

Habitats Regulations Assessment

Final Report for:

Border Group Neighbourhood Area

August 2018



Border Group Neighbourhood Plan HRA

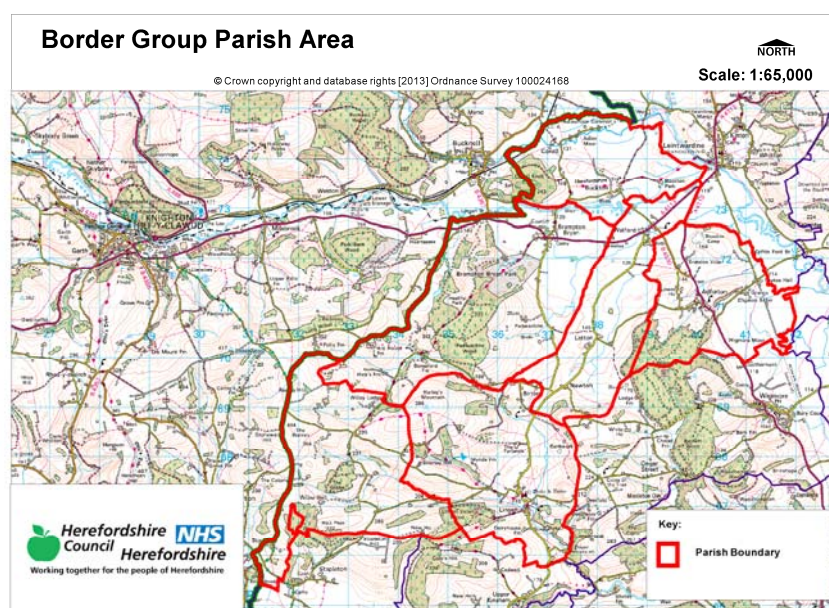
HRA Screening Assessment

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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 Border Group Parish Council has produced a Neighbourhood Development Plan for the six parishes which make up the Border Group parish, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the Border Group NDP which is currently at examination (November 2017 version).
- 1.3 The NDP is largely a criteria based plan with some housing allocations and settlement boundaries. The plan also provides general criteria policies that clarify and given 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 Border 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, Border 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 (December 2015, November 2016 and November 2017) and reviewed in terms of the implications of *Sweetman*.

3 Methodology

- 3.1 Although the Border Group 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

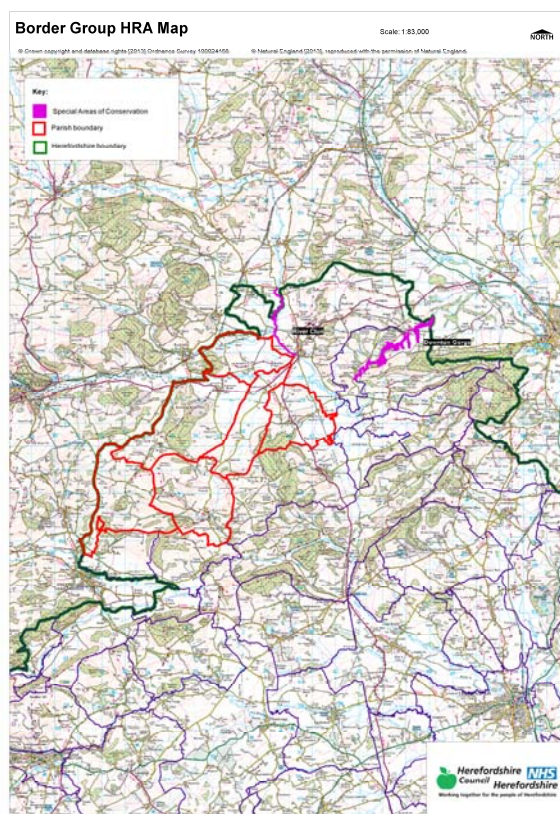
reference to the conservation objectives for those qualifying features as defined by Natural England.

- 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 (June 2013) found that there are no European Sites within the neighbourhood area itself. However, the River Clun SAC borders the Group Parish at Buckton and Coxall, Downton Gorge SAC is 1.84km away and the southern parishes within the Group are within the hydrological catchment of the River Lugg which is a tributary of the River Wye (including the River Lugg) SAC.

Figure 2 below highlights the location of these 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. Severn Trent have not indicated any capacity issues or requirement for further works to increase capacity in order to accommodate the specific growth required within the Border Group Neighbourhood Plan.

