

Appropriate Assessment

Report for:

Upton Bishop Neighbourhood Area

August 2022



Upton Bishop Neighbourhood Plan

Appropriate Assessment

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Executive summary

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

This report addresses the Appropriate Assessment stage; outlines the task undertaken, the findings and recommendations to support the Upton Bishop Neighbourhood Plan through to adoption. A previous AA has been undertaken in August 2021, this assessed the draft plan policies.

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

The majority of the policies within the submission Upton Bishop NDP are criteria based to support development, with one site allocation, which would all require a planning application.

The site allocation at Crow Hill has also been assessed. It should be borne in mind that site allocations do not grant planning permission and all site allocations will be subject to a more detailed assessment at planning application stage.

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

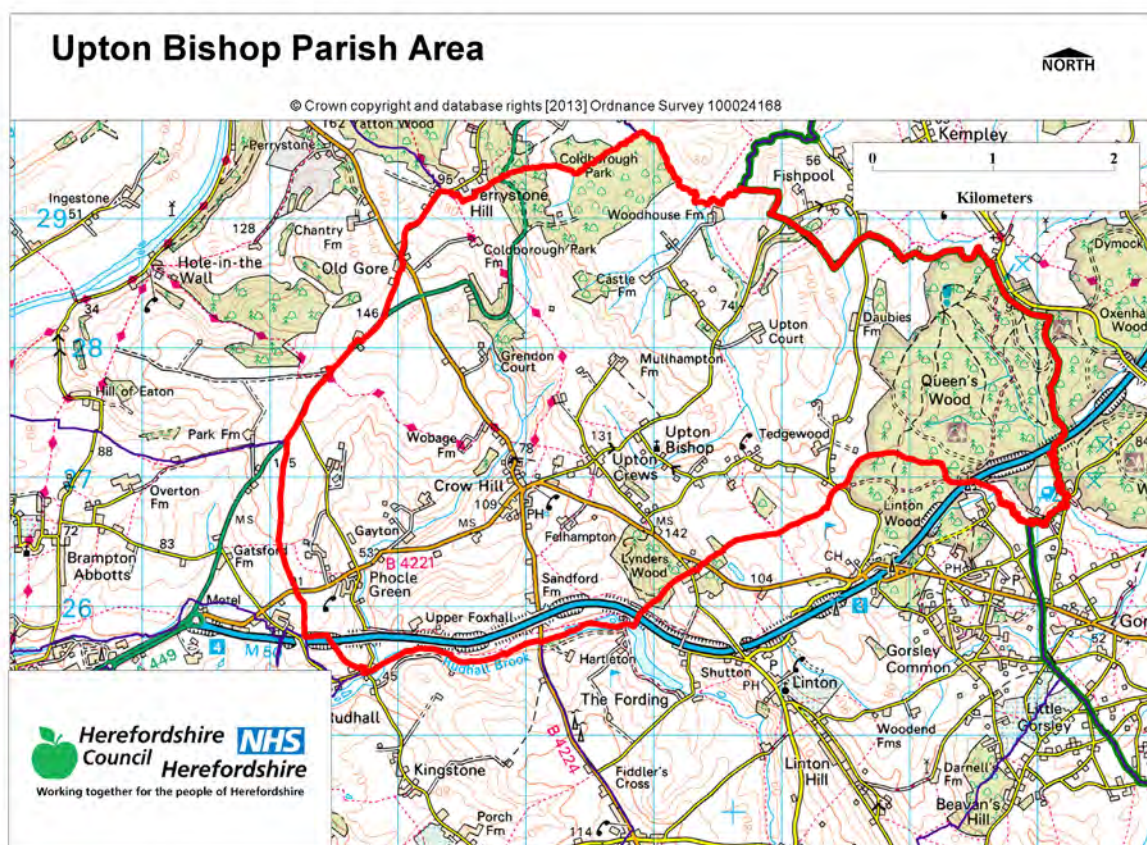
At this stage the appropriate mitigation measures can also be considered against each of the policies. The table with appendix 3 indicates where this has been the case. Herefordshire Council are investigating a wide range of mitigation measures and working with partners to resolve the current water quality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

This report has taken account of the Nutrient Neutrality and HRA updates released and Ministerial Statement issued by Department for Levelling Up, Housing and Communities on the 20/21 July 2022

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

1 Introduction

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



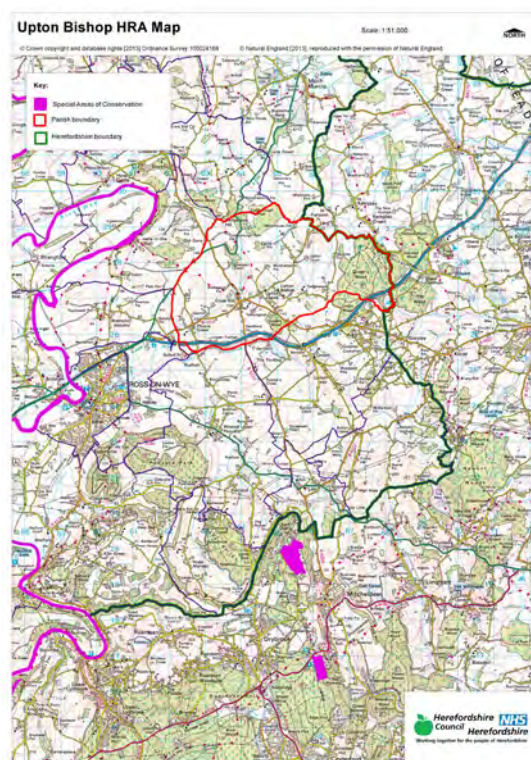
2 Requirement for the HRA

- 2.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the "Habitats Regulations" published for England and Wales in July 2007 and updated in 2013 and now included within the Conservation of Habitats and Species Regulation 2019 'the Habitats Regulations'. Therefore, when preparing its neighbourhood plan, Upton Bishop Parish Council is required by law to carry out an assessment known as "Habitats Regulations Assessment". It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.

