

# Appropriate Assessment

Report for:

**Upton Bishop Neighbourhood Area**

**August 2021**



## **Upton Bishop Neighbourhood Plan**

### **Appropriate Assessment**

#### Executive Summary

- 1 Introduction
  - 2 Requirements for the Habitat Regulation Assessment and Appropriate Assessment  
Consultation responses to date
  - 3 Stage 2 - Appropriate Assessment
  - 4 Scoping
  - 5 The Upton Bishop Neighbourhood Plan
  - 6 Assessing the in-combination impacts
  - 7 Mitigation Measures
  - 8 Summary findings
  - 9 Consultation
- Appendix 1 Initial screening report and European Site characteristics (June 2013)  
Appendix 2 Consultation responses  
Appendix 3a Screening for likely significant effects table  
Appendix 3b AA policy assessment table

## **Executive summary**

This report addresses the Appropriate Assessment (AA) stage of the HRA and considers the likely significant effects on the integrity of the River Wye (including the River Lugg) SAC and Wye Valley and Forest of Dean Bat sites SAC. Recent advice, responses from Natural England and the Dutch Case it is considered that a Stage 2 Appropriate Assessment is required.

This report addresses the Appropriate Assessment stage; outlines the task undertaken, the findings and recommendations to support the Upton Bishop Neighbourhood Plan through to adoption.

The initial Screening report June 2013 found that the River Wye (including the River Lugg) SAC is located along the northern and the western border of the parish and Neighbourhood Area. Wye Valley and Forest of Dean Bat Sites SAC is 5.6km away from the parish, which is located south of the Neighbourhood area.

The majority of the policies within the Upton Bishop NDP are criteria based to support development, with one site allocation, which would all require a planning application. The site allocation at Crow Hill has also been assessed. It should be borne in mind that site allocations do not grant planning permission and all site allocations will be subject to a more detailed assessment at planning application stage.

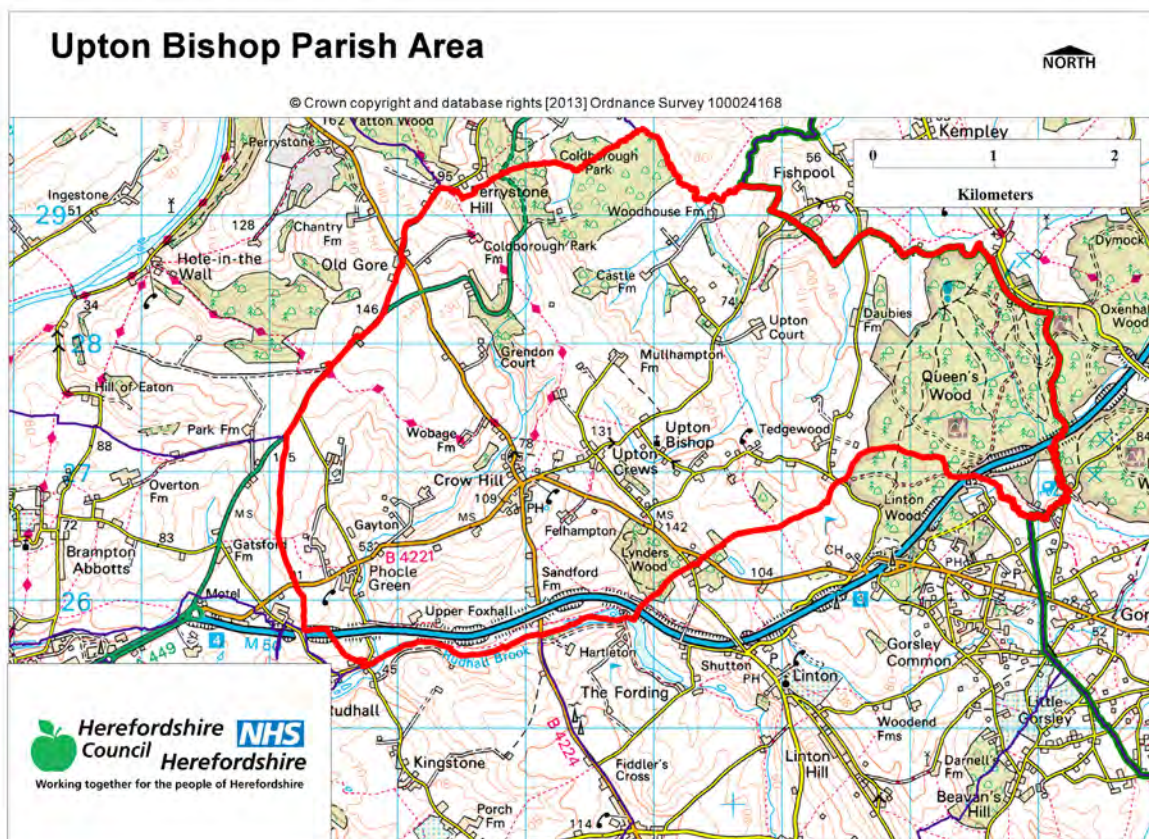
The most significant issue with the Wye catchment is regarding water quality and these issues form the majority of the assessment of these policies. The proximity of the Wye has resulted in no direct disturbance on the qualifying feature of the SAC from the policies within the development plan. The NDP is within 10km of the Wye Valley and Forest of Dean Bat sites SAC, therefore the NDP will need to consider development impact on Greater Horse Shoe and Lesser Horseshoe bats and their habitats.

At this stage the appropriate mitigation measures can also be considered against each of the policies. The table with appendix 3 indicates where this has been the case. Herefordshire Council are investigating a wide range of mitigation measures and working with partners to resolve the current water quality issues within the Lugg catchment. The mitigation measures references within the document could be expanded and refined prior to any planning permissions in association with the policies of this development plan are approved.

**The results of this Appropriate Assessment indicate that there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC and Wye Valley and Forest of Dean Bat sites SAC when the mitigation and avoidance measures have been taken into account.**

## 1 Introduction

- 1.1 This report address the Appropriate Assessment (AA) stage of the HRA and considers the likely significant effects on the integrity of the River Wye (including the River Lugg) SAC and Wye Valley and Forest of Dean Bat sites SAC.
- 1.2 Following recent advice, the Dutch Case and responses from Natural England it is considered that a Stage 2 Appropriate Assessment would be applicable.
- 1.3 This report addresses the Appropriate Assessment stage; outlines the task undertaken, the findings and recommendations to support the Upton Bishop Neighbourhood Plan through to adoption.
- 1.4 Upton Bishop Parish Council has produced Neighbourhood Plan for Upton Bishop parish in order to set out the vision, objective and policies for development within the area up to 2031. This Neighbourhood Plan will support the policies within the adopted Herefordshire Core Strategy and if adopted form part of the Herefordshire Development Plan. The Neighbourhood Plan is current at draft stage.
- 1.5 Below shows a map of the Neighbourhood Plan Area.



