

# Appropriate Assessment

Report for:

Aston Ingham Neighbourhood Area

September 2022



## **Aston Ingham 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 Aston Ingham Neighbourhood Plan through to draft plan consultation.

The initial Screening report June 2019 found that the River Wye (including the River Lugg) SAC is 6.3km away from the parish and Neighbourhood Area. Wye Valley and Forest of Dean Bat Sites SAC is 1.6km 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 Aston Ingham NDP are criteria based to support development, with one site allocation, which would all require a planning application. The site allocation at Ellsmere 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 the 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 update 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 Aston Ingham Parish Council has produced a Neighbourhood Plan for Aston Ingham parish area and has set out the vision, objective and policies for development within the area up to 2031. This Neighbourhood Plan will support the policies within the adopted Herefordshire Core Strategy and if adopted form part of the Herefordshire Development Plan. The Neighbourhood Plan is current at draft plan stage.
- 1.4 Below shows a map of the Neighbourhood Plan 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, Aston Ingham 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 2019 and concluded that a full HRA would be required.

- 2.3 The Co-operation Mobilisation (The Dutch case) ruling will also have an impact on Herefordshire in the areas within the catchment of the River Lugg. As this Neighbourhood Area is within the River 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

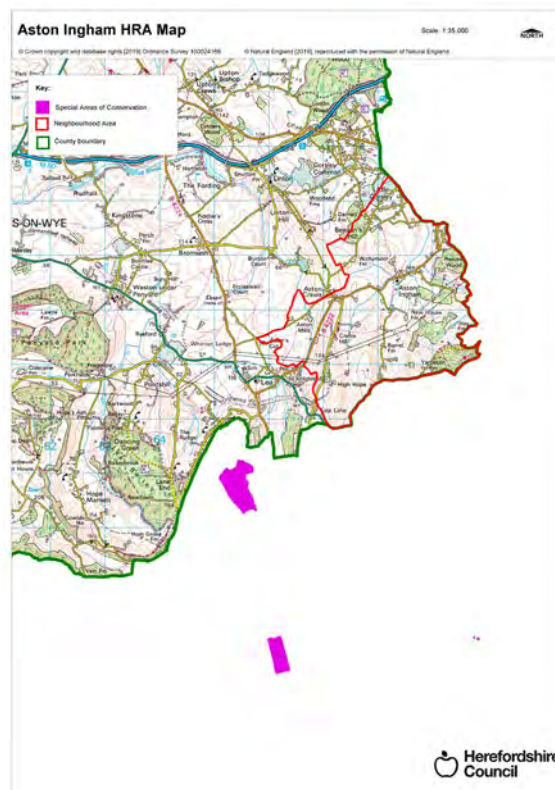
### 3 Stage 2 – Appropriate Assessment

3.1 As highlighted above the Aston Ingham Neighbourhood Plan is to be subject to a Stage 2 Appropriate Assessment.

3.2 The initial screening and scoping under on June 2019 has identified that the plan may have potential impacts and effects on the following National Network sites:

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

3.3 The map below shows the Aston Ingham Neighbourhood Area in relation to the SACs.



3.4 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 2019 found the River Wye (including Lugg) SAC is 6.3km away and is west of the neighbourhood area, however, it falls within the hydrological catchment of the River Wye (including the River Lugg) SAC. The neighbourhood area is also within 10km of the Wye Valley and Forest of Dean Bat sites and is approximately 1.6km away from the neighbourhood area. 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
  - Twait 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 runoff.
- 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 Aston Ingham Initial Screening Report. The Initial Screening Report, June 2019, 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 Aston Ingham Neighbourhood Plan may affect site integrity.
- 4.21 The initial screening assessment indicated that a full screening assessment is required to assessment 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 Aston Ingham NDP.

