

Appropriate Assessment

Report for:

Bartestree With Lugwardine Neighbourhood Area

March 2023



Bartestree with Lugwardine Neighbourhood Plan

Appropriate Assessment

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Executive summary

This report addresses the Appropriate Assessment (AA) stage of the HRA and considers the adverse effects on the integrity of the River Wye (including the River Lugg) SAC.

A previous Habitat Regulation Assessment has been undertaken on the Barterstree with Lugwardine Neighbourhood Plan dated December 2016. As the NDP is now 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 Bartestree with Lugwardine Neighbourhood Plan through to adoption.

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

The majority of the policies within the submission Bartestree with Lugwardine NDP are not site allocations but have criteria to support development. All developments would all require a further planning application.

The three site allocations within final NDP 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.

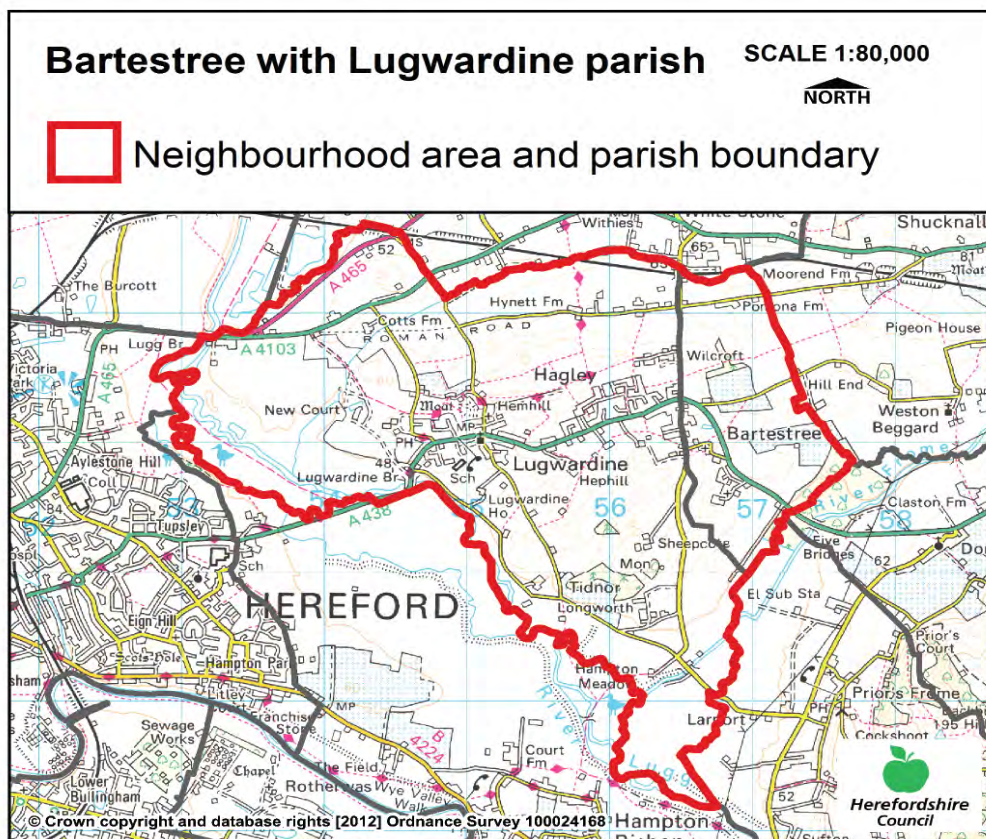
The results of this Appropriate Assessment indicate that there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been taken into account.

1 Introduction

- 1.1 This report address the Appropriate Assessment (AA) stage of the HRA and considers the adverse effects on the integrity of the River Wye (including the River Lugg) SAC. This NDP has been identified as requiring AA due to the neighbourhood area being within the hydrological catchment of the River Lugg.
- 1.2 A previous Habitat Regulation Assessment has been undertaken on the Bartestree with Lugwardine Neighbourhood Plan dated August 2016, made in December 2016. However, this plan is now 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 Bartestree with Lugwardine Neighbourhood Plan through to adoption.

Bartestree with Lugwardine Parish Council has produced a revised Neighbourhood Plan for Bartestree and Lugwardine 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.

- 1.4 Below shows a map of the Neighbourhood Plan Area.