Site integrity of the River Clun SAC

- 4.7 Water quality is an important issue to maintaining the site integrity of the River Clun SAC which is a breeding ground for the freshwater pearl mussel. 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 Clun SAC. This position is confirmed within the HRA of the Core Strategy in April 2015.
- 4.8 In addition, the River Clun Nutrient Management Plan (October 2014) has an action plan which sets out steps to reduce the phosphate, nitrogen and sediment in the River Clun.
- 4.9 The treatment plant within Bucknell currently has phosphate stripping and in terms of individual houses make the smallest contribution the smallest contribution to the phosphate in the river.

Site integrity of the Downton Gorge SAC

- 4.10 Downton Gorge is a narrow ravine with a distinctive microclimate and a variety of slopes and aspects. The vulnerability of the site is based on air quality associated within poultry units or other intensive agricultural practices within a 10km radius.
- 4.11 For full details of the River Wye, River Clun and Downton Gorge's attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Border Group Initial Screening Report. The Initial Screening Report, June 2013, can be found in Appendix 1 of this HRA report.

4.12 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 Border Group Neighbourhood Plan may affect site integrity.

4.13 The initial screening assessment indicated that a full screening assessment is required to assess the likelihood of significant effects on the hydrological catchment of the River Wye (including the River Lugg) SAC, River Clun SAC and the Downton Gorge SAC of the policies within the Border Group NDP.

5 Description of the Border Group Neighbourhood Development Plan

5.1 The final Border Group 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 and nine objectives of how this will be achieved. The objectives cover the following topics:

- Homes for local people
- Diversification of the rural economy
- Road safety
- Access to local health and education services
- Maintain character

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 three options put forward the 'no NDP / do nothing' option was not considered viable for the Parish.

The remaining two options of
 Rely on the Rural Areas Plan
 Neighbourhood plan with allocated sites and identify a settlement boundary

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 Border Group 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, the River Clun SAC and Downton Gorge 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 December 2015 version.

5.5 The NDP also sets out 22 policies including site allocations, these are based on the objective headings above and also for group parish, including:

Policy BG1	Promoting a sustainable community
Policy BG2	Development Strategy
Policy BG3	New homes in Adforton
Policy BG4	Redevelopment of Land North of Letton Lane
Policy BG5	Conversion and extension of redundant barn at the North End of Adforton village
Policy BG6	New homes in Brampton Bryan
Policy BG7	New homes in Lingen
Policy BG8	Land at the Nursery, Lingen
Policy BG9	Land at Turn Farm, Lingen
Policy BG10	New housing in Walford
Policy BG11	Land south of Walford

Policy BG12	Provision of affordable housing
Policy BG13	Design criteria for residential development
Policy BG14	Supporting local business
Policy BG15	Broadband and mobile telephone infrastructure
Policy BG16	Renewable energy
Policy BG17	Highways and transport infrastructure
Policy BG18	Flooding and surface water drainage
Policy BG19	Accessibility to service and facilities
Policy BG20	Protecting and enhancing the natural environment and landscape
Policy BG21	Protecting local heritage
Policy BG22	Lingen Conservation Area

6.0 Assessments undertaken to date of the emerging Border Group 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 Border Group NDP would be likely to have a significant effect on the River Wye SAC, River Clun and Downton Gorge. 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 Border Group NDP objectives and policies (December 2015) were concluded to be likely to have a significant effect on the European site. Downton Gorge SAC is vulnerable to air quality associated with poultry units and other intensive agricultural practices, Border Group is not proposing either of these within its policies. Only 1km of the River Clun SAC is within Herefordshire and none of the 4 settlements highlighted for proportional growth within the Border Group NDP are within the River Clun catchment area. It is acknowledged that the NDP policies will not have an adverse impact upon the River Clun SAC.

6.5 The draft plan was essentially criteria based and only allocated one site for development in Lingen. The site is bordered by the Limebrook stream which is within the hydrologic catchment of the River Lugg; a tributary of the River Wye SA. The policy itself and the accompanying development brief contain a number of development requirements to ensure that there will be no significant impacts on the River Wye SAC.

6.6 Many other policies would not result in development, i.e. they related instead to criteria for development and the SACs themselves 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 Border Group 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 Leominster Housing Market Area in the Herefordshire Core Strategy.

