



# HABITAT REGULATIONS ASSESSMENT

Local Flood Risk Management Strategy 2024

## SCREENING REPORT



Cyngor Bwrdeistref Sirol  
**MERTHYR TUDFUL**  

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**MERTHYR TYDFIL**  
County Borough Council

## CONTENTS

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<b>Contents</b>	<b>1</b>
<b>1. Introduction</b>	<b>1</b>
1.1 Merthyr Tydfil Local Flood Risk Management Strategy	1
1.2 Local Strategy Objectives	1
1.3 Local Strategy Measures	1
1.4 The Conservation of Habitats and Species Regulations 2017	2
1.5 Purpose of this Report	3
<b>2. Method</b>	<b>4</b>
2.1 Requirement for Habitats Regulations Appraisal	4
2.2 Guidance on Habitats Regulations Appraisal	4
2.3 Assessing Likely Significant Effects	4
<b>3. Results</b>	<b>6</b>
3.1 Identification of European Sites	6
3.2 Identify and Understand the Conservation Objectives	7
<b>4. Conclusions</b>	<b>17</b>
<b>Appendix A – Assessment summary table</b>	<b>18</b>
<b>Appendix B - Map</b>	<b>26</b>
<b>Appendix C - References</b>	<b>27</b>

## 1. INTRODUCTION

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### 1.1 MERTHYR TYDFIL LOCAL FLOOD RISK MANAGEMENT STRATEGY

The Flood and Water Management Act 2010 places a responsibility upon Merthyr Tydfil County Borough Council (MTCBC) as a Lead Local Flood Authority (LLFA) to develop, maintain, apply and monitor a strategy for local flood risk management (referred to hereafter as the 'Local Strategy').

Different Risk Management Authorities (RMAs) in Wales are responsible for different sources of flood risk. LLFAs are responsible for "local flood risk" which is defined as flood risk from:

- Surface water runoff
- Groundwater; and
- Ordinary watercourses (generally smaller watercourses)

The Local Strategy focuses on these local sources of flood risk, but acknowledges and considers other sources of flood risk (including the sea, larger watercourses and sewers) and associated RMAs.

This is the second Local Strategy produced by MTCBC with the previous strategy being published in 2014. Whilst previously, the Local Strategy and Flood Risk Management Plan (FRMP) were published separately, the new Local Strategy integrates the two documents into one. This reduces complexity and enables the communication and management of local flood risk more effectively.

The Local Strategy explains how flooding will be managed across the Local Authority area, consistent with the objectives, measures and related policies and legislation set out in the National Strategy.

The Local Strategy area is the administrative area of Merthyr Tydfil County Borough.

### 1.2 LOCAL STRATEGY OBJECTIVES

Merthyr Tydfil CBC has set four overarching objectives for the Local Strategy that align with the Welsh Government's National Strategy objectives:

- Improve our understanding of risk
- Preparedness and communication
- Reduce surface water flooding to the highest risk communities
- Provide an effective and coordinated response to flood events

### 1.3 LOCAL STRATEGY MEASURES

The Local Strategy proposes a number of measures to outline how MTCBC intends to achieve the objectives detailed in section 1.2.

The full list of measures is provided in the table 1.

MEASURES	
	<b>Development Planning and Adaption</b>
#1	Local Planning Authority (LPA)
#2	SuDS Approval Body (SAB)
	<b>Forecasting, Warning and Informing</b>
#3	Warnings and Forecast
#4	Flood Monitoring
	<b>Studies, Assessments and Plans</b>
#5	Understanding Flood Risk
#6	Flood Modelling and Surveys
#7	Groundwater
#8	Historical Flooding
	<b>Outreach, Awareness and Engagement</b>
#9	Flood Awareness and Education
#10	Flood Risk Responsibilities
#11	Partnership Working
	<b>Preparedness and Response</b>
#12	Flood Response Plan
#13	Community Resilience
#14	Holistic Flood Response and Recovery
#15	Investigating Flood Events
#16	Recording of Flood Events
	<b>Land and Environmental Management</b>
#17	Natural Flood Management (NFM)
#18	Mineral Extraction
#19	Flood Risk and Climate Change
	<b>Asset Management and Maintenance</b>
#20	Flood Risk Management Schemes
#21	Flood Risk Register and Record
#22	Flood Asset Maintenance

Table 1: LFRMS Measures

#### 1.4 THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2017

The Conservation of Habitats and Species Regulations is a set of UK regulations to protect and conserve habitats and species of European importance. These regulations transposed land and marine aspects of the Habitats Directive (European Directive 92/43/EEC). Due to the UK exit from the European Union changes were made to the 2017 regulations by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

The Habitats Directive established a pan-European network of important sites designated for a range of habitats and species. The network comprises:

- Special Areas of Conservation (SACs) - designated under the Habitats Directive; and
- Special Protection Areas (SPAs) - classified under EU 'Birds Directive'.

