

Appropriate Assessment

Report for:

Sutton St Nicholas Neighbourhood Area

February 2023



Sutton St Nicholas Neighbourhood Plan (Reviewed)

Appropriate Assessment

Executive Summary

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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.

A previous Habitat Regulation Assessment has been undertaken on the Sutton St Nicholas Neighbourhood Plan dated November 2016. As the NDP has been subject to a review and recent advice and responses from Natural England and the Dutch Case, it is considered that a Stage 2 Appropriate Assessment is now required.

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

The revised Screening report February 2022 found that the River Wye (including the River Lugg) SAC runs within the Neighbourhood Area. There are no other SAC to be taken into account within this Neighbourhood Area assessment.

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

The two site allocations within Sutton St Nicholas 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.

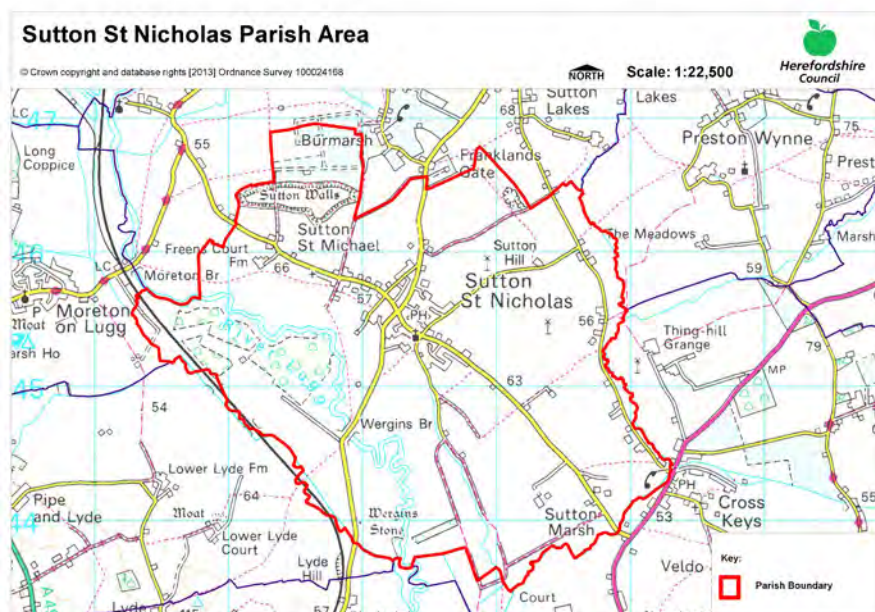
At this stage the appropriate mitigation measures can also be considered against each of the policies. The table within appendix 3 indicates where this has been the case. Herefordshire Council are investigating a wide range of mitigation measures and working with partners to resolve the current water 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 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 A previous Habitat Regulation Assessment has been undertaken on the Sutton St Nicholas Neighbourhood Plan dated November 2016. However, this plan has now been subject to review and following recent advice, the Dutch Case and responses from Natural England, it is considered that a Stage 2 Appropriate Assessment would be applicable.
- 1.3 This report addresses the Appropriate Assessment stage; outlines the task undertaken, the findings and recommendations to support the Sutton St Nicholas Neighbourhood Plan through to adoption.
- 1.4 Sutton St Nicholas Parish Council has produced a revised Neighbourhood Plan for Sutton St Nicholas 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.
- 1.5 Below shows a map of the neighbourhood plan