- 6.7 It was also concluded that the Border Group NDP would be unlikely to have any in-combination effects with any plans across the county border in Shropshire by the development identified within SAMDev Plan; which identified policy criteria to ensure no adverse impacts on the River Clun SAC. There were no neighbourhood plans directly adjacent to the Border Group within Shropshire.
- 6.8 Therefore it was concluded that the **Reg14 Border Group NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC or River Clun SAC nor the air quality on the Downton Gorge SAC.**

Screening of the revised draft NDP (Reg14)

- 6.9 The revised draft NDP incorporates suggestions made by consultees during the Regulation 14 Draft Plan consultation, by adding clarity and emphasis throughout the document. There have been some additions to the criteria in some of the policies which are strengthening up the protection of the area, encouraging active travel, and ensuring that the NPPF guidance of undertaking sequential and exception testing for flooding.
- 6.10 The plan was essential criteria based, and only allocates one site for development in Lingen. The sites is bordered by the Limebrook stream which is within the hydrological catchment of the River Lugg; a tributary of the River Wye SAC. The policy itself and the accompanying development brief contain a number of development requirements to ensure it has no significant impact.
- 6.11 In the HRA for the Core Strategy it states that only 1km of the River Clun SAC is within Herefordshire and none of the 4 settlements highlighted for proportional growth within the Border Group NDP are within the River Clun catchment area. It is acknowledged that the NDP policies will not have an adverse impact upon the River Clun SAC.
- 6.12 No poultry units or intensive agricultural practices are promoted within the plan, therefore the NDP will not have a likely significant effect on the Downton Gorge SAC
- 6.13 The revised NDP policies were therefore unlikely to result in significant effects on either of the European sites, a conclusion of which is based on assumptions and information contained within the Border Group NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy). There is no likely in combination effects with the SAMDev proposals in Shropshire County.

Screening of modifications to NDP (Reg16)

- 6.14 Following the revised Reg14, a number of amendments were been made to 16 policies. The Submission NDP incorporates suggestions made by consultees during the Regulation 14 Draft Plan consultation, by adding clarity and emphasis throughout the document. This includes some additional policies regarding further site allocations in Adforton and Lingen.
- 6.15 The submission plan was now more site based within a number of sites being proposed within Lingen, Walford and Adforton. A number of sites were considered and these have been included within the assessment. However only one site for development in Lingen is bordered by the Limebrook stream which is within the hydrological catchment of the River Lugg; a tributary of the River Wye SAC. The policy itself and the accompanying development brief contain a number of development requirements to ensure it has no significant impact.
- 6.16 The development requirements of Policy SD04 and ensuring that the delivery of the Nutrient Management Plan is not compromised to key components for planning proposals within the Core Strategy. These would need to be addressed in any future scheme.

- 6.17 There continued to be no policy proposals which would have an impact on the River Clun and Downton Gorge within the submission plan revisions.
- 6.18 The submission NDP policies were therefore unlikely to result in significant effects on the European site.

7 Assessment of the 'likely significant effects' of the Border Group NDP (July 2018) - Rescreening following implications of *Sweetman* case

- 7.1 The Border Group NDP is currently at examination. However 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 This new report will be subject to consultation and form part of the examination.
- 7.3 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 measure intended to avoid or reduce the harmful effects of the plan on any of the European sites potentially affected by the plan during the 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 Border Group Neighbourhood Plan (July 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. The plan is allocates sites in Lingen, Walford and Adforton.
- 8.2 Only one site for development in Lingen is bordered by the Limebrook stream which is within the hydrological catchment of the River Lugg: a tributary of the River Wye SAC. The policy and the accompanying development brief acknowledge the present of the stream and include policy criteria to compliment policy SD4 of the Core Strategy. Any development in Lingen will be required to meet these criteria in order to gain planning permission.
- 8.3 In the HRA for the Core Strategy it states that only 1km of the River Clun SAC is within Herefordshire and none of the 4 settlements highlighted for proportional growth within the Border Group NDP are within the River Clun catchment area.
- 8.4 In addition, the Nutrient Management Plans for the River Wye SAC and the River Clun 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 or River Clun SAC.
- 8.5 No poultry units or intensive practices are promoted within the plan, therefore the NDP will not have a likely significant effect on the Downton Gorge 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, the River Clun SAC and the Downton Gorge SAC. ***It is therefore concluded that the Border Group Plan will not have a likely significant effect on the River Wye SAC, River Clun SAC and the Downton Gorge 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 Adjacent neighbourhood plan within Leintwardine Group has now been made, Wigmore Group is post draft plan stage and Stapleton Group have chosen not to produce a NDP. These plans have not gone over and beyond the requirements set out within the Core Strategy for their area. Additionally, there are no neighbourhood plans have been produced on the border of the Border Group within Shropshire.
- 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 Border Group 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 Leominster Housing Market Area in the Herefordshire Core Strategy. There is no likely in combination effects with the SAMDev proposals in Shropshire County.

