

Habitats Regulations Assessment

Final Report for:

Wyeside Group Neighbourhood Area

July 2018



Wyeside Neighbourhood Plan HRA

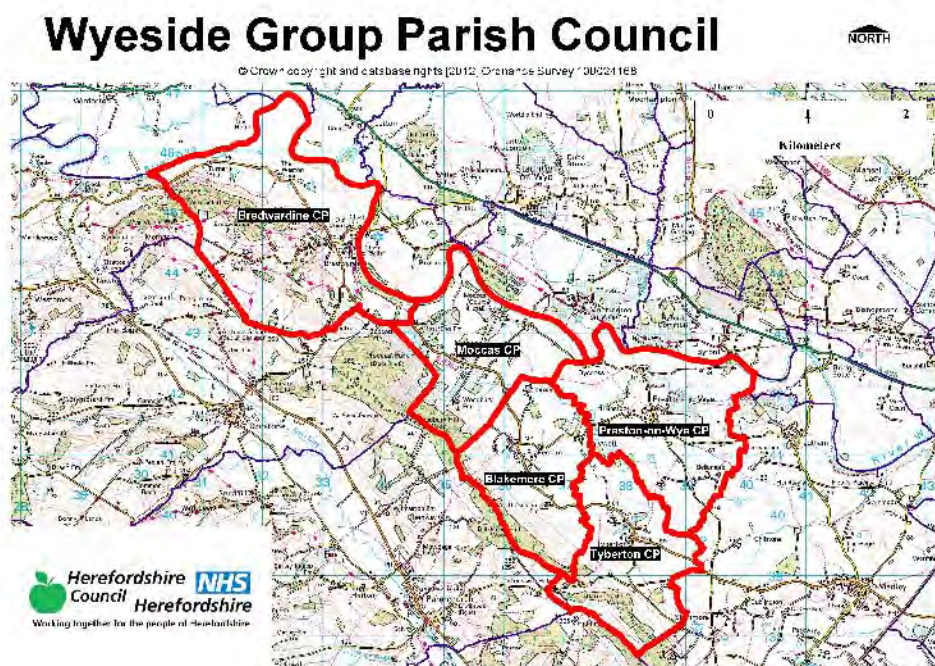
HRA Screening Assessment

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1 Introduction

- 1.1 This Screening Assessment relates to a Neighbourhood Development Plan that is considered to be in general conformity with higher level strategic plans, such as the Herefordshire Core Strategy and the National Planning Policy Framework. The screening stage involves assessing broadly whether the final Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Wyeside Group Parish Council has produced a Neighbourhood Development Plan for Wyeside Group of parishes, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the final Wyeside Plan (July 2018).
- 1.3 The NDP is criteria based and does not allocate sites or designate any settlement boundaries within the Wyeside Group of settlements. It provides general criteria policies that clarify and give more detail to those within the Herefordshire Core Strategy.
- 1.4 This requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Core Strategy. It should be read in combination with the Core Strategy Habitat Regulations Assessment Report and ensures that there will not be any significant impacts upon Natura 2000 sites.
- 1.5 The map below shows Wyeside Group Neighbourhood Area to which this assessment related.



2 The requirement to undertake Habitats Regulations Assessment of neighbourhood plans

- 2.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the “Habitats Regulations” published for England and Wales in July 2007 and updated in 2013. Therefore, when preparing its NDP, Wyeside Group Parish Council is required by law to carry out an assessment known as “Habitats Regulations Assessment”. It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.

- 2.2 Article 6(3) of the EU Habitats Directive provides that:
Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.
- 2.3 HRA is an impact-led assessment and refers to the assessment of the potential effects of a neighbourhood plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- **SPAs** are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of **wild birds and their habitats** (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
 - **SACs** are designated under the Habitats Directive and target **particular habitats** (Annex 1) and/or species (Annex II) identified as being of European importance.
- 2.4 For ease of reference during HRA, general practice has been that these three designations are collectively referred to as either **Natura 2000** or **European sites**. This means that a Screening Assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans or projects to identify if any significant effect is likely for any European Site.
- 2.5 Herefordshire Council is aware of the recent judgement (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a European site at the screening stage. The initial screening undertaken in May 2013 and concluded that a full HRA would be required. Mitigation was not taken into account at this stage.
- 2.6 The purpose of this final HRA Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Report (March 2016, January 2017 and October 2017) and reviewed in terms of the implications of *Sweetman*.

3 Methodology

- 3.1 Although the Wyeside NDP is not directly regarding the management of any European sites, it does include proposals for development which may affect European sites. Therefore, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant effects on European sites.
- 3.2 The HRA of neighbourhood plans is undertaken in stages and should conclude whether or not a proposal or policy in a neighbourhood plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated) and are measured with

reference to the conservation objectives for those qualifying features as defined by Natural England.

- 3.3 The first process is to undertake an initial screening report to determine the need to undertake the requirement for a HRA, this initial screening identifies whether the Plan could impact upon any European site that could be within the Neighbourhood Area or nearby.
- 3.4 If a European Site is within the Neighbourhood Area or the Neighbourhood Area could impact upon a European site then this will need to be taken into account and a full screening assessment will need to be undertaken.
- 3.5 The full screening stage consists of a description of the plan, identification of potential effects on European Sites, assessing the effects on European Sites. For Neighbourhood Plans the outcome should demonstrate there are no likely effects upon the European sites. If any likely effects occur then there will need to be amendments to the NDP made and be re-screened until all likely effects have been addressed.

