

# Appropriate Assessment

Report for:

Stoke Lacy Neighbourhood Area

November 2022



# **Stoke Lacy Neighbourhood Plan**

## **Appropriate Assessment Post Examination**

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## Executive summary

This report addresses the Appropriate Assessment (AA) stage of the HRA and considers the likely significant effects on the integrity of the River Wye (including the River Lugg) SAC. 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 Stoke Lacy Neighbourhood Plan through to adoption. A previous AA has been undertaken and this assessed the draft plan policies.

The initial Screening report January 2020 found that the River Wye (including the River Lugg) SAC is located 7km away from the parish boundary, the parish is however within the Lugg hydrological catchment.

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

One site allocation within Stoke Lacy parish have also been assessed. It should be borne in mind that site allocations do not grant planning permission and all site allocations will be subject to a more detailed assessment at planning application stage.

The most significant issue with the Wye catchment is regarding water quality and these issues form the majority of the assessment of these policies. The proximity of the Wye has resulted in no direct disturbance on the qualifying feature of the SAC from the policies within the development plan.

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

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 when the mitigation and avoidance measures have been taken into account.**

## 1 Introduction

- 1.1 This report address the Appropriate Assessment (AA) stage of the HRA and considers the likely significant effects on the integrity of the River Wye (including the River Lugg) SAC.
- 1.2 It outlines the tasks undertaken, the findings and recommendations to support the Stoke Lacy Neighbourhood Plan through to adoption.
- 1.3 A previous Appropriate Assessment has been undertaken on the Stoke Lacy Neighbourhood Plan, this report has now been updated following the examination.
- 1.4 Stoke Lacy Parish Council has produced Neighbourhood Plan for Stoke Lacy 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 has recently been subject to an independent examination and some modifications have been made. The plan now needs to be subject to a referendum and, if positive, adoption.
- 1.5 Below shows a map of the neighbourhood plan area.



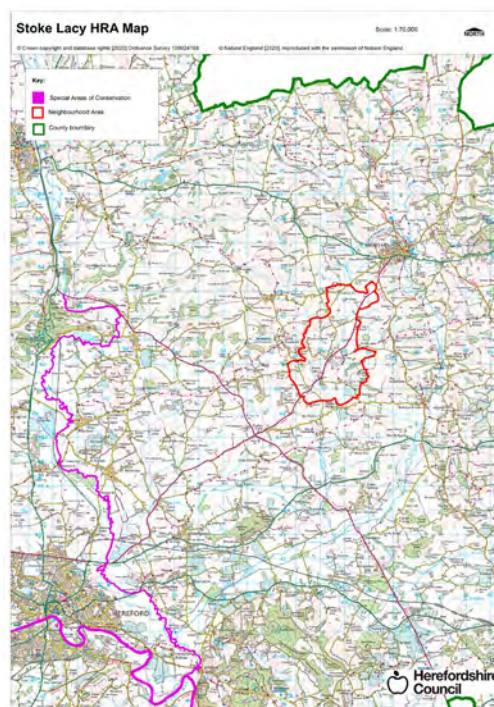
## 2 Requirement for the HRA

- 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, Stoke Lacy Parish Council is required by law to carry out an assessment known as “Habitats Regulations Assessment”. It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.

- 2.2 Herefordshire Council is aware of the recent judgment (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an Appropriate Assessment. It is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a National Network site at the screening stage. The initial screening undertaken in January 2020 and concluded that a full HRA would be required
- 2.3 The Co-operation Mobilisation (The Dutch case) ruling will also have an impact on Herefordshire in the areas within the catchment of the River Lugg. As this Neighbourhood Area is within the River Frome catchment which is part of the Lugg catchment a Stage 2 Appropriate Assessment has been undertaken to include a range of potential mitigation.
- 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 Stoke Lacy Neighbourhood Plan is to be subject to a Stage 2 Appropriate Assessment.
- 3.2 The initial screening and scoping under on January 2020 has identified that the plan may have potential impacts and effects on the following National Network sites:
- River Wye (including the River Lugg) SAC
- 3.3 The map below shows the Stoke Lacy Neighbourhood Area in relation to the River Wye SAC:



- 3.4 Previous Habitat Regulation Assessments have been undertaken in 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 Recent advice and responses to plans within the River Wye and River Lugg catchment have indicated that further Appropriate Assessment work is required specifically to consider the impact of any Neighbourhood Plan on water quality within the catchment. It is therefore considered as the neighbourhood area is within the River Frome catchment that is a tributary of the River Lugg that an Appropriate Assessment is undertaken here.
- 3.6 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 January 2020 found that the Neighbourhood Area is 7km away for 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 is 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**

- 4.8 The River Lugg is considered to be 'failing' its water quality targets because it has exceeded the phosphate limit over 3 years testing period. Testing is undertaken between March and September by the Environment Agency. Although the Lower Wye is at risk of failing, it has currently not been declared as 'failing'
- 4.9 Phosphorous enter the river via two distinct avenues: point source pollution (waste water treatment works 'WWTW') and diffuse source pollution (run off from roads and agricultural).
- 4.10 Discharges from WWTW are monitored and controlled by the issuing of Permitted Discharge Consents but diffuse pollution depends upon a number of different factors including land management, stock near to rivers and run off.
- 4.11 The Wye and Lugg Monitoring Dashboard indicates that as 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.
- 4.12 In 2021, the sewerage treatment works within the Lugg catchment area were reporting 100% compliance with phosphate limits.

- 4.13 For the Upper Wye (at Carrots Pool, Hereford) it is within target at 0.0193mg/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.