- 2.2 Herefordshire Council is aware of the recent judgment (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a National Network site at the screening stage. The initial screening undertaken in June 2013 and concluded that a full HRA would be required.
- 2.3 The Co-operation Mobilisation (The Dutch case) ruling will also have an impact on Herefordshire in the areas within the catchment of the River Lugg. As this Neighbourhood Area is within the River Wye catchment area however it has been concluded that a Stage 2 Appropriate Assessment be undertaken to include a range of potential mitigation.
- 2.4 The Ministerial Statement (20 July 20220) and subsequent advice issued by the Department for Levelling Up, Housing and Communities (21 July 2022) regarding Nutrient Neutrality has been taken into account within this report.

3 Stage 2 – Appropriate Assessment

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



- 3.4 Previous Habitat Regulation Assessment have been undertaken in August 2021 whilst the neighbourhood plan has been in production for the plan current iteration. Consultation has

taken place on the regulation 14 iteration of the reports and these can be seen in Appendix 2.

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

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

4 Scoping

- 4.1 The initial Screening report June 2013 found that to the east of the Parish up to Crow Hill is within the hydrological catchment of the River Wye (including the River Lugg) SAC. Therefore, a full screening assessment is required.
- 4.2 There is also a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect the river water quality and this included the associated watercourses flowing into the rivers.

Site integrity of the River Wye (including the River Lugg) SAC

- 4.3 The River Wye forms one of the longest near natural rivers in England and Wales. The 25km within Herefordshire runs from Hay-on-Wye to Monmouth passing through Hereford and Ross-on-Wye. This section of the river is a rare example of eutrophic river and has not been subject to straightening.
- 4.4 There are a number of qualifying site features within the English section of the River Wye SAC:
- Water crowfoot vegetation
 - White-clawed crayfish
 - Sea Lamprey
 - Brook lamprey
 - River Lamprey
 - Twaite shad / Allis shad
 - Atlantic salmon
 - Bullhead
 - Otter
- 4.5 The issues associated with maintaining the sites integrity include water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance.

- 4.6 The vulnerability data is indicating that any site allocations and policies should avoid developments within 100m of the designated banks to avoid proximity impacts.
- 4.7 The River Wye SAC can be sensitive to changes in water quantity and quality. There are some sections of the River Wye SAC, mainly the River Lugg catchment area, where the water quality targets are already exceeding set levels and therefore the river is failing its 'favourable condition' status. This area is subject to measure to reduce nutrients particularly phosphates in line with the targets. In light of the interpretation of the Dutch Case where a Site is failing its water quality objectives and is classified as unfavourable condition, there is limited scope for the approval of additional damaging effects and measures that cannot be relied upon or are uncertain. The neighbourhood plan assessed within this report falls within the Wye catchment area.
- 4.8 However, the River Wye SAC as a whole is not currently failing its conservation status water quality levels but there are growth concerns that other stretches of the river could deteriorate in water quality following future Environment Agency testing.

Environmental condition data for the River Wye SAC

- 4.9 The River Lugg is considered to be 'failing' its water quality targets because it has exceeded the phosphate limit over 3 years testing period. Testing is undertaken between March and September by the Environment Agency. Although the Lower Wye is at risk of failing, it has currently not been declared as 'failing'
- 4.10 Phosphorous enter the river via two distinct avenues: point source pollution (waste water treatment works 'WWTW') and diffuse source pollution (run off from roads and agricultural).
- 4.11 Discharges from WWTW are monitored and controlled by the issuing of Permitted Discharge Consents but diffuse pollution depends upon a number of different factors including land management, stock near to rivers and run off.
- 4.12 The Wye and Lugg Monitoring Dashboard indicates that as of 2021 (the latest figures published), the phosphate levels within the River Lugg at the testing point at Mordiford Bridge were recorded as 0.120mg/l with the target set at 0.050mg/l.
- 4.13 In 2021, the sewerage treatment works within the Lugg catchment area were reporting 100% compliance with phosphate limits.
- 4.14 For the Upper Wye (at Carrots Pool, Hereford) it is within target at 0.0193mg/l against the target of 0.03mg/l and within the Lower Wye (at Holme Lacy) it is 0.03mg/l against the target of 0.03mg/l. The sewerage treatment works within the Upper and Lower Wye are also reporting 100% compliance with their phosphate limits.

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

- 4.15 The Greater Horseshoe Bat and Lesser Horseshoe bat feature within the Wye Valley and Forest of Dean Bat Sites. The Greater Horseshoe Bat are known to migrate between 20-30km between their summer and winter roosts whereas the Lesser Horseshoe migrate 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance, noise and vibration, light pollution and habitat lost.
- 4.16 NDPs sites within 10 km of the Wye Valley and Forest of Dean Bat Sites will need to consider development impact to these species and their habitats. NDPs closest to the Wye Valley Woodlands will need to consider; Woodland habitat buffer Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as

hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

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

5 Description of the Upton Bishop Neighbourhood Plan

- 5.1 The submission Upton Bishop Neighbourhood Plan presents detailed policies for development in the Neighbourhood Area up to 2031. All neighbourhood plans are required to be in general conformity with the adopted Herefordshire Core Strategy. Proportional growth for development is contained within the Core Strategy Policy RA1 and RA2 and neighbourhood plans will seek to allocate this proportional of development to be in conformity with the Core Strategy.
- 5.2 The Plan begins by highlighting its issues. It then details the vision for the parish over the plan period until 2031 together with 5 objectives to realise that visions.
- 5.3 The initial options for the neighbourhood plan were assessed to determine their environmental impact that could affect the River Wye (including the River Lugg) SAC and Wye Valley and Forest of Dean Bat sites SAC. All of which indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core Strategy. Five general options were considered in total and to do an NDP with site allocations and settlement boundaries were the chosen approach.
- 5.4 The neighbourhood plan sets out 10 general policies on a variety of topic bases areas and 1 site allocation or specific site related policies. These include:
 - Neighbourhood Plan Policy: UBP1 Settlement boundaries
 - Neighbourhood Plan Policy: UBP2 Land south of Spring Meadow, Crow Hill
 - Neighbourhood Plan Policy: UBP3 Housing mix
 - Neighbourhood Plan Policy: UBP4 Community facilities
 - Neighbourhood Plan Policy: UBP5 Development requirements
 - Neighbourhood Plan Policy: UBP6 Landscape, biodiversity and geodiversity
 - Neighbourhood Plan Policy: UBP7 Key views

- Neighbourhood Plan Policy: UBP8 Crow Hill/ Upton Crews gap
- Neighbourhood Plan Policy: UBP9 Rural businesses
- Neighbourhood Plan Policy: UBP10 Agricultural and forestry development

5.5 The plan has current reached submission Regulation 16 stage and the report assesses the policies August 2021 and have been updated in January 2022.

