

# Appropriate Assessment

Report for:

Edwyn Ralph Neighbourhood Area

June 2022



## **Edwyn Ralph Neighbourhood Plan**

### **Appropriate Assessment**

#### Executive Summary

- 1 Introduction
  - 2 Requirements for the Habitat Regulation Assessment and Appropriate Assessment
  - 3 Stage 2 - Appropriate Assessment
  - 4 Scoping
  - 5 The Edwyn Ralph 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  
Appendix 2 SEA Scoping Responses  
Appendix 3 Policy Assessment matrix

## **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.

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

The initial Screening report September 2019 found that the River Wye (including the River Lugg) SAC is located 10.5km away from the parish boundary, the parish is however within the Lugg hydrological catchment.

The majority of the policies within the Edwyn Ralph NDP are not site allocations but have criteria to support development. They would all require a further planning application.

The one site allocation within Edwyn Ralph 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.

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 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.
- 1.2 It outlines the task undertaken, the findings and recommendations to support the Edwyn Ralph Neighbourhood Plan through to adoption.
- 1.3 Thronbury Group Parish Council with Edwyn Ralph Parish Council has produced Neighbourhood Plan for Edwyn Ralph 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 plan stage
- 1.4 Below shows a map of the neighbourhood plan

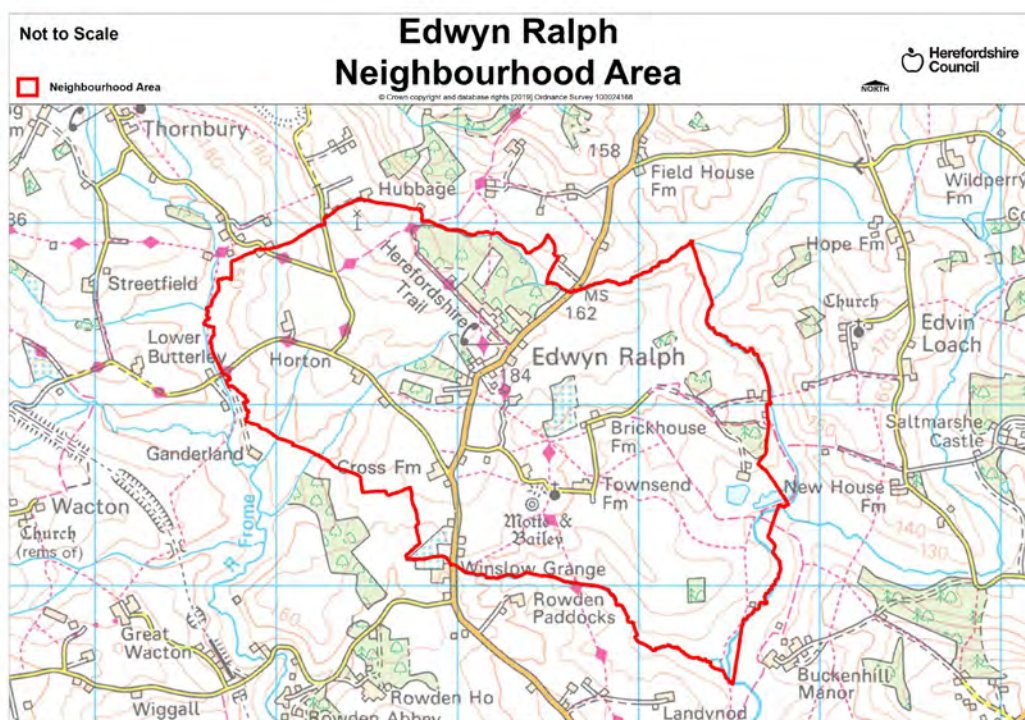


Figure 1 Edwyn Ralph Neighbourhood Area Map

## 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, Edwyn Ralph 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. 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 September 2019 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 Frome catchment which is part of the Lugg catchment a Stage 2 Appropriate Assessment has been undertaken to include a range of potential mitigation.

