

# Habitats Regulations Assessment

Regulation 16 Report for:

**Withington Group Neighbourhood Area**

**November 2018**



## **Withington Group Neighbourhood Plan HRA**

### **HRA Screening Assessment**

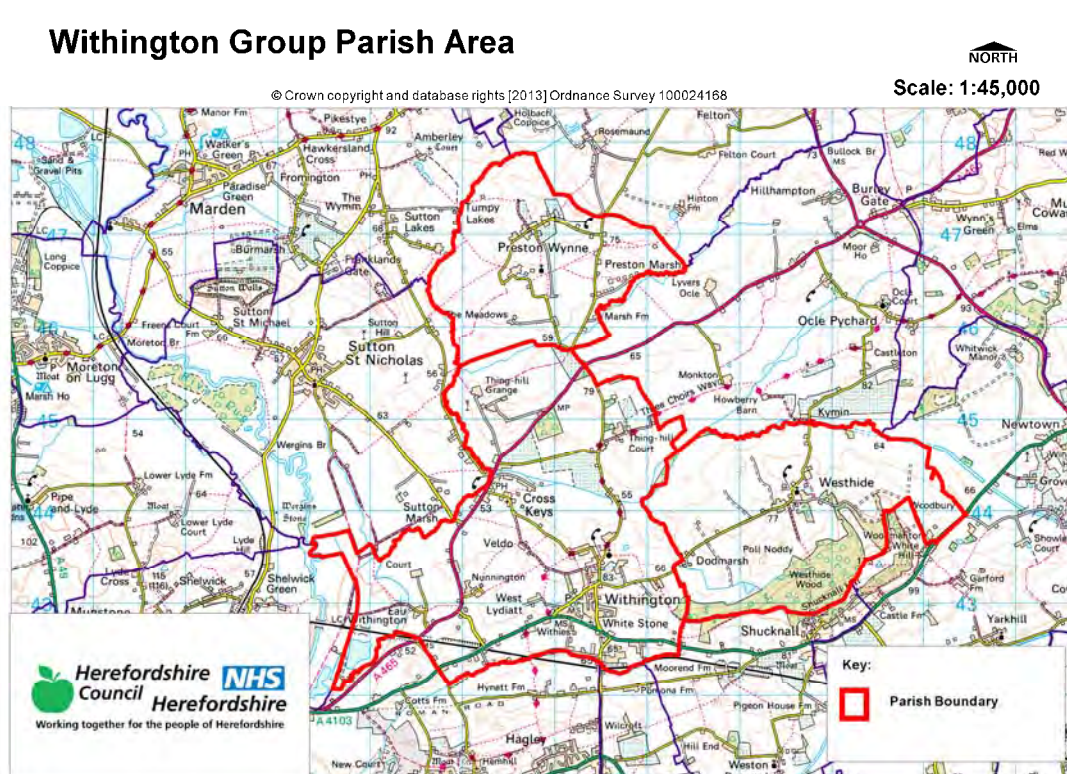
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## 1 Introduction

- 1.1 This Screening Assessment relates to a Neighbourhood Development Plan that is considered to be in general conformity with higher level strategic plans, such as the Herefordshire Core Strategy and the National Planning Policy Framework. The screening stage involves assessing broadly whether the final Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Withington Group Parish Council is producing a Neighbourhood Development Plan for Withington Group Parish, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the Draft Withington Group Plan February 2018.
- 1.3 The NDP has 17 criteria based 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 Withington Group Neighbourhood Area to which this assessment related.

### Withington Group 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, Withington Group Parish Council is required by law to carry out an assessment known as “Habitats Regulations Assessment”. It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.

- 2.2 Article 6(3) of the EU Habitats Directive provides that:  
*Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*
- 2.3 HRA is an impact-led assessment and refers to the assessment of the potential effects of a neighbourhood plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- **SPAs** are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of **wild birds and their habitats** (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
  - **SACs** are designated under the Habitats Directive and target **particular habitats** (Annex 1) and/or species (Annex II) identified as being of European importance.
- 2.4 For ease of reference during HRA, general practice has been that these three designations are collectively referred to as either **Natura 2000** or **European sites**. This means that a Screening Assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans or projects to identify if any significant effect is likely for any European Site.
- 2.5 Herefordshire Council is aware of the recent judgement (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a European site at the screening stage. The initial screening undertaken in **June 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 Reg 14 HRA Report (April 2018) and reviewed in terms of the implications of *Sweetman*.

