

Denbighshire Local Development Plan

2018 - 2033

Habitats Regulations Appraisal

for the

Draft Preferred Strategy

Habitats Regulations Appraisal

for the

Denbighshire County Council

Draft Preferred Strategy

Content

1.	Introduction	2
2.	Legislative Background	2
3.	Internationally designated sites for nature conservation	3
4.	Methodology	5
5.	Screening	7
6.	Summary	17

Appendix 1 *Maps showing ‘European sites’ that are either located within and/ or adjacent to the boundary of Denbighshire*

Appendix 2 *Description of ‘Screening’ assessment categories*

1. Introduction

- 1.1 Denbighshire County Council (DCC) is in the early stages of producing a new Local Development Plan (LDP) for the County. The document is going to set out local policy against which planning applications and planning appeals will be judged together with site allocations showing where certain types of development will be located and areas which will be protected from development.
- 1.2 Being at the 'Preferred Strategy' stage in the overall process of plan preparation, the Council must agree on the strategic elements of the plan, such as the proposed countywide growth level (i.e. how much development), the spatial strategy (i.e. where new development should be located in general), and key local policies that are required to implement the plan proposals.
- 1.3 Whilst carrying out the Habitats Regulations Appraisal (HRA) for the Preferred Strategy, including any consideration with regard to an appropriate assessment, it must be kept in mind that the document only considers the countywide level and distribution of future growth. Growth levels for each settlement and specific sites will be drafted at the next stage in the process. Those detailed information is consequently not available yet.
- 1.4 This report presents only the initial HRA screening results. Further information becomes available on local policy and site-specific details as the draft LDP advances towards plan adoption. Similarly, as the LDP progresses, the more comprehensive the HRA becomes in terms of detailed assessment and discussion of alternatives. There will be a refined HRA at 'Deposit' stage which is the next one in the plan preparation process.

2. Legislative Background

- 2.1 There is great concern about the continuous decline in biodiversity across the European continent. Hence the environmental policy of the European Union aims at preserving, conserving and enhancing biodiversity through legal instruments, such as Council Directives which subsequently are transposed into national legislation by member states.
- 2.2 'Council Directive 92/43/EEC on the conservation of natural habitats and of wild flora and fauna' (Habitats Directive) and 'Directive 2009/147/EC on the conservation of wild birds' ([new] Birds Directive) support the installation of an ecological network of designated sites known as NATURA2000. Both Directives are linked by Article 7 of the Habitats Directive, which stipulates the replacement of any obligations arising from Article 4 of the (old) Birds

Directive. Habitats Regulations Appraisals must therefore take account of sites designated under the Birds Directive.

2.3 The UK Government initially transposed the Habitats Directive into national law as ‘Conservation (Natural Habitats, & c.) Regulations 1994’ but was forced to make amendments in light of European Court judgements and juridical reviews. The latest version is ‘The Conservation of Habitats and Species Regulations 2017’ (Habitats Regulations 2017) and only applies to England and Wales owing to devolved powers to the parliaments in Scotland and Northern Ireland.

2.4 Essentially, the Habitats Regulations 2017 is a legal instrument that aims to protect rare habitats and species as well as to cancel or mitigate any significant effects on the qualifying features of internationally designated sites by way of identifying prospective development proposals contained in a land use plan. Local planning authorities should only consider adopting a LDP if they are certain that there won’t be any significant effects, unless there are reasons of overriding public interest that outweigh the negative impact.

3. Internationally designated sites for nature conservation

3.1 The Conservation of Habitats and Species Regulations 2017, see Regulation 8, set out which internationally designated sites for nature conservation are to be regarded as European sites and European marine sites in terms of HRA: Special Areas of Conservation (SACs); candidate Special Areas of Conservation (cSACs); SACs and cSACs that are European Offshore Marine Sites; Special Protection Areas (SPAs); and Special Protection Areas that are European Marine Sites. Table 1 sets out the legal source and designating authority for these types of areas.

3.2 Welsh Government stipulated that proposed Special Protection Areas (pSPAs) and ‘Ramsar sites’ have to be included in the Habitats Regulations Appraisal of projects and plans. Collectively, all the previously cited site designations are referred to as ‘European sites’ in the following chapters and paragraphs.

