
HABITATS REGULATIONS ASSESSMENT SCREENING REPORT



**Brecon Beacons
National Park Authority**

**National Park
Management Plan**

May 2009



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Brecon Beacons National Park Authority National Park Management Plan

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Brecon Beacons National Park Authority National Park Management Plan

Habitats Regulations Assessment Screening Report

CONTENTS

EXECUTIVE SUMMARY

- 1 INTRODUCTION**
Requirement for Habitats Regulations Assessment
Guidance for Habitats Regulations Assessment/Appropriate Assessment
Consultation
Purpose & Structure of Report
- 2 METHOD**
HRA Screening Phase 1(November 2008)
HRA Screening Phase 2 (May 2009)
- 3 SCREENING**
Task 2: Plan Review, Policy Screening and Identification of likely impacts
Task 3: Consideration of other plans, programmes and projects
Task 4: Screening Assessment
- 4 CONCLUSIONS, RECOMMENDATIONS**

REFERENCES/BIBLIOGRAPHY

TABLES

- 1. Habitats Regulations Assessment: Key Stages**
- 2. HRA Screening Stage: Key Tasks**
- 3. HRA Screening Table Summary**

APPENDICES

- 1. Policy Screening Updated**
- 2. Screening Assessment Updated**

ANNEXES

- 1. HRA Screening Report Phase 1**
- 2. European Site Characterisations**
- 3. Air Quality at European Sites**
- 4. NPMP Aims, Objectives, Actions Screening**
- 5. Plans and Projects Review**
- 6. Screening Assessment**

EXECUTIVE SUMMARY

- 0.1 Habitats Regulations Assessment (HRA) of spatial, development plans is a requirement of the Habitats Directive (92/43/EEC) as set out in the amended Habitats Regulations (2007). This report details the HRA Screening for the Brecon Beacons National Park Authority National Park Management Plan. It sets out the methods and findings and the conclusions of the screening stage of the HRA.
- 0.2 The screening considered the potential for impacts to arise from the National Park Management Plan (NPMP) Aims, Strategic Objectives and Actions; and the likelihood that any potential impacts arising would result in likely significant effects on twelve European sites scoped into the Screening process. The screening was undertaken iteratively alongside the development of the NPMP and findings from the first phase screening (November 2008) were reviewed and re-assessed in line with updates to the plan (May 2009).
- 0.3 The screening for likely significant effects identified that the Management Plan is highly protectionist and precautionary in relation to potential biodiversity impacts, and that it provides clear policy protection and management actions designed to avoid effects on European Sites. The screening concluded that the NPMP will not have a significant effect on the European sites considered, either alone or in combination with other plans.
- 0.4 This report is provided for consultation alongside the NPMP. The report should be read in conjunction with Annexes 1-6 which document the first phase (November 2008) of the screening process.

1.0 INTRODUCTION

- 1.1 Brecon Beacons National Park Authority is currently developing its National Park Management Plan 2009-2014 and is undertaking Habitats Regulations Assessment in line with the requirements set by the Conservation (Natural Habitats &c) (Amendment) Regulations 2007.
- 1.2 This HRA Screening report takes forward the analysis provided in the first phase screening Report (**Annexes 1-7**) and addresses the likely significant effect[s] on designated European Site[s] of implementing the Management Vision, Aims, Strategic Objectives and Actions outlined in the Brecon Beacons National Park (BBNP) Management Plan).
- 1.3 Habitats Regulations Assessment is also commonly referred to as Appropriate Assessment (AA) although the requirement for AA is first determined by an initial 'screening' stage undertaken as part of the full HRA. This report addresses the Screening Phase of the HRA; it outlines the screening tasks and the key findings emerging from the assessment.

Requirement for Habitats Regulations Assessment

- 1.4 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the Habitats Directive) protects habitats and species of European nature conservation importance. The Habitats Directive establishes a network of internationally important sites designated for their ecological status. These are referred to as Natura 2000 (N2K) sites or European Sites, and comprise Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) [which are classified under the Council Directive 79/409/EEC on the conservation of wild birds, the 'Birds Directive'].
- 1.5 Articles 6 (3) and 6 (4) of the Habitats Directive require AA to be undertaken on proposed plans or projects which are not necessary for the management of the site but which are likely to have a significant effect on one or more European sites either individually, or in combination with other plans and projects.¹ In 2007, this requirement was transposed into UK law in Part IVA of the Habitats Regulations (The Conservation (Natural Habitats, & c.)(Amendment) (England and Wales) Regulations 2007). These regulations require the application of HRA to all land use plans. Welsh Assembly Government (WAG) guidance also requires that Ramsar sites (which support internationally important wetland habitats) and are listed under the Convention on Wetlands of International Importance (Ramsar Convention 1971) are