10.0 Conclusion

- 10.1 With reference to sections 6 to 9 above, the examination version of the NDP is 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 **Border Group NDP will not have a likely significant effect on the River Wye SAC, River Clun SAC and the Downton Gorge SAC** remains valid.

11.0 Next steps

- 11.1 This Report will be published the earlier HRA Report and its addendum. This will be subject to a consultation with the statutory bodies as part of the examination of the Border Group 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)

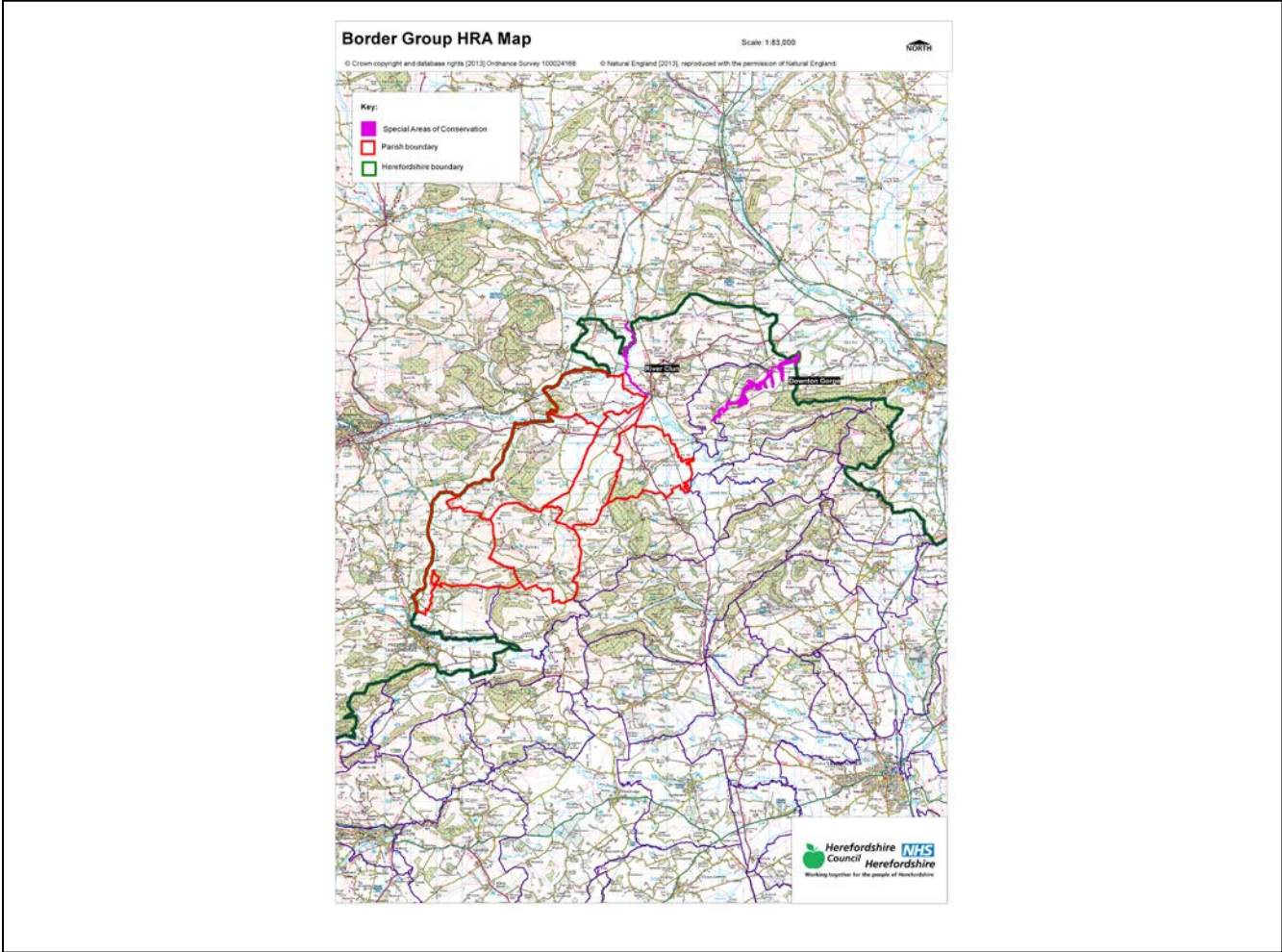
Neighbourhood Area:	Border Group Neighbourhood Area
Parish Council:	Border Group Parish Council
Neighbourhood Area Designation Date:	18/07/2013

