

# Habitats Regulations Assessment

Regulation 14 Report for:

**Lyonshall Neighbourhood Area**

**October 2018**



## **Lyonshall Neighbourhood Plan HRA**

### **HRA Screening Assessment**

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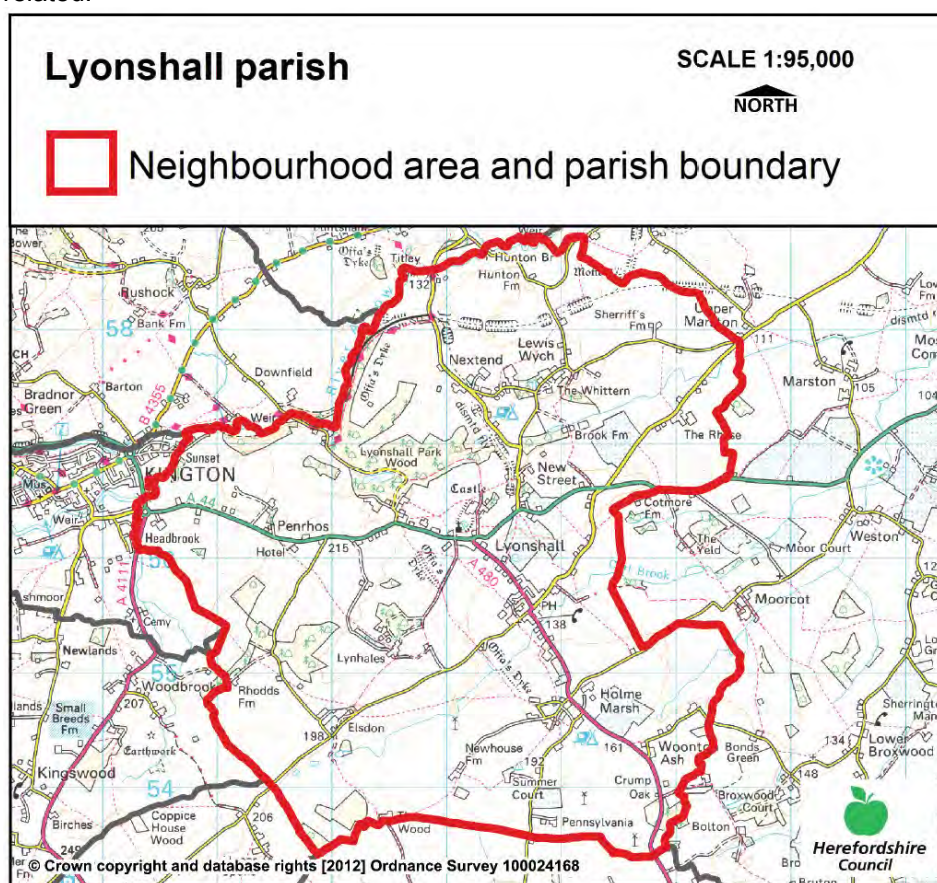
**Appendix 1** – Initial Screening Report (26 April 2013)

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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 Lyonshall Parish Council is producing a Neighbourhood Development Plan for Lyonshall Parish, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the Draft Lyonshall Plan June 2017.
- 1.3 The NDP has 12 criteria based policies which allocated 5 sites within these policies. 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 Lyonshall 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, Lyonshall 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 August 2012 and concluded that a full HRA would be required. Mitigation was not taken into account at this stage.
- 2.6 The purpose of this HRA Report is to detail the findings of the screening of draft policies in line with the implications of *Sweetman*.

### 3 Methodology

- 3.1 Although the Lyonshall 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 (26 April 2013) found that the Neighbourhood Area is in the hydrological catchment of the River Wye (including the River Lugg) SAC. The North of the parish is within the Arrow (to Lugg) river catchment area. The South (From Holme Marsh) is within the Wye catchment area. Figure 2 below highlights the location of River Wye SAC in relation to the neighbourhood area.