### **3 Stage 2 – Appropriate Assessment**

- 3.1 As highlighted above the Edwyn Ralph Neighbourhood Plan is to be subject to a Stage 2 Appropriate Assessment.
- 3.2 The initial screening and scoping under on September 2019 has identified that the plan may have potential impacts and effects on the following National Network sites:
- River Wye (including the River Lugg) SAC
- 3.3 The map below shows the Edwyn Ralph Neighbourhood Area in relation to the River Wye SAC.



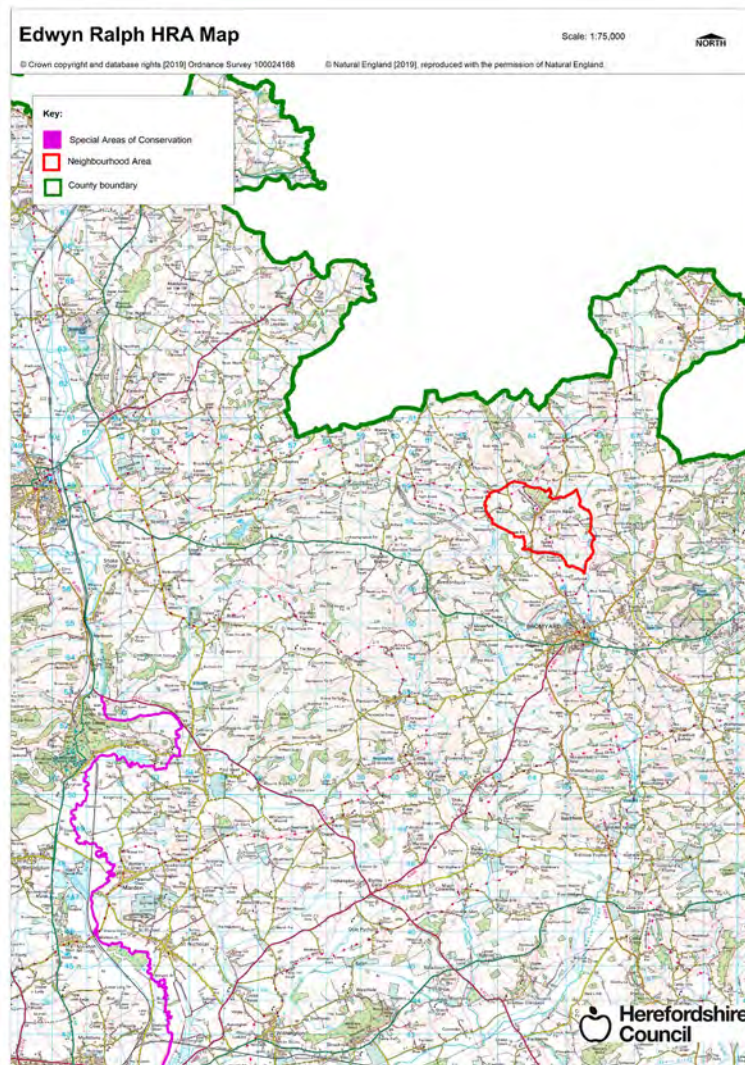


Figure 2 Edwyn Ralph HRA Map

- 3.4 Recent advice and responses to plans within the River Wye and River Lugg 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 as the neighbourhood area is within the River Frome catchment that is a tributary of the River Lugg 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 September 2019 found that the Neighbourhood Area is 10.7 km away from the River Wye (including the River Lugg) SAC but it is within the River Lugg hydrological catchment. 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 a natural 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 site's 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 measures 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.

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

- 4.8 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'
- 4.9 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).
- 4.10 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.
- 4.11 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.
- 4.12 In 2019, the sewerage treatment works within the Lugg catchment area were reporting 100% compliance with phosphate limits.
- 4.13 For the Upper 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.