2 Requirement for the HRA

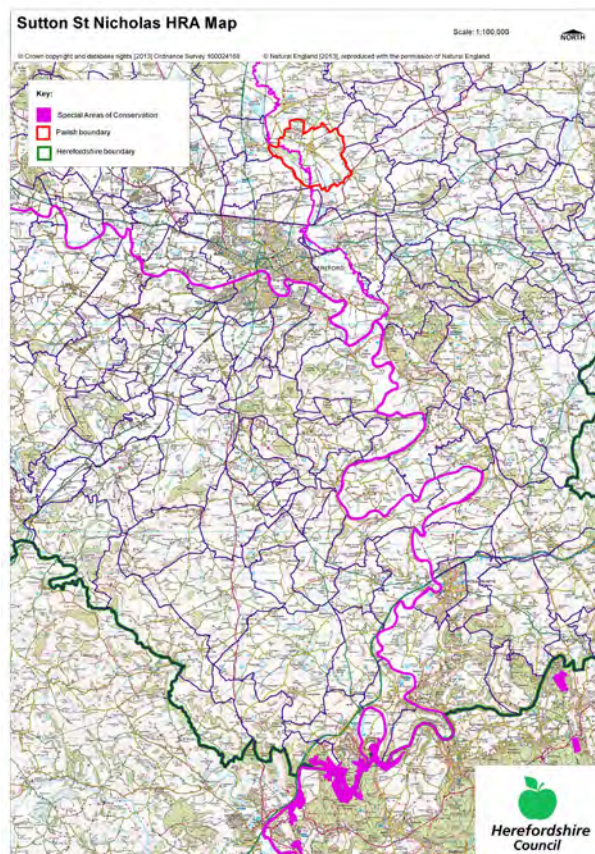
- 2.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the “Habitats Regulations” published for England and Wales in July 2007 and updated in 2013 and now included within the Conservation of Habitats and Species Regulation 2019 ‘the Habitats Regulations’. Therefore, when preparing its neighbourhood plan, Sutton St Nicholas Parish Council is required by law to carry out an assessment known as “Habitats Regulations Assessment”. It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.
- 2.2 Herefordshire Council is aware of the recent judgment (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that the

Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a National Network site at the screening stage. The revised screening undertaken in February 2022 and concluded that a full HRA would be required

- 2.3 The Co-operation Mobilisation (The Dutch case) ruling will also have an impact on Herefordshire in the areas within the catchment of the River Lugg. As this Neighbourhood Area is within the River Wye catchment area and the River Lugg runs within the boundary of the neighbourhood area.
- 2.4 The Ministerial Statement (20 July 2020) 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 Sutton St Nicholas Neighbourhood Plan is to be subject to a Stage 2 Appropriate Assessment.
- 3.2 The revised screening and scoping under on February 2022 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 Sutton St Nicholas Neighbourhood Area in relation to the River Wye SAC.



3.4 Previous Habitat Regulation Assessment have been undertake February 2016 whilst the original neighbourhood plan was in production. Recent advice and responses to plans within the River 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. Therefore, it is considered given the River Lugg is within this neighbourhood area that an Appropriate Assessment is undertaken here.

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

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

4 Scoping

4.1 The revised initial Screening report February 2022 found that the River Lugg flows through the Neighbourhood Area. Therefore, a full screening assessment is required.

4.2 There is also a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect the river water quality and this included the associated watercourses flowing into the rivers.

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

4.3 The River Wye forms one of the longest near natural rivers in England and Wales. The 25km within Herefordshire runs from Hay-on-Wye to Monmouth passing through Hereford and Ross-on-Wye. This section of the river is a rare example of eutrophic river and has not been subject to straightening.

4.4 There are a number of qualifying site features within the English section of the River Wye SAC:

- Water crowfoot vegetation
- White-clawed crayfish
- Sea Lamprey
- Brook lamprey
- River Lamprey
- Twait shad / Allis shad
- Atlantic salmon

- Bullhead
- Otter

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

Environmental condition data for the River Wye SAC

- 4.9 The River Lugg is considered to be 'failing' its water quality targets because it has exceeded the phosphate limit over 3 years testing period. Testing is undertaken between March and September by the Environment Agency.
- 4.10 Phosphorous enter the river via two distinct avenues: point source pollution (waste water treatment works 'WWTW') and diffuse source pollution (run off from roads and agricultural).
- 4.11 Discharges from WWTW are monitored and controlled by the issuing of Permitted Discharge Consents but diffuse pollution depends upon a number of different factors including land management, stock near to rivers and run off.
- 4.12 The Wye and Lugg Monitoring Dashboard indicates that as at 2019 (the latest figures published), the phosphate levels within the River Lugg at the testing point at Mordiford Bridge were recorded as 0.12mg/l with the target set at 0.05mg/l.
- 4.13 In 2019, the sewerage treatment works within the Lugg catchment area were reporting 100% compliance with phosphate limits.
- 4.14 For the Upper Wye (at Carrots Pool, Hereford) it is within target at 0.01mg/l against the target of 0.03mg/l and within the Lower Wye (at Holme Lacy) it is 0.03mg/l against the target of 0.03mg/l. The sewerage treatment works within the Upper and Lower Wye are also reporting 100% compliance with their phosphate limits.