These sites were referred to collectively as the Natura 2000 network or 'European Sites'. Since the 2019 Regulations SACs and SPAs now form part of the national site network which replaces Natura 2000 in the UK. All existing SACs and SPAs are included in the national site network and any new SACs and SPAs designated under the Conservation of Habitats and Species Regulations will be added.

In addition to European Sites, Wetlands of International Importance identified under the Ramsar Convention ('Ramsar Sites') used to form part of the Natura 2000 in the UK. These sites do not form part of the national site network but remain protected in the same way as SACs and SPAs and will therefore be considered as part of this screening.

The Habitats Regulations require that a competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project, which is likely to have a significant effect on a European site, and is not directly connected with or necessary to the management of that site, must make an Appropriate Assessment of the implications for that site in view of that site's conservation objectives.

The Habitats Regulations Assessment (HRA) process is to assess the effects of a plan – in combination with the effects of other plans and projects – against the conservation objectives of European Sites and to ascertain whether it would adversely affect the integrity of those sites. The scope of the HRA is dependent on the location, size and significance of the proposed plan or project and the sensitivities/nature of the interest features of the European Sites.

### **1.5 PURPOSE OF THIS REPORT**

Merthyr Tydfil County Borough Council ('Merthyr Tydfil CBC') has undertaken a HRA screening exercise on the Local Strategy, to determine whether it will have likely significant effects on European Sites. This report documents the findings of the HRA screening.

## 2. METHOD

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### 2.1 REQUIREMENT FOR HABITATS REGULATIONS APPRAISAL

Regulation 9 of the Habitats Regulations requires that a 'competent authority' must consider the requirements of Habitats Directive in exercising any of its functions.

Article 6(3) of the Habitats Directive defines the requirements for assessment of plans and projects potentially affecting European sites. These requirements are transposed into Regulation 63 of the Habitats Regulations - which requires that a competent authority, before deciding to undertake (or give any consent, permission or other authorisation for) a plan or project, which is likely to have a significant effect on a European site, and is not directly connected with or necessary to the management of that site, must make an Appropriate Assessment of the implications for that site in view of that site's conservation objectives.

### 2.2 GUIDANCE ON HABITATS REGULATIONS APPRAISAL

Guidance for HRA of plans has been produced by the Welsh Government: 'Habitats regulations assessments: protecting a European site' and is designed to help competent authorities to follow the HRA process.

The HRA process can have up to 3 stages. The decisions at each stage determine whether you need to progress to the next stage. The stages are as follows:

- Screening – if the proposal is not likely to have a significant effect on a European site's conservation objectives you do not need to continue
- Appropriate Assessment- assesses likely significant effects identified through screening in more detail
- Derogation- three legal tests to see if a site qualifies for an exemption after failing an integrity test as part of the appropriate assessment.

### 2.3 ASSESSING LIKELY SIGNIFICANT EFFECTS

This 'screening' stage is a filter intended to identify which proposed plans or projects require further assessment. It is the first stage of the Habitats Regulations Appraisal process, and is distinct from the subsequent 'Appropriate Assessment' of adverse effect on integrity of European Sites.

The first check in screening is whether the proposal 'is directly connected with or necessary for the conservation management of a European site'. As the proposal is a flood risk management strategy it is not directly connected with or necessary for conservation management.

The second check in screening is whether the proposal 'risks having a significant effect on a European site on its own or in combination with other proposals'.

Therefore, preliminary consideration for the HRA of the Local Strategy requires the following tasks:

1. Identify all European sites potentially affected;

2. Acquire, examine and understand conservation objectives of each interest feature of each European Site potentially affected;
3. Consider the policies and proposals in the plan and the changes that they may cause that may be relevant to the European sites;
4. Acknowledging that the plan is not directly connected with or necessary for management of any European site, determine whether any elements of the plan are likely to have a significant effect on any interest feature, alone or in combination with other projects and plans, directly or indirectly.