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?	N	The River Lugg is 19.25km away from the Group Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	Willey, Lingen, Brampton Bryan and Walford, Letton & Newton are 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 mains drainage at Adforton

Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	Y	Downton Gorge is 1.84km away from the Parishes
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River Clun SAC:

Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council?	Y	River Clun borders the Group Parish at Buckton & Coxall
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Usk Bat Sites SAC:

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 50.8km away from the Parishes
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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 54km 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 54.6km 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 Border 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

Downton Gorge SAC

River Clun 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 Border 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	14	Coxall Knoll; Pedwardine Wood; Barnett Wood; Newton Wood; Birtley Knoll Wood; Clay Vallets Wood; Globe Wood; Willey Hall Farm; Birchen Coppice; Willey Lane Wood; Oldcastle Wood (2); Wern Gay, Hackley Wood; Frith Wood (border); Prichards Hill Wood	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	1	There is a Conservation Area at Lingen village	Y
European Sites	1	The River Clun borders Buckton & Coxall Parish	Y
Flood Areas		There are Flood Zones at the River Teme and Clun and also tributaries running off them. There is also flood Zones along brooks/streams within Lingen and Willey Parishes	Y
Listed Buildings	Numerous	There are numerous listed buildings throughout the Group Parish	Y
Local Sites (SWS/SINCs/RIGS)	22 (SWS)	Adley Moor Common; Buckton Bog; The Marl Pit, Buckton; Land adjacent to Coxall Knoll; Coxall Knoll; Shelder Meadow; Land near Green Farm; Brampton Bryan Park & Pedwardine Wood; Land near Mill Cottage; Land at Wordalls Farm, Birtley; Land at Deerfold x 2 sites; Land at Old Farm x 3 sites; Clay Vallets and adjoining site; Woodland at Coles Hill; Land at Lime Brook (border); Firth Wood (border); Land at Stapleton (border); Stapleton Castle (border); The Orles, Newton; Wigmore Rolls	Y
Long distance footpaths/trails	1	Herefordshire Trail	Y
Mineral Reserves	1	Woodhampton to Lower Lyde to north of Sned Wood, Aymestrey (border)	Y
National Nature Reserve	0	There are no NNR's within the Group Parish	N
Registered & Unregistered parks and gardens	1 Registered	Brampton Bryan	Y

Scheduled Ancient Monuments	16	Roman Station at Bravinium (border); Jay Lane Roman Fort (border); Roman Fort north east of Buckton; Roman Fort; Motte Castle at Upper Buckton; Multiple enclosure Hill Fort on Coxall Knoll; Brampton Bryan Castle; Brandon Camp large univallate Hill Fort and Ring Ditch 350m north east of Warwick House; Roman temporary camp south of Walford Bridge; Roman Site north west of Brandon Villa; Wigmore Abbey; Mound 1200yds (1100m) NNE of The Church; Lingen Castle; Lime Brook Priory; Post-Medieval house and gardens at Willey Court; Post-Medieval house and gardens at Willey Court 450m south east of Willey House	Y
Sites of Special Scientific Interest	2	Brampton Bryan Park (Unfavourable Recovering); River Teme (Unfavourable No Change)	Y

Decision Notification:

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

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

Assessment date: 11/06/2013

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.

