

PRE-DEPOSIT CONSULTATION (2008) HABITATS REGULATIONS ASSESSMENT	
Organisation/ Comment	Response/Action
Fernhill Rhondda Conservation Group	
<p>1 Representation Text</p> <p>6. Habitats Regulations Assessment Para' no' item 6</p> <p>Item 6 - Habitat Regulation Assessment The Strategic Environmental Assessment is a lengthy document at 784 pages and any attempt to simplify or condense its contents should be made. This section, whilst important for the Environmental Sustainability Issues is much better suited to stand alone for use as a reference document.</p> <p>2 Changes Sought</p> <p>This document must be a REFERENCE document and as such should be presented in its own right.</p>	<p>Noted.</p>
Environment Agency Wales	
<p>1 Representation Text</p> <p>6. Habitat Regulations Assessment</p> <p>The HRA has not considered impacts to Special Area of Conservation (SAC) sites on the outskirts of the county boundary: Cwm Cadlan and Coedydd Nedd Mellte, located approximately 1km away. There was an assessment of the Blaen Cynon SAC and Cardiff Beech Woods within RCT. The assessment found there is a likely significant effect on the Blaen Cynon site, therefore the impacts to Cwm Cadlan and Coedydd Nedd Mellte should be assessed. This is because we would also expect these sites to be impacted by any additional development in the area, as any development, including the proposals in the Hirwaun and Penywaun areas in the Plan, would have stand alone and potential in combination effects upon these SACs.</p> <p>2 Changes Sought</p>	<p>The HRA Screening Report (Dec 2006) assessed the potential for likely significant effects on Cwm Cadlan SAC and Coedydd Nedd a Mellte SAC as a result of the RCT LDP both alone and in-combination with surrounding plans and programmes. The screening assessment concluded that there was no likely significant effects on these European sites and as a result, these sites were not carried forward to the Appropriate Assessment stage of the HRA process.</p> <p>The findings of the HRA Screening Report (Dec 2006) were consulted on and agreed with the Countryside Council for Wales (See</p>

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<p>The HRA should assess and consider potential impacts to the Cwm Cadlan and Coedydd Nedd Melte SAC sites on the outskirts of the county boundary.</p> <p>The HRA has identified impacts from air quality, any additional development and additional transport emissions within the proximity of the SAC sites that would cause additional impacts upon the SAC features. The Environment Agency has undertaken a review of all EAW consents under the Habitats Directive, and our 'Review of Consents Appropriate Assessments' information can be requested. This provides information on local impacts on the sites and any potential in combination effects.</p>	<p>Appendix 1, which accompanies the main AA Report).</p>
<p>Countryside Council for Wales</p>	
<p>Executive summary Paragraph 0.2 We particularly draw your attention to the requirements of regulation 85 of the Regulations and the necessity to demonstrate, after consultation, how the assessment has been amended to take on board the comments made by CCW and, how they are to be incorporated into the plan itself. This amended record of the assessment will then form part of the suite of documents submitted to the inspector. It should also note that where the assessment for particular policies has been deferred to lower tier plans or project implementation, this needs to be clearly justified. In addition, the Assessment should also acknowledge the authority's general duties to have regard to the manner in which the plan would be carried out, and to any conditions or restrictions which could avoid adverse impacts on the European site(s) (Regulation 48(6) of the Conservation (Natural Habitats &amp;c) Regulations 1994). Given both of these points, it is clear that the RCT Local Development Plan will need to continue to make reference to the Habitats Regulations regardless of the completion of this element of the HRA process.</p>	<p>Noted, the report has been amended to reflect this.</p>

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<p>2.0 Method Paragraph 2.3 In general, CCW commends RCT on the positive iterative way it has approached the HRA process. We agree with Blaencynon SAC being identified as requiring further appropriate assessment but we are still unclear why some European and international sites outside the County boundary were excluded on the basis of an arbitrary 5km "buffer zone". This is inappropriate and, as illustrated in the evaluation of significant effects on the Cardiff Beech Woods SAC, artificially excludes potential impacts from the Plan on sites considerably further afield. For example, the plan will require additional water resources, some of which may come from designated SAC Rivers such as the Usk and Wye. While we are not suggesting that the screening exercise is repeated, it would be a suitably precautionary approach for the local authority to satisfy itself that there are no impacts on these sites inherent to the plan.</p>	<p>Ruth check with RCT regarding water supply.</p> <p>The findings of the HRA Screening Report (Dec 2006) - including the methodology used for scoping and screening - were consulted on and agreed with CCW (See Appendix 1, which accompanies the main AA Report).</p>
<p>3.0 Re-screening of Cardiff Beech Woods SAC. Paragraph 3.3 While we agree that, when considered alone, the proposals contained within the RCT LDP are unlikely to have a significant effect through increased recreation pressure on the Cardiff Beech Woods SAC, we feel this is primarily due to the provision of adequate alternatives supported and encouraged by the plans various health, access and biodiversity policies. We do not feel that the distance limitation is a valid justification, as while it states that 49% of recreational visits involve journeys less than 4.7 km, the corollary is that 51% of journeys are over this distance which might include considerable new developments identified in the plan.</p>	<p>Noted, the report has been amended to reflect CCW's comments on the provision of the plan.</p>
<p>Paragraph 3.4 There may be in-combination effects relating to recreational impacts on the site from, for</p>	<p>Noted (Air Quality monitoring in SA/SEA).</p>

