

Appendix 4: Habitat Regulation Assessment Screening Report - Representations Received

Please Note: Text provided in red is text that has been added in response to the comments provided in this report.	
Organisation/Comment	Response/Action
Natural Resources Wales – Sharon Luke	
General Comments	
Reference is made to 2010 Regulations throughout the report this requires updating to The Conservation of Habitats and Species Regulations 2017.	Noted and amended throughout document.
Table 1 Habitats Regulation Assessment: Key Stages	
<ul style="list-style-type: none"> Under Purpose for Appropriate Assessment we would include the precautionary principal and that the plan will not adversely affect the integrity of the sites. 	<p>Agreed. Wording amended to read:</p> <p><u>To ensure that the plan will not adversely affect the integrity of sites.</u> Consideration of impacts on integrity of the site, either individually or in combination with other plans and projects, having regard to the site’s structure, function and conservation objectives, <u>whilst applying the precautionary principle.</u> Where adverse impacts are identified <u>or remain unknown,</u> assess mitigation options to identify impacts on the integrity of the site. This stage should involve consultation. If mitigation options do not result in avoidance of adverse effects permission can only be granted if the remaining 2 stages are followed.</p>
1.3.1. We acknowledge that the HRA for the site-specific allocations will be carried out as part of the drawing up of the Deposit LDP.	Comments noted.
1.4.1. We advise the reference to Regulation 85B (3) is incorrect. Regulation 77 covers consultation with the relevant nature conservation body.	Amended.
2.2.1. This should refer to regulation 63 (1).	Amended.
2.3. This should refer to The Conservation of Habitats and Species Regulations 2017.	Amended throughout document.
3.1.1. Potential offsite impacts are listed here but not mentioned earlier in the report.	Wording added to Table 1. Under Screening – Purpose, to describe how the screening stage must consider the potential for offsite impacts. Table now reads:

	Process for identifying impacts of a plan or project on a European site, either individually or in combination, and consideration of whether likely effects will be significant. <u>This will include consideration of the potential for direct, indirect and cross-boundary effects.</u>
3.1.3 The West Wales Marine Candidate Special Area of Conservation (cSAC) should be included.	Amended. Figure 1 has also been amended to include the West Wales Marine cSAC. Appendix 1 has also been updated to include information and the conservation objectives of the West Wales Marine cSAC.
3.2.3. We would amend this to read ‘features of the N2K sites’. We would also advise the inclusion of ‘The Plan must not undermine the conservation objectives of the sites’.	Amended. Paragraph now reads: 3.2.3 The scanning stage identifies <u>features of the N2K sites</u> that may be affected by the plan as far beyond as necessary for sites and identifying causal connections and links between the plan proposals and the qualifying features of the sites. <u>The Plan must not undermine the conservation objectives of the sites.</u>
3.2.8 Disturbance should be included.	This paragraph simply gives examples of the types of impacts that could be caused by development and is therefore not exhaustive. Table 2. Covers disturbance in more detail.
Table 2 Scanning and site selection lists for sites that could potentially be affected by the plan	
<ul style="list-style-type: none"> The Afon Tywi is not included under SAC’s under Section 2. 	Amended to include Afon Tywi.
<ul style="list-style-type: none"> Carmarthen Bay Dunes is entitled incorrectly under Section 3. 	Amended.
<ul style="list-style-type: none"> West Wales Marine Candidate Site needs to be added to Section 4. 	Amended to include West Wales Marine cSAC.
<ul style="list-style-type: none"> We would suggest the Afon Tywi and Carmel should be included in Section 6. 	Disagree. Neither the Management Plan nor Standard Data form for Afon Tywi or Cernydd Carmel reference recreation to be considered as a pressure or threat on the features of the SAC and therefore it is not included for consideration under this section.
<ul style="list-style-type: none"> We seek clarification as to how all sites have been screened out of Section 7 that could be affected by provision of new or extended 	Agreed. This will be amended and considered further in the deposit HRA