## **5 Description of the Stoke Lacy Neighbourhood Plan**

- 5.1 The draft Stoke Lacy Neighbourhood Plan presents detailed policies for development in the Neighbourhood Area up to 2031. All neighbourhood plans are required to be in general conformity with the adopted Herefordshire Core Strategy. Proportional growth for development is contained within the Core Strategy Policy RA1 and RA2 and neighbourhood plans will seek to allocate this proportional of development to be in conformity with the Core Strategy.
- 5.2 The Plan begins by highlighting its issues. It then details the vision for the parish over the plan period until 2031 together with 7 objectives to realise that 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. All of which indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core Strategy. Five options were considered in total.
- 5.4 The draft neighbourhood plan set out 9 general policies on a variety of topic bases areas and 2 site allocation or specific site related policies. These include:
- Policy SL1 Protecting and Enhancing Local Landscape Character and Biodiversity
  - Policy SL2 Local Green Space
  - Policy SL3 Public Open Space
  - Policy SL4 Protecting Heritage and Local Built Character
  - Policy SL5 Promoting Innovation and Sustainable Design
  - Policy SL6 Tourism and Rural Enterprise
  - Policy SL7/1 Employment use allocation
  - Policy SL8 Improving Accessibly and Sustainable Travel
  - Policy SL9 Development within the Settlement Boundary
  - Policy SL9/1 Housing Allocation
  - Policy SL10 Housing Mix
- 5.5 The first report assesses the policies as at November 2021. Following the Regulation 14 consultation the plan has been revised by the parish council and their community. A number of new policies have been added and some policies subject to minor amendments.
- 5.6 For clarity, all policies have been reassessed in this version of the report; the policies included within the submission Stoke Lacy NDP are as follows:
- Policy SL1 Protecting & Enhancing Local Landscape Character & Biodiversity



- Policy SL2 River Wye Special Area of Conservation (SAC) (new policy)
- Policy SL3 Community facilities (new policy)
- Policy SL4 Local Green Space (minor wording, previously Policy SL2)
- Policy SL5 Public Open Space (minor wording, previously Policy SL3)
- Policy SL6 Pattern and Layout of Buildings (new policy, previously SL4)
- Policy SL7 Green Infrastructure (new policy, previously SL4)
- Policy SL8 Detailing and Materials (new policy, previously SL4)
- Policy SL9 Conversions, Extensions and Infill (new policy, previously SL4)
- Policy SL10 Promoting Innovation and Sustainable Design
- Policy SL11 Employment site (new policy)
- Policy SL12 Agricultural buildings and polytunnels (new policy)
- Policy SL13 Proposals for New Renewable Energy Technology Schemes (new)
- Policy SL14 Tourism and Rural Enterprise
- Policy SL15 Improving Accessibly and Sustainable Travel
- Policy SL16 Development within the Settlement Boundary
- Policy SL16/1 Housing Allocation – Crossfield House, Stoke Cross
- Policy SL17 Housing Mix

5.9 The plan reached examination stage in August 2022 and nine policies have been modified as a result of the examination. These are Policy SL1, SL3, SL4 (including a slight amendment to the policy map to exclude the Church building from the Churchyard LDS, which does not change the overall meaning of the mapped area), SL14 (now SL10) and SL17 (now SL13). These policies have received modifications that are minor rewording or reordering of wording, however the meaning or the outcome of the policy has not been affected or changed. Policies SL11 (now SL7), SL12 (now SL8), SL16 (now SL12) and new Policy SL6 (which replaces policies SL6-SL10 which have been deleted) received more significant modification.

## **6 Assessing the impacts of the in combination effects of the Stoke Lacy Neighbourhood Plan**

- 6.1 Each of the policies and proposals of the neighbourhood plan have been considered in more detail to ascertain whether the impacts are likely to have a significant effect on the site integrity and in combination with other neighbourhood plans and policies.
- 6.2 There are a number of potentially relevant plans and projects which may result in in-combination effects with the Core Strategy across Herefordshire, these plans have been reviewed and can be found in Appendix 2 of the HRA of the Core Strategy and specifically for this neighbourhood plan in the Stage A report dated March 2020.
- 6.3 In terms of growth, the neighbourhood plan does not contribute above and beyond the growth targets for the housing market area requirements as set out within the Core Strategy.

- 6.4 The adjoining area neighbourhood plan are:
- Bromyard and Winslow – no NDP
  - Avenbury – No NDP
  - Bishops Frome – adopted
  - Much Cowarne – No NDP
  - Ocle Pychard – adopted
  - Pencombe – drafting
- 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 Stoke Lacy Neighbourhood Plan will have any in-combination effects with any plans from neighbouring parish councils as the level of growth proposed is the same as that proposed for the Bromyard Housing Market Area in the Herefordshire Core Strategy.
- 6.8 A matrix has been used to assess all the policies and proposals within the neighbourhood plan and full details can be seen in appendix 3.

## **7 Mitigation measures**

- 7.1 An Appropriate Assessment is being undertaken as the Stoke Lacy Neighbourhood Plan is located within the River Wye catchment area and consideration of mitigation requires consideration within an Appropriate Assessment. Clearly, water quality within the SAC is the predominate issue here and this is reflected within the assessment undertaken.
- 7.2 It is therefore the ability to consider any potential mitigation measures, which could be, applied that would reduce the likely significant effects on the integrity of the site. The following potential mitigation measures are indicated below. The summary of findings will indicate if any of these are relevant to the Stoke Lacy NDP.

### **Policy SD4**

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

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

### **Waste Water Sewage Treatment works**

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

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

- 7.7 It is however, noted that the treatment works within the village does not cover all of the properties within the village or the parish. Septic tanks or private works serve the majority of the properties within the parish. Therefore, this is not a mitigate measure that can be used within this NDP area but it will provide some reduction in phosphate levels within the river catchment area. It is also acknowledged that 49% of the phosphate can be sources to the sewerage treatment works, and 37% is attributed to agriculture.

- 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 Stoke Lacy 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.
- 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 likely significant effects of the Stoke Lacy Neighbourhood Plan on the following National Network Sites

- River Wye (including the River Lugg) SAC

8.2 The neighbourhood area falls within the Frome catchment area which forms part of the wider River Lugg catchment and failing its water quality objectives at present, an Appropriate Assessment is being undertaken in light of recent comments from Natural England.