4 Results of the Initial Screening Report and qualifying features of the European Sites

- 4.1 The initial Screening report (31st May 2013) found that the River Wye (including the River Lugg) SAC borders along the parishes of Moccas, Brewardine and Preston on Wye to the north. Figure 2 below highlights the location of River Wye SAC in relation to the neighbourhood area.



- 4.2 There is also a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect the river water quality and this included the associated watercourses flowing into the rivers.

Site integrity of the River Wye (including the River Lugg) SAC

- 4.3 The issues associated with maintaining the sites integrity include water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance.
- 4.4 The River Wye SAC can be sensitive to changes in water quantity and quality. As outlined within the Habitat Regulation Assessment to the Herefordshire Core Strategy, the water supply in this area comes from Dwr Cymru Welsh Water (DCWW) and no likely significant effects on European sites as a result of changes in water quality are expected in relation to the proportional growth outlined with the Herefordshire Core Strategy.
- 4.5 In relation to water quality, Policy SD4 of the Herefordshire Core Strategy indicates that any development should not undermine the achievement of water quality targets within the county's rivers. This should ensure that developments within the area can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC. This position is confirmed within the HRA of the Core Strategy in April 2015.
- 4.6 The addition of the Nutrient Management Plan for the River Wye SAC will support this policy. DCWW states that a feasibility study is required for Bredwardine and Preston on Wye, this will identify any potential sewage capacity. Moccas Sewerage treatment works (STW) and require further works to increase capacity in order to accommodate the specific growth required within the Wyeside Neighbourhood Plan.
- 4.7 For full details of the River Wye's attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Wyeside Initial Screening Report. The Initial Screening Report, May 2013, can be found in Appendix 1 of this HRA report.
- 4.8 This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Wyeside Neighbourhood Plan may affect site integrity.
- 4.9 The initial screening assessment indicated that a full screening assessment is required to assessment the likelihood of significant effects on the River Wye (including the River Lugg) SAC of the policies within the Wyeside NDP.

5 Description of the Wyeside Neighbourhood Development Plan

- 5.1 The final Wyeside NDP presents detailed policies for development in the Neighbourhood Area, which is equivalent to the group parish boundary, up to 2031. The Plan begins by introducing its preparation and highlighting its issues.
- 5.2 The NDP then details the vision for the Group Parish over the Plan period; 'to ensure that the special characteristics of the villages within the five parishes that residents know and love, including their rural feel, historic buildings and relationship with the surrounding countryside, are enhanced and protected'. There are six objectives of how this will be achieved. The objectives cover the following topics:
1. Local enterprise and job creation
 2. Sustainable housing development
 3. Mixed range of housing tenures
 4. Protection of the existing built and rural environment
 5. Protect and sustain rural services and community facilities
 6. Community involvement

From these 6 objective a further 25 sub-objectives around housing, environment and facilities have been included to further development the overall objectives into specific policies areas.

- 5.3 The initial options for the NDP (refer to appendix 2) were assessed to determine their environmental impact that could affect the River Wye SAC. Of the nine options put forward the 'no NDP / do nothing' option was not considered viable for the Parish.

The remaining eight options of

- Prepare a neighbourhood plan
- Allocate sites for housing
- Manage future housing using a settlement boundary,
- Allocate sites and identify a settlement boundary
- Manage future housing through a development management policy
- Allocate housing development on one site/village
- Allocation housing on smaller sites within all villages
- Manage development via a contiguous to each village centre policy.

All of which indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core strategy and are therefore unlikely to have a significant impact on the SAC

- 5.4 As Wyeside Neighbourhood Plan progressed from options to draft NDP policies, the Plan needed to identify ways in which the least effect on the River Wye SAC could be achieved, alongside taking forward the preferred option from the consultation from the community. A list of the options assessed can be found in previous HRA assessments, and the Assessment matrix for the options can be found HRA March 2016 version.

- 5.5 The NDP also sets out 18 general policies on various topics based on the objective headings above and also for group parish, these include:

| | |
|--------------|--|
| Policy WB01 | New Business Opportunities |
| Policy WB02 | Retail Development |
| Policy WH01 | New Housing Development |
| Policy WH02 | Ensuring an appropriate Range of Tenures, Types and Size of Houses |
| Policy WH03 | Affordable Housing |
| Policy WH04 | Re-use of Rural Buildings |
| Policy WH05 | Housing in Open Countryside |
| Policy WHD01 | New Building Design |
| Policy WHD02 | Change of Use and associated buildings alternations/extensions |
| Policy WE01 | Environmental Restrictions on Development |
| Policy WE02 | Landscape Design Principles |
| Policy WE03 | Protecting green infrastructure, heritage assets and local green space |
| Policy WE04 | Renewable Energy |
| Policy WE05 | Public sewerage and wastewater treatment |
| Policy WF01 | Retention of Existing Recreational Facilities |
| Policy WF02 | Picnic Areas, Improving Footpaths and Access to the River Wye |
| Policy WF03 | Additional Community and Recreational Facilities |
| Policy WF04 | General policy applicable to all developments |

6.0 Assessments undertaken to date of the emerging Wyeside NDP policies

- 6.1 Regulation 102 of the Habitats Regulations 2010 requires that a Screening Assessment be undertaken, in order to identify the 'likely significant effects' of an NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies within the Wyeside NDP would be likely to have a significant effect on the River Wye SAC. This has been repeated at each statutory stage of the NDP consultation process.
- 6.2 The findings of those screening matrix can be found within the previous versions of the HRA report and its addendum. This final report aims to bring together these assessments and review in light of the final examination modifications and the implications of the *Sweetman* case.