5 Description of the revised Sutton St Nicholas Neighbourhood Plan

- 5.1 The parish council have undertaken a review of the Sutton St Nicholas NDP which was adopted in March 2017. This is to ensure that policies are up to date and to take account of changing issues within the plan period.
- 5.2 The revised Sutton St Nicholas 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.
- 5.3 The Plan begins by detailing the vision for the parish over the plan period until 2031 together with 3 objectives to realise that vision. These have been reviewed and updated.
- 5.4 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. Options have been assessed in previous stages of the process and not repeated here. The stance and direction of the plan has not changes since its original adoption and the site allocations have been continue into the reviewed plan.
- 5.5 The revised neighbourhood plan also sets out 17 general policies on a variety of topic bases areas including 2 site allocations. These are a mixture of continuing policies form the current adopted NDP, some minor revisions and 11 new policies. These are as follows:
- Policy SUT1 Sutton St Nicholas settlement boundary (renewed)
 - Policy SUT2 Land at The Lanes (new policy)
 - Policy SUT3 Land adjacent to The Linnings (new policy)
 - Policy SUT4 Housing mix (new policy)
 - Policy SUT5 Householder development (new policy)
 - Policy SUT6 Small scale employment (original policy)
 - Policy SUT7 Agricultural and forestry development (new policy)
 - Policy SUT8 Communications infrastructure (new policy)
 - Policy SUT9 Community facilities (original policy)
 - Policy SUT10 Renewable and low carbon energy (new policy)
 - Policy SUT11 Water quality in the River Lugg (new policy)
 - Policy SUT12 Landscape character (original policy)
 - Policy SUT13 Key views (new policy)
 - Policy SUT14 Local Green Spaces and public open space (original policy)
 - Policy SUT15 Green infrastructure (original policy)
 - Policy SUT16 Building design (new policy)

- Policy SUT17 Heritage (new policy)

5.5 At Regulation 16 stage three policies was amended since the initial assessment in March 2022:

- Policy SUT2 Land at The Lanes
- Policy SUT13 Key views
- Policy SUT17 Heritage

5.6 The plan has current reached the examination stage and this report assesses the amended policies following the examination in January 2023. 2 policies were modified (Policy SUT6 and SUT14) These were minor amendments and do not change the meaning or output of the policies. Therefore do not need to be rescreened.

6 Assessing the impacts of the Sutton St Nicholas 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 dates June 2015

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:

- Marden – adopted
- Withington Group – adopted
- Holmer and Shelwick – adopted
- Moreton on Lugg – no plan being produced
- Pipe and Lyde – no plan being produced

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 revised Sutton St Nicholas 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 Hereford 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 and the further modified policies in appendix 4.

7 Mitigation measures

- 7.1 An Appropriate Assessment is being undertaken as the Sutton St Nicholas Neighbourhood Plan is located within the River Lugg catchment area. The consideration of any mitigation also requires this to take place 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 revised Sutton St Nicholas 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 noted that Sutton St Nicholas is on mains drainage which serve the majority of the properties within the parish. This links to the Moreton on Lugg works indicated within para 7.6 for improvements.
- 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 not specific dates have been given as yet.

Proposed wetlands and the Interim Development Plan

- 7.13 Herefordshire Council are currently investigating the potential for integrated wetlands to assist in the reduction of phosphate levels within the River Lugg catchment. Wetlands can remove phosphorous from surface water runoff or stream flow or remove the final effluent from waste water treatments plants or package treatment plants. They are designed to filter, use sedimentation and plant take up. If the management of wetlands can be secured then they will provide a significant reduction in phosphorous within the Lugg catchment.
- 7.14 The 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 plans for several integrated wetlands within the River Lugg catchment.

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 Sutton St Nicholas NDP contains a specific requirement for all developments to demonstrate nutrient neutrality in order to gain planning permission – Policy SUT11. The specific range of mitigation measures to enable this to take place are contained within the Interim Phosphate Plan – Stage 2 which is available on the Herefordshire Council website. This document can give applicants a wide range of mitigation options which can be tailored to the local requirements. As the scientific knowledge is growing all the time, the most appropriate place for this information is within the Stage 2 report with a link to the Policy reasoned justification.

