

Habitats Regulations Assessment

Report for:

Burghill Neighbourhood Area

August 2018



Burghill Neighbourhood Plan HRA

HRA Screening Assessment

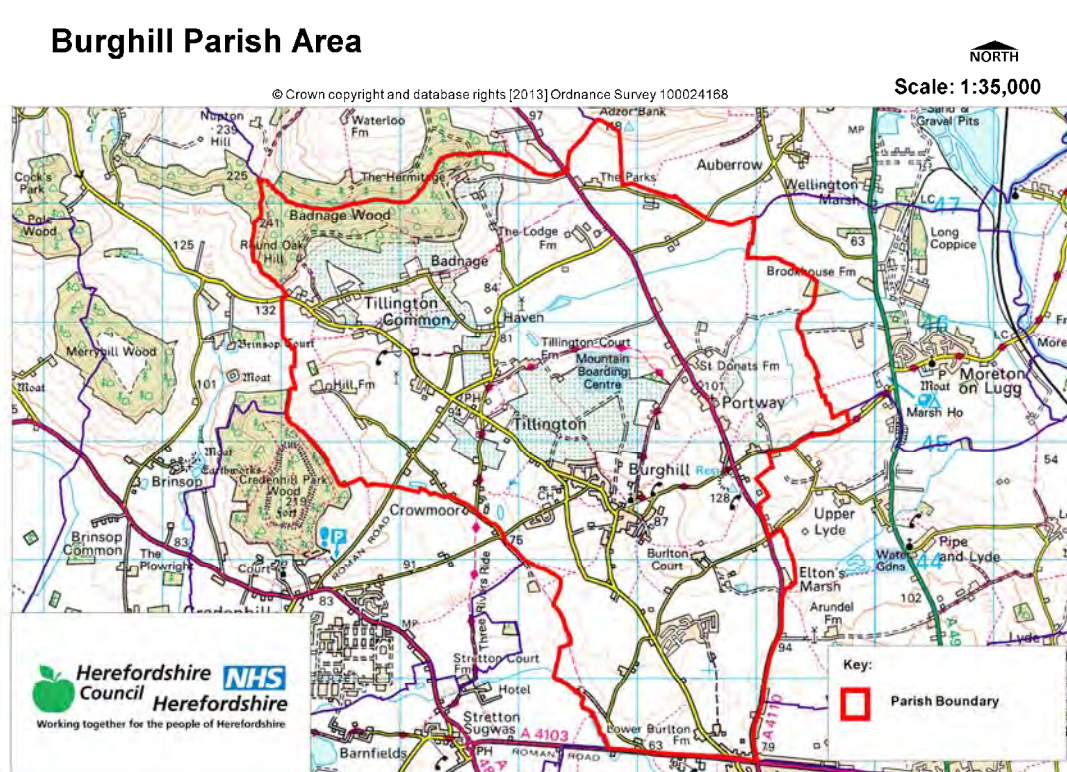
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1 Introduction

- 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 Burghill Parish Council has produced a Neighbourhood Development Plan for the neighbourhood area of Burghill, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the examination version of the Burghill Plan (April 2018).
- 1.3 The NDP contains both criteria based policies and site allocations. Settlement boundaries are designated for Burghill and Tillington, to meet the proportional growth requirements of the parish. It 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 Burghill Neighbourhood Area to which this assessment related.

Burghill Parish Area



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, Burghill 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 2013 and concluded that a full HRA would be required. Mitigation was not taken into account at this stage.
- 2.6 The purpose of this final HRA Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Report (December 2015, June 2016 and February 2018) and reviewed in terms of the implications of *Sweetman*.