## **5 Description of the Edwyn Ralph Neighbourhood Plan**

- 5.1 The draft Edwyn Ralph 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 7 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. All of which indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core Strategy. Five options were considered in total.
- 5.4 The neighbourhood plan also sets out 19 general policies on a variety of topic bases areas and 1 site allocation or specific site related policies. These include:
  - Policy ER1 Promoting a sustainable community



- Policy ER2 Development Strategy
- Policy ER3 Protecting and enhancing local character
- Policy ER4 Heritage Assets
- Policy ER5 The scale of new housing
- Policy ER6 Housing allocation
- Policy ER7 Housing in the countryside
- Policy ER8 Extensions to dwellings
- Policy ER9 Design of new dwellings
- Policy ER10 Ensuring an appropriate range of tenures, types and sizes of houses
- Policy ER11 Affordable housing
- Policy ER12 Business development
- Policy ER13 Protection of existing commercial business premises
- Policy ER14 Agricultural and forestry development
- Policy ER15 Transport and connectivity
- Policy ER16 Enhanced services and facilities for the community
- Policy ER17 Protection of community facilities
- Policy ER18 Broadband and mobile telephone infrastructure
- Policy ER19 Renewable Energy

5.5 The plan has currently reached Regulation 16 stage and the report assesses the policies as at June 2022.

## **6 Assessing the impacts of the Edwyn Ralph 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 dated March 2020.

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:

- Brockhampton Group – Reg16
- Bromyard – no NDP

- Bredenbury and District - Post referendum

- 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 Edwyn Ralph 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 Bromyard 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 Edwyn Ralph Neighbourhood Plan is located within the River Wye catchment area and consideration of mitigation requires 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 Edwyn Ralph 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 that the treatment works within the village does not cover all of the properties within the village or the parish. Septic tanks or private works serve the majority of the properties within the parish. 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. It also acknowledges that less than 6% of the phosphate can be sources to the sewerage treatment works, over 93% is attributed to agriculture.

#### **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 has reviewed, revised and published the NMP in November 2021. However, at this stage its measures are not considered to provide enough certainty to be relied upon.

#### **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 Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been approved for the first one in Luston (P213571/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.
- 7.13 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.

- 7.14 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 Edwyn Ralph neighbourhood area and the specific site allocation.
- 7.15 Additional mitigation measures may be appropriate and those options are outlined in the Interim Phosphate Development Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy ER3 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.

### **Nutrient Neutral / betterment**

- 7.16 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.
- 7.17 The Edwyn Ralph NDP contains a specific nutrient neutrality criteria requirement in Policy ER3.

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

- 7.18 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.
- 7.19 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)
- 7.20 It should be noted that the only planning applications within the River Lugg catchment are required to demonstrate meeting these five tests at present. Edwyn Ralph is within the River Lugg catchment.

## **8 Summary of findings**

- 8.1 This assessment has considered the likely significant effects of the Edwyn Ralph Neighbourhood Plan on the following National Network Sites
- River Wye (including the River Lugg) SAC
- 8.2 The neighbourhood area falls within the Frome catchment area which forms part of the wider River Lugg catchment and 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 9 policies are concerned to have potential likely significant effects.

- Policy ER2 Development Strategy
- Policy ER5 The scale of new housing
- Policy ER6 Housing allocation
- Policy ER7 Housing in the countryside
- Policy ER8 Extensions to dwellings
- Policy ER12 Business development
- Policy ER14 Agricultural and forestry enterprises
- Policy ER16 Enhanced services and facilities for the community
- Policy ER19 Renewable Energy

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 site allocation: Top Paddock, The Manor, 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.

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 resolved the current water quality issues within the Lugg catchment and are minded to the water quality within the Upper and Lower Wye catchment areas.

8.9 The Appropriate Assessment undertaken does not rely on the Nutrient Management Plan or the Policy SD4 alone.

8.10 The addition of a local criteria within the Edwyn Ralph NDP Policy ER3 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.

8.11 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 in include the requirement that the NDP should be nutrient neutral within their own area when some solution will include wetland provision upstream.



