

# **Environmental Building Standards Supplementary Planning Document SEA HRA AA**

**Strategic Environmental Assessment (SEA) –  
Screening Statement**

**Habitats Regulations Assessment (HRA) –  
Screening Statement including  
Appropriate Assessment**

**Determination Statement**

**August 2022**

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# 1. Introduction and overview of the environmental assessments

- 1.1 Herefordshire Council is currently preparing an updated Environmental Building Standards Supplementary Planning Document (SPD). The updated SPD will provide additional guidance to support implementation of policies in the Council's adopted Local Plan: Core Strategy (adopted 2015). Upon adoption, they will be a material consideration in the determination of planning applications in the county.
- 1.2 *The 2004 Planning and Compulsory Purchase Act* and associated Regulations made all local development documents subject to Sustainability Appraisal, which met the requirements of Strategic Environmental Assessment (SEA) as defined by the EU Directive. *The 2008 Planning Act* removed the requirement for SPDs to be subject to Sustainability Appraisal and, as such, the Council does not propose to carry out a sustainability appraisal of this SPD.

## **Strategic Environmental Assessment**

- 1.3 The requirement for local planning authorities to carry out a Strategic Environmental Assessment (SEA) of relevant plans and programmes before adoption remains in force by virtue of Regulation 9 (l) of the Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.4 In most cases, SPDs do not require SEA. This is acknowledged in the Planning Practice Guidance (PPG)<sup>1</sup>, which sets out that "*supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies*". Ultimately, it is the responsibility of the local planning authority to assess whether the plan is likely to have significant effects on the environment and make these conclusions public. The need for SEA is considered under Section 3 of this report.

## **Habitats Regulations Assessment**

- 1.5 In addition, Article 6 of the Habitats Directive (as transposed into UK law by the Conservation of Habitats and Species Regulations 2017 and as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'). These regulations require an assessment of the implications of a plan, both individually and in combination with other plans or projects, on designated 'Natura 2000' sites<sup>2</sup>. If it is determined that a plan or project is likely to have a significant effect on these protected sites, an Appropriate Assessment should be undertaken. Section 4 deals with the need for Habitats Regulation Assessment.
- 1.6 The Council has therefore prepared this Screening Statement to determine whether the proposed SPD above should be subject to a Strategic Environmental Assessment (SEA) and/or Habitats Regulations Assessment (AA)/Appropriate Assessment.

# 2. Scope of the SPD under preparation

- 2.1 The paragraphs below summarise the purpose, scope and intended content of the Environmental Building Standards SPD under preparation and which is the subject of this

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<sup>1</sup> PPG Strategic environmental assessment and sustainability appraisal Paragraph: 008 Reference ID:11-008-20140306

<sup>2</sup> Including Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (which are treated as equivalent of Natura 2000 sites)

SEA and HRA Screening Statement.

- 2.2 It should be noted that document will not contain any new policies, proposals or site allocations. Nor will it influence or alter the scale or spatial distribution of development across the county which is already established through the Core Strategy.

### **Environmental Building Standards SPD**

- 2.3 The purpose of this supplementary planning document is to provide additional guidance to support the implementation of Environmental Building Standards policies in relation to the application of policies SD1 Sustainable Design and Energy Efficiency and SS7 Addressing Climate Change. This SPD provides further detail on sustainable building design, improving building performance, improving energy use, enhancing external environment, improving the accessibility and suggesting ways construction can be more sustainable. This guidance will help schemes more efficient and environmentally friendly. This SPD sets out recommendations for best practice and details examples of case studies as exemplars of best practice.
- 2.4 The SPD also has guidance that is supportive of other policies which are SS6 Environmental Quality and Local distinctiveness, SD2 Renewable and Low Carbon Energy Generation, SD3 Sustainable water management and water resources, LD1 Landscape and Townscape, LD2 Biodiversity and Geodiversity. LD3 Green Infrastructure, LD4 Historic Environment and Heritage Assets and MT1 Traffic Management, Highway Safety and Promoting Active Travel.
- 2.5 The Environmental Building Standards SPD provides guidance on how schemes can achieve higher quality and efficiency of building standards, by setting out best practice minimum building standards in the following areas:
- Energy Efficiency
  - Water Efficiency
  - Waste and pollution
  - Sustainable and active travel
  - Ecological impact
  - Carbon intensity

The SPD will set out best practice guidance on the measures and opportunities available to developers and householders to integrate sustainability into their development. It provides detailed guidance for officers, applicants and design and construction teams prior to design conception.