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

8.4 After an initial screening 6 policies are concerned to have potential likely significant effects.

- Policy SL9 Conversions, Extensions and Infill
- Policy SL12 Agricultural buildings and polytunnels
- Policy SL13 Proposals for New Renewable Energy Technology Schemes
- Policy SL14 Tourism and Rural Enterprise
- Policy SL16 Development within the Settlement Boundary
- Policy SL16/1 Housing Allocation

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

- 8.6 The site allocation at Crossfield House has also been assessed. It should be borne in mind that site allocations do not grant planning permission and all site allocations will be subject to a more detailed assessment at planning application stage.
- 8.7 The most significant issue is regarding water quality and these is the forms the majority of the assessment of these policies.
- 8.8 At this stage the appropriate mitigation measures can also be considered against each of the policies. The table with appendix 3 indicates where this has been the case. Herefordshire Council are investigate a wide range of mitigation measures and working with partners to resolved the current water quality issues within the Lugg catchment and are minded to the water quality within the Upper and Lower Wye catchment areas.
- 8.9 The Appropriate Assessment undertaken does not rely on the Nutrient Management Plan or the Policy SD4 alone.
- 8.10 The addition of a local criteria within the Stoke Lacy NDP Policy SL2 is requiring all developments to provide clear and robust evidence so that they can demonstrate a nutrient neutral development. Without this, planning permission will not be granted. In terms of development plan policy, this is certain, a site allocation does not grant permission.
- 8.11 The inclusion of the policy is aiming to achieve that all developments will be nutrient neutral but some of the solutions are likely to be provided outside of the neighbourhood plan area. Therefore it is not practical at this stage in include the requirement that the NDP should be nutrient neutral within their own area when some solution will include wetland provision upstream.
- 8.12 The Council are currently engaged with partners in securing a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been granted for the first one in Luston (P21357/F).
- 8.13 It is not possible, or appropriate, at this stage to provide all the details to parish councils to include within their Neighbourhood Development Plans as the technical and scientific work is still progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.
- 8.14 It is also not feasible to suggest that every NDP area or site allocation within NDP should have their own wetland solution. The integrated wetlands are a mitigation measure across the catchment area which will provide a solution via a phosphate credit scheme to sites downstream of the wetlands. The Luston wetland is higher up in the catchment than the Stoke Lacy neighbourhood area and the specific site allocation.
- 8.15 Additional mitigation measures may be appropriate and those options are outlined in the Interim Phosphate Plan – Stage 2. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy SL2 requires applications to clearly and robustly demonstrate that an option for nutrient neutrality is available in order to secure planning permission. This requirement would be the same for a windfall site as site allocation.

- 8.16 The *Interim Phosphate Delivery Plan Stage 2 – Mitigation options for phosphate removal* provides a range of potential mitigation solutions that could be used and a set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021. The *Interim Phosphate Delivery Plan Stage 1* provides guidance to calculating the phosphate budget for new developers with a phosphate calculate tool.
- 8.17 Regular position statements are placed on the Council's website to update developers and applicants for the requirements to demonstrate nutrient neutrality and the options for this.
- 8.18 As the work is ongoing and moving at a pace, it is considered that the best and most accurate guidance for developers on the options to achieve nutrient neutrality is within these guidance documents on the website and not specifically within the NDP policy or text. This is because during the plan period, methods could be refined and solutions that are more appropriate found. The guidance notes and website can easily respond to this update unlike the supporting text of the neighbourhood plan.
- 8.19 The examination of the NDP has amended a number of the policies, SL12 (now SL8), SL14 (now SL10) and SL16 (now SL12) have been amended and are subject to screening. A new policy has been created (SL6 Achieving and Promoting Good and Sustainable Design in Development, replacing SL6-SL10), however this does not require screening. The three policies likely to have a significant effect have been reassessed within appendix 6.
- 8.20 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
- 8.21 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.
- 8.22 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 when the mitigation and avoidance measures have been taken into account. Outlined in section 6 and 7 of this assessment.
- 8.23 **The results of this Appropriate Assessment indicate there will not be an adverse effect on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been taken into account.**

## 9 Consultation

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

# 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>	Stoke Lacy Neighbourhood Area
<b>Parish Council:</b>	Stoke Lacy Parish Council
<b>Neighbourhood Area Designation Date:</b>	8 January 2020

#### 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 7km away from the neighbourhood area.
Is the Neighbourhood Area in the hydrological catchment of the River Wye SAC?	N	The neighbourhood area is not within the River Wye catchment area.
Is the Neighbourhood Area in the River Lugg hydrological catchment area?	Y	The neighbourhood area is within the River Frome (leading to the Lugg) catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage at Stoke Lacy Westbury and Stoke Lacy Cricks Green

**Downton Gorge SAC:**

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downtown Gorge SAC is 27.5km 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?	N	The Wye Valley and Forest of Dean Bat Sites SAC is 28.5km 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 33.1km 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 Stoke Lacy Neighbourhood Area and a Full HRA Screening will be required.

**European Site**

*(List only those which are relevant)*

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

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

The following environmental features are within or in general proximity to the Stoke Lacy 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	2	Huddle Wood; Hopton Dingle.	5	Hanging Covert; Bromtrees Coppice; Jordans Coppice; Redhill Coppice; Far Ash Coppice.
Areas of Outstanding Natural Beauty (AONB)	0	-	0	-
Conservation Areas	1	Stoke Lacy.	2	Ullingswick; Bromyard.
Flood Areas	Flood Zones 2 and 3 are within the Neighbourhood Area			
Geoparks	0	-	0	-
Listed Buildings	There are numerous listed building throughout the Neighbourhood Area			
Local Geological Sites (LGS)	0	-	0	-
Local Wildlife Sites (LWS)	2	Gravel Pit near Tuthill Farm; Hopton Dingle.	2	Jordans Coppice; Woodland east of Little Merrifield; Cowarne Wood.
Mineral Reserves	2	Grove Farm to Newton Farm to Tuthill Farm; South of Little Cowarne, Crossways to Starpits Farm, Much Cowarne.	1	South of Little Cowarne, Hundred Bank Cottage to Mount Pleasant.
National Nature Reserve (NNR)	0	-	0	-
Nature Trails	1	Bromyard Walks.	2	Three Rivers Ride;

				Herefordshire Trail.
Registered Parks and Gardens	0	-	0	-
Scheduled Ancient Monuments (SAM)	0	-	0	-
Sites of Importance in Nature Conservation (SINC)	0	-	0	-
Special Areas of Conservation (SAC)	0	-	0	-
Unregistered parks and gardens	0	-	1	Birchyfield
			<b>SSSI Status</b>	
Sites of Special Scientific Interest (SSSI)	0	-	-	0
				<b>SSSI Status</b>

**Decision Notification:**

The initial screening highlights that the Neighbourhood Development Plan for the Stoke Lacy Neighbourhood Area:

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

**Assessment date: 24 January 2020**

**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



**Latham, James**

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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.

