

Habitats Regulations Assessment

Report for:

Bishopstone Group Neighbourhood Area

January 2019



Bishopstone Group Neighbourhood Plan HRA

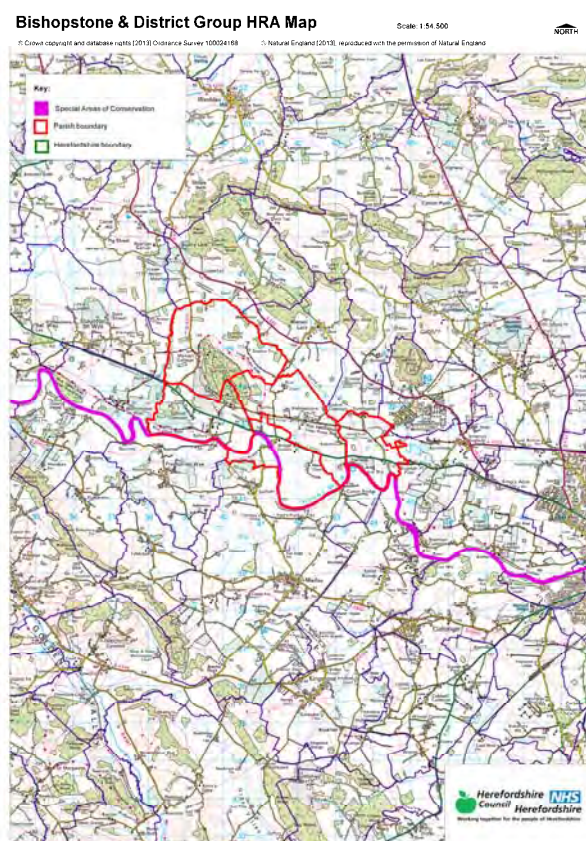
HRA Screening Assessment

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1 Introduction

- 1.1 This Screening Assessment relates to a Neighbourhood Development Plan that is considered to be in general conformity with higher level strategic plans, such as the Herefordshire Core Strategy and the National Planning Policy Framework. The screening stage involves assessing broadly whether the final Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Bishopstone Group Parish Council has produced a Neighbourhood Development Plan for Bishopstone Group of parishes, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. Site options have been considered through a questionnaire and call for sites in 2014. However this was informally recorded and not previously assessed in the options HRA. Following these events eight sites were put forward for site assessment, one of the sites has been recommended to allocate. These sites have now been assessed in this report, the results can be found in appendix 3.
- 1.3 The Bishopstone Group NDP has designated settlement boundaries within the Bishopstone and Byford and has allocated sites in Bishopstone. The plan also provides policies that set out criteria for design, tourism, support local businesses and also includes safeguarding policies. It provides general criteria policies that clarify and given more detail to those within the Herefordshire Core Strategy.
- 1.4 This requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Core Strategy. It should be read in combination with the Core Strategy Habitat Regulations Assessment Report and ensures that there will not be any significant impacts upon Natura 2000 sites.
- 1.5 The map below shows Bishopstone Group Neighbourhood Area to which this assessment related.



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2 The requirement to undertake Habitats Regulations Assessment of neighbourhood plans

- 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. Therefore, when preparing its NDP, Bishopstone Group 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 Article 6(3) of the EU Habitats Directive provides that:
Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.
- 2.3 HRA is an impact-led assessment and refers to the assessment of the potential effects of a neighbourhood plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- **SPAs** are classified under the European Council Directive ‘on the conservation of wild birds’ (79/409/EEC; ‘Birds Directive’) for the protection of **wild birds and their habitats** (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
 - **SACs** are designated under the Habitats Directive and target **particular habitats** (Annex 1) and/or species (Annex II) identified as being of European importance.
- 2.4 For ease of reference during HRA, general practice has been that these three designations are collectively referred to as either **Natura 2000** or **European sites**. This means that a Screening Assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans or projects to identify if any significant effect is likely for any European Site.
- 2.5 Herefordshire Council is aware of the recent judgement (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that Article 6(3) of 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 European site at the screening stage. The initial screening undertaken in June 2013 and concluded that a full HRA would be required. Mitigation was not taken into account at this stage.
- 2.6 The purpose of this submission HRA Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Reports (June 2016 and February 2018) and reviewed in terms of the implications of *Sweetman*.

3 Methodology

- 3.1 Although the Bishopstone Group NDP is not directly regarding the management of any European sites, it does include proposals for development which may affect European sites. Therefore, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant effects on European sites.
- 3.2 The HRA of neighbourhood plans is undertaken in stages and should conclude whether or not a proposal or policy in a neighbourhood plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated) and are measured with reference to the conservation objectives for those qualifying features as defined by Natural England.
- 3.3 The first process is to undertake an initial screening report to determine the need to undertake the requirement for a HRA, this initial screening identifies whether the Plan could impact upon any European site that could be within the Neighbourhood Area or nearby.
- 3.4 If a European Site is within the Neighbourhood Area or the Neighbourhood Area could impact upon a European site then this will need to be taken into account and a full screening assessment will need to be undertaken.
- 3.5 The full screening stage consists of a description of the plan, identification of potential effects on European Sites, assessing the effects on European Sites. For Neighbourhood Plans the outcome should demonstrate there are no likely effects upon the European sites. If any likely effects occur then there will need to be amendments to the NDP made and be re-screened until all likely effects have been addressed.

4 Results of the Initial Screening Report and qualifying features of the European Sites

- 4.1 The initial Screening report (June 2013) found that the River Wye (including the River Lugg) SAC borders along Byford, Bridge Sollars and Kenchester Parishes to the South. Figure 2 below highlights the location of River Wye SAC in relation to the neighbourhood area.