- 8.12 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).
- 8.13 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.
- 8.14 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 Edwyn Ralph neighbourhood area and the specific site allocation.
- 8.15 Additional mitigation measures may be appropriate and those options are outlined in the Interim Phosphate Plan – Stage 2. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy ER3 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.
- 8.16 The *Interim Phosphate Delivery Plan Stage 2 – Mitigation options for phosphate removal* 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. The *Interim Phosphate Delivery Plan Stage 1* provides guidance to calculating the phosphate budget for new developers with a phosphate calculator tool.
- 8.17 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.
- 8.18 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.
- 8.19 **The results of this Appropriate Assessment indicate there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been taken into account.**

## 9 Consultation

- 9.1 This report will accompany the submission Regulation 16 version of the Neighbourhood Plan. This report will be subject to an 8 week consultation period which will inform the potential examination of the Edwyn Ralph NDP.

# Appendix 1

---

## Initial Habitat Regulations Assessment and Strategic Environmental Assessment Screening Notification

### The Neighbourhood Planning (General) (Amendment) Regulations 2015 (Reg. 32)

### Conservation of Habitats and Species Regulations 2010 (d)

---

<b>Neighbourhood Area:</b>	Edwyn Ralph Neighbourhood Area
<b>Parish Council:</b>	Thornbury Group Parish Council
<b>Neighbourhood Area Designation Date:</b>	26 September 2019