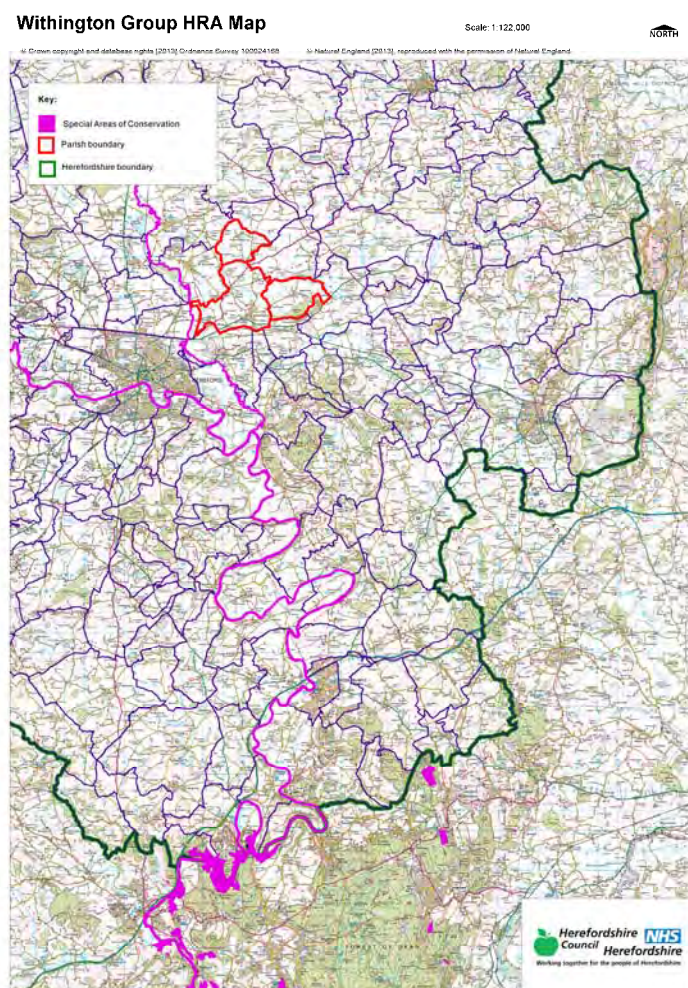
### 3 Methodology

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

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

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

- 4.1 The initial Screening report (**11/06/2013**) found that the River Wye (including the River Lugg) SAC is within the River Lugg 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 there is available headroom at present within the works serving the Withington area. The area is served by the Eign WwTW.
- 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 Withington Group Initial screening Report. The Initial Screening Report, June 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 Withington Group 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 Withington Group NDP.

## 5 Description of the Withington Group Neighbourhood Development Plan

- 5.1 The final Withington Group NDP presents detailed policies for development in the Neighbourhood Area, which is equivalent to the group parish boundary, up to 2031. The Plan begins by introducing its preparation and highlighting its issues.
- 5.2 The NDP then details the vision for the Group Parish over the Plan period;  
***“The villages should evolve, but ensure that their integrity is kept and not developed into a suburb or a small town of urban sprawl. The parishioners have chosen to live in a rural village. To take into consideration the existing needs of the community. To ensure the community facilities (transport, employment etc.) are developed and maintained in line with this. Monitor and control traffic flows and infrastructure through the villages.”***
- 5.3 There are 17 objectives of how this will be achieved. The objectives cover the following topics:

The following are objectives listed in the NDP that aim to realise the vision for Withington Group Parish in 2031:

1. To ensure that the growth of housing in Withington is proportionate to the size and scale of the settlements and the surrounding countryside so that it retains its rural character.
2. To deliver housing development in the surrounding areas that are in line with Objective 1.
3. To ensure that all new development takes into consideration the style and substance of local housing, being designed to be in keeping with the surrounding character of the parish.
4. To ensure that new housing is developed in a suitable range of tenures, types, size, affordability ranges and is flexible in usage so that local people of all ages can live in the parish in a suitable home while attracting families to the area and local housing needs are met.
5. To ensure that there are appropriate local and community facilities, which incorporate the latest technological advances in such areas as mobile phone reception and broadband as is suitable, which can support present demand, future projected growth and demographic change. Such developments must make a positive and tangible impact on the range and availability of community facilities throughout the parish.
6. To continue to develop local employment opportunities, including small businesses and tourism, which continue to be sympathetic to the largely agricultural nature of the parish.
7. To ensure that the natural and built environment of the parish is protected and enhanced for future generations through sustainable development by protecting key environmental and heritage assets (including listed buildings, conservation areas, green spaces and landscapes)
8. To ensure any new development does not increase flood risk, and to restrict any new development in flood risk areas.
9. To ensure development of a safe and well maintained network of roads and pavements and footpaths within the parish.
10. To continue to seek the opinions of parishioners at regular intervals in connection with all the above objectives, in order to make the Neighbourhood Plan a fully inclusive on-going document.