## **5 Description of the Aston Ingham Neighbourhood Plan**

- 5.1 The submission Aston Ingham 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 4 objectives to realise their vision.
- 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 a site allocation and settlement boundary was the chosen approach.
- 5.4 The neighbourhood plan sets out 13 general policies on a variety of topic bases areas and 1 site allocation or specific site related policies. These include:
- AST1 Landscape
  - ATS2 Biodiversity
  - ATS3 Building Design
  - ATS4 Aston Ingham village settlement boundary
  - ATS5 Land at Ellsmere, Aston Ingham
  - AST6 Housing Mix
  - ATS7 Householder development
  - ATS8 Community Facilities



- ATS9 Communications Infrastructure
- ATS10 Renewable and low carbon energy
- AST11 Surface water and flood risk
- AST12 Small scale employment
- ATS13 Agricultural and forestry development

5.5 An initial Appropriate Assessment was subject to consultation from 10 March to 21 April 2020. Historic England was the only statutory consultee to make a representation this is detailed in Appendix 2. The response given was supportive of our current approach including references to the historic landscape and townscape quality, the maintenance of the Herefordshire SMR and conservation and wherever possible enhancement of locally significant heritage assets.

5.6 Following the Regulation 14 consultation the plan has been revised by the parish council and their community. Significant amendments have been made to Policy ATS5 Land at Ellsmere, Aston Ingham. With this in mind this policy, which indicated a potential likely significant effect previously, has been reassessed.

## **6 Assessing the impacts of the Submission Aston Ingham 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 2019.

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 areas neighbourhood plans in Herefordshire are:

- Linton – adopted
- Lea– 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 Aston Ingham 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.

6.9 Policy AST2 Biodiversity, within Aston Ingham NDP Policy require 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.

- 6.10 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.
- 6.11 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 granted 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.
- 6.12 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.
- 6.13 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 Aston Ingham neighbourhood area and this specific site allocation. At present (March 2022) the catchment of the Lower Wye is not failing its conservation objectives.
- 6.14 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 AST2 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.
- 6.15 Windfall development would be adjudged against the general criteria of the Core Strategy and the Aston Ingham NDP but site allocations have the added benefit of specific site criteria to be met by the development of a wider range of issues.
- 6.16 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.
- 6.17 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 that any potential unknown windfall sites to meet the Core Strategy proportional growth requirements if the site was to be removed.
- 6.18 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 removal provides a range of potential mitigation solutions that could be used and a set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021.

- 6.19 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.
- 6.20 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 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.
- 6.21 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 NDP Policy AST2 Biodiversity, encourages the enhancement and restoration of habitats to the coherence and connectivity of the ecological networks within the parish and county.

## **7 Mitigation measures**

- 7.1 An Appropriate Assessment is being undertaken as the Aston Ingham 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 Aston Ingham 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 Aston Ingham parish are not on mains drainage and will require septic tanks or private works. Aston Igham is served by mains drainage (Nestoril). 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 Farmers 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 Aston Ingham 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 AST2 Biodiversity 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. Aston Ingham 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 Aston Ingham 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 13 policies, 6 are concerned have potential adverse effects.

- ATS4 Aston Ingham village settlement boundary
- ATS5 Land at Ellsmere, Aston Ingham
- ATS9 Communications Infrastructure
- ATS10 Renewable and low carbon energy
- AST12 Small scale employment
- ATS13 Agricultural and forestry development

8.5 Following the amendments made to the plan after the Reg14 consultation additional policy criteria has been added to Policy ATS5 Land at Ellsmere, Aston Ingham regarding the need for development to demonstrate nutrient neutrality. This policy indicates as having potential likely significant effects and therefore has been reassessed;

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

8.7 There is one site allocation: Site at Ellsmere 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.

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

8.9 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.

8.10 The parish is not within a catchment that is currently 'failing' but it is considered that there is policy criteria added within AST2 that requires development to be nutrient Neutral this acts as a policy safeguard for if the Lower Wye catchment did follow that of the current Lugg catchment.

- 8.11 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.
- 8.12 **The results of this Appropriate Assessment indicate that the objectives and policies of the draft Aston Ingham 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 submission Regulation 16 version of the Aston Ingham Neighbourhood Plan. This report will be subject to a 5 week consultation period.