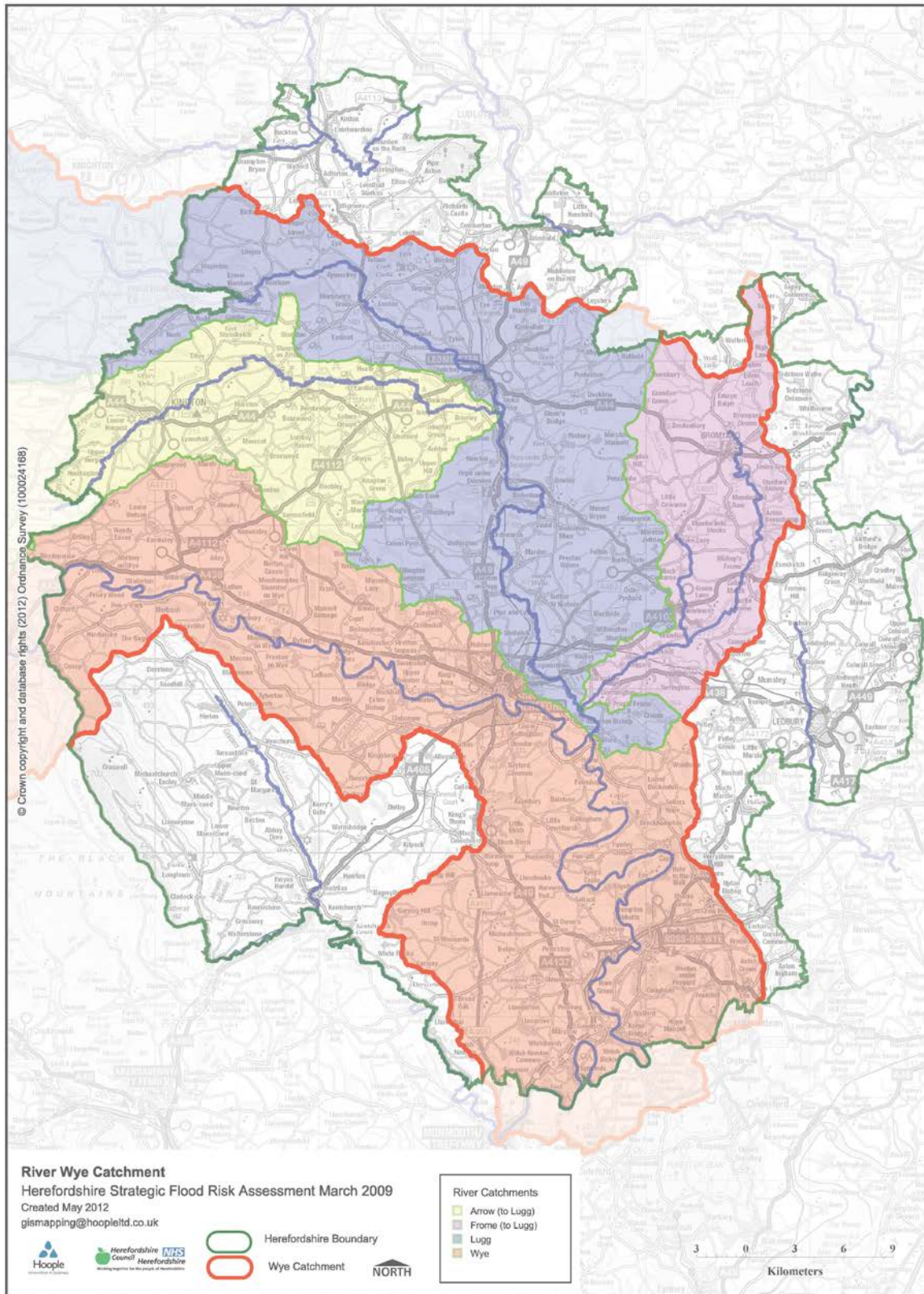
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation.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

Border Group Neighbourhood Development Plan

Options considered

Strategic

- Option 1 Do nothing
- Option 2 Rely on the Rural Area DPD
- Option 3 Neighbourhood Plan with allocations and designation of settlement boundary

Growth proportions

- Option 4 individual / very small
- Option 5 small
- Option 6 up to 10 dwellings
- Option 7 over 10 dwellings

Settlement boundary

- Option 8 within a settlement boundary
- Option 9 within and adjacent to a settlement boundary

Location of development

- Option 10 within Adforton
- Option 11 within Brampton Bryan
- Option 12 within Lingen
- Option 13 within Walford

Spread of development

- Option 14 spread around all 4 settlements
- Option 15 spread between 3 settlements (excluding Walford)
- Option 16 spread between 2 settlements
- Option 17 development in 1 settlement

Appendix 3

HRA Screening of examination Neighbourhood Development Plan policies

Date undertaken: July 2018

NDP policies	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the 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
Policies					
Policy BG1 Promoting a Sustainable Community	Encourages small scale development to help create sustainable communities	No likely effects, development criteria existing within the Core Strategy which is required to be met in order for planning permission to be granted	River Wye (including the River Lugg) SAC	No	No. The policy would itself not lead to development; instead it relates to criteria for encouraging sustainable development and sustainable communities.
Policy BG2 Development Strategy	Encourages small scale development within identified settlements Small scale employment development	Only Lingen is within the hydrological catchment of the River Lugg.	River Wye (including the River Lugg) SAC	No	No, adequate policy criteria exist within the Core Strategy policy SD4 which are required to be met for the development to received planning permission. Development will be small scale. Reference has been made to the requirement with regards to development proposals within Lingen to ensure that water quality issues are taken account of.
Policy BG3 New homes in Adforton	Small scale development within the settlement boundary of Adforton	None, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun. No air quality issues to effect Downton Gorge	None	No	No, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG4 Redevelopment of Land north of Letton Lane	Small scale development within the settlement boundary of Adforton	None, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun. No air quality issues to effect Downton Gorge	None	No	No, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG5 Conversion and extension to redundant barn at the north end of the Adforton village	Small scale development within the settlement boundary of Adforton	None, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun. No air quality issues to effect Downton Gorge	None	No	No, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.