3 Methodology

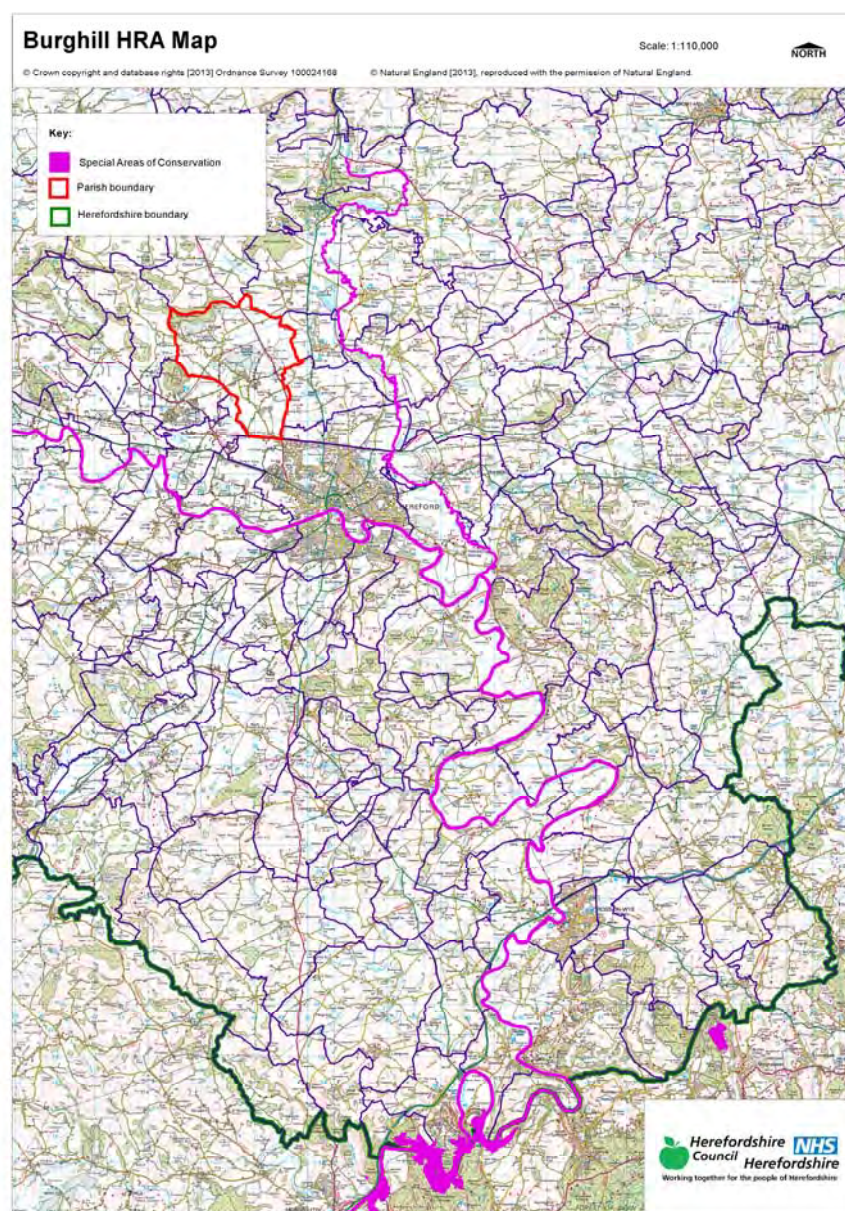
- 3.1 Although the Burghill NDP is not directly regarding the management of any European sites, it does include proposals for development which may affect European sites. Therefore, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant 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 2013) found that the River Wye (including the River Lugg) SAC is 2.96km away from the parish and the River Lugg is 1.7km away. The parish is within the hydrological catchment of the River Wye. 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. Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Eign Sewerage Treatment Works to continue to treat water for the amount of housing provided for in the Core Strategy policies. The Nutrient Management Plan for the River Wye SAC will ensure that development permits would not be likely to have a significant effect upon the River Wye SAC.
- 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 Burghill Initial Screening Report. The Initial Screening Report, September 2013, can be found in Appendix 1 of this HRA report.
- 4.8 This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Burghill Neighbourhood Plan may affect site integrity.
- 4.9 The initial screening assessment indicated that a full screening assessment is required to assessment the likelihood of significant effects on the River Wye (including the River Lugg) SAC of the policies within the Burghill NDP.

5 Description of the Burghill Neighbourhood Development Plan

- 5.1 The submission Burghill 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 'Our vision for the parish of Burghill is that it should be a pleasant place for people of all ages to live with amenities that allow it to be a thriving community and with a separate identity from the city of Hereford'. There are 11 objectives of how this will be achieved. The objectives cover the following topics:
1. Mix of housing
 2. Design
 3. Natural environment
 4. School
 5. Local assets
 6. Leisure facilities
 7. Separate identity to city
 8. Walking and cycling
 9. Small business and tourism
 10. Better internet
 11. Public transport
- 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 5 options put forward the 'no NDP / do nothing' option was not considered viable for the Parish. There were also a number of housing site options assessed.

The remaining four options of

- Prepare a neighbourhood plan / no NDP

- Criteria based policies
- Settlement boundaries for the main housing group
- The designation of land for housing, employment and community use
- The safeguarding or designation of land for recreation, public open space or amenity purposes.

An additional 26 sites were assessed as options prior to the 7 preferred sites being chosen.

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 Burghill 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 December 2015 and February 2018 versions.