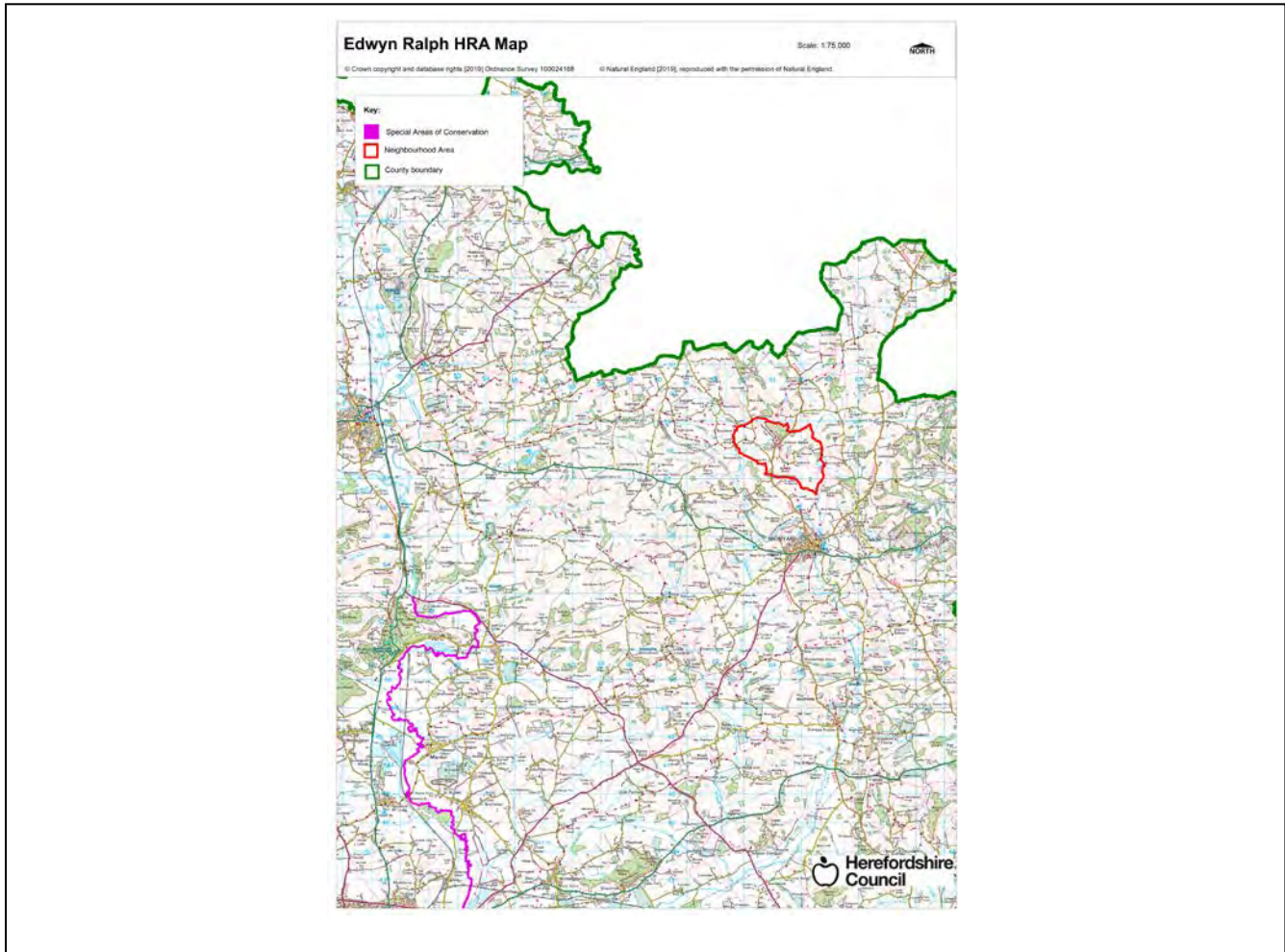
#### Introduction

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

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

## HRA Initial Screening

Map showing relationship of Neighbourhood Area with European Sites (not to scale)



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

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	N	The River Wye (including the Lugg) SAC is 10.9km away from the neighbourhood area.
Is the Neighbourhood Area in the hydrological catchment of the River Wye SAC?	Y	The neighbourhood area within the River Frome (leading to the Lugg) catchment area.
Is the Neighbourhood Area in the River Lugg hydrological catchment area?	Y	The neighbourhood area is within the River Frome (leading to the Lugg) catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage at Edwyn Ralph



**Downton Gorge SAC:**

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downtown Gorge SAC is 24.4km away from the neighbourhood area.
---	---	--

**River Clun SAC:**

Does the River Clun border the Neighbourhood Area	N	The River Clun SAC does not border the neighbourhood area.
---	---	--

**Wye Valley & Forest of Dean Bat Sites SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	N	The Wye Valley and Forest of Dean Bat Sites SAC is 36.2km away from the neighbourhood area.
--	---	---

**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 Wye Valley Woodlands SAC is 41.7km away from the neighbourhood area
--	---	---

**HRA Conclusion:**

The assessment above highlights that European Sites will need to be taken into account in the future Neighbourhood Development Plan for the Edwyn Ralph Neighbourhood Area and a Full HRA Screening will be required.

**European Site**

*(List only those which are relevant)*

River Wye (including the River Lugg) Special Area of Conservation (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 Edwyn Ralph Neighbourhood Area and would need to be taken into account within a Strategic Environmental Assessment. In addition, the NDP will also need to consider the other SEA topics set out in Guidance Note 9a to ensure that the plan does not cause adverse impacts.

SEA features	Within Neighbourhood Area		Bordering Neighbourhood Area	
	Total number	Name(s)	Total number	Name(s)
Ancient Woodland	4	4 x unnamed areas of woodland.	5	Cwm Wood; Rowden Coppice; Court Covert; 2 x unnamed areas of woodland.
Areas of Outstanding Natural Beauty (AONB)	0	-	0	-
Conservation Areas	0	-	0	-
Flood Areas	Flood Zones on the South-Eastern and Western boundaries.			
Geoparks	1	Malvern Hills Geopark.	0	-
Listed Buildings	There are numerous listed buildings within the Neighbourhood Area.			
Local Geological Sites (LGS)	0	-	0	-
Local Wildlife Sites (LWS)	1	Edwyn Wood.	5	Rowden Coppice; Kyre Brook and tributaries; Coldhunger Plantation; River Frome; Bromyard Downs and adjoining woodland.
Mineral Reserves	1	Northeast of Edwyn Ralph.	1	South of Felton Court to Field House Farm.
National Nature Reserve (NNR)	0	-	0	-
Nature Trails	3	Herefordshire Trail; Three Rivers Ride; Bromyard Walks.	0	-