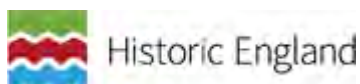
Yours sincerely,

Pete Boland.

Historic Places Adviser | West Midlands  
Historic England | The Axis  
10 Holliday Street | Birmingham B1 1TF

Tel: 0121 625 6887

[www.HistoricEngland.org.uk](http://www.HistoricEngland.org.uk) | [@HistoricEngland](https://twitter.com/HistoricEngland)



# Appendix 3a

**Neighbourhood Plan Policy Screening – Stoke Lacy Neighbourhood Plan**

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
Policy SL1 Protecting and Enhancing Local Landscape Character and Biodiversity	Policy itself will not lead to development  Policy is guiding development away from the sensitive site  Policy is seeking to enhance and or protect the natural environment in general	This will have a positive effect. The policy includes the requirement for development to be nutrient neutral and enhance biodiversity.	No, the policy is seeking to protect designated and priority features
Policy SL2 Local Green Spaces	Policy itself will not lead to development  Policy is guiding development away from the sensitive site  Policy is seeking to enhance and or protect the natural environment in general	This will have a positive effect	No, the policy is seeking to protect two Local Green Spaces
Policy SL3 Public Open Space	Policy itself will not lead to development  Policy is guiding development away from the sensitive site  Policy is seeking to enhance and or protect the natural environment in general	This will have a positive effect	No, the policy is seeking to protect public open space

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
Policy SL4 Protecting Heritage and Local Built Character	Policy itself will not lead to development  Policy is guiding development away from the sensitive site  Policy is seeking to conserve, enhance or protect the built, natural and/or historic environment	This will have a positive effect	No, the policy is seeking to protect designated and priority features
Policy SL5 Promoting innovation and Sustainable Design	Policy itself will not lead to development	This will have a positive effect	No, the policy is seeking to protect designated and priority features
Policy SL6 Tourism and Rural Enterprise	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support local business opportunities  Increased traffic Increased demand for water abstraction and sewerage treatment	LSE The locations of the development is yet to be known
Policy SL7/1 Site allocation Barn Conversion for Employment use at Hopton Court Farm	The policy could have a likely to have an impact on water quality  The policy could have a likely to have a disturbance effect on the sensitive site	Increase traffic and movement Increase demand for water abstraction and sewerage treatment	LSE  Site allocation
Policy SL8 Improve Accessibility and Sustainable Travel	Policy itself will not lead to development	This is seeing to promote cycling and walking in association with new development	No, the policy is seeking to provide safe access to developments

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
Policy SL9 Development within the Settlement Boundaries	The location of the development is currently unknown, its implementation will be subject to a planning application	Defining the area for potential housing growth  Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LSE The policy is seeking to deliver dwellings within a defined settlement boundaries for Stoke Lacy and Stoke Cross
Policy SL9/1 Site Allocation Crossfield House, Stoke Cross	The policy could have a likely to have an impact on water quality  The policy could have a likely to have a disturbance effect on the sensitive site	Policy for housing development in line with the target within the Core Strategy  Increase traffic and movement Increase demand for water abstraction and sewerage treatment	LSE  Site allocation
Policy SL10 Housing Mix	Policy itself will not lead to development	Policy is to support SL9	No, the policy is concerning the range and mix of development

# Appendix 3b

## Appropriate Assessment policy assessment –Stoke Lacy Neighbourhood Plan

### Policy SL6 Tourism and Rural Enterprise

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Stoke Cross to the north of the main road but this does not cover all of the properties within the settlement. Therefore, some areas within the settlement boundary are not covered by the main sewerage area. There are no mains drainage within Stoke Lacy settlement boundary</p> <p>The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority</p>
WWTW	<p>The proportional growth requirement expected for the Bromyard area is within the Core Strategy and agreed by Welsh Water. The minimum proportional growth for the parish has already been reached.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>However, not all areas within the two settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that about 49% of phosphate is from sewerage treatment.</p>
Integrated Wetlands	<p>A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.</p>
Revised Nutrient Management Plan	<p>A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions in addition to wetlands that could used within the parish. A set of recommendations are included to provide a robust solution to achieve</p>

	<p>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	<p>Stoke Lacy is located some distance from the the River Wye or River Lugg themselves. Its sits within the catchment of the River Lonon which is a tributary of the River Frome. In this location around 37% of the phosphate is sources to agriculture. Both rivers are indicated as in moderate condition.</p> <p>Policy SL1 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.</p>
In-combination policies	<p>The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 and Policy SL1</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SL1 requires all developments to be nutrient neutral</p> <p>Policy SL4 requires the use of SuDs where appropriate</p> <p>Policy SL9 required no detrimental effect on a watercourse and river quality</p>

Residual effects –Work is ongoing to secure a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been made for the first one in Luston (P21357/F).

It is not possible, or appropriate, at this stage to provide all the details to parish councils to include within their Neighbourhood Development Plans as the technical and scientific work is still progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.

It is also not feasible to suggest that every NDP area or site allocation within NDP should have their own wetland solution. The integrated wetlands are a mitigation measure across the catchment area which will provide a solution via a phosphate credit scheme to sites downstream of the wetlands. The Luston wetland is higher up in the catchment than the Stoke Lacy neighbourhood area and the specific site allocations.

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy SL1 requires applications to clearly and robustly





demonstrate that an option for nutrient neutrality is available in order to secure planning permission. This requirement would be the same for a windfall site as site allocation.