The results of these activities are reported on in the following Sections.

### 3. RESULTS

#### 3.1 IDENTIFICATION OF EUROPEAN SITES

There are no European Sites (national site network sites) or Ramsar Sites within the Local Strategy area. However, plans, programmes and projects can have spatial implications that extend beyond the intended plan boundaries. HRAs published to date have typically considered European sites within a 10-15km boundary around the plan area, therefore this screening will use 15km. Distance is not a definitive guide to the likelihood or severity of an impact, as factors such as river and groundwater flow direction will have a bearing on the relative distance at which an impact can occur. This means that a plan directing development some distance away from a European Site could still have effects on the site and therefore needs to be considered as part of the screening process.

Taking this into account, the screening exercise had identified 10 European sites that lie within a 15km area around the MTCBC administrative boundary. See map in appendix B for further information. These sites are identified in table 2 and have been checked for the likelihood of significant effects.

European Site	Distance from MTCBC Administrative Boundary (km)
Brecon Beacons SAC	2.3
Cwm Cadlan SAC	3.5
Aberbargoed Grasslands SAC	4.2
Blaen Cynon SAC	4.6
River Usk SAC	7.0
Coedydd Nedd a Mellte SAC	7.3
Usk Bat Sites SAC	9.6
Cardiff Beech Woods SAC	12.3
Cwm Clydach Woodlands SAC	12.7
Llangorse Lake SAC	14.3

Table 2: European Sites within 15km of MTCBC boundary

As highlighted in NRW guidance, the relative distance at which impacts can occur is affected by river flow. This screening will therefore consider SACs and SPAs that lie downriver of the Local Strategy area due to the hydrological link of the River Taff. Beyond the 15km buffer described above, this further includes the Severn Estuary Marine Site



(consisting of SAC, SPA and Ramsar Site designations) located approximately 22km south east of the MTCBC administrative boundary.

Regulation 33 Advice on the Severn Estuary European Marine Site is available from NRW (written by Countryside Council for Wales (now NRW) and Natural England in 2009). The advice identifies the interest features of the site and advice on the vulnerabilities of the site. Vulnerabilities include: physical loss, changes in sediment, water quality impacts, water flow rates, damage from recreation activities and noise. The majority of these impacts would only occur from activities in areas proximal to the Marine Site and are highly unlikely to be impacted by the implantation of the Local Strategy. There is a pollution pathway from the Local Strategy area to the Severn Estuary Marine Site via the River Taff as the river enters the estuary in Cardiff Bay. A number of factors combine to make it very unlikely that the Local Strategy will present a significant effect in terms of water quality, including:

- Measures within the Local Strategy to improve water quality;
- The focus of the Local Strategy on Ordinary Watercourses and surface water. NRW controls River Taff and has measures in place to improve water quality.
- Wider objectives of other plans e.g. the Severn River Basin Management Plan to improve the condition of waterbodies throughout the river basin; and
- The intervening distance between the Marine Site and the Local Strategy area and downstream pollution sources beyond the influence of the Strategy.

The Severn Estuary is therefore not considered further in this HRA.

### 3.2 IDENTIFY AND UNDERSTAND THE CONSERVATION OBJECTIVES

NRW has an online tool to search information regarding protected areas of land and sea. Information includes core management plans for SACs and register entries for European sites. The website can be accessed here:

<https://naturalresources.wales/guidance-and-advice/environmental-topics/wildlife-and-biodiversity/protected-areas-of-land-and-seas/find-protected-areas-of-land-and-sea/?lang=en>

For each European Site, the information collated included:

- protected features;
- conservation objectives;
- vulnerabilities/ sensitivities;
- current conditions, trends & geographical boundaries.

The information was collated on 30th November 2023. NRW guidance outlines that for screening the following should be considered:

- the area over which the proposed activity would take place
- any overlaps or interaction with the protected features of a site in a direct or indirect way
- the effect of any essential parts of the proposal, such as its location, timing or design

The review assumed that all of the potential measures identified would be employed in delivery of the objectives – to provide a ‘worst case’ scenario for the assessment. A table has been provided in Appendix A to review the information available for the European sites within 15km of the Local Strategy boundary and assess whether there is any potential for the Strategy measures to have significant effects on these sites.