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<p>example, visitors from Cardiff City Council and Caerphilly CBC areas. It is unclear how the plan could be effectively amended to avoid such in-combination effects, as the main points of concern are outwith the plan area (Castell Coch and Cwm Nofydd), thus making obvious mitigation measures, such as implementing effective visitor management, beyond the scope of the plan. We, therefore, concur with the assessment within the report in relation to this aspect.</p>	
<p>Paragraph 3.5 We concur with the assessment made in relation to air quality and providing there is effective implementation of the positive sustainable transport measures. We also note the positive commitment towards implementing suitable air quality monitoring (potentially in conjunction with other competent authorities). We look forward to seeing this being incorporated in the plan itself and would welcome the opportunity to work with the Authority to re-appraise it should any negative effects be identified as a consequence of the monitoring. Providing these recommendations are complied with then we concur that the plan is unlikely to have a significant effect on the Cardiff Beech Woods SAC through the vector of increased localised air pollution.</p>	<p>Noted.</p>
<p>4.0 Appropriate Assessment – Blaen Cynon SAC</p> <p>CCW notes the changes made to the preferred strategy to ensure that the allocations within the deposit plan no longer include an area of the Blaencynon SAC and also incorporate certain mitigation and avoidance measures. However, as discussed below, we feel that additional measures would be appropriate to ensure the Plan takes a suitably precautionary approach to this site.</p>	<p>Noted, please see following responses.</p>
<p>Paragraph 4.6 Air Quality. While it is correct that the Blaencynon</p>	<p>Noted, <b>the report will recommend that air</b></p>

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<p>Management Plan and Conservation Objectives do not currently identify air quality as a significant factor affecting the favourable condition of the marsh fritillary feature, it does have the potential to have some impact on the site, particularly as the key pollutants such as nitrogen oxides are already at or close to their critical load for the marshy grassland supporting habitat. We concur with the assessment that, providing the general policy implications are complied with in relation to air quality and sustainable transport support, there are unlikely to be significant impacts alone from the proposals within the plan. However, given the significant proposed upgrading to the trunk road network (A465 duelling) and the unknown nature of the proposed developments surrounding the site, there may be potential in-combination effects, which are likely to become more clear as our understanding of the site improves and the proposed management actions implemented. Therefore, we think it would be a suitable precautionary approach for the plan to incorporate appropriate air quality monitoring for the site to ensure that impacts over the timescale of the plan, in combination with other plans and projects, do not lead to an exceedence of the critical loads for the site and consequently lead to significant adverse effects. We look forward to seeing this being incorporated in the plan itself and would welcome the opportunity to work with the Authority to re-appraise it should any negative effects be identified as a consequence of the monitoring.</p>	<p>quality monitoring at Blaen Cynon SAC will be incorporated into the LDP monitoring and review framework.</p>
<p>Paragraph 4.8 Hydrological Regime. The maintenance of the hydrological regime is critical to the favourable conservation status of the site. While it is correct to state that the site is near the headwaters of the River Cynon we are unsure of how the surface and groundwater systems within the site interact and, therefore, it is incautious to assume that abstractions from near the site will not have any impact on the water levels</p>	<p>Noted, the report will recommend that the following text be incorporated into the LDP (Ruth to discuss with RCT the most appropriate place to insert text):</p> <ul style="list-style-type: none"> <li>■ 'In line with the Habitats Regulations, it will be necessary for project level assessments to be undertaken for development associated with employment allocation 9</li> </ul>

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<p>on the site, even if it is focused further downstream. Any abstraction associated with proposed developments within the plan should be clearly identified as needing further detailed appropriate assessment at the detailed proposal stage (ie at the lower tier planning stage). In addition, if any of the proposals are likely to require on-site abstractions as a requirement of their implementation, then this should be assessed further prior to plan adoption.</p> <p>This is particularly important for the developments associated with strategic site 5 and potentially employment allocation 9 and some of the housing allocation within strategic site 4. These potential impacts have been effectively identified in the assessment, however, we are unconvinced that the proposed avoidance and mitigation measures are sufficiently precautionary to ensure the framework for development that is being set by the plan will not be compromised at the project implementation stage. The addition of suitable caveats relating to water resources, site design and, potentially, monitoring should provide sufficient confidence for an assessment of no likely significant effect to be reached. We look forward to seeing these measures incorporated into the final report and plan.</p>	<p>and strategic sites 4 and 5, to ensure that Blaen Cynon SAC will not be adversely affected by any development proposals. Development which cannot demonstrate no adverse effect will not be permitted by this Plan.</p>
<p>Paragraph 4.10 Habitat loss and Fragmentation.</p> <p>The assessment correctly identifies the importance of suitable habitat outside the site boundary to achieving favourable conservation status for the marsh fritillary feature. We also note that, following the earlier screening and consultation exercise, development allocations proposed within the boundary of the SAC itself have been amended. The role of the assessment, therefore, is to ensure that the plan policies and allocations do not set the framework for development that may compromise the integrity of the SAC, and consequently, lead to complications, or even refusal of</p>	<p>Noted, this will be addressed through the requirement for project level HRA (please see response above), which will ensure that development will either avoid these key habitat areas or provide appropriate mitigation prior to development progressing.</p>