¹ Determining whether an effect is 'significant' is undertaken in relation to the designated interest features and conservation objectives of the Natura 2000 sites. If an impact on any conservation objective is assessed as being adverse then it should be treated as significant. Where information is limited the precautionary principle applies and significant effects should be assumed until evidence exists to the contrary.

included within HRA/AA and that candidate SACs and proposed SPAs are treated as 'designated' sites in the context of HRA.

- 1.6 The purpose of HRA/AA is to assess the impacts of a land-use plan, in combination with the effects of other plans and projects, against the conservation objectives of a European Site and to ascertain whether it would adversely affect the integrity² of that site. Where significant negative effects are identified, alternative options, avoidance and/or mitigation measures should be examined to remove any potential damaging effects. The scope of the HRA/AA is dependent on the location, size and significance of the proposed plan or project and the sensitivities and nature of the interest features of the European sites under consideration.

Guidance for Habitats Regulations Assessment/Appropriate Assessment

- 1.7 Draft guidance for HRA 'The Assessment of Development Plans in Wales under the Provisions of the Habitats Regulations', has been produced by WAG, (David Tyldesley and Associates, October 2006). The final WAG guidance is yet to be published, but is expected to be available in 2009.³ A partnership of consultants⁴ has also prepared guidance (Appropriate Assessment of Plans, August 2007) to assist planning bodies in complying with the Habitats Directive.
- 1.8 The methods and approach used for this screening are based on the formal draft Welsh guidance currently available and emergent practice, which recommends that HRA is approached in three main stages – outlined in **Table 1**. This report outlines the method and findings for stage 1 of the HRA process.

² Integrity is described as the sites' coherence, ecological structure and function across the whole area that enables it to sustain the habitat, complex of habitats and/or levels of populations of species for which it was classified, (ODPM, 2005).

³ Informal consultation with WAG has been undertaken to ascertain the nature and extent of any key changes to the Draft guidance in support of this HRA process (April, 2008).

⁴ Scott Wilson, Levett-Therivel Sustainability Consultants, Treweek Environmental Consultants and Land Use Consultants (August, 2006).

Table 1	
Habitats Regulations Assessment: Key Stages	
Stage 1	
Screening for likely significant effect	<ul style="list-style-type: none"> ▪ Identify international sites in and around the plan/ strategy area in search area/ buffer zone agreed with the Statutory Body the Countryside Council for Wales ▪ Examine conservation objectives of the interest feature(s) (where available) ▪ Review plan policies and proposals and consider potential effects on European sites (magnitude, duration, location, extent) ▪ Examine other plans and programmes that could contribute to 'in combination' effects
	<ul style="list-style-type: none"> ▪ <i>If no effects likely – report no significant effect (taking advice from CCW as necessary).</i> ▪ <i>If effects are judged likely or uncertainty exists – the precautionary principle applies proceed to stage 2</i>
Stage 2	
Appropriate Assessment	<ul style="list-style-type: none"> ▪ Complete additional scoping work including the collation of further information on sites as necessary to evaluate impact in light of conservation objectives ▪ Agree scope and method of AA with CCW ▪ Consider how plan 'in combination' with other plans and programmes will interact when implemented (the Appropriate Assessment) ▪ Consider how effect on integrity of site could be avoided by changes to plan and the consideration of alternatives ▪ Develop mitigation measures (including timescale and mechanisms) ▪ Report outcomes of AA including mitigation measures, consult with CCW and wider [public] stakeholders as necessary ▪ If plan will not significantly effect European site proceed without further reference to Habitats Regs
	<ul style="list-style-type: none"> ▪ <i>If effects or uncertainty remain following the consideration of alternatives and development of mitigations proceed to stage 3</i>
Stage 3	
Procedures where significant effect on integrity of international site remains	<ul style="list-style-type: none"> ▪ Consider alternative solutions, delete from plan or modify ▪ Consider if priority species/ habitats affected ▪ Identify 'imperative reasons of overriding public interest' (IROPI) economic, social, environmental, human health, public safety ▪ Notify Assembly Government ▪ Develop and secure compensatory measures

Consultation

- 1.9 The Habitats Regulations require the plan making/competent authority to consult the appropriate nature conservation statutory body [Countryside Council for Wales (CCW)]. Consultation on the approach to this HRA screening, including advice on which European sites should be considered within the area of search, has been undertaken with CCW as required (August/ September 2008). The Habitats Regulations leave consultation with other bodies and the public to the discretion of the plan making authority. The WAG guidance notes that it is good practice to make information on HRA available to the public at each formal development plan consultation stage. Therefore, in addition to the statutory consultation undertaken with CCW this report is being made available for wider public consultation on the BBNP website <http://www.breconbeacons.org/>.