## 2 Requirement for the HRA

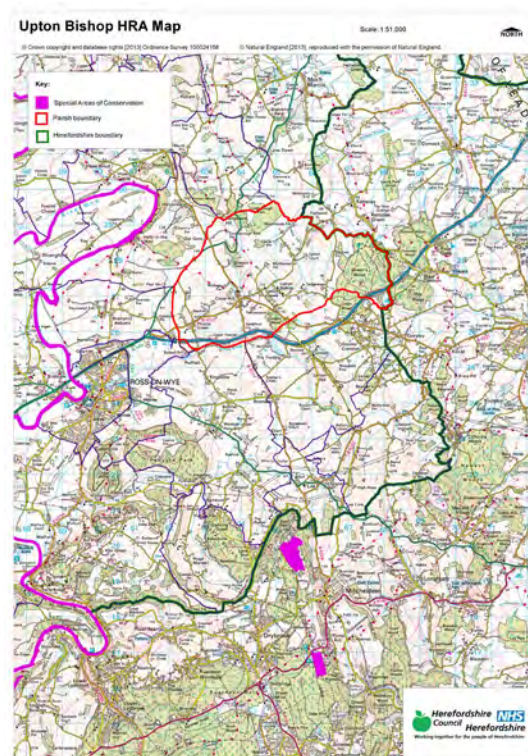
- 2.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the "Habitats Regulations" published for England and Wales in July 2007 and updated in 2013 and now included within the Conservation of Habitats and Species Regulation 2019 'the Habitats Regulations'. Therefore, when preparing its neighbourhood plan, Upton Bishop 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 Herefordshire Council is aware of the recent judgment (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that 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 National Network site at the screening stage. The initial screening undertaken in June 2013 and concluded that a full HRA would be required
- 2.3 The Co-operation Mobilisation (The Dutch case) ruling will also have an impact on Herefordshire in the areas within the catchment of the River Lugg. As this Neighbourhood Area is within the River Wye catchment area however it has been concluded that a Stage 2 Appropriate Assessment be undertaken to include a range of potential mitigation.

### 3 Stage 2 – Appropriate Assessment

- 3.1 As highlighted above the Upton Bishop Neighbourhood Plan is to be subject to a Stage 2 Appropriate Assessment.
- 3.2 The initial screening and scoping under on June 2013 has identified that the plan may have potential impacts and effects on the following National Network sites:
- River Wye (including the River Lugg) SAC
  - Wye Valley & Forest of Dean Bat Sites SAC
- 3.3 The map below shows the Upton Bishop Neighbourhood Area in relation to the SACs.



- 3.4 Recent advice and responses to plans within the River Wye catchment have indicated that further Appropriate Assessment work is required specifically to consider the impact of any Neighbourhood Plan on water quality within the catchment. It is therefore considered given the proximity of the River Wye within this neighbourhood area that an Appropriate Assessment is undertaken here.

3.5 The requirements of the Appropriate Assessment can be broken down into 5 areas;

- 1 Scoping
  - Collect information regarding the National Network Site
  - Any additional Environment Condition information
- 2 Assessing the impacts
  - Assess the impacts of the neighbourhood plan policies and proposals
  - Consider the in-combination effects
  - Consider the cumulative effects
- 3 Mitigation measures
  - Consider the potential mitigation measures
- 4 Summary and recommendations
- 5 Consultation

#### **4 Scoping**

4.1 The initial Screening report June 2013 found that to the east of the Parish up to Crow Hill is within the hydrological catchment of the River Wye (including the River Lugg) SAC. Therefore, a full screening assessment is required.

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 River Wye forms one of the longest near natural rivers in England and Wales. The 25km within Herefordshire runs from Hay-on-Wye to Monmouth passing through Hereford and Ross-on-Wye. This section of the river is a rare example of eutrophic river and has not been subject to straightening.

4.4 There are a number of qualifying site features within the English section of the River Wye SAC:

- Water crowfoot vegetation
- White-clawed crayfish
- Sea Lamprey
- Brook lamprey
- River Lamprey
- Twait shad / Allis shad
- Atlantic salmon
- Bullhead
- Otter

4.5 The issues associated with maintaining the sites integrity include water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance.

4.6 The vulnerability data is indicating that any site allocations and policies should avoid developments within 100m of the designated banks to avoid proximity impacts.

- 4.7 The River Wye SAC can be sensitive to changes in water quantity and quality. There are some sections of the River Wye SAC, mainly the River Lugg catchment area, where the water quality targets are already exceeding set levels and therefore the river is failing its 'favourable condition' status. This area is subject to measure to reduce nutrients particularly phosphates in line with the targets. In light of the interpretation of the Dutch Case where a Site is failing its water quality objectives and is classified as unfavourable condition, there is limited scope for the approval of additional damaging effects and measures that cannot be relied upon or are uncertain. The neighbourhood plan assessed within this report is within the Wye catchment area.
- 4.8 However, the River Wye SAC as a whole is not currently failing its conservation status water quality levels but there are growth concerns that other stretches of the river could deteriorate in water quality following future Environment Agency testing.

#### **Environmental condition data for the River Wye SAC**

- 4.9 The River Lugg is considered to be 'failing' its water quality targets because it has exceeded the phosphate limit over 3 years testing period. Testing is undertaken between March and September by the Environment Agency. Although the Lower Wye is at risk of failing, it has currently not been declared as 'failing'
- 4.10 Phosphorous enter the river via two distinct avenues: point source pollution (waste water treatment works 'WWTW') and diffuse source pollution (run off from roads and agricultural).
- 4.11 Discharges from WWTW are monitored and controlled by the issuing of Permitted Discharge Consents but diffuse pollution depends upon a number of different factors including land management, stock near to rivers and run off.
- 4.12 The Wye and Lugg Monitoring Dashboard indicates that as at 2019 (the latest figures published), the phosphate levels within the River Lugg at the testing point at Mordiford Bridge were recorded as 0.12mg/l with the target set at 0.05mg/l.
- 4.13 In 2019, the sewerage treatment works within the Lugg catchment area were reporting 100% compliance with phosphate limits.
- 4.14 For the Lower Wye (at Carrots Pool, Hereford) it is within target at 0.01mg/l against the target of 0.03mg/l and within the Lower Wye (at Holme Lacy) it is 0.03mg/l against the target of 0.03mg/l. The sewerage treatment works within the Upper and Lower Wye are also reporting 100% compliance with their phosphate limits.

#### **Site integrity of the Wye Valley & Forest of Dean Bat Sites SAC**

- 4.15 The Greater Horseshoe Bat and Lesser Horseshoe bat feature within the Wye Valley and Forest of Dean Bat Sites. The Greater Horseshoe Bat are known to migrate between 20-30km between their summer and winter roosts whereas the Lesser Horseshoe migrate 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance, noise and vibration, light pollution and habitat lost.
- 4.16 NDPs sites within 10 km of the Wye Valley and Forest of Dean Bat Sites will need to consider development impact to these species and their habitats. NDPs closest to the Wye Valley Woodlands 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.