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<p>permission, at the detailed implementation stage. To ensure this is the case, any proposed development affecting suitable habitat to support the marsh fritillary feature (ie policy allocations NSA 14, strategic site 5; Land South of Hirwaun and Employment allocation 9 (north of Fifth Avenue, Hirwaun industrial estate)) should clearly identify the potential for adverse effects and must include clear mitigation or avoidance measures. We note that some justification is given as to why the impact from some of these developments will be lessened, however, the loss of only small areas of land may still be significant in the context of maintaining favourable conservation status. Similarly, separation of the proposed development site from the SAC needs to be considered carefully as marsh fritillaries are a mobile feature and while dispersal is limited, they can (as the assessment notes) travel up to 2km. The potential in-combination effects that may result from the proposed duelling of the A465 which will further complicate any proposed mitigation and avoidance measures.</p>	
<p>Developing avoidance and Mitigation measures. Paragraph 4.17. We welcome and support the proposed mitigation outlined in this and the following paragraphs. However, we feel it falls somewhat short in ensuring that significant adverse effect will be avoided. Our understanding of the ecological requirements of marsh fritillaries is continuously improving, but current evidence suggests that a minimum of 50ha of suitable habitat is required and potentially as much as 100ha is desirable to ensure the maintenance of favourable conservation status. We would draw your attention to the draft report "Strategic Assessment of the Marsh Fritillary Butterfly and its Habitat in Rhondda Cynon Taff – Document Ref 2132c/1027, 2005" prepared for RCT CBC by Richard Smith on behalf of the Earth Science Partnership. This</p>	<p>Noted, this will be addressed through the requirement for project level HRA (please see response to paragraph 4.8), which will ensure that development will either avoid these key habitat areas or provide appropriate mitigation prior to development progressing.</p>

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<p>report identifies the key marsh frillary habitat around Blaencynon and this should be used to inform and guide the mitigation and avoidance measures contained within the key policies listed above. In particular, the strategic polices should clearly state that proposed development will either avoid these key habitat areas or acknowledge the necessity for full mitigation (including like for like replacement or securing suitable habitat management of alternative areas of habitat), subject to detailed site evaluation, prior to development progressing. This will not fully address the issue of habitat fragmentation or loss of connectivity between areas of suitable habitat. However, a suitably worded change to the policies (particularly those relating to strategic site 5), along the lines indicated, should ensure that such connections are fully considered and accommodated for at the detailed project implementation stage. Providing these steps, and the ones outlined with respect to air quality and hydrology, are taken, then we feel that the overall assessment is a reasonable conclusion.</p>	

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Confederation of UK Coal Producers	
<p>1. Representation to SA of Area Wide Policies</p> <p>Page No. 33 Para No. 5.30</p> <p>The extraction of coal does NOT contradict the objective to reduce carbon emissions and minimise the impacts of development on climate change. The transport of imported coal results in carbon emissions of between 4% and 9% of the emissions from burning it. The transport of indigenous coal results in carbon emissions of only 0.1% of the emissions from burning it. It follows from this that as long as coal is burned in Wales, extracting it in Wales represents THE LOWEST CARBON OPTION OF THE AVAILABLE ALTERNATIVES.</p> <p>With respect to the burning of coal, both National policy and the policy of the Welsh Assembly Government envisage the continued use of coal for electricity generation as an essential contribution to security of supply. The policy of both the UK Government and the Welsh Assembly Government is to encourage the development of technologies to minimise carbon emissions from the burning of coal on climate change grounds. In neither case is the policy opposed to the burning of coal on climate change grounds.</p> <p>2 Changes Sought</p> <p>The second sentence of para. 5.30 is simply incorrect as well as being both naive and superficial.</p> <p>Either the sentence should be deleted or it should be extended and qualified to reflect:-</p> <p>(i) Energy policy both for the UK and for Wales recognises the contribution made by coal to security of supply and encourages the development of clean coal technology; and</p> <p>(ii) The fact that whilst ever coal is consumed in Wales, extracting it within Wales as opposed to importing it represents THE lowest carbon option of the available alternatives.</p> <p>12/06/2009 Page 4852 of 4870</p>	<p>WAG current position on energy is summed up in the quotation below:</p> <p>".....radically reduce by 80-90% our use of carbon-based energy, resulting in a similar reduction in our greenhouse gas emissions. This reflects the latest estimates for action needed to address damaging climate change. It would support our commitment to make annual 3% reductions in greenhouse gas emissions in areas of devolved competence; and our ambitions to make all new buildings zero carbon buildings; and to move to producing as much electricity from renewable sources by 2025 as we consume."</p> <p>One Wales: One Planet The Sustainable Development Scheme of the Welsh Assembly Government May 2009</p> <p>Therefore while some use of local coal in clean technologies may be acceptable in the short term there is a clear 2025 commitment to renewable sources of energy.</p> <p>No Change</p>

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<p>1 Representation Text</p> <p>1.14 - Sustainability Appraisal Work to Date</p> <p>CCW note that within the list of consultee responses listed in appendix 2 of the SA Report (covering both the scoping and preferred strategy consultation) only the CCW response to the monitoring and indicators consultation is included. CCW responded to both the previous consultations and included a number of comments of significant concerns regarding the assessment process, particularly the application of the process to the Strategic Options and Policies. For example, in our response of 20 February 2007, we highlighted our concerns about the level of detail in what is now table ii in appendix V and the conclusions that have been drawn from fairly generic statements, such as in the built environment section, the statements in the final two columns are very similar and yet the conclusions are different. This is still the case and no justification has been given. Similarly in we raised a number of significant concerns with the strategic policies appraisal, including the different conclusions drawn for policies with very similar overall effects (for example, SP1 and 2 on water objective) and the very similar statements of effects arriving at different conclusions for impacts (for example, assessment for Biodiversity under SP 1 and 2). There may be genuine reasons, identified through the appraisal process itself, for these differences, but without a clear justification it appears that our concerns remain unanswered and, therefore, must remain.</p> <p>2 Changes Sought Table ii, Appendix V. Clear justification is required where different conclusions are drawn from very similar statements.</p>	<p>CCW's comments to the previous consultations (2006, 2007) were considered and have informed the ongoing SA/SEA and the development of the plan.</p> <p>The consultation responses and comments are included in an updated Appendix II to the SA/SEA documents and we apologise for their omission in most recent consultation version on which CCW have provided these comments.</p> <p>The issue of similar statements leading to different conclusions overall was addressed in the earlier response to commentary provided. Please refer to the relevant section in [this] Appendix II.</p>