- 2.6 The SPD will be used by Herefordshire Council in assessing planning applications that Environmental Building Standards set out in Policy SD1:

The SPD chapters provides further detail on the following matters:

- Building performance-guiding schemes to have a fabric first approach, passive design, heating and ventilation, also looking at healthy internal environments and embodied carbon.
- Energy Use-guides schemes of energy efficiency, integration of renewable energy schemes, low carbon heating and cooling systems, district approach to energy provision, energy targets and whole life cycle carbon analysis.
- External Environment, further guidance for building with nature, biodiversity, water, and pollution.
- Accessibility, guidance for sustainable transport and building for a healthy life.
- Construction, guidance for waste, testing, monitoring and certification.

In addition to these chapters are case studies to showcase examples of good practice of high environmental building standards.

To assist applications in the process there is a Sustainability Checklist for minor applications and a Sustainability Statement for larger schemes, which applicants are encouraged to fill to accompany their application.

### 3. Screening Procedure for Strategic Environmental Assessment (SEA)

- 3.1 The Core Strategy is an ‘overarching’ strategic policy document for Herefordshire and covers a wide range of issues and spatial matters. SEA has been undertaken for the Strategy Document as part of the Sustainability Appraisal. This report establishes whether there are any additional likely significant impacts arising from the SPD that have not been considered in the Core Strategy Sustainability Appraisal Report (October 2015). A full SEA is only required if additional likely significant effects are identified. As discussed in the introduction above, SEA is required for certain categories of plans and programmes where they are determined to be likely to have significant environmental impacts.
- 3.2 With regard to SPDs, the Planning Practice Guidance indicates that SEA will normally only be required in exceptional circumstances. The Council must therefore determine, on a case by case basis, whether SEA is required for the Environmental Building Standards SPD being prepared. This is referred to as a screening process.
- 3.3 Under the requirements of the European Union Directive 2001/42/EC (Strategic Environmental Assessment (SEA) Directive)) and Environmental Assessment of Plans and Programmes Regulations (2004) specific types of plans that set out the framework for future development consent of projects must be subject to an environmental assessment. In order to screen, it is necessary to determine if a plan will have significant environmental effects using the criteria set out in Annex II of the Directive and Schedule I of the Regulations. A determination cannot be made until the three statutory consultation bodies have been consulted: The Environment Agency, Natural England and Historic England.
- 3.4 Within 28 days of making its determination the authority must publish a statement such as this one, setting out its decision. If it determines that an SEA is not required, the statement must include the reasons for this.
- 3.5 The Council’s assessment of the Environmental Building Standards SPD against Schedule 1 criteria is set out in Table 1 below.

**Table 1. SEA Screening for the Environmental Building Standards SPD  
SCHEDULE 1 – Regulations 9(2)(a) and 10(4)(a)<sup>3</sup>  
CRITERIA (From Annex II)<sup>4</sup> of SEA Directive and Schedule 1 of Regulations)**

Criteria (from Annex II) of SEA Directive and Schedule I of Regulations)	Herefordshire Council Response
<b>Characteristics of the plan or programme</b>	

<sup>3</sup> Environmental Assessment of Plans and Programmes Regulations 2004

<sup>4</sup> SEA Directive Guidance: <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