From these 10 objectives, 17 policies have been developed.

- 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 four options put forward, Option 1, the 'no NDP / do nothing' option was not considered viable for the Parish.

The remaining two options of:

Option 2 – Seek to reduce the oversupply

Option 3 – Seek to restrict further oversupply

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 the Withington Group Neighbourhood Plan progressed from options to draft NDP policies, the Plan needed to identify ways in which the least effect on the River Wye SAC 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 (April 2018) as well as the revised matrix (November 2018).

5.5 The NDP also sets out 17 general policies on various topics based on the objective headings above and also for the parish and two committed allocated sites, these include:

Policy P1: Allocated sites

- a. Land adjacent to Whitestone Baptist Chapel for 33 new dwellings.
- b. Land on the south side of the A4103 at Whitestone for a proposed age restricted development..

Policy P2: Withington Settlement Boundary

Policy P3: Westhide and Preston Wynne

Policy P4: Local Distinctiveness – Housing Layout and Design

Policy P5: Affordable Housing

Policy P6: Green Spaces

Policy P7: Transport and Traffic

Policy P8: Conserving Historic Character

Policy P9: Herefordshire and Gloucestershire Canal

Policy P10: Telecommunications - Broadband

Policy P11: Telecommunications – Mobile Phone Coverage

Policy P12: Employment

Policy P13: Agriculture and Tourism

Policy P14: Polytunnels

Policy P15: Renewable Energy

Policy P16: Social and Community Facilities

Policy P17: Minimising Flood Risk in Withington March

## **6.0 Assessments undertaken to date of the emerging Withington Group NDP policies**

6.1 Regulation 102 of the Habitats Regulations 2010 requires that a Screening Assessment be undertaken, in order to identify the 'likely significant effects' of an NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies within the Withington Group 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 Withington Group NDP objectives and policies (April 2018) were concluded to be likely to have a significant effect on the European site. Withington Group 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. In several cases the policies also included measures to help support the natural environment including biodiversity.
- 6.6 It is unlikely that the Withington Group Neighbourhood Plan will have any in-combination effects with any Plans from neighbouring parish council due to the level of growth proposed is of the same that is proposed for the Hereford Housing Market Area in the Herefordshire Core Strategy.
- 6.7 Therefore it was concluded that the **Reg14 Withington Group NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

#### Screening of modifications to NDP (Reg16)

- 6.8 The Submission NDP (November 2018) incorporates additional policy criteria or wording to add clarity and emphasis throughout the document. Policies P1, P3, P4, P6 and P16 have been amended and Policies P3, P4 and P16 have been rescreened for the Submission NDP following the Regulation 14 Draft Plan consultation. Any amendments to policies the amendments will give criteria for future applications to meet to support policy SD4 and ensure that the delivery of the Nutrient Management Plan is not compromised.
- 6.9 Other modifications made to policies, including P1 and P6, of the plan are considered to be minor and would not have a significant effect on the results previously assessed. These were points of clarity and minor word changes.
- 6.10 The revised NDP policies are therefore unlikely to result in significant effects on the European site.
- 7.3 In light of the *Sweetman* case all policies have been reviewed to ensure compliance with the ruling. The finding can be found in appendix 3.
- 7.4 The findings of the screening matrix can be found in the Screening Matrix in the appendix. Colour coding was used to record the likely impacts of the policies on the European site and its qualifying habitats and species as shown in the table 1 below.