- 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 issues associated with maintaining the sites integrity include water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance.
- 4.4 The River Wye SAC can be sensitive to changes in water quantity and quality. As outlined within the Habitat Regulation Assessment to the Herefordshire Core Strategy, the water supply in this area comes from Dwr Cymru Welsh Water (DCWW) and no likely significant effects on European sites as a result of changes in water quality are expected in relation to the proportional growth outlined with the Herefordshire Core Strategy.
- 4.5 In relation to water quality, Policy SD4 of the Herefordshire Core Strategy indicates that any development should not undermine the achievement of water quality targets within the county's rivers. This should ensure that developments within the area can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC. This position is confirmed within the HRA of the Core Strategy in April 2015.
- 4.6 The addition of the Nutrient Management Plan for the River Wye SAC will support this policy. Only part of the group parish has mains drainage, Kenchester and Bishopstone flow into Eign Wastewater Treatment works. Therefore development outside these areas will require alternative foul drainage options in line with Policy SD4 of the Core Strategy. DCWW states there are no issues with water supply and sewage in Bishopstone to accommodate the specific growth required within the Bishopstone Group Neighbourhood Plan, though some level of off-site mains sewers may be required.
- 4.7 For full details of the River Wye's attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Bishopstone Initial Screening Report. The Initial Screening Report, June 2013, can be found in Appendix 1 of this HRA report.
- 4.8 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 Bishopstone Neighbourhood Plan may affect site integrity.
- 4.9 The initial screening assessment indicated that a full screening assessment is required to assessment the likelihood of significant effects on the River Wye (including the River Lugg) SAC of the policies within the Bishopstone Group NDP.

5 Description of the Bishopstone Group Neighbourhood Development Plan

- 5.1 The final Bishopstone Group NDP presents detailed policies for development in the Neighbourhood Area, which is equivalent to the group parish boundary, up to 2031. The Plan begins by introducing its preparation and highlighting its issues.
- 5.2 The NDP then details the vision for the Group Parish over the Plan period; 'By 2031 each settlement in the Group will have achieved a level of growth that suits its own individual needs in order to flourish as a strong, viable community with Bishopstone as the centre of development for the Group. The new housing and business development will be of a type and scale that suit and enhance the local environment, while preserving the beauty and tranquillity of the rural landscape for residents and visitors.
- There are four objectives of how this will be achieved. The objectives cover the following topics
- Encourage sustainable housing provision to meet needs of the community.
 - Encourage business development and home base businesses
 - Protect historic landscape
 - Support thriving settlements and strong vibrant communities
- 5.3 The initial options for the NDP (refer to appendix 2) were assessed to determine their environmental impact that could affect the River Wye SAC. Of the thirty nine options put forward the 'no NDP / do nothing' option was not considered viable for the Parish. The majority of the plan options indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core strategy and are therefore unlikely to have a significant impact on the SAC.
- 5.4 Following a questionnaire and call for sites in April 2014, eight sites were put forward only two of these were offered by the landowner. The sites considered for Bishopstone were:
- Site 1-Bishon Lane
 - Site 2-Bishopstone Court
 - Site 3- Opposite Bishopstone Lodge
 - Site 4- Bishopstone House
 - Site 5-Land south of C1097
 - Site 6-Land adjacent to Pleck Cottage
 - Site 7- Bishon Farm (recommended site)
 - Site 8- Land to the rear of alms houses
- 5.5 Sites 1,2,4,5,8 were not recommended for allocation as they have several constraints majority of these relating to landscape impact along with delivery concerns. Sites 3, 6 and 7 were recommended for allocation. Out of these sites, site 7 was chosen to develop within the plan period as this was the site with the largest potential. The site options have been screened in appendix 2, and none of the sites have been found to have a likely significant impact on the SAC, therefore does not require an appropriate assessment.
- 5.6 As Bishopstone Neighbourhood Plan progressed from options to draft NDP policies, the Plan needed to identify ways in which the least effect on the River Wye SAC could be achieved, alongside taking forward the preferred option from the consultation from the community. A list of the options assessed can be found in previous HRA assessments, and the Assessment matrix for the options can be found HRA June 2016 version.
- 5.7 The NDP also sets out 9 general policies on various topics based on the objective headings above and also for group parish, these include:

- Policy H1 Housing in Bishopstone
- Policy H2 Housing in Byford
- Policy H3 Housing in Bridge Sollars, Kenchester and Mansell Gamage
- Policy G1 Housing development sites and design
- Policy G2 Flooding
- Policy G3 Business development and home working
- Policy G4 Traffic and Transport
- Policy G5 Tourism
- Policy G6 Historic Landscape and Green Infrastructure

6.0 Assessments undertaken to date of the emerging Bishopstone NDP policies

- 6.1 Regulation 102 of the Habitats Regulations 2010 requires that a Screening Assessment be undertaken, in order to identify the 'likely significant effects' of an NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies within the Bishopstone Group NDP would be likely to have a significant effect on the River Wye SAC (including the Lugg). This has been repeated at each statutory stage of the NDP consultation process.
- 6.2 The findings of those screening matrix can be found within the previous versions of the HRA report and its addendum. This final report aims to bring together these assessments and review in light of the final examination modifications and the implications of the *Sweetman* case.