5.5 The NDP also sets out 14 general policies on various topics based on the objective above for the parish, these include:

Policy B1	Scale and type of housing in Burghill and Tillington and Lower Burlton.
Policy B2	Supporting existing small scale local employment
Policy B3	Supporting new small scale local employment
Policy B4	Rural enterprise and farm diversification
Policy B5	Supporting development of communications infrastructure
Policy B6	Education
Policy B7	Traffic management and transport improvements
Policy B8	Design of development in Burghill parish
Policy B9	Protecting and where possible enhancing local landscape character
Policy B10	Protection of local green space
Policy B11	Protection and where possible enhancement of local community facilities
Policy B12	Community facilities, Community Infrastructure Levy and Section 106 Undertakings and Agreements
Policy B13	Flood Risk, Water management and surface run-off
Policy B14	Development of renewable energy facilities in Burghill parish

6.0 Assessments undertaken to date of the emerging Burghill 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 Burghill 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 draft Burghill NDP objectives and policies (January 2016) were concluded to be likely to have a significant effect on the European site. The plan is a criteria based document but does have 7 site allocations, other than the size of the site and potential capacity not further details have been given. However, the inclusion of these sites are still within the level of growth proposed within the Core Strategy.
- 6.5 The policies themselves would not result in development, i.e. they related instead to criteria for development and the SAC itself is not within the parish. In several cases the policies also included measures to help support the natural environment including biodiversity.
- 6.6 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Eign Sewerage Treatment works to continue to treat the water from the amount of housing provided for in the Core Strategy policies. In addition, the preparation of 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.
- 6.7 It is unlikely that the Burghill 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 Hereford Housing Market Area in the Herefordshire Core Strategy
- 6.8 Therefore it was concluded that the **Reg14 Burghill NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

Screening of modifications to NDP (Reg16)

- 6.9 The Submission NDP (June 2016) incorporates additional policy criteria to add clarity and emphasis throughout the document. Of particular importance is that additional criteria to Policy B13 regarding the treatment of waste water, this will give criteria for future applications to meet to support policy SD04 and ensure that the delivery of the Nutrient Management Plan is not compromised.
- 6.10 The revised NDP policies are therefore unlikely to result in significant effects on the European site.

Screening following resubmission (February 2018)

- 6.11 The resubmission Burghill NDP did not change significantly since the previous submission. Two sites were removed from the NPD at Lower Burlton as an alternative sites now has planning permission for 50 dwellings in the location. The settlement boundary had been altered in Lower Burlton and Burghill to take account of extent planning permissions granted since the previous reg16 consultation.
- 6.12 A total of 23 sites were assessed as part of the HRA. 5 sites were included within the plan as allocations. These allocations were included within the previous draft NDP.
- 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 submission Burghill NDP (August 2018) - Rescreening of examination version and 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 Burghill Neighbourhood Plan (July 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. The parish is within the hydrological catchment of the River Wye SAC, either the River Wye not the River Lugg pass through the parish.
- 8.2 Policy B13 has been included within the Wyeseide NDP with sufficient policy criteria together with the Core Strategy policy SD3 and SD4 to ensure that development can only occur if these criteria are met.
- 8.3 The plan is a criteria based document but does have 7 site allocations, other than the size of the site and potential capacity not further details have been given. However, the inclusion of these sites are still within the level of growth proposed within the Core Strategy. Further assessment on the details may be required on the detailed planning applications for the development of the 7 sites.
- 8.4 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 Burghill area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. Policy SD4 of the Core Strategy and Policy B13 of the NDP indicate that development would not be permitted if wastewater treatment and water quality cannot be assured
- 8.5 In addition, the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 8.6 No mitigation measures have been included within the screening of the policies of the NDP. Policies of the Core Strategy and the NDP will form part of the development plans. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 8.7 This review and rescreening have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Burghill 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 Adjacent neighbourhood plans include Wellington and Pyons Group have been adopted. Stretton Sugwas and Holmer and Shelwick are in drafting stage in their production. The additional bordering five parishes are not preparing a NDP. These bordering NDP have not gone over and beyond the requirements set out within the Core Strategy for their area.
- 9.4 The HRA for the Core Strategy also identifies that both the Water Cycle Study for Herefordshire, which indicates the potential for planned water abstraction requirements combined with pressures on European Sites from the Core Strategy policies, and the work on the Nutrient Management Plan, to ensure the favourable conservation status of the SAC in respect of phosphate levels as soon as possible and at the latest by 2027, have both been considered as part of the in-combination assessment.
- 9.5 It is unlikely that the Burghill 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 Hereford 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 **Burghill 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 earlier HRA Report and its addendum. This will be subject to a consultation with the statutory bodies as part of the examination of the Burghill 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)