3.3 Table 1 Internationally designated sites for nature conservation that are subject to Habitats Regulations Appraisal in Wales

Site Designation	International Directives / Obligations	Designating Authority
Special Areas of Conservation (SACs) including candidate Special Areas of Conservation	Designated under Article 4 of the EC Directive on the Conservation of Natural Habitats and of Wild Fauna & Flora (92/43/EEC) (the Habitats Directive) via	Designated by the Welsh Ministers in the light of recommendations made by Natural Resources Wales

(cSACs) and SACs and cSACs that are European Offshore Marine Sites	Regulations 7 and 8 of the Conservation (Natural Habitats &c) Regulations 1994 and Regulations 7 to 11 of the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007	(NRW) through the JNCC; beyond the territorial sea adjacent to Wales, SACs are designated by the UK Government on the advice of the Joint Nature Conservation Committee (JNCC)
Special Protection Areas (SPAs) including SPAs that are European Offshore Marine Sites	Classified under Article 4 of the EC Directive on the Conservation of Wild Birds (79/409/EEC) (the Birds Directive) and Regulation 12 of the Offshore Marine Conservation (Natural Habitats &c) Regulations 2007	Classified by the Welsh Ministers in the light of recommendations made by NRW through the JNCC; beyond the territorial sea adjacent to Wales, SPAs are classified by the UK Government on the advice of JNCC
Ramsar Sites	Designated under Article 2 of the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971)	Designated by the UK Government in the light of recommendations made by NRW through the JNCC

Source: Technical Advice Note 5(2009), p.20

3.4 With regard to the Denbighshire Pre-Deposit LDP, thirteen (13) European sites have previously been identified that could be affected by proposals contained in the document. These sites will form the basis for the screening and, if necessary, appropriate assessment. They are either located within the County boundary, cross boundaries with adjacent local authorities, or are entirely outside Denbighshire but linked to the plan-area in a way that warrants their consideration. Table 2 provides an overview; Appendix 1 shows their location.

3.5 Table 2 European sites likely to be affected by the Pre-Deposit document

Site Name	Site Designation	Located in Denbighshire
Llwyn	Special Area of Conservation	Yes
Coedwigoedd Dyffryn Elwy / Elwy Valley Woods	Special Area of Conservation	Partly
Coedwigoedd Dyffryn Alun / Alun Valley Woods	Special Area of Conservation	Partly
Berwyn a Mynyddoedd de Clwyd / Berwyn and South Clwyd Mountains	Special Area of Conservation	Partly
Afon Dyfrdwy a Llyn Tegid / River Dee and Bala Lake	Special Area of Conservation	Partly

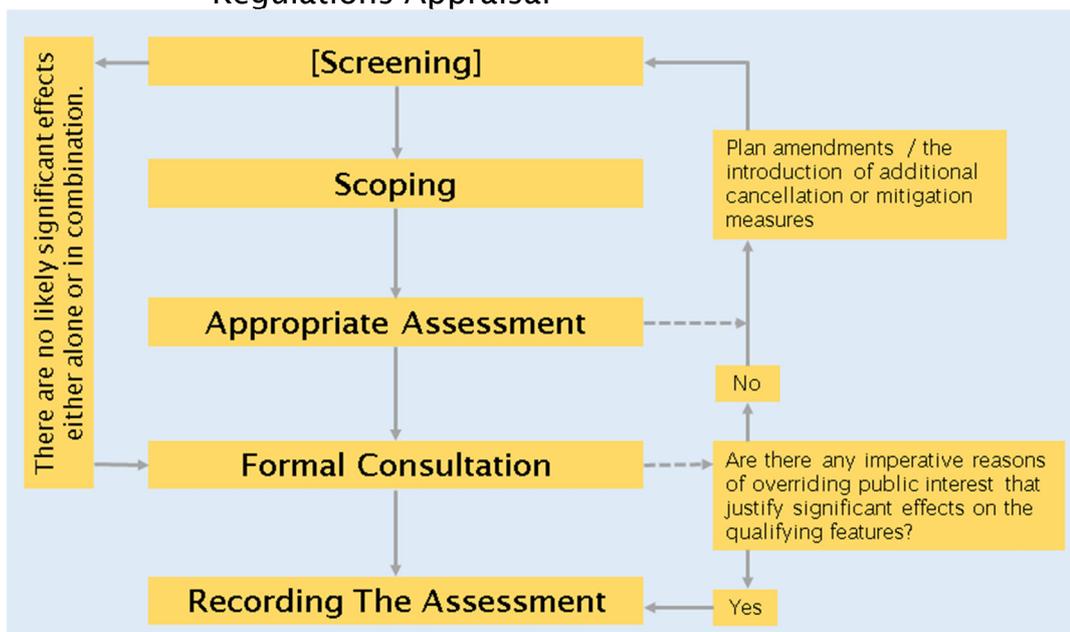
Mynydd Helygain / Halkyn Mountain	Special Area of Conservation	Partly
Aber Dyfrdwy / Dee Estuary	Special Area of Conservation	Partly
Deeside and Buckley Newt Sites	Special Area of Conservation	No
Johnstown Newt Sites	Special Area of Conservation	No
Y Berwyn / Berwyn	Special Protection Area	Partly
Bae Lerpwl / Liverpool Bay	Special Protection Area	Off the Coast
Aber Dyfrdwy / Dee Estuary	Special Protection Area	No
Aber Dyfrdwy / Dee Estuary	Ramsar Site	Partly

4. Methodology

4.1 The methodology for carrying out a Habitats Regulations Appraisal is outlined in Regulations 63 and 64 of the Habitats Regulations 2017, which set a number of legal tests that the plan has to pass in order to comply. Welsh Government provides procedural guidance in Technical Advice Note 5: Nature Conservation and Planning, Annex 6, and David Tyldesley and Associates, produced for the former Countryside Council for Wales, 'Draft Guidance for Plan Making Authorities in Wales -The Appraisal Of Plans Under The Habitats Directive' in 2009.

