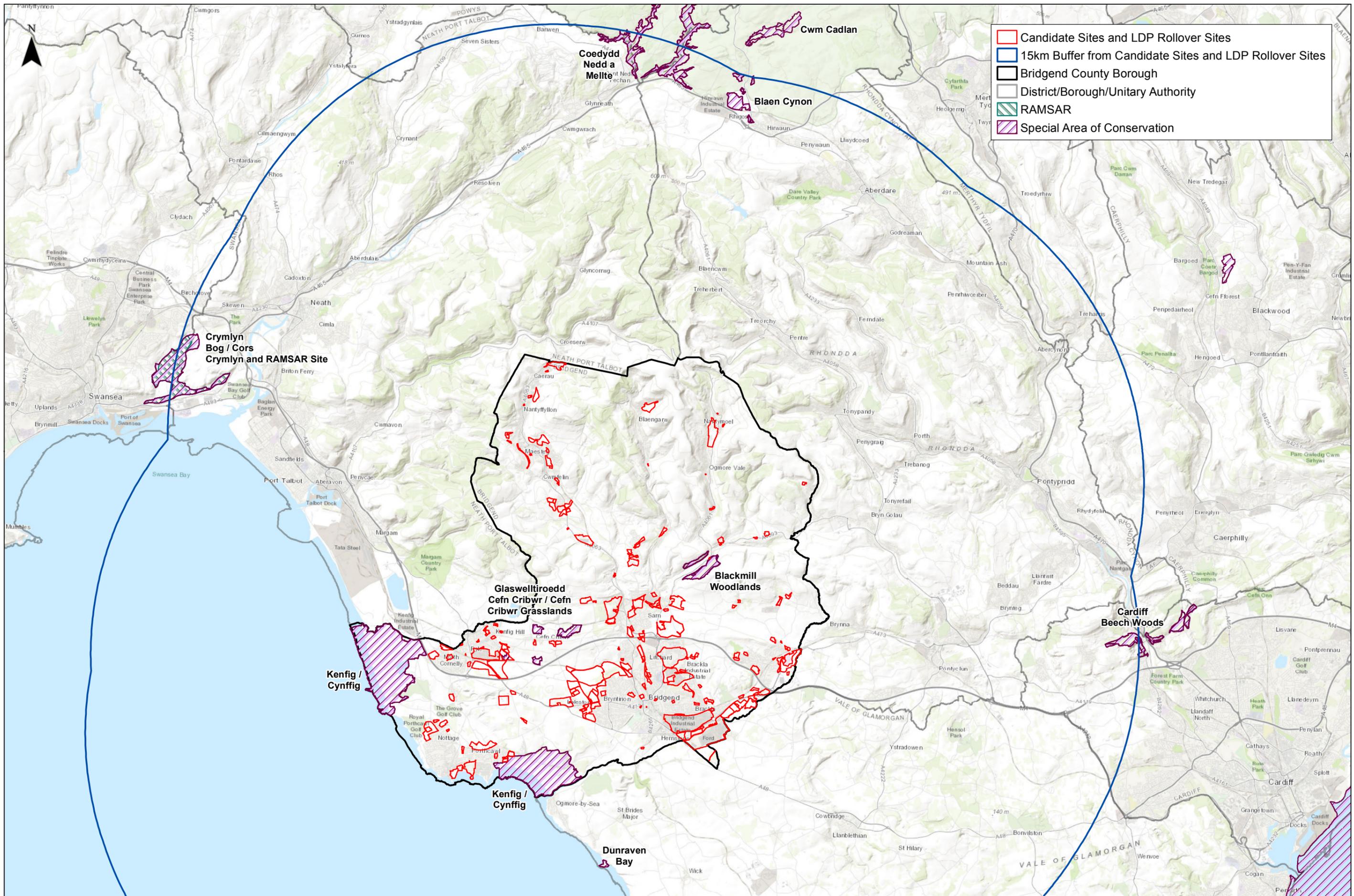
5.2.3 At this stage, no definitive LSE have been identified from Strategic Policies 2 – 17 which form the implementation section of the LDP Preferred Strategy. However, SP6 and SP11 were identified at this stage as having at least the potential for LSE on European Sites., as these strategic policies identify targets for housing and employment growth and direct development to broad locations. However, this will require to be further considered within a Stage 2: Appropriate Assessment to accompany the RLDP Deposit Plan, not least as individual proposed housing site allocations have yet to be confirmed.

### 5.3 Next Steps

5.3.1 Reflecting the requirements of the Habitat Regulations, the HRA process is iterative. Owing to the identification of a limited number of potential LSE on European Sites and the need to take account of mitigation measures (including relevant provisions within Policy SP17), in accordance with recent caselaw the HRA process must proceed to Stage 2 – Appropriate Assessment. This can only be undertaken at LDP Deposit Stage as it will need to consider all substantive components of the Bridgend RLDP Deposit Plan, including all proposed site allocations and policies together (some of which will provide appropriate safeguards and mitigation for likely effects).

5.3.2 An updated review of other relevant plans or projects will also be carried out to review whether there is the potential for any LSE from the emerging Bridgend RLDP "in combination" with other relevant plans and projects.

# Appendix A    Figures



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