- 4.17 The issues associated with maintaining the sites integrity include impact of development result in changes in landscape and townscape. As outlined within the Habitat Regulation Assessment to the Herefordshire Core Strategy, impact on European sites is dependent on scale and proximity to the European sites.
- 4.18 In relation to impact on biodiversity and important species, Policy LD2 of the Herefordshire Core Strategy indicates that any development should conserve, restore and enhance biodiversity and geodiversity assets of Herefordshire. Development within close proximity to internationally and local designated sites will need to incorporate sympathetic design components to enhance their nature conservation interests.
- 4.19 For full details of the three SAC attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Upton Bishop Initial Screening Report. The Initial Screening Report, June 2013, can be found in Appendix 1 of this HRA report.
- 4.20 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 Upton Bishop Neighbourhood Plan may affect site integrity.
- 4.21 The initial screening assessment indicated that a full screening assessment is required to assess the likelihood of significant effects on the River Wye (including the River Lugg) SAC, Wye Valley and Forest of Dean Bat sites SAC on the policies within the Upton Bishop NDP.

## **5 Description of the Upton Bishop Neighbourhood Plan**

- 5.1 The draft Upton Bishop Neighbourhood Plan presents detailed policies for development in the Neighbourhood Area up to 2031. All neighbourhood plans are required to be in general conformity with the adopted Herefordshire Core Strategy. Proportional growth for development is contained within the Core Strategy Policy RA1 and RA2 and neighbourhood plans will seek to allocate this proportional of development to be in conformity with the Core Strategy.
- 5.2 The Plan begins by highlighting its issues. It then details the vision for the parish over the plan period until 2031 together with 5 objectives to realise that visions.
- 5.3 The initial options for the neighbourhood plan were assessed to determine their environmental impact that could affect the River Wye (including the River Lugg) SAC and Wye Valley and Forest of Dean Bat sites SAC. All of which indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core Strategy. Five general options were considered in total and to do an NDP with site allocations and settlement boundaries were the chosen approach. The list of options can be found in appendix 3a.
- 5.3 The neighbourhood plan also sets out 10 general policies on a variety of topic bases areas and 1 site allocation or specific site related policies. These include:
  - Neighbourhood Plan Policy: UBP1 Settlement boundaries
  - Neighbourhood Plan Policy: UBP2 Land south of Spring Meadow, Crow Hill



- Neighbourhood Plan Policy: UBP3 Housing mix
- Neighbourhood Plan Policy: UBP4 Community facilities
- Neighbourhood Plan Policy: UBP5 Development requirements
- Neighbourhood Plan Policy: UBP6 Landscape, biodiversity and geodiversity
- Neighbourhood Plan Policy: UBP7 Key views
- Neighbourhood Plan Policy: UBP8 Crow Hill/ Upton Crews gap
- Neighbourhood Plan Policy: UBP9 Rural businesses
- Neighbourhood Plan Policy: UBP10 Agricultural and forestry development

5.4 The plan has current reached Regulation 14 stage and the report assesses the policies as at August 2021.

## **6 Assessing the impacts of the Upton Bishop Neighbourhood Plan**

6.1 Each of the policies and proposals of the neighbourhood plan have been considered in more detail to ascertain whether the impacts are likely to have a significant effect on the site integrity and in combination with other neighbourhood plans and policies.

6.2 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 HRA of the Core Strategy and specifically for this neighbourhood plan in the Stage A report dates October 2014

6.3 In terms of growth, the neighbourhood plan does not contribute above and beyond the growth targets for the housing market area requirements as set out within the Core Strategy.

6.4 The adjoining area neighbourhood plan are:

- Linton – adopted
- Weston under penyard– adopted
- Ross Town and Ross Rural – adopted
- Brampton Abbots and Foy Group – adopted
- How Caple, Collers Hope and Yatton Group– adopted
- Much Marcle- adopted

6.5 The combination of the growth proposed within these plans does not exceed that set out within the Core Strategy.

6.6 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 review work on the Nutrient Management Plan, have both been considered as part of the in-combination assessment.

6.7 It is unlikely that the Upton Bishop 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 Ross-on-Wye Housing Market Area in the Herefordshire Core Strategy.

6.8 A matrix has been used to assess all the policies and proposals within the neighbourhood plan and full details can be seen in appendix 3.

## **7 Mitigation measures**

- 7.1 An Appropriate Assessment is being undertaken as the Upton Bishop Neighbourhood Plan is located within the River Wye catchment area. Although this section of the Lower Wye is not failing its water quality objectives, Natural England have raised this as an issue. The consideration of mitigation also required the consideration within an Appropriate Assessment. Clearly, water quality within the SAC is the predominate issue here and this is reflected within the assessment undertaken.
- 7.2 It is therefore the ability to consider any potential mitigation measures, which could be, applied that would reduce the likely significant effects on the integrity of the site. The following potential mitigation measures are indicated below. The summary of findings will indicate if any of these are relevant to the Upton Bishop NDP.

### **Policy SD4**

- 7.3 Policy SD4 is contained within the adopted Herefordshire Core Strategy. This is not seen as a mitigation measure as the development plan should be read as a whole. However, compliance with the policy is required for any planning application within the catchment area. Therefore, no site allocations proposed within the neighbourhood plan will receive planning permission unless they can also meet the criteria of Policy SD4.
- 7.4 It should be borne in mind that site allocations do not grant permission for a site and do not directly lead to development. All site allocations will still require planning permission to be granted before any development can take place. This means that all site allocation will be subject to a further environmental assessment/Habitat Regulation Assessment/Appropriate Assessment prior to development taking place or any potential impact to the SAC directly.
- 7.5 Although all proposals will need to demonstrate compliance with Policy SD4, this does not give sufficient scientific certainty alone and other measures will need to be considered.

### **Waste Water Sewage Treatment works**

- 7.6 Dwr Cymru Welsh Water (DCWW) are making improvements to its Waste Water Treatment Works to reduce phosphate levels from the treatment discharge. DCWW are on target to deliver requirements within the AMP7 assessment management planning. The following treatment works within the River Wye catchment have or proposed to have phosphate limits:
- Eign, Hereford
  - Rotherwas, Hereford
  - Ross Lower Cleeve
  - Bromyard
  - Pontrilas
  - Kingstone and Madley
  - Leominster)
  - Moreton on Lugg
  - Kington
  - Weobley
- 7.7 It is however noted the majority of the areas within the Upton Bishop parish are not on mains drainage, and will require septic tanks or private works. There are 3 small areas on the edge of Crow Hill and Upton Crews that are served by waste treatment works. Therefore, this is not a mitigate measure that can be used within this NDP area but it will provide some reduction in phosphate levels within the river catchment area.