5.6 An initial Appropriate Assessment was subject to consultation between 20 September and 2 November 2021. Natural England and Environment Agency made representations which are detailed in Appendix 2. As a result, further work on the NDP policies and additional wording was required to demonstrate that 'no adverse effects' on the integrity of the River Wye (including the River Lugg) SAC would result from the Upton Bishop Neighbourhood Plan.

5.7 Following the Regulation14 consultation, wording changes have been made to objectives 3.5 and 3.6, and Several policies have been amended following draft consultation, most are wording modifications to add clarity and consistency. Policies have had additional criteria added and have been screened, the majority of the amendments are in response to consideration the nutrient neutrality wording and a number of paragraphs to indicate signposting to potential mitigation measures to ensure that all developments are nutrient neutral and will not have an adverse effect on the water quality of the River Wye and Lugg.

5.8 The following policies have been amended since the last assessment in August 2021

- Policy UBP1
- Policy UBP2
- Policy UBP5
- Policy UBP6

5.9 The plan reached examination stage in July 2022 and two policies have been modified as a result of the examination

- Policy UBP2 (additional information regarding Transport assessments)
- Policy UBP7 (mapping correction)

6 Assessing the impacts of the Submission Upton Bishop Neighbourhood Plan

6.1 Each of the policies and proposals within the neighbourhood plan has been considered in more detail to ascertain whether the impacts are likely to have an adverse 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 that 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 June 2013.

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

6.4 The adjoining area neighbourhood plan are:

- Linton – adopted
- Weston under Penyard– adopted
- Ross Town and Ross Rural – adopted
- Brampton Abbots and Foy Group – adopted

- How Caple, Collers Hope and Yatton Group– adopted
- Much Marcle- adopted

- 6.5 The combination of the growth proposed within these plans does not exceed that set out within the Core Strategy.
- 6.6 The HRA for the Core Strategy also identifies that both the Water Cycle Study for Herefordshire, which indicates the potential for planned water abstraction requirements combined with pressures on European Sites from the Core Strategy policies, and the review work on the Nutrient Management Plan, have both been considered as part of the in-combination assessment.
- 6.7 It is unlikely that the Upton Bishop Plan will have any in-combination effects with any plans from neighbouring parish councils, as the level of growth proposed is the same as that proposed for the Ross-on-Wye Housing Market Area in the Herefordshire Core Strategy.
- 6.8 A matrix has been used to assess all the policies and proposals within the neighbourhood plan and full details can be seen in appendix 3.

Policy wording changes in response to the representations received at Reg 14

- 6.9 As highlighted in para 5.5 above an Appropriate Assessment was undertaken at Regulation 14 NDP in August 2021. Two responses were received to the consultation; one from Natural England and the other from Environment Agency.
- 6.10 The Environment Agency indicated that it was not clear if the Crow Hill site allocation was supported by robust evidence on deliverability as specific mitigation solutions have not been identified and emerging mitigation were only options at this stage. They also raised the issue that Policy SD4 of the Core Strategy did not provide certainty. The Environment Agency considered that it was not clear whether measures put forward could be relied upon or provide sufficient certainty. They have also questioned the robustness of policy UBP6 and if the approach is taken to leave the further assessment of the sites to the planning application stage, asking if this approach is reasonable and effective.
- 6.11 The Environment Agency suggested that locally options or planning contributions could be sought to assist nutrient neutrality or betterment within the neighbourhood area.
- 6.12 Natural England noted the measures proposed to mitigate for any adverse effects, but suggests it is not possible to ascertain that the proposal will not result in considering if the assessment was not sufficiently rigorous or robust enough to justify no adverse effects on the integrity of the SAC. They considered mitigation is required to consider non- mains drainage requirements, if the areas within the proposed settlement boundary cannot be connected to mains drainage.
- 6.13 They welcomed the suggested approach to mitigate any adverse effects. Like the Environment Agency, Natural England considered that the appropriate assessment relied upon the strategic mitigation within Policy SD4 which does not provide certainty. Natural England have requested the terminology adverse effects to replace likely significant effects to ensure accuracy.
- 6.14 As a result on the consultation responses, work was undertaken to include local nutrient neutrality policy within Policy UBP6 of the Upton Bishop Neighbourhood Plan. Further references regarding foul and water management has been added to policies UBP1, UBP2 and UBP5.
- 6.15 This revised policy requires all development proposals to meet its criteria before planning permission will be granted. Similarly, to Policy SD4 of the Core Strategy, this policy 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 to indicate how the development proposal will provide clear and robust evidence that there would be not increase in nutrient inputs. Without this robust evidence, the application for the site allocation will not be permitted.

- 6.16 The addition of a local policy within the Upton Bishop NDP Policy UBP6 required 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.
- 6.17 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 to include the requirement that the NDP should be nutrient neutral within their own area when some solution will include wetland provision upstream.
- 6.18 In regards to Council actions concerning the constructed wetlands - The Council are currently engaged with partners in securing a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been made for the first one in Luston (P21357/F). The Council has made a commitment to assist in providing a solution to the phosphate challenge where it can.
- 6.19 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 that were no longer preferred.
- 6.20 Nor is it feasible for every NDP area or site allocation within NDP to 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 Upton Bishop neighbourhood area and this specific site allocation. At present (January 2022) the catchment of the Lower Wye is not failing its conservation objectives.
- 6.21 Additional mitigation measures may be appropriate and those options are outlined in below. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy UBP2 and UBP6 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.
- 6.22 Windfall development would be adjudged against the general criteria of the Core Strategy and the Upton Bishop NDP but site allocations have the added benefit of specific site criteria to be met by the development of a wider range of issues.
- 6.23 As indicated above NDPs should be positively prepared and Herefordshire encourages the inclusion of site allocations to meet proportional growth requirements and give local residents certainty about where and how development will take place.
- 6.24 Given the work to resolve the constraints to new housing development in the Lugg catchment already undertaken and the ongoing work to develop a programme of integrated wetlands. If necessary the solutions for the Lugg catchment could be applied to the Lower Wye catchment if required. The Council consider that in accordance with NPPG 'there is a reasonable prospect of this site being delivered'. This prospect is more certain than any

potential unknown windfall sites to meet the Core Strategy proportional growth requirements if the site was to be removed.