Conclusion –There are not residual effects when the wording of SL1 is taken into account.

Policy SL7/1 Site Allocation – Employment Use Hopton Court Farm

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Stoke Cross to the north of the main road but this does not cover this part of the Stoke Lacy parish.</p> <p>A foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority</p>
WWTW	<p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>However, not all areas within the two settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that about 49% of phosphate is from sewerage treatment.</p>
Integrated Wetlands	<p>A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.</p>
Revised Nutrient Management Plan	<p>A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions in addition to wetlands that could used within the parish. A set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021 and can be found on the link below</p> <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	<p>Stoke Lacy is located some distance from the River Wye or River Lugg themselves. Its sits within the catchment of the River Lonon which is a tributary of the River Frome. In this location around 37% of the phosphate</p>

	<p>is sources to agriculture. Both rivers are indicated as in moderate condition.</p> <p>Policy SL1 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.</p>
In-combination policies	<p>The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 and Policy SL1</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SL1 requires all developments to be nutrient neutral</p> <p>Policy SL4 requires the use of SuDs where appropriate</p> <p>Policy SL9 required no detrimental effect on a watercourse and river quality</p>

Residual effects –Work is ongoing to secure a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been made for the first one in Luston (P21357/F).

It is not possible, or appropriate, at this stage to provide all the details to parish councils to include within their Neighbourhood Development Plans as the technical and scientific work is still progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.

It is also not feasible to suggest that every NDP area or site allocation within NDP should have their own wetland solution. The integrated wetlands are a mitigation measure across the catchment area which will provide a solution via a phosphate credit scheme to sites downstream of the wetlands. The Luston wetland is higher up in the catchment than the Stoke Lacy neighbourhood area and the specific site allocations.

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy SL1 requires applications to clearly and robustly demonstrate that an option for nutrient neutrality is available in order to secure planning permission. This requirement would be the same for a windfall site as site allocation.

Conclusion –There are not residual effects when the wording of SL1 is taken into account.

## Policy SL9 Development within the Settlement Boundaries

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

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Stoke Cross to the north of the main road but this does not cover all of the properties within the settlement. Therefore, some areas within the settlement boundary are not covered by the main sewerage area. There are no mains drainage within Stoke Lacy settlement boundary</p> <p>The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority</p>
WWTW	<p>The proportional growth requirement expected for the Bromyard area is within the Core Strategy and agreed by Welsh Water. The minimum proportional growth for the parish has already been reached.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>However, not all areas within the two settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that about 49% of phosphate is from sewerage treatment.</p>
Integrated Wetlands	<p>A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.</p>
Revised Nutrient Management Plan	<p>A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions in addition to wetlands that could used within the parish. A set of recommendations are included to provide a robust solution to achieve nutrient neutral</p>

	<p>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	<p>Stoke Lacy is located some distance from the River Wye or River Lugg themselves. Its sits within the catchment of the River Lonon which is a tributary of the River Frome. In this location around 37% of the phosphate is sources to agriculture. Both rivers are indicated as in moderate condition.</p> <p>Policy SL1 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.</p>
In-combination policies	<p>The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 and Policy SL1</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SL1 requires all developments to be nutrient neutral</p> <p>Policy SL4 requires the use of SuDs where appropriate</p> <p>Policy SL9 required no detrimental effect on a watercourse and river quality</p>

Residual effects –Work is ongoing to secure a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been made for the first one in Luston (P21357/F).

It is not possible, or appropriate, at this stage to provide all the details to parish councils to include within their Neighbourhood Development Plans as the technical and scientific work is still progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.

It is also not feasible to suggest that every NDP area or site allocation within NDP should have their own wetland solution. The integrated wetlands are a mitigation measure across the catchment area which will provide a solution via a phosphate credit scheme to sites downstream of the wetlands. The Luston wetland is higher up in the catchment than the Stoke Lacy neighbourhood area

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy SL1 requires applications to clearly and robustly

demonstrate that an option for nutrient neutrality is available in order to secure planning permission. This requirement would be the same for a windfall site as site allocation.

Conclusion –There are not residual effects when the wording of SL1 and SL9 are taken into account.

Policy SL9/1 Site Allocation Housing – Crossfield House, Stoke Cross

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

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Stoke Cross to the north of the main road but this does not cover this proposal.</p> <p>A foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority</p>
WWTW	<p>The proportional growth requirement expected for the Bromyard area is within the Core Strategy and agreed by Welsh Water. The minimum proportional growth for the parish has already been reached.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>However, not all areas within the two settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that about 49% of phosphate is from sewerage treatment.</p>
Integrated Wetlands	<p>A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.</p>
Revised Nutrient Management Plan	<p>A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions in addition to wetlands that could used within the parish. A set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021 and can be found on the link below</p> <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	<p>Stoke Lacy is located some distance from the River Wye or River Lugg themselves. Its sits within the catchment of the River Lonon which is a tributary of the River Frome. In this location around 37% of the phosphate is sources to agriculture. Both rivers are indicated as in moderate condition.</p> <p>Policy SL1 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.</p>
In-combination policies	<p>The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 and Policy SL1</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SL1 requires all developments to be nutrient neutral</p> <p>Policy SL4 requires the use of SuDs where appropriate</p> <p>Policy SL9 required no detrimental effect on a watercourse and river quality</p>

Residual effects –Work is ongoing to secure a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been made for the first one in Luston (P21357/F).

It is not possible, or appropriate, at this stage to provide all the details to parish councils to include within their Neighbourhood Development Plans as the technical and scientific work is still progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.

It is also not feasible to suggest that every NDP area or site allocation within NDP should have their own wetland solution. The integrated wetlands are a mitigation measure across the catchment area which will provide a solution via a phosphate credit scheme to sites downstream of the wetlands. The Luston wetland is higher up in the catchment than the Stoke Lacy neighbourhood area

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy SL1 requires applications to clearly and robustly demonstrate that an option for nutrient neutrality is available in order to secure planning permission.

Conclusion –There are not residual effects when the wording of SL1 and SL9 are taken into account.