### **Nutrient Management Plan review**

- 7.8 The Dutch judgment means that the current Nutrient Management Plan (NMP) can no longer be relied upon as mitigation as there is not enough certainty that the measures set out within the current plan can be delivered. Therefore, the current NMP does not provide reasonable scientific certainty as a mitigation measure.
- 7.9 The Nutrient Management Board comprises of a number of partners including Natural England, Environment Agency, National Farmers Union, local planning authorities and Welsh Water.
- 7.10 The Board is working on reviewing and revising the NMP so that the measures contained within it can be relied upon as mitigation once more. The anticipated timescale for this is within the development plan period but not specific dates have been given as yet.

### **Proposed wetlands and the Interim Development Plan**

- 7.11 Herefordshire Council are currently investigating the potential for integrated wetlands to assist in the reduction of phosphate levels within the river Lugg catchment. Wetlands can remove phosphorous from surface water runoff or stream flow or remove the final effluent from waste water treatments plants or package treatment plants. They are designed to filter, use sedimentation and plant take up. If the management of wetlands can be secured then they will provide a significant reduction in phosphorous within the Lugg catchment.
- 7.12 The emerging Interim Development Plan will include the proposed wetlands and other agricultural measures including buffer zones which will provide a reduction in phosphorous in the catchment.
- 7.13 There are currently no plans for integrated wetlands within the Lower Wye catchment.

### **Nutrient Neutral / betterment**

- 7.14 Nutrient Neutrality is where mitigation measures or avoidance included within the neighbourhood plan can counterbalance any phosphate increase attributed to the plan's policies and proposals or would lead to betterment. Neutrality will need to be demonstrated with certainty. The development will need to show that it avoids harm to the protected site or provided the level of mitigation required to ensure that there is no adverse effects.
- 7.15 Although the Upton Bishop NDP contains a number of policies seeking to protect and enhance biodiversity and feature of the SAC, it does not contain a specific nutrient neutrality policy.

### **Interim approach to planning applications**

- 7.16 There remains potential for a positive appropriate assessment to enable development to proceed, on Natural England's advice, where it can be demonstrated that development is nutrient neutral as outlined above. Five criteria have been established where phosphates would be unlikely to reach the river as there is no pathway for impacts, these would be adjudged during the planning application stage.
- 7.17 These are:
- Drainage fields is more that 50m from the designated site boundary and;
  - Drainage field is more than 50m from any surface water feature (ditch, drain, watercourse and;
  - Drainage field is in an area with a slope no greater than 15% and;
  - Drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
  - There are no other hydrological pathways which would expedite the transport of phosphorous (fissured geology, shallow soil, flooding)

7.18 It should be noted that the only planning applications within the River Lugg catchment are required to demonstrate meeting these five tests at present. Upton Bishop is not within the River Lugg catchment but the Lower Wye.

## **8 Summary of findings**

8.1 This assessment has considered the likely significant effects of the Upton Bishop Neighbourhood Plan on the following National Network Sites

- River Wye (including the River Lugg) SAC
- Wye Valley & Forest of Dean Bat Sites SAC

8.2 The neighbourhood area falls within the Lower Wye catchment area and although this area is not failing its water quality objectives at present, an Appropriate Assessment is being undertaken in light of recent comments from Natural England.

8.3 The table within Appendix 3 show the detail of each policy and proposals assessed.

8.4 After an initial screening 10 policies are concerned to have potential likely significant effects.

- Neighbourhood Plan Policy: UBP1 Settlement boundaries
- Neighbourhood Plan Policy: UBP2 Land south of Spring Meadow, Crow Hill
- Neighbourhood Plan Policy: UBP9 Rural businesses
- Neighbourhood Plan Policy: UBP10 Agricultural and forestry development

8.5 The majority of these policy not site allocations but have criteria to support development. They would all require a further planning application.

8.6 The 1 site allocation: Site 4 : Land South of Crow Hill has been assessed. It should be borne in mind that site allocations do not grant planning permission and all site allocations will be subject to a more detailed assessment at planning application stage.

8.7 The most significant issue is regarding water quality and these is the forms the majority of the assessment of these policies.

8.8 At this stage the appropriate mitigation measures can also be considered against each of the policies. The table with appendix 3 indicates where this has been the case. Herefordshire Council are investigate a wide range of mitigation measures and working with partners to resolve the current water quality issues within the Lugg catchment and are minded to the water quality within the Lower Wye catchment area.

8.9 The NDP would benefit from some additional wording in some of the allocation policies regarding the need for a foul and sewerage management strategy, as there are not main facilities within the parish. This would enable the considerations of drainage to be taken fully into account prior to any applications being granted.

8.10 The parish is not within a catchment which is currently 'failing' but it is considered that there would be some benefits to including a policy with regards to the need for nutrient neutrality if during the plan period the Lower Wye catchment did follow that of the current Lugg catchment. It is suggested that some additional wording could be added to Policy UBP5 and some of the criteria of other specific policies as highlighted within appendix 3.

8.11 The mitigation measures referenced within the document could be expanded and refined prior to any planning permissions in association with the policies of this development plan are approved.

- 8.12 **The results of this Appropriate Assessment indicate that there with some amended wording to policies regarding foul and sewerage management strategies and nutrient neutrality there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC and Wye Valley & Forest of Dean Bat Sites SAC or the (include any other) when the mitigation and avoidance measures have been taken into account.**
- 8.13 **However until these amendments have been made it cannot be concluded that there will not be any likely significant effects on the integrity of the River Wye (including River Lugg) SAC and Wye Valley & Forest of Dean Bat Sites SAC.**

## **9 Consultation**

- 9.1 This report will accompany Regulation 14 version of the Neighbourhood Plan. This report will be subject to a 5 week consultation, followed by a regulation 16 draft consultation (5 week consultation) which will inform the potential examination of the Upton Bishop 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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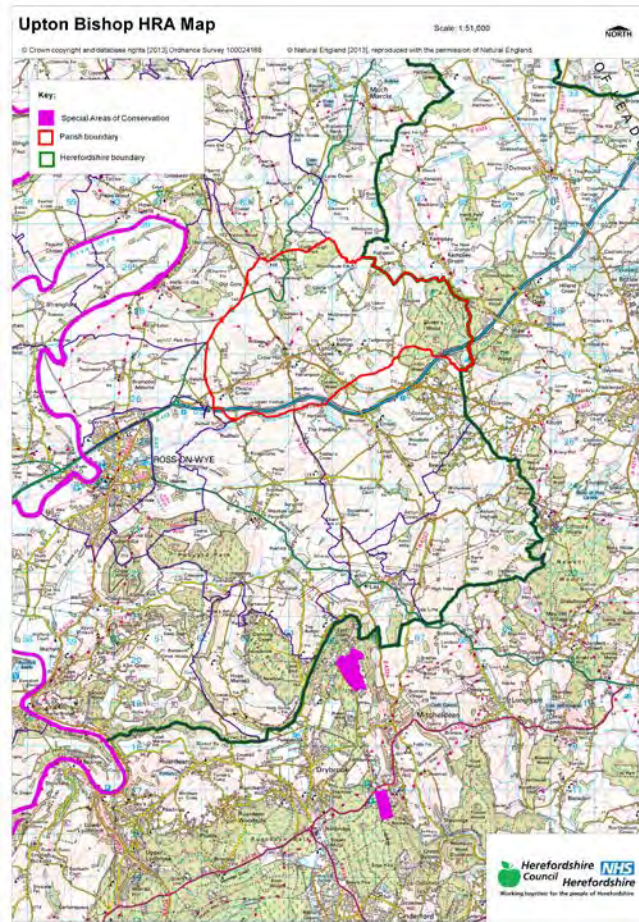
<b>Neighbourhood Area:</b>	Upton Bishop Neighbourhood Area
<b>Parish Council:</b>	Upton Bishop Parish Council
<b>Neighbourhood Area Designation Date:</b>	18/03/2013