<b>Criteria (from Annex II) of SEA Directive and Schedule I of Regulations)</b>	<b>Herefordshire Council Response</b>
<p>a) The degree to which the plan or programme sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources.</p>	<p>The framework is set by higher level policies in the Herefordshire Core Strategy policies SD1 Sustainable Design and Energy Efficiency and SS7 Addressing Climate Change. Also parts of policies SS6 Environmental Quality and Local distinctiveness, SD2 Renewable and Low Carbon Energy Generation, SD3 Sustainable water management and water resources, LD1 Landscape and Townscape, LD2 Biodiversity and Geodiversity. LD3 Green Infrastructure, LD4 Historic Environment and Heritage Assets and MT1 Traffic Management, Highway Safety and Promoting Active Travel.</p> <p>The SPD will provide further guidance to support the implementation of the Sustainable design and climate change policies of the Herefordshire Local Plan Core Strategy (Core Strategy).</p> <p>The Supplementary Planning Document (SPD) will not set the framework for the allocation or levels of development within the county over the Local Plan period or set the framework for individual projects.</p>
<p>b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.</p>	<p>The SPD is an implementation tool for delivering already adopted development plan policies in the Core Strategy) at a higher tier which have already been subject to Sustainability Appraisal/ Strategic Environmental Appraisal (SA/SEA).</p>
<p>c) The relevance of the plan or programme for the integration of environmental considerations, in particular with a view to promoting sustainable development.</p>	<p>The SPD provides further guidance to support the implementation of sustainable design and climate changed policies of the Core Strategy which have already been subject to SA/SEA and therefore does not have a significant environmental impact on environmental considerations. As the SPD is an implementation tool for the Core Strategy sustainable design and climate change policies it does have social and economic considerations in respect to sustainable development by providing clear and consistent guidance on the provision of Environmental Building Standards.</p>
<p>d) Environmental problems relevant to the plan or programme.</p>	<p>The SPD is an implementation tool for delivering already adopted development plan policies at a higher tier which have already been subject to SA/SEA. The SPD expands on higher level policy requirements in Core Strategy policies SD1 Sustainable Design and Energy Efficiency and SS7 Addressing Climate Change. Also parts of policies SS6 Environmental Quality and Local distinctiveness, SD2 Renewable and Low Carbon Energy Generation, SD3 Sustainable water management and water resources, LD1 Landscape and Townscape, LD2 Biodiversity and Geodiversity. LD3 Green Infrastructure, LD4 Historic Environment and Heritage Assets and MT1 Traffic Management, Highway Safety and Promoting Active Travel. The SPD sets out guidance to improve sustainable design and energy efficiency in schemes helping to address climate change.</p>

<b>Criteria (from Annex II) of SEA Directive and Schedule I of Regulations)</b>	<b>Herefordshire Council Response</b>
e) The relevance of the plan or programme for the implementation of Community (EU) legislation on the environment (for example plans and programmes linked to waste management or water protection).	The nature of the Environmental Building Standards SPD has no direct impact on the implementation of Community legislation. The principle of development is considered through the Core Strategy which has been subject to SA/SEA and HRA.
<b>Characteristics of the effects and of the area likely to be affected</b>	
a) The probability, duration, frequency and reversibility of the effects.	The SPD will not in itself set out or bring forward development plans or projects. It will solely set out guidance for schemes that trigger the requirement for Environmental Building Standards provision in Core Strategy Policy SD1 Sustainable Design and Energy Efficiency and SS7 Addressing Climate Change. Also parts of policies SS6 Environmental Quality and Local distinctiveness, SD2 Renewable and Low Carbon Energy Generation, SD3 Sustainable water management and water resources, LD1 Landscape and Townscape, LD2 Biodiversity and Geodiversity. LD3 Green Infrastructure, LD4 Historic Environment and Heritage Assets and MT1 Traffic Management, Highway Safety and Promoting Active Travel.
b) The cumulative nature of the effects	The SPD will help to ensure the delivery of Environmental Building Standards that meets residents' needs and aspirations. Cumulative effects are addressed in the Core Strategy SA/SEA and HRA.
c) The transboundary nature of the effects	The SPD applies within the administrative boundaries of Herefordshire County only. It is not expected to have any negative effects outside of this area. Transboundary effects have been addressed in the Core Strategy SA/SEA and HRA. Given the nature of the SPD and being local to Herefordshire, it is considered that no transboundary effects will arise.
d) The risks to human health or the environment (for example, due to accidents)	The SPD presents no direct risks to human health or the environment. It is considered there may be improvements to human health and environment due to Environmental Building Standards being developed to improve building quality and efficiency, improve natural environment and reduce carbon. This could indirectly support improved health outcomes and reduced health inequalities.
e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	The SPD will cover the whole of the geographic area of Herefordshire.
f) The value and vulnerability of the area likely to be affected due to: i) Special natural characteristics or cultural heritage; ii) Exceeding environmental quality standards or limit values; ii) Intensive land-use	Herefordshire covers an area with a wide variety of characteristics. The SPD itself does not direct or establish the principle of development. This is covered by higher tier policies in the Core Strategy which have been subject to SA/SEA. In any case, development proposals will need to be consistent with Core Strategy policies on environmental quality and where appropriate tested through the Habitats Regulations

Criteria (from Annex II) of SEA Directive and Schedule I of Regulations)	Herefordshire Council Response
g) The effects on areas or landscapes which have recognised national, community or international protection status.	No direct effect.

3.6 In reviewing these criteria and coming to a conclusion, the Authority has also had regard to the following:

- The SPD does not present new policies but seeks to clarify the Authority's approach to implementing the Core Strategy Environmental Building Standards policies.