- 6.25 Providing options to developers and applicants - Additional guidance is provided to developers seeking to provide nutrient neutral developments. The Interim Phosphate Delivery Plan Stage 2 – Mitigation options for phosphate removed provides a range of potential mitigation solutions that could be used and a set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021.
- 6.26 The interim Phosphate Delivery Plan Stage 1 provides guidance for calculating the phosphate budget for new developers with a phosphate calculate tool. 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.
- 6.27 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 are on our website as well as within the NDP. This is due to being in the plan period, methods could be refined and solutions that more appropriate found. The guidance notes and website can easily respond to this update along with the supporting text of the neighbourhood plan.
- 6.28 Other nature based solutions and biodiversity net gain - The interim Phosphate Plan does refer to a range of solutions and options including nature based solutions. The Upton Bishop NDP Policy UBP6 encourages the enhancement and restoration of habitats to the coherence and connectivity of the ecological networks within the parish and county.
- 6.29 The plan has previously undertaken regulation 14 consultation in September 2022, A significant amount of progress has been made on the phosphate challenge since the parish council went on regulation 14 consultation. Therefore is it to be expected that they will have not have had an opportunity to include the details suggested in their plan.

7 Mitigation measures

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

Policy SD4

- 7.3 Policy SD4 is contained within the adopted Herefordshire Core Strategy. This is not seen as a mitigation measure as the development plan should be read as a whole. However, compliance with the policy is required for any planning application within the catchment area. Therefore, no site allocations proposed within the neighbourhood plan will receive planning permission unless they can also meet the criteria of Policy SD4.
- 7.4 It should be borne in mind that site allocations do not grant permission for a site and do not directly lead to development. All site allocations will still require planning permission to be granted before any development can take place. This means that all site allocation will be

subject to a further environmental assessment/Habitat Regulation Assessment/Appropriate Assessment prior to development taking place or any potential impact to the SAC directly.

- 7.5 Although all proposals will need to demonstrate compliance with Policy SD4, this does not give sufficient scientific certainty alone and other measures will need to be considered.

Waste Water Sewage Treatment works

- 7.6 Dwr Cymru Welsh Water (DCWW) are making improvements to its Waste Water Treatment Works to reduce phosphate levels from the treatment discharge. DCWW are on target to deliver requirements within the AMP7 assessment management planning. The following treatment works within the River Wye catchment have or proposed to have phosphate limits:

- Eign, Hereford
- Rotherwas, Hereford
- Ross Lower Cleeve
- Bromyard
- Pontrilas
- Kingstone and Madley
- Leominster)
- Moreton on Lugg
- Kington
- Weobley

- 7.7 It is however noted the majority of the areas within the Upton Bishop parish are not on mains drainage and will require septic tanks or private works. There are 3 small areas on the edge of Crow Hill and Upton Crews that are served by waste treatment works. Therefore, this is not a mitigation measure that can be used within this NDP area but it will provide some reduction in phosphate levels within the river catchment area.

- 7.8 The proposed Levelling Up and Regeneration Bill (LURB) will place a new statutory duty on water and sewerage companies in England to upgrade wastewater treatment works to the highest technically achievable limits by 2030.

Natural England Nutrient Mitigation Scheme

- 7.9 Working with Defra and DLUHC, Natural England will be establishing a Nutrient Mitigation Scheme to identify mitigation projects within the catchment to frontload investment; this could include wetland and woodland creation schemes. The recent advice from DLUHC indicates that LPA can be confident that upgrades and mitigation will be in place by 2030 reducing the mitigation requirements for the in perpetuity period. The delivery of sites can take into account this strategic mitigation and the accelerated timescales for mitigation schemes and water treatment upgrades.

Nutrient Management Plan review

- 7.10 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.
- 7.11 The Nutrient Management Board comprises of a number of partners including Natural England, Environment Agency, National Farms Union, local planning authorities, and Welsh Water.

- 7.12 The Board is working on reviewing and revising the NMP so that the measures contained within it can be relied upon as mitigation once more. The anticipated timescale for this is within the development plan period but no specific dates have been given as yet.

Proposed wetlands and the Interim Development Plan

- 7.13 Herefordshire Council is 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 streamflow or remove the final effluent from wastewater 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.
- 7.14 The emerging Interim Development Plan will include the proposed wetlands and other agricultural measures including buffer zones which will provide a reduction in phosphorous in the catchment.
- 7.15 There are currently no plans for integrated wetlands within the Lower Wye catchment. However, this principle could be followed if required within the Lower Wye catchment in future.

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 Upton Bishop NDP contains a number of policies seeking to protect and enhance biodiversity and feature of the SAC, including ensuring appropriate measures are set out for managing foul and surface water management. Policy UBP2 and UBP6 includes nutrient neutrality measures within the policy.
- 7.18 **Providing options to developers and applicants** - Additional guidance is provided to developers seeking to provide nutrient neutral developments. The ***Interim Phosphate Delivery Plan Stage 2*** – Mitigation options for phosphate removed provides a range of potential mitigation solutions that could be used and a set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021.
- 7.19 The ***interim Phosphate Delivery Plan Stage 1*** provides guidance to calculating the phosphate budget for new developers with a phosphate calculate tool. 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.
- 7.20 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

Interim approach to planning applications

- 7.21 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.

7.22 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)

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

8 Summary of findings

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

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

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

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

8.4 After the screening of the 4 policies are concerned have potential adverse effects.

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

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

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

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

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

8.9 Following Regulation 14 consultation the NDP has benefited from some additional wording to the site allocation policy UBP2, and has added criteria for development to regard the need for a foul and surface water management strategy, as there are not main facilities

within the parish. This would enable the considerations of drainage to be taken fully into account prior to any applications being granted.