4.2 Figure 1 provides an overview of the process. The need to carry out all or only some of the outlined stages, depends on the type and nature of plan.

4.3 Figure 1 Methodological approach to carrying out a Habitats Regulations Appraisal



- 4.4 Regulation 105(1) of the Habitats Regulations 2017 sets out the principal test to determine whether a plan-making authority has to carry out an appropriate assessment of the proposed land use plan: (i) The land use plan *is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects)*, and (ii) *is not directly connected with or necessary to the management of the site*.
- 4.5 It can be stated from the outset that the next Denbighshire Local Development Plan will not be directly connected with or necessary to the management of a European site. Hence, the focus must be on the determination of whether there are plan elements that are likely to have a significant effect on the qualifying features (either alone or in combination).
- 4.6 The Waddenzee judgement (European Court of Justice Case C-127/02) provided a steer for the interpretation of the terms ‘likely’ and ‘significant’. TAN 5, Appendix 6 - p. 82 states:
- *The development plan should be considered ‘likely’ to have such an effect if the planning authority is unable (on the basis of objective information) to exclude the possibility that the plan could have significant effects on any European site or European offshore marine site, either alone or in combination with other plans and projects.*
 - *An effect will be ‘significant’ in the context if it could undermine the site’s conservation objectives. The assessment of that risk must be made in the light of factors such as the characteristics and specific environmental conditions of the European site or European offshore marine site in question.*
- 4.7 Whilst the Habitats Regulations 2017 do not contain any reference to ‘**Screening**’, it has become a useful mechanism to eliminate those plan elements that are unlikely to cause significant effects on the qualifying features due to its nature, for example local policy on developer contributions, or their gist, such as local policy on the protection of biodiversity. Section 5, below, details the screening of the Preferred Strategy.
- 4.8 If the likelihood of a significant effect (either alone or in combination) cannot be excluded on the basis of available information, the plan-making authority needs to agree with Natural Resources Wales (NRW) the **Scope** and details for an appropriate assessment.
- 4.9 The purpose of an **Appropriate Assessment** is to investigate in detail the potentially significant effects on individual qualifying features of every concerned European site on the basis of available information and scientific knowledge. Unlike the ‘Scoping’ stage, an appropriate

assessment can take notice of any mitigation measures aiming to reduce adverse effects.

- 4.10 Based on the results of the appropriate assessment, local planning authorities could consider the elimination of, or changes to, the previously identified plan elements. There is alternatively an opportunity to propose avoidance or mitigation measures that either cancel or minimise the likelihood of significant effects. Any amended or additionally proposed plan element has to be tested again.
- 4.11 The local planning authority **consults** with NRW on the findings of the scoping and/ or appropriate assessment at the relevant stage in the plan preparation process. The HRA document can be finalised if the statutory consultee does not object to the recorded results of the assessment.
- 4.12 Further legal procedures (see Regulation 107 of the Habitats Regulations 2017) apply in the event of the plan making authority insist in proceeding with the LDP towards adoption despite the identification of elements that are likely to cause significant effects on the qualifying features of any concerned European site. This may be the case for **Imperative Reasons of Overriding Public Interest**.

5. Screening

- 5.1 As outlined in paragraph 4.7, 'screening' has become a useful mechanism to eliminate those plan elements that are unlikely to cause significant effects on the qualifying features due to its nature. David Tyldesley and Associates for the then Countryside Council for Wales, now Natural Resources Wales, proposed four principal categories for the screening schedule; to assist plan making authorities and third parties in understanding the reasons behind the decision to include/ exclude individual elements in an appropriate assessment.
- 5.2 Detailed information on the four categories, including several sub-categories can be found in Appendix 2 but the principal four are:
 - Category A* *No negative effect.*
 - Category B* *No significant effect.*
 - Category C* *Likely significant effect.*
 - Category D* *Likely significant effect in combination.*
- 5.3 The following table presents the results for the screening of the Denbighshire Preferred Strategy, including comments on the approach towards carrying out an appropriate assessment.