Screening of the draft plan (Reg14)

- 6.3 The screening matrix took the approach of screening each policy and objective individually, which is consistent with current guidance. The results from the HRA reports for the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 6.4 None of the Wyeside NDP objectives and policies (March 2016) were concluded to be likely to have a significant effect on the European site. Although three of the parishes making up the Wyeside Group border the River Wye SAC, only one village is in close proximity to the river itself. Policy WE01 and Core Strategy policy SD3 and SD4 together with the Nutrient Management Plan will ensure that development can only occur if these policy requirements are met.
- 6.5 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development and the SAC itself is not within the parish. In several cases the policies also included measures to help support the natural environment including biodiversity.
- 6.6 It is unlikely that the Wyeside Neighbourhood Plan will have any in-combination effects with any Plans from neighbouring parish council due to the level of growth proposed is of the same that is proposed for the Golden Housing Market Area in the Herefordshire Core Strategy
- 6.7 Therefore it was concluded that the **Reg14 Wyeside NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

Screening of modifications to NDP (Reg16)

- 6.8 The Submission NDP (January 2017) incorporates additional policy criteria or wording to add clarity and emphasis throughout the document. Of particular importance is that Policy WE05 which was added and includes reference to the sewerage network capacity within the village and the potential to phase development. This will give criteria for future applications to meet to support policy SD04 and ensure that the delivery of the Nutrient Management Plan is not compromised.
- 6.9 Modifications made to 4 other policies of the plan are considered to be minor and would not have a significant effect on the results previously assessed. These were points of clarity and minor word changes.
- 6.10 The revised NDP policies are therefore unlikely to result in significant effects on the European site.

Screening following 1st examination (October 2017) and resubmission (January 2018)

- 6.11 Following the issuing of the first examiner's report, the Wyeside Group Parish Council decided to withdraw their plan as there were concerns regarding how the modifications reflected the community aspirations. The plan was then resubmitted for a further regulation 16 consultation.
- 6.12 The resubmission NDP incorporated the majority of the modifications that the examiner has recommended within the Examiner's report with the exception of some minor modifications to policy WH01 and WH02. These changes are to ensure that the plan meets the Basic Conditions.
- 6.13 One new policy has been added following the examination, this has not added any new information but has amalgamated a number of criteria deleted from other policies. Most of the amendments have involved wording changes for clarity rather than emphasis or direction.
- 6.14 The resubmission NDP policies were assessed as unlikely to result in significant effects on the European site.

7 Assessment of the 'likely significant effects' of the final Wyeside NDP (July 2018) - Rescreening following 2nd examination (June 2018) and implications of *Sweetman* case

- 7.1 The final NDP incorporates the modifications that the second examiner has recommended within the examiner's report. These changes are to ensure that the plan meets the Basic Conditions.
- 7.2 No new policies have been introduced into the final NDP following the examination; however there have been some minor word changes to the policies. The main changes have occurred to Policy WH01, WH02, WHD01 and WE04
- 7.3 In light of the *Sweetman* case all policies have been reviewed to ensure compliance with the ruling. The finding can be found in appendix 3.
- 7.4 The findings of the screening matrix can be found in the Screening Matrix in the appendix. Colour coding was used to record the likely impacts of the policies on the European site and its qualifying habitats and species as shown in the table 1 below.

| | |
|-------|--|
| Red | There are likely to be significant effects |
| Green | Significant effects are unlikely |

- 7.5 Following the recent *Sweetman* judgement, it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on the River Wye SAC at this final screening stage. Any likely significant effects would require an Appropriate Assessment to be required.

8 Conclusions from the Screening Matrix

- 8.1 None of the final Wyeside Neighbourhood Plan (July 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. Although three of the parishes making up the Wyeside Group border the River Wye SAC, only one village is in close proximity to the river itself.
- 8.2 Policy WE01 has been included within the Wyeside NDP with sufficient policy criteria together with the Core Strategy policy SD3 and SD4 to ensure that development can only occur if these criteria are met.

