

Habitats Regulations Assessment

Final Report for:

Bodenham Neighbourhood Area

July 2018



Bodenham Neighbourhood Plan HRA

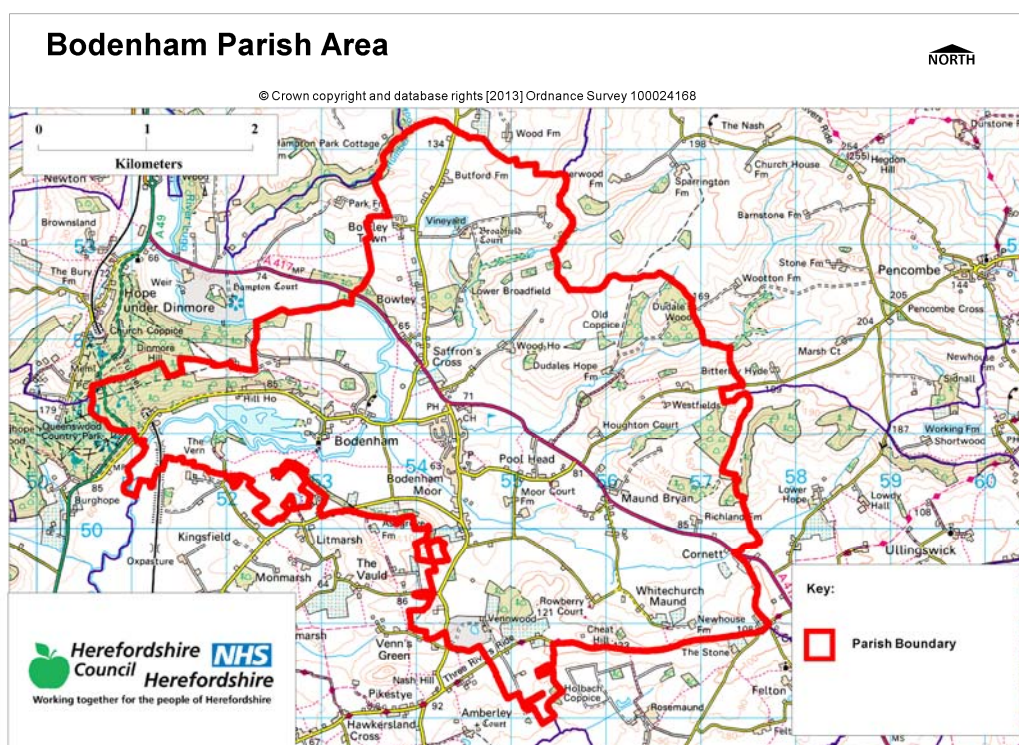
HRA Screening Assessment

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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 Bodenham Parish Council has produced a Neighbourhood Development Plan for its whole administrative area, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the final Bodenham Plan (July 2018).
- 1.3 The NDP includes two settlement boundaries and provided general criteria policies that clarify and given more detail to those within the Herefordshire Core Strategy. There is no housing or employment allocations within the plan.
- 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 Bodenham 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, Bodenham Parish Council is required by law to carry out an assessment known as "Habitats

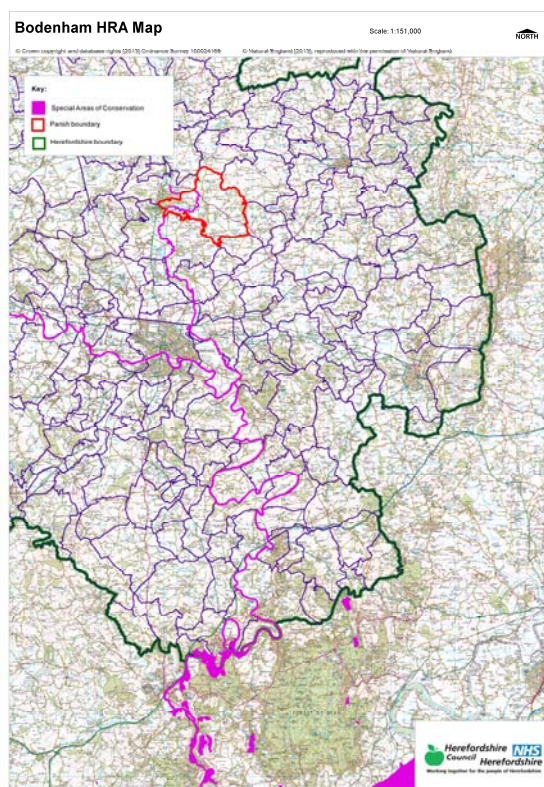
Regulations Assessment". It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.