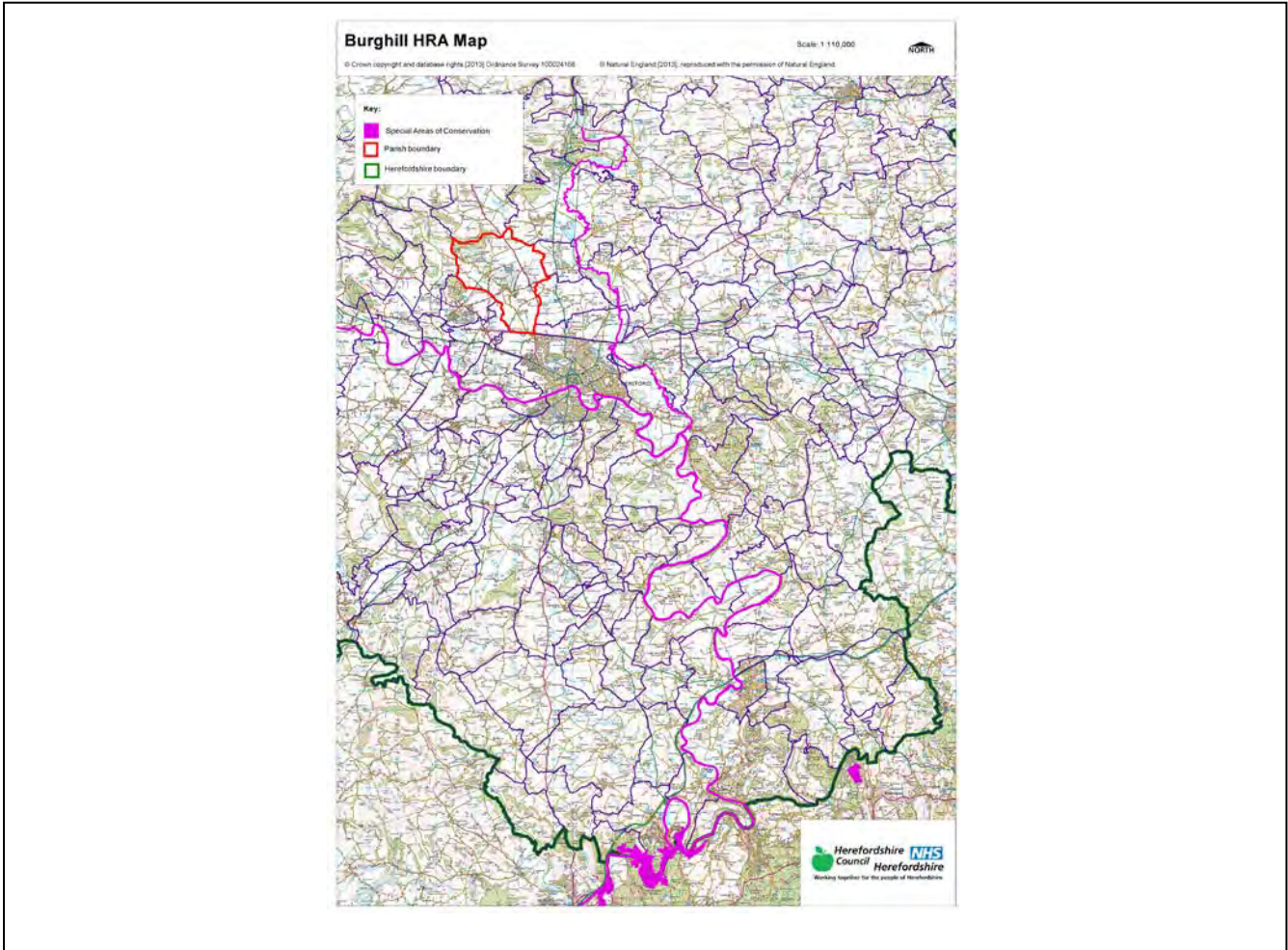
Neighbourhood Area:	Burghill Neighbourhood Area
Parish Council:	Burghill Parish Council
Neighbourhood Area Designation Date:	11 th September 2013

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 Wye is 2.96km away from the Parish and the River Lugg is 1.7km away from 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 hydrological catchment of the River Wye
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	The Parish has mains drainage within Hereford

Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 25.6km 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 39km 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 Parish is 27.6km 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 28.87km 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 Burghill 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 Burghill 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 AQMAs within the Parish	N
Ancient Woodland	2	Badnage Wood; Credenhill Park Wood (border)	Y
Areas of Archaeological Interest	0	There are no AAls within the Parish	N
Areas of Outstanding Natural Beauty	0	There are no AONBs within the Parish	N
Conservation Areas	1	Burghill village is a Conservation Area	Y
European Sites	0	There are no SACs within the Parish	N
Flood Areas		Flood Zones 2 and 3 flow from Brookhouse Farm in the east of the parish to Haven. There are also Flood Zones along the south west borders of the Parish	Y
Listed Buildings	Numerous	There are numerous Listed Buildings scattered throughout the Parish	Y
Local Sites (SWS/SINCs/RIGS)	1 (RIGS) 1 (SINC) 3 (SWS)	RIGS: Upper Lyde Quarry (border) SINC: Yazor Brook (border) SWS: Pond near Tillington Court; Woodlands and Golf Course around Nupton Hill; Credenhill Park Wood and Sally Coppice (border)	Y
Long distance footpaths/trails (e.g. Herefordshire Trail)	1	Three Rivers Ride	Y
Mineral Reserves	4	Portway; West and south of Portway, east of Burghill down Canon Pyon Road; Cot Barn (border); South of Roman Road to A438 and area between Wye and A438	Y
National Nature Reserve	0	There are no NNRs within the Parish	N
Registered & Unregistered parks and gardens	6 Unregistered	The Hermitage; Tillington Court; Burghill Court; Burghill Hospital; Brinsop Court (border); Credenhill Court (border)	Y
Scheduled Ancient Monuments	4	Churchyard Cross in St Mary the Virgin Churchyard; Credenhill camp (border); Moated site 200 yds (180m) south of Brinsop Court (border); Medieval bridge 870m north east of Stretton Court Farm	Y
Sites of Special Scientific Interest	0	There are no SSSIs within the Parish	N

Decision Notification:

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

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

Assessment date: 08/08/2013

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.

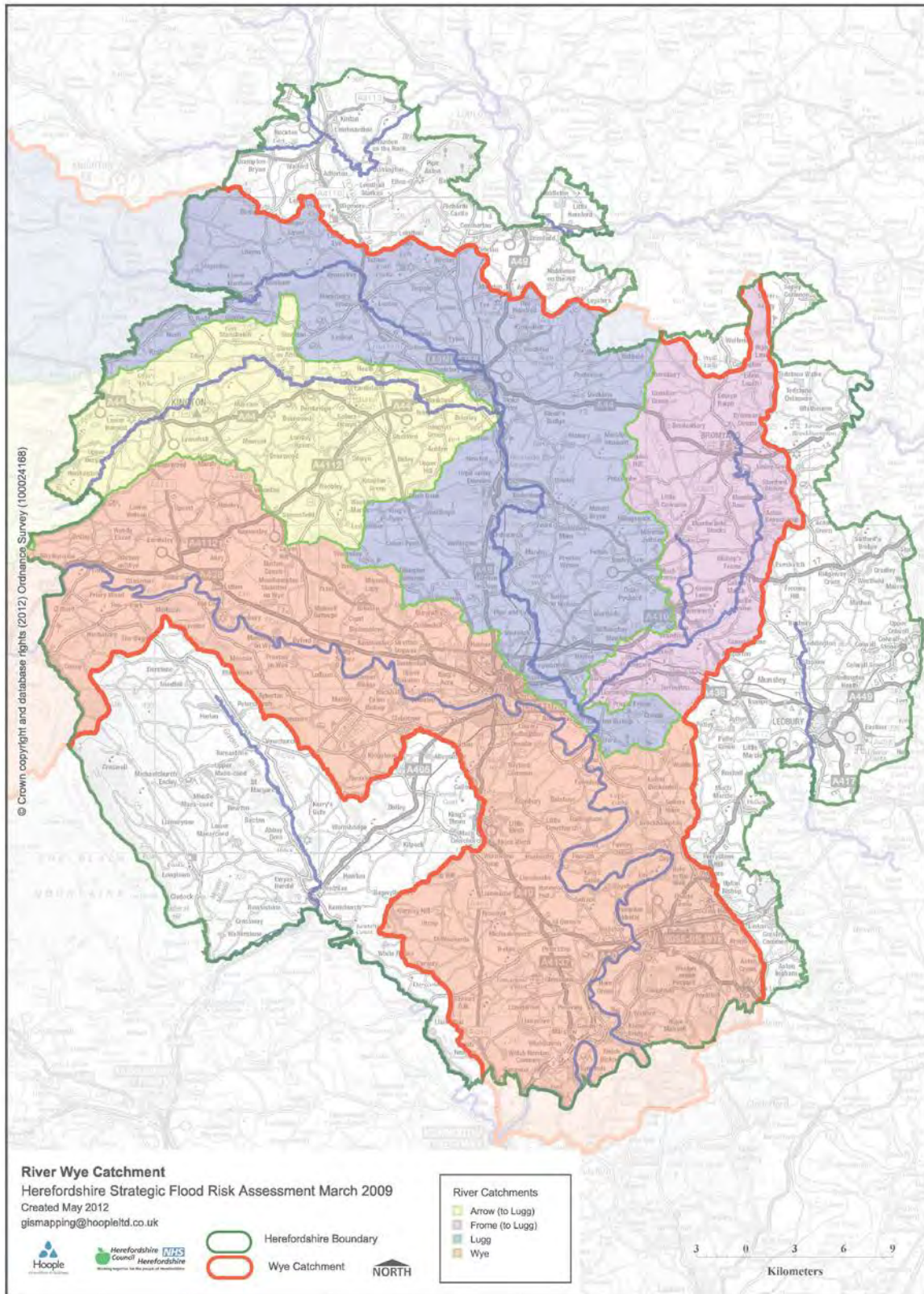
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation.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