- 8.10 The parish is not within a catchment that is currently 'failing' but it is considered that the additional policy criteria added to UBP2 and UBP6 require development to be nutrient neutral is beneficial to the parish, this acts as a policy safeguard for if the Lower Wye catchment did follow that of the current Lugg catchment.
- 8.11 The examination of the NDP has only amended one of the policies (UBP2) which has been subject to screening. This was been reassessed within appendix 6.
- 8.12 The mitigation measures referenced within the document could be expanded and refined prior to any planning permissions in association with the policies of this development plan are approved. Hence reference to the Phosphate Calculator and Interim Plan within the reasoned justification is appropriate to ensure safeguards against this evolving situation and flexibility to include tested mitigation measures once the plan is adopted
- 8.13 The national nutrient neutrality and migration announced within the Ministerial Statement dated 20 July 2022 also demonstrate evidence that mitigation will be in place during the plan period of 2031.
- 8.14 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. Outlined in section 6 and 7 of this assessment.
- 8.15 **The results of this Appropriate Assessment indicate that the objectives and policies of the submission Upton Bishop NDP will not have an adverse effect on the integrity of the River Wye (including River Lugg) SAC and Wye Valley & Forest of Dean Bat Sites SAC or when the mitigation and avoidance measures have been taken into account.**

9 Consultation

- 9.1 This report will accompany the final version of the Clifford Neighbourhood Plan which is current awaiting referendum and (if successful) final adoption

Appendix 1

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

The Neighbourhood Planning (General) Regulation 2012 (Reg. 32)

Conservation of Habitats and Species Regulations 2010 (d)

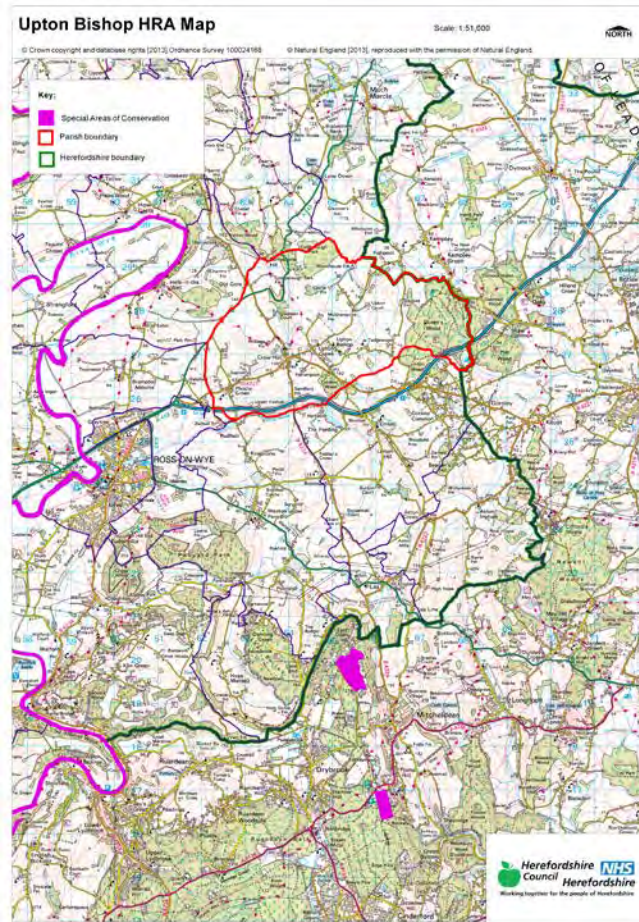
Neighbourhood Area:	Upton Bishop Neighbourhood Area
Parish Council:	Upton Bishop Parish Council
Neighbourhood Area Designation Date:	18/03/2013

Introduction

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

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

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



Initial HRA Screening

River Wye (including the River Lugg) SAC:

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

Downton Gorge SAC:

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

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

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

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

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site?	N	The Parish is 13.5km away from the Wye Valley Woodlands
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HRA Conclusion:

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

European Site

(List only those which are relevant from above)

River Wye (including the River Lugg) SAC

Wye Valley & Forest of Dean Bat Sites SAC

Strategic Environmental Assessment Initial Screening for nature conservation landscape and heritage features

The following environmental features are within or in general proximity to the Upton Bishop Neighbourhood Area and would need to be taken into account within a Strategic Environmental Assessment. In addition, the NDP will also need to consider the other SEA topics set out in Guidance Note 9a to ensure that the plan does not cause adverse impacts.

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

Decision Notification:

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

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

Assessment date: 04/06/2013

Assessed by: James Latham

Appendix 1: European Sites

The table below provides the name of each European Site, which has been screened in for the purposes of neighbourhood planning in Herefordshire; includes their site features of integrity; and vulnerability data. This is based on the sites individual features of integrity and their vulnerabilities, which could include distance criteria. This has been used in identifying which parishes are likely to require a full HRA Screening of their future Neighbourhood Development Plan, to establish if their plan might have Likely Significant Effects on a European Site.

Downton Gorge
Site Features: <i>Tilio-Acerion</i> forests of slopes, screes and ravines
Vulnerability data: 10km for air quality associated with poultry units or other intensive agricultural practices.
River Clun
Site Features: Freshwater pearl mussel <i>Margaritifera margaritifera</i>
Vulnerability data: Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected.
River Wye
Site Features: 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>
Vulnerability data: Proximity: Developments should not be within 100m of the designated bank. Some developments beyond 100m may also have impacts based on proximity and these issues should be addressed where possible when developing NDP policy and choosing site allocations. Water Quality: Within the whole catchment of the River Wye, which includes the River Lugg, mains drainage issues with regards to water quality are being resolved through the Core Strategy / Local Plan and development of a Nutrient Management Plan. Welsh Water should be consulted to ensure that the proposed growth will be within the limit of their consents. Otters: "An otter will occupy a 'home range', which on fresh waters usually includes a stretch of river as well as associated tributary streams, ditches, ponds, lakes and woodland. The size of a home range depends largely on the availability of food and shelter, and the presence of neighbouring otters. On rivers, a male's home range may be up to 40km or more of watercourse and associated areas; females have smaller ranges (roughly half the size) and favour quieter locations for breeding, such as tributary streams. Otters without an established home range are known as 'transients'. They are mostly juveniles looking for a territory of their own, or adults that have been pushed out of their territories. Transient otters may use an area for a short while, but they will move on if conditions are not suitable or if they are driven away by resident otters. Transients will have been important in extending the range of otters, but they are very difficult to identify from field signs. Within a home range an otter may use many resting sites. These include above-ground shelters, such as stands of scrub or areas of rank grass, and underground 'holts' – for example, cavities under tree roots and dry drainage pipes." (Source: EA website: http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf accessed 09/04/2013)

