

# Habitats Regulations Assessment

Report for:

Wellington Heath Neighbourhood Area

February 2021



# **Modified Wellington Heath Neighbourhood Plan Habitat Regulation Assessment Screening**

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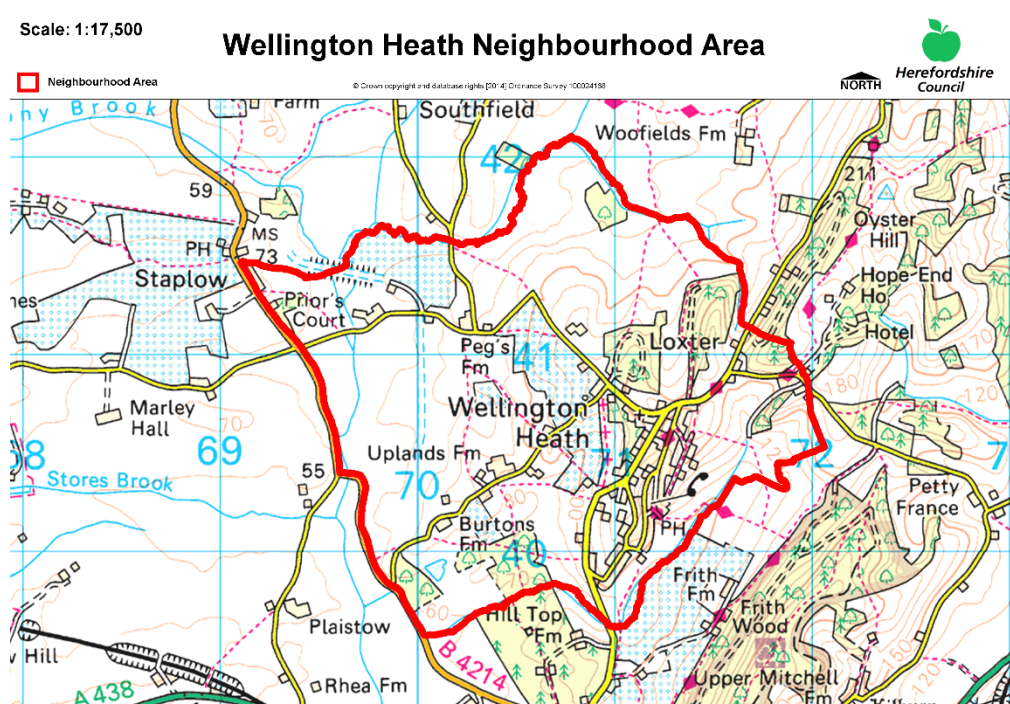
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## Introduction

- 1.1 This Screening Assessment relates to the modified draft Wellington Heath Neighbourhood Development Plan (dated 17 January 2021). The amendments being proposed to the adopted NDP are considered to be non-material in nature, therefore are not changing the policies or stance of the plan. The reviewed NDP is still considered to be in general conformity with higher level strategic plans, such as the Herefordshire Core Strategy and the National Planning Policy Framework. The regulations required this screening stage to assess broadly whether the final Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Wellington Heath Parish Council produced a Neighbourhood Development Plan for the Wellington Heath which was made on 18 October 2018. The NDP set out the vision, objectives and policies for the development of the area up to 2031. The parish council have now decided that the made plan needs to be modified in order to clarify and to update parts of the plan.
- 1.3 None of the objectives, policies or sites within the NDP are proposed to be modified in the reviewed plan. The modified plan has updated details related to the numbers of houses with existing permissions, corrected typos and clarified terminology, times and names. The changes made are considered to be non-material and do not alter the stance of the plan. These grammatical changes and updates do not require a high level screening assessment to build upon the HRA Screening Assessment Report previous produced for the Wellington Heath NDP.

Figure1 –Wellington Heath Neighbourhood Area



## 2 The requirement to undertake Habitats Regulations Assessment of neighbourhood development plans

2.1 The requirement to undertake HRA of neighbourhood 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, Herefordshire Council together with the three Group Parish Councils are required by law to carry out an assessment known as “Habitats Regulations Assessment”. It is also confirmed within 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 development 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.
- **Ramsar sites** support internationally important wetlands habitats

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.