Screening of the draft plan (Reg14)

- 6.3 The screening matrix took the approach of screening each policy and objective individually, which is consistent with current guidance. The results from the HRA reports for the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 6.4 None of the Bishopstone NDP objectives and policies (May 2018) were concluded to be likely to have a significant effect on the European site. Although three of the parishes making up the Bishopstone Group border the River Wye SAC, two villages Byford and Bridge Sollars are in close proximity to the river itself. Policy G2 and Core Strategy policy SD3 and SD4 together with the Nutrient Management Plan will ensure that development can only occur if these policy requirements are met.
- 6.5 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development and the SAC itself is not within the parish. In several cases the policies also included measures to help support the natural environment including flooding prevention measures and safeguarding historic landscape and green infrastructure.
- 6.6 It is unlikely that the Bishopstone Neighbourhood Plan will have any in-combination effects with any Plans from neighbouring parish council due to the level of growth proposed is of the same that is proposed for the Hereford Housing Market Area in the Herefordshire Core Strategy
- 6.7 Therefore it was concluded that the **Reg14 Bishopstone NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

Screening of modifications to NDP (Reg16)

- 6.8 The Submission May NDP (2018) incorporates additional policy criteria or wording to add clarity and emphasis throughout the document. Of particular importance is that one new policy has been introduced into the Submission NDP following the Regulation 14 Draft Plan consultation. The main changes within the NDP are to housing. H1 has been amended to protect majority of the orchard at Bishon Farm site and to include an area in this site for housing to ensure deliverability for 12-16 houses. H2 wording within the policy has been amended, three settlement boundaries have been reduced to two this has clarified and helped the housing policy comply with the Core Strategy by removing the Home Farm settlement boundary. H3 wording has been amended and simplified this supports policies RA3 and RA5 of the Core Strategy. Changes to policy G1, G2 adds flexibility to the policy and adds more criteria to safeguard the environment from development. This will give criteria for future applications to meet to support policy SD4 and ensure that the delivery of the Nutrient Management Plan is not compromised.
- 6.9 The revised NDP policies are therefore unlikely to result in significant effects on the European sites, a conclusion of which is based on assumptions and information contained within the Bishopstone Group NDP, the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy).

Screening of site options consultation

- 6.10 During examination, it was apparent that the site options considered were not formally presented although they were considered in April 2014 at a call for sites and questionnaire and informally rafted in note form. The 8 site options have now been screened in the HRA, none of the sites including allocated site 7 have been found to have a likely significant effect on the SAC.

7 Assessment of the 'likely significant effects' of the submission Bishopstone NDP (July 2018) and implications of *Sweetman* case

- 7.1 In light of the *Sweetman* case all policies have been reviewed to ensure compliance with the ruling. The finding can be found in appendix 3.
- 7.2 The findings of the screening matrix can be found in the Screening Matrix in the appendix. Colour coding was used to record the likely impacts of the policies on the European site and its qualifying habitats and species as shown in the table 1 below.

Red	There are likely to be significant effects
Green	Significant effects are unlikely

- 7.3 Following the recent *Sweetman* judgement, it is not permissible to take account of measure intended to avoid or reduce the harmful effects of the plan on the River Wye SAC at this final screening stage. Any likely significant effects would require an Appropriate Assessment to be required.

8 Conclusions from the Screening Matrix

- 8.1 None of the final Bishopstone Neighbourhood Plan (July 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. Although three of the parishes making up the Bishopstone Group border the River Wye SAC, only two villages are in close proximity to the river itself.
- 8.2 Policy G2 has been included within the Bishopstone NDP with sufficient policy criteria together with the Core Strategy policy SD3 and SD4 to ensure that development can only occur if these criteria are met.
- 8.3 The Bishopstone NDP has safeguarding and criteria based policies, themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment (G2, G6) including flood avoidance, and therefore no significant effect conclusion could be reached.
- 8.4 There were two allocated sites for development in Bishopstone, these allocations are in line with polices RA1 and RA2 of the Core Strategy and does not propose growth above and beyond the Core Strategy. Due to the location of these potential contiguous sites, i.e. not directly on the river banks, and due to the scale of the sites for homes and businesses being of a small size and at the scale of growth that is required by the Herefordshire Core Strategy, these would not have an appreciable effect on the River Wye SAC, i.e. that they were not likely to be significant.
- 8.5 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is currently capacity with regards to permitted headroom in the Sewerage Treatment works serving the Bishopstone Group area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. However there are areas in the Neighbourhood area with no mains Drainage, therefore development outside these areas will require alternative foul drainage options in line with Policy SD4 of the Core Strategy. Policy SD4 of the Core Strategy and Policy G2 of the NDP indicate that development would not permitted if wastewater treatment and water quality cannot be assured.
- 8.6 In addition, the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 8.7 No mitigation measures have been included within the screening of the policies of the NDP. Policies of the Core Strategy and the NDP will form part of the development plans. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 8.6 This review and rescreening in addition to the revisions to the policies from the examination, have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Bishopstone Group Neighbourhood Plan will not have a likely significant effect on the River Wye SAC.***

9 Identification of other plans and projects which may have 'in-combination' effects

- 9.1 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 publication of the Herefordshire Local Plan Core Strategy Habitats Regulations Assessment (Oct 2015).

- 9.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy.
- 9.3 Adjacent neighbourhood plans include Staunton on Wye and District Group, Eaton Bishop have been adopted. Wyeside, Madley and Stretton Sugwas are drafting their plans and have not been adopted yet. Credenhill and Foxley Group are likely to be included in the Rural Areas Development Plan Document. These plans have not gone over and beyond the requirements set out within the Core Strategy for their area.
- 9.4 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 work on the Nutrient Management Plan, to ensure the favourable conservation status of the SAC in respect of phosphate levels as soon as possible and at the latest by 2027, have both been considered as part of the in-combination assessment.
- 9.5 It is unlikely that the Bishopstone 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.

10.0 Conclusion

- 10.1 With reference to sections 6 to 9 above, the modifications to the NDP are not considered to affect the findings of the previous HRA report. Equally the review in light of the *Sweetman* case are also not considered to affect the previous findings.
- 10.2 Therefore the earlier conclusions that the **Bishopstone Group NDP will not have a likely significant effect on the River Wye SAC (including Lugg)** remains valid.