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<p>1 Representation Text 1.15 - Habitats Regulations Assessment (HRA) CCW welcome the production of the HRA for the RCT LDP. While the HRA is a separate document, it should be noted that it feeds directly into the plan where relevant and any findings or conclusions from the HRA process should be incorporated within the SEA and the LDP itself where appropriate.</p> <p>2 Changes Sought Any findings or conclusions from the HRA process should be incorporated within the SEA and the LDP itself where appropriate.</p>	<p>The HRA process has informed the SA/SEA process and the LDP.</p>
<p>1 Representation Text</p> <p>3.0 Sustainability Context and Objectives 3.2 – Review of relevant Plans (Policies) and Programmes (PPPs).</p> <p>We note that the list of plans, policies and programmes contained in appendix II is a limited selection. While we appreciate that the wide selection of PPPs considered during the scoping stage will have varying degrees of relevance to the RCT LDP, the restricted list contained in the SA report goes some way to explain why the list of key issues and opportunities listed in 3.3 does not include climate change adaptation and mitigation measures, conservation of water resources, the health benefits from access to a quality environment, improving air quality etc.</p> <p>2 Changes Sought</p> <p>We would wish to see a full list of all PPPs considered in the SA development process with a rationale why some have not been considered beyond the scoping stage included in the final Environmental Report.</p>	<p>Whilst the list in paragraph 3.3 does not specifically refer to what can be considered generic sustainability issues such as the need for water conservation, climate change adaptation and mitigation measures, and the need for a high quality environment, these issues are all encompassed in the SA Framework and therefore have been given due consideration during the SA/SEA process. The list referred to highlights concerns specific to RCT thereby illustrating that the SA has been made locally relevant and designed to address both the generic global and national issues whilst also illustrating understanding of the local context of the LDP.</p>
<p>1 Representation Text</p> <p>3.0 Sustainability Context and Objectives 3.11 - Sustainability Characteristics and Issues</p>	

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<p>Environment. There are a number of designated sites within the RCT plan area, however, we would wish to see some qualitative justification for the statement that RCT has a "large amount of land designated for nature conservation protection" in terms of percentage land cover/comparison with neighbouring local authorities. This is particularly important as it is used a number of times within the assessment to justify why identified negative impacts or additional mitigation measures are not being considered further in the evaluation.</p> <p>- Culture – in addition to a rich historical heritage and some outstanding LANDMAP aspect area assessments RCT also has two landscapes of special historic interest (The Rhondda itself and part of East Fforest Fawr and Mynydd-y-Glog). While these are not statutory designations they are material considerations and should have been considered in the baseline data evaluation.</p> <p>2 Changes Sought</p> <p>We would wish to see some qualitative justification for the statement that RCT has a "large amount of land designated for nature conservation protection" in terms of percentage land cover/comparison with neighbouring local authorities.</p> <p>Landscapes of special historic interest (The Rhondda itself and part of East Fforest Fawr and Mynydd-y-Glog) should have been considered in the baseline data evaluation.</p>	<p>The SA/SEA has taken account of the historic landscape interest of the area including non statutory designations – data gaps have been noted and revisited as part of the baseline review process.</p>
<p>1 Representation Text</p> <p>3.0 Sustainability Context and Objectives 3.12 – Key Sustainability Issues</p> <p>This issues identified in this section seem to be effectively setting out the scenario of what would happen in the absence of the plan. If this is the case, it should be noted within the text as it is one of the elements that you correctly identify later in the document as</p>	

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<p>being a requirement of the SEA regulations. We would also expect, therefore, issues such as the "continuing decline in key biodiversity indicators" to be included and "Natural Heritage" to be added to "cultural and historical" in the bullet point identifying increasing development on unprotected sites.</p> <p>2 Changes Sought</p> <p>3.12 – Key Sustainability Issues:</p> <p>This issues identified in this section seem to be effectively setting out the scenario of what would happen in the absence of the plan. This should be noted within the text.</p> <p>Issues such as the "continuing decline in key biodiversity indicators" to be included, and "Natural Heritage" to be added to "cultural and historical" in the bullet point identifying increasing development on unprotected sites.</p>	<p>Disagree. The issues identified are the sustainability issues and trends, both negative and positive, that prevail in Rhondda Cynon Taf and which must be recognised and given consideration in the plan making process.</p> <p>Agreed Change: text updated to reflect comment.</p>
<p>1 Representation Text</p> <p>3.0 Sustainability Context and Objectives Table 3.1 The SA Framework</p> <p>CCW welcome the clear way that changes made to the SA Framework in response to the consultation process have been presented. However, we are somewhat disappointed that while some of our comments (such as inclusion of Public Access to Natural Green Space) have been included, others have not. That aside, the majority of the objectives are reasonable and appropriate and the decision aiding questions useful and informative.</p> <p>2 Changes Sought</p> <p>None.</p>	<p>Noted.</p>
<p>1 Representation Text</p> <p>3.0 Sustainability Context and Objectives</p>	