Reference	Element of the Plan or Option	Assessment category	Is an appropriate assessment required?	Can the element be changed at the Deposit LDP stage to avoid likely significant effect?
Profile of Denbighshire	Description of the county with the help of statistics	n/a	n/a	n/a
Key Issues and challenges for Denbighshire	Issues and challenges to be addressed through Preferred Strategy	n/a	n/a	n/a
LDP Vision / LDP Objectives	Vision and Objectives distil the main priorities and drivers for Denbighshire.	n/a	n/a	n/a
Growth Options	<i>Option 1:</i> Setting out the need for 2,450 new dwellings in the County over the Plan period.	A5	No. Option is about the total number of dwellings, not their distribution or location.	Implementation of Growth Options depends on local policy and site allocations to be decided on at the Deposit stage.
	<i>Option 2:</i> Setting out the need for 3,000 new dwellings in the County over the Plan period.	A5	No. Option is about the total number of dwellings, not their distribution or location.	Implementation of Growth Options depends on local policy and site allocations to be decided on at the Deposit stage.
	<i>Option 3:</i> Setting out the need for 4,550 new dwellings in the County over the Plan period.	A5	No. Option is about the total number of dwellings, not their	Implementation of Growth Options depends on local policy and site allocations to be decided on at the Deposit stage.

			distribution or location.	
	<i>Option 4:</i> Economic forecast (Labour Demand Forecasting) indicates the need for 8.96ha of employment land which would result in the need for 3,600 new dwellings in the County over the Plan period.	A5	No. Option is about the total amount of employment land and number of dwellings, not their distribution or location.	Implementation of Growth Options depends on local policy and site allocations to be decided on at the Deposit stage.
	<i>Option 5:</i> Economic forecast (Past Building Completions) indicates the need for 47.60ha of employment land which would result in the need for 7,500 new dwellings in the County over the Plan period.	A5	No. Option is about the total amount of employment land and number of dwellings, not their distribution or location.	Implementation of Growth Options depends on local policy and site allocations to be decided on at the Deposit stage.
	<i>Proposed (Preferred) Level of Growth:</i> Setting out the need for 3,775 new dwellings and 68.60ha of employment land in the County over the Plan period.	A5	No. Option is about the total amount of employment land and number of dwellings, not their distribution or location.	Implementation of Growth Options depends on local policy and site allocations to be decided on at the Deposit stage.

Sustainable Settlement Hierarchy / Assessment	Assessment of Denbighshire's settlements has been used to inform and generate options for the location of future development	n/a	n/a	n/a
Spatial Options	<i>Option 1:</i> This would spread growth across the county's main/local centres and villages with services/facilities. Villages without services/facilities would be allowed some limited growth.	C4	Yes. (Appropriate Assessment (AA) to be carried at Deposit stage when details on site allocations, individual changes to development boundaries, and policy criteria are known. There is insufficient information to carry out a meaningful AA at Pre-Deposit stage.)	Implementation depends on detailed local policy, site allocations and changes to development boundaries which are drafted at Deposit stage. Once these draft elements have been screened re likely significant effects and AA (if required), the necessity for avoidance and mitigation measures can be discussed to ensure Spatial Option has no adverse effect on any site integrity.
	<i>Option 2:</i> This will focus growth in a single major mixed-use site in Bodelwyddan, with lower levels of growth in the main/local centres and villages with	C4	Yes. (Appropriate Assessment (AA) to be carried at Deposit stage when details on site allocations, individual changes to development	Implementation depends on detailed local policy, site allocations and changes to development boundaries which are drafted at Deposit stage. Once these draft elements have been screened re likely significant effects and AA (if required), the necessity for

	<p>services/facilities. Villages without services/facilities would be allowed some limited growth.</p>		<p>boundaries, and policy criteria are known. There is insufficient information to carry out a meaningful AA at Pre-Deposit stage.)</p>	<p>avoidance and mitigation measures can be discussed to ensure Spatial Option has no adverse effect on any site integrity.</p>
	<p><i>Option 3:</i> This will focus growth in a single major mixed-use site in Bodelwyddan, with lower levels of growth in the main/local centres, villages and unserviced villages.</p>	<p>C4</p>	<p>Yes. (Appropriate Assessment (AA) to be carried at Deposit stage when details on site allocations, individual changes to development boundaries, and policy criteria are known. There is insufficient information to carry out a meaningful AA at Pre-Deposit stage.)</p>	<p>Implementation depends on detailed local policy, site allocations and changes to development boundaries which are drafted at Deposit stage. Once these draft elements have been screened re likely significant effects and AA (if required), the necessity for avoidance and mitigation measures can be discussed to ensure Spatial Option has no adverse effect on any site integrity.</p>
	<p><i>Option 4:</i> Option 1 plus development in those settlements without facilities or services.</p>	<p>C4</p>	<p>Yes. (Appropriate Assessment (AA) to be carried at Deposit stage when details on site allocations,</p>	<p>Implementation depends on detailed local policy, site allocations and changes to development boundaries which are drafted at Deposit stage. Once these draft elements have been</p>

			individual changes to development boundaries, and policy criteria are known. There is insufficient information to carry out a meaningful AA at Pre-Deposit stage.)	screened re likely significant effects and AA (if required), the necessity for avoidance and mitigation measures can be discussed to ensure Spatial Option has no adverse effect on any site integrity.
	<i>Proposed (Preferred) Spatial Strategy:</i> This will focus development in Bodelwyddan Strategic Site and serviced settlements; with more limited growth in other settlements, focussed on meeting local needs.	C4	Yes. (Appropriate Assessment (AA) to be carried at Deposit stage when details on site allocations, individual changes to development boundaries, and policy criteria are known. There is insufficient information to carry out a meaningful AA at Pre-Deposit stage.)	Implementation depends on detailed local policy, site allocations and changes to development boundaries which are drafted at Deposit stage. Once these draft elements have been screened re likely significant effects and AA (if required), the necessity for avoidance and mitigation measures can be discussed to ensure Spatial Option has no adverse effect on any site integrity.