11.0 Next steps

- 11.1 This HRA will be subject to a five week consultation with the statutory bodies, before continuing with examination of the Bishopstone Group NDP.

Appendix 1

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

The Neighbourhood Planning (General) Regulation 2012 (Reg. 32)

Conservation of Habitats and Species Regulations 2010 (d)

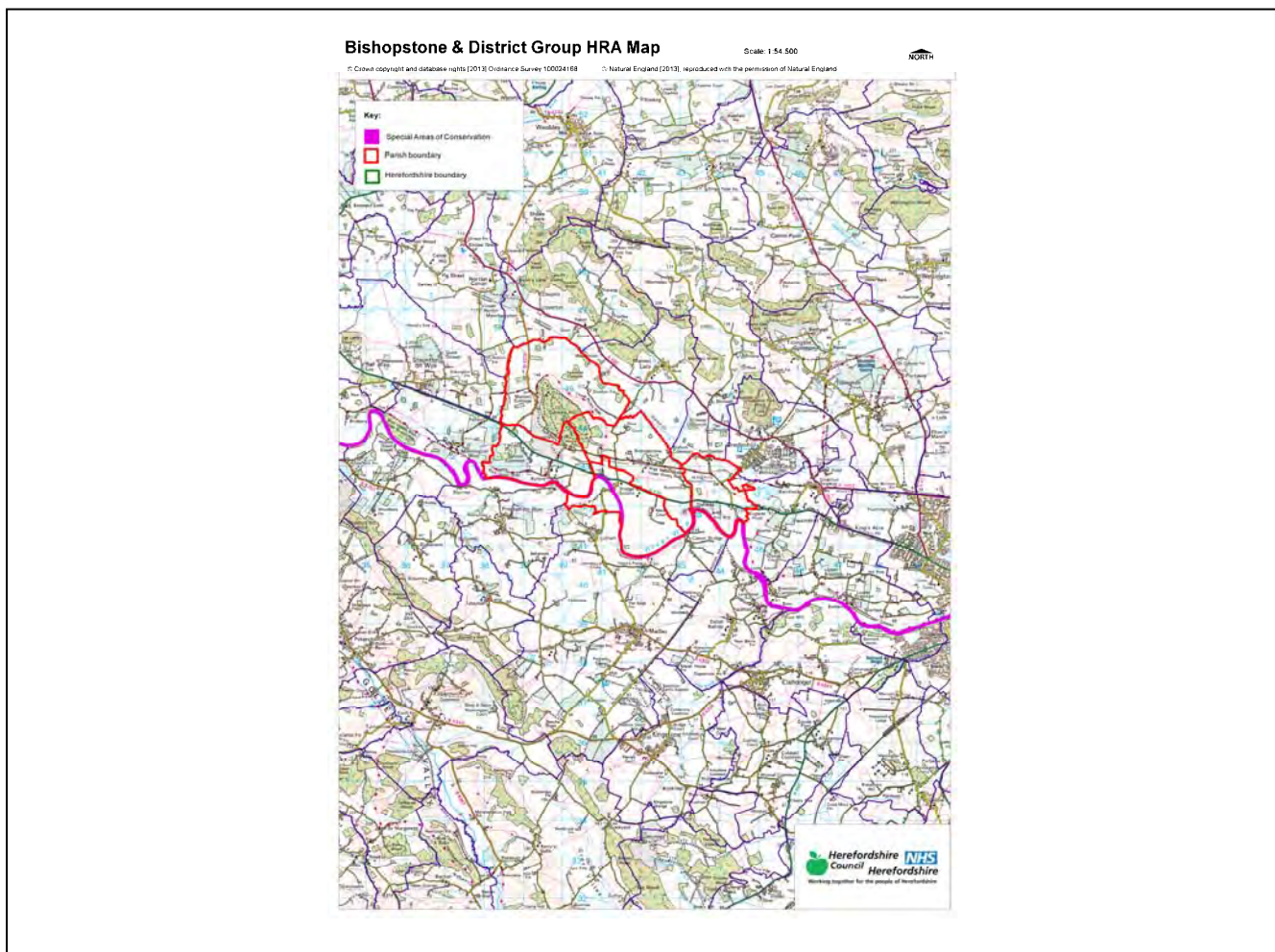
Neighbourhood Area:	Bishopstone & District Group Neighbourhood Area
Parish Council:	Bishopstone & District Group Parish Council
Neighbourhood Area Designation Date:	18/03/2013

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)**



Initial HRA Screening

River Wye (including the River Lugg) SAC:

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	Y	The River Wye borders Byford, Bridge Sollars and Kenchester Parishes to the south
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The Group Parish is within the hydrological catchment of the River Wye.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	Drainage at Kenchester and Bishopstone flow into Hereford Mains Drainage

Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 26.75km away from the Parish
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River Clun SAC:

Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council?	N	River Clun does not border the Parish
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Usk Bat Sites SAC:

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 32.5km away from the Parish
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Wye Valley & Forest of Dean Bat Sites SAC:

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	N	The Group Parish is 30km away from Wye Valley and Forest of Dean Bat Sites
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Wye Valley Woodlands SAC:

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site?	N	The Parish is 28.65km away from the Wye Valley Woodlands
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HRA Conclusion:

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

European Site

(List only those which are relevant from above)