Interim approach to planning applications

- 7.18 There remains potential for a positive appropriate assessment to enable development to proceed, on Natural England's advice, where it can be demonstrated that development is nutrient neutral as outlined above. Five criteria have been established where phosphates would be unlikely to reach the river as there is no pathway for impacts, these would be adjudged during the planning application stage.
- 7.19 These are:
- Drainage fields is more that 50m from the designated site boundary and;
 - Drainage field is more than 50m from any surface water feature (ditch, drain, watercourse and;
 - Drainage field is in an area with a slope no greater than 15% and;
 - Drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
 - There are no other hydrological pathways which would expedite the transport of phosphorous (fissured geology, shallow soil, flooding)
- 7.20 Additional guidance has been published by Natural England in March 2022, indicating the requirements for Nutrient Neutrality and a phosphate calculator for the River Lugg catchment area.

8 Summary of findings

- 8.1 This assessment has considered the likely significant effects of the Sutton St Nicholas Neighbourhood Plan on the following National Network Sites
- River Wye (including the River Lugg) SAC
- 8.2 The neighbourhood area falls within the River Lugg catchment area and 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 8 policies are concerned to have potential likely significant effects.
- Policy SUT1
 - Policy SUT2
 - Policy SUT3

Policy SUT5
Policy SUT6
Policy SUT7
Policy SUT9
Policy SUT10

- 8.5 Of the above policies, only Policy SUT2 has been subject to a modification following the Reg14 consultation. The reassessment of this policy can be seen in appendix 4.
- 8.6 The majority of the assessed policies are not site allocations but have criteria to support development. They would all require a further planning application.
- 8.7 The 2 site allocations: Land at the Lanes and Land at the Linnings 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.
- 8.8 The most significant issue is regarding water quality and these is the forms the majority of the assessment of these policies.
- 8.9 At this stage the appropriate mitigation measures can also be considered against each of the policies. The table with appendix 3 indicates where this has been the case. Herefordshire Council are investigate a wide range of mitigation measures and working with partners to resolve the current water quality issues within the Lugg catchment and are minded to the water quality within the Upper and Lower Wye catchment areas.
- 8.10 The revised NDP does contain a specific policy requiring all developments to be nutrient neutral.
- 8.11 The mitigation measures referenced within the document could be expanded and refined prior to any planning permissions in association with the policies of this development plan are approved.
- 8.12 The results of this Appropriate Assessment indicate that there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been taken into account.
- 8.13 The national nutrient neutrality and migration announced within the Ministerial Statement dated 20 July 2022 also demonstrate evidence that mitigation will be in place during the plan period of 2031.
- 8.14 **Therefore it is concluded that there will not have an adverse effects on the integrity of the River Wye (including River Lugg) SAC.**

9 Consultation

- 9.1 This report will accompany the final version of the Sutton St Nicholas NDP.

Appendix 1

Initial Habitat Regulations Assessment and Strategic Environmental Assessment Screening Notification

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

Conservation of Habitats and Species Regulations 2010 (d)

Neighbourhood Area:	Sutton St Nicholas Neighbourhood Area
Parish Council:	Sutton St Nicholas Parish Council
Neighbourhood Area Designation Date:	22 January 2014

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?	Y	The River Lugg SAC runs through the Neighbourhood Area.
Is the Neighbourhood Area in the hydrological catchment of the River Wye SAC?	Y	The Neighbourhood Area is within the hydrological catchment of the River Lugg.
Is the Neighbourhood Area in the River Lugg hydrological catchment area?	Y	The Neighbourhood Area is within the River Lugg hydrological catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage in Sutton St Nicholas.

Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 27.7km 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	Wye Valley and Forest of Dean Bat Sites are 25.9km 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	Wye Valley Woodlands are 27.1km 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 Sutton St Nicholas Neighbourhood Area and a Full HRA Screening will be required.