Registered Parks and Gardens	0	-	0	-
Scheduled Ancient Monuments (SAM)	1	Motte & Bailey Castle.	3	Motte & Bailey Castle and St Marys Old Church; Wall Hills Camp; Castle Mound.
Sites of Importance in Nature Conservation (SINC)	0	-	0	-
Special Areas of Conservation (SAC)	0	-	0	-
Unregistered parks and gardens	0	-	1	Buckenhill.
			<b>SSSI Status</b>	
Sites of Special Scientific Interest (SSSI)	0	-	-	0
				<b>SSSI Status</b>

**Decision Notification:**

The initial screening highlights that the Neighbourhood Development Plan for the Edwyn Ralph Neighbourhood Area:

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

**Assessment date:**

**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. This is based on the sites individual features of integrity and their vulnerabilities, which could include distance criteria. This has been used in identifying which parishes are likely to require a full HRA Screening of their future Neighbourhood Development Plan, to establish if their plan might have Likely Significant Effects on a European Site.

<b>Downton Gorge</b>
<b>Site Features:</b> <i>Tilio-Acerion</i> forests of slopes, screes and ravines
<b>Vulnerability data:</b> 10km for air quality associated with poultry units or other intensive agricultural practices.
<b>River Clun</b>
<b>Site Features:</b> Freshwater pearl mussel <i>Margaritifera margaritifera</i>
<b>Vulnerability data:</b> Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected.
<b>River Wye</b>
<b>Site Features:</b> Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation. Transition mires and quaking bogs. White-clawed (or Atlantic Stream) crayfish <i>Austropotamobius pallipes</i> . Sea lamprey <i>Petromyzon marinus</i> . Brook lamprey <i>Lampetra planeri</i> . River lamprey <i>Lampetra fluviatilis</i> . Twaite shad <i>Alosa fallax</i> . Atlantic salmon <i>Salmo salar</i> . Bullhead <i>Cottus gobio</i> . Otter <i>Lutra lutra</i> . Allis shad <i>Alosa alosa</i>
<b>Vulnerability data:</b> Proximity: Developments should not be within 100m of the designated bank. Some developments beyond 100m may also have impacts based on proximity and these issues should be addressed where possible when developing NDP policy and choosing site allocations. Water Quality: Within the whole catchment of the River Wye, which includes the River Lugg, mains drainage issues with regards to water quality are being resolved through the Core Strategy / Local Plan and development of a Nutrient Management Plan. Welsh Water should be consulted to ensure that the proposed growth will be within the limit of their consents. Otters: "An otter will occupy a 'home range', which on fresh waters usually includes a stretch of river as well as associated tributary streams, ditches, ponds, lakes and woodland. The size of a home range depends largely on the availability of food and shelter, and the presence of neighbouring otters. On rivers, a male's home range may be up to 40km or more of watercourse and associated areas; females have smaller ranges (roughly half the size) and favour quieter locations for breeding, such as tributary streams. Otters without an established home range are known as 'transients'. They are mostly juveniles looking for a territory of their own, or adults that have been pushed out of their territories. Transient otters may use an area for a short while, but they will move on if conditions are not suitable or if they are driven away by resident otters. Transients will have been important in extending the range of otters, but they are very difficult to identify from field signs. Within a home range an otter may use many resting sites. These include above-ground shelters, such as stands of scrub or areas of rank grass, and underground 'holts' – for example, cavities under tree roots and dry drainage pipes."

### Wye Valley and Forest of Dean Bat Sites

**Site Features:** Annex II species that are a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*. Greater horseshoe bat *Rhinolophus ferrumequinum*

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

Greater Horseshoe bats are known to migrate between 20-30km between their summer and winter roosts.