Usk Bat Site

Site Features: Annex I habitats present as a qualifying feature, but not a primary reason for site selection: European dry heaths, Degraded raised bogs still capable of natural regeneration, Blanket bogs, Calcareous rocky slopes with chasmophytic vegetation, Caves not open to the public, *Tilio-Acerion* forests of slopes, screes and ravines. Annex II species of primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, UK population 5%, although it is suggested this is an underestimate.

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

Wye Valley and Forest of Dean Bat Sites

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

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

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

NDPs closest to the European Site will need to consider:
Woodland habitat buffer.

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

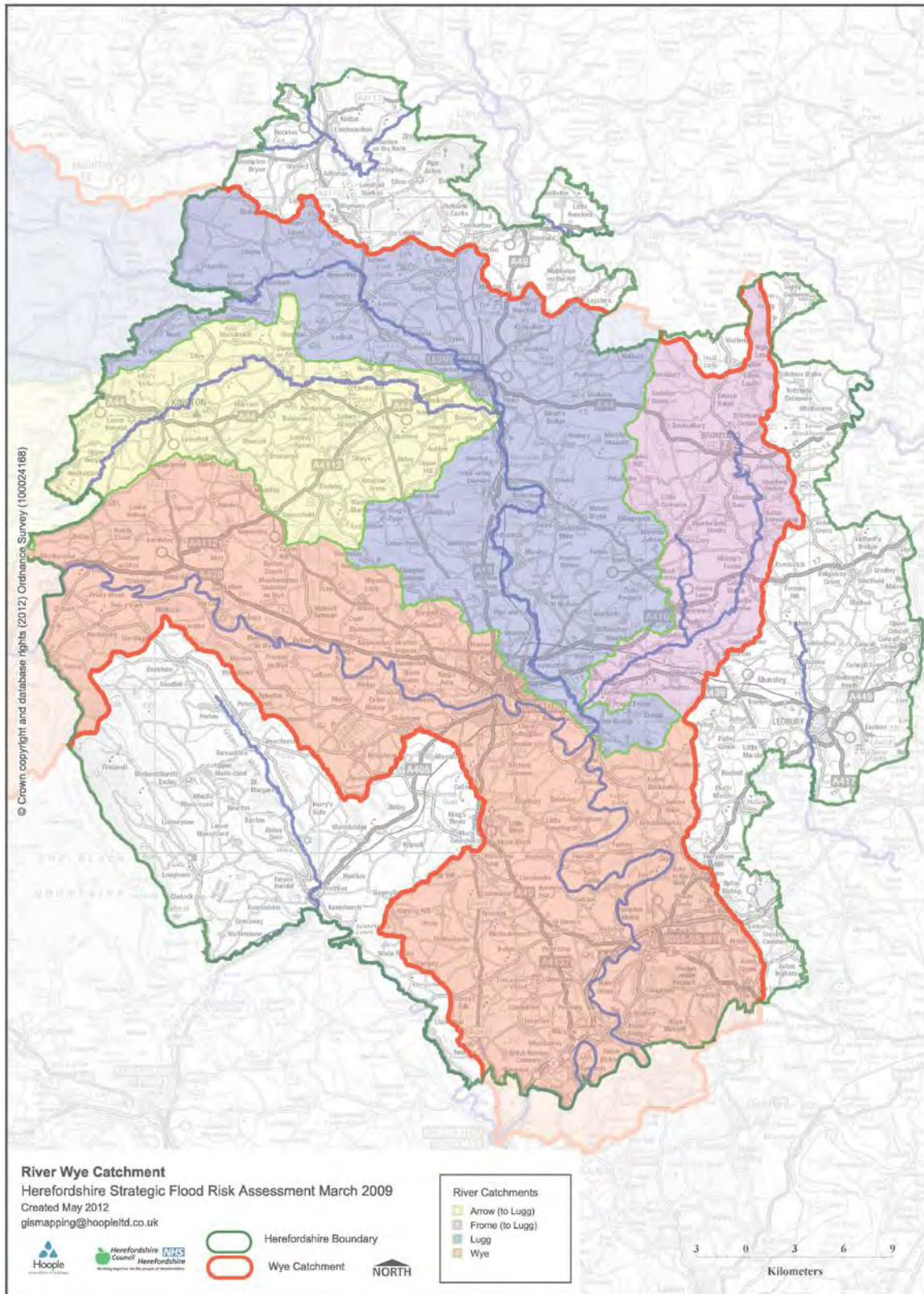
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation.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

Wye Valley Woodlands

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

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

Appendix 2: Wye Catchment Map



Appendix 2

Consultation date: 20 September to 2 November 2021 (Reg14)

