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Gemma Christian  
Planning Policy Branch  
Welsh Government  
By e-mail

12<sup>th</sup> February 2021

Dear Gemma

## **Habitats Regulations Assessment of Future Wales – The National Plan 2040**

Thank you for consulting Natural Resources Wales on the Habitats Regulations Assessment (HRA) of *Future Wales – The National Plan 2040* (previously known as the National Development Framework (NDF)). Our comments are made in the context of our role as the Appropriate Nature Conservation Body (ANCB) under the Conservation of Habitats and Species Regulations 2017 as amended.

In summary we agree with the overall conclusion that, on the assumption that the findings of the Habitats Regulations Assessment are adopted at the lower-tier planning or project scales, adverse effects on the integrity of National Site Network sites and Ramsar sites can be avoided as a result of implementing the policies within *Future Wales*, alone or in combination with other plans or projects.

We provide our more detailed comments on the HRA below.

1. We welcome and support Welsh Government's commitment to the HRA process. We also welcome the informal opportunities we have had to provide comments as the HRA and *Future Wales* document have developed.
2. We note and support the paragraph on Habitats Regulations Assessment in *Chapter 1 Introduction of Future Wales*, which includes a clear statement that Future Wales does not support lower-tier plans or projects where adverse effects on site integrity cannot be ruled out, whilst recognising that they may be permitted in certain specific circumstances under Regulation 64 of the Habitats Regulations 2017 as amended. This reflects similar protective policy wording in Planning Policy Wales Edition 10.

3. We also support the clear statement included in the Appropriate Assessments section of the HRA document of each of the individual policies that have been screened through to Appropriate Assessment that '*The NDF does not support any proposals associated with this policy where adverse effects on Natura 2000/ Ramsar sites cannot be avoided through mitigation*'.
4. We also welcome the clear guidance throughout the HRA document that there is a legal requirement for lower-tier plans and projects with the potential to impact on National Site Network sites and Ramsar sites to undertake HRA (see section 6 *Overall Conclusion* for example).
5. In addition, we welcome the *Avoidance/Mitigation Measures* set out in Table 6 and Appendix A of the HRA document. This helps to provide the evidence and thereby the confidence at the high strategic level of *Future Wales* that adverse effects on site integrity can be avoided at lower-tier plan and project level. Lower-tier plans and projects will be required to undertake a more detailed HRA, when it will be possible to identify more precisely the nature, timing, duration, scale or location of development, and thus its potential effects, and these avoidance and mitigation measures set out in Table 6 and Appendix A help to demonstrate that there is the necessary flexibility over the exact nature, timing, duration, scale and location of the proposal to enable adverse effects on site integrity to be avoided.

We also consider it important that reference to these avoidance and mitigation measures is made in *Future Wales* itself, thereby making it clearer to those developing lower-tier plans and projects of the likely need to adopt these measures in order to avoid adverse effects on site integrity. We therefore support the reference to Table 6 and Appendix A in the paragraph on Habitats Regulations Assessment in *Chapter 1 Introduction of Future Wales*.

6. **Policy 8 Flooding** – We welcome the explicit safeguard for National Site Network sites and Ramsar sites provided in this policy in relation to projects which fall outside of those already included and assessed under the *National Strategy for Flood and Coastal Erosion Risk Management in Wales* (Welsh Government, 2019), including private flood defence works, namely that:

*It must be ensured that projects do not have adverse impacts on international and national statutory designated sites for nature conservation and the features for which they have been designated.*

7. **Policy 17 Renewable and Low Carbon Energy and Associated Infrastructure, and 18 Renewable and Low Carbon Energy Developments of National Significance** – In relation to wind energy, we note that the presumption in favour of large-scale wind energy development (including repowering) in the Pre-Assessed Areas for Wind Energy offered by Policy 17 is subject to the criteria set out in Policy 18. We therefore note and support the criterion in Policy 18 that:

*There are no adverse effects on the integrity of Internationally designated sites (including National Site Network sites and Ramsar sites) and the features for which they have been designated (unless there are no alternative solutions, Imperative Reasons of Overriding Public Interest (IROPI) and appropriate compensatory measures have been secured);*

We hope that you find these comments useful. If you would like to discuss any of these points further please do not hesitate to contact Roger Matthews via our Strategic Assessment mailbox at [strategic.assessment@cyfoethnaturiolcymru.gov.uk](mailto:strategic.assessment@cyfoethnaturiolcymru.gov.uk)

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Reynolds'.

**Moira Reynolds**  
**Corporate Planning, Performance & Strategic Assessment Manager**