- 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 September 2014 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 (June 2016, September 2017 and May 2018) and reviewed in terms of the implications of *Sweetman*.

3 Methodology

- 3.1 Although the Bodenham 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 (September 2014) found that the River Wye (including the River Lugg) is located within the Bodenham neighbourhood area. 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 the sewerage treatment works (STW) has sufficient capacity in order to accommodate the specific growth required within the Bodenham 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 Bodenham Initial Screening Report. The Initial Screening Report, September 2014 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 Bodenham Neighbourhood Plan may affect site integrity.
- 4.9 The initial screening assessment indicated that a full screening assessment is required to assess the likelihood of significant effects on the River Wye (including the River Lugg) SAC of the policies within the Bodenham NDP.

5 Description of the Bodenham Neighbourhood Development Plan

- 5.1 The final Bodenham 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 parish over the Plan period and there are 12 objectives of how this will be achieved.
- 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

- Allocate sites for housing
- Manage future housing growth using a settlement boundary

- Allocated sites and identify a settlement boundary
- Allocation of new businesses
- Criteria for small scale business development and home working
- Housing in Bodenham Moor only
- Housing in Bodenham only
- Housing in both settlements

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 Bodenham 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 June 2016 version.
- 5.5 The NDP also sets out 13 general policies on various topics based on the objective headings above and also for group parish, these include:

- | | |
|------------------|---|
| • Policy BNDP1 | Delivering new housing |
| • Policy BNDP2 | Settlement boundary |
| • Policy BNDP3 | Mix, type and tenure of new housing development |
| • Policy BNDP4 | Flood risk and drainage |
| • Policy BNDP5 | Employment |
| • Policy BNDP6 | Large scale economic activities |
| • Policy BNDP7 | Local community facilities |
| • Policy BNDP8 | Protecting landscape and important public view |
| • Policy BNDP9 | Landscape design principles |
| • Policy BNDP10 | Protection and enhancement of the built environment |
| • Policy BNDP 11 | Tranquillity and light pollution (dark skies) |
| • Policy BNDP 12 | Open space |
| • Policy BNDP13 | Renewable energy |

6.0 Assessments undertaken to date of the emerging Bodenham 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 Bodenham 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 Bodenham NDP objectives and policies (June 2016) were concluded to be likely to have a significant effect on the European site. 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
- 6.5 For those policies which relate to settlement boundaries where the growth potential growth could occur, it was determined that some additional policy criteria may be appropriate to ensure safeguards are in place. This is particularly relevant to Bodenham settlement itself, given the proximity of the settlement boundary to the river banks and adjacent to a watercourse that feeds into the river. However, if these policy safeguards are included then due to the scale of growth that is required by the Local Plan (Core Strategy), their proposed growth and commitments at Bodenham Moor, the NDP would not have an appreciable effect on the River Wye SAC. However, 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.
- 6.6 It is unlikely that the Bodenham 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 Bromyard Housing Market Area in the Herefordshire Core Strategy
- 6.7 Therefore it was concluded that the **Reg14 Bodenham 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 (October 2017) saw the modification of 12 policies and two new policies added which included reference to dark skies and intensive livestock units. These were a result of the representations to the draft consultation on the plan itself rather than the responses to the HRA report consultation. No changes were made to the overall vision
- 6.9 Nine policies were rescreened, 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 examination (May 2018)

- 6.11 The independent examination of the Bodenham NDP concluded in May 2018 with the issuing of Richard High's report. He reported that the NDP met the Basic Conditions subject to a number of modifications.
- 6.12 Modifications were made to 12 policies and these were rescreened accordingly. Many of these changes were to ensure consistency with the NPPF or clarity for the decision maker.

