

Habitat Regulation Assessments (HRA) of Neighbourhood Development Plans within the River Lugg hydrological catchment area

Position Statement update

28 April 2022

The River Lugg is a tributary of the River Wye and forms part of the River Wye Special Area of Conservation (“River Wye SAC”) from Hope under Dinmore. The River Lugg hydrological catchment area (“River Lugg Catchment Area”) covers predominantly the north of Herefordshire and includes the catchments of the River Arrow and the River Frome. The River Lugg is currently exceeding its limits for phosphates as a result of water pollution from both ‘point’ source (in particular sewerage outlets) and ‘diffuse’ source (in particular agricultural run-off). A map showing this area is attached below.

Previous Position

During the last twelve months, neighbourhood development plans within the River Lugg Catchment Area have been subject to restrictions preventing progression to final adoption. This is because they would fail part of the ‘Basic Conditions’ test requiring compliance with The Conservation of Habitats and Species Regulations 2017 (“Habitats Regulations”). In order to progress neighbourhood development plans and meet the Basic Conditions, it was necessary to demonstrate sufficient certainty and/or improvements to the water quality in the River Lugg Catchment Area.

Although the neighbourhood plans themselves do not grant planning permission for development they are subject to compliance with the Habitats Regulations as the regulations apply to any plan as well as any developments requiring planning permission.

Previous position statements are available [here](#)

Nutrient Neutrality Policy

During 2021, work has been ongoing with Natural England to address this resulting in **model policy wording** being devised which requires all developments to demonstrate nutrient neutrality.

Natural England have issued a summary guide to Nutrient Neutrality which can be found on the Herefordshire Council website.

Any site allocations within the plan should make reference to the requirement of the development to utilise the [interim Phosphate Delivery Plan Stage 1](#) and the [Lugg phosphate calculate tool](#).

Reference should also be made to the potential range of mitigation options that could be used to provide a robust solution to achieve nutrient neutral residential developments as highlighted within the [*Interim Phosphate Delivery Plan Stage 2*](#)

It is strongly recommended that **all** neighbourhood development plans include this new model policy and additional accompanying text in order to progress to examination and adoption and meet the Basic Conditions requirements and the requirements of the Habitats Regulations.

Three Neighbourhood plans (Ashperton; Stretton Grandison; Bredenbury and District Group) that achieved a positive referendum result in May 2019 but do not contain a nutrient neutrality policy will still be unable to meet the requirements of the Basic Conditions and therefore unfortunately cannot move to adoption.

It is important to stress that this is the current position and advice, this is a complex situation with many moving parts and the Council are actively working with partners through the Nutrient Management Board to address the phosphate issues within the River Lugg Catchment Area. For up to date information and position statements on the progress of work to address this, they can be found [here](#)

This Position Statement replaces that issued on the 1st March 2021 and reflects the advice issued by Natural England on 17 March 2022.