### SEA Conclusion

- 3.7 Having regard to the considerations above, the Authority considers that the Environmental Building Standards SPD is unlikely to have any significant environmental effects and therefore does not require a Strategic Environmental Assessment.
- 3.8 This determination was made on 2<sup>nd</sup> August 2022, and the screening will be sent to statutory consultee for consultation.



# 4. Screening procedure for Habitats Regulations Assessment

- 4.1 This part of the report seeks to determine whether the Authority's policies and proposals set out in the Environmental Building Standards SPD will have any significant impacts on Natura 2000 sites. These include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). SAC and similar are now referred to as 'national network sites'. These are sites of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community for which EU exit arrangements will still apply. Post transition, the UK is still required to identify internationally important areas for breeding, over-wintering and migrating birds and designate them as Special Protection Areas (SPAs). In this report SAC and SPA sites will be collectively referred to as 'Natura 2000' sites. In Herefordshire, these sites include:
- River Wye Catchment SAC
  - Wye Valley Woodlands SAC
  - Wye Valley and Forest of Dean Bat Sites SAC
  - River Clun SAC
  - Downton Gorge SAC
- 4.2 This SPD will support policies SD1 Sustainable Design and Energy Efficiency, Policy SS7 Addressing Climate Change Rural exception sites, as well as supporting some areas of SS6 Environmental Quality and Local distinctiveness, SD2 Renewable and Low Carbon Energy Generation, SD3 Sustainable water management and water resources, LD1 Landscape and Townscape, LD2 Biodiversity and Geodiversity. LD3 Green Infrastructure, LD4 Historic Environment and Heritage Assets and MT1 Traffic Management, Highway Safety and Promoting Active Travel in the Herefordshire Local Plan Core Strategy (Core Strategy). The Core Strategy was subject to a Habitats Regulation Assessment<sup>5</sup> which was prepared in consultation with Natural England. The purpose of HRA is to assess the impacts of plans and/or projects against the conservation objectives of a European protected site. The assessment must determine whether the plan and/ or project would adversely affect the integrity of the site in terms of its conservation objectives. Where adverse effects are identified, these effects should be avoided.
- 4.3 The ongoing exceedance of phosphate levels in the Lugg SAC catchment are accepted as being relevant and applicable to the majority of planning applications currently being received and considered in their own rights across the catchment. This issue is subject to much wider consideration and further screening and Appropriate Assessment is carried out at the planning application stage.
- 4.4 The purpose of a HRA is to assess the implications of a plan, both individually, and in combination with other plans or projects, on these Natura 2000 sites. The Habitats Directive applies the precautionary principle to Natura 2000 sites. In normal circumstances, a land use plan can be brought into effect only after having ascertained that it will not adversely affect the integrity of a Natura 2000 site either alone or in combination with other plans.

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<sup>5</sup> Core Strategy HRA 2013 & 2014

[https://www.herefordshire.gov.uk/downloads/download/68/sustainability\\_appraisal\\_and\\_habitats\\_regulations\\_a  
ssessment](https://www.herefordshire.gov.uk/downloads/download/68/sustainability_appraisal_and_habitats_regulations_assessment)

- 4.5 The first stage in the process is to establish, via screening, whether the plan is either directly connected with, or necessary to, the management of a European site. If not, a determination needs to be made as to whether the plan in itself or in combination with others is likely to have a significant effect on a European site.
- 4.6 As stated above, a comprehensive Habitats Regulation Assessment (HRA) was undertaken as part of the preparation of these higher order Local Plan documents to determine whether those policies would have likely significant effects on the international sites listed at para 4. 1 with reference to the conservation objectives of the qualifying feature of the site. The conclusions of these previous HRAs are considered highly relevant to the screening assessment for the Environmental Building Standards SPD. In relation to the policies which the proposed SPD will implement, the HRA for the Core Strategy concluded as set out in Table 2.