- 6.13 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 Bodenham NDP (July 2018) - Rescreening following implications of *Sweetman* case

- 7.1 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
- 7.2 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

- 7.3 Following the recent *Sweetman* judgement, it is not permissible to take account of measure 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 Bodenham Neighbourhood Plan (May 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC.
- 8.2 The proportional growth requirement for the parish of Bodenham has substantial been met via existing planning permissions since April 2011. This has meant that the settlement boundary for both Bodenham and Bodenham Moor have been drawn to take account of this.
- 8.3 The Bodenham NDP is primarily a criteria based plan and therefore the policies themselves would not result in development. There are no allocations within the NDP as most of the housing growth has already been met. In a number of cases the policies also included criteria to support the natural environment and recognise the presence of the River Wye (including the River lug) SAC (BNDP2, BNDP4, BNDP9).
- 8.4 There are a number of watercourse within Bodenham and Bodenham Moor will flow into the SAC. The SAC does flow adjacent to the settlement boundary in Bodenham. However, the boundary has been drawn relatively tightly in this locations and due to flooding it is unlikely any development will occur on the banks of the SAC itself.
- 8.5 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is currently existing capacity with regards to permitted headroom in the Sewerage Treatment works serving the Bodenham area to continue to treat the water from the amount of housing provided for in the Core Strategy policies.
- 8.6 Policy SD4 of the Core Strategy and Policy BNDP4 of the NDP indicate that development would not permitted if wastewater treatment and water quality cannot be assured. This will ensure that development cannot take place if the site integrity of the SAC is not assured.
- 8.7 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.

- 8.8 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.
- 8.9 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 Bodenham 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**
- 9.1 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).
- 9.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy.
- 9.3 Whilst the Bodenham NDP does not allocate sites for housing, neither the commitments nor the supporting windfall and settlement boundary policy, as well as its general plan policies would result in greater levels of development than envisaged by strategic policies, as set out in the Herefordshire Local Plan (Core Strategy).
- 9.4 Adjacent seven neighbourhood plans (Wellington, Marden, Humber, Ford and Stoke Prior and Hope under Dinmore (made) Ocle Pychard (examination) Withington and Pencombe (drafting)), but none of the proposals within these plans go over and above the requirements set within the Local Plan (Core Strategy) for their respective neighbourhood areas at this stage.
- 9.5 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.
- 9.6 It is unlikely that the Bodenham 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 Bromyard Housing Market Area in the Herefordshire Core Strategy.
- 10.0 Conclusion**
- 10.1 With reference to sections 6 to 9 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 **Bodenham NDP will not have a likely significant effect on the River Wye SAC** remains valid.
- 11.0 Next steps**
- 11.1 This final Report will be published alongside the final Bodenham 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 Bodenham 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)