# Appendix 1



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

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

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

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<b>Neighbourhood Area:</b>	Aston Ingham Neighbourhood Area
<b>Parish Council:</b>	Aston Ingham Parish Council
<b>Neighbourhood Area Designation Date:</b>	12 July 2019

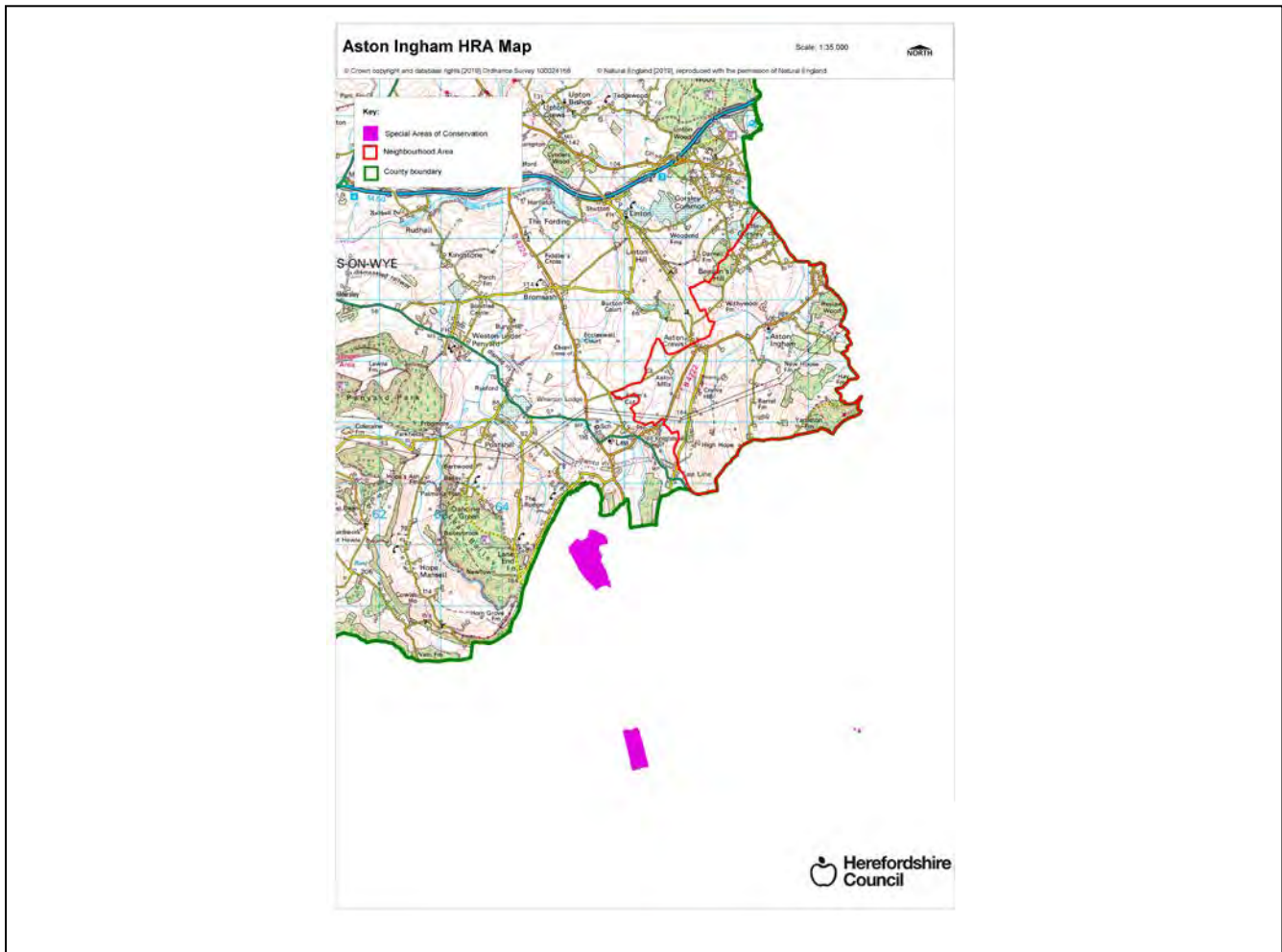
#### Introduction

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

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

## HRA Initial Screening

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



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

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	N	The River Wye (including the Lugg) SAC is 6.3km away from the neighbourhood area.
Is the Neighbourhood Area in the hydrological catchment of the River SAC?	Y	The neighbourhood area is within the Wye catchment area.
Is the Neighbourhood Area in the River Lugg hydrological catchment area?	N	The neighbourhood area is not within the River Lugg catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage at Aston Ingham (Nestoril).

### Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downtown Gorge SAC is 54.5km away from the neighbourhood area.
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**River Clun SAC:**

Does the River Clun border the Neighbourhood Area	N	The River Clun SAC does not border the neighbourhood area.
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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 Wye Valley and Forest of Dean Bat Sites SAC is 1.6km away from the neighbourhood area.
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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 Wye Valley Woodlands SAC is 11km away from the neighbourhood area
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**HRA Conclusion:**

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

**European Site**

*(List only those which are relevant)*

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

SEA features	Within Neighbourhood Area		Bordering Neighbourhood Area	
	Total number	Name(s)	Total number	Name(s)
Ancient Woodland	4	Withymoor Wood; Reslaw Wood; Newhouse Wood; Moate Wood.	9	Acorn Wood/Apple Tree Grove; Newent Woods; Hay Wood; Beech Grove; Old Farm Wood; Howley Grove; Cornage Wood; Castle Hill/Cherry Woods; Pound Farm Wood.
Areas of Outstanding Natural Beauty (AONB)	0	-	0	-
Conservation Areas	0	-	0	-
Flood Areas	Flood Zones 2 and 3 are in the east and the west of the Neighbourhood Area.			
Geoparks	1	Malvern Hills Geopark.	0	-
Listed Buildings	There are numerous listed buildings within the Neighbourhood Area.			
Local Geological Sites (LGS)	0	-	3	Greens Quarry; M50 Section 2; Motorway Quarry (Linton Wood Quarry).
Local Wildlife Sites (LWS)	5	Withymoor & Baldwin Wood; Aston Ingham Meadows; Reslaw & New House Wood and adjoining woodlands;	5	Howley Grange; Marsh near Hay Grove Farm; Lilly Hall Orchards; Fields near Norton Farm;

		Meadows near Coldwell Cottage; May Hill.		Linton Quarry.		
Mineral Reserves	0	-	0	-		
National Nature Reserve (NNR)	0	-	0	-		
Nature Trails	0	-	0	-		
Registered Parks and Gardens	0	-	0	-		
Scheduled Ancient Monuments (SAM)	0	-	1	Roman town of Ariconium.		
Sites of Importance in Nature Conservation (SINC)	0	-	0	-		
Special Areas of Conservation (SAC)	0	-	1	Wye Valley and Forest of Dean Bat Sites.		
Unregistered parks and gardens	0	-	1	Burton Court, Linton.		
			<b>SSSI Status</b>		<b>SSSI Status</b>	
Sites of Special Scientific Interest (SSSI)	1	Aston Ingham Meadows.	Favourable.	3	Linton Quarry; May Hill; Hobbs Quarry, Longhope.	Unfavourable Declining; Unfavourable Recovering; Favourable.

**Decision Notification:**

The initial screening highlights that the Neighbourhood Development Plan for the Aston Ingham Neighbourhood Area:

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

**Assessment date: 12 June 2019**

**Assessed by: James Latham**

## Appendix 1: European Sites

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

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

### Wye Valley and Forest of Dean Bat Sites

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

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

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

NDPs closest to the European Site will need to consider:

Woodland habitat buffer.

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

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

### Wye Valley Woodlands

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

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

# Appendix 2



## Neighbourhood Planning Team

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**From:** Boland, Peter <Peter.Boland@HistoricEngland.org.uk>  
**Sent:** 20 April 2020 11:20  
**To:** Neighbourhood Planning Team  
**Cc:** Dean, Adam  
**Subject:** Herefordshire SEA Scoping Reports

**CAUTION:** This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hello James,

Please excuse the format due to my currently working from home and please see below the Historic England response to your scoping consultation of 10/03/2020.