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<p>Table 3.2 Sustainability Appraisal Key</p> <p>CCW welcomes the scoring key used as a clear and effective way of identifying the potential sustainability impacts of the various elements of the plan. However, as raised in previous comments and noted again below, some of the scores assigned to policies and options are not always clear and the justification for whether monitoring or mitigation is required for a options with a less sustainable score sometimes confusing or even in some cases contradictory. It is inevitable in such a complex process that errors are sometimes made or, in the absence of sufficient baseline data, judgements questioned. However, it is important that where possible as the plan progresses towards adoption, errors are corrected and if high levels of doubt or uncertainty still exist, then they are noted as such and appropriate measures incorporated in the monitoring Strategy.</p> <p>2 Changes Sought</p> <p>The scoring key. it is important that errors are corrected and, if high levels of doubt or uncertainty still exist, then they are noted as such and appropriate measures incorporated in the monitoring Strategy.</p>	<p>Noted.</p> <p>The appraisal scoring has been reviewed, recognising that it is a qualitative process founded on professional judgement and that difference experts on different occasions could make contrasting judgements.</p> <p>The monitoring strategy specifically addresses issues raised through the SA process as potentially leading to uncertain effects or possible negative effects that should be captured and addressed by monitoring.</p>
<p>1 Representation Text</p> <p>4.0 - SA of the Preferred Strategy 4.5 – SA of Strategic Policies.</p> <p>The summaries of the assessments of the 12 Strategic Policies reflect reasonably well the assessment process, however, there are number of points of concern with the outcomes. Several of the strategic policies assessments highlight potential negative impacts, with an emphasis on the environmental factors as identified in section 4.18. It must be remembered that the SA process gives equal weight to all the</p>	<p>Noted.</p>

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<p>assessment categories (eg economic), while the SEA process concentrates on the environmental aspects. Great care is, therefore, required to ensure that negative assessments against the environmental criteria are not masked in the overall assessment by more positive assessments against broader SA criteria. The presentation of this element within the SA report does not make it easy or straightforward to see if this was the case or how appropriate changes to, or mitigation for, these potential negative impacts were taken forward within the LDP process. This is an important point, as a failure to demonstrate how the negative environmental impacts of the plan have been adequately addressed may be interpreted as a failure to comply with the SEA Regulations. However, we do acknowledge that further assessment was carried out on the detailed policies in the Deposit Plan (see comments below on Section 5), and we welcome the inclusion of the table in Appendix VII which shows how the plan has sought to address some of the recommendations within the SA report.</p> <p>2 Changes Sought</p> <p>4.5 – SA of Strategic Policies.</p> <p>Great care is required to ensure that negative assessments against the environmental criteria are not masked in the overall assessment by more positive assessments against broader SA criteria. The presentation of this element within the SA report does not make it easy or straightforward to see if this was the case or how appropriate changes to, or mitigation for, these potential negative impacts were taken forward within the LDP process.</p>	<p>The SA report will be revisited to clarify, where appropriate that environmental issues have been identified and show how suggested mitigations have been carried forward in the LDP.</p>
<p>1 Representation Text</p> <p>4.0 - SA of the Preferred Strategy 4.27 - Compatibility Analysis of Site Specific Allocations Selection Method.</p>	

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<p>The issues raised above also apply to a certain extent to this section. The process once again seems overly complex; the SA objectives developed in the early stages being applied to an alternative set of objectives, making it difficult to see how the SEA assessment process has been applied to the final results (ie the allocations). This does not mean that the evaluation itself is incorrect or inappropriate, but simply that it is not easy to see how the candidate site allocation method has effectively implemented the SEA assessment process and therefore taken on board all the potential modifications that would have otherwise been recommended.</p>	<p>The report and the process are SEA compliant as the candidate site assessment process was checked for compatibility with the SA Framework which in turn was related to SEA topics. Within the methodology, alternatives were assessed through the stage one assessment and baseline information was used to predict sustainability outcomes, including environmental, outcomes. Furthermore the overall strategy and individual strategic allocated sites were assessed against the full SA Framework.</p>
<p>1 Representation Text</p> <p>4.0 - SA of the Preferred Strategy 4.33 Habitats Regulations Assessment (HRA) Screening –</p> <p>Comments on the HRA are made separately but CCW welcome the incorporation of the findings of the assessment within the SA report.</p>	<p>Noted</p>
<p>1 Representation Text</p> <p>5.0 SA of Deposit Plan</p> <p>CCW welcomes the further assessment carried out as part of the iterative plan production process. The detailed policy appraisal tables in Appendix VI are particularly helpful in determining how the SA objectives have been applied to the detailed policies and we note that, in the main, the majority of policies perform well against the Sustainability Objectives.</p> <p>Unfortunately, the comments and recommendations identified in relation to specific objectives in Appendix VI are not always reflected in the LDP Progression table 5.5 (and Appendix VII) which often tends to address the "generic" response to the policy and not the specific issues identified. Where a key environmental issue has been identified in</p>	<p>Noted.</p> <p>The progression table reflects the key changes made as a result of SA recommendations. As CCW note, changes were also made in the actual plan as a result of recommendations, demonstrating the influence and role of the appraisal process in delivering more sustainable outcomes.</p>