**Table 2. Conclusions of the Core Strategy HRA in respect of relevant policies**

Policy	Could the policy have likely significant effects on European sites (taking mitigation into account)?
SD1 Sustainable Design and Energy Efficiency	No: The proposal will not itself lead to development, instead it relates to criteria for development. In addition, the proposal includes measures aiming to protect the environment, e.g. reducing pollution, which could benefit biodiversity including that at and connected with European sites.
SS7 Addressing Climate Change	No: Most of this policy will not lead to development (rather it sets out criteria aiming to ensure that new development reduces Herefordshire's contribution to climate change), but the policy could result in the development of renewable energy infrastructure which could potentially affect European sites, depending in its location. However, there is sufficient mitigation provided within Core Strategy policies LD2, SD1 and SD2 to avoid a likely significant effect. Policy SS7 itself also refers to the aim of increasing the use of sustainable transport, which could help to mitigate the potential adverse impacts of other Core Strategy policies in relation to increased vehicle traffic.
SS6 Environmental Quality and Local distinctiveness	No: This policy will not lead to new development; rather it aims to ensure that development proposed under other policies will conserve and enhance Herefordshire's environmental quality and local distinctiveness. It also states that biodiversity considerations should shape future development proposals, and that the management plans and conservation objectives of the county's international important features and areas (taken to include European sites) will be material to future development proposals.
SD2 Renewable and Low Carbon Energy Generation	No: This policy could result in the development of renewable energy infrastructure which could potentially affect European sites, depending in its location. However, sufficient policy safeguards are included within the Core Strategy to avoid or mitigate a likely significant effect on any European site (policies LD2, SS4, SD1 and policy SD2 itself).
SD3 Sustainable water management and water resources	No: The policy will not itself lead to development, instead it relates to criteria for development. In addition, the proposal specifically aims to ensure that new development does not have an adverse impact on the water environment which should benefit European sites that are dependent on water quality/quantity. The policy makes specific reference to the potential biodiversity benefits of conserving and enhancing the water environment.
LD1 Landscape and Townscape	No: This policy will not lead to new development; rather it aims to ensure that development proposed under other policies will conserve and enhance Herefordshire's landscape and townscape.
LD2 Biodiversity and Geodiversity	No: This policy will not lead to new development; rather it specifically aims to ensure that development proposed under other policies will conserve, restore and enhance local biodiversity, with specific reference to habitats, networks and species of European importance. As such, this policy could help to provide mitigation against the potential impacts of other Core Strategy policies.

LD3 Green Infrastructure	No: This policy will not lead to new development; rather it encourages new development to provide for new green infrastructure. This could benefit biodiversity, including that at and connected with European sites, by increasing habitat connectivity and reducing fragmentation.
LD4 Historic Environment and Heritage Assets	No: This policy will not lead to new development; rather it aims to ensure that development proposed under other policies will conserve and enhance local heritage assets,
MT1 Traffic Management, Highway Safety and Promoting Active Travel	No: This policy could result in the development of transport infrastructure, which could have adverse effects on European sites (e.g. as a result of physical damage or non-physical disturbance) depending on its location. However, sufficient policy safeguards are included within the Core Strategy to avoid or mitigate a likely significant effect on any European site (policies LD2, SD1 and MT1 itself).

### Conclusions in respect of Habitat Regulations Assessment Screening

- 4.7 The previous HRA for the Core Strategy concluded that there were no likely significant effects on European sites, either alone or in combination with other plans and projects, as a result of the policies within the plan which the Environmental Building Standards SPD is intended to implement. However, since that assessment there was the judgment in the case of *Cooperatie Mobilisatie* handed down in November 2018 by the Court of Justice of the European Union (Joined Cases C-293/17 and C-294/17) (known as the Dutch Case), the approach to allowing proposals that would increase phosphate levels in the Lugg catchment has been reviewed. In the light of the Dutch judgment, where a site is failing its water quality objectives and is therefore classed as being in unfavourable condition, there is limited scope for the approval of planning applications that give rise to additional damaging effects.
- 4.8 Although the SPD does not provide further details of allocations or broad locations for development, at the same time, the phosphate issue did not feature as part of the original Core Strategy HRA either. **It is therefore concluded that a full Appropriate Assessment under the Habitats Regulations is required for the Environmental Building Standards SPD.** This is provided below.

# 5. Appropriate Assessment

The Conservation of Habitats and Species Regulations 2017,

as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations')

Part 6, section 63

'Assessment of implications for National Network Sites'

## Habitats Regulations Assessment

5.1 This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Herefordshire Council (the competent authority) as required by Regulation 63 of The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations') relating to the following **Supplementary Planning Document**. This HRA is carried out in accordance with the relevant guidance documents (Natural England <https://www.gov.uk/guidance/appropriate-assessment>, David Tylesley Associates <https://www.dtapublications.co.uk/>)

The HRA is carried out by Herefordshire Council. This will require sufficient detailed information to be provided by the applicant to enable to authority to make this assessment.

## The Project / Plan

5.2 Environmental Building Standards –Supplementary Planning Document (August 2022)

### 5.3 Description of the plan or project (details)

The aim is for this SPD to provides stronger guidance to drive up building standards in Herefordshire This provides detail of how development can achieve higher quality buildings through design and higher quality materials, as well of greater use of renewable energy technology in buildings. The SPD sets out best practice standards to help strengthen existing policies in the Core Strategy to help achieve this.