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 Bishopstone & District Group 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	Total	Explanation	SEA required
Air Quality Management Areas	0	There are no AQMA's within the Group Parish	N
Ancient Woodland	3	Kenmoor Coppice; 1 unlabelled site in the north of Mansell Gamage Parish; 1 unlabelled site in Garnons Hill	Y
Areas of Archaeological Interest	0	There are no AAI's in the Group Parish	N
Areas of Outstanding Natural Beauty	0	There are no AONB's within the Group Parish	N
Conservation Areas	0	There are no Conservation Areas within the Group Parish	N
European Sites	1	River Wye runs through the south of Byford, Bridge Sollars and Kenchester Parishes	Y
Flood Areas		Flood Zones at: south and west of Byford Parish. The western border of Mansell Gamage Parish. The northern border of Bishopstone Parish. The south of Bridge Sollars Parish. The north and south of Kenchester Parish	Y
Listed Buildings	Numerous	There are numerous Listed Buildings throughout the Group Parish	Y
Local Sites (SWS/SINCs/RIGS)	6 (SWS)	River Wye; Kenmoor Coppice; Garnons Hill & Carolines Coppice; Bishon Common (border); First pond near Bunshill; Pool near Magna Castra Farm	Y
Long distance footpaths/trails	2	Three Rivers Ride; Wye Valley Walk	Y
Mineral Reserves	6	Ashmoor Plantation to Bishopstone Court to Downhill Coppice; East of Byford, south of Bishopstone; South of Wye and Bridge Sollars to Lulham; South of Canon Bridge (border); South of Roman Road to A438 and area between Wye and A438; North west of Credenhill (border)	Y
National Nature Reserve	0	There are no NNR's within the Group Parish	N
Registered & unregistered parks and gardens	1 Registered 4 Unregistered	Registered: Garnons Unregistered: Bishopstone Court; Garnons; New Weir; Canon Bridge House (border)	Y
Scheduled Ancient Monuments	5	Offas Dyke: The section extending 250yds (210m) North and South of the Old Barn near Kenmoor Coppice (South East of Bowmore Wood); Offas Dyke: The section extending 950yds (870m)	Y

		North and South of Big Oaks; Moated Site at Bishopstone Court; Site of Romano-British town of Magna; New Weir Roman Site	
Sites of Special Scientific Interest	2	River Wye (Unfavourable Recovering); Bishon Common (Favourable) (border)	Y

Decision Notification:

The initial screening highlights that the Neighbourhood Development Plan for the Bishopstone & District Group Neighbourhood Area:

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

Assessment date: 03/06/2013

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; includes their site features of integrity; and vulnerability data. 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>Callitricho-Batrachion</i> vegetation. Transition mires and quaking bogs. White-clawed (or Atlantic Stream) crayfish <i>Austropotamobius pallipes</i> . Sea lamprey <i>Petromyzon marinus</i> . Brook lamprey <i>Lampetra planeri</i> . River lamprey <i>Lampetra fluviatilis</i> . Twaite shad <i>Alosa fallax</i> . Atlantic salmon <i>Salmo salar</i> . Bullhead <i>Cottus gobio</i> . Otter <i>Lutra lutra</i> . Allis shad <i>Alosa alosa</i>
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." (Source: EA website: http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf accessed 09/04/2013)

Usk Bat Site

Site Features: Annex I habitats present as a qualifying feature, but not a primary reason for site selection: European dry heaths, Degraded raised bogs still capable of natural regeneration, Blanket bogs, Calcareous rocky slopes with chasmophytic vegetation, Caves not open to the public, *Tilio-Acerion* forests of slopes, screes and ravines. Annex II species of primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, UK population 5%, although it is suggested this is an underestimate.

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.

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.

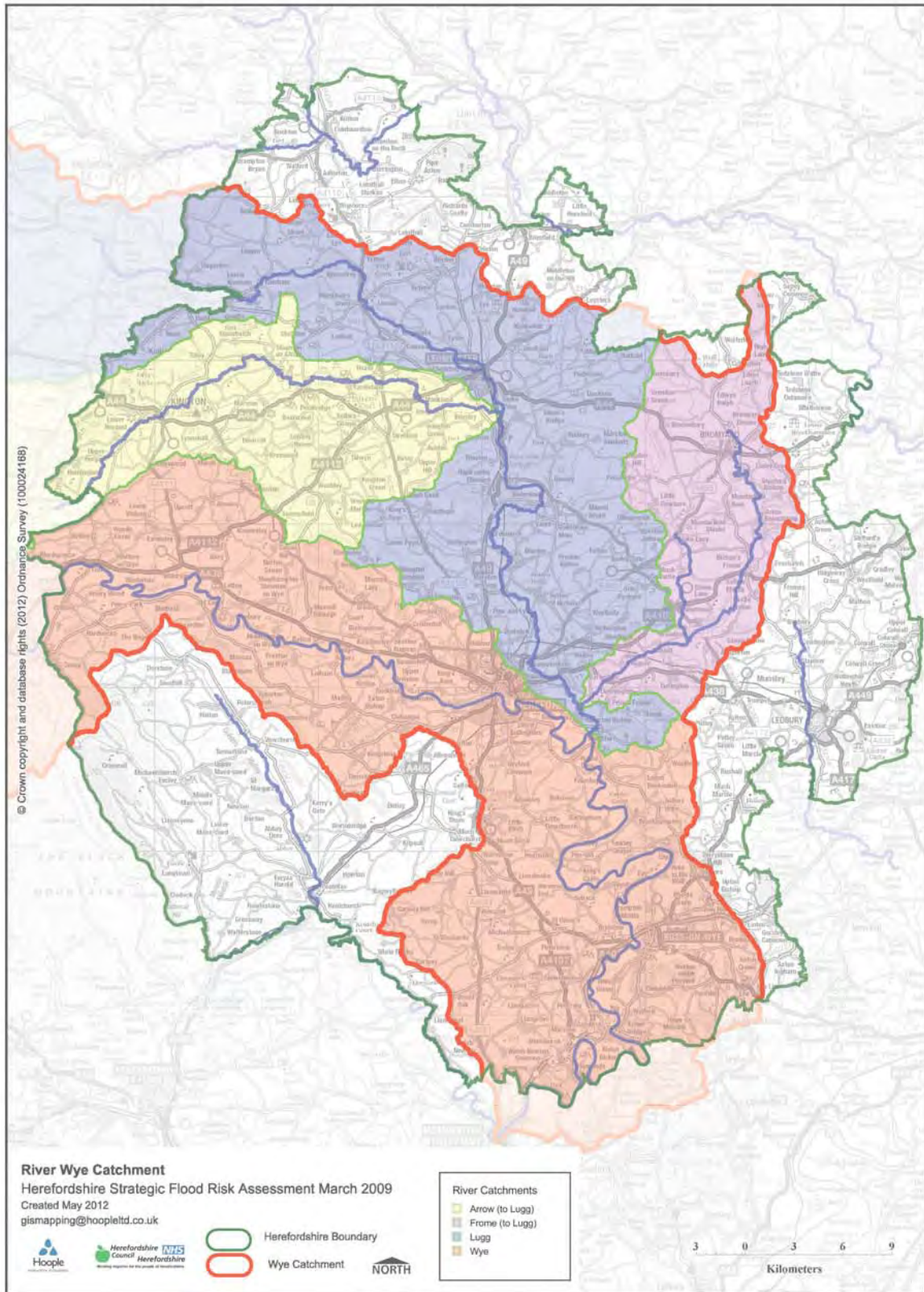
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation. 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: Wye Catchment Map