European Site

(List only those which are relevant)

River Wye (including the River Lugg) 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 Sutton St Nicholas 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	1	Ash Bed.	2	Long Coppice; Pipe Coppice, Alders Coppice.
Areas of Outstanding Natural Beauty	0	-	0	-
Conservation Areas	1	Sutton St Nicholas.	0	-
Flood Areas	Flood Zones run along the River Lugg and also a stream/brook off the Lugg running through the south and east of the Parish.			
Geoparks	0	-	0	-
Listed Buildings	There are numerous listed buildings throughout the Neighbourhood Area.			
Local Geological Sites	2	Sutton Walls; Franklands Gate.	0	-
Local Wildlife Sites	3	River Lugg; Field south of Sutton Rhea; Sutton Hill Gravel Pit.	1	Wellington Marsh.
Mineral Reserves	3	East of Burmarsh, west of Sutton Lakes; South east of Sutton St Nicholas;	2	South of Moreton on Lugg; Upper Paradise Farm to Marden Court.

SEA features	Within Neighbourhood Area			Bordering Neighbourhood Area		
	Total number	Name(s)	SSSI Status	Total number	Name(s)	SSSI Status
		Area around Wellington constrained by 200m zone and area to north of Wellington outside 200m zone.				
National Nature Reserve	0	-		0	-	
Nature Trails	0	-		1	Three Rivers Ride.	
Registered Parks and Gardens	0	-		0	-	
Scheduled Ancient Monuments	4	Sutton Walls (camp); Freen's Court magnate's residence, moat and fishponds; Deserted Medieval village; The Wergins Stone.		0	-	
Sites of Importance in Nature Conservation	0	-		0	-	
Special Areas of Conservation	1	River Wye (including Lugg).		0	-	
Unregistered parks and gardens	1	Sutton Court.		0	-	
			SSSI Status			SSSI Status
Sites of Special Scientific Interest (SSSI)	1	River Lugg.	Unfavourable Recovering/ Unfavourable Declining.			

Decision Notification:

The initial screening highlights that the Neighbourhood Development Plan for the Sutton St Nicholas Neighbourhood Area will require further environmental assessment for Habitats Regulations Assessment and Strategic Environmental Assessment.

Assessment date: 23 February 2022

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.

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

identify from field signs.

Within a home range an otter may use many resting sites. These include above-ground shelters, such as stands of scrub or areas of rank grass, and underground 'holts' – for example, cavities under tree roots and dry drainage pipes.”

Wye Valley and Forest of Dean Bat Sites

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

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

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

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

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

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

Wye Valley Woodlands

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

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

Appendix 2

Neighbourhood Plan Policy Screening –Sutton St Nicholas Neighbourhood Plan

Policy Number	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
SUT1 Sutton St Nicholas settlement boundary	The location of the development is currently unknown, its implementation will be subject to a planning application	Defining the area for potential housing growth Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LSE The policy is seeking to deliver dwellings within a defined settlement boundary for Sutton St Nicholas
SUT2 Land at the Lane	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
SUT3 Land adjacent to The Linnings	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
SUT4 Housing Mix	Policy itself will not lead to development		No, the policy is providing criteria for the range and mix of any development
SUT5 Householder development	The location of the development is currently unknown, its	Increased traffic Increased demand on water abstraction	LSE

Policy Number	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
	implementation will be subject to a planning application	Increase demand on sewerage treatment	Although an extension policy si could add additional pressure on water quality
SUT6 Small scale employment	The location of the development is currently unknown, its implementation will be subject to a planning application	Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LSE The locations of the development is yet to be known
SUT7 Agricultural and forestry development	The location of the development is currently unknown, its implementation will be subject to a planning application	Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LSE The locations of the development is yet to be known
SUT8 Communications infrastructure	Policy is guiding development away from the sensitive sites		No
SUT9 Community facilities	The location of the development is currently unknown, its implementation will be subject to a planning application	Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LSE The locations of the development is yet to be known
SUT10 Renewable and low carbon energy	The location of the development is currently unknown, its implementation will be subject to a planning application	Increased movement Increased disturbance	LSE The locations of the development is yet to be known
SUT11 Water quality in the River Lugg	Policy itself will not lead to development Policy is seeking to enhance and or protect the natural environment in general Policy is specifically seeking to protect sensitive sites	This will have a positive effect	No, the policy is seeking to protect designated and priority features and require all developments to be nutrient neutral.