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

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

- 4.3 The issues associated with maintaining the sites integrity include water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance.
- 4.4 The River Wye SAC can be sensitive to changes in water quantity and quality. As outlined within the Habitat Regulation Assessment to the Herefordshire Core Strategy, the water supply in this area comes from Dwr Cymru Welsh Water (DCWW) and no likely significant effects on European sites as a result of changes in water quality are expected in relation to the proportional growth outlined with the Herefordshire Core Strategy.
- 4.5 In relation to water quality, Policy SD4 of the Herefordshire Core Strategy indicates that any development should not undermine the achievement of water quality targets within the county's rivers. This should ensure that developments within the area can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC. This position is confirmed within the HRA of the Core Strategy in April 2015.
- 4.6 The addition of the Nutrient Management Plan for the River Wye SAC will support this policy. DCWW states that a feasibility study is required for Lyonshall, which will identify if improvements were required. Lyonshall Sewerage treatment works (STW) would require a new permit for any growth as there is no currently capacity.
- 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 Lyonshall Initial Screening Report. The Initial Screening Report, April 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 Lyonshall 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 Lyonshall NDP.

#### **5 Description of the Lyonshall Neighbourhood Development Plan**

- 5.1 The final Lyonshall 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; *"A village which retains its essential rural character while developing services, housing, facilities and opportunities which continue to benefit the village and wider Parish and meet the needs and aspirations of current and future local people."*
- 5.3 There are 5 objectives of how this will be achieved. The objectives cover the following topics and from these 5 objectives, 12 policies have been developed.

#### **Objective 1 – Housing**

To promote sustainability through thoughtful and considered development of a range of housing.

### **Objective 2 – Jobs**

To support opportunities for local employment and business appropriate to the areas rural character and agricultural economy.

### **Objective 3 – Nature**

To protect and enhance the local natural environment including wildlife and landscape.

### **Objective 4 – Services and Amenities**

To support and promote existing amenities and series including sustainable transport and whenever possible encourage new ones.

### **Objective 5 – Access**

To encourage improved accessibility and activities for all, such as walking and cycling.

5.4 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 four options put forward, Option 1, the ‘no NDP / do nothing’ option was not considered viable for the Parish. The remaining three options below, all of which indicated towards growth seeking to provide proportional growth in line with the Core strategy and are therefore unlikely to have a significant impact on the SAC.

- Option 2- To define tight settlement boundaries around the existing built form of Lyonshall and Holme Marsh, including any existing commitments: this approach would define tight boundaries around the built form of the two settlements, together with any existing commitments, within which a small amount of additional infill housing development would be provided to meet the Herefordshire Core Strategy Housing Growth target of 12% or at least 36 new houses by 2031.
- Option 3 – To define a wider settlement boundary around Lyonshall Village (with proposed extensions): this approach would allow for a significantly higher level of growth than that proposed in the Herefordshire Core Strategy and would support NDP objectives linked to ensuring the future sustainability of the settlement and enhancing local services and facilities (specifically in terms of the future survival of the local public house and the need for an improved village hall facility).
- Option 4 – To guide new development to Lyonshall village only as the main settlement and to limit new development in Home Marsh: this approach would see the NDP steering all new development to the main settlement of Lyonshall and to limit new development in the secondary settlement of Holme Marsh.

5.5 As the Lyonshall 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 the HRA assessment, and the Assessment matrix for the options (Autumn 2018).

5.5 The NDP also sets out 12 general policies on various topics based on the objective headings above and also for the parish, these include:

Policy LH1	Settlement Boundaries
Policy LH2	House Types and Sizes
Policy LH3	Promoting High Quality Design
Policy LB1	Protecting and Enhancing Local Employment Opportunities in Lyonshall

Policy LB2	Supporting Rural Diversification
Policy LB3	Large Agricultural Buildings and Extensions
Policy LB4	Local Energy Schemes
Policy LE1	Protecting and Enhancing Local Landscape Character and Built Heritage
Policy LE2	Protecting and Enhancing Local Wildlife
Policy LC1	Memorial Hall
Policy LC2	Open Space
Policy LT1	Transport and Accessibility

## 6.0 Assessments undertaken to date of the emerging Lyonshall 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 Lyonshall 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 Lyonshall NDP objectives and policies or sites (Autumn 2018) were concluded to be likely to have a significant effect on the European site. Lyonshall is in the hydraulic catchment of the River Wye SAC and is not in direct proximity to the river itself. Core Strategy policy SD3 and SD4 together with the Nutrient Management Plan will ensure that development can only occur if these policy requirements are met.