HRA Screening of examination Neighbourhood Development Plan policies

Date undertaken: July 2018

NDP policies	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the 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 BG6 New homes in Brampton Bryan	Small scale conversions of rural buildings within Brampton Bryan	None, Brampton Bryan is outside of the hydrological catchments of the Wye/Lugg or Clun. No air quality issues to effect Downton Gorge	None	No	No, Brampton Bryan is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG7 New homes in Lingen	Small scale development within the development boundary of Lingen	Lingen is within the hydrological catchment of the River Lugg.	River Wye (including the River Lugg) SAC	No	No, adequate policy criteria exist within the Core Strategy policy SD4 which are required to be met for the development to received planning permission. Development will be small scale. Criteria is included with regards to development proposals within Lingen to ensure that water quality issues are taken account of.
Policy BG8 Land at the Nursery, Lingen	Proposed housing site within the south of the village adjacent to the Limebrook stream	The Limebrook is part of the hydrological catchment of the River Lugg. Development would be small scale and the development brief indicated that discharging into the brook will not be acceptable.	River Wye (including the River Lugg) SAC	No	No, adequate policy criteria exist within the Core Strategy policy SD3 and SD4 and Policy BG13 which are required to be met for the development to received planning permission Policy relating to water quality and the provision of SuDs is included within Policy BG13. This will help strengthen the policy development criteria safeguards.
Policy BG9 Land at the Turn Farm, Lingen	Proposed housing site to the north of the village.	Lingen is within the hydrological catchment of the River Lugg.	River Wye (including the River Lugg) SAC	No	No, adequate policy criteria exist within the Core Strategy policy SD3 and SD4 and Policy BG13 which are required to be met for the development to received planning permission.
Policy BG10	Small scale development within the settlement boundary of Walford	None, Walford is outside of the hydrological catchments of the	None	No	No, Walford is outside of the hydrological catchments of the

HRA Screening of examination Neighbourhood Development Plan policies

Date undertaken: July 2018

NDP policies	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the 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
New homes in Walford		Wye/Lugg or Clun.			Wye/Lugg or Clun.
Policy BG11 Land South of Walford	Small scale development within the settlement boundary of Walford	None, Walford is outside of the hydrological catchments of the Wye/Lugg or Clun.	None	No	No, Walford is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG12 Provision of affordable housing	Small scale housing development within the parish Small increase in traffic movements	This will be locational dependant. Only a small area of the parish is within the catchment of the Clun and the southern parishes within the catchment of the Wye. Policy criteria exist within the Core Strategy which all developments must meet to gain permission. Nutrient Management Plans exist for both the River Clun and the River Wye	River Clun SAC and River Wye SAC	No	No, this policy is in line with H2 of the Core Strategy. Adequate policy criteria exist within the Core Strategy policy SD4 which are required to be met for the development to received planning permission. Many of these developments may deal with their waste water via non main drainage. These applications are subject to distance and volume screening criteria to ensure no likely significant effects on the hydrological catchment of the River Wye SAC. All developments must comply with Policy SD4 in order to gain permission. The catchment area for the River Clun in Herefordshire is unlikely to be favourable in policy terms for this type of development.
Policy BG13 Design criteria for residential development	Various design criteria to support development proposals including the treatment of waste water	The policy includes criteria for dealing with the treatment of waste water together with Policy SD4 of the Core Strategy.	River Clun SAC and River Wye SAC	No	No, this policy will not itself lead to development, instead it relates to criteria for development. This policy criteria together with Policy SD4 of the Core Strategy provide the safeguard to protect both SACs from deterioration in water quality from developments within the parish. Permission will only be granted if compliance with policy SD4.