- 8.3 The Wyeside NDP is primarily a criteria based plan and therefore the policies themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment (WE01, WE02, WE03), including biodiversity and therefore no significant effect conclusion could be reached.
- 8.4 There are no allocated sites for development, just a highlighted development strategy of contiguous growth. Due to the location of these potential contiguous sites, i.e. not directly on the river banks or adjacent to a watercourse that feeds into the River, and due to the scale of the sites for homes and businesses being small (no larger than 3 dwellings per plot and retail development under 80sq metres) and at the scale of growth that is required by the Herefordshire Core Strategy, these would not have an appreciable effect on the River Wye SAC, i.e. that they were not likely to be significant.
- 8.4 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is currently no existing capacity with regards to permitted headroom in the Sewerage Treatment works serving the Wyeside Group area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. Continuing work is required with DCWW to ensure that sufficient headroom can be provided through improvements and a potential feasibility study may be required to assess any further upgrade requirements. Policy SD4 of the Core Strategy and Policy WE05 of the NDP indicate that development would not be permitted if wastewater treatment and water quality cannot be assured
- 8.5 In addition, the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 8.6 No mitigation measures have been included within the screening of the policies of the NDP. Policies of the Core Strategy and the NDP will form part of the development plans. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 8.6 This review and rescreening in addition to the revisions to the policies from the examination, have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Wyeside Plan will not have a likely significant effect on the River Wye SAC.***
- 9 Identification of other plans and projects which may have ‘in-combination’ effects**
- 1.1 There are a number of potentially relevant plans and projects which may result in in-combination effects with the Core Strategy across Herefordshire, these plans have been reviewed and can be found in Appendix 2 of the publication of the Herefordshire Local Plan Core Strategy Habitats Regulations Assessment (Oct 2015).
- 1.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy.
- 1.3 Adjacent neighbourhood plans include Eardisley Group, Staunton on Wye Group Dorstone and Peterchurch have all been adopted. Bishopstone Group has reached examination and Clifford and Madley are in drafting stage in their production. These plans have not gone over and beyond the requirements set out within the Core Strategy for their area.
- 9.4 The HRA for the Core Strategy also identifies that both the Water Cycle Study for Herefordshire, which indicates the potential for planned water abstraction requirements combined with pressures on European Sites from the Core Strategy

policies, and the work on the Nutrient Management Plan, to ensure the favourable conservation status of the SAC in respect of phosphate levels as soon as possible and at the latest by 2027, have both been considered as part of the in-combination assessment.

- 9.5 It is unlikely that the Wyeside Plan will have any in-combination effects with any plans from neighbouring parish councils as the level of growth proposed is the same as that proposed for the Golden Housing Market Area in the Herefordshire Core Strategy.

10.0 Conclusion

- 10.1 With reference to section 3 and 4 above, the modifications to the NDP are not considered to affect the findings of the previous HRA report. Equally the review in light of the *Sweetman* case are also not considered to affect the previous findings.

- 10.2 Therefore the earlier conclusions that the **Wyeside NDP will not have a likely significant effect on the River Wye SAC** remains valid.

11.0 Next steps

- 11.1 This Addendum Report will be published alongside the final Wyeside NDP and the earlier HRA Report and its addendum. This will be subject to a consultation with the statutory bodies prior to the final adoption/making of the Wyeside NDP.

Appendix 1

**Initial Habitat Regulations Assessment and Strategic Environmental
Assessment Screening Notification**

The Neighbourhood Planning (General) Regulation 2012 (Reg. 32)

Conservation of Habitats and Species Regulations 2010 (d)

| | |
|---|----------------------------------|
| Neighbourhood Area: | Wyeside Group Neighbourhood Area |
| Parish Council: | Wyeside Group Parish Council |
| Neighbourhood Area Designation Date: | 31/01/2013 |

Introduction

This Initial Habitat Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA) Screening has been undertaken to assess whether any European sites exist within or in proximity to the neighbourhood area which could be affected by any future proposals or policies.

Through continual engagement the outcomes of any required assessments will help to ensure that proposed developments will not lead to Likely Significant Effects upon a European Site or cause adverse impacts upon other environmental assets, such as the built historic or local natural environment.

**HRA Initial Screening: Map showing relationship of Neighbourhood Area with European Sites
(not to scale)**



Initial HRA Screening

River Wye (including the River Lugg) SAC:

| | | |
|--|---|---|
| Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary? | Y | The River Wye borders Bredwardine, Moccas and Preston on Wye to the north |
| Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC? | Y | The Group Parish is within the hydrological catchment of the River Wye. |
| If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage? | Y | There is mains drainage at Moccas, Preston on Wye and Bredwardine |

Downton Gorge SAC:

| | | |
|---|---|---|
| Is the Neighbourhood Area within 10km of Downton Gorge SAC? | N | Downton Gorge is 28.04km away from the Group Parish |
|---|---|---|

River Clun SAC:

| | | |
|--|---|---|
| Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council? | N | River Clun does not border the Group Parish |
|--|---|---|

Usk Bat Sites SAC:

| | | |
|--|---|---|
| Is the Neighbourhood Area within 10km of the SAC boundary? | N | Usk Bat Sites are 29.5km away from the Group Parish |
|--|---|---|

Wye Valley & Forest of Dean Bat Sites SAC:

| | | |
|--|---|--|
| Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites? | N | The Group Parish is 32.3km away from Wye Valley and Forest of Dean Bat Sites |
|--|---|--|

Wye Valley Woodlands SAC:

| | | |
|--|---|---|
| Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site? | N | The Group Parish is 27.5km away from the Wye Valley Woodlands |
|--|---|---|

HRA Conclusion:

The assessment above highlights that the following European Sites will need to be taken into account in the future Neighbourhood Development Plan for the Wyeside Group Neighbourhood Area and a Full HRA Screening will be required.