5.4 There is a need to expand on the guidance in the Core Strategy for sustainable and energy efficient design along with the amendments to the Building Regulations part L and in light changes to the 2021 National Planning Policy Framework and the 2021 Environment Act. This SPD will guide development in Environmental Building Standards and how development quality and energy efficiency can be improved. It will provide guidance on how policy SD1 and SS7 in the Core Strategy should be interpreted and implemented in order to support proposed development and deliver sustainable communities. The policies are:

- SD1 Sustainable Design and Energy Efficiency
- SS7 Addressing Climate Change

And supportive of policies

- SS6 Environmental Quality and Local distinctiveness
- SD2 Renewable and Low Carbon Energy Generation
- SD3 Sustainable water management and water resources
- LD1 Landscape and Townscape
- LD2 Biodiversity and Geodiversity
- LD3 Green Infrastructure
- LD4 Historic Environment and Heritage Assets

- MT1 Traffic Management, Highway Safety and Promoting Active Travel in the Herefordshire Local Plan Core Strategy (Core Strategy)

5.5 These policies set out the mechanisms for seeking Environmental Building Standards and are not pertaining to any identified sites in the SPD. Once adopted it will be a material consideration in the determination of planning applications. The SPD will need to be taken into account in the preparation of planning proposals for residential and mixed-use development at all stages of the Planning process and while negotiating and undertaking development feasibility options.

5.6 Documents and plans considered –

- Herefordshire Local Plan Core Strategy 2011 – 2031
- River Wye SAC Nutrient Management Plan
- Citation, Conservation Objectives, SIPs and other current advice and guidance in respect of River Wye SAC, Wye Valley & Forest of Dean Bat Sites SAC, Wye Valley Woodlands SAC, Downton Gorge SAC, River Clun SAC.
- National Planning Policy Framework
- The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations').

5.7 Planning *Policy context*:

- Required to comply with National Planning Policy Framework (2021).
- Required to support Herefordshire's Core Strategy 2011-2031

5.8 Size (ha) and description (habitats etc.) of existing site

- Whole County of Herefordshire

5.9 Surrounding land use and context in relation to designated sites

- National Network Sites lie entirely, in part of, or this SPD may have an effect upon them.

5.10 **Relevant Habitats Regulations 'National Network Site(s)**

- River Wye Catchment SAC**
- Wye Valley & Forest of Dean Bat Sites SAC** (Wigpool Iron Mines SSSI)
- River Clun SAC**
- Wye Valley Woodlands SAC**
- Downton Gorge SAC** (SSSI-NNR)
- Other site** (SAC)

#### **Details of sites**

[Natural England designated sites](#)

5.11 **Other relevant projects/ plans to be considered 'in combination'**

*To include those within the planning system or granted but not yet operational, that would have similar impacts – for air emissions a radius of 500m would usually be appropriate.*

All other relevant strategic policies, guidance, strategies and similar are already subject to relevant HRA consideration both in adoption and as required during implementation. Nutrient Management Plan currently subject to review and update.

5.12 **Natural England consultation reference and summary (if available):**

Various over last 15 years, and currently in respect of Nutrient Management Plan update.

## 6. Stage1:

# Preliminary Screening including Likely Significant Effects (LSE)

Completed by:  
James Bisset (Planning Ecology)

**Table 3: Initial Screening**

*Does the project or plan qualify for exemption from the HRA process?*

Relevant question	Answer
Is the project or plan directly connected with or necessary for the conservation management of the habitat site (provide details)? If so the project may be considered exempt from the HRA process.	NO
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	YES All other relevant strategic policies, guidance, strategies and similar are already subject to relevant HRA consideration both in adoption and as required during implementation.  Nutrient Management Plan currently subject to review and update.
If the proposal is considered exempt from the HRA process has this been consulted upon and agreed with Natural England?	Not Applicable

**Table 4: Screening for Likely Significant Effects (LSE)**

Key issues considered:	
<input checked="" type="checkbox"/> Foul water	<input checked="" type="checkbox"/> Water pollution
<input checked="" type="checkbox"/> Surface water	<input checked="" type="checkbox"/> Water abstraction
<input checked="" type="checkbox"/> Emissions	<input checked="" type="checkbox"/> recreational impacts
<input checked="" type="checkbox"/> Construction or Demolition processes	<input checked="" type="checkbox"/> Protected species impacts
<input checked="" type="checkbox"/> Direct impacts inside SAC boundary	<input type="checkbox"/> Other

### 6.1 Details of key issues

This is a strategic document covering the whole county and relates to supporting development of new Environmental Building Standards across the county (no specific locations are identified) and thus any such development is identified as having the potential to have an effect(s) on none, one or multiple 'National Network Sites'.