Appendix 2

Bishopstone Options

Do nothing

Housing development options

Housing to be developed no more than 2 houses

Between 3 and 5 houses

Between 5 and 10 houses

Types of housing options

Develop starter homes (2 bedrooms)

Develop Family homes (3 or more bedrooms)

Develop Executive homes (4 or more bedrooms)

Develop Bungalows

Develop Live/work properties (small business run adjacent to house)

Convert of existing buildings

Develop homes for local people/people with local connections

Building Design feature options

Develop Building design in keeping with the scale and style of existing buildings

High levels of energy conservation

Use of traditional building materials

Use of renewable energy technology/low carbon requirements

Green alternatives for sewage treatment

Options for housing location

Within the main existing housing area

On the edge of the existing housing area

On brownfield sites

On greenfield sites

Settlement boundary options

Retain Bishopstone boundary as it is (without a settlement boundary)

Allocate settlement boundary for Bishopstone

Create a settlement boundary for Bridge Sollars

Leave Bridge Sollars without a boundary

Create a settlement boundary for Byford

Leave Byford without a boundary

Create a settlement boundary for Kenchester

Leave Kenchester without a boundary

Create a settlement boundary for Mansell Gamage

Leave Mansell Gamage without a boundary

Options what public facilities to improve

Access to information about local facilities and activities

Broadband

Facilities for children and young people

Facilities for older people

Facilities for leisure and recreation

Mobile phone reception

Public transport

Public footpaths and bridleways

Road Safety

Site Options

Site 1-Bishon Lane

Site 2-Bishopstone Court

Site 3- Opposite Bishopstone Lodge

Site 4- Bishopstone House

Site 5-Land south of C1097

Site 6-Land adjacent to Pleck Cottage

Site 7- Bishon Farm (recommended site)

Site 8- Land to the rear of alms houses

Appendix 3

HRA Screening of submission Neighbourhood Development Plan Policies

Date undertaken: August 2018

Core Strategy HRA version: **Adopted Core Strategy 2011-2031**

NDP objectives and policies	HRA Screening of final NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Policy H1 Housing in Bishopstone	<p>Housing development in line with Core Strategy targets.</p> <p>Increase in vehicle traffic.</p> <p>Increase recreation activities.</p> <p>Increased demand for water abstraction and sewage treatment.</p> <p>Development of infill sites</p> <p>Site is allocated for a development between 12 and 16 dwellings</p> <p>Community space identified and safeguarded.</p> <p>Community Orchard</p>	<p>Majority of housing target will be met through windfall and infilling within Bishopstone Settlement boundary.</p> <p>The required number of houses is in line with the Core Strategy and types of new houses will be provided within the relevant constraints appropriate to the character and countryside.</p> <p>Due to size and nature of windfall and infill development it is unlikely that there will be any significant effects on the European Site.</p>	River Wye (including River Lugg) SAC	No	No. The scale and extent of potential housing development in Bishopstone is unlikely to have a significant impact on the SAC. Implementation of Core Strategy policy SD4, LD2, SD1 to grant planning permission will ensure water quality issues are addressed. However this can be assessed further at planning application stage on a case by case basis.

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	<p>created.</p> <p>Housing developed on a traditional Orchard where the orchard is damaged and will only impact on a few trees as identified in the management plan. Majority of orchard retained.</p>				
Policy H2 Housing in Byford	<p>Housing development in line with Core Strategy targets.</p> <p>Increase in vehicle traffic.</p> <p>Increase recreation activities.</p> <p>Increased demand for water abstraction and sewage treatment.</p> <p>Development of infill sites</p> <p>Development in the identified settlements</p>	<p>Majority of housing target will be met through windfall and infilling within the settlement boundaries of Byford village, Byford Common.</p> <p>The required number of houses is in line with the Core Strategy and types of new houses will be provided within the relevant constraints appropriate to the character and countryside.</p> <p>Due to size and nature of windfall and infill development it is unlikely that there will be any significant effects on the European Site.</p>	River Wye (including River Lugg) SAC	No	<p>No. The scale and extent of potential housing development in Byford is unlikely to have a significant impact on the SAC. Implementation of Core Strategy policy SD4, LD2, SD1 to grant planning permission will ensure water quality issues are addressed. However this can be assessed further at planning application stage on a case by case basis.</p>
Policy H3 Housing in Bridge Sollars, Kenchester and Mansell Gamage	<p>Housing development in line with Core Strategy targets.</p> <p>Small increase in vehicle traffic.</p> <p>Small increase recreation</p>	<p>The required number of houses is in line with the Core Strategy and types of new houses will be provided within the relevant constraints appropriate to</p>	River Wye (including River Lugg) SAC	No	<p>No. The scale and extent of potential housing development is unlikely to have a significant impact on the SAC as housing growth will be limited and minimal within the plan period in line</p>