### **CONSULTATION ON SEA SCOPING REPORTS FOR ASTON INGHAM; EDWYN RALPH; KINGTON AREA; STOKE LACY NEIGHBOURHOOD PLANS**

Thank you for the invitation to comment on the SEA Scoping Reports for the Neighbourhood Plans listed above. We have no substantive objection to the contents of the documents.

The SEA Frameworks sections of the SEAs are generally commendable in their approach of including references to historic landscape and townscape quality, the maintenance of the Herefordshire SMR and conservation and wherever possible enhancement of locally significant heritage assets.

I hope this is helpful.

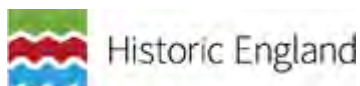
Yours sincerely,

Pete Boland.

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# Appendix 3

**Neighbourhood Plan Policy Screening – Aston Ingham Neighbourhood Plan**

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely adverse effects LAE (Yes/ No and state how)</b>
<b>AST1 Landscape</b>	<p>Policy itself will not lead to development</p> <p>Policy is seeking to enhance and or protect the natural environment in general.</p>	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 landscape of the parish.
<b>ATS2 Biodiversity</b>	<p>Policy itself will not lead to development</p> <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>	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 biodiversity of the parish.
<b>ATS3 Building Design</b>	Policy itself will not lead to development, instead, this sets out criteria for housing design in the parish.	None identified.	No LAE. This policy does not lead to the development itself. This policy sets out criteria to ensure development is well design and in keeping with existing built and natural environment.
<b>ATS4 Aston Ingham village settlement boundary</b>	This sets out a settlement boundary for development in Aston Ingham. Developments will be subject to a planning applications.	<p>Seeking to deliver proportional growth during the plan period within a settlement boundary</p> <p>Increased traffic</p>	LAE. The policy is seeking to deliver dwellings within defined settlement boundaries of Aston Ingham.

Policy Number	Potential effect	In-combination effects	Likely adverse effects LAE (Yes/ No and state how)
		Increased demand on water abstraction Increase demand on sewerage treatment	
<b>ATS5 Land at Ellsmere, Aston Ingham</b>	The policy and site allocation could have a likely to have an impact on water quality. The site drains into the River Leadon which is within the Severn catchment and not the Wye. However the site is still in proximity to the wye Valley and Forest of Dean Bat sites SAC.	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 environmental quality.
<b>AST6 Housing Mix</b>	Policy itself will not lead to development, instead this sets out criteria to ensure a mix of housing in the parish is achieved.	None identified.	No LAE. This policy does not lead to development itself. This policy sets out criteria to ensure there is a mix of tenures, types and sizes of dwelling in the parish.
<b>ATS7 Householder development</b>	Policy itself will not lead to development, instead this sets out criteria for housing development in the parish is achieved.	None identified.	No LAE. This policy does not lead to development itself. This policy provides criteria for new householder development to ensure this is appropriate to its setting.

Policy Number	Potential effect	In-combination effects	Likely adverse effects LAE (Yes/ No and state how)
<b>ATS8 Community Facilities</b>	Policy is seeking to conserve, enhance or protect the built, natural and/or historic environment. This policy protects the use existing community facilities in the neighbourhood area.	None identified.	No LAE. This policy is seeking to conserve, enhance or protect the built environment. This policy is seeking to safeguard existing community facilities over the lifetime of a neighbourhood plan.
<b>ATS9 Communications Infrastructure</b>	The location of the development is currently unknown, its implementation will be subject to a planning application.	Increased movement Increase disturbance /noise	LAE. This sets out criteria for future communications infrastructure. The location of any development is yet to be known.
<b>ATS10 Renewable and low carbon energy</b>	The location of the development is currently unknown, its implementation will be subject to a planning application.	Increased movement Increase disturbance /noise	LAE. This sets out criteria for future renewable energy and low carbon energy schemes. The location of any development is yet to be known.
<b>AST11 Surface water and flood risk</b>	Policy itself will not lead to development. But includes criteria to minimise and mitigate flood risk and appropriate drainage.	Policy is seeking applicants to consider flooding and drainage issues as part of any scheme and encouraging systems for biodiversity	No LAE Schemes could have a positive effect on flooding and drainage issues.