transport or other infrastructure. These could be barriers to migratory fish, bats and otters.	report.
<ul style="list-style-type: none"> We would add Elenydd-Mallaen to Section 7 sites that could be affected by increased deposition of air pollutants. This is as the diet and nesting habits of Merlin could be impacted by air pollution. 	Disagree. The management plan of Elenydd-Mallaen does not reference any sensitivity of Merlin or their prey to air quality issues in the conservation objectives or management requirements and therefore they are not included for consideration under this section.
<ul style="list-style-type: none"> Section 14 included Cwm Doethie which is not the sites full name, we would remove it from here as it does not include any mobile species. Elenydd Special Protection Area (SPA) should be added. 	Noted and amended. Cwm Doethie has been removed and Elenydd-Mallaen SPA has been added.
<ul style="list-style-type: none"> We would expect the same sites (again taking Cwm Doethie out) to be noted under Section 15 as in 14. 	Noted and amended accordingly as above.
<ul style="list-style-type: none"> Section 16 – We do not agree with the conclusion that no sites require further consideration. If there is potential to disturb species as noted in Section 14 of the table then potential exists to cause mortality. We would expect the same sites to be included in both sections. 	<p>Whilst we agree that if there is potential to disturb species noted in Section 14 then there is a risk of mortality, for the purposes of this HRA, it is considered that the effects of this category will be captured effectively via Section 14 of the table. Therefore, in order to avoid duplication, sites are screened out of this section.</p> <p>The following worded has been added to Section 16 as clarification: <u>Potential for mortality as a result of disturbance, however to avoid duplication this is addressed under Section 14.</u></p>
<ul style="list-style-type: none"> Mobile features need to be considered outside the designated site boundaries. 	Mobile features outside of designated site boundaries are considered in Section 5 – Plans that could affect mobile species.
3.2.9. Effects associated with development should include effects of contaminated land run off.	<p>The effects of contaminated land run off will be considered under Section 2 – Plans that could affect the aquatic environment.</p> <p>The following wording has been added to Section 2 to provide clarification: Sites upstream or downstream of the plan area in the case of river or estuary sites. <u>Effects considered include localised effects on surface/groundwater resources and quality, resulting from changes in run-off, sedimentation, erosion etc.</u></p>

Table 4, 5 and 6	
West Wales Marine Candidate SAC needs to be included.	Agreed. West Wales Candidate SAC has now been included.
Table 6 Preliminary screening of European Sites identified as vulnerable to effects on the coast.	
<ul style="list-style-type: none"> Consideration should be given to whether the title to this table should be mobile species as it includes Caeau Mynydd Mawr SAC. 	Agreed and amended.
<ul style="list-style-type: none"> All fish species have been screened out due to water quality although this is not clear; disturbance and barriers have not been included. 	Noted, however any impacts as a result of disturbance is considered separately under Section 14.
<ul style="list-style-type: none"> We question if Elenydd-Mallaen should be included for bird assemblage? 	Agreed, amended to include Elenydd - Mallaen
<ul style="list-style-type: none"> Clarification is required as to why Lesser Horseshoe Bats have been screened out when we have records and known roosts in Carmarthenshire. 	Agreed, Lesser Horseshoe Bat will be screened in on a precautionary basis.
3.2.19 This paragraph may be better placed before the screening table (6) to understand why fish species have been screened out.	Agreed, screening table now placed at the end of this section.
3.2.20 Requires updating with the new conservation objectives for the SAC.	<p>We acknowledge receipt of the updated objectives as part of NRW's representation to the HRA Screening report and have updated the conservation objectives in Appendix 1 and have been amended in the text</p> <p>Paragraph now reads: The conservation objectives for Caeau Mynydd Mawr SAC were updated by NRW in 2016, to reflect more current information and understanding of the site and its features. These updated conservation objectives state that to be viable in the long term, the Marsh Fritillary metapopulation requires <i>'at least 100ha of available habitat, with adequate connectivity linked to the core SAC units'</i>. The core SAC units have a requirement to provide a minimum of 17.5ha of Available habitat towards this target, and to provide at least 6ha of good habitat within Caeau Mynydd Mawr SAC.</p>

<p>3.2.25 We agree detailed screening will be required as the species are known to be on the county border with Pembrokeshire in areas such as Cenarth.</p>	<p>Noted. This will be addressed in more detail at the detailed screening stage.</p>
<p>3.2.29 The distance from Carmarthenshire's border is given as 16km in this point whereas it states 6.9km in section 3.1.4. The addition of Lesser Horseshoe bats is required as there are records for Carmarthenshire, a roost (possibly maternity) was also found in the Llansteffan area during the last few years.</p>	<p>This has now been corrected in section 3.1.4 as the site is actually 23km outside of Carmarthenshire. Lesser Horseshoe Bats have now been screened in on a precautionary basis.</p>
<p>3.2.32 There is text missing from the end of this paragraph.</p>	<p>The 'Therefore,' to which this refers has now been deleted.</p>
<p>3.2.31- 3.2.36 European otters. Consideration should be given to breeding sites within this section.</p>	<p>Reference is made to breeding sites in this paragraph:</p> <p>3.2.31 European otters are designated features of a number of European sites considered for screening within this document, including River Tywi, River Teifi, Cleddau Rivers, Carmarthenshire Bay and Estuaries, Pembrokeshire Bat Sites and Bosherton Lakes, Pembrokeshire Marine, River Wye and River Usk SACs. Management plans for all of the aforementioned sites highlight that otters 'may be affected by developments that affect resting and breeding sites outside of SAC boundaries'.</p> <p>The text has been amended to provide further clarity:</p> <p><u>3.2.36 In light of this, detailed screening will need to be undertaken to identify any site allocations which may impact on the use of suitable areas of land used for both breeding and resting outside the SAC boundary by otters.</u></p>
<p>3.2.37 We do not agree that neither species utilise any of the waterways. Carmarthen Bay and Estuaries and the West Wales Marine Candidate SAC lie within the plan area.</p>	<p>This section has been renamed: <i>Bottlenose Dolphin, Grey Seal and Harbour Porpoise</i> so as to include the primary features of the Bristol Channel Approaches cSAC and the resulting paragraphs have been redrafted in light of NRW's comment.</p>
<p>3.2.38 Consideration for the Elenydd -Mallaen SPA is required under SPA</p>	<p>Consideration is now given to Elenydd-Mallaen Bird Assemblages under</p>