# Appendix 4

**Consultation date: 18 May to 29 June 2022**

**Consultation title:** Stoke Lacy Neighbourhood Development Plan (Reg16)

*N.B. This consultation feedback is **only** for comments received on the HRA/ AA*

Consultee	Summary of Comments	Response to Comments
Natural England	<p>Due to the high volume of Neighbourhood Plans in Herefordshire, Natural England does not have the capacity to provide bespoke responses or to engage proactively. This letter provides our standard position on Neighbourhood Plans in the Lugg catchment.</p> <p>The River Lugg part of the River Wye SAC is exceeding its limits for phosphate. Following the recent Coöperatie Mobilisation judgement (the 'Dutch Case') (Joined Cases C-293/17 and C-294/17), proposals that would increase phosphate levels in the River Lugg part of the River Lugg SAC are deemed to be having an adverse effect on the integrity of the site. Therefore any plan or project that would result in additional phosphate entering the river would have an adverse effect on integrity, unless these impacts are fully mitigated. This includes development looking to connect to mains and discharge its foul waste via Waste water Treatment Works, irrespective of whether the treatment works has the capacity or headroom to accommodate the proposal. An increase in discharge from the treatment works will mean more phosphate entering the river.</p> <p>Nutrient neutrality</p> <p>Development allocated in the plan will have to fully mitigate it's impacts, allowing a conclusion of no adverse effects on integrity in the Habitats Regulations Assessment. One way for development to mitigate its impacts on the River Wye SAC is by being made nutrient neutral. 'Nutrient neutrality' is a means of ensuring that a plan or project does not add to existing nutrient burdens so there is no net increase in nutrients as a result of the plan or project (i.e. it "consumes its own smoke").</p> <p>On 16 March 2022, Natural England wrote to Herefordshire Council with an update to our advice on nutrient neutrality. As a part of this NE provided a nutrient neutrality calculator which developers can use to undertake their calculations. This has been made available on Herefordshire Council's website, along with further guidance for planners and developers – see 'River Lugg catchment development documents'.</p> <p>Natural England advises that if the Neighbourhood Plan wishes to take this approach, it will need to include a policy that requires nutrient neutrality. This policy would need to be underpinned by an appropriate level of evidence to show that it is deliverable. We suggest that more specific the policy and evidence base can be, the more likely it is to meet this test.</p>	Acknowledged and AA to be undertaken on modified policies. Nutrient Neutrality Policy is included within the NDP
Heritage England	Comments received but not specific to the SEA	
Environment Agency	No comment received	
Natural Resources Wales	Comments received but not specific to the SEA	

# Appendix 5

Modifications made following the examination of the Stoke Lacy NDP

Policy	Modification recommended	Justification
<b>Policy SL1</b>	<p>Change the first paragraph of the policy to read:</p> <p>“All relevant development proposals should demonstrate that the area wide and character area specific design principles and Design Codes 02 and 03 have been taken into account.”</p> <p>Change the words “all new build” in paragraph two of the policy to “ all new buildings”</p> <p>Change point 7. of the policy to read:</p> <p>“Existing views of landscape and heritage significance should be respected and used as a placemaking opportunity. A number of Key Public Views of particular importance to the local community have been identified and are shown on Figure 1. Views to the Church in Character Area Stoke Lacy are also important. Where a development proposal would affect these views, appropriate evidence should be submitted with any application to demonstrate how the view has been taken into account and respected.”</p> <p>Delete View 2 from Figure 1: Key Public Views</p>	<p>To ensure the wording is robust and reflects the Design Code</p> <p>To remove a view which is not within the administrative area of the NDP.</p>
<b>Policy SL3</b>	<p>Change the first sentence of the second paragraph of the policy to read:</p> <p>“Proposals involving the loss of the community facilities identified on the Policies Maps or any community facility or local service will be strongly resisted.”</p>	<p>To ensure any future community facilities are also included</p>
<b>Policy SL4</b>	<p>Ensure that the Policies Maps and any other maps exclude the Church building from the Churchyard LGS</p> <p>Change the second paragraph of the policy to read:</p> <p>“Development proposals within the local green spaces will be consistent with national policy for Green Belts.”</p>	<p>To ensure clarity on the policies maps and conformity with the NPPF</p>

