

Tarrington NDP examination – 22 November 2021

Herefordshire Council response to Natural England and Environment Agency Appropriate Assessment representation

1) Providing certainty with a development plan

The Appropriate Assessment undertaken does not rely on the Nutrient Management Plan or the Policy SD4 alone and it is clearly stated within the text of the Tarrington NDP Appropriate Assessment dated October 2021.

The addition of a local policy within the Tarrington NDP Policy TAR2 is requiring all developments to provide clear and robust evidence so that they can demonstrate a nutrient neutral development. Without this, planning permission will not be granted. In terms of development plan policy, this is certain, a site allocation does not grant permission. The wording of the policy is attached within the appendix.

The inclusion of the policy is aiming to achieve that all developments will be nutrient neutral but some of the solutions are likely to be provided outside of the neighbourhood plan area. Therefore it is not practical at this stage to include the requirement that the NDP should be nutrient neutral within their own area when some solution will include wetland provision upstream.

2) Council actions with regarding the constructed wetlands

The Council are currently engaged with partners in securing a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been made for the first one in Luston (P21357/F). The Council has made a commitment to provide a solution to the phosphate challenge and this does also require all those who hold roles of responsibility on this area to assist find solutions.

It is not possible, or appropriate, at this stage to provide all the details to parish councils to include within their Neighbourhood Development Plans as the technical and scientific work is still progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.

It is also not feasible to suggest that every NDP area or site allocation within NDP should have their own wetland solution. The integrated wetlands are a mitigation measure across the catchment area which will provide a solution via a phosphate credit scheme to sites downstream of the wetlands. The Luston wetland is higher up in the catchment than the Tarrington neighbourhood area and this specific site allocation.

Additional mitigation measures may be appropriate and those options are outlined in section 4 below. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy TAR2 requires applications to clearly and robustly demonstrate that an option for nutrient neutrality is available in order to secure planning permission. This requirement would be the same for a windfall site as site allocation.

3) Certainty with regards to TAR8 – Land at School Road

The allocation in question is subject to a current valid outline planning application (P181843) for nine dwellings. This application has yet to be determined as it is within the Lugg catchment and awaiting the implementation of the phosphate credit scheme. Negotiations regarding all other planning and site matters have been ongoing and resolved. Therefore, there is certainty of this site being delivered in all other aspects.

Removal of the site allocation from the plan and a reliance of windfall development would bring less certainty and without the additional policy criteria and benefits Policy TAR8 brings.

Windfall development would be adjudged against the general criteria of the Core Strategy and the Tarrington NDP (if this were to be recommended to continue) but site allocations have the added benefit of specific site criteria to be met by the development on a wider range of issues.

As indicated above NDPs should be positively prepared and Herefordshire encourages the inclusion of site allocations to meet proportional growth requirements and give local residents certainty about where and how development will take place.

Given the work to resolve the constraints to new housing development in the Lugg catchment already undertaken and the ongoing work to develop a programme of integrated wetlands, the Council consider that in accordance with NPPG 'there is a reasonable prospect of this site being delivered'. This prospect is more certain than any potential unknown windfall sites to meet the Core Strategy proportional growth requirements if the site was to be removed.

4) Providing options to developers and applicants

Additional guidance is provided to developers seeking to provide nutrient neutral developments.

The ***Interim Phosphate Delivery Plan Stage 2*** – Mitigation options for phosphate removed provides a range of potential mitigation solutions that could be used and a set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Council's website since March 2021 and can be found on the link below

<https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary>

The ***interim Phosphate Delivery Plan Stage 1*** provides guidance to calculating the phosphate budget for new developers with a phosphate calculator tool.

<https://www.herefordshire.gov.uk/downloads/file/22150/interim-phosphate-delivery-plan-stage-1-report>

Regular position statements are placed on the Council's website to update developers and applicants for the requirements to demonstrate nutrient neutrality and the options for this.

As the work is ongoing and moving at a pace, it is considered that the best and most accurate guidance for developers on the options to achieve nutrient neutrality is within these guidance documents on the website and not specifically within the NDP policy or text. This is because during the plan period, methods could be refined and solutions that are more appropriate found. The guidance notes and website can easily respond to this update unlike the supporting text of the neighbourhood plan.

Therefore, it is suggested that a modification could be made to the reasoned justification of Policy TAR2 and TAR8 to refer and signpost to this guidance on the website. Thus providing the developer/applicant with the most up to date information on the possible solutions to meet the requirements of Policy TAR2.

5) Other nature based solution and biodiversity net gain

The interim Phosphate Plan does refer to a range of solutions and options including nature based solutions.

The Tarrington NDP does have a number of Local Green Spaces protected (TAR13) and criteria within Policy TAR 2 and TAR14 encourages the provision of additional the ecological networks within the parish.

Criteria 7 of TAR8 requires the provision of a buffer zone on the site allocation to serve as a habitat and enable a sustainable drainage solution.

6) Neighbourhood Plan production

It should be borne in mind that this plan has been at examination since January 2021 and the submission document was written in July 2020. A significant amount of progress has been made on the phosphate challenge since the parish council submitted their plan in July 2020. Therefore is it to be expected that they will have not had to opportunity to include the details suggested above into their plan.

Three Appropriate Assessments have been undertaken since the submission of this plan to examination and the Council have requested support and guidance from Natural England throughout the drafting of a potential nutrient neutrality policy and the resulting HRA assessment.

The Council consider that the inclusion of the revised policy wording to Policy TAR2 submitted to the examination in October 2021 does provide certainty in terms of a development plan proposal and the additional of the signposting references within the reasoned justification will address the issues raised by both Natural England and Environment Agency.

Appendix

Policy TAR 2

Proposals for development must demonstrate that they protect, conserve and enhance the natural environment in accordance with the principles in Local Plan Core Strategy policies SD3, SD4, LD1, LD2 and LD3 or their replacements. This includes the following requirements:

1. Development would not have an adverse effect on the River Wye Special Area of Conservation ("SAC") and species of European importance. In particular, planning permission will only be granted if clear and convincing evidence is provided which shows that the proposed development would not increase nutrient inputs to the SAC. This could include through the delivery of mitigation measures to make a proposal nutrient neutral. Reference should be made to Herefordshire Council's Phosphate calculator and associated guidance and the development should:

- a) conserve, restore and enhance sites and features of biodiversity interest in accordance with their status, including those identified in the Priority Habitats Inventory, local wildlife sites, woodland, veteran trees, hedgerows, roadside verges, ponds and watercourses;
- b) maintain, restore and where possible enhance the contribution of habitats to the coherence and connectivity of the Herefordshire Ecological Network, and taking into account their role as green infrastructure;
- c) ensure that proposals respect the prevailing landscape character, as defined in the County Landscape Character Assessment, including associated important views, trees and hedgerows and local features of interest;
- d) protect and enhance the setting and character of Tarrington and Little Tarrington, including settlement pattern, tree cover and topography.