**6.2 NB:** Where avoidance measures do not form an integral part of the project/ plan and are to be put in place to reduce the impacts, these must not be considered to avoid impacts at the Screening stage and will require consideration at the Appropriate Assessment stage (in line with the People Over Wind judgement).

**Table 5 Key issues**

Relevant question	Answer
<p>Are there any potential effects of the project or plan when considered alone?</p>	<p>YES</p> <p>This is a strategic document covering the whole county and relates to supporting development of new Environmental Building Standards across the county (no specific locations are identified) and thus any such development is identified as having the potential to have an effect or multiple effects on one or more 'National Network Sites'.</p> <p>As no specific sites are identified in the SPD, and the SPD relates to the whole county this HRA is completed based on a potential 'generic' effect being identified.</p> <p>In practice each specific and actual development that this SPD may 'support' will be subject to full scrutiny and assessment under all legal constraints and consideration relevant at the time of the actual development and any planning consents that may be required.</p>
<p>Are there any potential effects of the project or plan <u>in combination</u> with other projects or plans?</p>	<p>YES</p> <p>As a strategic document related to one specific topic other strategic documents and associated policies and guidance may also apply.</p> <p>As no specific sites are identified in the SPD, and the SPD relates to the whole county this HRA is completed based on a potential 'generic' effect being identified.</p> <p>In practice each specific and actual development that this SPD may 'support' will be subject to full scrutiny and assessment under all legal constraints and consideration of 'in combination' effects relevant at the time of the actual development and any planning consents that may be required</p>
<p>Are the effects, either alone, in combination, or both, likely to be significant?</p>	<p>YES</p> <p>As no specific sites are identified in the SPD, and the SPD relates to the whole county this HRA is completed based on a potential 'generic' effect being identified.</p> <p>With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant'.</p>
<p>Are protective measures required to address possible effects of the project</p>	<p>YES</p> <p>Each specific and actual development that this SPD may 'support' will be subject to full scrutiny and assessment under all legal constraints and consideration of 'in combination' effects relevant at the time of the actual development and any planning consents that may be required</p>
<p>Are there existing measures, part of</p>	<p>NO</p>



<p>the overall project (embedded), or other regulatory requirement (e.g. drainage basins, building regulations, watercourse protection) that avoid likely significant effects?</p>	<p>(note: other regulations and controls within the remit of other 'competent authorities' under the Habitat Regulations may apply to part or all of specific development proposals that come forward and are supported by the strategic SPD)</p>
<p>Is any <u>further information and/ or mitigation required</u> (<i>Regulation 63(2)</i>) to inform the Appropriate Assessment?</p>	<p>NO</p>

### 6.3 Summary of LSE test conclusions

- Likely significant effects – Appropriate Assessment required**

# 7. Stage 2

## Appropriate Assessment

Completed by:  
James Bisset (Planning Ecology)  
Date: 17/08/2022

### 7.1 Appropriate Assessment information, discussion and proposed mitigation measures:

**Table 6. Impacts of the plan/ project**

<b>Designated site features which may be potentially affected</b>	<b>Likely effect of Impacts</b>
All habitats	<p>With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant'.</p> <p>Eg: additional phosphate loadings through foul water, additional pressures of surface water, requirement for potable water supply (abstraction), increased recreational pressures, additional lighting, additional noise and vibrations, effects of physical construction processes.</p>
All species	<p>With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant'.</p> <p>Eg: additional phosphate loadings through foul water, additional pressures of surface water, requirement for potable water supply (abstraction) increased recreational pressures, additional lighting, additional noise and vibrations, effects of physical construction processes</p>

**Table 7. Impacts of the plan/ project in combination**

<b>Designated site features which may be potentially affected</b>	<b>Likely effect of Impacts and mitigation measures proposed</b>
As table 6	As table 6