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<p>Appendix VI we would be looking for this to be either clearly addressed in the LDP Progression Table (and therefore reflected in the deposit LDP) or picked up as a monitoring requirement in the monitoring strategy. We do note that some of these issues may have been addressed in the actual plan itself and that changes and re-numbering of policies has further complicated the process but, in the interests of clarity, some effort should be made to address this in the SA report.</p> <p>2 Changes Sought</p> <p>Where a key environmental issue has been identified in Appendix VI we would be looking for this to be either clearly addressed in the LDP Progression Table (and therefore reflected in the deposit LDP) or picked up as a monitoring requirement in the monitoring strategy.</p>	<p>The monitoring strategy reflects the key sustainability and environmental issues identified through the SA/SEA process as requiring monitoring.</p>
<p>1 Representation Text</p> <p>5.7 &amp; 5.8 CS3 Strategic Sites &amp; CS4 Housing Requirements</p> <p>– the comments made above in relation to section 4.27 [Representation no. E9] are still applicable although the assessment of the specific allocations against the SA objectives does help to clarify and give confidence to the assessment results.</p>	<p>Noted</p>
<p>1 Representation Text</p> <p>5.12 CS8 Transportation –</p> <p>The cumulative, in-combination and synergistic effects of the transportation policies (particularly major roads schemes) have not been particularly well covered in the SA report, though we note the positive effects identified for the strong public transport and commuting minimisation policies we also note the negative effects identified in table 5.4. In addition, the acknowledgement of the issues raised in the assessment and the</p>	<p>Noted.</p> <p>The SA informs the LDP process but the LPA is not bound to accept or reflect all the recommendations provided through the appraisal process. Changes to the plan are a matter for the LPA.</p>

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<p>recommendations subsequently made within the SA report have not been incorporated particularly well in the LDP.</p>	
<p>1 Representation Text</p> <p>5.29 &amp; 5.30 AW14 Safeguarding minerals &amp; AW 15 Community Amenity Buffer Zones –</p> <p>While we appreciate that these policies have undergone significant amendment as a result of the consultation process it is not clear within the report how they have been assessed or how the assessment of the previous policies (NSA32 and SSA 30, 31 &amp; 32) now applies to these.</p> <p>2 Changes Sought</p> <p>We would seek further clarification of how the SEA process has been applied to these policies.</p>	<p>The policies have been subject to appraisal in the form they now appear in the current document. As such they have been appraised in precisely the same way as the other plan policies against the SA Framework which incorporates the required SEA topics.</p> <p>The appraisal has been undertaken in an iterative manner therefore the assessment of previous policy versions has informed the appraisal these revised policies in an ongoing manner.</p>
<p>1 Representation Text</p> <p>Table 5.2 Summary of Southern Strategy Area Policy SSA 4 Development in the key settlement of Tonyrefail and SSA 10 Housing allocations –</p> <p>We note that the overall assessment for these policies (and associated allocations) is relatively positive. However, this assessment seems to be primarily based on the assumption that all the development will be within the settlement boundary. We note that significant areas of a protected site (Rhos Tonyrefail SSSI) and other priority biodiversity habitat lie within the settlement boundary and are, therefore, surprised that further consideration of this was not considered within the SA for this policy. We would expect at least some evaluation of the impact of significant new development on these biodiversity resources and potential recommendation of mitigation and monitoring to ensure any adverse environmental impact from this policy is minimised. We do note that in the evaluation</p>	<p>Noted.</p>

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<p>for policy SSA 10, it is identified that one of the allocations does contain part of the above mentioned SSSI and recommendations are made but we also note that the LDP only proposes that survey and mitigation should be carried out prior to development taking place and not agreed prior to allocations being finalised as recommended. CCW fully appreciates that the designation of a Site of Special Scientific Interest does not preclude development but both policy and legislation strongly indicate that the presumption should be against development wherever possible. Given that the LDP sets the framework for development we feel this is a weakness in the SA report but, more importantly, represents significant failing in the translation of the SA/SEA process into the deposit plan.</p> <p>2 Changes Sought</p> <p>We would expect at least some evaluation of the impact of significant new development on these biodiversity resources and potential recommendation of mitigation and monitoring to ensure any adverse environmental impact from this policy is minimised.</p>	<p>This issue is addressed and noted in the site specific appraisal. The SA informs the LDP process but the LPA is not bound to accept or reflect all the recommendations provided through the appraisal process. Changes to the plan are a matter for the LPA.</p>
<p>1 Representation Text</p> <p>Table 5.4 Significant Negative Effects Emerging from the LDP –</p> <p>While we appreciate that it is not the purpose of the SEA process to remove all negative environmental aspects from a plan as complex and all encompassing as an LDP, it is required that such effects are identified, where possible quantified and mitigation or monitoring proposed to ensure they are avoided or minimised. We welcome, therefore, the inclusion of table 5.4 ....</p> <p>2 Changes Sought</p> <p>..... but feel some sort of response is required either within the SA report (perhaps as part of the monitoring strategy) or within the plan</p>	<p>Table 5.4 highlights the negative effects which are predicted from the implementation of the plan as required under SEA regulations. The report puts forward mitigation suggestions where appropriate and possible but acknowledges that not all effects, social economic or environmental, can be entirely mitigated in the light of the level of development required.</p>

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itself.	
<p>1 Representation Text</p> <p>5.5 Summary of key recommendations and LDP progression.</p> <p>Subject to the comments above CCW welcomes the changes made in the LDP as a result of the SA/SEA process.</p>	Noted
<p>1 Representation Text</p> <p>5.36 &amp; 5.37 HRA Appropriate Assessment –</p> <p>Comments will be made separately on the HRA assessment of the LDP but CCW welcomes the inclusion of the findings of the HRA process within the SA report.</p>	Noted.
<p>1 Representation Text</p> <p>6.0 Implementation and Monitoring</p> <p>CCW welcomes the inclusion of this detailed monitoring strategy and the clear way it sets out the role of monitoring within the SEA/LDP process. We particularly welcome the inclusion of sustainability indicators linked to the Spatial Plan and the Welsh Assembly Government's sustainable Development Scheme, .....</p> <p>2 Changes Sought</p> <p>..... though we would also recommend including indicators from the Wales Environment Strategy where appropriate and identifying specific indicators for the potential negative impacts identified in table 5.4.</p> <p>Table 6.1 Sustainability monitoring proposed targets and indicators</p> <p>2 culture and heritage - consider adding an indicator for the number of developments effecting Historic Landscapes requiring an ASIDOHL</p> <p>3 communities – consider an indicator relating</p>	<p>Noted.</p> <p>Noted.</p> <p>The indicators proposed reflect the key issue identified previously in consultation with CCW and take account of CCW's comments and suggestions.</p> <p><b>Include play space indicator??</b></p>