Purpose & Structure of Report

- 1.10 This report documents the process and the findings from the screening phases (Nov 2008, May 2009) of the HRA for BBNP Authority's National Park Management Plan. Following this introductory section the document is organised into a further three sections:
- **Section 2** –summarises the findings and outcomes from the first phase of screening (November 2008) and outlines the approach taken in reviewing and updating the screening findings (May 2009).
 - **Section 3** – outlines the process and summary findings of the screening update (May 2009).
 - **Section 4** – summarises the findings of the updated, phase 2 HRA Screening Assessment and how the plan should proceed with reference to the Habitats Regulations.

2.0 METHOD

HRA Screening Phase 1 (November 2008)

- 2.1 The first phase of the screening identified eleven European sites within BBNP's administrative boundary and one European site outwith the National Park to be considered as part of the screening process. The Countryside Council for Wales (CCW) and Environment Agency Wales (EAW) were consulted on, and agreed with, the scope of the screening process.
- 2.2 The screening identified the potential for impacts in relation to recreational pressures and water resources arising from one management aim to enhance recreational access, and one management action to facilitate hydro-electric power in the Park. The assessment concluded that in relation to recreational impacts the plan would not have a likely significant effect alone or in-combination with other plans as it provided strong avoidance and protection measures through the delivery of site specific management plans. These plans are designed to ensure that the interest features at the European sites identified for consideration in the screening (Coedydd Nedd a Mellte SAC, Llangorse Lake SAC) are maintained at favourable conservation status.
- 2.3 In relation to the potential impacts arising from hydro-electric schemes the screening adopted a precautionary approach and identified the potential for likely significant effects and the possible need for Appropriate Assessment, subject to the BBNP considering further the feasibility of schemes and clarifying the scale of these proposals for assessment purposes.
- 2.4 Full details of the screening, including the European Site characterisations, plans and projects review, the screening of NPMP policies, and the screening assessment (in-combination) are provided in **Annexes 1-7** of this report.

HRA Screening Phase 2 (May 2009)

- 2.5 Following the Screening (Nov 2008) BBNP undertook further development of the NPMP strategic objectives and management aims. In line with current guidance, the HRA screening revisited the policy screening and subsequent assessment stages (**Task 2, 3 & 4, Table 2**) to determine whether the changes and additions made to the Management Plan have the potential to lead to likely significant effects, beyond those considered in the first screening phase.
- 2.6 This iterative screening phase was informed by the Sustainability Appraisal (SA)/ Strategic Environmental Assessment (SEA) work being prepared in parallel for the Management Plan. In particular, the HRA focused on objectives and actions identified by the SA/SEA as having uncertain/unknown effects.

Table 2	
HRA Screening Stage 1: Key Tasks	
Task 1 Identification of Natura 2000 sites & characterisation	<ul style="list-style-type: none"> ▪ Identification of European sites both within the plan/proposal boundaries and in an area of search extending to approx 15km [as recommended by extant guidance] around the plan/proposal area. This includes considering hydrological connectivities and the catchment of watercourses relating to identified designations ▪ Information was obtained for each European site, based on publicly available information and consultation with Countryside Council for Wales where appropriate.⁵ ▪ This included information relating to the sites' qualifying features; conservation objectives; vulnerabilities/ sensitivities, current conditions, trends & geographical boundaries.
Task 2 Plan review and identification of likely impacts	<ul style="list-style-type: none"> ▪ <u>Screening of the plan/proposal</u> and the identification of likely impacts (including a review of the plan/proposal's Vision, Aims, Objectives and Management Actions including spatial implications where identified to determine likely impacts).
Task 3 Consideration of other plans and programmes	<ul style="list-style-type: none"> ▪ Consideration, where appropriate of other plans and programmes that may have in-combination effects with the plan/proposal.
Task 4 Screening Assessment	<ul style="list-style-type: none"> ▪ Assessment of the potential of identified impacts to affect the designated interest features of European sites ▪ Summary of screening outcomes and recommendations.