Appendix 2 –

Plan Options

- Do nothing
- Prepare a neighbourhood plan / no NDP
- Criteria based policies
- Settlement boundaries for the main housing group
- The designation of land for housing, employment and community use
- The safeguarding or designation of land for recreation, public open space or amenity purposes.

Burghill site options

Lower Burlton			
White Roses	Land north west of Site 2B	Capacity 2 dwellings / 0.5 hectares	Assessed
Site 28	Land at the rear of The Villa Burghill	Planning permission granted	Not assessed
Site 2A	Land between Roman Road and St Mary's	Capacity 717 dwellings/ 23.9 hectares	Assessed
Site 2B	Land north of Roman Road/ west of A4110	Capacity 21 dwellings/ 0.7 hectares	Assessed
Site 2C	Land north of Roman Road /west of site 2B	Capacity 22 dwellings / 0.76 hectares	Assessed
Site 2D	Land north east of Tillington Road/ north west of Hopital Houses	Capacity 12 dwellings / 04 hectares	Assessed
Site 2E	Land north of Roman Road /South west of Tillington Road	Planning permission granted	Not assessed

Burghill			
Site 1A	Land east of the Copse	Capacity 96 dwellings / 3.2 hectares	Assessed
Site 1B	Land north east of Burghill Court	Capacity 51 dwellings / 1.7 hectares	Assessed
Site 1C	Land between Haymeadow Farm and Home Farm	Capacity 123 dwellings / 4.1 hectares	Assessed
Site 12	Garden land to rear of dwelling at Redstone	Capacity 1 dwelling	Assessed
Site 15	Land to the rear of The Villa	Planning permission granted	Not assessed
Site 16	Land at Pye Finch Triangle	Planning permission granted	Not assessed
Site 21	Land opposite Burghill Golf Club	Capacity 30 dwellings / 1 hectare	Assessed

Site 24	The Birches Stables, Credenhill Road	Capacity 8 dwellings / 0.28 hectares	Assessed
Site 33	Land and buildings at Burghill Grange	Capacity 1 dwelling	Assessed
Site 34	Land to west of St Mary's Church	Capacity 52 dwellings / 1.74 hectares	Assessed
Site 35	Land to east of Bakers Furlong	Capacity 54 dwellings / 1.8 hectares	Assessed
Site 36	Land to west of Burghill village	Capacity 27 / 0.91 hectares	Assessed

Tillington			
Site 10	Land adjacent to Tillington Business Park	Capacity 8 dwellings / 0.7 hectares	Assessed
Site 13	Land adjacent to Crowmoor Lane	Capacity 19 dwellings / 1.59 hectares	Assessed
Site 17	Green Lane Farm	Open countryside; not adjacent to the built form	Not assessed
Site 19	The Goose Plock	Open countryside; not adjacent to the built form	Not assessed
Site 22	Land adjacent to Bell Inn	Capacity 4 dwellings / 0.3 hectares	Assessed
Site 25	Land north east of Cherry Orchards Cottages	Capacity 6 dwellings / 0.5 hectares	Assessed
Site 27	Field Farm buildings	Open countryside; not adjacent to the built form	Not assessed
Site 29	Land south west of Tillington Road between Bell and Round Oak View	Capacity 6 dwellings / 0.51 hectares	Assessed
Site 37	North of primary school	Open countryside; not adjacent to the built form	Not assessed
Site 38	East of primary school	Open countryside; not adjacent to the built form	Not assessed
Site 39	Land south east of Cherry Orchard Cottage	Capacity 2 dwellings / 0.19 hectares	Assessed
Site 40	Land west of Cheery Orchard Cottages	Capacity 1 / 0.88 hectares	Assessed
Site 41	Land west of the Bell Inn	Capacity 12 dwellings / 1.03 hectares	Assessed

