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31st January 2007

Dear Mark

APPROPRIATE ASSESSMENT OF HEREFORDSHIRE'S UNITARY DEVELOPMENT PLAN

Thank you for attending the meeting at Plough Lane on 20th December in order to discuss, in detail, the issues around Appropriate Assessment of the Herefordshire UDP. As you are aware there are four areas within Herefordshire that have international site designation, these are The River Wye (River Wye SSSI and part River Lugg SSSI), Downton Gorge, The Wye Valley Woodlands and the River Clun (part of the River Clun SSSI). In addition, both the Wye Valley & Forest of Dean Bat site and Rhos Goch SACs are near to the border of Herefordshire and depend upon appropriate land use in Herefordshire for their protection. Following our meeting and in accordance with the Draft Conservation (Natural Habitats, &c.) Regulations, 2006, as amended, a screening of the Herefordshire Unitary Development Plan has been undertaken prior to the adoption of the Plan.

In undertaking this screening exercise I can confirm as agreed at our meeting that:

1. References to "biodiversity" in UDP policies or in the supporting text would include consideration of the impacts upon internationally designated sites in Herefordshire and the wider geographical area, where appropriate;
2. Cross references to "other relevant policies" either within the policies themselves or in the supporting text, for example, in paragraph 11.4.13 of the Minerals Chapter includes, in all relevant instances, consideration of proposals against the requirements of policy NC2: Sites of International Importance.
3. For clarification I can also confirm that all development proposals, irrespective of whether they are covered by a specific policy or proposal will be subject to the requirements of policy NC2: sites of international importance. This is clear from the policy wording which states that:

"Development which may affect a European Site, a proposed or candidate European Site or a Ramsar site will be subject to the most rigorous examination. Development that is not directly connected with or necessary to the management of the site for nature conservation, which is likely to have significant effects on the site (either individually or in



combination with other plans or projects) and where it cannot be ascertained that the proposal would not adversely affect the integrity of the site, will not be permitted unless:

- 1. there is no alternative solution; and**
- 2. there are imperative reasons of over-riding public interest for the development.**

Where the site concerned hosts a priority natural habitat type and/or a priority species, development or land use change will not be permitted unless the authority is satisfied that it is necessary for reasons of human health or public safety or for beneficial consequences of primary importance for nature conservation.”

The UDP policies have been screened using a working draft Habitats Regulations Assessment Guidance from Natural England, the Habitats Regulations Assessment of Policies and Proposals. This can be viewed in Appendix 1 against which the UDP policies that could have a potential effect on a European Site were considered. Appendix 2 provides a list of those policies in the Herefordshire UDP that were assessed as potentially having an effect on an International designation. In identifying this list of policies a precautionary approach was taken including policies which could be considered to steer development towards, encourage or permit development in an area that could include a European Site or an area where development might indirectly affect a European Site. As stated in bullet point 3 above, all development proposals, including those listed in Appendix 2, will be required to comply with policy NC2 Sites of International Importance. The Herefordshire UDP has been subject to considerable consultation during its preparation and as you are aware there were no outstanding objections to the Plan by Natural England.

In conclusion, the screening indicates that a full Appropriate Assessment of the UDP is not necessary. I trust therefore that the approach set out above to the Appropriate Assessment of Herefordshire's Unitary Development Plan is acceptable to Natural England and would be grateful if you responded in writing to confirm this. Thank you again for your help in this matter.

Yours sincerely

**DR D J NICHOLSON
FORWARD PLANNING MANAGER**

Appendix 2

Policies with a potential effect on a European Site and the reasons for the potential impact:

Policy	Policy Title	Reasons why policy could have a potential effect
S3	Housing (County-wide policy)	Potentially steers development towards an area that includes a European site or associated sensitive area
H1	Hereford and the market towns: settlement boundaries and established residential areas	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
H2	Hereford and the market towns: housing land allocations	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
H4	Main Villages: Settlement boundaries	Potentially encourages development in an area that includes a European site or associated sensitive area
H5	Main Villages: housing land allocations	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
E1	Rotherwas Industrial Estate	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
E2	Moreton on Lugg depot, Moreton on Lugg	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
E3	Other employment land allocations	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
E7	Other employment proposals within and around Hereford and the market towns	Potentially steers development towards an area that includes a European site or associated sensitive area
E10	Employment proposals within or adjacent to main villages	Potentially steers development towards an area that includes a European site or associated sensitive area
E11	Employment in the smaller settlements and open countryside	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
E16	Intensive livestock units (County-wide policy)	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
TCR19R	Hereford Live Stock Market – Relocation	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
TCR20R	Eign Gate regeneration area	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
TCR21R	Canal Basin and historic core	Potentially encourages development in an area that includes a European site or associated sensitive area
TCR22R	Hereford United Football Club/Merton Meadow	Potentially encourages or permits development in an area that includes a European site or associated sensitive area

TCR23R	Civic quarter	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
TCR25R	Land for retail warehousing	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
TCR26R	Land at Commercial Road	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
T6	Walking (County-wide policy)	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
T7	Cycling (County-wide policy)	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
T10	Safeguarding of road schemes	Potentially development towards an area that includes a European site or associated sensitive area
S8	Recreation, sport and tourism (County-wide policy)	Potentially development towards an area that includes a European site or associated sensitive area
RST5	New open space in/adjacent to settlements	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
RST6	Countryside access (County-wide policy)	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
RST7	Promoted recreational routes	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
RST10	Major sports facilities (County-wide policy)	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
CF1	Utility services and infrastructure (County-wide policy)	Potentially encourages or permits development in an area that includes a European site or associated sensitive area
CF2	Foul drainage (County-wide policy)	Potentially encourages or permits development in an area that includes a European site or associated sensitive area