In summary, the review has not identified any potential for significant effects on any European Sites arising from the Local Strategy. Further consideration of the policies and measures proposed in the Local Strategy and the changes that they may cause that may be relevant to the European sites is not required. With no potential for likely significant effects arising, it is considered highly unlikely that other plans or projects could work ‘in combination with the Local Strategy to have a significant effect. Plans such as the Local Development Plan have been considered and are only considered likely to reinforce positive changes for habitats. The conclusions of this HRA are set out in Section 4.

## 4. CONCLUSIONS

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In consideration of the above results, Merthyr Tydfil CBC makes the following conclusions to the HRA screening of the Local Strategy.

The Local Strategy:

- is not directly connected with or necessary to the management of any European Site; and
- There is no likelihood of a significant effect on any European Site resulting from the Local Strategy
- With no discernible effects arising from the Local Strategy, it is also not likely to give rise to effects in combination with other plans and projects.

On this basis, further 'Appropriate Assessment' of the implications of the Local Strategy for European Sites – in accordance with the Habitats Regulations - is not required.

**APPENDIX A – ASSESSMENT SUMMARY TABLE**

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	Calcareous rocky slopes with chasmophytic vegetation	Unfavourable - bad	Base-rich and acidic sandstone cliffs, including crevices, scree and associated patches of thin soil, supporting a range of typical, scarce and rare plants	Grazing	<p>Atmospheric pollution is unlikely to be affected by the Local Strategy. Air pollution scoped out of SEA due to minimal likely impacts.</p> <p>No other factors external to the site identified as influencing condition</p> <p><b>No potential for significant effects</b></p>
	Siliceous rocky slopes with chasmophytic vegetation	Unfavourable - Inadequate		Erosion	
	European dry heaths	Unfavourable - bad	Extent, quality and diversity of heath vegetation are maintained and, where possible, degraded heath is restored to good condition.	Rock climbing	
	Hydrophilous tall herb fringe communities of plains and of the montane to alpine level	Unfavourable - bad		Air Quality	
				Grazing Burning Erosion Air Quality	
				Grazing Erosion Rock climbing	<p>No factors external to the site identified as influencing condition</p> <p><b>No potential for significant effects</b></p>

Cwm Cadlan SAC	<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i> )	Unfavourable - bad	Extent, distribution and quality of habitats	Livestock grazing  Drainage  Adjacent land use Scrub encroachment Atmospheric pollution	Atmospheric pollution and drainage (both into and within site) unlikely to be affected. Penderyn Quarry (and associated hydrological impacts on the SAC) not within the Local Strategy area and unlikely to be affected. <b>No potential for significant effects</b>
	Alkaline fens	Unfavourable - bad			
Aberbargoed Grasslands SAC	<i>Euphydryas</i> ( <i>Eurodryas</i> , <i>Hypodryas</i> ) <i>aurinia</i>	Unfavourable-Inadequate	Habitats maintained in the optimum extent/condition to support a sustained metapopulation of the butterfly	Livestock grazing  Third party actions – burning and off-road vehicles	No factors external to the site identified as influencing condition  <b>No potential for significant effects</b>
	<i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils ( <i>Molinion caeruleae</i> )	Unfavourable - bad			

Blaen Cynon SAC	<i>Euphydryas (Eurodryas, Hypodryas) aurinia</i>	Unfavourable-Inadequate	Habitats maintained in the optimum extent/condition to support a sustained metapopulation of the butterfly	<p>Livestock grazing</p> <p>Scrub encroachment</p> <p>Previous land use No known off-site factors</p>	<p>No factors external to the site identified as influencing condition</p> <p>Some non-SAC Marsh fritillary habitat within MTCB that could act as link. Strategy does not propose anything likely to reduce this habitat</p> <p><b>No potential for significant effects</b></p>
River Usk SAC	<p>Atlantic salmon (<i>Salmo salar</i>)</p> <p>Sea lamprey (<i>Petromyzon marinus</i>)</p> <p>River lamprey (<i>Lampetra fluviatilis</i>)</p> <p>Brook lamprey (<i>Lampetra planeri</i>)</p>	<p>Unfavourable - Inadequate</p> <p>Unfavourable</p> <p>Favourable</p> <p>Favourable</p>	Ecological status of the watercourse, including waterflows, river morphology, habitat quality and distribution. Populations stable or increasing.	<p>Hydro-morphology (flow and substrate quality)</p> <p>Water quality</p> <p>Acoustics (Noise and Vibration)</p> <p>Sediment and Chemical barriers</p>	<p>No hydrological, drainage or pollution links between the catchment area of the SAC and the Local Strategy area due to catchment topographies.</p> <p><b>No potential for significant effects</b></p>