Open countryside			
Site 4	Buildings at The Parks Farm	Planning permission granted for conversion	Not assessed
Site 5	Buildings at The Lion Farm, Portway	Planning permission granted for conversion	Not assessed
Site 6	Buildings at St Donat's, Portway	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 7	Field at St Donat's, Portway	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 8a	Court Farm Yard, Hop Kilns, Tillington	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 8b	Court Farm Yard Stables, Tillington	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 9	Court Farm, Tillington	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 14	Rose Farm, Tillington	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 20	Garden at The Brambles, Portway	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 23	Land adjacent Old Chapel, Tillington Common	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 26	Land between Elm Cottage and Ivor House, Tillington.	Open countryside: not identified as a settlement in Core Strategy	Not assessed
Site 30	Former Pig Farm, Tillington Common	Planning permission for conversion to 2 dwellings granted	Not assessed
Site 31	Former landfill site, Upper Winslow	Open countryside: not identified as a settlement in Core Strategy	Not assessed

Site 32	Land north of St Mary's Burghill	Open countryside: not identified as a settlement in Core Strategy	Not assessed
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Appendix 3

HRA Screening of submission Neighbourhood Development Plan Policies

Date undertaken: August 2018

NDP policies	HRA Screening of submission NDP policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Policy B1 Scale and type of housing	Housing development Increased vehicle traffic Increased demand for water abstraction and sewage treatment	This policy highlights the number of houses to be developed within the parish over the Plan period. This figure remains within that set out in the Core Strategy RA2 policy and therefore is not over and above the proposed.	River Wye (including the River Lugg) SAC	No	No. Although it is acknowledged that there will be an increase in the demand for water abstraction and sewage treatment the Core Strategy has identified that there is sufficient headroom and capacity for the additional houses over the plan period. Policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning

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					permission.
Site 25 – Land NE of Cherry Orchard Cottages, Tillington	<p>Approx 6 dwellings</p> <p>Increase in water usage, abstraction and sewage treatment</p> <p>Small increase in traffic and parking demands</p> <p>New housing on greenfield land</p> <p>Light pollution</p>	The River Wye SAC is not within the parish but it is within the hydrological catchment. Any development will be required to meet the requirements of Policy SD4 in order to gain permission.	River Wye (including the River Lugg) SAC.		No, policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
Site 21 – Land opposite Burghill Golf Club, Burghill	<p>Approx 10 dwellings</p> <p>Increase in water usage, abstraction and sewage treatment</p> <p>Small increase in traffic and parking demands</p> <p>New housing on greenfield land</p> <p>Light pollution</p>	The River Wye SAC is not within the parish but it is within the hydrological catchment. Any development will be required to meet the requirements of Policy SD4 in order to gain permission.	River Wye (including the River Lugg) SAC.	No	No, policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
Site 10 – Tillington Business Park, Tillington	<p>Approx 8 dwellings</p> <p>Increase in water usage, abstraction and sewage treatment</p>	The River Wye SAC is not within the parish but it is within the hydrological catchment. Any development will be required to meet the	River Wye (including River Lugg) SAC.	No	No, policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to

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	<p>Small increase in traffic and parking demands</p> <p>New housing on greenfield land</p> <p>Light pollution</p>	requirements of Policy SD4 in order to gain permission.			receive planning permission. Welsh water have indicated sufficient headroom as present.
<p>Policy B2</p> <p>Supporting existing small scale local employment</p>	<p>Small work premises</p> <p>Retaining existing employment sites</p>	Protecting existing employment areas	River Wye (including River Lugg) SAC	No	No. Policy protects the existing employment sites. Any developments would need to comply with policy SD4 of the Core Strategy.
<p>Policy B3</p> <p>Supporting new small scale local employment</p>	Small work premises	The River Wye SAC is not within the parish but it is within the hydrological catchment. Any development will be required to meet the requirements of Policy SD4 in order to gain permission.	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
<p>Policy B4</p> <p>Rural enterprise and farm diversification</p>	<p>Small work premises</p> <p>Diversification and re-use of farm buildings</p>	The River Wye SAC is not within the parish but it is within the hydrological catchment. Any development will be required to meet the requirements of Policy SD4 in order to gain	River Wye (including River Lugg) SAC	No	No. Although this policy encourages some development it is of small scale and will mainly be for the conversion of existing premises. Policy criteria exist