⁵ Key Information Sources: Joint Nature Conservation Committee (JNCC) web resource www.jncc.gov.uk including site details/ character contained on Natura 2000 Standard Data Form. Conservation Objectives, management plan information, Countryside Council for Wales web resource <http://www.ccw.gov.uk/>

3.0 SCREENING

Task 2: Plan/Strategy review, policy screening and identification of likely impacts

Brecon Beacons National Park: Management Plan: Screening Plan/Proposal

- 3.1 As noted in Section 2 (para 2.5) the BBNP Management Plan was subject to a further HRA screening. The aim of this screening was to consider at a broad level whether any significant revisions to the Management Plan (in particular those highlighted through the SA/SEA process as having uncertain effects on biodiversity), have the potential to significantly effect one or more European Sites scoped in to the Screening process (Nov 2008). Minor wording changes/ re-ordered policies were not subject to further screening.
- 3.2 The approach taken builds on, and is in accordance with, screening approaches used in the UK for Regional and Sub-Regional Strategies and was informed by recent methodological updates.⁶ As previously, BBNP Management Aims, Strategic Objectives and Actions were screened on the basis of the following criteria.

Reasons why a policy will not have an effect on a European Site

1. The policy itself will not lead to development.
2. The location of the development is unknown, and will be selected following consideration of options in lower plans.
3. The policy will have no effect because development is dependent on implementation of lower tier policies.
4. The policy concentrates development in existing urban areas, steering development away from European sites and sensitive areas.
5. The policy will steer development away from European sites and associated sensitive areas.
6. The policy is intended to protect the natural environment, including biodiversity.
7. The policy is intended to conserve or enhance the natural, built or historic environment, and such enhancements are unlikely to affect a European site.

Reasons why a policy could have an effect on a European Site

8. The plan/ policy steers a quantum or type of development towards or encourages development in, an area that includes a European site or an area where development may indirectly affect a European site.

⁶ The Assessment of Regional Spatial Strategies and Sub-regional strategies under the Provisions of the Habitats Regulations: Draft (David Tyldesley Associate, for English Nature, 2006). As applied to the Neath Port Talbot UDP Appropriate Assessment (June 2007). Tyldesley D (2009). The Habitats Regulations Assessment of Local Development Documents Revised Draft Guidance for Natural England.

Reasons why a policy/ plan would be likely to have a significant effect

9. The policy makes provision for a quantum of kind of development that in the location(s) proposed would be likely to have a significant effect on a European site. Appropriate Assessment required.

- 3.3 The Screening Tables which include the management aims/ actions & objectives identified for further screening and the rationale for a policy screening decision, based on the above criteria, are provided in **Appendix 1**. Of the twelve further aims, strategic objectives and actions considered by the screening, none were identified as giving rise to impacts that had the potential to result in likely significant effects on the European sites scoped into the screening.

Task 3: Consideration of other plans and programmes

- 3.4 It is a requirement of Article 6(3) of the Habitats Directive that HRA examines the potential for plans and projects to have a significant effect either individually or 'in combination' with other plans, programmes & projects (PPPs). The first phase screening (Nov 2008, **Appendix 4**) took into account the following plans in reaching conclusions on likely significant effect:
- Local Development Plans in neighbouring authorities
 - Waste Strategies for the region and neighbouring authorities
 - Regional Transport Plans – where relevant and/or major development schemes
 - Catchment Abstraction Management Strategies – where relevant to the designated sites under consideration
- 3.5 One of the key issues identified was the potential for impacts on **water abstraction** as a result of increased in demand from population and employment growth including the tourist trade - balanced against supply pressures as identified by statutory bodies. The in-combination effects from some plans were considered potentially positive, e.g. the Usk Catchment CAMS will regulate abstraction (including from new development demands) in line with the requirements of CCW's management plan for maintaining the Usk SAC site's integrity.
- 3.6 However, given the sensitivities relating to the River Usk SAC, the re-screening also considered further evidence as provided by EAW's Review of Consents (RoC) process. In coming to conclusions on the potential effect of the NPMP's objectives for water resources it was noted that EAW are currently at Stage 4 of the RoC Habitats Process for the River Wye and Usk SACs, which are being reviewed together due to the conjunctive use of these catchments⁷. The Core

⁷ Welsh Water (2008) Draft Water Resource Management Plan. Main Report.