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

Consultee	Summary of Comments	Response to Comments
Natural England	<p>As the NDP allocates housing sites that are within the catchment of the River Wye (the site on Land south of Spring Meadow, Crow Hill). it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. Although HC has undertaken AA of the proposals and the measures proposed to mitigate for any adverse effects, it is not possible to ascertain that the proposal will not result in adverse effects on the integrity of the sites in question. Acknowledges mitigation has been included.</p> <p>The Appropriate Assessment relies upon strategic mitigation provided in policy SD4 of the Herefordshire Core Strategy and the Nutrient Management Plan, in order to reach its conclusion that there are no adverse effects on integrity. However, the application of the Dutch Case means that these plans cannot be relied upon as strategic mitigation, as they do not provide sufficient 'certainty' that river targets can be met. Recommends to use adverse effects in assessments rather than likely significant effects.</p>	<p>Noted. An Appropriate Assessment will be undertaken for the Reg16 version of the NDP. Amendments above to the NDP plan policies UBP1, UBP2, UBP5 and UBP6. Wording has been amended in the AA.</p>
Heritage England	No comments received	
Environment Agency	<p>Questions the statement 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, especially as there is no clarity on what these measures will comprise relatively to the Neighbourhood Plan area.</p> <p>EA states it is unclear whether the site allocation is supported by an effective, robust evidence base focusing on 'deliverability', particularly as there are no specific identified solutions or mitigation but rather a reliance on emerging potential options that have yet to be fully developed or quantified. The idea of progressing with allocations within the catchment that may be contrary to the Core Strategy as there is no current certainty that the allocation is deliverable and can accord with Policy SD4. In reference to section 8.9, EA questions the approach of allocating sites and then relying on further assessment at the subsequent planning application stage in the absence of certainty that they can be delivered without impact on the Catchment. Should this approach be taken, and planning permission is refused where development does not contribute to achieving nutrient neutrality, this may lead to stalled applications and uncertainty around what and when development could come forward.</p> <p>Questions the robustness of the wording of Policy UBP6 states that development proposals should '<i>avoid likely harm to the River Wye and SSSI unless the public benefits of the proposed development clearly outweigh the likely impacts on the conservation status of the Site concerned and on the national network of protected Sites</i>'. In accordance with NPPG the AA needs to justify and be confident/satisfied that your approach is reasonable and effective and ensures plans are deliverable and has sufficient detail to give clarity on all parties when infrastructure upgrades will be provided. Deferring matters regarding wastewater infrastructure at the planning application stage may not be appropriate. NPPG advises that a reasonable prospect of delivery should be ensured as part of effective plan making.</p> <p>The AA document does confirm that Herefordshire Council are investigating a wide range of mitigation measures and working with partners to resolve the current water quality issues within the Wye and Lugg catchments. NE suggests mitigation is a viable and deliverable and that you have reasonable certainty to take forward the Policies and site allocation in the plan.</p> <p>Until these the suggested amendments have been made, it cannot be concluded that there will not be any likely significant effects on the integrity of the River Wye (including River Lugg) SAC and Wye Valley & Forest of Dean Bat Sites SAC.</p> <p>Specific options could be provided locally or in the catchment and/or planning contributions (linked to what is being potentially progressed) could be sought to assist delivery of nutrient neutrality or betterment measures in the Neighbourhood Plan area(s). This could link to the revised NMP as part of a suite of environmental projects or improvements and may be achieved through a supporting evidence base specific to the Neighbourhood Plans within the Catchment.</p>	<p>Noted. An Appropriate Assessment will be undertaken for the Reg16 version of the NDP.</p> <p>Amendments above to the NDP plan policies UBP1, UBP2, UBP5 and UBP6.</p>

Natural Resources Wales	No comments received	
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Appendix 3a

Neighbourhood Plan Policy Screening – Upton Bishop Neighbourhood Plan

Policy Number	Potential effect	In-combination effects	Likely adverse effects LAE (Yes/ No and state how)
Neighbourhood Plan Policy: UBP1 Settlement boundaries	The location of the development is currently unknown, its implementation will be subject to a planning application	Seeking to deliver proportional growth during the plan period within a settlement boundary Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LAE. The policy is seeking to deliver dwellings within defined settlement boundaries of Crow Hill and Upton crews. Changes to this policy post-regulation 14 have added further criteria to ensure the development in the settlement boundary has minimal impact on water quality.
Neighbourhood Plan Policy: UBP2 Land south of Spring Meadow, Crow Hill SITE ALLOCATION	The policy and site allocation could have a likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LAE. This site allocation could lead to adverse effects on the water and environmental quality. Changes to this policy post regulation 14 consultations, have added criteria for pedestrian and cycle connectivity and support traffic calming to the B4224 as well as supporting provision for car parking and allotments.
Neighbourhood Plan Policy: UBP5 Development requirements	Policy itself will not lead to development.	None identified.	No LAE. This policy sets out criteria for new development to adhere to. This policy does not lead to development itself. Changes to this policy post-regulation 14 have added further criteria to ensure a new development has minimal impact on water quality.
Neighbourhood Plan Policy: UBP6 Landscape, biodiversity and geodiversity	Policy itself will not lead to development	This will have a positive effect	No LAE. This policy is seeking to avoid adverse effects on the River Wye SAC. The policy seeks to protect and enhance the local character of the

Policy Number	Potential effect	In-combination effects	Likely adverse effects LAE (Yes/ No and state how)
	<p>Policy is seeking to enhance and or protect the natural environment in general</p> <p>Policy is specifically seeking to protect sensitive sites</p> <p>Policy is guiding development away from the sensitive sites</p>		<p>built and historic environment of the group parish. Changes to this policy post regulation 14 consultation has added further criteria to ensure development draining into the Wye catchment will be nutrient neutral.</p>

Appendix 3b

Appropriate Assessment policy assessment – Upton Bishop Neighbourhood Plan

Neighbourhood Plan Policy: UBP1 Settlement boundaries

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within the villages of Crow Hill and Upton Crews except a small number of houses on the southern edge of Crow Hill and Upton Crews. Therefore, the areas within the settlement boundaries and site allocation are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	The proportional growth requirement is within the expected for the Ross-on-Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number of WwTw across the county. This will have a positive impact on the catchment in general. Specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other - considerations	The parish is located 1.6km from the River Wye. Policy UBP6, seeks to conserve and protect and enhance the landscape, biodiversity and geodiversity within the parish, including watercourses. Changes post-regulation 14 add further detail to ensure foul and surface water are management are considered and demonstrated in a scheme as well as ensuring schemes draining into the Wye catchment will be nutrient neutral. The proportionate growth requirements within the Core Strategy, some of which have already been met by existing commitments.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4. The policy criteria within Policy UBP5 (Development requirements policy) includes the requirement for acceptable arrangements for the treatment of waste water and surface water disposal through the use of suitable sustainable drainage and wet systems. Additional wording has been added Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy regarding the safeguarding of the SAC, particularly around water quality. Changes post regulation 14, have added nutrient neutrality criteria to policy and additional reference has been added for an agreed foul and surface water management strategy with planning applications that would ensure the no adverse effects of the development plan policies have been removed. Therefore there are no residual outstanding effects.