	Bullhead ( <i>Cottus gobio</i> )	Favourable		Depletion of water flows	
	Twaite Shad ( <i>Alosa fallax</i> )	Unfavourable - Inadequate		Physical barriers to fish migration	
	Allis Shad ( <i>Alosa alosa</i> )	Unfavourable - Inadequate		Angling	
	European Otter ( <i>Lutra lutra</i> )	Favourable		Diffuse and point pollution	
	Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation	Unfavourable - bad		Non-native species	
Coedydd Nedd a Mellte SAC	<i>Tilio-acerion</i> forest of slopes, screes and ravines	Unfavourable - bad	Extent and quality of woodland condition and species make up of woodland.	<p>Livestock grazing</p> <p>Non-native species</p> <p>Woodland management</p> <p>Access and visitor management and human and</p>	<p>No factors external to the site identified as influencing condition</p> <p><b>No potential for significant effects</b></p>



				grazing induced bare ground	
	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles	Unfavourable - bad			
Usk Bat Sites SAC	Lesser Horseshoe Bat ( <i>Rhinolophus hipposideros</i> )	Favourable	Sustainable population of lesser horseshoe bat, supported by optimum conditions in breeding and hibernation roosts and condition of surrounding foraging habitats.	Roost conditions and disturbance  Foraging habitat quality and connectivity with roosts	Local Strategy area not affecting roost or foraging habitat/connectivity. No strong link between MTCB populations and SAC.  <b>No potential for significant effects</b>
	Blanket Bog	Unfavourable - bad	Extent and condition of habitat	Peat erosion	Atmospheric pollution unlikely to be affected by Local Strategy.

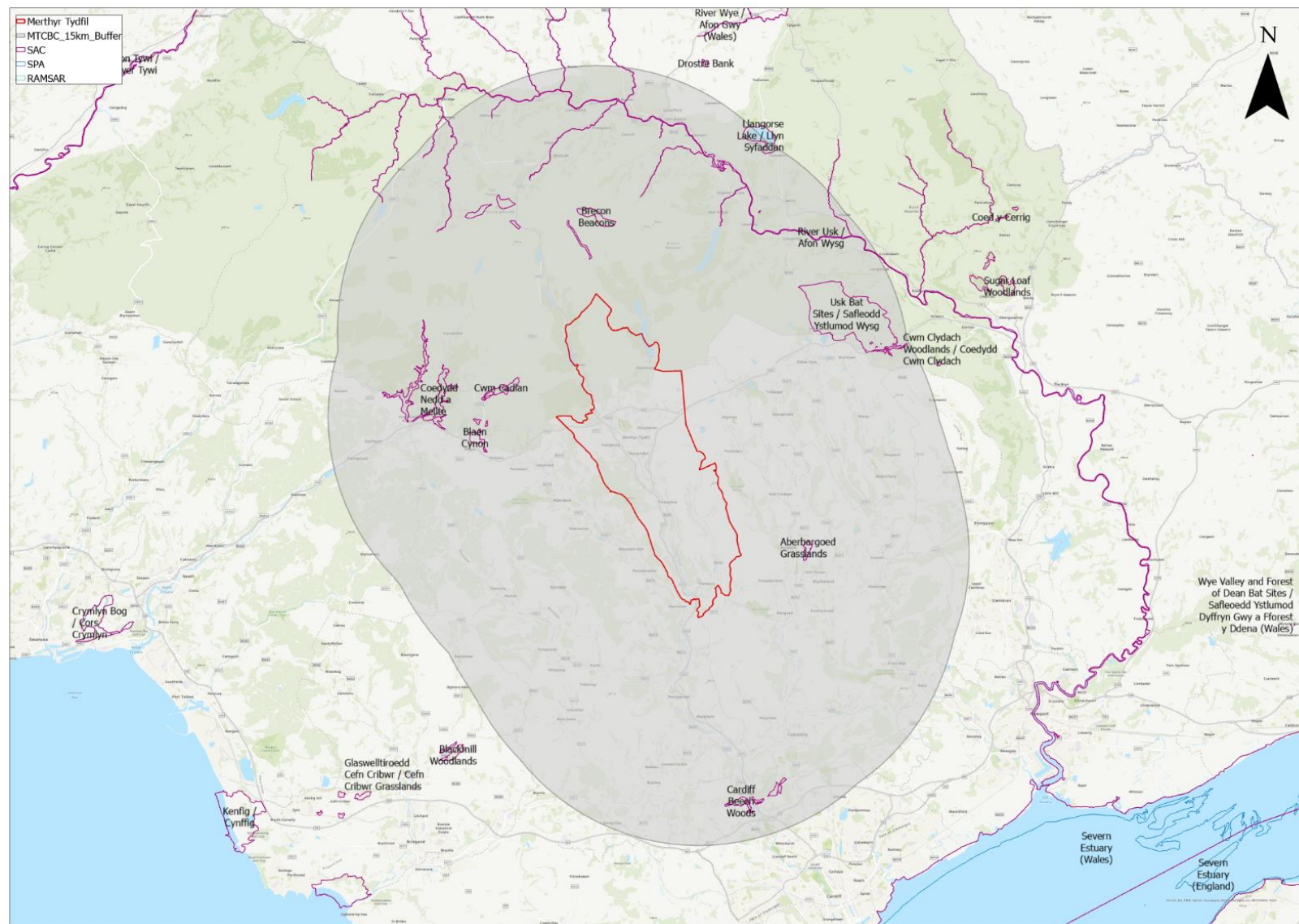
				Burning Drainage Air Quality	Drainage considerations are within site and highly unlikely to be affected by Local Strategy <b>No potential for significant effects</b>
	<i>Tilio-acerion</i> forest of slopes, screes and ravines	Unfavourable - bad	Extent and condition of habitat	Grazing Non-native species Woodland management	No factors external to the site identified as influencing condition <b>No potential for significant effects</b>
	European Dry Heaths	Unfavourable - bad	Extent, distribution and quality of habitat	Burning Erosion/Bare ground Air quality	Air quality is unlikely to be affected by the Local Strategy. No other factors external to the site identified as influencing condition. <b>No potential for significant effects</b>
	Calcareous rocky slopes with chasmophytic vegetation	Unfavourable - bad	Extent, distribution and quality of habitat	Grazing Quarrying	No factors external to the site identified as influencing condition. <b>No potential for significant effects</b>