## 3 Methodology

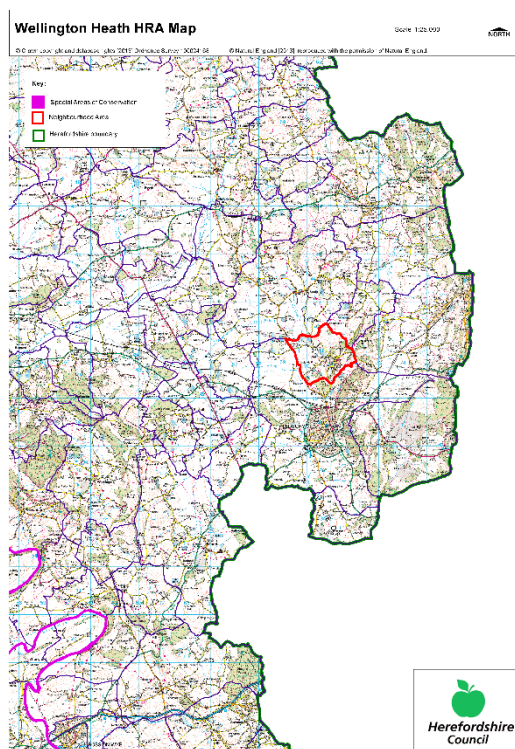
3.1 The HRA of neighbourhood development plans is undertaken in stages and should conclude whether or not a proposal or policy in a neighbourhood development plan would adversely affect the integrity of any European site. This is judged in terms of the implications of the plan for a site’s ‘qualifying 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.

- 3.2 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.
- 3.3 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.
- 3.4 The full screening stage consists of a description of the plan, identification of potential effects on European Sites, assessing the effects on European Sites (taking into account potential mitigation provided by other policies in the plan). For neighbourhood development plans the outcome should demonstrate there are no likely significant effects upon the European sites. If any likely significant effects occur then there will need to be amendments to the NDP made and be re-screened until all likely significant effects have been mitigated.

#### 4 Results of the Initial Screening Report

- 4.1 The initial Wellington Heath Screening Report was undertaken in December 2014. The report found that the neighbourhood area **did not** contain any European sites or their proximity would not be affected by policies and proposals within the proposed Wellington Heath Neighbourhood Plan.
- 4.2 The map below shows Wellington Heath Neighbourhood Area and demonstrates that there are no European sites within the parish or in close proximity. The initial Wellington Heath Screening Report is attached in appendix 1.

Figure 2 –Wellington Heath Neighbourhood Area and European sites.



#### 5 Conclusions

- 5.1 It is therefore, concluded that a full Habitat Regulation Assessment **will not** be required for the modified Wellington Heath Neighbourhood Plan dated 17 January 2021.as these changes as deemed non-material.

# 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>	Wellington Heath Neighbourhood Area
<b>Parish Council:</b>	Wellington Heath Parish Council
<b>Neighbourhood Area Designation Date:</b>	26/01/2015

### **Introduction**

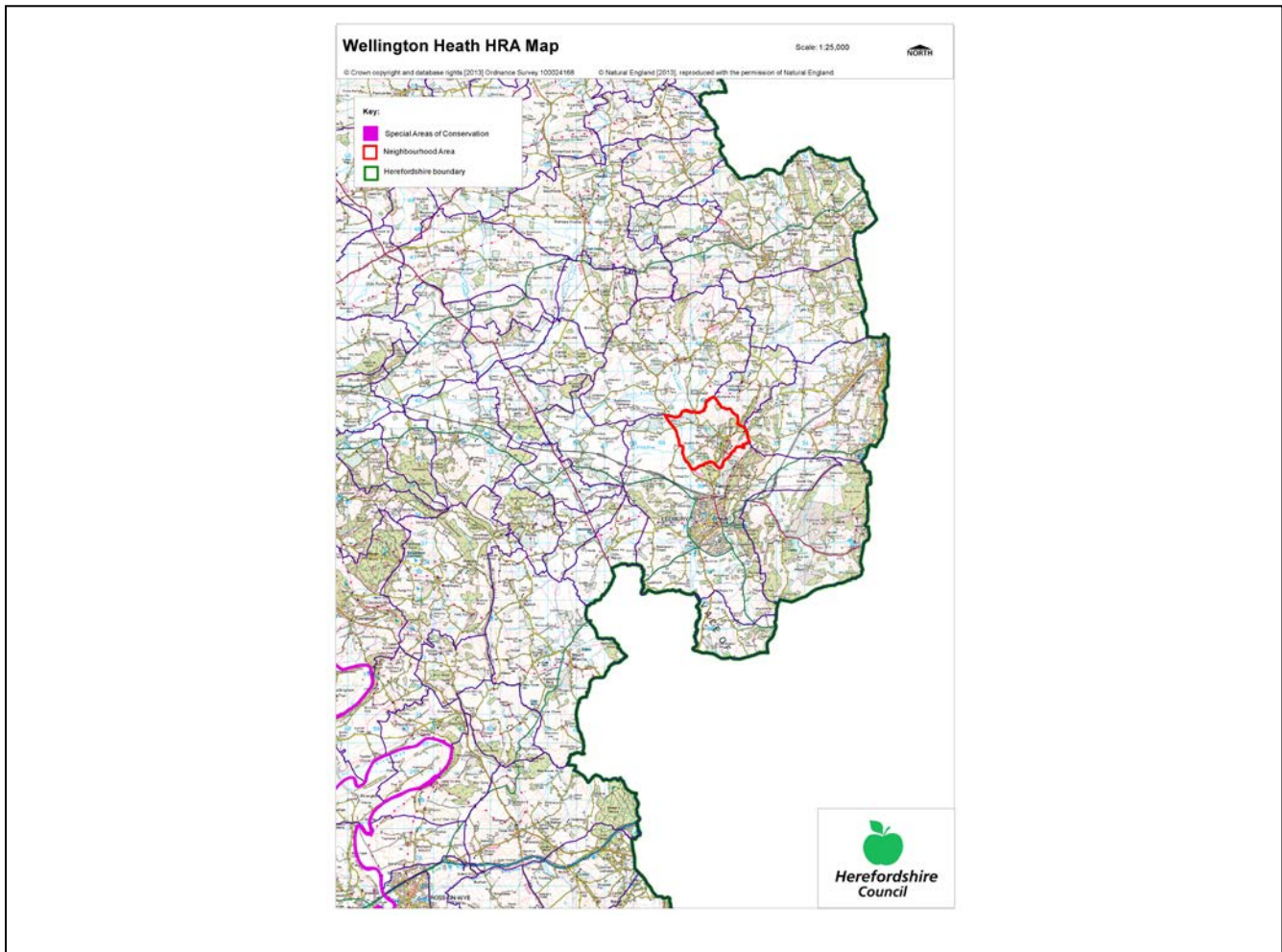
This Initial Habitat Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA) Screening has been undertaken to assess whether any European sites exist within or in proximity to the Neighbourhood Area which could be affected by any future proposals or policies.