European Site

(List only those which are relevant from above)

River Wye (including the River Lugg) SAC

Strategic Environmental Assessment Initial Screening for nature conservation landscape and heritage features

The following environmental features are within or in general proximity to the Wyeside Group Neighbourhood Area and would need to be taken into account within a Strategic Environmental Assessment. In addition, the NDP will also need to consider the other SEA topics set out in Guidance Note 9a to ensure that the plan does not cause adverse impacts.

| SEA features | Total | Explanation | SEA required |
|---|-------------------|--|---------------------|
| Air Quality Management Areas | 0 | There are no AQMA's within the Group Parish | N |
| Ancient Woodland | 12 | Benfield Park; Bredwardine Wood (border); Finestreet Wood; Old House Farm Wood; Mill Copse; Woodbury Hill Wood; 1 Unlabelled site north of Moccas Parish (border); Kinley Coppice; Barretts Hill Wood; Woodfield Barn Coppice; Rushden Wood (border); Kiln Wood (border) | Y |
| Areas of Archaeological Interest | 0 | There are no AAI's within the Group Parish | N |
| Areas of Outstanding Natural Beauty | 0 | There are no AONB's within the Group Parish | N |
| Conservation Areas | 0 | There are no Conservation Areas within the Group Parish | N |
| European Sites | 1 | The River Wye | Y |
| Flood Areas | | Flood Zones follow the River Wye along the northern borders of the Group Parish. There is also Flood Zones along the northern border of Tyberton and Blakemere Parishes, and also around Moccas Court | Y |
| Listed Buildings | Numerous | There are numerous Listed Buildings throughout the Group Parish | Y |
| Local Sites (SWS/SINCs/RIGS) | 15 (SWS) | River Wye; Pond near Turners Boat; Merbach Hill, Benfield Park and Weston Hill Wood; Ox-bow Lake, Letton Court (border); Court Wood; Trap Coppice and Mill, Leasowe Wood (border); Depple Wood and Castle Coppice; Wern Wood; Moccas Park and adjoining woodland; Mere Pool, Blakemere; Land at Rose Bank, Preston on Wye; The Flits; Land near Hacton, Preston on Wye; Ponds near Woodfield Farm; Timberline Wood and adjoining woodlands | |
| Long distance footpaths/trails (e.g. Herefordshire Trail) | 4 | Three Rivers Ride; Wye Valley Walk; Vaughans Way; Herefordshire Trail (border) | Y |
| Mineral Reserves | 2 | 2 sites border Preston on Wye to the east | Y |
| National Nature Reserve | 2 | Moccas Park; The Flits | Y |
| Registered & unregistered parks and gardens | 1 Registered 5 | Registered: Moccas Court Unregistered: Bredwardine Castle; | Y |

| | | | |
|--------------------------------------|--------------|---|---|
| | Unregistered | Bredwardine Village; Monnington Deer Park (border); Tyberton Court; 1 unlabelled site to the north of Bredwardine Parish (border) | |
| Scheduled Ancient Monuments | 4 | Moated site known as Old Court Mound at Old Court; Bredwardine Castle; Churchyard Cross at St Leonards Churchyard; Churchyard Cross at St Mary's Churchyard | Y |
| Sites of Special Scientific Interest | 4 | Moccas Court (Favourable (part) Unfavourable recovering (part)); The Flits (Unfavourable Recovering (part) Favourable (part) Unfavourable No Change (part)); River Wye (Unfavourable Recovering); Monnington Scar (Favourable) (border) | Y |

Decision Notification:

The initial screening highlights that the Neighbourhood Development Plan for the Wyeside Group Neighbourhood Area:

- a) Will require further environmental assessment for Habitat Regulations Assessment and Strategic Environmental Assessment.

Assessment date: 31/05/2013

Assessed by: James Latham

Appendix 1: European Sites

The table below provides the name of each European Site, which has been screened in for the purposes of neighbourhood planning in Herefordshire; includes their site features of integrity; and vulnerability data. This is based on the sites individual features of integrity and their vulnerabilities, which could include distance criteria. This has been used in identifying which parishes are likely to require a full HRA Screening of their future Neighbourhood Development Plan, to establish if their plan might have Likely Significant Effects on a European Site.