<p>Policies SL6 – SL10</p>	<p>Delete Policies SL6 – SL10 inclusive and replace with a new policy “Achieving and Promoting Good and Sustainable Design in Development” that reads:</p> <p>“All development proposals should be designed to a high standard and reflect the special qualities and unique identity of the Plan area. All development proposals should demonstrate how they have taken the relevant Design Codes 01 – 08 in the Design Guidance and Codes document and replicated in Appendix 7 into account. This should be based on an appropriate and proportionate assessment depending on the location, type and scale of proposal.”</p> <p>Change paragraph 6.21 on page 41 of the Plan to read:</p> <p>“The Stoke Lacy Design Guidance and Codes document was produced to inform new development proposed in the area. It includes a character assessment of Stoke Lacy Parish identifying three character areas of CA1 Stoke Lacy Conservation Area and Village, CA2 Stoke Cross and CA3 the Outer Plan Area. It details the key characteristics of each area which make the neighbourhood area a special place to live in and visit. The second part of the document then contains design guidance and design codes to promote sustainable development and guide best practice across the Neighbourhood Plan Area. Policy XX Achieving and Promoting Good and Sustainable Design in Development seeks to promote a high standard of design in the Plan area by referring to the Design Guidance and Codes.</p> <p>There are eight Codes covering 01 Pattern and layout of buildings; 02 Green infrastructure, active travel and open space; 03 Views and landmarks; 04 Architecture and details; 05 Materials; 06 Building modifications, extension, conversion and plot infill; 07 Waste, recycling and utilities; and 08 Sustainability and building performance. It is expected that all development proposals requiring the submission of a planning application will use the Design Guidance and Codes in preparing proposals and that the specific principles in the Codes are taken into account.</p> <p>The Design Guidance and Codes will be used in the assessment of development proposals. It is expected that evidence in the form of a statement or similar will be submitted with the planning application to show how the principles, where relevant and as appropriate, have been taken into account. This statement should be proportionate to the location, type and scale of the proposal.</p>	<p>To reflect the robust nature of the Design Guidance and Codes. Current policies are summarised and paraphrased – modification to ensure all aspects of the Code are taken into account</p>
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	<p>The identified Character Area boundaries, CA1 Stoke Lacy Conservation Area and Village, CA2 Stoke Cross and CA3 the Outer Neighbourhood Plan Area refer to local character assessment and are not the same as the settlement boundaries identified on the Policies Maps in the NDP.”</p> <p>Consequential changes to subsequent policy numbering and so on will be needed</p>	
<p>Policy SL11</p>	<p>Change the policy to read:</p> <p>“The Wye Valley Brewery, Woodend Lane Business Park and the outdoor storage business (on two sites) as identified on Map 3B: Stoke Cross Policies Map are safeguarded as employment land and buildings.</p> <p>Proposals which would result in the loss of these employment sites will only be permitted if all of the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. The development of the site for other uses would not result in an overall shortage in the quantity or quality of employment land supply in the area;</li> <li>2. There would be a net improvement in amenity through the removal of a non-conforming use in a residential area and where the alternative use would offer amenity benefits;</li> <li>3. The proposal would not result in a piecemeal loss of employment land where there is potential for a more comprehensive scheme; and</li> <li>4. The development would not result in unreasonable restrictions placed on existing businesses and facilities or in any way adversely affect their operation without suitable mitigation being provided by the agent of change prior to the completion of development.</li> </ol> <p>In all cases the viability of the development proposal should be confirmed through an assessment and there must be evidence of appropriate marketing for at least 12 months for a change of use and it can be shown that this marketing has been unsuccessful.</p> <p>The provision of complementary uses that help to meet the day-to-day needs of the employment sites and their employees will be permitted where they are of an appropriate scale.”</p>	<p>To be in conformity with national policy and CS Policies SS6 and LD1</p>

Policy SL12	<p>Reword Policy SL12 to read:</p> <p>“The growth and expansion of rural businesses through conversions and well-designed new buildings will be supported where all of the following criteria are met:</p> <ol style="list-style-type: none"> <li>1. The character of the countryside is respected;</li> <li>2. There is an acceptable impact on the amenities of occupiers of neighbouring buildings (including non and residential properties) with particular regard to noise, odour and outlook;</li> <li>3. Any new buildings or structures are carefully sited and designed to minimise visual impacts and impacts on the landscape. This may include the need for larger scale development to be “broken up” through careful design and sensitive use of materials and height;</li> <li>4. Natural materials and an appropriate material colour palette to help blend new buildings into their surroundings are used; and</li> <li>5. Energy and resource efficiency measures are incorporated as appropriate.”</li> </ol>	To aid implementation and help with the flow of the policy
Policy SL14	Add the word “odour” after “...noise...” to point 5.	For completeness



<p>Policy SL16</p>	<p>Change point 1. of the policy to read: "Proposals should be low density and small scale in nature taking account of the relevant Design Code for the Character Area in which they are located.</p> <p>Change paragraph 9.15 on page 60 of the Plan to read:</p> <p>"Policy XX has been prepared to guide new housing development within the settlement boundaries. The settlement boundaries are shown on the Policies Maps, Map 3A and 3B. Residents are concerned that developments should be small in scale and infill rather than comprising major development.</p> <p>The Design Codes also refer to the need for new development to be character-led, meaning that development density should be low and small in scale. In Character Area 01 Stoke Lacy Conservation Area and Village, this means that roadside facing development should be restricted to ones or two and that communal access and development that extends further than one plot back is characteristic. In Character Area 01 Stoke Cross, this means that development dwelling quantities should be restricted to no more than six and no more than two dwellings facing the A465 with a primary elevation. It is important that the relevant Design Code is taken into account.</p> <p>Infill development is development that goes in the gaps between existing buildings and such proposals also should be small in scale. Following the Regulation 14 public consultation the settlement boundaries were amended to improve consistency."</p>	<p>To ensure compatibility with the Design Code.</p>
<p>Policy SL17</p>	<p>Add the words "based on the latest available evidence of housing need" at the end of the first paragraph of the policy</p> <p>Add the words "if evidenced by the latest available housing needs and viability considerations" at the end of the second paragraph of the policy</p>	<p>To ensure that it is based on the latest available evidence of local needs and viability considerations.</p>

# Appendix 6

**Neighbourhood Plan Policy Screening – Stoke Lacy Neighbourhood Plan**

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
Policy SL6  Achieving and Promoting Good and Sustainable Design in Development.	Policy itself will not lead to development  Policy is guiding development away from the sensitive site  Policy is seeking to conserve, enhance or protect the built, natural and/or historic environment	This will have a positive effect	No, the policy is seeking to protect designated and priority features
Policy SL12 (now SL8) Agricultural buildings and polytunnels	The location of the development is currently unknown, its implementation will be subject to a planning application		LSE The locations of the development is yet to be known
Policy SL14 (now SL10)  Tourism and Rural Enterprise	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support local business opportunities  Increased traffic Increased demand for water abstraction and sewerage treatment	LSE The locations of the development is yet to be known
Policy SL16 (now SL12)  Development within the Settlement Boundaries	The location of the development is currently unknown, its implementation will be subject to a planning application	Defining the area for potential housing growth  Increased traffic Increased demand on water abstraction	LSE The policy is seeking to deliver dwellings within a defined settlement boundaries for Stoke Lacy and Stoke Cross

<b>Policy Number</b>	<b>Potential effect</b>	<b>In-combination effects</b>	<b>Likely Significant effect (Yes/ No and state how)</b>
		Increase demand on sewerage treatment	