Draft Key Policy – Placemaking	Policy outlines design and other quality criteria for development; reflecting Planning Policy Wales / Welsh Government ‘Placemaking’ principles.	A1 / A2	No. Local policy relates to design or other qualitative criteria for development; including conservation and enhancement of the natural environment	n/a
Draft Key Policy – Welsh Language	Policy expresses support for developments that maintain or enhance the integrity of the Welsh language.	A1	No. Local policy sets out qualitative criteria (Welsh language) for new development.	n/a
Draft Key Policy – Housing	Policy sets out the overall number of houses to be delivered in the County over the Plan period.	A5	No. Local policy expresses political intention to deliver 3,775 new homes, without any detail on location.	n/a
Draft Key Policy – Affordable Housing	Policy specifies the Affordable Housing contributions sought from new developments.	A5	No. Local policy expresses political intention to deliver 750 affordable homes.	n/a
Draft Key Policy –	Policy on providing a mix of strategic and local	A5	No. Local policy expresses political	n/a

Employment Land	employment sites for businesses		intention to deliver a mix employment sites; no indication of distribution or location in the County.	
Draft Key Policy – Retail	Policy expresses support for locating new development in line with Retail Hierarchy and explicitly supports ‘town centre first’ approach in sequential site search.	A5	No. Local policy expresses support to Welsh Government ‘town centre first’ principle.	n/a
Draft Key Policy Bodelwyddan Strategic Site	Policy in support of the delivery of Bodelwyddan Strategic Site	D2	Yes. (Existing outline planning application must be re-assessed in connection with other proposals contained in next DCC LDP and adjoining LPA’s LDPs at Deposit stage).	Outline planning permission cannot be altered but permissions for ‘reserved matters’ can have regard to the results of in-combination screening / AA at Deposit stage. Avoidance or mitigation measures to be discussed and implemented either in ‘reserved matters’ permission or other plans / projects to ensure no adverse effects on site integrity.
Draft Key Policy – Infrastructure	Policy aims at locating new development where required infrastructure is available, and sets out	A1	No. Local policy relates to design and other qualitative	n/a

	criteria for developer's contributions		criteria for development.	
Draft Key Policy – Visitor Economy	Policy sets out Council's intention to support and strengthen the visitor economy, subject to proposals suitably located to conserve natural environment	A5 / A2	No. Local policy expresses political intention to support the Visitor economy.	n/a
Draft Key Policy – Transport & Accessibility	Policy expresses Council's support for improved accessibility to employment and service facilities, including contributions towards Active Travel facilities	A5	No. Local policy expresses support for sustainable means of transport and access to Active Travel network.	n/a
Draft Key Policy – Minerals	Policy aims at safeguarding limited Mineral resources and to meet future industrial demand	C4	Yes. (Appropriate Assessment (AA) to be carried at Deposit stage when details on site allocations and detailed policy criteria for mineral extraction are known. There are insufficient information available	Yes. Key policy can be amended at Deposit stage; including the application of avoidance or mitigation measures to ensure no adverse effects on site integrity.