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<p>to the Accessible Natural Green Space Assessment for RCT (eg % of communities meeting the minimum requirements), this indicator would also cross reference to 4 – health.</p> <p>9 Landscape – consider using the LANDMAP criteria (eg number of developments having positive or negative impacts on LANDMAP aspect layer(s))</p> <p>10 Biodiversity – CCW support the link to BAP habitats and species but you may also wish to consider improvements to ecological connectivity and/or Ecosystems good and services.</p> <p>12 Climate Change – the plan should include some measure for adaptation to climate change (possibly link to water energy and soils)</p> <p>Specific additional monitoring indicators and targets associated with the recommendations of the HRA should also be incorporated, notably air quality monitoring around the Cardiff Beech Woods SAC and Blaencynon SAC, water level monitoring around the Blaencynon SAC and monitoring of suitable marshy grassland habitats around the Blaencynon SAC, particularly associated with particular habitat creation/management mitigation measures.</p> <p>Additional monitoring indicators may be identified from the plan itself.</p>	<p>Noted.</p>
Fernhill Rhondda Conservation Group	
<p>1 Representation Text</p> <p>5. SA Recommendations and progression.</p> <p>Page 759 appendix V11</p> <p>This document contains the proposed changes and the Council's comments on those changes</p> <p>The Deposit Draft Local Development Plan 2006 - 2021 has been checked to see if these changes have taken place</p> <p>Policy NSA 5</p>	<p>The SA informs the LDP process but the LPA is not bound to accept or reflect all the recommendations provided through the appraisal process. Changes to the plan are a matter for the LPA.</p>

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<p>The SEA comments show how unsuitable this is as a Strategic Site, but the Council are determined to take this site forward. The only comment the Council made was the need for mitigation measures for the Environmental Issues (which include driving the access road across ancient Meadowland, bearing a SINC designation).</p> <p>The serious problems of access to this site for both Public Transport and Cars, Contamination, Flooding Issues, Sewerage Issues, and the Intrusion into the Wonderful Landscape of Historical, Geological and Cultural note - has been glossed over. It is this plethora of problems that made the site fail so many of the Sustainability Criteria.</p> <p>2 Changes Sought</p> <p>If the Council can over-ride the results of the lengthy Sustainability Appraisal and the advice of the Experts in their respective fields, it brings into question the whole LDP process.</p>	
<p>1 Representation Text</p> <p>SA Recommendation and Progression Page 761 Para item 1 Appendix V11 Policy NSA 12</p> <p>This document contains the proposed changes and the Council's comments on these changes The Deposit Draft Local Development Plan 2006 - 2021 has been checked to see if these changes have taken place. Policy NSA - 12 Boundary Changes Sustainability Appraisal: Progression Table NSA 12 Settlement Boundaries The Council disagreed with the suggested changes , the explanation of the reason given makes specific reference to "defined problems in Housing supply".</p>	<p>The SA informs the LDP process but the LPA is not bound to accept or reflect all the recommendations provided through the appraisal process. Changes to the plan are a matter for the LPA.</p>

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<p>The Statistical data used for the housing apportionment allocated a total of 45 houses to the Treherbert Ward. Many more than this have recently been approved by planning. Therefore there is no problem in housing supply in the Treherbert area.</p> <p>The boundary changes have allowed 600 houses to be allocated in the Treherbert Ward. Surely this is a contradiction to the statement above. Also the word need has not been qualified.</p> <p>This is more than excessive; there is no justification or need for this number of houses in this ward.</p> <p>2 Changes Sought</p> <p>The SEA exercise was time consuming and expensive and if it's guidelines are not followed why was it necessary in the first place</p>	
<p>1 Representation Text</p> <p>1. SA of Core Strategy No1 SA of Core Strategy</p> <p>The document as a whole is much too technical for the average member of the Public to comprehend.</p> <p>The contents information at the start of the report states "Appendices (available separately)"</p> <p>I tried unsuccessfully to access then through the available Electronic means, this necessitated me trawling through the 784 page document for the page I required!</p> <p>This consultation is based upon information provided in appendix V1 and V11. Section 5.0 SA of Deposit Plan 2009 bullet point 7. I was probably one of the few people who took the time to read the full report.</p> <p>The SA of Core Strategy SA of Area Wide Policies SA of Strategic Areas</p>	<p>The document has to be written to comply with both SEA and SA regulations. However a non technical summary, which is a specific requirement of the SEA Directive is also provided and comments are noted.</p>

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<p>Whilst the comments in the suggested mitigation and enhancement measures are appropriate and interesting to note, there is no indication given that they have been addressed. This comes much later in the LDP Progression Table.</p> <p>Nonetheless at this point we are being asked to comment upon a set of Strategies which could have changed before the final version of the Deposit Draft Local Development Plan was issued.</p> <p>2 Changes Sought</p> <p>THE DOCUMENTS SHOULD BE MADE MORE UNDERSTANDABLE</p>	
Agent: Burges Salmon Client: Nuon Renewables	
<p>1 Representation Text</p> <p>This representation relates to the SA of Area Wide Policies Page No. 32 Para No. 5.28</p> <p>The SA goes on to recommend that "...site restoration needs to be appropriately considered to improve the performance of the policy." (para 5.28) and that if this recommendation is adopted the assessment would be classified 'no sustainability constraints, development acceptable'.</p> <p>Nuon would welcome the adoption of the recommendation however, any stipulation of site restoration proposals made in the Deposit Plan must ensure flexibility is maintained to secure the best outcome for the SSA F identified in TAN 8.</p> <p>2 Changes Sought</p> <p>None</p>	Noted
<p>1 Representation Text</p> <p>Representation to SA of Area Wide Policies Page No. 434 Para No. 9</p>	