Bird Assemblages and its mobile features notably Red kite, Merlin and Peregrine. The SPA is noted in Table 7.	this section.
Table 7 Preliminary screening of European Sites identified as vulnerable to recreational effects.	
<ul style="list-style-type: none"> The River Tywi SAC is missing from this table. We suggest there are potential pressures from increased boating/kayaking etc. 	Agreed. River Tywi is screened in based on the potential for increased disturbance to Otters
<ul style="list-style-type: none"> We consider that Cernydd Camel SAC should also be included as potential for increased pressure from increased visitor numbers in the reserves. 	Agreed. Although recreation is not listed as a threat on the Natura 2000 standard data form or the site's management plan, due to the proximity of Cernydd Carmel SAC to existing settlement limits and to the Crosshands growth area, it is screened in on a precautionary basis.
3.2.56 Refers to the Environment Agency, this should read NRW.	Amended.
3.2.59 Acronym for NRW is used in this section although NRW used before hand in the document.	Amended.
Table 9 Preliminary screening of European Sites identified as vulnerable to effects on water quality.	
<ul style="list-style-type: none"> Carmarthen Bay Dunes SAC to be added due to slack habitat and petalwort features. 	Amended to include Carmarthen Bay Dunes SAC. Table 2 has also been amended to reflect this.
3.2.68 Consideration needs to be given to mobile species such as bats and otters for sites outside Carmarthenshire's boundary.	Agreed. Pembrokeshire Bat Sites and Bosherton Lakes SAC screened in.
Table 11 Preliminary screening of European Sites identified as vulnerable to effects of disturbance, noise and light pollution effects.	
Cwm Doethie- Mynydd Mallaen SAC has no mobile species features listed so may be able to be screened out.	Amended. Cwm Doethie – Mynydd Mallaen SAC now screened out of this section.
Elenydd Mallaen SPA to be added and screened in.	Amended to include Elenydd Mallaen. Table 2 has also been amended to reflect this.
North Pembrokeshire Woodlands may require screening back in due to Barbastelle records on the County border and possible lighting and disturbance issues.	Agreed. Screened in on a precautionary basis.
Table 12 Summary of the preliminary screening based on overall growth projection of Preferred Strategy.	

<ul style="list-style-type: none"> • Aquatic environment – Hydrological links also need to be considered. 	<p>Agreed. Generic level screening text now amended to read:</p> <p>Effects only likely where development is in close proximity to a water course that flows into/out of a site. <u>Hydrological links must also be considered.</u></p>
<ul style="list-style-type: none"> • Mobile species – Requires addition of Lesser Horseshoe bats. 	Amended.
<ul style="list-style-type: none"> • Mobile species – Requires addition of terrestrial SPA (Elenydd-Mallaen) 	Amended
<ul style="list-style-type: none"> • Development: Air pollution – We do not agree with the generic screening level; intensive agriculture and other industrial sources have a potential to impact. 	<p>Agreed. Wording of generic screening level amended to address this. Text now reads:</p> <p>Development which leads to increased traffic on roads within 200m of identified sensitive sites. <u>Consideration will also be given to any potential impacts from intensive agriculture and other industrial sources.</u></p>
Table 14 Summary of preliminary screening of draft Strategic Policies.	
<ul style="list-style-type: none"> • SP8 Infrastructure – Clarification is required as to why this has been screened out, we consider it could have potential impacts to sites and features. 	Agreed. Policy will be screened back in and will be considered further in light of specific policies and site allocations in order to determine likely significant effects. Screened in under Category I.
<ul style="list-style-type: none"> • SP12 Rural development – Should we consider agricultural development under this? If so, it cannot be screened out. 	The Strategic Policy on Rural Development does not consider agricultural development. These matters are considered under existing national planning policy and legislation, and further detailed policies will be developed in the Deposit Plan.
<ul style="list-style-type: none"> • SP17 Transport and Accessibility - Clarification is required as to why this has been screened out, we consider it could have potential impacts to sites and features. 	Agreed. Policy will be screened back in and will be considered further in light of specific policies and site allocations in order to determine likely significant effects. Screened in under Category I.
<ul style="list-style-type: none"> • SP18 Mineral resources -This should not be screened out due to Cernydd Carmel SAC. 	Disagree. This policy is a safeguarding policy for mineral resources and does not facilitate the removal of mineral deposits. This policy essentially