**Appropriate Assessment policy assessment post examination  
Stoke Lacy Neighbourhood Plan**

Policy SL12 (now SL8) Agricultural Buildings and Polytunnels

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Stoke Cross to the north of the main road but this does not cover all of the properties within the settlement. Therefore, some areas within the settlement boundary are not covered by the main sewerage area. There are no mains drainage within Stoke Lacy settlement boundary</p> <p>The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority</p>
WWTW	<p>The proportional growth requirement expected for the Bromyard area is within the Core Strategy and agreed by Welsh Water. The minimum proportional growth for the parish has already been reached.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>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> <p>However, not all areas within the two settlement boundaries are not connected to WWTW.</p> <p>Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that about 49% of phosphate is from sewerage treatment.</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	<p>A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment.</p>

	<p>The delivery of a number of these wetlands will be within the plan period. Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.</p>
Revised Nutrient Management Plan	<p>A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions in addition to wetlands that could be used within the parish. A set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021 and can be found on the link below</p> <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	<p>Stoke Lacy is located some distance from the River Wye or River Lugg themselves. Its sits within the catchment of the River Lugg which is a tributary of the River Frome. In this location around 37% of the phosphate is sources to agriculture. Both rivers are indicated as in moderate condition.</p> <p>Policy SL2 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.</p> <p>An Agricultural Development SPD is being developed to provide additional guidance to any developments within the River Lugg catchment.</p>
In-combination policies	<p>The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 and Policy SL2</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SL2 requires all developments to be nutrient neutral</p> <p>Policy SL6 refers to Design Codes which within require the use of SuDs where appropriate</p> <p>Policy SL16 (now SL12) required no detrimental effect on a watercourse and river quality</p>

Residual effects –Work is ongoing to secure a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all

these wetlands however, a planning application has recently been granted for the first one in Luston (P21357/F).

It is not possible, or appropriate, at this stage to provide all the details to parish councils to include within their Neighbourhood Development Plans as the technical and scientific work is still progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.

It is also not feasible to suggest that every NDP area or site allocation within NDP should have their own wetland solution. The integrated wetlands are a mitigation measure across the catchment area which will provide a solution via a phosphate credit scheme to sites downstream of the wetlands. The Luston wetland is higher up in the catchment than the Stoke Lacy neighbourhood area and the specific site allocations.

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy SL2 requires applications to clearly and robustly demonstrate that an option for nutrient neutrality is available in order to secure planning permission. This requirement would be the same for a windfall site as site allocation.

**Conclusion** –There are not residual effects when the wording of SL2 is taken into account.

Policy SL14 (now SL10) Tourism and Rural Enterprise

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Stoke Cross to the north of the main road but this does not cover all of the properties within the settlement. Therefore, some areas within the settlement boundary are not covered by the main sewerage area. There are no mains drainage within Stoke Lacy settlement boundary</p> <p>The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority</p>
WWTW	<p>The proportional growth requirement expected for the Bromyard area is within the Core Strategy and agreed by Welsh Water. The minimum proportional growth for the parish has already been reached.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>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> <p>However, not all areas within the two settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.</p> <p>The catchment mapping is indicating that about 49% of phosphate is from sewerage treatment.</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	<p>A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.</p>



	Investigation working is ongoing and due to commercial sensitive it is not appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.
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. This NMP cannot be relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions in addition to wetlands that could be used within the parish. A set of recommendations are included to provide a robust solution to achieve nutrient neutral residential developments. This document has been available on the Councils website since March 2021 and can be found on the link below  <a href="https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary">https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary</a>
Other considerations	Stoke Lacy is located some distance from the River Wye or River Lugg themselves. Its sits within the catchment of the River Lugg which is a tributary of the River Frome. In this location around 37% of the phosphate is sources to agriculture. Both rivers are indicated as in moderate condition.  Policy SL2 is requiring all developments to demonstrate that the proposal will not add any nutrient input to the catchment and requiring only nutrient neutral proposals to be granted.
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 and Policy SL2  Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.  Policy SL2 requires all developments to be nutrient neutral  Policy SL6 refers to Design Codes which within require the use of SuDs where appropriate  Policy SL16 (now SL12) required no detrimental effect on a watercourse and river quality

Residual effects –Work is ongoing to secure a number of constructed wetlands across the catchment area. Due to commercial sensitivity, it is not possible to outline the locations of all these wetlands however, a planning application has recently been granted for the first one in Luston (P21357/F).

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progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.

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Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy SL2 requires applications to clearly and robustly demonstrate that an option for nutrient neutrality is available in order to secure planning permission. This requirement would be the same for a windfall site as site allocation.

Conclusion –There are not residual effects when the wording of SL2 is taken into account.

Policy SL16 (now SL12) Development within the Settlement Boundaries

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

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	<p>There is mains drainage within the village of Stoke Cross to the north of the main road but this does not cover all of the properties within the settlement. Therefore, some areas within the settlement boundary are not covered by the main sewerage area. There are no mains drainage within Stoke Lacy settlement boundary</p> <p>The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.</p>
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	appropriate at this stage to highlight the locations of these wetlands within the catchment. Any wetland will need to be upstream of the proposal to form potential mitigation.
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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 and Policy SL2  Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.  Policy SL2 requires all developments to be nutrient neutral  Policy SL6 refers to Design Codes which within require the use of SuDs where appropriate  Policy SL16 (now SL12) required no detrimental effect on a watercourse and river quality

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It is not possible, or appropriate, at this stage to provide all the details to parish councils to include within their Neighbourhood Development Plans as the technical and scientific work is still

progressing. Any specific additions to the reasoned justification or the policy could quickly become dated, then requiring developers or applications to meet solutions or options which were no longer preferred.

It is also not feasible to suggest that every NDP area or site allocation within NDP should have their own wetland solution. The integrated wetlands are a mitigation measure across the catchment area which will provide a solution via a phosphate credit scheme to sites downstream of the wetlands. The Luston wetland is higher up in the catchment than the Stoke Lacy neighbourhood area.

Additional mitigation measures may be appropriate and those options are outlined within the Interim Phosphate Plan. It is not appropriate or possible to prescribe this level of detail to a site allocation at this stage and the wording of Policy SL2 requires applications to clearly and robustly demonstrate that an option for nutrient neutrality is available in order to secure planning permission. This requirement would be the same for a windfall site as site allocation.

Conclusion –There are not residual effects when the wording of SL2 and SL16 (now SL12) are taken into account.