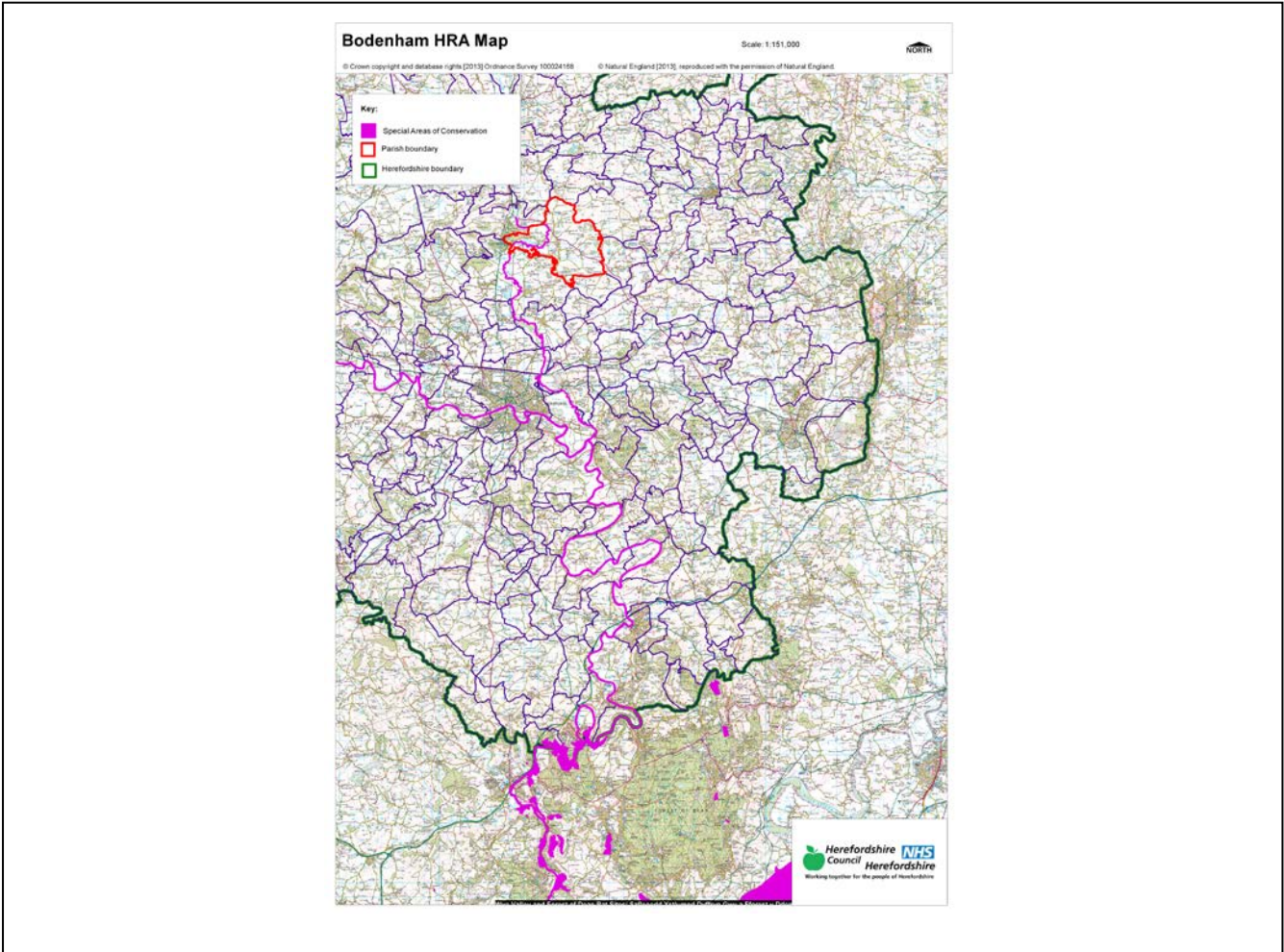
Neighbourhood Area:	Bodenham Neighbourhood Area
Parish Council:	Bodenham Parish Council
Neighbourhood Area Designation Date:	26/04/2013

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 Lugg is within the borders of the Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The Parish is within the River Lugg hydrological catchment area
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is some mains drainage at Bodenham

Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 21.8km away from the Parish
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River Clun SAC:

Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council?	N	River Clun does not border the Parish
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Usk Bat Sites SAC:

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 46.65km away from the Parish
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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 29.94km away from Wye Valley and Forest of dean Bat Sites
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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 Parish is 35.06km away from the Wye Valley Woodlands
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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 Bodenham 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 Bodenham 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 Parish	N
Ancient Woodland	8	Dinmore Hill Wood, The Rookery, Hill Hole Dingle, Dorlas Coppice, Dudales Wood, Westfields Wood, Combs Hill Wood, Venns Wood	Y
Areas of Archaeological Interest	0	There are no AAI's within the Parish	N
Areas of Outstanding Natural Beauty	0	There are no AONB's within the Parish	N
Conservation Areas	1	Bodenham village is a Conservation Area	Y
European Sites	1	The River Lugg SAC flows through the Parish	Y
Flood Areas		Flood Zones 2 & 3 follow the River Lugg and branch out at 3 brooks and flow towards the eastern border of the Parish	Y
Listed Buildings	Numerous	Numerous listed buildings scattered throughout the Parish	Y
Local Sites (SWS/SINCS/RIGS)	8 (SWS)	Gravel Pits at Bodenham, Dinmore Hill and adjoining Woodland, Dorlas Coppice, Dudales Wood and Old Coppice, Woodlands above Ullingswick, Maund Common, Upper Maund Common, Venns Wood	Y
Long distance footpaths/trails	1	Three Rivers Ride	Y
Mineral Reserves	3	Sites to the west and north and 1 central	Y
National Nature Reserve	0	There are no NNR's within the Parish	N
Registered & unregistered parks and gardens	5 Unregistered	The Vern, Bodenham Manor, Vennwood, Broadfield Court, Hampton Court (border)	Y
Scheduled Ancient Monuments	0	There are no SAM's within the Parish	N
Sites of Special Scientific Interest	3	Hill Hole Dingle (Unfavourable Recovering); River Lugg (Unfavourable Recovering); Dinmore Hill Woods (Unfavourable Recovering)	Y

Decision Notification:

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

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

Assessment date: 23/05/2013

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.