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	<p>activities.</p> <p>Small increase in demand for water abstraction and sewage treatment.</p> <p>Development in redundant rural buildings.</p>	the character and countryside.			with Core Strategy policy RA3. Implementation of Core Strategy policy SD4, LD2, SD1 to grant planning permission will ensure water quality issues are addressed.
Policy G1 Housing development sites and design	<p>Promotion of sustainable housing construction</p> <p>Reuse of materials</p> <p>Sustainable housing design developed</p> <p>Sustainable growth</p> <p>Building conservation</p>	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy LD2 to protect biodiversity and wildlife, and SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective to set out building design criteria for new developments to adhere to.
Policy G2 Flooding	<p>Alleviate flood risk</p> <p>Promotion of implementation of sustainable drainage systems</p>	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy LD2 to protect biodiversity and wildlife, and SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.	River Wye (including River Lugg) SAC	No	No, this sets out criteria specific to Bishopstone Group to alleviate flood risk and improve flood alleviation schemes. This supports policies of SD3 and SD4 of the Core Strategy. These policies will ensure water quality issues are addressed.

<p>Policy G3 Business development and home working</p>	<p>Promotion for residents to work from home</p> <p>Support new small scale business development</p> <p>Small scale tourism development developed.</p> <p>Development of agricultural businesses.</p>	<p>Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy LD2 to protect biodiversity and wildlife, and SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.</p>	<p>River Wye (including River Lugg) SAC</p>	<p>No</p>	<p>No, policy criteria exist within the Core Strategy SD4 required to be met for the development to receive planning permission. The scale, location and extent of potential business development is unlikely to have a significant impact on the SAC.</p>
<p>Policy G4 Traffic and Transport</p>	<p>Reduction of noise pollution</p> <p>Traffic calming measures promoted</p> <p>Promotion of sustainable transport</p>	<p>Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy LD2 to protect biodiversity and wildlife, and SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.</p>	<p>River Wye (including River Lugg) SAC</p>	<p>No</p>	<p>No: this policy itself will not lead to development, instead it relates to criteria based objective to alleviate traffic and transportation issues within the group parish.</p>
<p>Policy G5 Tourism</p>	<p>Small scale tourism development.</p> <p>Increase in vehicle traffic</p> <p>Small increased demand for water abstraction and sewage treatment.</p>	<p>Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy LD2 to protect biodiversity and wildlife, and SD4 which</p>	<p>River Wye (including River Lugg) SAC</p>	<p>No</p>	<p>No. This policy supports sustainable tourism within Bishopstone. This sets out criteria with environmental safeguards to ensure tourism development will not have a detrimental impact on the built and</p>

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		seeks to ensure water quality of the SAC is not detrimentally effected.			natural environment.
Policy G6 Historic Landscape and Green Infrastructure	<p>Safeguard historic landscape.</p> <p>Greater protection for natural environment, tree hedgerows, woodland and watercourses.</p> <p>Maintenance and improvement of green infrastructure.</p>	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy LD2 to protect biodiversity and wildlife, and SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.	River Wye (including River Lugg) SAC	No	No, this policy aims to safeguard and sustain historic landscape, green infrastructure and biodiversity. The implementation of Core Strategy policy SD4, LD2, SD1 to grant planning permission will ensure water quality issues are addressed.

HRA Screening of Site options

Parish Council Name: Bishopstone Group Parish Council

NDP Title: Bishopstone Group Neighbourhood Plan

Date undertaken: January 2019

Proposed Site Allocations	HRA Screening of significant changes (objectives, options and policies) following Draft Plan Consultation					
	Characteristics of development, such as size	Location of proposed site allocation	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected (Refer to Initial Screening)	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Site 1: Bishon Lane	Site area 0.89 ha in size. Potential capacity of 8 dwellings. Sited on greenfield land, grade 2/3 agricultural. In a low risk food zone.	Located on the outskirts of the eastern edge of Bishopstone Village. Site is located behind a close of houses.	Small scale development proposed (plots of 8 or less) Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of LD2 to protect biodiversity and wildlife, and Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.	River Wye including River Lugg SAC	No location and scale is unlikely to have any likely significant effect on the SAC.	Not required. Scale and location of its site and its proximity to the SAC, development on Bishon Lane is unlikely to cause significant effect to the SAC. Policy criteria exist within the Core Strategy (SD4) which are required to be meet for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.