**Table 8. Consequences for Conservation Objectives of the Designated Site**

<b>Potential Consequences</b>	<b>Answer</b>
Disruptions or delays in progress towards achieving the conservation objectives of the site	<p>YES</p> <p>Any of the identified potential effects in Table 3 could impact the conservation status or work to achieve satisfactory conservation status in respect of 1 or more National Network Sites.</p> <p>With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant' and affect the conservation status of National Network Sites.</p>
Impacts to maintaining the favourable condition of the site	<p>YES</p> <p>Any of the identified potential effects in Table 3 could impact the conservation status or work to achieve satisfactory conservation status in respect of 1 or more National Network Sites.</p> <p>With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant' and affect the conservation status of National Network Sites.</p>
Alterations to natural progression or other changes within the site	<p>YES</p> <p>Any of the identified potential effects in Table 3 could impact the conservation status or work to achieve satisfactory conservation status in respect of 1 or more National Network Sites.</p> <p>With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant' and affect the conservation status of National Network Sites.</p>
<p>Loss of key habitat/ species features.</p> <p>Fragmentation or isolation of key species and habitats.</p> <p>Impacts to diversity, distribution, density, balance, area or population(s) of key species or habitats that are indicators of the favourable condition of the site, including from disturbance</p>	<p>YES</p> <p>Any of the identified potential effects in Table 3 could impact the conservation status or work to achieve satisfactory conservation status in respect of 1 or more National Network Sites.</p> <p>With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant' and affect the conservation status of National Network Sites.</p>
Alterations to the ecological relationships and balance between	<p>YES</p>

## **Potential Consequences**

species and habitats that are key to the structure/ function of the site

## **Answer**

Any of the identified potential effects in Table 3 could impact the conservation status or work to achieve satisfactory conservation status in respect of 1 or more National Network Sites.

With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant' and affect the conservation status of National Network Sites.

Alterations to nutrient balance or other processes vital to the functioning of the ecosystem (including phosphates)

YES

Any of the identified potential effects in Table 3 could impact the conservation status or work to achieve satisfactory conservation status in respect of 1 or more National Network Sites.

With no specific sites or development details forming part of this strategic SPD this HRA is utilising a precautionary approach and considering that effect(s) as unquantifiable at this time may be 'significant' and affect the conservation status of National Network Sites.

## **7.2 Mitigation Requirements and Outcomes of these**

It is noted that HRA is being applied to a new strategic Supplementary Planning Document that does not directly create, specify or support any specific development at any specific or identified locations across the whole County of Herefordshire.

Each specific and actual development that this SPD may 'support' that comes forward for consideration and approval (eg through the Planning process) will be subject to all required 'development/project' specific scrutiny and assessment under all legal constraints, and consideration of 'in combination' effects, relevant at the time of the actual development and a satisfactory outcome agreed PRIOR to any planning or other consents being granted by Herefordshire Council.

This specific development consideration includes as relevant a full HRA screening, and if identified as being required an HRA appropriate assessment process. All required formal consultation with the relevant Statutory Nature Conservation Body being completed prior to any grant of planning or other consent.

This new SPD includes advice and guidance on best practice actions to promote positive benefits and outcomes in respect of the wider and local environment, green and blue infrastructure and biodiversity that will benefit the conservation status of all sites considered by this HRA process.

## **7.3 Integrity Test and Alternatives**

### **7.4 Can adverse effects be avoided or mitigated?**

YES

There is no legal or scientific reason to consider that the required site specific development application (project) assessments and review - "mitigation" as identified above will not ensure that any development 'supported by this SPD' when granted and any required consents by Herefordshire Council issued will not have secured full mitigation of all specific 'effects' identified for the development in question.

This SPD includes advice and guidance on best practice actions to promote positive benefits and outcomes in respect of the wider and local environment, green and blue infrastructure and biodiversity that will benefit the conservation status of all sites considered by this HRA process.

7.5 If adverse effects on the integrity of the site, either alone or in combination, cannot be ruled out through avoidance or mitigation, the following must be considered;

**7.6 Are there Alternative Solutions to the proposal?**

Not Applicable

**7.7 Where there are no satisfactory alternatives, the authority must consider whether the project or plan must proceed In Reasons of Overriding Public Interest (IROPI)?**

Not Applicable

**7.8 Where it is proposed that the project or plan proceed IROPI, can suitable Compensatory Measures be secured?**

Not Applicable

## **Conclusion of the Appropriate Assessment:**

7.9 The authority concludes that *adverse effects on the integrity of the Special Area of Conservation*; subject to appropriate mitigation being implemented. The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'): Part 6, section 63(5)

**NOTE: The authority must consult Natural England on the draft HRA.**

**Screening/ Scoping and Appropriate Assessment authorised by:**

Karla Johnson, Senior Planning Officer, Strategic and Neighbourhood Planning,

Date: 17/08/2022