Management Plan⁸ for the River Usk SAC outlines that the impact of flow depletion resulting from a small number of major abstractions has been highlighted in the Review of Consents process for the River Usk SAC. As a result of this process, flow targets have been set which are considered likely to significantly reduce or remove the impacts on SAC features.

Task 4: Screening Assessment

- 3.7 In line with the screening requirement of the Habitats Regulations, and building on the findings of the first phase screening undertaken (Nov 2008) a further assessment was undertaken to determine the potential for the revised BBNP Management Plan to have likely significant effects at one European site – the River Usk SAC. The screening decision was informed by:
- The finding and evidence base supporting the first screening phase report (**Nov 2008, Appendix 1,2 & 4**); and
 - The review of the updated BBNP Management Plan Aims, Strategic Objectives and Actions and their likely impacts (**Appendix 1, May 2009**).

River Usk

- 3.8 The ecological structure, functions and the conservation objectives for the River Usk SAC are dependent on hydrological and geomorphological processes as well as the quality of riparian habitats and the connectivity of habitats. Activities that alter these processes either temporarily or permanently have the potential to result in significant effects for the habitats and species (migratory fish) within the SAC. The first phase screening noted that a Management Action seeking to adapt reservoirs within the Usk catchment for hydroelectric energy may generate negative effects where changes to the hydrological regime (either upstream or downstream) affect site integrity. The screening assessment noted that the potential for negative impacts was dependant on the scale, location and number of hydroelectric schemes that may result from this management action.
- 3.9 The updated NPMP has taken into account the first phase screening findings and replaced this Management Action. Whilst maintaining a commitment to hydroelectric power, the NPMP now explicitly requires that schemes are 'small scale' and that they are linked to biodiversity interests and stated protection measures provided by the plan. This approach allows the assessment to conclude that alone, the plan will not have a likely significant effect on the River Usk SAC.
- 3.10 The in-combination effects from other plans remain potentially positive, particularly with regard to the Usk Catchment CAMS which will regulate abstraction (including from new development demands

⁸ Countryside Council for Wales (CCW). 2008. Core Management Plan including conservation objectives for River Usk Special Area of Conservation (SAC). Version 1.5, March 2008.

arising from the National Park Local Development Plan) in line with the requirements of the Usk SAC site integrity. Further, EAW's RoCs process has also set flow targets which are considered likely to significantly reduce or remove the impacts on SAC features.

- 3.24 The screening assessment findings suggest that the aims, strategic objective and actions as set out in the updated NPMP would not have a likely significant effect on the River Usk SAC (**Table 3**)

Table 3 HRA Screening Table Summary			
European Sites within Plan/proposal boundaries	Designation	AA required alone?	AA required in combination?
		<ul style="list-style-type: none"> ✘ No ✓ Yes ? Uncertain 	<ul style="list-style-type: none"> ✘ No ✓ Yes ? Uncertain
River Usk	SAC	✘	✘

4.0 CONCLUSIONS, RECOMMENDATIONS

- 4.1 This report updates the findings arising from the first phase screening stage (**Annex 1**) of the Habitats Regulations Assessment undertaken for the BBNP Management Plan, in line with changes made to the plan.
- 4.2 The screening reviewed the updated NPMP aims, strategic objectives and actions, and screened any significant changes or amendments to the plan in line with issues identified through the SA/SEA process (**Appendix 1**). No further impacts were identified as arising from the revised NPMP that were not considered by the first phase of screening. In particular, it was assessed that the changes made to the NPMP with regard to the provisions for hydroelectric schemes, has removed the potential for likely significant effects on the one European Site (River Usk SAC), considered to be vulnerable to developments of this nature (**Appendix 2**).
- 4.3 To support the finding of no likely significant effect the iterative screening (May 2009) also recommended for consideration the inclusion of policy wording that enhances protection for European sites. It is recognised that guidance discourages plan making authorities from including specific policy protection that duplicates the statutory protection afforded by the Habitats regulations, however the BBNP Authority may wish to consider the introduction of a further caveat which states that any development arising from the framework of the NPMP that would be likely to have a significant effect on the SAC would not be in accordance with the management plan.
- 4.4 This report, in conjunction with the first phase screening report (**Annex 1**) provides a record of how the plan is consistent with Welsh Assembly and

wider UK government/EU policy on biodiversity protection. The findings and conclusions are subject to further development of the BBNP Management Plan, and consultation/ advice from the statutory body CCW and the EAW as necessary. The assessment will be revisited in the light of any significant changes to the plan.

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