				Rock climbing	
	Caves not open to the public	Favourable	Extent, distribution and quality of habitat  Bat species using the caves	None specified	No factors external to the site identified as influencing condition. <b>No potential for significant effects</b>
	Degraded raised bogs still capable of natural regeneration	Unfavourable - bad	Extent, distribution and quality of habitat	Grazing  Burning Drainage Site management Developments	Atmospheric pollution unlikely to be affected by Local Strategy. Drainage considerations are within site and highly unlikely to be affected by Local Strategy. <b>No potential for significant effects</b>
Cardiff Beech Woods SAC	<i>Asperulo-fagetum</i> beech forest	Unfavourable - bad	Extent and condition/ quality of woodland habitats	Recreational Use  Grazing/ browsing  Air pollution	Air quality is unlikely to be affected by the Local Strategy.  No other factors external to the site identified as influencing condition  <b>No potential for significant effects</b>

	<i>Tilio-acerion</i> forest of slopes, screes and ravines	Unfavourable - bad			
Cwm Clydach Woodlands SAC	<i>Asperulo-fagetum</i> beech forest	Unfavourable - bad	Extent, distribution and quality of woodland habitats	Livestock grazing	No factors external to the site identified as influencing condition. No hydrological link to site due to catchment morphology.  <b>No potential for significant effects</b>
	Atlantic acidophilous beech forests with <i>Ilex</i> and sometimes also <i>Taxus</i> in the shrublayer ( <i>Quercion robori-petraeae</i> or <i>Ilici-Fagenion</i> )	Unfavourable - bad		Non-native species	
Llangorse Lake SAC	Natural Eutrophic Lakes with <i>Magnopotamion</i> or <i>Hydrochariton</i> – type vegetation	Unfavourable - bad	Extent of habitat and composition of aquatic plant communities	Water quality  Hydrology  Sediment loads and lake substrate	No hydrological, drainage or pollution links between the catchment area of the SAC and the Local Strategy area.  <b>No potential for significant effects</b>

				Recreational disturbance Fishery Development	
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## APPENDIX B - MAP



## APPENDIX C - REFERENCES

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