NDPs closest to the European Site will need to consider:

Woodland habitat buffer.

Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation. A system/series of sites required. Vulnerable to loss of insect food supply, due to insecticide use, changing farming practices and loss of broad-leaved tree-cover and loss / disturbance of underground roosts sites.

### Wye Valley Woodlands

**Site Features:** Annex I habitats that are a primary reason for site selection: Beech forests *Asperulo-Fagetum*, *Tilio-Acerion* forests of slopes, screes and ravines, *Taxus baccata* woods of the British Isles. Annex II species present as a qualifying feature, but not a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, 51-100 residents

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues. NDPs closest to the European Site will need to consider: Woodland habitat buffer. Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.



# Appendix 2

Consultation date: 17 December 2021 to 12 February 2022 (Reg 14)

N.B. This consultation feedback is **only** for comments received on the HRA draft report

Consultee	Summary of Comments	Response to Comments
Natural England	No comments received	
Heritage England	No comments received	
Environment Agency	<p>It is noted that Edwyn Ralph falls within the River Lugg Sub-catchment and that an AA has been undertaken in light of recent comments from Natural England (NE). As confirmed within the AA document a significant issue within the River Wye (included the River Lugg) SAC relates to water quality and the potential impact of policies and site allocations within the NDP's.</p> <p>NE are the primary statutory consultation body for AA's and, ultimately, they would need to be satisfied that there is reasonable certainty to take forward the Policies and site allocation in the NDP in discussion with Herefordshire Council. We have previously provided comment on similar NDPs' with a view to ensuring a robust submission and that development can be achieved without impact on the integrity of the SAC, primarily within the Lugg Sub-catchment.</p> <p>The AA correctly confirms that Herefordshire Council are seeking to progress mitigation measures, including integrated wetlands, to assist in the reduction of phosphate levels and with a view to resolving water quality issues within the County, specifically the Lugg Sub-catchment. It is understood that further evidence is being drafted by the Council, in consultation with NE, to give greater certainty that the mitigation proposed will enable development, such as is allocated within the Edwyn Ralph NDP, to proceed without an impact on the SAC. We would expect the subsequent Reg 16 submission to be supported by that evidence, and be referenced within the NDP and the relevant Policy (ER3 – Protecting and Enhancing Local Character) where appropriate, to provide the assurance that there will not be a significant effect on the integrity of the River Lugg.</p>	An Appropriate Assessment will be undertaken for the Reg16 version of the NDP
Natural Resources Wales	No comments received	

# Appendix 3

**Neighbourhood Plan Policy Screening – Submission Edwyn Ralph 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>
Policy ER2 Development strategy	The location of the development is currently unknown, its implementation will be subject to a planning application	Defining the area for potential housing growth  Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LSE The policy is seeking to deliver dwellings within a defined settlement boundary for Edwyn Ralph
Policy ER7 Housing in the countryside	The location of the development is currently unknown, its implementation will be subject to a planning application	Increased traffic Increased demand for water abstraction and sewerage treatment	LSE The locations of the development is yet to be known
Policy ER12 Business development	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support local business opportunities  Increased traffic Increased demand for water abstraction and sewerage treatment	LSE The locations of the development is yet to be known

## Appropriate Assessment policy assessment –Edwyn Ralph Neighbourhood Plan

### Policy ER2 Development Strategy

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Edwyn Ralph around the village hall but this does not cover all of the properties within the settlement. Therefore, some areas within the settlement boundary are not covered by the main sewerage area.</p> <p>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</p>
WWTW	<p>The proportional growth requirement expected for the Bromyard area is within the Core Strategy and agreed by Welsh Water.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>However, not all areas within the settlement boundary are not connected to WWTW.</p> <p>Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that only about 6% of phosphate is from sewerage treatment.</p>
Integrated Wetlands	<p>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. Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.</p>
Revised Nutrient Management Plan	<p>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. This NMP cannot be relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions in addition to wetlands that could used within the parish. A set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021 and can be found on the link below</p>