HRA Screening of examination Neighbourhood Development Plan policies

Date undertaken: July 2018

NDP policies	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the 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
					<p>Many of these developments may deal with their waste water via non main drainage. These applications are subject to distance and volume screening criteria to ensure no likely significant effects on the hydrological catchment of the River Wye SAC. All developments must comply with Policy SD4 in order to gain permission.</p> <p>The catchment area for the River Clun in Herefordshire is unlikely to be favourable in policy terms for this type of development.</p>
<p>Policy BG14 Supporting local business</p>	<p>Development of small scale local businesses</p> <p>Increase in traffic movements</p>	<p>This will be locational dependant. Only a small area of the parish is within the catchment of the Clun and the southern parishes within the catchment of the Wye.</p>	River Clun SAC and River Wye SAC	No	<p>No, development will be small scale and adequate policy criteria already exist within the Core Strategy and other policies of the NDP</p>
<p>Policy BG15 Broadband and mobile telephone infrastructure</p>	<p>Provision of infrastructure to facilitate broadband and mobile equipment</p>	<p>Installations are likely to be small scale or on existing facilities</p>	n/a	No	<p>No, development will be small scale and adequate policy criteria already exist within the Core Strategy and other policies of the NDP</p>
<p>Policy BG16 Renewable energy</p>	<p>Development of small scale renewable energy particularly solar and hydro</p>	<p>This will be locational dependant. Only a small area of the parish is within the catchment of the Clun and the southern parishes within the catchment of the Wye.</p>	River Clun SAC and River Wye SAC	No	<p>No, this policy could result in the development of small scale renewable energy infrastructure. Sufficient policy criteria is included within the Core Strategy (Policy SD4).</p>
<p>Policy BG17 Highways and transport infrastructure</p>	<p>Reduction in speeds and accessibility to public transport and additional criteria regarding active travel</p>	<p>This will be locational dependant. Only a small area of the parish is within the catchment of the Clun and the southern parishes within the catchment of the Wye. Safeguards exist within the Core Strategy policies.</p>	River Clun SAC and River Wye SAC	No	<p>No, adequate policy criteria exist within the Core Strategy and other policies within the NDP such as LD2, SD1 and M1).</p>

HRA Screening of examination Neighbourhood Development Plan policies

Date undertaken: July 2018

NDP policies	HRA Screening of NDP policies				
	Likely activities (operations) to result as a consequence of the 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 BG18 Flooding and surface drainage	Reduce flooding and pollution of watercourses within the parish	The aim of this policy is to protect the River Lugg and Teme from pollution	River Clun SAC and River Wye SAC	No	No, the aim of this policy is to prevent pollution of any watercourse within the parish. Policy SD4 of the Core Strategy also contains development criteria which would be required to be met prior to planning permission being granted.
Policy BG19 Accessibility to service and facilities	Small scale expansion of existing community facilities and services and safeguarding of existing	n/a	n/a	No	No, any development is only likely to be small scale extensions and therefore not significant. Sufficient policy development requirements exist both with the Core Strategy and the NDP
Policy BG20 Protecting and enhancing the natural environment and landscape	Policy to protect natural environment and features	n/a	n/a	No	No, this policy seeks to protect features of the natural environment. The criteria includes reference to supporting the biodiversity value of designated sites
Policy BG21 Protecting local heritage	Policy to protect heritage features	n/a	n/a	No	No, this policy is seeking to protect features of the heritage environment
Policy BG22 Lingen Conservation Area	Design criteria for any development within the Lingen Conservation Area	n/a	n/a	No	No, policy safeguards exist within the NDP regarding potential development in Lingen. This policy is concerning design aspects within the Conservation Area.

Appendix 4

Consultation date: 14 December 2015 to 8 February 2016

Consultation title: Border Group Neighbourhood Plan Regulation 14

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan (December 2015)*

Consultee	Summary of Comments	Response to Comments
Natural England	Section 8.3 needs to be reworded to take account of mains access being limited within the plan area and not available in Brampton Bryan, Lingen and Walford	Noted, reference updated within the addendum
English Heritage / Heritage England	No comments received	
Environment Agency	No comments received	
Natural Resources Wales	No comments received	

Appendix 5

Consultation date: 12 January to 27 February 2017

Consultation title: Border Group 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	Agree with the conclusions of no likely significant effect upon the River Wye SAC, River Clun SAC and the Downton Gorge SAC	Noted, reference updated within the addendum
Heritage England	Comments received but nothing specific regarding the HRA	
Environment Agency	No comments received	
Natural Resources Wales	No comments received	

Appendix 6

Consultation date: 16 March to 27 April 2018

Consultation title: Border Group 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	Comments received by nothing specific regarding the HRA	
Heritage England	Comments received but nothing specific regarding the HRA	
Environment Agency	Comments received but nothing specific regarding the HRA	
Natural Resources Wales	No comments received	