Policy Number	Potential effect	In-combination effects	Likely adverse effects LAE (Yes/ No and state how)
<b>AST12 Small scale employment</b>	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support local employment opportunities  Increased traffic Increased demand for water abstraction and sewerage treatment	LAE. The locations of the rural business development is yet to be known.
<b>ATS13 Agricultural and forestry development</b>	The location of the development is currently unknown, its implementation will be subject to a planning application.	Increased traffic Increased demand on water abstraction Increased demand on sewage treatment Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LAE. The locations of any development is yet to be known. The policy will result in development of agricultural and forestry enterprises. Criteria contained within this policy proposes to guiding development away from the sensitive sites.

# Appendix 4

**Consultation date: 3 May to 15 June 2022**

**Consultation title:** Aston Ingham Neighbourhood Development Plan (Reg14)

*N.B. This consultation feedback is **only** for comments received on the Appropriate Assessment*

Consultee	Summary of Comments	Response to Comments
Natural England	No comments received	
Heritage England	No comments received	
Environment Agency	It is noted that Aston Ingham falls within the Lower Wye catchment area and, although this area is not failing its water quality objectives at present, an AA has been undertaken in light of recent comments from Natural England (NE). As confirmed within the AA document the most significant issue within the River Wye SAC Catchment (included the River Lugg) relates to water quality and the potential impact of policies and site allocations within the NDP's. In this instance, as stated above, Aston Ingham falls in the Lower Wye Catchment and in an area that is not currently failing its water quality objectives. Therefore, we would raise no concerns at this time.	N/A
Natural Resources Wales	No comments received	



# Appendix 5

## Appropriate Assessment policy assessment – Aston Ingham Neighbourhood Plan

### Neighbourhood Plan Policy: ATS5 Land at Ellsmere, Aston Ingham

Adverse significant effect – foul water, surface water, water quality in the river.  
Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is mains drainage within the villages of Aston Ingham. Therefore, the areas within the site allocation is covered by the main sewerage area. The site drains east to the Leadon which is in the catchment of the Severn. 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	<p>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.</p> <p>The Levelling Up and Regeneration Bill will place a statutory duty to upgrade wastewater treatment works to the highest technically limits by 2030. This will have a positive impact on the catchment in general.</p>
Natural England Nutrient Mitigation Scheme	<p>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.</p> <p>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.</p>
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.
Interim Phosphate Plan Stage 2	<p>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</p> <p><a href="https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary">https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary</a></p>

Other considerations	The parish is located 6.3 km from the River Wye. Policy AST2, seeks to conserve and protect and enhance the landscape, biodiversity and geodiversity within the parish, including watercourses. Policy included in this NDP ensures 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 AST11 (Surface water and flood risk) 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, and the fact that the site drains into the River Leadon which is a tributary of the River Severn it is considered that the NDP has included policy regarding the safeguarding of the River Wye SAC. Policies AST2 and AST11 have included criteria to ensure water quality through appropriate development and include nutrient neutrality criteria to policy ensuring there is appropriate foul and surface water management strategy with planning applications. This ensures that there are no adverse effects of the development plan policies have been removed. Therefore there are no residual outstanding effects from this site allocation policy.

**Conclusion** – This site allocation policy within the plan does not directly lead to development. All sites within the boundary and housing within the ‘open countryside’ require a planning application. NDP policies AST2 and AST11 so developments require foul and surface management strategy and development draining into the River Wye catchment should demonstrate they are nutrient neutral. All future development will require a planning application, which demonstrates that the Policy SD3, SD4 and Policy AST2 and AST11 have been met, and taking into account the mitigation measures highlighted above it is concluded that no adverse significant effects would result with regards to this site allocation policy ATS5 Land at Ellsmere, Aston Ingham.

The amendment of the policy to ensure that the proposal includes public open space as shown on Plan 5 which incorporates a management plan for the conservation, restoration and enhancement of the remaining traditional orchard priority habitat as a community orchard and of land within Flood Zones 2 and 3, has ensured that it positively addresses avoiding, managing and reducing flood risk and can only limit adverse effects further.