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

- 7.5 Following the recent *Sweetman* judgement, it is not permissible to take account of 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 Withington Group Neighbourhood Plan (April 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 to ensure that development can only occur if these criteria are met.
- 8.3 The Withington Group NDP is a mainly criteria based plan and allocates 2 sites for development through Policy P1. Many of the policies themselves would not result in development and in a number of cases the policies also included criteria to support the natural environment. Any future applications relating to site allocation must support policy SD04.
- 8.4 The 2 allocated sites are not directly on the river banks or adjacent to a watercourse that feeds into the River and at the scale of growth that is required by the Herefordshire Core Strategy, these would not have an appreciable effect on the River Wye SAC, i.e. that they were not likely to be significant.
- 8.4 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is available headroom at present. Continuing work is required with DCWW to ensure that sufficient headroom can be provided through improvements and a potential feasibility study may be required to assess any further upgrade requirements. Policy SD4 of the Core Strategy 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 Withington Group 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 Ocle Pychard Group, Yarkhill, Western Beggard, Bartestree and Lugwardine Group, Holmer and Shelwick, Sutton and Marden. Sutton, Marden, Yarkhill, Western Beggard and Bartestree and Lugwardine Group have made plans, Holmer and Shelwick are currently drafting a plan and Ocle Pychard are at Examination. 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 Withington Group Plan will have any in-combination effects with any plans from neighbouring parish councils as the level of growth proposed is the same as that proposed for the Hereford 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 **Withington Group NDP will not have a likely significant effect on the River Wye SAC** remains valid.

## **11.0 Next steps**

- 11.1 This final Report will be published alongside the final Withington Group NDP and the earlier HRA Report and its addendum. This will be subject to a consultation with the statutory bodies prior to the Regulation 16 of the Withington Group NDP.

# 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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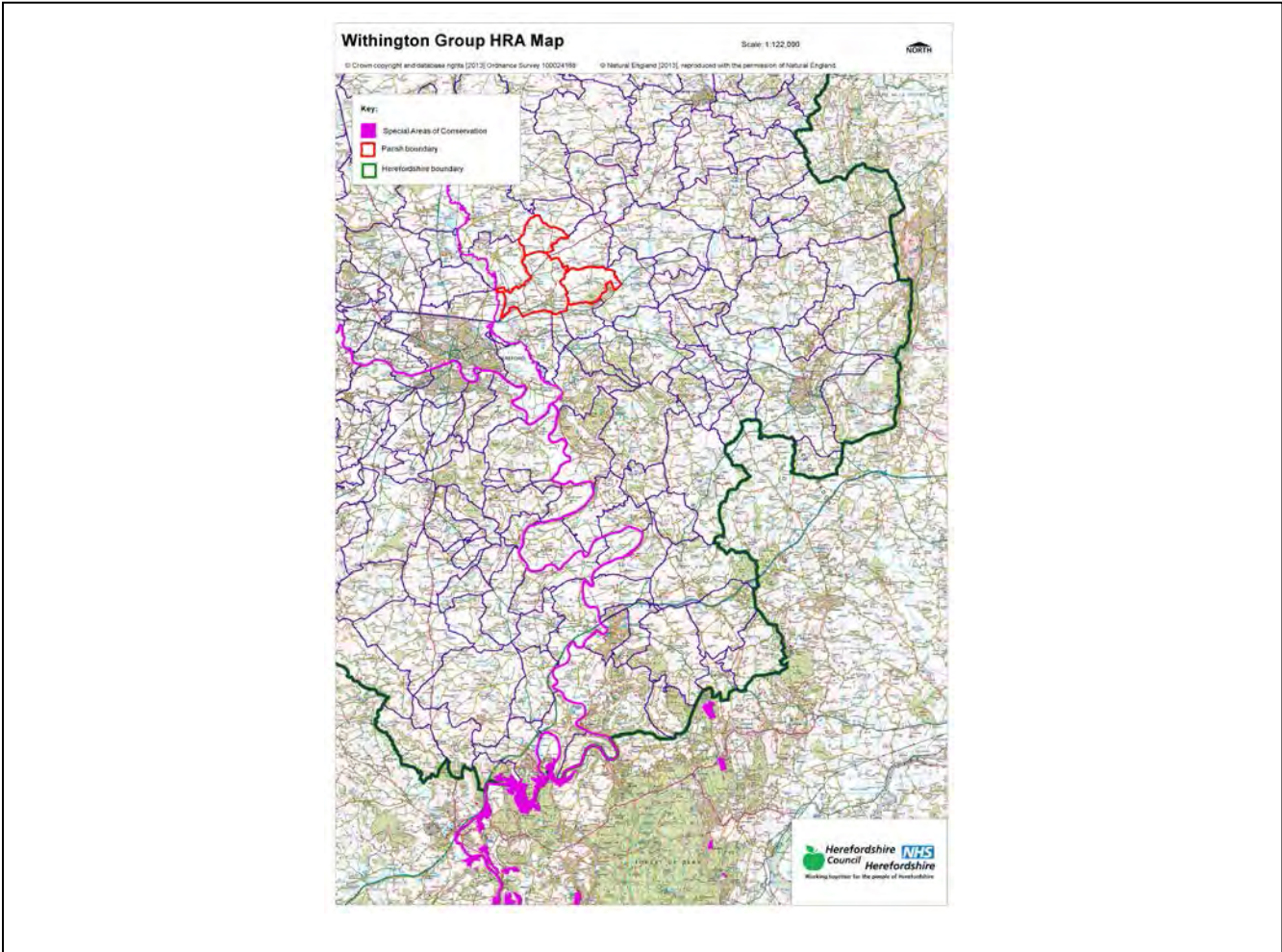
<b>Neighbourhood Area:</b>	Withington Group Neighbourhood Area
<b>Parish Council:</b>	Withington Group Parish Council
<b>Neighbourhood Area Designation Date:</b>	12/07/2013