6.5 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development and the SAC itself is not within the parish and where sites were allocated it is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4. In several cases the policies also included measures to help support the natural environment including biodiversity.

6.6 It is unlikely that the Lyonshall 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 Kington Housing Market Area in the Herefordshire Core Strategy

6.7 Therefore it was concluded that the **Reg14 Lyonshall NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

7.4 The findings of the screening matrix can be found in the Screening Matrix in the appendix. Colour coding was used to record the likely impacts of the policies on the European site and its qualifying habitats and species as shown in the table 1 below.



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

- 7.5 Following the recent *Sweetman* judgement, it is not permissible to take account of 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 Draft Lyonshall Neighbourhood Plan (Autumn 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC.
- 8.2 Core Strategy policy SD3 and SD4 are in place to ensure that development can only occur if these criteria are met.
- 8.3 The Lyonshall NDP is a criteria based plan and therefore the policies themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment (LE1 and LE2), including biodiversity and therefore no significant effect conclusion could be reached.
- 8.4 There are no allocated sites for development, just a highlighted development strategy of proportional growth. Due to the location of these potential sites and the scale of growth that is required by the Herefordshire Core Strategy, these would not have an appreciable effect on the River Wye SAC, i.e. that they were not likely to be significant.
- 8.4 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is currently no existing capacity with regards to permitted headroom in the Sewerage Treatment works serving the Lyonshall area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. Growth would require a new permit for DCWW to ensure that sufficient headroom can be provided through improvements and a potential feasibility study will be required to assess any further upgrade requirements. Policy SD4 of the Core Strategy indicate that development would not permitted if wastewater treatment and water quality cannot be assured.
- 8.5 In addition, the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 8.6 No mitigation measures have been included within the screening of the policies of the NDP. Policies of the Core Strategy and the NDP will form part of the development plans. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 8.6 This review and rescreening in addition to the revisions to the policies from the examination, have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Lyonshall Plan will not have a likely significant effect on the River Wye SAC.***

## 9 Identification of other plans and projects which may have 'in-combination' effects

- 1.1 There are a number of potentially relevant plans and projects which may result in in-combination effects with the Core Strategy across Herefordshire, these plans have been reviewed and can be found in Appendix 2 of the publication of the Herefordshire Local Plan Core Strategy Habitats Regulations Assessment (Oct 2015).

- 1.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy.
- 1.3 Adjacent neighbourhood plans include Eardisley Group, Kington Group, Titley and District Group, Pembridge and Almeley. Eardisley has been adopted, Kington is at Regulation 14, Pembridge and Almeley are currently at Regulation 16 and Titley is drafting their plan. These plans have not gone over and beyond the requirements set out within the Core Strategy for their area.
- 9.4 The HRA for the Core Strategy also identifies that both the Water Cycle Study for Herefordshire, which indicates the potential for planned water abstraction requirements combined with pressures on European Sites from the Core Strategy policies, and the work on the Nutrient Management Plan, to ensure the favourable conservation status of the SAC in respect of phosphate levels as soon as possible and at the latest by 2027, have both been considered as part of the in-combination assessment.
- 9.5 It is unlikely that the Lyonshall 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 Kington Housing Market Area in the Herefordshire Core Strategy.
- 10.0 Conclusion**
- 10.2 The conclusion is that the **Lyonshall NDP will not have a likely significant effect on the River Wye SAC.**
- 11.0 Next steps**
- 11.1 Any further amendments to policies (post Autumn 2018) will be rescreened if required and an addendum to this report will be produced.
- 11.2 This Report will be published alongside the Draft Lyonshall NDP will be subject to a 6 week consultation as part of Regulation 14 Consultation with statutory bodies.