	provides a second layer of safeguarding of the site from development and is therefore screened out as having likely significant impacts.
<ul style="list-style-type: none"> 3.4.2 Further Strategic Policies from Table 14, such as mineral resources, should added. 	This section will be updated accordingly.
<p>Appendix 1: Conservation objectives of sites identified as within 15km buffer zone of Carmarthenshire.</p> <ul style="list-style-type: none"> The updated conservation objectives for the sites can are in the appendices to this letter. 	Conservation objectives have been amended to reflect most up to date information provided by NRW in their representation.
<p>Appendix 2 Nitrogen Deposition Data for SAC's/SPA's within Carmarthenshire and 15km buffer</p> <ul style="list-style-type: none"> The Afon Tywi should be included. 	Noted. Appendix will be amended to include Afon Tywi.
<p>Appendix 3 Plans and Programmes with potential in-combination effects.</p> <ul style="list-style-type: none"> West Wales Tourism Strategy 2008 – West Wales Marine candidate SAC to be included. Welsh Government Strategy for Tourism 2013-2020 - West Wales Marine candidate SAC and the SPA's to be included due to disturbance. A walking and Cycling Action Plan for Wales (2009-2013) – Disturbance and erosion should be included as potential issues. The Swansea Bay City Region Economic Regeneration Strategy 2013-2030 - Disturbance and erosion should be included as potential issues. Carmarthenshire Designation Management Plan 2015 – 2020 – We would advise that there is potential for increased soil erosion from increased tourism and recreation activities. Flood Risk Management Plan for Western Wales River Basin District – The River Tywi and River Teifi are not included. Swansea Local Development Plan (2010-2025) – Burry Inlet RAMSAR site. 	Noted. This Appendix will be updated for the Deposit Plan HRA to include the documents suggested.
<p>Appendix 5 Preliminary screening of draft Strategic Policies.</p> <ul style="list-style-type: none"> SP18 - Mineral Resources – We consider Cernydd Carmel should be screened back in. 	Disagree. As explained in response to comments made on SP18.
Pembrokeshire Coast National Park - Martina Dunne	
General Comments	

<p>The Conservation of Habitats and Species Regulations 2017</p> <p>Para 2.3 page 7. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments.</p>	<p>Noted and amended throughout document.</p>
<p>People Over Wind</p> <p>In April 2018 the Court of Justice of the European Union handed down their judgment in the case of People Over Wind. The court ruled that it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce harmful effects on a European site. It is suggested that the HRA Screening Report should make explicit mention of the judgment and describe how the HRA is incorporating the ruling. The Habitats Regulations Assessment Handbook (DTA Publications Limited) listed on page 7 has been updated to reflect the judgment.</p>	<p>Noted. Reference to this judgement will be included in the deposit plan HRA.</p>
<p>Sites and species of European importance</p> <p>It is suggested that the Preferred Strategy should include specific policy wording in regard to sites and species of European importance, as implied in the “specific policy restriction” identified as being required for several of the screened in elements. This policy wording might be included within policy SP13, or as an additional policy on sites and species of European importance. Screened-in elements of the Preferred Strategy may then be amended to cross-refer to this policy wording, e.g. ‘subject to there being no unacceptable adverse effects on Carmarthenshire’s environment (see SP13), including sites and species of European importance (see SP13 (and / or new policy reference))’ . This would complement the approach taken in Pembrokeshire Coast National Park Local Development Plan 2 and enhance the compatibility of the plans.</p>	<p>Noted. Consideration will be given to the wording of a specific policy for inclusion in the Deposit plan.</p>
<p>Pembrokeshire Coast National Park Local Development Plan</p> <p>Page 36 and Appendix 3 – there is no mention of the Pembrokeshire Coast National Park Local Development Plan (adopted or LDP2).</p>	<p>Noted, this section will be updated to include reference to the Pembrokeshire Coast National Park LDP.</p>

<p>Typos "Bosherton" should be replaced by "Bosherston" wherever necessary. "Affects" should be replaced by "effects" where appropriate.</p>	<p>Noted and amended.</p>
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