| |
|---|
| Downton Gorge |
| Site Features: <i>Tilio-Acerion</i> forests of slopes, screes and ravines |
| Vulnerability data: 10km for air quality associated with poultry units or other intensive agricultural practices. |
| River Clun |
| Site Features: Freshwater pearl mussel <i>Margaritifera margaritifera</i> |
| Vulnerability data: Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected. |
| River Wye |
| Site Features: Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation. Transition mires and quaking bogs. White-clawed (or Atlantic Stream) crayfish <i>Austropotamobius pallipes</i> . Sea lamprey <i>Petromyzon marinus</i> . Brook lamprey <i>Lampetra planeri</i> . River lamprey <i>Lampetra fluviatilis</i> . Twaite shad <i>Alosa fallax</i> . Atlantic salmon <i>Salmo salar</i> . Bullhead <i>Cottus gobio</i> . Otter <i>Lutra lutra</i> . Allis shad <i>Alosa alosa</i> |
| Vulnerability data: Proximity: Developments should not be within 100m of the designated bank. Some developments beyond 100m may also have impacts based on proximity and these issues should be addressed where possible when developing NDP policy and choosing site allocations. Water Quality: Within the whole catchment of the River Wye, which includes the River Lugg, mains drainage issues with regards to water quality are being resolved through the Core Strategy / Local Plan and development of a Nutrient Management Plan. Welsh Water should be consulted to ensure that the proposed growth will be within the limit of their consents. Otters: "An otter will occupy a 'home range', which on fresh waters usually includes a stretch of river as well as associated tributary streams, ditches, ponds, lakes and woodland. The size of a home range depends largely on the availability of food and shelter, and the presence of neighbouring otters. On rivers, a male's home range may be up to 40km or more of watercourse and associated areas; females have smaller ranges (roughly half the size) and favour quieter locations for breeding, such as tributary streams. Otters without an established home range are known as 'transients'. They are mostly juveniles looking for a territory of their own, or adults that have been pushed out of their territories. Transient otters may use an area for a short while, but they will move on if conditions are not suitable or if they are driven away by resident otters. Transients will have been important in extending the range of otters, but they are very difficult to identify from field signs. Within a home range an otter may use many resting sites. These include above-ground shelters, such as stands of scrub or areas of rank grass, and underground 'holts' – for example, cavities under tree roots and dry drainage pipes." (Source: EA website: http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf accessed 09/04/2013) |

Usk Bat Site

Site Features: Annex I habitats present as a qualifying feature, but not a primary reason for site selection: European dry heaths, Degraded raised bogs still capable of natural regeneration, Blanket bogs, Calcareous rocky slopes with chasmophytic vegetation, Caves not open to the public, *Tilio-Acerion* forests of slopes, screes and ravines. Annex II species of primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, UK population 5%, although it is suggested this is an underestimate.

Vulnerability data: Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

Wye Valley and Forest of Dean Bat Sites

Site Features: Annex II species that are a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*. Greater horseshoe bat *Rhinolophus ferrumequinum*

Vulnerability data: Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

Greater Horseshoe bats are known to migrate between 20-30km between their summer and winter roosts.

NDPs closest to the European Site will need to consider:

Woodland habitat buffer.

Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

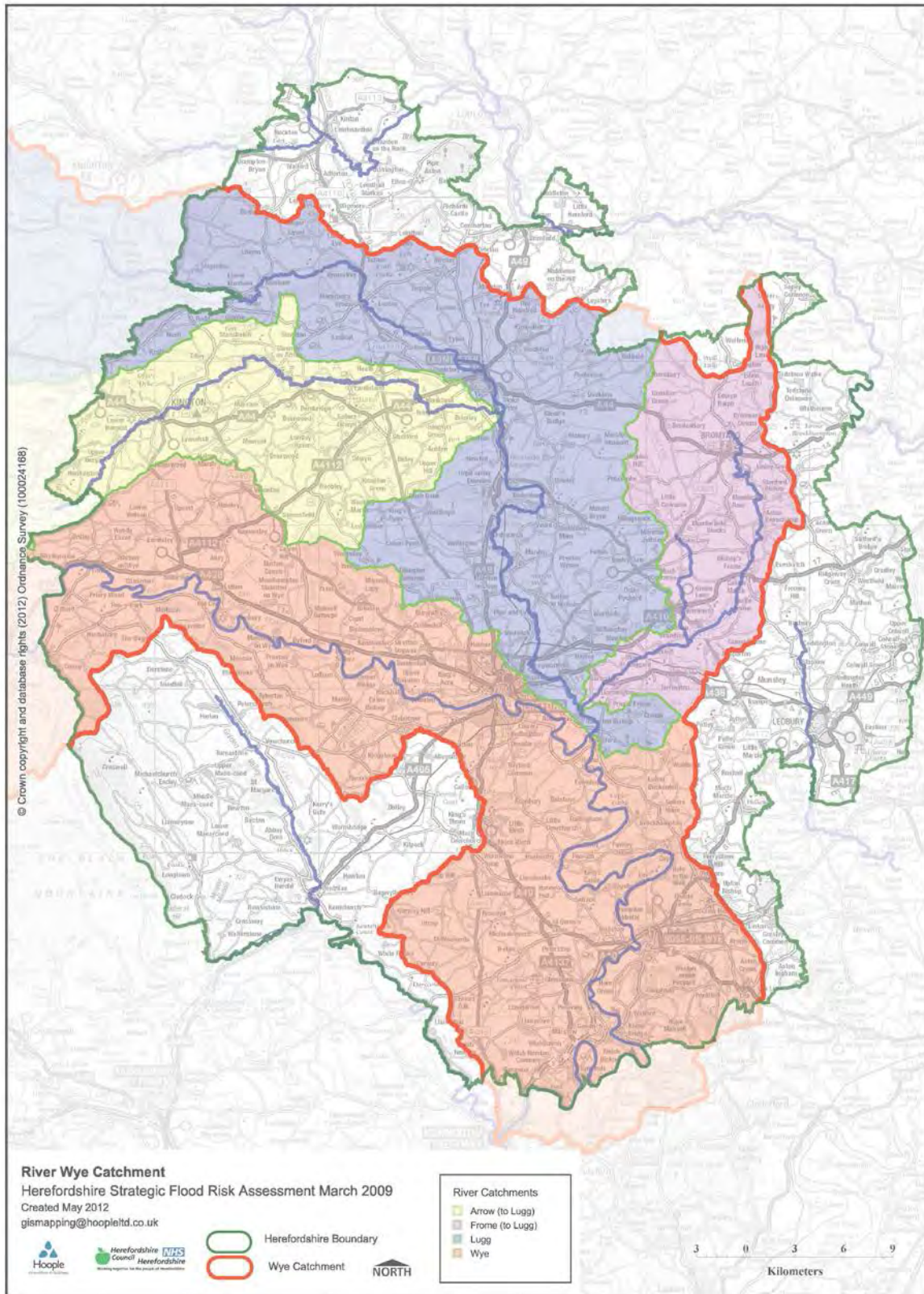
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation. A system/series of sites required. Vulnerable to loss of insect food supply, due to insecticide use, changing farming practices and loss of broad-leaved tree-cover and loss / disturbance of underground roosts sites.