### **Introduction**

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

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

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



**Initial HRA Screening**

**River Wye (including the River Lugg) SAC:**

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	Y	The River Lugg borders the Group Parish to the west
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The Group Parish is within the River Lugg hydrological catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage at Preston Wynne. Withington is also served by Hereford

**Downton Gorge SAC:**

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 28km away from the Group 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 Group Parish
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**Usk Bat Sites SAC:**

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 42.5km away from the Group Parish
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**Wye Valley & Forest of Dean Bat Sites SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	N	The Group Parish is 23.6km 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 Group Parish is 28.1km 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 Withington Group Neighbourhood Area and a Full HRA Screening will be required.

**European Site**

*(List only those which are relevant from above)*

River Wye (including the River Lugg) SAC

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

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

<b>SEA features</b>	<b>Total</b>	<b>Explanation</b>	<b>SEA required</b>
Air Quality Management Areas	0	There are no AQMA's within the Group Parish	N
Ancient Woodland	1	Westhide Wood	Y
Areas of Archaeological Interest	0	There are no AAI's within the Group Parish	N
Areas of Outstanding Natural Beauty	0	There are no AONB's within the Group Parish	N
Conservation Areas	1	There is a Conservation Area around Withington Village	Y
European Sites	1	River Lugg	Y
Flood Areas		There are Flood Zones on the western borders of the Group Parish and extending into Cross Keys and ending north of Westhide, and also along the southern borders of Preston Wynne Parish	Y
Listed Buildings	Numerous	There are numerous Listed Buildings throughout the Group Parish	Y
Local Sites (SWS/SINCs/RIGS)	3 (SWS)	River Lugg; Field south of Sutton Rhea (border); Woodland on Shucknall	Y
Long distance footpaths/trails	0	There are no Trails within the Group Parish	N
Mineral Reserves	4	Quarry north west of Westhide; Yarkhill Reservoir to Hillend Grove; Shucknall Hill Common; Site running from Leominster-Hereford	Y
National Nature Reserve	0	There are no NNR's within the Group Parish	N
Registered & Unregistered parks and gardens	2 Unregistered	Westhide Court; Porch House	Y
Scheduled Ancient Monuments	2	Churchyard Cross in St Peters Churchyard; Churchyard Cross in St Bartholomew's Churchyard	Y
Sites of Special Scientific Interest	1	River Lugg (Unfavourable Recovering)	Y



**Decision Notification:**

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

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

**Assessment date: 11/06/2013**

**Assessed by: James Latham**

## Appendix 1: European Sites

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

<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.