Policy Number	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
	Policy is guiding development away from the sensitive sites		
SUT12 Landscape character	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 the landscape within the parish and will not lead to development itself
SUT13 Key views	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 key views within the parish and will not lead to development itself
SUT14 Local Green Space and public open space	Policy itself will not lead to development Policy is seeking to enhance and or protect the natural environment in general	Policy is seeking to protect important local green spaces and other open spaces from development	No, the policy is seeking to protect open spaces from development
SUT15 Green infrastructure	Policy itself will not lead to development 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 encourage green infrastructure
SUT16 Building design	Policy itself will not lead to development		No, the policy is providing criteria for the design of developments, these include biodiversity aspects
SUT17 Heritage	Policy itself will not lead to development Policy is seeking to conserve, enhance or protect the built,	This will have a positive effect	No, the policy is seeking to protect important heritage assesses

Policy Number	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
	<p>natural and/or historic environment</p> <p>Policy is specifically seeking to protect sensitive sites</p> <p>Policy is guiding development away from the sensitive sites</p>		

Appropriate Assessment policy assessment – Sutton St Nicholas Neighbourhood Plan

Policy SUT1: Sutton St Nicholas settlement boundary

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7. Therefore, the areas within the settlement boundary are covered by the main sewerage area.
WWTW	The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water. 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.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be solely relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11

	<p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SUT11 requires all developments to be nutrient neutral</p>
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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 Sutton St Nicholas 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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.

Conclusion – The delineation of a settlement boundary within the plan does not directly lead to development. All infill sites within the boundary and housing within the ‘open countryside’ require a planning application. A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT1

Policy SUT2: Land at The Lanes

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7. Therefore, the areas within the settlement boundary are covered by the main sewerage area.
WWTW	The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water. 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.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be solely relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11

	<p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SUT11 requires all developments to be nutrient neutral</p>
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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 Sutton St Nicholas 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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.

Conclusion – The site allocation at The Lanes will require planning permission and demonstration by the applicant that the required nutrient neutrality requirements have been achieved. There is a phosphate calculator available to assist applicants. A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT2

Policy SUT3: Land at The Linnings

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7. Therefore, the areas within the settlement boundary are covered by the main sewerage area.
WWTW	The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water. 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.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be solely relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11

	<p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SUT11 requires all developments to be nutrient neutral</p>
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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 Sutton St Nicholas 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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.

Conclusion – The site allocation at The Linnings will require planning permission and demonstration by the applicant that the required nutrient neutrality requirements have been achieved. There is a phosphate calculator available to assist applicants. A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT3

Policy SUT5: Householder development

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7. Therefore, the areas within the settlement boundary are covered by the main sewerage area.
WWTW	The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water. 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.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be solely relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11

	<p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SUT11 requires all developments to be nutrient neutral</p>
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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 Sutton St Nicholas 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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.

Conclusion – A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT5

Policy SUT6: Small scale employment

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7. Therefore, the areas within the settlement boundary are covered by the main sewerage area.
WWTW	The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water. 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.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be solely relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11

	<p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SUT11 requires all developments to be nutrient neutral</p>
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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.

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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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.

Conclusion – A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT6

Policy SUT7: Agricultural and forestry development

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7. Therefore, the areas within the settlement boundary are covered by the main sewerage area.
WWTW	The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water. 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.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be solely relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11

	<p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SUT11 requires all developments to be nutrient neutral</p>
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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 Sutton St Nicholas 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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.

Conclusion – A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT7

Policy SUT9: Community facilities

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7. Therefore, the areas within the settlement boundary are covered by the main sewerage area.
WWTW	The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water. 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.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be solely relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11

	<p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SUT11 requires all developments to be nutrient neutral</p>
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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 Sutton St Nicholas 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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.

Conclusion – A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT9

Policy SUT10: Renewable and low carbon energy

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7. Therefore, the areas within the settlement boundary are covered by the main sewerage area.
WWTW	The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water. 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.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. Any wetland will need to be upstream of the proposal to form potential mitigation.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period. This NMP cannot be solely relied upon at this stage.
Interim Phosphate Plan Stage 2	This document provides a range of potential mitigation solutions 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 https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11

	Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC. Policy SUT11 requires all developments to be nutrient neutral
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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 Sutton St Nicholas 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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.