2 Requirement for the HRA

- 2.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the “Habitats Regulations” published for England and Wales in July 2007 and updated in 2013 and now included within the Conservation of Habitats and Species Regulation 2019 ‘the Habitats Regulations’. Therefore, when preparing its neighbourhood plan, Bartestree with Lugwardine Parish Council is required by law to carry out an assessment known as “Habitats Regulations Assessment”. It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.
- 2.2 Herefordshire Council is aware of the recent judgment (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a National Network site at the screening stage. The initial screening undertaken in February 2022 concluded that a full HRA would be required.
- 2.3 The Co-operation Mobilisation (The Dutch case) ruling will also have an impact on Herefordshire in the areas within the catchment of the River Lugg. As this Neighbourhood Area is within the River Wye catchment area however it has been concluded that a Stage 2 Appropriate Assessment be undertaken to include a range of potential mitigation.
- 2.4 The Ministerial Statement (20 July 2022) 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 Bartestree with Lugwardine Neighbourhood Plan is to be subject to a Stage 2 Appropriate Assessment.
- 3.2 The initial screening and scoping in 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 Bartestree with Lugwardine Neighbourhood Area in relation to the River Wye SAC.



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

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

4 Scoping

- 4.1 The initial Screening report February 2022 found the River Lugg 1km away and is west of the neighbourhood area, however, and falls within the hydrological catchment of the River Wye (including the River Lugg) SAC. Therefore, a full screening assessment is required.
- 4.2 There is also a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect the river water quality and this included the associated watercourses flowing into the rivers.

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

- 4.3 The River Wye forms one of the longest near natural rivers in England and Wales. The 25km within Herefordshire runs from Hay-on-Wye to Monmouth passing through Hereford and Ross-on-Wye. This section of the river is a rare example of eutrophic river and has not been subject to straightening.
- 4.4 There are a number of qualifying site features within the English section of the River Wye SAC:
 - Water crowfoot vegetation

- White-clawed crayfish
- Sea Lamprey
- Brook lamprey
- River Lamprey
- Twaité shad / Allis shad
- Atlantic salmon
- Bullhead
- Otter

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

Environmental condition data for the River Wye SAC

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

- 4.15 For full details of the three SAC attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Bartestree with Lugwardine. Initial Screening Report. The Initial Screening Report, February 2022, can be found in Appendix 1 of this HRA report.
- 4.20 This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Bartestree with Lugwardine Neighbourhood Plan may affect site integrity.
- 4.21 The initial screening assessment indicated that a full screening assessment is required to assess the likelihood of significant effects on the River Wye (including the River Lugg) SAC within the Bartestree with Lugwardine NDP.

5 Description of the Bartestree with Lugwardine Neighbourhood Plan

- 5.1 The revised regulation submission draft Bartestree with Lugwardine 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 13 objectives to realise their vision.
- 5.3 The initial options for the neighbourhood plan were assessed to determine their environmental impact that could affect the River Wye (including the River Lugg) SAC. All of which indicated growth however all the options would be seeking to provide proportional growth in line with the Core Strategy. Five general options were considered in total and to do an NDP with three site allocations and 2 settlement boundaries was the chosen approach. Along with these options 15 sites were assessed in further detail.
- 5.4 The neighbourhood plan sets out 15 general policies on a variety of topic bases areas and 3 site allocations and specific site related policies. These include:

- BL1-Criteria for the Design of New Housing
- BL2-Extensions to Properties
- BL3-Bartestree and Lugwardine Settlement Boundaries
- BL4-Settlement Gap between Bartestree and Lugwardine
- BL5-Housing Site Allocations
- BL6-Housing Mix
- BL7-Affordable Housing
- BL8-Community Facilities
- BL9-Conserving Historic Character
- BL10-Local Green Spaces, Allotments and Rights of Way
- BL11-Landscape Views
- BL12-Water quality in the River Lugg
- BL13-Supporting Local Businesses
- BL14-Redundant Rural Buildings
- BL15-Transport and Highways

- 5.5 An initial Appropriate Assessment was subject to consultation between 3 March 2022 to 7 April 2022 Historic England and Environment Agency made representations this is detailed in Appendix 2. The response given was supportive of our current approach and has no substantive comments to the assessments.
- 5.6 Following the Regulation 14 consultation the plan has been revised by the parish council and their community. Minor changes to the wording to objective 13, and policies BL1, BL3 and BL8 have been changed to enhance and promote sustainable travel by walking, cycling and public transport. These are minor changes to policies and conclusion of this policy having no likely adverse effect following screening, no further rescreening at the AA submission stage is required.
- 5.7 With this in mind these policies which indicated a potential likely significant effect in the Previous assessment, have not been rescreened as changes made to these were minor. Policy BL15 was rescreened with a conclusion that it will not have a likely significant effect on the SAC.
- 5.8 The plan reached examination stage in January 2023 and policies have been modified as a result of the examination. The following policies have been subject to modification, no policies have been rescreened due to the minor nature of the modifications. The modifications had minor wording changes to clarify and update the policies below.
- Policy BL8- Minor wording change for clarity
 - Policy BL10- Minor wording change and deletion of greenspace in conformity with the NPPF.
- 5.9 It has been concluded that the modifications made will not have a significant adverse impact on the AA objectives and therefore the conclusions of the previous AA remain the same from the previous report.