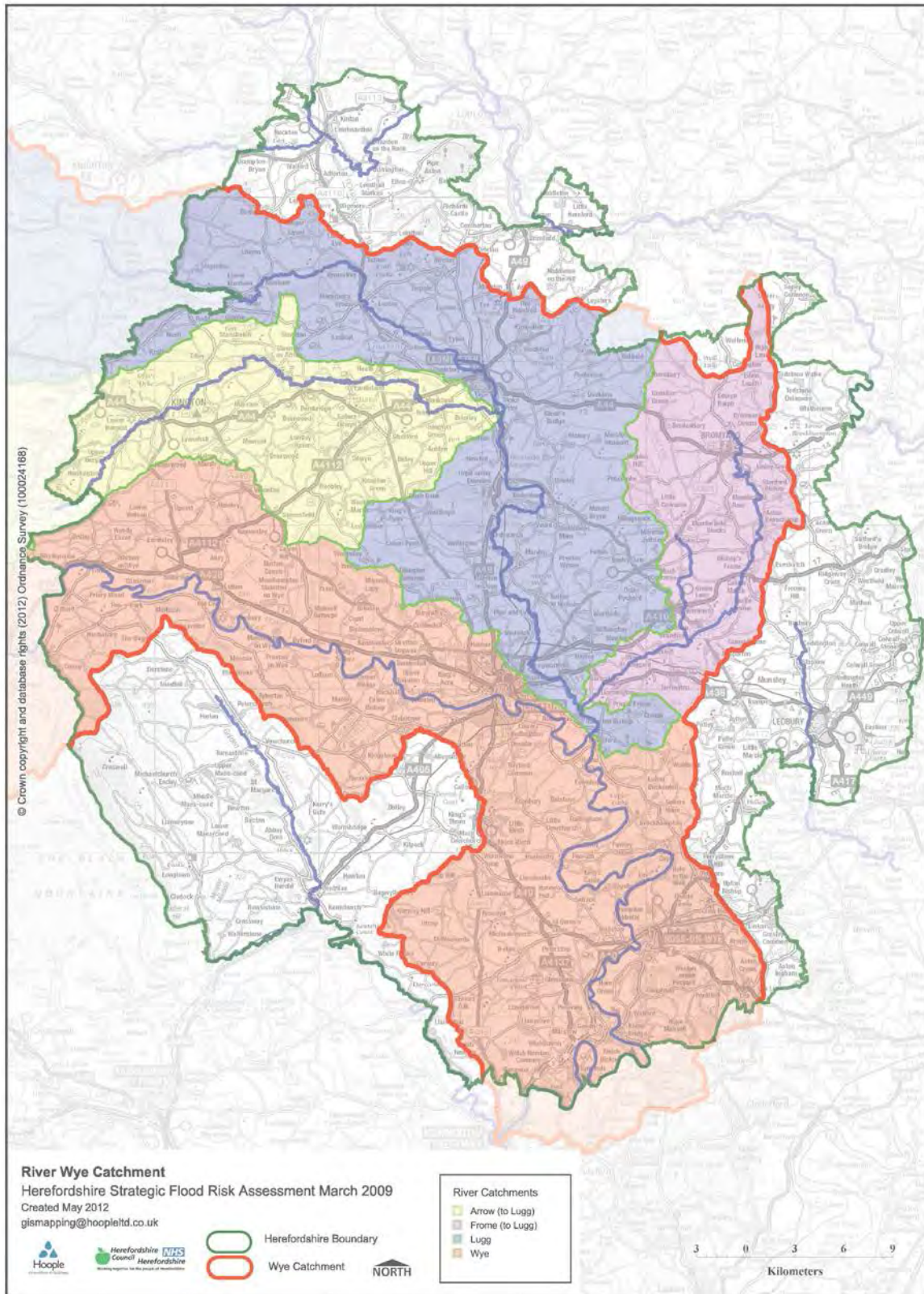
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation. 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 relying solely on Development Management practices of the LPA to ensure that the existing commitments are developed in a manner that meets the needs of the local community and that any further oversupply is limited by HCS policy and National Planning Policy Guidance. By implication this would allow only ad-hoc influence from the local community through responding to planning applications. It also depends on developer-led initiatives which may or may not meet local needs. A further “sub-option” would be to rely on the LPA bringing forward its Rural Areas Development Plan Document and including policies for this NDP area within it.

**Option 2 – Seek to reduce the oversupply**

The inherent risk of a high level of oversupply is that it would not be “Proportionate” for the Withington Group of parishes and may draw development away from other parishes in the same HCS sub-area thereby preventing them reaching their appropriate proportionate development needs. Planning permissions can, in theory, be revoked under Section 97 of the Town and Country Planning Act 1990 but that was not considered as a realistic option and has not been offered by the LPA anyway. Should existing permissions expire before development commences then the LPA has the option of not renewing permission, but that would need to be considered in the context at the time. It was not considered realistic to actively plan for existing permissions to expire and to depend on that for managing housing supply.

**Option 3 – Seek to restrict further oversupply**

A moratorium on all new permissions has not been offered by the LPA and would be a very restrictive approach that would not allow for changes in circumstances or any specific local needs. Hence that concept has not been pursued. Instead the Steering Group has looked to the concept of establishing Settlement Boundaries within which only very limited future growth can take place, along with detailed design policies to influence the nature of development, and protection of key open spaces where they are either within Settlement Boundaries or integral to their setting. (The settings of listed buildings, conservation areas and scheduled monuments are protected through legislation in any event).