### **Introduction**

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

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

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



**Initial HRA Screening**

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

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	N	The River Wye is 1.6km away from the Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The east of the Parish up to Crow Hill is within the River Wye hydrological catchment.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage at Upton Bishop

**Downton Gorge SAC:**

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 48.4km away from the Parish
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**River Clun SAC:**

Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council?	N	River Clun does not border the Parish
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**Usk Bat Sites SAC:**

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 44.7km away from the Parish
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**Wye Valley & Forest of Dean Bat Sites SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	Y	The Parish is 5.6km away from Wye Valley and Forest of Dean Bat Sites
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**Wye Valley Woodlands SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site?	N	The Parish is 13.5km 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 Upton Bishop 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

Wye Valley & Forest of Dean Bat Sites 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 Upton Bishop 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 Parish	N
Ancient Woodland	5	Coldborough Park; Lynders Wood; Hopkins Wood; Park Wood; Yatton Wood (border)	Y
Areas of Archaeological Interest	0	There are no AAI's within the Parish	N
Areas of Outstanding Natural Beauty	1	Wye Valley (border)	Y
Conservation Areas	0	There are no Conservation Areas within the Parish	N
European Sites	0	There are no SAC's within the Parish	N
Flood Areas		There are Flood Zones along Rudhall Brook which also flow up to Phocle Green. There are also Flood Zones in the north of the Parish by Woodhouse Farm	Y
Geoparks	1	Malvern Hills Geopark	Y
Listed Buildings	Numerous	There are numerous Listed Buildings within the Parish	Y
Local Sites (SWS/SINCs/RIGS)	1 RIGS 9 SWS	RIGS: M50 Section 1 SWS: Coldborough Park; Yatton Wood (border); Fields near Gayton; The Fording Lake; Lynders Wood; Queen's Wood, Dymock; Field south of Moor House; Yeld Wood; Eaton Park and Newhouse Wood (border)	Y
Long distance footpaths/trails	2	Herefordshire Trail; Ross Round	Y
Mineral Reserves	0	There are no Mineral Reserves sites within the Parish	N
National Nature Reserve	0	There are no NNR's within the Parish	N
Registered & unregistered parks and gardens	4 Unregistered	Grendon Court; Perrystone Court (border); Eaton Tregoz (border); Rudhall House (border)	Y
Scheduled Ancient Monuments	0	There are no SAM's within the Parish	N
Sites of Special Scientific Interest	0	There are no SSSI's within the Parish	N



**Decision Notification:**

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

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

**Assessment date: 04/06/2013**

**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.

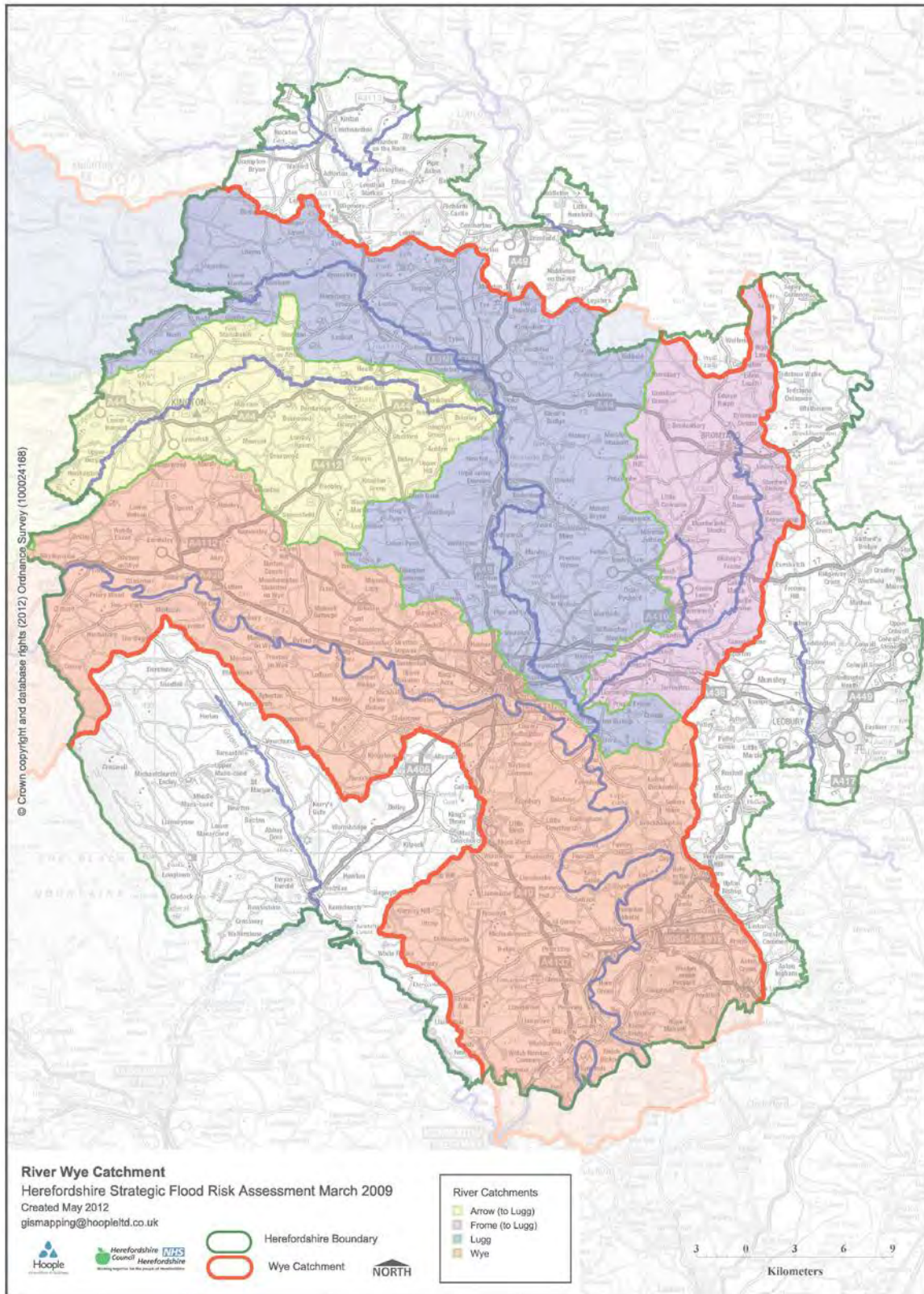
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation.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





ENGLISH HERITAGE

WEST MIDLANDS REGION

Neighbourhood Planning Team  
Herefordshire Council  
Planning Services  
PO Box 230  
Blueschool House  
Blueschool Street  
Hereford  
HR1 2ZB.