6 Assessing the impacts of the Submission Bartestree with Lugwardine Neighbourhood Plan

- 6.1 Each of the policies and proposals within the neighbourhood plan has been considered in more detail to ascertain whether the impacts are likely to have an adverse effect on the site integrity and in combination with other neighbourhood plans and policies.
- 6.2 There are a number of potentially relevant plans and projects that may result in in-combination effects with the Core Strategy across Herefordshire. These plans have been reviewed and can be found in Appendix 2 of the HRA of the Core Strategy and specifically for this neighbourhood plan in the Stage A report dated March 2022.
- 6.3 In terms of growth, the neighbourhood plan does not contribute above and beyond the growth targets for the housing market area requirements as set out within the Core Strategy.
- 6.4 The adjoining areas neighbourhood plans in Herefordshire are:
- Holmer and Shelwick– adopted
 - Hampton Bishop- adopted
 - Withington-adopted
 - Weston Beggard-adopted
 - Dormington and mordiford-draft stage
- 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 Bartestree with Lugwardine 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.

Mitigation measures

- 7.1 An Appropriate Assessment is being undertaken as the Bartestree with Lugwardine Neighbourhood Plan is located within the 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 adverse effects on the integrity of the site. The following potential mitigation measures are indicated below. The summary of findings will indicate if any of these are relevant to the Bartestree with Lugwardine NDP.

Policy SD4

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

Waste Water Sewage Treatment works

- 7.6 Dwr Cymru Welsh Water (DCWW) are making improvements to its Waste Water Treatment Works to reduce phosphate levels from the treatment discharge. DCWW are on target to deliver requirements within the AMP7 assessment management planning. The following treatment works within the River Wye catchment have or proposed to have phosphate limits:
- Eign, Hereford
 - Rotherwas, Hereford
 - Ross Lower Cleeve
 - Bromyard
 - Pontrilas
 - Kingstone and Madley

- Leominster)
- Moreton on Lugg
- Kington
- Weobley

7.7 It is however noted the majority of the areas within the Bartestree with Lugwardine parish are served by mains drainage from Hereford, this is not a mitigation measure that can be used within this NDP area but it will provide some reduction in phosphate levels within the river catchment area.

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

Natural England Nutrient Mitigation Scheme

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

Nutrient Management Plan review

7.10 The Dutch judgment means that the current Nutrient Management Plan (NMP) can no longer be relied upon as mitigation as there is not enough certainty that the measures set out within the current plan can be delivered. Therefore, the current NMP does not provide reasonable scientific certainty as a mitigation measure.

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

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

Proposed wetlands and the Interim Development Plan

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

7.14 The emerging Interim Development Plan will include the proposed wetlands and other agricultural measures including buffer zones which will provide a reduction in phosphorous in the catchment.

7.15 There are currently 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 Bartestree with Lugwardine NDP contains a specific nutrient neutrality policy included in the plan BL12 Water Quality in the River Lugg. This policy requires developers to provide sufficient evidence that proposed development would not increase nutrient inputs to the SAC, and encourages these to be nutrient neutral. 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.
- 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 than 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. Bartestree with Lugwardine is within the River Lugg catchment, therefore the requirements above apply.

Summary of findings

- 8.1 This assessment has considered the adverse effects of the Bartestree with Lugwardine 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 the screening of the 15 policies, 5 are concerned have potential adverse effects.
- BL2 Extensions to properties
 - BL3 Bartestree and Lugwardine Settlement Boundaries
 - BL5-Housing Site Allocations
 - BL13- Supporting Local Businesses
 - BL14-Redundant Rural Buildings
- 8.5 The majority of these policies are not site allocations but have criteria to support development. They would all require a further planning application.
- 8.6 There are three small scale site allocations: all three of these sites have been assessed. It should be borne in mind that site allocations do not grant planning permission and all site allocations will be subject to a more detailed assessment at the planning application stage.
- 8.7 The most significant issue is regarding water quality and these is the form the majority of the assessment of these policies.
- 8.8 At this stage the appropriate mitigation measures can also be considered against each of the policies. The table with appendix 3 indicates where this has been the case. Herefordshire Council are investigate a wide range of mitigation measures and working with partners to resolve the current water quality issues within the Lugg catchment and are minded to the water quality within the Upper and Lower Wye catchment area.
- 8.9 The revised NDP contains a specific policy requiring all developments to be nutrient neutral in Policy BL12 Water Quality in the River Lugg. The mitigation measures references within the document will be taken in account prior to any planning application.
- 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 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.
- 8.13 The results of this Appropriate Assessment indicate that there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been taken into account. Outlined in section 6 and 7 of this assessment.
- 8.14 **Therefore it is concluded that there will not be any likely significant effects on the integrity of the River Wye (including River Lugg) SAC.**