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		permission.			within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
Policy B5 Supporting development communications infrastructure	Provision of high speed broadband infrastructure	n/a	River Wye (including River Lugg) SAC	No	No, this policy will encourage high speed broadband also.
Policy B6 Education	Retention of the local school Expansion of the local school Possible increase of traffic due to additional pupils	No significant effect on the River Wye SAC	n/a	No	No. Although there will be some development it will be of a small scale at will help to reduce the overall traffic travelling around and through the Parish for the school runs. Policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh

					water have indicated sufficient headroom as present.
Policy B7 Traffic management and transport improvements	Improve footpaths / pavements Reduction in traffic Increase public transport / community transport	Small scale traffic management improvements.	River Wye (including the River Lugg) SAC	No	No. This policy will not lead to new development; rather it aims to ensure improvements to traffic through the village, in particular encouraging walking and public transport use.
Policy B8 Design of development in Burghill parish	Housing development Increased vehicle traffic Increased demand for water abstraction and sewage treatment Increased energy efficiency measures and conservation measures	No significant effect on the River Wye SAC.	River Wye (including the River Lugg) SAC	No	No. This policy is unlikely to lead to development, instead it relates to criteria for development. Policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
Policy B9 Protecting and where possible enhancing	n/a	n/a	n/a	No	No. This policy will not lead to new development; rather it specifically aims to ensure that any

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local landscape character					development proposed will conserve, restore and enhance landscape character.
Policy B10 Protection of local green space	n/a	n/a	n/a	No	No. This policy will not lead to new development; rather it specifically aims to protect existing local green space.
Policy B11 Protection and where possible enhancement of local community facilities	Protection and development of social and community facilities	No likely significant effect on the River Wye SAC	n/a	No	No. This policy will not itself lead to development, instead it relates to the criteria for the protection of existing community facility or conversion to new community development. Policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
Policy B12	n/a	n/a	n/a	No	No, this policy is regarding the priority

Community facilities, CIL and S106					wish list for CIL and S106.
Policy B13 Flood risk, water management and surface run-off	Criteria which development must meet to gain permission to compliment policy SD4	No Likely Significant effect on the River Wye SAC	n/a	No	No. This policy will not lead to new development; but rather it will ensure that any new development has no or little impact upon surface water flooding or fluvial flooding. Policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
Policy B14 Development of renewable energy facilities in Burghill parish	Development of renewable energy infrastructure.	The River Wye SAC is not within the parish but it is within the hydrological catchment. Any development will be required to meet the requirements of Policy SD4 in order to gain permission.	River Wye (including the River Lugg) SAC	No	No, most of this policy will not lead to development; rather it sets out criteria aiming to ensure that new development reduces Burghill parish's contribution to climate change. Policy criteria exist

					within the Core Strategy (SD4) which are required to be met for the development to receive planning permission
Site – for solar farm	Proposed site installation of solar panels	The River Wye SAC is not within the parish but it is within the hydrological catchment. Any development will be required to meet the requirements of Policy SD4 in order to gain permission.	River Wye (including the River Lugg) SAC	No	Policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission

Appendix 4

Consultation date: 20 January to 11 March 2016

Consultation title: Burghill Parish NDP Regulation 14

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

Consultee	Summary of Comments	Response
Heritage England	No comments received regarding the HRA	n/a
Natural England	Agree with the conclusions of the HRA that the Burghill NDP will not have a likely significant effect on the River Wye SAC	n/a
Environment Agency	No comments received regarding the HRA	n/a
Natural Resources Wales	No comment received regarding the HRA	n/a

Appendix 5

Consultation date: 13 July to 24 August 2016

Consultation title: Burghill Parish NDP Regulation 16

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

Consultee	Summary of Comments	Response
Heritage England	No comments received regarding the HRA	n/a
Natural England	No comments received regarding the HRA	n/a
Environment Agency	No comments received	n/a
Natural Resources Wales	No comment received	n/a

Appendix 6

Consultation date: 10 May to 21 June 2018

Consultation title: Burghill Parish NDP Regulation 16

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

Consultee	Summary of Comments	Response
Historic England	No comments received regarding the HRA	n/a
Natural England	No comments received regarding the HRA	n/a
Environment Agency	No comments received regarding the HRA	n/a
Natural Resources Wales	No comment received	n/a