Our ref:  
Your ref:

Telephone 0121 625 6887  
Fax 0121 625 6820

05 January 2015

Dear Sir or Madam

**CONSULTATION ON SEA SCOPING REPORTS FOR NEIGHBOURHOOD PLANS IN: Ballingham, Bolstone & Hentland Group; Kington, Kington Rural & Lower Harpton and Huntingdon; Upton Bishop; Vowchurch & District Group; Weston Beggard.**

Thank you for your e-mail and the invitation to comment on the SEA Scoping Reports for the Neighbourhood Plans listed above. We have no substantive objection to the contents of the documents. However, having considered the above Neighbourhood Plans please note that overall our comments and recommendations to you in relation to these remain substantively the same as those which we communicated to you in our letter of the 15<sup>th</sup> August 2014 in response to the first tranche of SEA Scoping Reports. We urge you to refer back to and consider these representations before finalizing the reports in relation to the above Neighbourhood Plans also.

Specifically in relation to the seventh tranche of consultations we note that all of the SEA Scoping Reports appear to have anomalous references to SAM's, the Herefordshire SMR, monitoring changes to historic landscapes and historic landscape character assessments in relation to SA Objective 14 "Use natural resources and energy more effectively". Presumably this is unintentional? Is there some confusion as between the Herefordshire Sites and Monuments Register and the Herefordshire Environmental Records Register? Would these elements in fact be more relevant under SA Objectives 15 and 20?

Other than that we note the SEA Frameworks sections of the SEA's submitted are generally commendable in their approach of including references to historic landscape and townscape quality, the maintenance of the Herefordshire SMR and conservation and wherever possible enhancement of locally significant heritage assets. We also particularly commend the

treatment of “Heritage at Risk” and the commitment to put measures in place to assist in the removal of heritage assets from the register, also the commitment to encourage the retention and re-use of existing buildings.

A final minor comment is to simply highlight a typographical error in Appendix A3 of the Ballingham, Bolstone & Hentland Group where S.4 “Cultural Heritage” erroneously references “Eardisley Group”.

I hope this is helpful.

Yours faithfully

Pete Boland  
Historic Places Adviser  
E-mail: [peter.boland@english-heritage.org.uk](mailto:peter.boland@english-heritage.org.uk)

Date: 15 January 2015  
Our ref: 139243  
Your ref: Neighbourhood Area SEA Scoping



Mr J. Latham  
Technical Support Officer  
Neighbourhood Planning, Strategic Planning & Conservation teams  
Herefordshire Council  
Planning Services,  
Blueschool House,  
Blueschool Street  
Hereford,  
HR1 2ZB

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T 0300 060 3900

## BY EMAIL ONLY

Dear Mr Latham

### **Neighbourhood Plan Strategic Environmental Assessment Scoping and Habitat Regulations Assessment Screening for:**

Ballingham, Bolstone & Hentland Group;  
Kington, Kington Rural & Lower Harpton and Huntington  
Upton Bishop  
Vowchurch & District Group  
Weston Beggard

Thank you for your consultation on the above dated and received by Natural England on 04 December 2014.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

We welcome the production of this SEA Scoping report. With respect to the natural environment Natural England wishes to make the following comments which are intended to further improve the SEA and its usefulness in assessing the Neighbourhood Plan.

#### **Appendix A1 – Plans, policies and programmes**

All that refer to:

Malvern Hills AONB Management Plan 2009- 2014, we advise referring to the more up to date [Malvern Hills AONB Management Plan 2014 to 2018](#).

Wye Valley AONB Management Plan 2009-2014, we advise also referring to [Draft Wye Valley Management Plan 2014 -19](#).

## Appendix A2 – Baseline information

### ***Biodiversity, flora and fauna***

#### Ballingham, Bolstone & Hentland Group

Under objective-13. “*Value, maintain, restore or expand county biodiversity*”, proposed indicator: “Phosphate levels within the River Wye SAC and adjoining tributaries that receive increased phosphates from proportional growth” there are no trends, targets, issues and constraints and would refer you to the other Neighbourhood Area Scoping Report we have been consulted on which do include these details.

#### Upton Bishop

Under objective-13. “*Value, maintain, restore or expand county biodiversity*”, proposed indicator- “*Net change to condition of SSSIs across Herefordshire*”, it is stated under Current Status that “there are no SSSIs within the Neighbourhood area”. Whilst this statement is correct, consideration should be made of impacts to SSSIs outside the Neighbourhood Area which could be impacted by Neighbourhood Area plan.

#### All

Under the proposed indicator “*Changes to protected habitats and impacts of species within the Herefordshire Local Biodiversity Action Plan*”, we advise an additional or at least the following baseline information source -Maps of priority habitats and species are available on *Magic*, Defra’s GIS package for environmental assets ([www.natureonthemap.naturalengland.org.uk](http://www.natureonthemap.naturalengland.org.uk)). We note that some of the report refer to the Herefordshire Council AMR (2010/11) as a baseline information source- could this be applied to all of them?

### ***Water, air, soil and material assets***

#### All

This section (or suitable alternative) should include information on geodiversity. The baseline and assessment should make reference to geological conservation and the need to conserve, interpret and manage geological sites and features, both in the wider environment and in relation to designated features. The Herefordshire & Worcestershire Earth Heritage Trust may be of assistance.

## Appendix A3 – Environmental issues identified from the baseline

#### All

Natural England welcomes the environmental issues identified.

## Appendix A4 – SEA Framework

#### All

Under topic “*Nature Conservation*”- “*Value, maintain, restore or expand county biodiversity*”, we advise that any indicators chosen should allow for the monitoring of the effects of the plan on the objective concerned, and not the objective more generally. Thus, for example, condition of Sites of Special Scientific Interest is not a useful thing to monitor, but impacts of the plan on Sites of Special Scientific Interest might be.

Under the SEA topic “*Landscape*” reference could be made to the county Landscape Character Assessment and Landscape Characterisation studies including Historic Landscape Characterisation if this has been carried out.