Consultation

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

Appendix 1

Initial Habitat Regulations Assessment and Strategic Environmental Assessment Screening Notification

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

Conservation of Habitats and Species Regulations 2010 (d)

Neighbourhood Area:	Bartestree with Lugwardine Neighbourhood Area
Parish Council:	Bartestree with Lugwardine Group Parish Council
Neighbourhood Area Designation Date:	6 September 2012

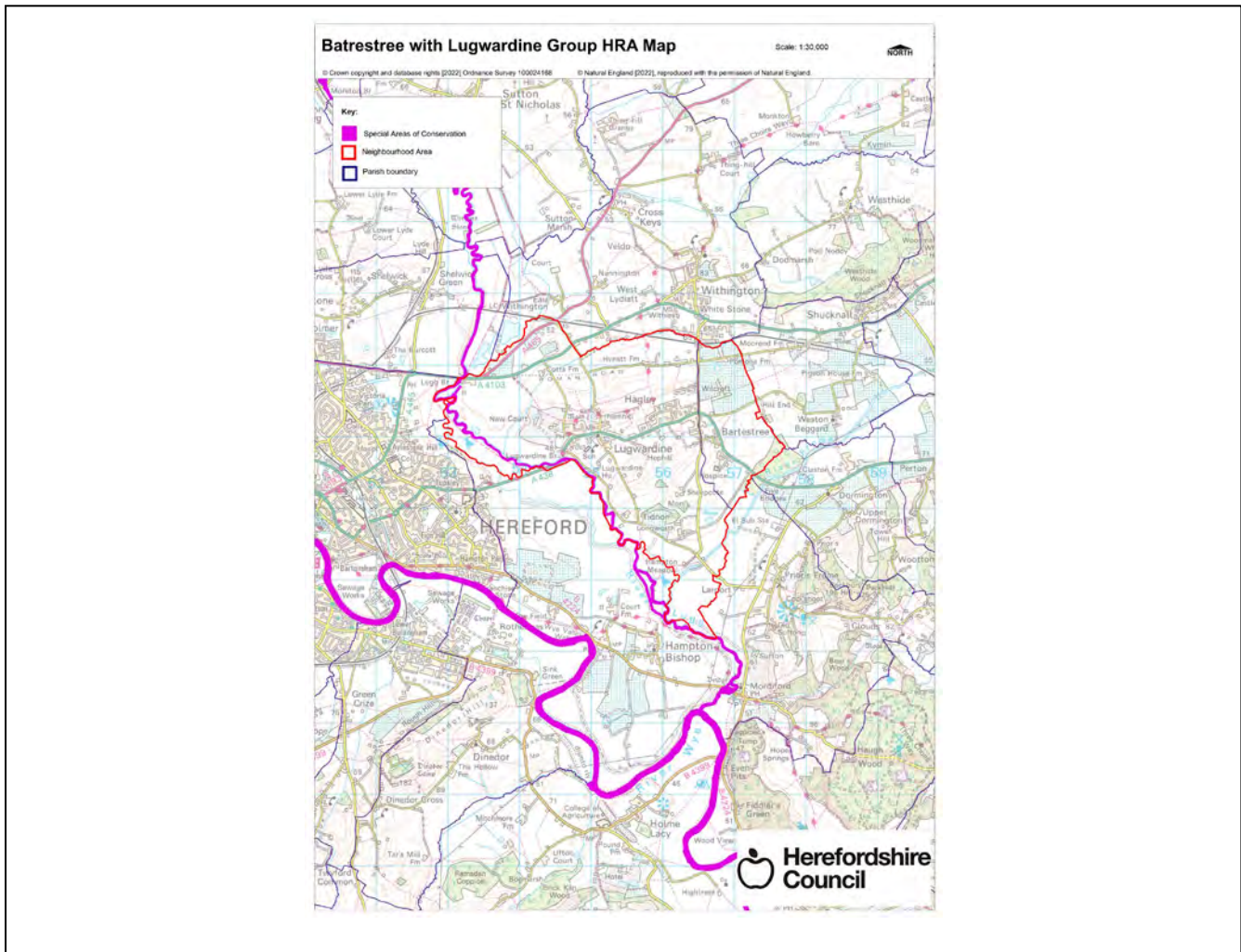
Introduction

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 runs along the border of Lugwardine Parish. The River Wye is about 1km away from the Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye SAC?	Y	The Group Parish is within the River Lugg hydrological catchment
Is the Neighbourhood Area in the River Lugg hydrological catchment area?	Y	The neighbourhood area is within the River Lugg and River Frome hydrological catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage within Hereford City

Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 32.1km away from the Parish
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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 22.1km 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 22.6km 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 Bartestree with Lugwardine 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 Bartestree with Lugwardine 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	3	Ash Bed; Tidnor Wood; 1 x Unnamed	1	Brainton Wood.
Areas of Outstanding Natural Beauty	0	-	0	-
Conservation Areas	1	Lugwardine	0	-
Flood Areas	Flood Zones 2 and 3 in the south and west of the Parish, and also along the north ending just north of Hynett Farm			
Geoparks	0	-	0	-
Listed Buildings	There are numerous listed buildings throughout the Neighbourhood Area.			
Local Geological Sites	1	Bartestree Quarry (Lowes Hill)	0	-
Local Wildlife Sites	3	River Lugg; Lugg Meadows; River Frome.	1	Old Canal at Burcot.
Mineral Reserves	4	Lugg Bridge Farm on Roman Road to Upper Lodge;	0	-

SEA features	Within Neighbourhood Area		Bordering Neighbourhood Area	
	Total number	Name(s)	Total number	Name(s)
		North of Lugwardine and Bartestree; River Lodon, Monkhide to Yarkhill to Bartestree; 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	Wye Valley Walk
Registered Parks and Gardens	0	-	0	-
Scheduled Ancient Monuments	2	Lugg Bridge; Moated site 60m south west of Old Court Farm, Hemhill.	1	Ring ditches and rectilinear enclosures east of Tupsley
Sites of Importance in Nature Conservation	0	-	0	-
Special Areas of Conservation	1	River Wye (including Lugg).	0	-
Unregistered parks and gardens	6	New Court, Lugwardine; Lugwardine Court; Bartestree Court; Hagley Park/Court; Longworth; Old Sufton.	1	Hampton Dene.

SEA features	Within Neighbourhood Area			Bordering Neighbourhood Area		
	Total number	Name(s)	SSSI Status	Total number	Name(s)	SSSI Status
Sites of Special Scientific Interest (SSSI)	2	River Lugg; Lugg and Hampton Meadows	Unfavourable Recovering/ Unfavourable Declining; Favourable.	0	-	-

Decision Notification:

The initial screening highlights that the Neighbourhood Development Plan for the Bartestree with Lugwardine Neighbourhood Area will require further environmental assessment for Habitats Regulations Assessment and Strategic Environmental Assessment.

Assessment date: 21 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 – Bartestree with Lugwardine Neighbourhood Plan

Policy Number	Potential effect	In-combination effects	Likely adverse effects Likely Adverse Effect (Yes/ No and state how)
BL1- Criteria for the Design of New Housing	Policy itself will not lead to development, instead, this sets out criteria for housing design in the parish.	None identified.	No LAE. This policy does not lead to the development itself. This policy sets out criteria to ensure development is well design and in keeping with existing built and natural environment.
BL2- Extensions to Properties	Policy sets out criteria for extensions on existing residential properties.	Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	LAE. This policy sets out criteria for small scale residential development.
BL3- Bartestree and Lugwardine Settlement Boundaries	This sets out a settlement boundary for development in Bartestree with Lugwardine . Developments will be subject to a planning applications.	Seeking to deliver proportional growth during the plan period within a settlement boundary Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LAE. The policy is seeking to deliver dwellings within defined settlement boundaries of Bartestree with Lugwardine.
BL4- Settlement Gap between Bartestree and Lugwardine	Policy itself will not lead to development Policy is seeking to retain green gap between Bartestree and Lugwardine.	This will have a positive effect	No LAE. This policy is seeking to avoid adverse effects on the River Wye SAC. The policy seeks to protect the gap in between the two settlements of the parish.
BL5- Housing Site Allocations	The policy and site allocation could have a likely to have an impact on water quality.	Policy for housing development in line with Core Strategy targets. Increase in vehicle traffic.	LAE. This site allocation could lead to adverse effects on the water and environmental quality.