Conclusion – The delineation of a settlement boundary within the plan does not directly lead to development. All infill sites within the boundary and housing within the ‘open countryside’ require a planning application. Additional wording has been added post-regulation 14 consultation to for developments to require foul and surface management strategy and development draining into the River Wye catchment should demonstrate they are nutrient neutral. Therefore a conclusion of no adverse significant effects would result with regards to the Upton Bishop NDP Policy UBP1.

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

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within the villages of Crow Hill and Upton Crews except a small number of houses on the southern edge of Crow Hill and Upton Crews. Therefore, the areas within the settlement boundaries and site allocation are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	The proportional growth requirement is within the expected for the Ross-on-Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number of WwTw across the county. This will have a positive impact on the catchment in general. Specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The parish is located 1.6km from the River Wye. Policy UBP6, seeks to conserve and protect and enhance the landscape, biodiversity and geodiversity within the parish, including watercourses. Changes post-regulation 14 add further detail to ensure foul and surface water are management are considered and demonstrated in a scheme as well as ensuring schemes draining into the Wye catchment will be nutrient neutral The proportionate growth requirements within the Core Strategy, some of which have already been met by existing commitments.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4. The policy criteria within Policy UBP5 (Development requirements policy) includes the requirement for acceptable arrangements for the treatment of waste water and surface water disposal through the use of suitable sustainable drainage and wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. The proportional growth requirements for the parish have partially been met through planning applications. Additional reference to the need for an agreed foul and surface water management strategy with application would ensure the no adverse effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion – the delineation of a settlement boundary within the plan does not directly lead to development. All infill sites within the boundary and housing within the ‘open countryside’ require a planning application. Following regulation 14 consultation, additional wording has been added of the site allocation policy to require foul and surface management strategy which demonstrates. As well as adding criteria to UBP6 for developments draining in the River Wye catchment should be nutrient neutral As this has been included it is now a conclusion of no adverse effects would result with regards to the Upton Bishop NDP Policy UBP2.

Appendix 4

Consultation date: 25 March to 6 May 2022

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

Consultee	Summary of Comments	Response to Comments
Natural England	Late rep received 18 July NE advised that work on the neighbourhood plan listed pause until after the Local Plan is adopted.	This is contrary to national advice to progress with development plans. Herefordshire Council are working on a number of nutrient neutrality mitigation measures to able development plan to continue to progress
Heritage England	No further comments to make	
Environment Agency	Note that the NDP falls within the Lower Wye catchment which is not failing its water quality objectives at present. Note UBP6 makes specific reference to impacts on the catchment, including the needs for nutrient neutrality and mitigation measures to secure such. The Phosphate calculator and associated guidance is also referenced within the policy. No concerns at this time	
Natural Resources Wales	No comment to make	

Appendix 5

Modifications made following the examination of the Upton Bishop NDP

Policy	Modification recommended	Justification
Modification 1 Policy UDP2	<p>Add new criteria 6</p> <p>The implications of the proposal for the local and strategic road networks are demonstrated in a Transport Assessment accompanying any future planning application for the development which is to include consideration of any impacts anticipated on the Travellers Rest/M50 J4 junction; and</p> <p>Amend criteria 7 to read:</p> <p>The Transport Assessment to include proposals to improve and maximise pedestrian and cycle connectivity to village facilities and traffic calming proposals to include a scheme to the B4224. The proposals to ensure that the traffic environment of the village is not adversely impacted by the development and be delivered as part of the development; and</p>	In order to add clarity and the requirements of national policy
Modification 2 Policy UBP7	Amend Plan 7 to show KV1 taken from footpath UB1	Amend a mapping error

Appendix 6

Appropriate Assessment policy assessment – Upton Bishop Neighbourhood Plan

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

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within the villages of Crow Hill and Upton Crews except a small number of houses on the southern edge of Crow Hill and Upton Crews. Therefore, the areas within the settlement boundaries and site allocation are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	The proportional growth requirement is within the expected for the Ross-on-Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number of WwTw across the county. The Levelling Up and Regeneration Bill will place a statutory duty to upgrade wastewater treatment works to the highest technically limits by 2030This will have a positive impact on the catchment in general. Specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Natural England Nutrient Mitigation Scheme	Working with Defra and Department of Levelling Up, Housing and Communities', Natural England will be identifying mitigation projects within the catchment; these include wetlands and woodland creation. Mitigation from wetlands and woodlands will provide biodiversity enhancements to areas; with the scheme providing multiple benefits by promoting public access, helping to deliver on our levelling up missions for pride in place and well-being, by improving access to nature.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary

Other considerations	The parish is located 1.6km from the River Wye. Policy UBP6, seeks to conserve and protect and enhance the landscape, biodiversity and geodiversity within the parish, including watercourses. Changes post-regulation 14 add further detail to ensure foul and surface water are management are considered and demonstrated in a scheme as well as ensuring schemes draining into the Wye catchment will be nutrient neutral. The proportionate growth requirements within the Core Strategy, some of which have already been met by existing commitments.
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.</p> <p>The policy criteria within Policy UBP5 (Development requirements policy) includes the requirement for acceptable arrangements for the treatment of waste water and surface water disposal through the use of suitable sustainable drainage and wet systems.</p> <p>Policy UBP6 includes the requirement for developments to be nutrient neutral</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>During the plan period (until 2031), national nutrient neutrality actions regarding upgrades to wastewater works and the Nutrient Mitigation scheme will be enacted.</p>

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. The proportional growth requirements for the parish have partially been met through planning applications. Additional reference to the need for an agreed foul and surface water management strategy with application would ensure the no adverse effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion – the delineation of a settlement boundary within the plan does not directly lead to development. All infill sites within the boundary and housing within the ‘open countryside’ require a planning application. Following regulation 14 consultation, additional wording has been added of the site allocation policy to require foul and surface management strategy which demonstrates. As well as adding criteria to UBP6 for developments draining in the River Wye catchment should be nutrient neutral. As this has been included it is now a conclusion of no adverse effects would result with regards to the Upton Bishop NDP Policy UBP2.