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<p>The suggested mitigation and enhancement measures should acknowledge that, in accordance with TAN 8, within (and immediately adjacent to) SSA's, the implicit objective is to accept landscape change i.e. a significant change in landscape character from wind turbine development (TAN 8 Appendix D, Paragraph 8.4).</p> <p>2 Changes Sought</p> <p>Insert after "site restoration proposals", "having regard to the policy in TAN 8 that within, and immediately adjacent to, SSA's, significant landscape change should be accepted".</p>	<p>This paragraph refers to the visual impact when the wind turbines are in situation rather than if they become redundant. It is entirely accepted that there will be change within and adjacent to the turbines during the operational period but the mitigation is suggested so that impact is minimised if, and when, other technologies replace the current demand for on shore wind energy generation.</p> <p>No change.</p>
<p>1 Representation Text</p> <p>Representation to SA of Area Wide Policies Page No. 432 Para No. 1</p> <p>The nature of the sustainability effect of policy on the SA Objective of Housing is unlikely to be 'No impact on the provision of housing'. However AW 13 itself states that any proposal for wind farm development should be located at least 500m from the nearest residential property recognising the difficulties that can arise from conflicting land uses. In making this representation it should be noted that Nuon does not accept the absolute nature of this part of Policy AW 13.</p> <p>2 Changes Sought</p> <p>Re-evaluate the impact of AW 13 on housing particularly the strategic sites identified in Draft Deposit Local Development Plan NSA 5 housing and housing built in accordance with AW 9</p>	<p>The amount of housing brought forward by Policy AW9 Buildings in the countryside is likely to be very small and therefore it is not considered that Policy AW13 will have a significant effect.</p> <p>Policy NSA 5 refers to the strategic site at Former Fernhill Colliery Site, Blaenrhondda for 400 houses and represents the sustainable redevelopment of a previously developed site. Given the wide area covered by the SSA and the requirement for wind turbines to be sited only 500 metres from residential development it is considered that there is scope for both forms of development to be accommodated. AW13 only refers to large wind turbine development (over 25m) whilst Policy AW12 refers to small wind turbine development and does not put a distance restriction on wind turbine development.</p>

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	All applications will be determined in accordance with TAN 8 which also recommends that "At the local level, accepted thresholds of change, having regard to nationally developed energy capacity targets, can be established by more detailed assessments". When carried out this work should further inform the capacity of the SSA in this location.
<p>1 Representation Text</p> <p>Representation to SA of Area Wide Policies Page No. 437</p> <p>The SA states that "The issue of necessary transmission cables and pylons to serve developments of this scale are even more significant in terms of impacts on landscape and biodiversity..."</p> <p>It is not apparent what the SA's basis for claiming that the issues of cables and pylons serving the wind farm development are even more significant in terms of impact on landscape and biodiversity than the turbines.</p> <p>The SA goes on to recommend that the policy be improved by stipulating after use site restoration proposals. If this recommendation is adopted the assessment would be classified 'no sustainability constraints, development acceptable'.</p> <p>Nuon would welcome the adoption of the recommendation and the change in the sustainability assessment result to 'no sustainability constraints, development acceptable'. However, any stipulation of site restoration proposals made in the Deposit Plan must ensure flexibility is maintained to secure the best outcome for the SSA F identified in TAN 8.</p> <p>2 Changes Sought</p> <p>Delete the words "...are even more significant</p>	<p>Transmission cables and pylons are intrusive in the landscape and necessarily often across large areas of land. However, it is noted that they may not be "even more significant".</p> <p><b>Change:</b></p> <p>Wording amended to read "The issue of necessary transmission cables and pylons to serve developments of this scale is also significant in terms of impacts on the landscape and biodiversity..."</p>

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in terms of impacts on landscape...." and replace with "...can impact on landscape and biodiversity..."	
Environment Agency Wales	
<p>1 Representation Text</p> <p>5. SA Recommendations and Progression</p> <p>The suggested water quality target and indicator we recommended in the Targets and Indicator consultation in December 2008, has been noted in the SA/SEA, but does not appear to have been included/taken forward.</p> <p>2 Changes Sought</p> <p>We would recommend the inclusion of a target and indicator regarding improving water quality. This is because impacts to water quality arising from inadequate drainage systems has been noted as a key sustainability issue for RCT, and there is a requirement within the Water Framework Directive (WFD) for nearly all inland and coastal waters to achieve 'good status' by 2015.</p> <p>The indicator we previously recommended is included below for your reference: '% of total classified river length complying with water quality objective (GQA: General Quality Assessment), or of 'good' status. And, '% of total classified river length complying with RQO / RE (River Quality Objective/ River Ecosystem) target'.</p> <p>Note: We collate and issue this data. This is currently done under the General Quality Assessment (GQA), but will be superseded within the next 2-3 years by the Water Framework Directive (WFD).</p>	<p>The proposed indicators are in line with our previous consultation with the EA on monitoring for the SA/SEA and incorporate changes proposed by the EA. The LDP does not include measures that are already part of an existing monitoring and reporting regime undertaken by the EA. This approach is in accordance with WAG guidance which recommends that LAs avoid unnecessary duplication.</p>