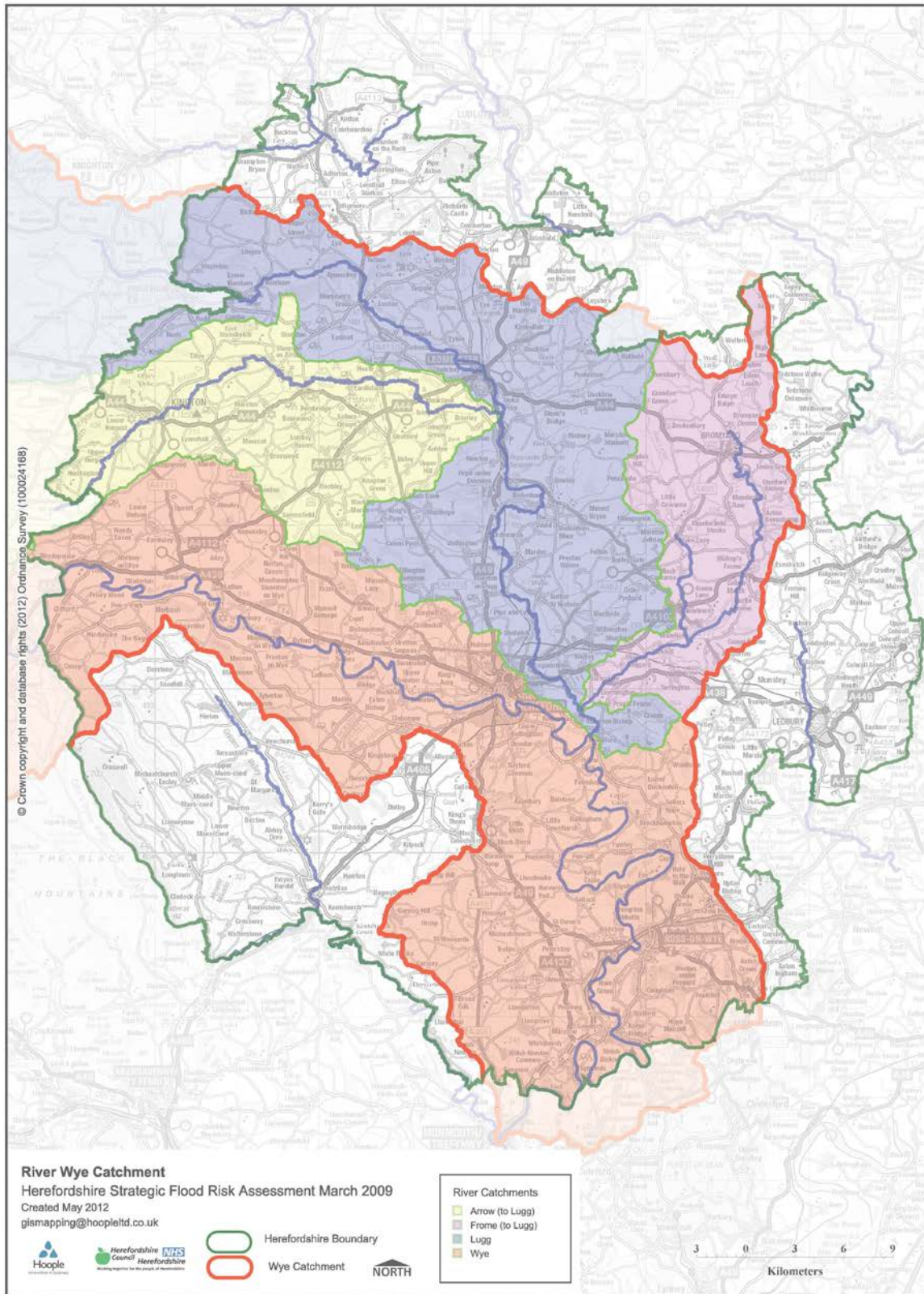
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation. 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

Bodenham NDP – HRA

Potential Options Considered

Option 1 Do nothing
Option 2 Allocate sites for housing
Option 3 Manage future housing using a settlement boundary
Option 4 Allocate site and identify a settlement boundary
Option 5 Allocations for new businesses
Option 6 Criteria for small scale business development and home working
Option 7 Housing in Bodenham Moor only
Option 8 Housing in Bodenham only
Option 9 Housing in both settlements

Appendix 3

NDP objectives	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
NDP Policies					
Policy BNPD1 Delivery of new housing	Policy reflecting the growth requirements within the Core Strategy. Limited growth as a significant part of the proportional growth requirement for the parish has been met by planning applications to date.	Housing, infrastructure development, vehicular movements and demand for water abstraction and treatment	Rive Wye (including the River Lugg) SAC	No	No, reference has now been made to the River Wye SAC within the criteria, this is especially important given the close proximity of the River Lugg to the settlement boundary. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNPD4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency
Policy BNPD2 Settlement boundaries	Policy to define settlement boundaries for both Bodenham and Bodenham Moor. This will be the focus for growth. Limited small scale windfall	Housing, infrastructure development, vehicular movements and demand for water abstraction and treatment. The settlement boundary for Bodenham is relatively close to the River Lugg, however limited opportunity for growth.	River Wye (including the River Lugg) SAC	No	No, reference is made to the River Wye SAC within the criteria, this is especially important given the close proximity of the River Lugg to the settlement boundary. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNPD4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency

NDP objectives	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Policy BNDP3 Mix, type and tenure of new housing development	Policy to indicate the mix of housing on any larger developments.	Housing, infrastructure development, vehicular movements and demand for water abstraction and treatment.	River Wye (including the River Lugg) SAC	No	No, This policy supports the principle of policy H2 of the Core Strategy. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.
Policy BNDP4 Foul Drainage	Policy to indicate the requirements relations to flood management in development proposals.	No, this will not lead to development indicates the details required for applications	River Wye (including the River Lugg) SAC	No	No, this policy will not lead to development but indicates the details required for development proposals. This will result in managed flood risk for the parish Additional criteria is included to ensure capacity within the sewerage system which will assist the Nutrient Management Plan.
Policy BNDP5 Employment	Small scale employment facilities including live work and working from home	Employment and infrastructure development. Possible vehicular movements and demand for water abstraction and treatment.	River Wye (including the River Lugg) SAC	No	The Core Strategy policy LD2 will aim to ensure that developments are required to take account of the River Wye SAC in order to gain planning permission. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.

NDP objectives	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Policy BNDP6 Large scale economic activities	Larger scale farming activity	Depending on type and location of infrastructure; Physical damage or disturbance Non-physical disturbance such as noise, dust	River Wye (including the River Lugg) SAC	No	No this policy itself would not lead to development, it is intended to provide criteria by which any proposal is required to meet. The criteria is included within the policy to reflect ecological and biodiversity issues. Policy SD4 and the Nutrient Management Plan are also in place to assist. Some detailed proposals would also be subject to Environmental Impact Assessment.
Policy BNDP7 Local community facilities	Protection of existing community facilities, promotion of choice of transport modes and indication of developer contributions	none	River Wye (including the River Lugg) SAC	No	No, the policy is seeking to retain existing or co-locate new facilities.
Policy BNDP8 Protecting landscape and important public views	Elements of landscape feature which should be considered in development proposals	none	River Wye (including the River Lugg) SAC	No	No this policy will not lead to development, it is intended to protect landscape character and setting and ensure these are addressed in development proposals
Policy BNDP 8 Landscape Design principles	Elements of landscape feature which should be considered in development proposals	none	River Wye (including the River Lugg) SAC	No	No this policy will not lead to development, it is intended to protect landscape character and setting and ensure these are addressed in development proposals
Policy BNDP10 Protection and enhancement of the built environment	Elements of local character which should be considered in development proposals	none	River Wye (including the River Lugg) SAC	No	No this policy will not lead to development, it is intended to protect the local character and setting and ensure these are addressed in development proposals.
Policy BNDP11 Tranquillity and light pollution	Lessen the impact of artificial lighting on the environment	Lessen physical disturbance	River Wye (including the River Lugg) SAC	No	No this policy is seeking to reduce the amount of artificial lighting within the environment.
Policy BNDP12 Open Space	Protection of open space and local green space	none	River Wye (including the River Lugg) SAC	No	No, this policy will not lead to development but seek to protect existing open spaces and green areas.

NDP objectives	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Policy BNDP 13 Renewable energy	small scale renewable energy schemes	Depending on type and location of infrastructure; Physical damage or disturbance Non-physical disturbance such as noise	River Wye (including the River Lugg) SAC	No	No; this policy could result in the development of renewable energy infrastructure which depending on location could have potential effect on the River Wye SAC. However, sufficient policy safeguards are in place within the Core Strategy which can development would need to comply with. This includes policy SD2 and SD4 of the Core Strategy.

Appendix 4

Consultation date: 3 October to 14 November 2016

Consultation title: Environmental Report - Bodenham Neighbourhood Plan Regulation 14

*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	Agree with the conclusions of no likely significant effects upon the SAC however require a point of clarification at Policy BNDP5 and the required additional criteria.	noted
English Heritage / Heritage England	No comments received	n/a
Environment Agency	No comments received specifically to the SEA	n/a
Natural Resources Wales	No comments received	n/a

Appendix 5

Consultation date: 23 November 2017 to 11 January 2018

Consultation title: Environmental Report - Bodenham 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 specifically to the SEA	n/a
English Heritage / Heritage England	No comments received	n/a
Environment Agency	No comments received specifically to the SEA	n/a
Natural Resources Wales	No comments received	n/a