# Appendix 1

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## **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)**

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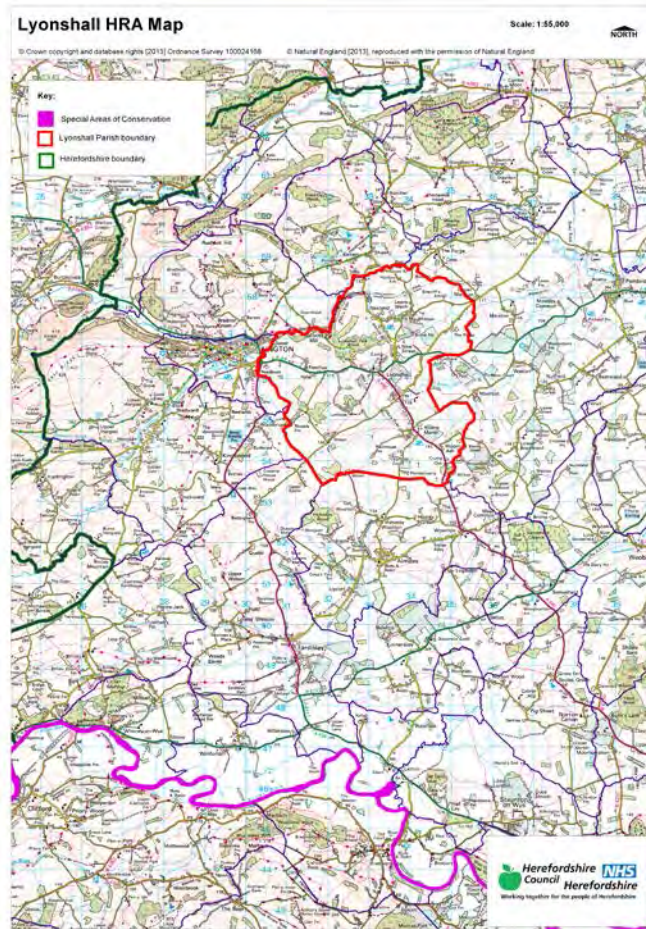
<b>Neighbourhood Area:</b>	Lyonshall Neighbourhood Area
<b>Parish Council:</b>	Lyonshall Parish Council
<b>Neighbourhood Area Designation Date:</b>	26 <sup>th</sup> April 2013

### **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	Lyonshall Parish does not have River Wye in or bordering the parish boundary
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The North of the parish is within the Arrow (to Lugg) river catchment area. The South (From Holme Marsh) is within the Wye catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	Mains drainage at Lyonshall



**Downton Gorge SAC:**

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 16.4km away from northern edge of Lyonshall Parish
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**River Clun SAC:**

Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council?	N	The River Clun is not within the parishes mentioned
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**Usk Bat Sites SAC:**

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat sites are 39.2km away from the southern edge of Lyonshall 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	Wye Valley & Forest of Dean Bat Sites are 44km away from the southern edge of Lyonshall Parish
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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	Wye Valley Woodlands are 41km away from the southern edge of Lyonshall Parish
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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 Lyonshall 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 Lyonshall 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 in the Parish	N
Ancient Woodland	10	Piers Grove Wood; Lyonshall Park Wood; Rise Coppice (border); Crump Oak Wood; Penrhos Wood; Elsdon Wood; Birches Coppice; Longclose Coppice (border); Pennsylvania Wood (border); Ox Pasture & Green Woods	Y
Areas of Archaeological Interest	0	There are no AAI in the Parish	N
Areas of Outstanding Natural Beauty	0	There are no AONB's in the Parish	N
Conservation Areas	0	There are no Conservation Areas in the Parish	N
European Sites	0	There are no SACs within the Parish	N
Flood Areas	Y	Flood Zone 2 & 3 Areas along the northern boundary of the Parish, and comes back into the Parish on the east below Lyonshall village	Y
Listed Buildings	Numerous	There are numerous Listed Buildings throughout the Parish	Y
Local Sites (SWS/SINCs/RIGS)	18 (SWS)	Disused Railway, Kington to Leominster; Land near Hunton Bridge (border); Lyonshall Park Wood; Land at Bullocks Mill; Land at Mill Farm; Piers Grove and adjoining field; Land at Rodds Farm x 3 (border); Rodds, Penrhos, Oxpasture and Green Woods; Lyonshall Churchyard; Land at Lyonshall; Land at Moorcourt Farm (border), Pool near Shawl Farm (border); Mowley and Grove Woods (border); Land at Lilwall Farm x 2 (border); Highmoor Wood (border)	Y
Long distance footpaths/trails (e.g. Herefordshire Trail)	4	Vaughans Way; Mortimer's Trail; Herefordshire Trail; Offas Dyke (border)	Y
Mineral Reserves	0	There are no Mineral Reserve sites within the Parish	N
National Nature Reserve	0	There are no NNR's in the Parish	N
Registered & unregistered parks and gardens	4 registered 8 Unregistered	Registered: Broxwood Court; Eywood (border); Nieuport (border); Hergest Croft (border) Unregistered: Lyonshall Park; The Whittern; Castle Weir; Lynhales; Elsdon; Moor Croft, Pembridge (border); Titley Court	Y