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<p>Site 2: Bishopstone Court</p>	<p>Site area 0.32 ha in size. Sited on greenfield land, grade 2/3 agricultural. In a low risk food zone. High sensitivity impacting heritage asset of Bishopstone Court.</p>	<p>Located outside the settlement of Bishopstone, next to Bishopstone Court.</p>	<p>Small scale development proposed Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of LD2 to protect biodiversity and wildlife, and Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.</p>	<p>River Wye including River Lugg SAC</p>	<p>No location and scale is unlikely to have any likely significant effect on the SAC.</p>	<p>Not required. Scale and location of its site and its proximity to the SAC, development on Bishopstone Court is unlikely to cause significant effect to the SAC. Policy criteria exist within the Core Strategy (SD4) which are required to be meet for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.</p>
<p>Site 3: Opposite Bishopstone Lodge</p>	<p>Site area 0.05 ha in size. Sited on greenfield land, grade 2/3 agricultural. In a low risk food zone.</p>	<p>Small site located on the western edge of Bishopstone Village.</p>	<p>Small scale development proposed Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of LD2 to protect biodiversity and wildlife, and Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected</p>	<p>River Wye including River Lugg SAC</p>	<p>No location and scale is unlikely to have any likely significant effect on the SAC.</p>	<p>Not required. Scale and location of its site and its proximity to the SAC, development on Bishopstone Lodge is unlikely to cause significant effect to the SAC. Policy criteria exist within the Core Strategy (SD4) which are required to be meet for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.</p>
<p>Site 4: Bishopstone</p>	<p>Site area 0.5 ha in size.</p>	<p>Site located on the western edge of</p>	<p>Small scale development proposed</p>	<p>River Wye including River</p>	<p>No location and scale is unlikely to have any likely significant effect on the</p>	<p>Not required. Scale and location of its site and its proximity to the SAC,</p>

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House	<p>Sited on greenfield land, grade 2/3 agricultural. In a low risk food zone.</p> <p>High impact on landscape sensitivity it is within 100m of a roman villa site.</p>	Bishopstone Village.	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of LD2 to protect biodiversity and wildlife, and Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected	Lugg SAC	SAC.	<p>development on Bishopstone House is unlikely to cause significant effect to the SAC.</p> <p>Policy criteria exist within the Core Strategy (SD4) which are required to be meet for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.</p>
Site 5: Land south of C1097	<p>Site area 0.78 ha in size.</p> <p>Sited on greenfield land, grade 2/3 agricultural. In a low risk food zone.</p>	Site located south of the roman road in Bishopstone Village.	Small scale development proposed Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of LD2 to protect biodiversity and wildlife, and Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected	River Wye including River Lugg SAC	No location and scale is unlikely to have any likely significant effect on the SAC.	<p>Not required. Scale and location of its site and its proximity to the SAC, development on land south of C1097 is unlikely to cause significant effect to the SAC.</p> <p>Policy criteria exist within the Core Strategy (SD4) which are required to be meet for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.</p>
Site 6: Land adjacent to Pleck Cottage	<p>Site area 0.67 ha in size.</p> <p>Sited on greenfield land, grade 2/3</p>	Site located in central to Bishopstone village, this is north behind	Small scale development proposed Unlikely that there will be any significant	River Wye including River Lugg SAC	No location and scale is unlikely to have any likely significant effect on the SAC.	Not required. Scale and location of its site and its proximity to the SAC, development on Pleck Cottage is unlikely to cause

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	agricultural. In a low risk food zone. Moderate landscape sensitivity.	the row of houses on the roman road.	effects on the European Site. All developments are required to meet the criteria of LD2 to protect biodiversity and wildlife, and Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected			significant effect to the SAC. Policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
Site 7: Bishon Farm (selected)	Site area 2.4 ha in size. Sited on part brownfield/ greenfield land, part traditional orchard in a poor condition. In a low risk food zone.	Site located in central to Bishopstone village along the roman road.	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy LD2 to protect biodiversity and wildlife, and SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.	River Wye including River Lugg SAC	No location and scale is unlikely to have any likely significant effect on the SAC.	Not required. Scale and location of its site and its proximity to the SAC, development on Bishon Farm is unlikely to cause significant effect to the SAC. Policy criteria exist within the Core Strategy (SD4) which are required to be met for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
Site 8: Land to rear of Alms House	Site area 0.69 ha in size. Sited on greenfield land, grade 2/3 agricultural. In a low risk food zone. Site is in open	Site located south of the roman road in Bishopstone Village behind dwellings.	Small scale development proposed Unlikely that there will be any significant effects on the European Site. All developments are required to meet the	River Wye including River Lugg SAC	No location and scale is unlikely to have any likely significant effect on the SAC.	Not required. Scale and location of its site and its proximity to the SAC, development on land rear of alms house is unlikely to cause significant effect to the SAC. Policy criteria exist within

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	countryside, high landscape sensitivity.		criteria of LD2 to protect biodiversity and wildlife, and Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected			the Core Strategy (SD4) which are required to be meet for the development to receive planning permission. Welsh water have indicated sufficient headroom as present.
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Appendix 4

HRA Consultation Feedback

This consultation feedback is **only** for comments received on the HRA of the Neighbourhood Development Plan

Parish Council Name: Bishopstone Group Parish Council

Neighbourhood Development Plan Name: Bishopstone Group Neighbourhood Plan

Details of consultation: Regulation 14

Consultation date: 17 October to 17 December 2016

Consultation title: Reg 14

Natural England have no specific comments to make on the Bishopstone Regulation 14 HRA, the comments just highlight the importance of HRA screening to determine the impact. But in response to their plan they have raised potential issue of Bishon Farm has potential to impact a priority habitat, in form of traditional orchards. No mention of priority habitat is made and there are no requirements to protect this habitat. We recommend that alternative sites should be considered, particularly if the existing traditional orchard habitat cannot be retained through mitigation.

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Appendix 5

HRA Consultation Feedback

This consultation feedback is **only** for comments received on the HRA of the Neighbourhood Development Plan

Parish Council Name: Bishopstone Group Parish Council

Neighbourhood Development Plan Name: Bishopstone Group Neighbourhood Plan

Details of consultation: Regulation 16

Consultation date: 24 May to 5 July 2018.

Consultation title: Reg 16

No direct comments to the HRA were made.