Conclusion – A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT10

Appendix 3

Consultation date: 3 May to 15 June 2022

Consultation title: Sutton St Nicholas Neighbourhood Development Plan (Reg16)

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

Consultee	Summary of Comments	Response to Comments
Natural England	Late representation – development must fully mitigate its impact. Policy will need to be included regarding Nutrient Neutrality and underpinned with evidence of deliverability	Policy included within the NDP
Heritage England	No comments received	
Environment Agency	Noted and welcome the inclusion of Policy SUT11	Noted
Natural Resources Wales	No comments received	

Appendix 4

Appropriate Assessment policy assessment – Sutton St Nicholas Neighbourhood Plan

Policy SUT2: Land at The Lanes

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	<p>Sutton St Nicholas village is served by WWTW. Moreton on Lugg WWTW is proposed to include phosphate stripping within AMP7.</p> <p>Therefore, the areas within the settlement boundary are covered by the main sewerage area.</p>
WWTW	<p>The proportional growth requirement is within the expected for the Hereford Market area within the Core Strategy and agreed by Welsh Water.</p> <p>Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general.</p> <p>The Levelling Up and Regeneration Bill will place a statutory duty to upgrade wastewater treatment works to the highest technical limits by 2030. This will have a positive impact on the catchment in general.</p>
Natural England Nutrient Mitigation Scheme	<p>Working with Defra and Department of Levelling Up, Housing and Communities', Natural England will be identifying mitigation projects within the catchment; these include wetlands and woodland creation.</p> <p>Mitigation from wetlands and woodlands will provide biodiversity enhancements to areas; with the scheme providing multiple benefits by promoting public access, helping to deliver on our levelling up missions for pride in place and well-being, by improving access to nature.</p>
Integrated Wetlands	<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. 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 solely relied upon at this stage.</p>
Interim Phosphate Plan Stage 2	<p>This document provides a range of potential mitigation solutions 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>

	https://www.herefordshire.gov.uk/downloads/file/22211/interim-phosphate-delivery-plan-stage-2-non-technical-summary
Other considerations	Policy SUT11 specifically includes the requirement for development proposals to demonstrate nutrient neutrality to safeguard the River Lugg and the Wye catchment during the plan period.
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 SUT11</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>Policy SUT11 requires all developments to be nutrient neutral</p> <p>During the plan period (until 2031), national nutrient neutrality actions regarding upgrades to wastewater works and the Nutrient Mitigation scheme will be enacted.</p>

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

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 Sutton St Nicholas 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 SUT11 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 or other applications as site allocation.

Recent information published by Natural England and Herefordshire Council include a phosphate calculator and additional guidance regarding nutrient neutrality to assist applicants meet the policy requirements.



Conclusion – The site allocation at The Lanes will require planning permission and demonstration by the applicant that the required nutrient neutrality requirements have been achieved. There is a phosphate calculator available to assist applicants. A specific policy is included within the plan (SUT11) requiring all developments to be nutrient neutral and safeguarding the Moreton on Lugg wastewater works from being overloaded. Therefore, a conclusion of no likely significant effects would result with regards to the Sutton St Nicholas NDP Policy SUT2

Appendix 5

Consultation date: 27 September to 8 November 2022

Consultation title: Sutton St Nicholas Neighbourhood Development Plan (Reg16)

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

Consultee	Summary of Comments	Response to Comments
Natural England	NP includes Policy SUT11 and agree that the plan will have no adverse effects on the integrity of the River Wye SAC	
Heritage England	No comments specifically to the HRA	
Environment Agency	No comments specifically to the HRA	Noted
Natural Resources Wales	No comments received	

Appendix 6

Modifications following the examination

Policy	Modification recommended	Justification
Modification 1 Policy SUT6	Add to the end of the first bullet point of Policy SUT6 'Where this does not affect the primary residential nature of the property and accords with Policy SUT5'	To ensure clarity regarding extensions and home working
Modification 2 Para 5.6	Change 'eight' to 'eleven'	Ensure the texts reflects the number of key views
Modification 3 Policy SUT14	Change para 2 to read 'Development in the Local Green Spaces will be consistent with national policy for Green Belts'	To be consistent with the NPPF wording

Appendix 7

Appropriate Assessment policy assessment – Sutton St Nicholas Neighbourhood Plan

None of the policy amended during the examination where screen as potential adverse effects within appendix 3.