This Option has involved detailed consideration of 13 potential sites which have been subject to local consultations and publicity along with development of Settlement Boundaries which have also been the subject of informal consultations through local publicity and an exhibition.

# Appendix 3

**HRA Screening of final Neighbourhood Development Plan Policies****Parish: Withington Group****Date undertaken: November 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
<b>Objective 1</b>	<p>To ensure that the growth of housing in Withington is proportionate to the size and scale of the settlements and the surrounding countryside so that it retains its rural character.</p> <p>Protection and management of the high-quality landscape, green space, biodiversity and geology of the Parish and the settings of its settlements.</p> <p>Maintaining the rural character of the parish would ensure that the</p>	<p>Unlikely that there will be any significant effects on the European Site.</p> <p>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.

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	<p>landscape character, views and features of the parish would be preserved and open spaces. Specific environmental issues could be investigated during the site search and be positively addressed within the policy wording.</p>				
Objective 2	<p>To deliver housing development in the surrounding areas that are in line with Objective 1.</p> <p>Protection and management of the high-quality landscape, green space, biodiversity and geology of the Parish and the settings of its settlements.</p> <p>Maintaining the rural character of the parish would ensure that the landscape character, views and features of the parish would be preserved and open spaces. Specific environmental issues could be investigated during the site search</p>	<p>Unlikely that there will be any significant effects on the European Site.</p>	<p>River Wye (including River Lugg) SAC</p>	<p>No</p>	<p>No, implementation of Core Strategy policy SD4, LD2, SD1 and planning permission will ensure water quality issues are addressed.</p>

	and be positively addressed within the policy wording.				
Objective 3	<p>To ensure that all new development takes into consideration the style and substance of local housing, being designed to be in keeping with the surrounding character of the parish.</p> <p>Maintaining the rural character of the parish would ensure that the landscape character, views and features of the parish would be preserved and open spaces. Specific environmental issues could be investigated during the site search and be positively addressed within the policy wording.</p> <p>Specific environmental issues could be investigated during the site search and be positively addressed within the policy wording.</p>	Unlikely that there will be any significant effects on the European Site.	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.
Objective 4	To ensure that new housing is developed in	Unlikely that there will be	River Wye (including	No	No, implementation of Core Strategy policy

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	<p>a suitable range of tenures, types, size, affordability ranges and is flexible in usage so that local people of all ages can live in the parish in a suitable home while attracting families to the area and local housing needs are met.</p> <p>Specific environmental issues could be investigated during the site search and be positively addressed within the policy wording.</p>	<p>any significant effects on the European Site.</p>	<p>River Lugg) SAC</p>		<p>SD4, LD2, SD1 and planning permission will ensure water quality issues are addressed.</p>
Objective 5	<p>To ensure that there are appropriate local and community facilities, which incorporate the latest technological advances in such areas as mobile phone reception and broadband as is suitable, which can support present demand, future growth and demographic change. Such developments must make a positive and tangible impact on the range and availability of community facilities throughout the parish.</p>	<p>Unlikely that there will be any significant effects on the European Site.</p>	<p>River Wye (including River Lugg) SAC</p>	<p>No</p>	<p>No, implementation of Core Strategy policy SD4, LD2, SD1 and planning permission will ensure water quality issues are addressed.</p>

Objective 6	<p>To continue to develop local employment opportunities, including small businesses and tourism, which continue to be sympathetic to the largely agricultural nature of the parish.</p> <p>Specific environmental issues could be investigated during the site search and be positively addressed within the policy wording</p>	Unlikely that there will be any significant effects on the European Site.	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.
Objective 7	To ensure that the natural and built environment of the parish is protected and enhanced for future generations through sustainable development by protecting key environmental and heritage assets (including listed buildings, conservation areas, green spaces and landscapes)	Unlikely that there will be any significant effects on the European Site.	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.
Objective 8	To ensure any new development does not increase flood risk, and to restrict any new development in flood risk areas.	Unlikely that there will be any significant effects on the European Site.	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.
Objective 9	To ensure development of a safe and well maintained network of roads and pavements and footpaths within the parish.	Unlikely that there will be any significant effects on the European Site.	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.
Objective 10	To continue to seek the opinions of parishioners at regular intervals in connection with all the above objectives, in order to make the Neighbourhood Plan a fully inclusive on-going document.	Unlikely that there will be any significant effects on the European Site.	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.
<b>OPTIONS</b>					
Option 1	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.  Proportional housing and employment growth would be in accordance	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, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission.