		(border); Ridgebourne (border)	
Scheduled Ancient Monuments	7	Offas Dyke: The section extending 300yds (270m) crossing the railway west of Titley Junction; Lyonshall Castle; Offas Dyke: The section 630yds (580m) long west of Lyonshall; Offas Dyke: The section east of Garden Wood, extending south east 85yds (80m); Offas Dyke: Section north west of Holme Marsh extending 615yds (560m) to the railway; Mound south of Woodbrook (border); Offas Dyke: The section extending 165yds (150m) north from Berry Wood (border)	Y
Sites of Special Scientific Interest	2	Flintsham & Titley Pools x 2 (Favourable) (border)	Y

**Decision Notification:**

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

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

**Assessment date: 01/05/2013 re-screened 21/08/2013**

**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.

<b>Downton Gorge</b>
<b>Site Features:</b> <i>Tilio-Acerion</i> forests of slopes, screes and ravines
<b>Vulnerability data:</b> 10km for air quality associated with poultry units or other intensive agricultural practices.
<b>River Clun</b>
<b>Site Features:</b> Freshwater pearl mussel <i>Margaritifera margaritifera</i>
<b>Vulnerability data:</b> Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected.
<b>River Wye</b>
<b>Site Features:</b> 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>
<b>Vulnerability data:</b> 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: <a href="http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf">http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf</a> 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

**Option 1 - Not to prepare a NDP:** *this would mean that housing development within the parish would be developer led until such a time as Herefordshire Council adopts its Rural Areas Development Plan Document (DPD).*

**Option 2 – To define tight settlement boundaries around the existing built form of Lyonshall and Holme Marsh, including any existing commitments:** *this approach would define tight boundaries around the built form of the two settlements, together with any existing commitments, within which a small amount of additional infill housing development would be provided to meet the Herefordshire Core Strategy Housing Growth target of 12% or at least 36 new houses by 2031.*

**Option 3 – To define a wider settlement boundary around Lyonshall Village (with proposed extensions):** *this approach would allow for a significantly higher level of growth than that proposed in the Herefordshire Core Strategy and would support NDP objectives linked to ensuring the future sustainability of the settlement and enhancing local services and facilities (specifically in terms of the future survival of the local public house and the need for an improved village hall facility).*

**Option 4 – To guide new development to Lyonshall village only as the main settlement and to limit new development in Home Marsh:** *this approach would see the NDP steering all new development to the main settlement of Lyonshall (see Fig 4.14 of the Core Strategy) and to limit new development in the secondary settlement of Holme Marsh.*

# Appendix 3

**HRA Screening Reg 14 of Neighbourhood Development Options, Objective and Plan Policies****Parish: Lyonshall****Date undertaken: October 2018**