Policy Number	Potential effect	In-combination effects	Likely adverse effects Likely Adverse Effect (Yes/ No and state how)
		Increased demand for water abstraction and sewage treatment. Erosion/ Trampling Non-Physical disturbance such as noise, vibration and light pollution Air pollution	
BL6- Housing Mix	Policy itself will not lead to development, instead this sets out criteria to ensure a mix of housing in the parish is achieved.	None identified.	No LAE. This policy does not lead to development itself. This policy sets out criteria to ensure there is a mix of tenures, types and sizes of dwelling in the parish.
BL7- Affordable Housing	Policy itself will not lead to development, instead this sets out criteria for affordable housing development in the parish is achieved.	None identified.	No LSE. This policy does not lead to development itself. This policy provides criteria for affordable householder development to ensure this is appropriate to its setting.
BL8- Community Facilities	Policy is seeking to conserve, enhance or protect the built, natural and/or historic environment. This policy protects the use existing community facilities in the neighbourhood area.	None identified.	No LAE. This policy is seeking to conserve, enhance or protect the built environment. This policy is seeking to safeguard existing community facilities over the lifetime of a neighbourhood plan.
BL9- Conserving Historic Character	Policy is seeking to conserve, enhance or protect the built, natural and/or historic environment. This policy protects historic character of the parish.	None identified.	No LAE. This policy is seeking to conserve, enhance or protect the built environment. This policy is seeking to safeguard historic buildings.

Policy Number	Potential effect	In-combination effects	Likely adverse effects Likely Adverse Effect (Yes/ No and state how)
BL10- Local Green Spaces, Allotments and Rights of Way	Policy itself will not lead to development, policy sets out criteria for local green spaces, allotments and rights if way.	This will have a positive effect	No LAE. This policy will not directly lead to development. Instead, it has criteria to ensure local green spaces and allotments are retained and enhanced.
BL11- Landscape Views	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 LAE. This policy is seeking to avoid adverse effects on landscape views in the parish. The policy seeks to protect and enhance the landscape of the parish.
BL12- Water Quality in the River Lugg	Policy itself will not lead to development Policy is seeking to enhance and or protect the natural environment by ensuring development not increase nutrient inputs in the Wye and is nutrient neutral.	This will have a positive effect	No LAE. This policy is seeking to avoid adverse effects on water quality in the Lugg. The policy seeks to protect and enhance the natural environment of the parish.
BL13- Supporting Local Businesses	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support local employment opportunities Increased traffic Increased demand for water abstraction and sewerage treatment	LAE. The locations of the rural business development is yet to be known.
BL14- Redundant Rural Buildings	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support rural redundant buildings. Increased traffic Increased demand for water abstraction and sewerage treatment	LAE. The locations of the rural redundant buildings is yet to be known.

Policy Number	Potential effect	In-combination effects	Likely adverse effects Likely Adverse Effect (Yes/ No and state how)
BL15- Transport and Highways	This sets out criteria to ensure new development will be safe and accessible with easy access to existing footway and cycleways.	None identified	No LAE. This policy is seeking for all development to have safe and suitable access with opportunities for active travel.

Appendix 3

Appropriate Assessment policy assessment – Bartestree with Lugwardine Neighbourhood Plan

BL2-Extensions to Properties

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	The villages of Bartestree with Lugwardine are served by mains drainage of Hereford City. Therefore, the areas within the settlement boundaries are covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	The site is not known at this stage, the policy covers small scale development for domestic extensions within the neighbourhood area. The proportional growth requirement is within the expected for the Hereford Housing Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number of WwTW across the county. This will have a positive impact on the catchment in general. However some areas may not be connected to WWTW, will need specific foul and water management strategy and will need to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. 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 BL1, seeks to conserve the natural environment including the enhancement of the landscape, biodiversity and geodiversity within the parish, including watercourses. Policy BL12 Water Quality in the Lugg ensures foul and surface water are management are considered and demonstrated in a scheme as well as ensuring schemes draining into the Wye catchment will be nutrient neutral.

In-combination policies	<p>The policy does not grant permission or lead to development in itself. It is seeking to provide criteria for residential extensions. A planning application will be required and any application will need to meet the requirements of Policy SD4.</p> <p>Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.</p> <p>The policy criteria within Policy BL1 (Surface water and flood risk) includes the requirement for acceptable arrangements for the use of suitable sustainable drainage and wet systems. Policy BL12 ensures development going forward will 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 Bartestree with Lugwardine 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. However, it is recommended for criteria to be added to ensure applications 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. Policy BL1 and Policy BL12 includes some criteria to minimise the impact on the natural environment and have appropriate drainage. There are no likely significant effects with regards to Bartestree with Lugwardine NDP Policy BL2.