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	with the Core Strategy.				
Option 2	<p>Seek to reduce the oversupply.</p> <p>The inherent risk of a high level of oversupply is that it would not be “Proportionate” for the Withington Group of parishes and may draw development away from other parishes in the same HCS sub-area thereby preventing them reaching their appropriate proportionate development needs. Planning permissions can, in theory, be revoked under Section 97 of the Town and Country Planning Act 1990 but that was not considered as a realistic option and has not been offered by the LPA anyway. Should existing permissions expire before development commences then the LPA has the option of not renewing permission, but that would need to be considered in the context at the time. It was not</p>	<p>It 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>

	considered realistic to actively plan for existing permissions to expire and to depend on that for managing housing supply.				
Option 3	<p>Seek to restrict further oversupply.</p> <p>A moratorium on all new permissions has not been offered by the LPA and would be a very restrictive approach that would not allow for changes in circumstances or any specific local needs. Hence that concept has not been pursued. Instead the Steering Group has looked to the concept of establishing Settlement Boundaries within which only very limited future growth can take place, along with detailed design policies to influence the nature of development, and protection of key open spaces where they are</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, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission.

	<p>either within Settlement Boundaries or integral to their setting. (The settings of listed buildings, conservation areas and scheduled monuments are protected through legislation in any event).</p> <p>This Option has involved detailed consideration of 13 potential sites which have been subject to local consultations and publicity along with development of Settlement Boundaries which have also been the subject of informal consultations through local publicity and an exhibition.</p>				
<b>POLICIES</b>					
Policy P1:	To deliver housing on pre allocated sites that have planning permission.	Small scale development proposed. Unlikely that there will be any significant effects on the	River Wye (including River Lugg) SAC	No	No, implementation of Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure

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	<p>a. Land adjacent to Whitestone Baptist Chapel for 33 new dwellings.</p> <p>b. Land on the south side of the A4103 at Whitestone for a proposed age restricted residential development.</p>	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.			water quality issues are addressed.
Policy P2	Defining a Withington Settlement Boundary	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 meet for the development to receive planning permission.
Policy P3	Westhide and Preston Wynne, defining settlement boundaries	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 meet for the development to receive planning permission.
Policy P4	Local Distinctiveness – Housing Layout and Design protecting the character of the parish through any development	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 meet for the development to receive planning permission.
Policy P5	Affordable Housing	Unlikely that there will be any significant effects on	River Wye (including	No	No, policy criteria exist within the NDP and

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		the European Site. All developments are required to meet the criteria of Policy SD4.	River Lugg) SAC		Core Strategy (SD4) required to be met for the development to receive planning permission.
Policy P6	Local Green Spaces, the allocation of green spaces in the parish.  Increase in recreational activities.	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 local green spaces natural and built landscape.
Policy P7	Transport and Traffic	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 P8	Conserving historic character of the parish	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 P9	Herefordshire and Gloucestershire Canal – protection of the area	Unlikely that there will be any significant effects on the European Site. Criteria regarding priority habitats and species is	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective. The implementation of

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		contained within the policy which need to be met.			Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure water quality issues are addressed.
Policy P10	Telecommunications - Broadband	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 P11	Telecommunications – Mobile phone coverage	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 P12	Employment in the parish area	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.
Policy P13	Agriculture and Tourism Development in the parish area	Development would be proposed, but it is unlikely that there will be any significant effects on the European Site. All	River Wye (including River Lugg) SAC	No	No, implementation of Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure water quality issues

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		developments are required to meet the criteria of Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.			are addressed.
Policy P14	Polytunnels	Unlikely that there will be any significant effects on the European Site. Criteria regarding priority habitats and species is contained within the policy which need to be met.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective. The implementation of Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure water quality issues are addressed.
Policy P15	Renewable Energy	Unlikely that there will be any significant effects on the European Site. Policy seeks to support appropriately sites schemes renewable and low carbon energy.	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 energy production in the parish.
Policy P16	Social and Community Facilities	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.

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Policy P17	Minimising Flood Risk in Withington Marsh	The policy contains criteria to specifically relating to flood risk. Sequential and exception tests set out in the NPPF will not permit development identified as flood zones 2 and 3. This should help to safeguard the River Wye SAC and the flood zones.	River Wye (including River Lugg) SAC	No	No: This policy is specific intended to highlight criteria for developments to meet and compliment policy SD4.
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