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)



### River Wye (including the River Lugg) Special Area of Conservation (SAC):

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	N	The River Wye/Lugg SAC is 12.5km away from the Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	N	The Parish is not within the hydrological catchment of the River Wye.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	N/A	Not Applicable

### Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 41.1km away from the Parish
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**River Clun SAC:**

Does the River Clun border the Neighbourhood Area	N	River Clun does not border the parish
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**Wye Valley & Forest of Dean Bat Sites SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	N	Wye Valley and Forest of Dean Bat Sites are 20km away from the 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 28.5km away from the Parish.
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**HRA Conclusion:**

The assessment above highlights that no European Sites will need to be taken into account in the future Neighbourhood Development Plan for the Wellington Heath Neighbourhood Area and a Full HRA Screening will not be required.

**European Site**

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

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

The following environmental features are within or in general proximity to the Wellington Heath 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	Within Neighbourhood Area		Bordering Neighbourhood Area	
	Total number	Name(s)	Total number	Name(s)
Ancient Woodland	2	Canon Heath Wood; Raven Hill Wood.	8	Frith Wood; Loxter Wood; Berrington Wood; Hope End Wood; Sparrow Hill Wood; Oyster Hill Wood; Grovesend Wood; Baymans Wood.
Areas of Outstanding Natural Beauty (AONB)	1	Malvern Hills AONB.		
Conservation Areas	0	-	0	-
Flood Areas	Flood Zones 2 and 3 in the west and north west of the Parish.			
Geoparks	1	Malvern Hills Geopark.	0	-
Listed Buildings	There are numerous listed buildings within the Parish.			
Mineral Reserves	0	-	12	Pithouse Farm, Coddington; Jabeys Cottage, Coddington and Hope End Farm, Loxter; Square Coppice south east of Coddington; Shoulder of Mutton south east of Coddington; Oyster Hill, south east of Coddington; Cockshute Wood, north of Hope End House, Loxter;

				Holly Bank Coppice to Petty France Farm, Coddington; East of Wellington Heath to The Frith to Ledbury; Frith Wood, east of Wellington Heath; Petty France Farm to Bradlow; North of Bradlow, north west of Kilbury Camp; North of Bradlow, Bradlow Coppice.	
National Nature Reserve (NNR)	0	-	0	-	
Nature Trails	2	Geopark Way; Herefordshire Trail.	0	-	
Regionally Important Geological Sites (RIGS)	0	-	0	-	
Registered Parks and Gardens	0	-	1	Hope End.	
Scheduled Ancient Monuments (SAM)	0	-	0	-	
Sites of Importance in Nature Conservation (SINCs)	0	-	0	-	
Special Areas of Conservation (SAC)	0	-	0	-	
Special Wildlife Sites (SWS)	1	Longworth Meadow.	4	Frith Wood, Bradlow Knoll and Dog Hill; Ledbury Cutting; Pool on Hope End Estate; Field near canal at Swinmore.	
Unregistered parks and gardens	1	Priors Court.	1	Old Colwall.	
			<b>SSSI Status</b>		<b>SSSI Status</b>
Sites of Special Scientific Interest (SSSI)	0	-	-	0	-

**Decision Notification:**

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

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

**Assessment date: 17/12/2014**

**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."

### 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.