Wye Valley Woodlands

Site Features: Annex I habitats that are a primary reason for site selection: Beech forests *Asperulo-Fagetum*, *Tilio-Acerion* forests of slopes, screes and ravines, *Taxus baccata* woods of the British Isles. Annex II species present as a qualifying feature, but not a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, 51-100 residents

Vulnerability data: Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues. NDPs closest to the European Site will need to consider: Woodland habitat buffer. Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

Appendix 2: Wye Catchment Map



Appendix 2

Options considered – Wyeside Group Neighbourhood Development Plan

- Do nothing / No neighbourhood development plan
- Produce a neighbourhood development plan
- Allocate sites for housing
- Manage future housing using settlement boundaries
- Allocate sites and identify settlement boundary
- Manage future housing through a development management policy
- Allocation one larger site for housing
- Allocation of smaller sites for housing
- Manage future housing by allowing development that is contiguous to each village centre

Appendix 3

Table 2: HRA Screening of final Neighbourhood Development Plan Policies

Date undertaken: July 2018

| NDP objectives and policies | HRA Screening of final NDP objectives and policies | | | | |
|--|---|---|--------------------------------------|---|--|
| | Likely activities (operations) to result as a consequence of the objective/option/policy | Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites? | European Sites potentially affected | Would it be possible that it would result in any LSE? | Requirement for an Appropriate Assessment |
| WB01 – New Business Opportunities | Policy to support proposals for new business opportunities. Potential additional traffic movements Additional water use | Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4. | River Wye (including River Lugg) SAC | No | No, policy criteria exist within the NDP and Core Strategy (WE01 and SD4) required to be met for the development to receive planning permission. |
| WB02 – Retail Development | Policy to support proposals for small retail development. | Unlikely that there will be any significant effects on the European Site. This policy is promoting very small scale retail facilities within the parish | River Wye (including River Lugg) SAC | No | No, policy criteria exist within the NDP and Core Strategy (WE01 and SD4) required to be met for the development to receive planning permission. |
| WH01 – New Housing Development | Policy for housing development in line with | Small scale development proposed (plots of 10 or less) Unlikely that there | River Wye (including River Lugg) SAC | No | No, implementation of Core Strategy policy SD4, LD2, SD1 and |

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| | | | | | |
|--|--|---|--------------------------------------|----|--|
| | <p>Core Strategy targets.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p> | <p>will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.</p> | | | <p>Policy WE01 of the NDP to grant planning permission will ensure water quality issues are addressed.</p> |
| WH02 – Ensuring an appropriate Range of Tenures, Types and Size of Houses | <p>Policy to support proposals for a range of types, tenures and size of houses.</p> | <p>Unlikely that there will be any significant effects on the European Site.</p> | River Wye (including River Lugg) SAC | No | <p>No: Scale and extent of development is in line with the Local Plan (Core Strategy) and this policy will not lead to development itself</p> |
| WH03 – Affordable Housing | <p>Affordable housing development in rural areas.</p> <p>Increase in vehicle traffic</p> <p>Increased demand for water abstraction and sewage treatment.</p> | <p>Unlikely that there will be any significant effects on the European Site.</p> | River Wye (including River Lugg) SAC | No | <p>No: Scale and extent of such development is unlikely to be significant. This policy is criteria based policy for affordable housing within Wyeside Group and conforms to Core Strategy policy H1.</p> |
| WH04 – Re-use of Rural Buildings | <p>Policy to support redevelopment of rural buildings into dwelling</p> <p>Small increase in transport usage</p> | <p>Unlikely that there will be any significant effects on the European Site. Criteria regarding priority habitats and species is contained within the</p> | River Wye (including River Lugg) SAC | No | <p>No: Scale and extent of such development is unlikely to be significant. This policy deals with rural development and accords with Core</p> |