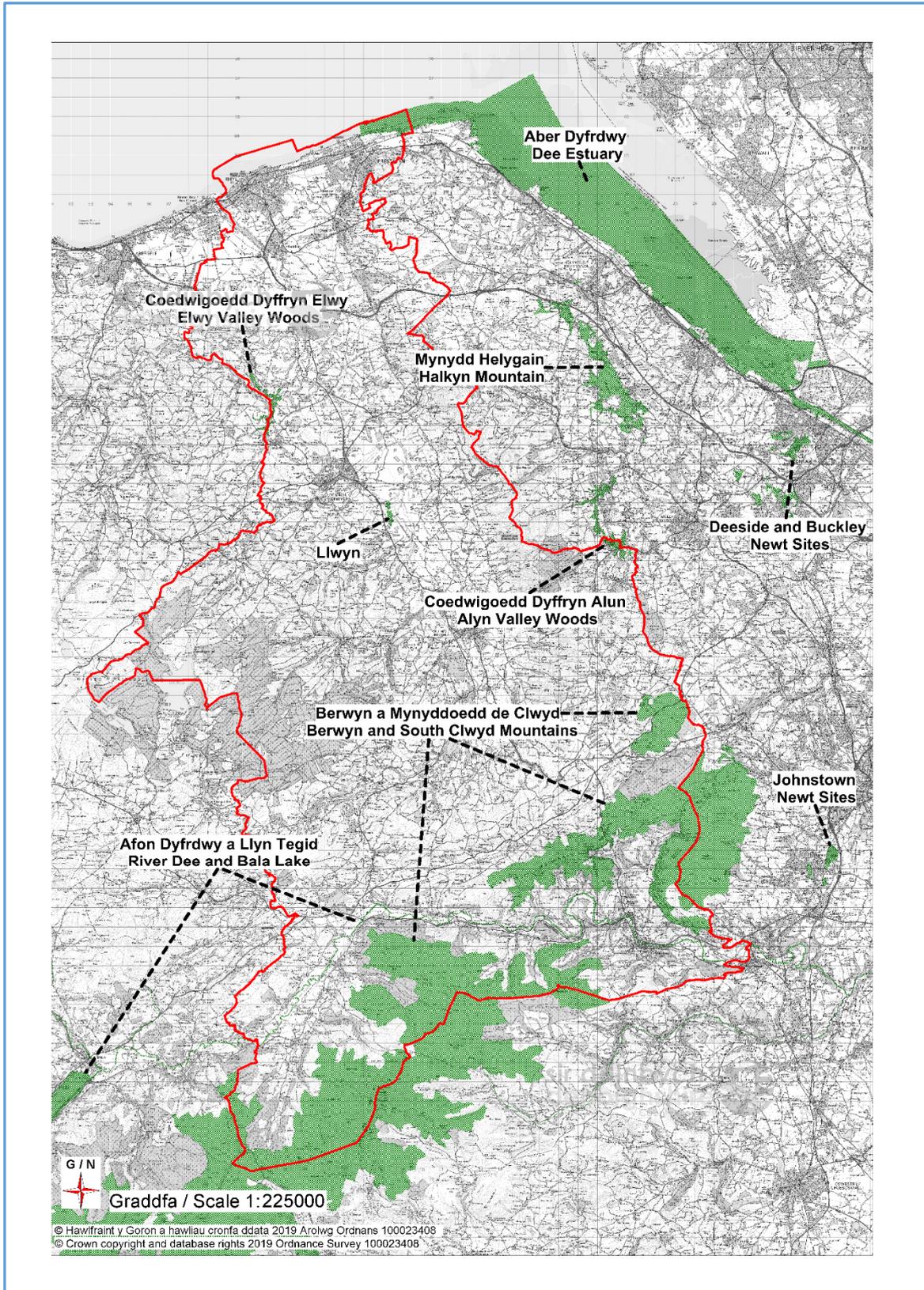
			to carry out a meaningful AA at current stage.)	
Draft Key Policy - Waste Management	Policy implements WG policy on reducing waste and promotes recycling with the help of 'waste hierarchy' model	A1	No. Local policy sets out quality criteria for Waste management / development.	n/a
Draft Key Policy - Natural & Built Environment	Policy aims at preserving and enhancing the natural and built environment in the County	A2	No. Local policy specifically supports the protection of natural environment.	n/a
Appendix I - Meeting housing needs	Detailed calculation on housing supply in the County	A1	No. Local policy relates to design or other qualitative criteria for development.	n/a