	<a href="https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary">https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary</a>
Other considerations	<p>The Edwyn Ralph settlement boundary is located some distance from the the River Wye or River Lugg themselves. Its sits within the catchment of the Tedstone Brook and the River Frome. In this location over 90% of the phosphate is sources to agriculture. Both rivers are indicated as in moderate condition.</p> <p>Policy ER3 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.</p>
In-combination policies	<p>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 and Policy ER3</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy ER5 requires all developments to be nutrient neutral</p> <p>Policy ER14 required agricultural development to have no detrimental effect on a watercourse</p>

Residual effects –Work is ongoing to secure 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 been approved for the first one in Luston (P213571/F).

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 Edwyn Ralph neighbourhood area and the specific site allocations.

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy ER3 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.

Conclusion –There are not residual effects when the wording of ER3 is taken into account.

Policy ER7 Housing in the countryside

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

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Edwyn Ralph around the village hall but this does not cover all of the properties within the settlement. Therefore, some areas within the settlement boundary are not covered by the main sewerage area.</p> <p>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</p>
WWTW	<p>The proportional growth requirement expected for the Bromyard area is within the Core Strategy and agreed by Welsh Water.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>However, not all areas within the settlement boundary are not connected to WWTW.</p> <p>Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that only about 6% of phosphate is from sewerage treatment.</p>
Integrated Wetlands	<p>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. Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.</p>
Revised Nutrient Management Plan	<p>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. This NMP cannot be relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions in addition to wetlands that could be used within the parish. A set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021 and can be found on the link below</p>

	<a href="https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary">https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary</a>
Other considerations	<p>The Edwyn Ralph settlement boundary is located some distance from the the River Wye or River Lugg themselves. Its sits within the catchment of the Tedstone Brook and the River Frome. In this location over 90% of the phosphate is sources to agriculture. Both rivers are indicated as in moderate condition.</p> <p>Policy ER3 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.</p>
In-combination policies	<p>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 and Policy ER3</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy ER5 requires all developments to be nutrient neutral</p> <p>Policy ER14 required agricultural development to have no detrimental effect on a watercourse</p>

Residual effects –Work is ongoing to secure 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 approved for the first one in Luston (P213571/F).

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 Edwyn Ralph neighbourhood area

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy ER3 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.

Conclusion –There are not residual effects when the wording of ER3 is taken into account.



Policy ER12 Business Development

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

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Edwyn Ralph around the village hall but this does not cover all of the properties within the settlement. Therefore, some areas within the settlement boundary are not covered by the main sewerage area.</p> <p>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</p>
WWTW	<p>The proportional growth requirement expected for the Bromyard area is within the Core Strategy and agreed by Welsh Water.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>However, not all areas within the settlement boundary are not connected to WWTW.</p> <p>Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that only about 6% of phosphate is from sewerage treatment.</p>
Integrated Wetlands	<p>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. Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.</p>
Revised Nutrient Management Plan	<p>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. This NMP cannot be relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions in addition to wetlands that could used within the parish. A set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021 and can be found on the link below</p>

	<a href="https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary">https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary</a>
Other considerations	<p>The Edwyn Ralph settlement boundary is located some distance from the the River Wye or River Lugg themselves. Its sits within the catchment of the Tedstone Brook and the River Frome. In this location over 90% of the phosphate is sources to agriculture. Both rivers are indicated as in moderate condition.</p> <p>Policy ER3 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.</p>
In-combination policies	<p>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 and Policy ER3</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy ER5 requires all developments to be nutrient neutral</p> <p>Policy ER14 required agricultural development to have no detrimental effect on a watercourse</p>

Residual effects –Work is ongoing to secure 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 approved for the first one in Luston (P213571/F).

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 Edwyn Ralph neighbourhood area.

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy ER3 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.

Conclusion –There are not residual effects when the wording of ER3 is taken into account.