Under SEA topic “*material assets*”, there are no targets identified against the indicator “*monitoring changes to the historic landscape*”. We suggest that the LPA could utilise Historic Landscape Characterisation studies and monitor the number of applications permitted despite a significant impact on the landscape having been identified.

### **Habitats Regulations Assessment Screening**

We would remind you of one of the basic conditions that a draft neighbourhood plan or Order must meet, as set out in the Neighbourhood Planning Regulations 2012, which states that 'The making of the neighbourhood development plan is not likely to have a significant effect on a European site'.

#### Kington, Kington Rural & Lower Harpton and Huntington

##### Weston Beggard

We welcome this initial assessment and agree that a full screening exercise will be required to assess the impacts on the River Wye (including the River Lugg) Special Area of Conservation (SAC).

##### Ballingham, Bolstone & Hentland Group;

We welcome this initial assessment and agree that a full screening exercise will be required to assess the impacts on the River Wye (including the River Lugg) SAC and Wye Valleys Woodlands SAC

##### Upton Bishop

We welcome this initial assessment and agree that a full screening exercise will be required to assess the impacts on the River Wye (including the River Lugg) SAC, Wye Valley & Forest of Dean Bat Sites SAC.

##### Vowchurch & District Group

We welcome this initial assessment and agree that a full screening exercise will not be required.

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Gillian Driver on 0300 060 4335. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

*Gillian Driver*

Miss Gillian Driver  
Planning Adviser  
South Mercia Team



# Appendix 3a

**Neighbourhood Plan Policy Screening – Upton Bishop Neighbourhood Plan**

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
Neighbourhood Plan Policy: UBP1 Settlement boundaries	The location of the development is currently unknown, its implementation will be subject to a planning application	Seeking to deliver proportional growth during the plan period within a settlement boundary  Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LSE The policy is seeking to deliver dwellings within a defined settlement boundaries of Crow Hill and Upton crews.
Neighbourhood Plan Policy: UBP2 Land south of Spring Meadow, Crow Hill  <b>SITE ALLOCATION</b>	The policy and site allocation could have a likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.
Neighbourhood Plan Policy: UBP3 Housing mix	Policy itself will not lead to development, instead this sets out criteria to ensure a mix of housing in the parish is achieved.	None identified.	No LSE. This policy does not lead to development itself. This policy sets out criteria to ensure there is a mix of tenures, types and sizes of dwelling in the parish.
Neighbourhood Plan Policy: UBP4 Community facilities	Policy is seeking to conserve, enhance or protect the built,	None identified.	No LSE. This policy is seeking to conserve, enhance or protect the built

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
	natural and/or historic environment. This policy protects the use existing community facilities in the neighbourhood area.		environment. This policy is seeking to safeguard existing community facilities over the lifetime of a neighbourhood plan.
Neighbourhood Plan Policy: UBP5 Development requirements	Policy itself will not lead to development.	None identified.	No LSE. This policy sets out criteria for new development to adhere to. This policy does not lead to development itself.
Neighbourhood Plan Policy: UBP6 Landscape, biodiversity and geodiversity	<p>Policy itself will not lead to development</p> <p>Policy is seeking to enhance and or protect the natural environment in general</p> <p>Policy is specifically seeking to protect sensitive sites</p> <p>Policy is guiding development away from the sensitive sites</p>	This will have a positive effect	No LSE. This policy is seeking to avoid adverse effects on the River Wye SAC. The policy seeks to protect and enhance the local character of the built and historic environment of the group parish.
Neighbourhood Plan Policy: UBP7 Key Views	<p>Policy itself will not lead to development</p> <p>Policy is seeking to enhance and or protect the natural environment in general</p>	This will have a positive effect	No LSE. the policy is seeking to protect the views within and around the parish and will not lead to development itself
Neighbourhood Plan Policy: UBP8 Crow Hill/ Upton Crews gap	<p>Policy itself will not lead to development</p> <p>Policy is seeking to enhance and or protect the natural</p>	This will have a positive effect	No LSE. the policy is seeking to keep the gap between the settlements of Crow Hill and Upton Crews, this will not lead to development itself

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
	environment by ensuring there is a strategic gap in between the two settlements.		
Neighbourhood Plan Policy: UBP9 Rural businesses	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support local employment opportunities  Increased traffic Increased demand for water abstraction and sewerage treatment	LSE. The locations of the rural business development is yet to be known.
Neighbourhood Plan Policy: UBP10 Agricultural and forestry development	The location of the development is currently unknown, its implementation will be subject to a planning application.	Increased traffic Increased demand on water abstraction Increased demand on sewage treatment Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. The locations of any development is yet to be known. The policy will result in development of agricultural and forestry enterprises. Criteria contained within this policy proposes to guiding development away from the sensitive sites.

## Options

<b>Option</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
Do nothing approach	Development proposals will rely on policies in the Core Strategy. The location of the development is currently unknown, its implementation will be subject to a planning application.	None identified	No, as this is an option.
Produce an NDP	This option allows parishes to set out local specific policy, allocations and settlement	None identified	No, as this is an option. Further details are required, and can be

Option	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
	boundaries. No The location of the development is currently unknown, its implementation will be subject to a planning application.		assessed on a policy by policy basis.
No Settlement boundaries	This option does not give same level of certainty as the other options as it will be more reactionary than proactive in terms of growth proposals The location of the development is currently unknown, its implementation will be subject to a planning application.	None identified	No, as this is an option. Further details are required, and can be assessed on a policy by policy basis.
Settlement boundaries	Settlement boundaries clarify and set out parameters for development. The location of the development is currently unknown, its implementation will be subject to a planning application	Seeking to deliver proportional growth during the plan period within a settlement boundary  Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	No, as this is an option. If this was brought forward it is expected to have an LSE. The option is seeking to deliver dwellings within a defined settlement boundaries of Crow Hill and Upton crews.
Site allocation	Settlement boundaries clarify and set out parameters for development. The location of the development is currently unknown, its implementation will be subject to a planning application	Seeking to deliver proportional growth during the plan period within a settlement boundary  Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	No as this is an option. If this was brought forward it is expected to have an LSE. The option is seeking to deliver dwellings within a defined settlement boundaries of Crow Hill and Upton crews..
Criteria based policy	Criteria based policy does not give the same level of certainty as site allocations as it will be more	None identified	No as this is an option. Further details are required, and can be

Option	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
	reactionary than proactive in terms of growth proposals. The location of the development is currently unknown, its implementation will be subject to a planning application		assessed on a policy by policy basis.
Site Allocation	Potential effect	In-combination effects	Likely Significant effect
<b>Neighbourhood Plan Option 1: Site 1 Land between Windy Hollow and Bayfield</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.
<b>Neighbourhood Plan Option 2: Site 2 Land south-west of Rossways</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.
<b>Neighbourhood Plan Option 3: Site 3 Land south of Crow Hill</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling	LSE. This site allocation could lead to significant effects on the water and environmental quality.