6. Summary

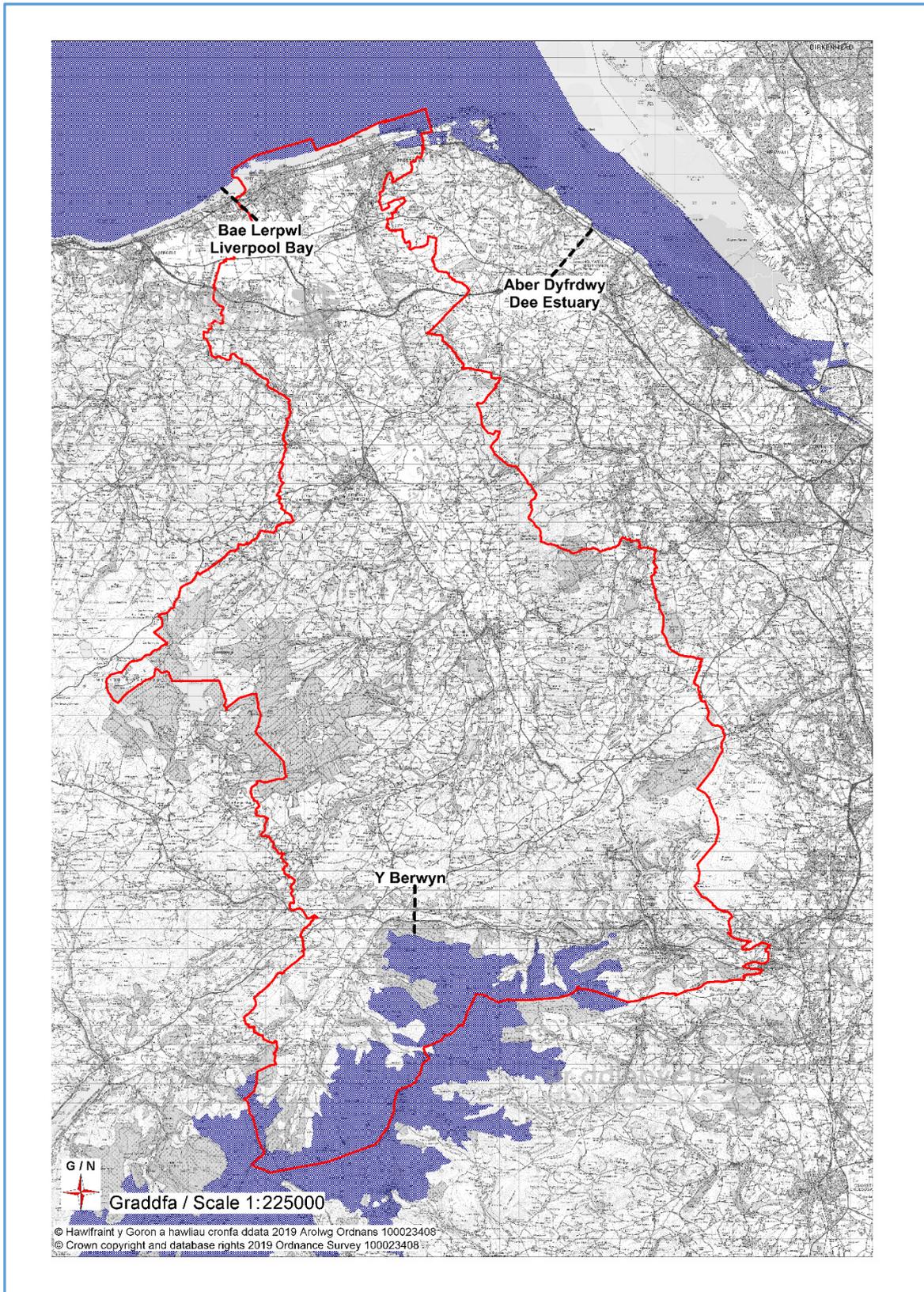
- 6.1 The Council is in the early stages of producing a new Local Development Plan (LDP) for the County which will be used in determining planning applications and appeals. Prior to adoption, the draft document must be assessed regarding conformity with the legal provisions contained in 'The Conservation of Habitats and Species Regulations 2017'.
- 6.2 The Habitats Regulations 2017 is a legal instrument aiming to protect rare habitats and species as well as to cancel or mitigate any significant effects on the qualifying features of internationally designated sites by way of identifying prospective development proposals contained in a land use plan. Every element contained in the Preferred Strategy document has been screened with regard to any significant adverse effect. These effects could not be excluded for all elements based on the limited amount of information available at this stage in the plan preparation process.
- 6.3 There will be the necessity for an appropriate assessment. As further information becomes available, on local policy and site-specific details (as the draft LDP progresses towards plan adoption), the more comprehensive the HRA becomes in terms of detailed assessment and discussion of alternatives.
- 6.4 Notwithstanding the limited amount of information currently available, the screening exercise of the Preferred Strategy has highlighted elements that could significantly affect individual qualifying features. The Council may consider to amend or delete them in order to avoid the necessity for an appropriate assessment at the Deposit stage.

Appendix 1 'European sites' that are either located within and/ or adjacent to the boundary of Denbighshire