Neighbourhood Plan Policy: BL3- Bartestree and Lugwardine Settlement Boundaries

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	The villages of Bartestree with Lugwardine are served by mains drainage of Hereford City. Therefore, the areas within the settlement boundaries are covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority.
WWTW	The proportional growth requirement is within the expected for the Hereford Housing Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number of WwTw across the county. This will have a positive impact on the catchment in general. However some areas may not be connected to WWTW, will need specific foul and water management strategy and will need to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. 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 BL1, seeks to conserve the natural environment including the enhancement of the landscape, biodiversity and geodiversity within the parish, including watercourses. Policy BL12 Water Quality in the Lugg ensures foul and surface water are management are considered and demonstrated in a scheme as well as ensuring schemes draining into the Wye catchment will be nutrient neutral.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to provide criteria for residential extensions. A planning application will be required and any application will need to meet the requirements of Policy SD4. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

	The policy criteria within Policy BL1 (Surface water and flood risk) includes the requirement for acceptable arrangements for the use of suitable sustainable drainage and wet systems. Policy BL12 ensures development going forward will 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 Bartestree with Lugwardine neighbourhood area and the settlement boundary and 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. However, it is recommended for criteria to be added to ensure applications 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. Policy BL1 includes some criteria to minimise the impact on the natural environment and have appropriate drainage. Policy BL1 and Policy BL12 includes some criteria to minimise the impact on the natural environment and have appropriate drainage. Overall there are no likely significant effects with regards to Bartestree with Lugwardine NDP Policy BL3.

Neighbourhood Plan Policy: BL5-Housing Site Allocations

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	The three sites allocated are located in the villages of Bartestree with Lugwardine, these are served by mains drainage of Hereford City. Therefore, the areas within the settlement boundaries 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. However some areas may not be connected to WWTW, will need specific foul and water management strategy and will need to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. 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 BL1, seeks to conserve the natural environment including the enhancement of the landscape, biodiversity and geodiversity within the parish, including watercourses. Policy BL12 Water Quality in the Lugg ensures foul and surface water are management are considered and demonstrated in a scheme as well as ensuring schemes draining into the Wye catchment will be nutrient neutral.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to provide criteria for residential extensions. A planning application will be required and any application will need to meet the requirements of Policy SD4. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC. The policy criteria within Policy BL1 (Surface water and flood risk) includes the requirement for acceptable arrangements for the use of suitable sustainable drainage and wet systems. Policy BL12 ensures development going forward will be nutrient neutral.

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 Bartestree with Lugwardine 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. However, it is recommended for criteria to be added to ensure applications 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 three site allocations in Bartestree and Lugwardine 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. Policy BL1 and Policy BL12 includes some criteria to minimise the impact on the natural environment and have appropriate drainage. Overall there are no likely significant effects with regards to Bartestree with Lugwardine NDP Policy BL5.

Neighbourhood Plan Policy: BL13- Supporting Local Businesses

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

Mitigation	Description
Main sewerage system	The villages of Bartestree with Lugwardine are served by mains drainage of Hereford City. Therefore, the areas within the settlement boundaries 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. However some areas may not be connected to WWTW, will need specific foul and water management strategy and will need to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. 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 BL1, seeks to conserve the natural environment including the enhancement of the landscape, biodiversity and geodiversity within the parish, including watercourses. Policy BL12 Water Quality in the Lugg ensures foul and surface water are management are considered and demonstrated in a scheme as well as ensuring schemes draining into the Wye catchment will be nutrient neutral.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to provide criteria for residential extensions. A planning application will be required and any application will need to meet the requirements of Policy SD4. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC. The policy criteria within Policy BL1 (Surface water and flood risk) includes the requirement for acceptable arrangements for the use of suitable sustainable drainage and wet systems. Policy BL12 ensures development going forward will be nutrient neutral.

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 Bartestree with Lugwardine 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. However, it is recommended for criteria to be added to ensure applications 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 supporting local business policy within the plan does not directly lead to development. All sites within the settlement boundary and within the ‘open countryside’ require a planning application. Policy BL1 and Policy BL12 includes some criteria to minimise the impact on the natural environment and have appropriate drainage. Overall there are no likely significant effects with regards to Bartestree with Lugwardine NDP Policy BL12.

Neighbourhood Plan Policy: BL14-Redundant Rural Buildings

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

Possible Mitigation measures

Mitigation	Description
Main sewerage system	The villages of Bartestree with Lugwardine are served by mains drainage of Hereford City. Development outside this will be covered by private works, it is likely that the majority of rural redundant building will be served by private works, however this will be confirmed at the planning application stage.
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. However some areas may not be connected to WWTW, will need specific foul and water management strategy and will need to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period. 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 BL1, seeks to conserve the natural environment including the enhancement of the landscape, biodiversity and geodiversity within the parish, including watercourses. Policy BL12 Water Quality in the Lugg ensures foul and surface water are management are considered and demonstrated in a scheme as well as ensuring schemes draining into the Wye catchment will be nutrient neutral.
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to provide criteria for residential extensions. A planning application will be required and any application will need to meet the requirements of Policy SD4. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC. The policy criteria within Policy BL1 (Surface water and flood risk) includes the requirement for acceptable arrangements for the use of suitable sustainable drainage and wet

	systems. Policy BL12 ensures development going forward will 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 Bartestree with Lugwardine 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. However, it is recommended for criteria to be added to ensure applications 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 redundant rural buildings policy included in the plan does not directly lead to development. All sites within the settlement boundary and within the ‘open countryside’ require a planning application. Policy BL1 includes some criteria to minimise the impact on the natural environment and have appropriate drainage. However the plan could be strengthened if a specific criteria or policies requiring all developments to be nutrient neutral and safeguarding the wastewater works from being overloaded. If this was included a conclusion of no likely significant effects would result with regards to the Bartestree with Lugwardine NDP Policy BL13.