| | | | | | |
|--|---|---|--------------------------------------|----|--|
| | Increase in water usage | policy which need to be met. | | | Strategy Policy RA5 Re-use of rural buildings |
| WH05 – Housing in Open Countryside | Restrict housing in the open countryside and in line with Core Strategy policy RA3 | Unlikely that there will be any significant effects on the European Site. Development with be very small scale and in line with policy RA3 of the Core Strategy | River Wye (including River Lugg) SAC | No | No: Scale and extent of such development is unlikely to be significant. This policy sets out criteria for housing development in the countryside. This policy conforms to Core Strategy policy RA3, RA4 and RA5. |
| WHD01 – New Building Design | Policy to support residential development. | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No this policy will not lead to development but contains the criteria to design adjudge applications against. |
| WHD02 – Change of Use | Policy to support change of use Potential increase in traffic and water use. | Unlikely that there will be any significant effects on the European Site. Contains criteria for the change of use of an existing building. | River Wye (including River Lugg) SAC | No | No: this policy itself will not lead to development, instead it relates to criteria based objective. Criteria is included within the policy to reference priority species and habitats. |
| Policy WE01 – Environmental Restrictions on | This policy safeguards species and local biodiversity against development. Ensuring development is does not | The policy contains criteria to specifically safeguard the River Wye SAC and the flood zones. | River Wye (including River Lugg) SAC | No | No: This policy is likely to have a beneficial effect on environment and biodiversity of Wyeside group. This |

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| | | | | | |
|--|---|--|--------------------------------------|----|---|
| Development | have a detrimental impact on surrounding environment. | This includes no development with 100m of the boundary of the River Wye SAC. | | | policy is specific intended to highlight criteria for developments to meet and compliment policy SD4. |
| Policy WE02 – Landscape Design Principles | Contains the design criteria for development particularly landscape features. | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards natural and built landscape of Wyeside. |
| Policy WE03 - Protecting Local Green Spaces and Important Views | Local green spaces safeguarded from development Increase in recreational activity. | Unlikely that there will be any significant effects on the European Site. The policy wording requirements for development to meet regarding the River Wye SAC and priority species and habitats. | River Wye (including River Lugg) SAC | No | No: this policy itself refers to the River Wye SAC and other priority species and habitats. Additional policy criteria is contained within NDP policy WE01. |
| Policy WE04 – Renewable Energy | Support for renewable energy projects | Unlikely that there will be any significant effects on the European Site. Policy seeks to support appropriately sites schemes predominately solar power. | River Wye (including River Lugg) SAC | No | No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards |

| | | | | | |
|---|--|---|--------------------------------------|-----|---|
| Policy WE05 – Public sewerage and waste water treatment | Support provision of adequate water treatment provision | This is likely to have a positive effect on the baseline. | River Wye (including River Lugg) SAC | No. | No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards |
| WF01 – Retention of Existing Recreational Facilities | Recreation facilities maintained | Local community recreation facilities will be protected as community assets. No Likely significant impacts expected. | River Wye (including River Lugg) SAC | No | No: this policy is seeking to safeguard existing facilities. There is currently very limited facilities within the five settlements |
| WF02 – Picnic Areas, Improving Footpaths and Access to the River Wye | Policy to support improvement to footpath Increased direct access to the River Wye | Any developments near the River Wye will need to take account of the water quality and flooding issues. Developments of this scale are unlikely to have any significant effects given the safeguards within Core Strategy policy SD3, SD4 and NDP policy WE01 | River Wye (including River Lugg) SAC | No | No: Any developments near the River Wye will need to take account of the water quality and flooding issues. Developments of this scale are unlikely to have any significant effects given the requirements within the Core Strategy policy SD3, SD4 and NDP policy WE01 |
| WF03 – Additional Community and Recreational Facilities | Development of additional community and recreational facilities Increased recreational activity | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No: this policy itself will not lead to development, instead it relates to criteria based objective. |

| | | | | | |
|--|---|--|---|-----------|---|
| <p>WF04 – General Policy Applicable to all developments</p> | <p>General criteria for development</p> | <p>Unlikely that there will be any significant effects on the European Site.</p> | <p>River Wye (including River Lugg) SAC</p> | <p>No</p> | <p>No: this policy itself will not lead to development, instead it relates to criteria based objective.</p> |
|--|---|--|---|-----------|---|

Appendix 4

Consultation date: 16 May to 26 June 2016

Consultation title: Wyeside Neighbourhood Plan Regulation 14

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan (April 2016)*

| Consultee | Summary of Comments | Response to Comments |
|-------------------------|--|----------------------|
| Natural England | Natural England notes the screening process applied to this NDP. Agree with the conclusions of no likely significant effect upon the River Wye SAC. Note and concur with the amendment to Policy WH01. | Noted |
| Heritage England | No comment received regarding the Environmental Report | |
| Environment Agency | No comments received | |
| Natural Resources Wales | No comments received | |

Appendix 5

Consultation date: 6 February to 20 March 2017

Consultation title: Wyeside Neighbourhood Plan Regulation 16

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan*

| Consultee | Summary of Comments | Response to Comments |
|-------------------------|---|----------------------|
| Natural England | No comments received regarding the Environmental Report | |
| Heritage England | No comment received regarding the Environmental Report | |
| Environment Agency | No comments received regarding the Environmental Report | |
| Natural Resources Wales | No comments received | |

Appendix 6

Consultation date: 24 January to 7 March 2018

Consultation title: Wyeside Neighbourhood Plan resubmission Regulation 16

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan*

| Consultee | Summary of Comments | Response to Comments |
|-------------------------|---|----------------------|
| Natural England | No comments received regarding the Environmental Report | |
| Heritage England | No comment received regarding the Environmental Report | |
| Environment Agency | No comments received | |
| Natural Resources Wales | No comments received | |