Option	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
		Non-Physical disturbance such as noise, vibration and light pollution Air pollution	
<b>Neighbourhood Plan Option 4: Site 4 Land at Felhampton Farm ALLOCATED SITE</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.
<b>Neighbourhood Plan Option 5: Site 5 Land east of the Old Gore</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.
<b>Neighbourhood Plan Option 6: Site 6 Land north of B4221</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.
<b>Neighbourhood Plan option 7: Site 7 Land north of Hill View Farm</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment.	LSE. This site allocation could lead to significant effects on the water and environmental quality.



Option	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
		Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	
<b>Neighbourhood Plan option 8: Site 8 Land east of Hill View Farm</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.
<b>Neighbourhood Plan option 9: Site 9 Land at Hilltop</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.
<b>Neighbourhood Plan option 10: Site 10 Land at Probyns Hill</b>	The site allocation is likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LSE. This site allocation could lead to significant effects on the water and environmental quality.

# Appendix 3b

## Appropriate Assessment policy assessment – Upton Bishop Neighbourhood Plan

### Neighbourhood Plan Policy: UBP1 Settlement boundaries

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within the villages of Crow Hill and Upton Crews except a small number of houses on the southern edge of Crow Hill and Upton Crews. Therefore, the areas within the settlement boundaries and site allocation are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	The proportional growth requirement is within the expected for the Ross-on-Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number of WwTw across the county. This will have a positive impact on the catchment in general. Specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other - considerations	The parish is located 1.6km from the River Wye. Policy UBP6, seeks to conserve and protect and enhance the landscape, biodiversity and geodiversity within the parish, including watercourses. The proportionate growth requirements within the Core Strategy, some of which have already been met by existing commitments.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4. The policy criteria within Policy UBP5 (Development requirements policy) includes the requirement for acceptable arrangements for the treatment of waste water and surface water disposal through the use of suitable sustainable drainage and wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy regarding the safeguarding of the SAC

particularly around water quality. This could include a specific nutrient neutrality policy. Some of the proportional growth requirements for the parish have been met. Additional reference to the need for an agreed foul and surface water management strategy with application would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion – The delineation of a settlement boundary within the plan does not directly lead to development. All infill sites within the boundary and housing within the ‘open countryside’ require a planning application. It is suggested that additional wording is added to the last paragraph of the policy to require foul and surface management strategy which demonstrates. If this was included then a conclusion of no likely significant effects would result with regards to the Upton Bishop NDP Policy UBP1.

**Neighbourhood Plan Policy: UBP2 Land south of Spring Meadow, Crow Hill**

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within the villages of Crow Hill and Upton Crews except a small number of houses on the southern edge of Crow Hill and Upton Crews. Therefore, the areas within the settlement boundaries and site allocation are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	The proportional growth requirement is within the expected for the Ross-on-Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number of WwTw across the county. This will have a positive impact on the catchment in general. Specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The parish is located 1.6km from the River Wye. Policy UBP6, seeks to conserve and protect and enhance the landscape, biodiversity and geodiversity within the parish, including watercourses. The proportionate growth requirements within the Core Strategy, some of which have already been met by existing commitments.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4. The policy criteria within Policy UBP5 (Development requirements policy) includes the requirement for acceptable arrangements for the treatment of waste water and surface water disposal through the use of suitable sustainable drainage and wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. The proportional growth requirements for the parish have partially been met through planning applications. Additional reference to the need for an agreed foul and surface water management

strategy with application would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion – the delineation of a settlement boundary within the plan does not directly lead to development. All infill sites within the boundary and housing within the ‘open countryside’ require a planning application. It is suggested that additional wording is added to the last paragraph of the site allocation policy to require foul and surface management strategy which demonstrates. If this was included then a conclusion of no likely significant effects would result with regards to the Upton Bishop NDP Policy UBP2.

## Neighbourhood Plan Policy: UBP9 Rural businesses

Likely signification effect – foul water, surface water, water quality in the river.

Mitigation	Description
Main sewerage system	There is no main drainage within the villages of Crow Hill and Upton Crews except a small number of houses on the southern edge of Crow Hill and Upton Crews. Therefore, the areas within the settlement boundaries and site allocation are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	Welsh Water have and are continuing to include phosphate stripping in a number of WWTW across the county. This will have a positive impact on the catchment in general. Specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The parish is located 1.6km from the River Wye. Policy UBP6, seeks to conserve and protect and enhance the landscape, biodiversity and geodiversity within the parish, including watercourses. The proportionate growth requirements within the Core Strategy, some of which have already been met by existing commitments.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to deliver criteria, encouraging rural businesses in the parish. A planning application will be required and any application will need to meet the requirements of Policy SD4. The policy criteria within Policy UBP5 (Development requirements policy) includes the requirement for acceptable arrangements for the treatment of waste water and surface water disposal through the use of suitable sustainable drainage and wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Possible Mitigation measures

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy regarding the safeguarding of the SAC particularly around water quality. Additional reference to the need for an agreed foul and surface



water management strategy with application would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –All sites developing rural businesses require a planning application. The criteria for business development as specified within the plan does not directly lead to development. All future development will require a planning application, which demonstrates that the Policy SD3, SD4 and Policy UBP5 have been met, and taking into account the mitigation measures highlighted above it is concluded that no likely significant effects would result.

## Neighbourhood Plan Policy: UBP10 Agricultural and forestry development

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within the villages of Crow Hill and Upton Crews except a small number of houses on the southern edge of Crow Hill and Upton Crews. Therefore, the areas within the settlement boundaries and site allocation are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	Welsh Water have and are continuing to include phosphate stripping in a number of WWTW across the county. This will have a positive impact on the catchment in general. Specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The parish is located 1.6km from the River Wye. Policy UBP6, seeks to conserve and protect and enhance the landscape, biodiversity and geodiversity within the parish, including watercourses. The proportionate growth requirements within the Core Strategy, some of which have already been met by existing commitments.
In-combination policies	The policy does not grant permission or lead to development in itself. It sets out criteria for Agricultural and forestry development, in the parish. A planning application will be required and any application will need to meet the requirements of Policy SD4. The policy criteria within Policy UBP5 (Development requirements policy) includes the requirement for acceptable arrangements for the treatment of waste water and surface water disposal through the use of suitable sustainable drainage and wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy regarding the safeguarding of the SAC particularly around water quality. Additional reference to the need for an agreed foul and surface water management strategy with application would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –All sites developing agricultural and forestry development require a planning application. The criteria for business development as specified within the plan does not directly lead to development. All future development will require a planning application, which demonstrates that the Policy SD3, SD4 and Policy UBP5 have been met, and taking into account the mitigation measures highlighted above it is concluded that no likely significant effects would result.