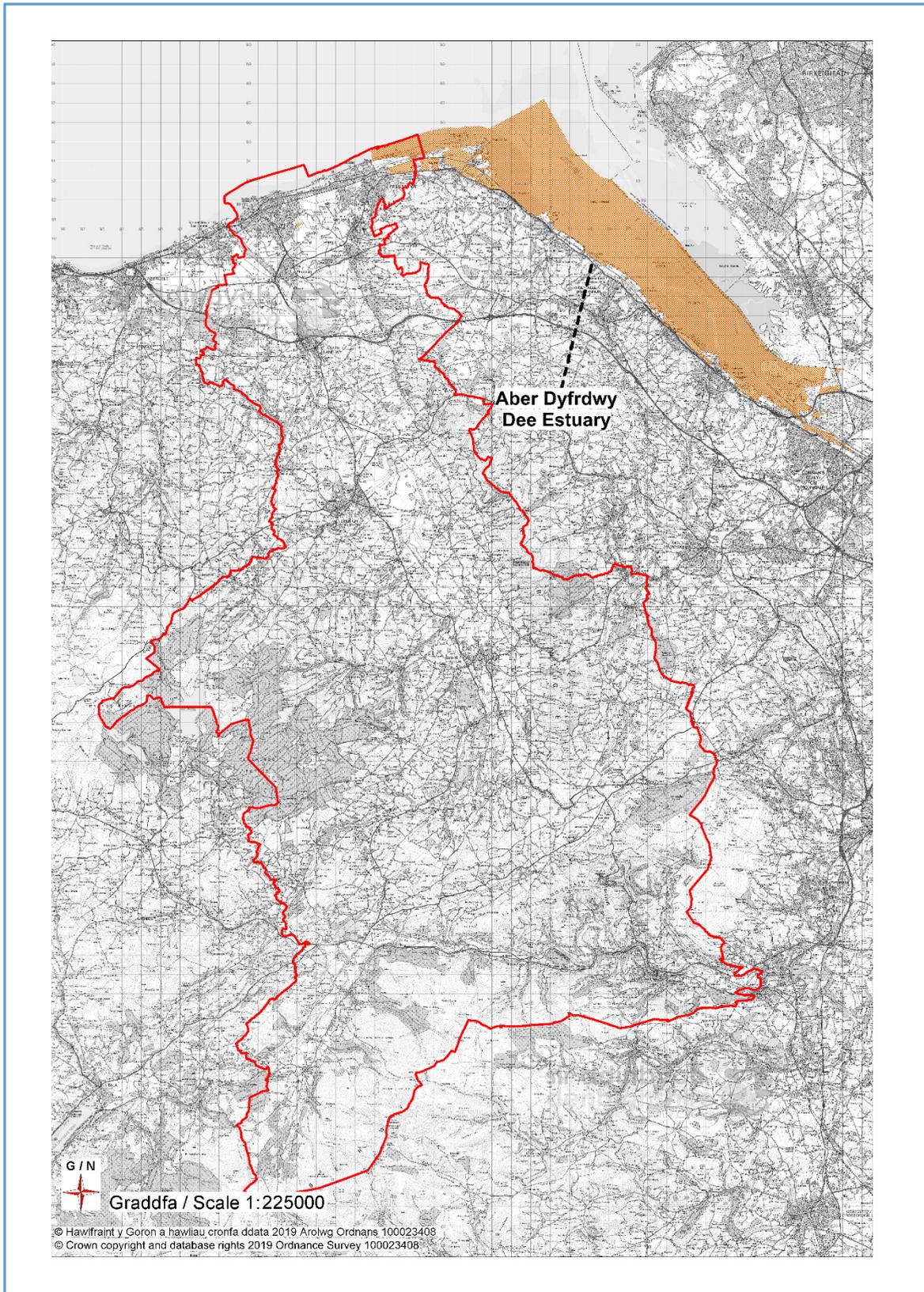
Map 1.1 Special Areas of Conservation (SACs)



Map 1.2 Special Protection Areas (SPAs)



Map 1.3 Sites designated under the Ramsar Convention 1971 (Ramsar)



Appendix 2 Description of 'Screening' assessment categories

<i>Category A: No negative effect</i>	
A1	Options/ policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy
A2	Options/ policies intended to protect the natural environment, including biodiversity
A3	Options/ policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site
A4	Options/ policies that positively steer development away from European sites and associated sensitive areas
A5	General policy statements or policies which only express general intentions or political aspirations

<i>Category B: No significant effect</i>	
Options/ policies that could have an effect but would not be likely to have a significant (negative) effect on a European site (alone or in combination with other plans or projects) because the effects are trivial or 'de minimis', even if combined with other effects	

<i>Category C: Likely significant effect alone</i>	
C1	The option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European Site, or adjacent to it
C2	The option, policy or proposal could indirectly affect a European site, e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrological or physically connected to it or it may increase disturbance as a result of increased recreational or other pressures
C3	Proposals for a magnitude of development that, no matter where it was located, the development would be likely to have a significant effect on a European site
C4	An option, or policy that makes provision for a type of development, generally, (and may indicate a broad scale and/ or one or more broad locations e.g. a particular part of the plan area), so a likelihood of a significant effect cannot be ruled out, but the more precise scale and/ or detailed location of the development is to be selected following consideration of options in a later, more specific, lower tier plan , subject to Habitats Regulations Appraisal
C5	Options, policies or proposals for developments or infrastructure projects that could block options or alternatives for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided

C6	Options, policies or proposals which depend on how the policies etc are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site, and is not merely a general statement of policy
C7	Any other option, policies or proposals that would be vulnerable to failure under the Habitats Regulations at project assessment stage; to include them into the plan would be regarded by the EC as 'faulty planning'
C8	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the plan provides the imperative reasons of overriding public interests to justify its consent despite a negative assessment

Category D: Likely significant effect in combination

D1	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals provided for or coordinated by the plan (internally) the cumulative effects would be likely to be significant
D2	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects , and possibly the effects of other projects provided for in the plan as well, the combined effects would be likely to be significant
D3	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites

Source: Tyldesley, D., 2009, *Draft Guidance for Plan Making Authorities in Wales: The Appraisal of Plans under the Habitats Regulations* for Countryside Council for Wales CCW Bangor; Chapter 5



Local Development Plan 2018 - 2033

Strategic Planning & Housing

Denbighshire County Council

PO BOX 62, Ruthin

LL15 9AZ

Phone: 01824 706916

Email: planningpolicy@denbighshire.gov.uk