NDP objectives and policies	HRA Screening of final NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Objective 1	<p>Housing – To promote sustainably through thoughtful and considered development of a range of housing.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	<p>Small scale development or infill as no sites allocated in plan. Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.</p>	River Wye (including River Lugg) SAC	No	No, implementation of Core Strategy policy SD4, LD2, SD1 and planning permission will ensure water quality issues are addressed. Scale and extent of development is in line with the Local Plan (Core Strategy).
Objective 2	<p>Jobs – To support opportunities for local employment and business appropriate to the areas rural character</p>	<p>Unlikely that there will be any significant effects on the European Site. All developments are</p>	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be meet for the development to

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	and agricultural economy.	required to meet the criteria of Policy SD4.			receive planning permission.
Objective 3	Nature – To protect and enhance the local natural environment including wildlife and landscape.	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No, this policy will objective will not lead to development itself.
Objective 4	Services and Amenities – To support and promote existing amenities and services including sustainable transport and whenever possible encourage new ones.	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be meet for the development to receive planning permission.
Objective 5	Access – To encourage improved accessibility and activities for all, such as walking and cycling.	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No, this policy will objective will not lead to development itself. Policy criteria exist within the NDP and Core Strategy (SD4) required to be meet for the development to receive planning permission.
<b>OPTIONS</b>					
Option 1	Not to prepare a Neighbourhood Plan but rely upon Herefordshire Core Strategy, developer pressures and any subsequent Rural Areas	It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the	River Wye (including River Lugg) SAC.	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be meet for the development to

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	<p>Local Plan that Herefordshire Council may produce. Not producing a neighbourhood plan would result in any future growth decisions within the parish being made based on the strategic policies within the Core Strategy.</p> <p>Proportional housing and employment growth would be in accordance with the Core Strategy.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	criteria of Policy SD4.			receive planning permission.
Option 2	To define tight settlement boundaries around the existing built form of Lyonshall and Holme Marsh, including any existing commitments: this approach would define tight boundaries around the built form of the two settlements,	<p>Definition of a settlement boundary would give certainty to the area that any development coming forward would be located.</p> <p>It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the</p>	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission.

	<p>together with any existing commitments, within which a small amount of additional infill housing development would be provided to meet the Herefordshire Core Strategy Housing Growth target of 12% or at least 36 new houses by 2031.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	<p>criteria of Policy SD4.</p>			
<p><b>Option 3</b></p>	<p>To define a wider settlement boundary around Lyonshall Village (with proposed extensions): this approach would allow for a significantly higher level of growth than that proposed in the Herefordshire Core Strategy and would support NDP objectives linked to ensuring the future sustainability of</p>	<p>Definition of a settlement boundary would give certainty to the area that proposed development in Lyonshall Village would be located.</p> <p>Although this option would allow for a higher level of growth than proposed by the Core Strategy the proportional growth and the settlement boundary are located away from directly impacting the SAC and</p>	<p>River Wye (including River Lugg) SAC</p>	<p>No</p>	<p>No, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission.</p>

	<p>the settlement and enhancing local services and facilities (specifically in terms of the future survival of the local public house and the need for an improved village hall facility).</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	<p>therefore it is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.</p>			
Option 4	<p>To guide new development to Lyonshall village only as the main settlement and to limit new development in Home Marsh: this approach would see the NDP steering all new development to the main settlement of Lyonshall and to limit new development in the secondary settlement of Holme Marsh.</p>	<p>Pursuing this option would give certainty over future development within the area. It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.</p>	<p>River Wye (including River Lugg) SAC</p>	<p>No</p>	<p>No, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission.</p>

	<p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>				
<b>POLICIES</b>					
Policy LH1	Settlement Boundaries	Unlikely that there will be any significant effects on the European Site. Policy seeks to determine the location of development within a settlement boundary.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development itself but will help to guide the location of development, and instead it relates to criteria based objective.
Policy LH2	House Types and Sizes	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission and the policy is also in line with Core Strategy Policy H3.
Policy LH3	Promoting High Quality Design	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria

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					based objective in line with Core Strategy Policy LD1. This policy safeguards natural and built landscape.
Policy LB1	Protecting and Enhancing Local Employment Opportunities in Lyonshall	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: Scale and extent of such development is unlikely to be significant. This policy deals with economic development and employment opportunities accords with Core Strategy Policy E1, LD1 and SD4 will be required to be met for any development to receive planning permission.
Policy LB2	Supporting Rural Diversification  <i>Increase in vehicle movements and water usage.</i>	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No: Scale and extent of such development is unlikely to be significant. This policy deals with rural diversification including employment and tourism but any development accords with Core Strategy Policy RA5 Re-use of rural buildings and policy E2 redevelopment of

					existing employment land and buildings. LD1 and E4 as well as SD4.
Policy LB3	Large Agricultural Buildings	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards natural and built landscape and Core Strategy (SD4) will be required to be met for the development to receive planning permission
Policy LB4	Local Energy Schemes	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: Scale and extent of development is in line with the Local Plan (Core Strategy) and this policy will not lead to development itself.
Policy LE1	Protecting and Enhancing Local Landscape Character and Built Heritage	Unlikely that there will be any significant effects on the European Site. The policy wording requirements for development to meet regarding the River Wye SAC and priority species	River Wye (including River Lugg) SAC	No	No: this policy itself refers to the River Wye SAC and other priority species and habitats.



		and habitats.			
Policy LE2	Protecting and Enhancing Local Wildlife	Unlikely that there will be any significant effects on the European Site. The policy wording requirements for development to meet regarding the River Wye SAC and priority species and habitats.	River Wye (including River Lugg) SAC	No	No: this policy itself refers to the River Wye SAC and other priority species and habitats.
Policy LC1	Memorial Hall	Local community facilities will be protected as community assets. No Likely significant impacts expected.	River Wye (including River Lugg) SAC	No	No: this policy is seeking to safeguard and or improve existing facilities.
Policy LC2	Open Space	Local community facilities will be protected as community assets. No Likely significant impacts expected.	River Wye (including River Lugg) SAC	No	No: this policy is seeking to safeguard and or improve existing facilities.
Policy LT1	Transport and Accessibility	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this objective itself will not lead to development, instead it relates to criteria based objective regarding the accommodation of increased traffic movements.

SITES					
A – Orchard behind Howe Terrace	<p>Site of 0.41 ha providing 5 dwellings.</p> <p>Proportional housing and employment growth would be in accordance with the Core Strategy.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No: Scale and extent of such development is unlikely to be significant. This policy deals with economic development and employment opportunities accords with Core Strategy Policy E1, LD1 and SD4 will be required to be met for any development to receive planning permission.
B – Bakers Meadow	<p>Site of 1.95 ha providing 18 dwellings.</p> <p>Proportional housing and employment growth would be in accordance with the Core Strategy.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No: Scale and extent of such development is unlikely to be significant. This policy deals with economic development and employment opportunities accords with Core Strategy Policy E1, LD1 and SD4 will be required to be met for any development to receive planning permission.
C – Land off Spond Lane opposite the	Site of 2.87 ha providing 18 dwellings.	It is unlikely that there will be any significant effects	River Wye (including River Lugg) SAC	No	No: Scale and extent of such development

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Barns	<p>Proportional housing and employment growth would be in accordance with the Core Strategy.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	on the European Site. All developments are required to meet the criteria of Policy SD4.			is unlikely to be significant. This policy deals with economic development and employment opportunities accords with Core Strategy Policy E1, LD1 and SD4 will be required to be met for any development to receive planning permission.
D – Land adjoining the Memorial Hall	<p>Site of 0.48 ha providing 2 dwellings.</p> <p>Proportional housing and employment growth would be in accordance with the Core Strategy.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No: Scale and extent of such development is unlikely to be significant. This policy deals with economic development and employment opportunities accords with Core Strategy Policy E1, LD1 and SD4 will be required to be met for any development to receive planning permission.
E – Land opposite the Memorial Hall	<p>Site of 1.70 ha providing 2 dwellings.</p> <p>Proportional housing and employment growth would be in accordance</p>	It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the	River Wye (including River Lugg) SAC	No	No: Scale and extent of such development is unlikely to be significant. This policy deals with economic development and

	with the Core Strategy. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment.	criteria of Policy SD4.			employment opportunities accords with Core Strategy Policy E1, LD1 and SD4 will be required to be met for any development to receive planning permission.
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