Appendix 4

Consultation date: 11 April 2022 to 30 May 2022

Consultation title: Bartestree with Lugwardine Neighbourhood Development Plan (Reg14)

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

Consultee	Summary of Comments	Response to Comments
Natural England	<p>Natural England advise Neighbourhood Plans should include polices that require nutrient neutrality. The polices should be underpinned by an appropriate level of evidence to show it is deliverable. Natural England would look to support this positive planning where they can.</p> <p>Neighbourhood plans in Herefordshire are not currently able to rely on higher tier plans to ensure their development allocations and policies are appropriate. This is because the adopted Core Strategy and Nutrient Management Plan 2014 are out of date, and do not adequately safeguard the River Wye SAC. Herefordshire Council has recently began work on a new Local Plan Natural England also advises that work on the neighbourhood plans listed pauses, until after the Local Plan is adopted. This would allow these important matters to be addressed in a strategic way.</p>	<p>The NDP, has included a nutrient neutral policy and is supported by a sufficient evidence base.</p> <p>In the interim of the emerging Local Plan, NDP's will continue to advance and policies and allocation can be assessed at examination stage.</p>
Heritage England	No comments received	
Environment Agency	In consideration of the above Herefordshire Council should be satisfied, consultation with Natural England as the primary consultation body on this matter, that this approach, including possible mitigation, is a viable and deliverable and that there is a reasonable degree of certainty provided to take forward the sites in the plan.	Noted.
Natural Resources Wales	No comments received	

Appendix 5

Neighbourhood Plan Policy Screening – Bartestree with Lugwardine Neighbourhood Plan

Policy Number	Potential effect	In-combination effects	Likely adverse effects Likely Adverse Effect (Yes/ No and state how)
BL15- Transport and Highways	This sets out criteria to ensure new development will be safe and accessible with easy access to existing footway and cycleways. Changes post regulation 14 have added additional criteria to this policy to ensure schemes have provision for active travel infrastructure in scheme this includes cycle storage and links to public transport.	None identified	No LAE. This policy post regulation 14, would not directly lead to development but provide criteria for all development to have safe and suitable access with opportunities for active travel.

In addition to the criteria added to Policy BL15, changes post regulation 14 of the Bartestree with Lugwardine regulation have had minor changes to the wording to objective 13 and policies BL1, BL3, BL8 in regards to enabling and promoting sustainable travel by walking, cycling and public transport. These are minor changes to policies and conclusion of this policy having no likely adverse effect following screening, no further rescreening at the AA submission stage is required.

Appropriate Assessment policy assessment – Bartestree with Lugwardine Neighbourhood Plan

No policies have been rescreened due to the minor nature of the modifications. The modifications had minor wording changes to clarify and update the policies.

Appendix 6

Consultation date: 18 October to 29 November 2022

Consultation title: Bartestree with Lugwardine Neighbourhood Development Plan (Reg16)

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

Consultee	Summary of Comments	Response to Comments
Natural England	No comments received	
Heritage England	Supportive of plan. No specific comments made on HRA.	Noted.
Environment Agency	Accepts current approach taken	Noted.
Natural Resources Wales	No comments made to the SEA	Noted.

Appendix 7



Policy	Modification recommended	Justification
Modification 1	BL8 Community facilities Delete the words "...and playing fields..." from the first bullet point of the policy	To ensure clarity and to ensure there is no conflicting policies
Modification 2	Policy BL10 Local Green Spaces, Allotments and Rights of Way Ensure that the green pathway extension to LGS L4 is shown on the Lugwardine village Policies Map	For clarity and implementation.
Modification 3	Policy BL10 Delete land east of Traherne Close as a LGS from the policy and all associated maps and figures	To ensure all green spaces identified are in conformity with the NPPF.
Modification 4	Change the first sentence of the last paragraph in Policy BL10 to read: " <i>Development in the Local Green Spaces will be consistent with national policy for Green Belts.</i> "	In the interests of consistency and conformity with NPPF wording.

Appendix 8

**Appropriate Assessment policy assessment – Bartestree with Lugwardine
Neighbourhood Plan**

The modifications following the examination of the revised plan were minor, therefore no objectives or policies have been rescreened.