



Replacement Local Development Plan 2018-2033

Background Paper

July 2019

**BP 05: The Habitat Regulations Appraisal
Summary version**

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Peter Brett Associates (PBA), now part of Stantec, has been commissioned by Conwy County Borough Council (CCBC) to undertake a Sustainability Appraisal (SA) of the emerging Replacement Conwy Local Development Plan 2018-2033 ('the emerging RLDP'). The SA incorporates a Strategic Environmental Assessment (SEA) and a Habitats Regulation Assessment (HRA).

The Report responds to requirements of the Conservation of Habitats and Species Regulations, 2017 (the Habitats Regulations) which implements the requirements of the European Commission's Habitats Directive 92/43/EEC. Consideration is given as to whether or not the emerging RLDP is likely to have significant effects on the integrity of sites designated of European level biodiversity interest, either alone, or in combination with other plans or projects.

GIS analysis identified 23 European Sites at 21 locations within 15km of emerging RLDP boundary. A total of these 12 European Sites were considered to be relevant for consideration in the Screening process.

Screening of the Strategic Policies outlined in the emerging RLDP identified that:

- **Strategic Policies 3, 11 and 15** were identified as having potential for indirect LSE on European Sites. LSE has been identified in relation to: the lack of certainty on the scale, number of sites involved and type of development; potential for indirect effects if development happens in close proximity or if the site is hydrologically or physically connected to European Sites;
- In consideration of the CJEU ruling in *People Over Wind and Sweetman v Coillte Teoranta* (C-323/17), the emerging RLDP has been screened without consideration of **Strategic Policies 18,19 and 20**. These policies are considered to comprise 'mitigation' for effects on European Sites and as such are not taken into account in this screening assessment; and
- The screening of the remaining policies in the emerging RLDP did not identify any LSE on the integrity of European Sites. This is largely due to the policies comprising a framework for development which seeks to protect the environment and align with sustainability principles. Assuming that these draft policies are adhered to, no potential impact pathways on European Sites have been identified.

The screening of Candidate Sites identified in the emerging RLDP has identified LSE in relation to five European Sites:

- Traeth Lafan / Lavan Sands, Conwy Bay (SAC/SPA);
- Liverpool Bay / Bae Lerpwl (SPA);
- Coedwigoedd Penrhyn Creuddyn / Creuddyn Peninsula Woods (SAC);
- Eryri / Snowdonia (SAC); and
- Y Fenai a Bae Conwy / Menai Strait and Conwy Bay (SAC).

The potential for LSE on at these European Sites requires further consideration as/ when detailed development plans for Candidate Sites become available.

It was concluded that Appropriate Assessment will be required in relation to the emerging RLDP. No policies included in the emerging RLDP are likely to have a significant effect on the integrity of any European Site in-combination with other plans or projects