

Habitats Regulations Assessment

Report for:

Little Birch & Aconbury Neighbourhood Area

March 2019



Little Birch and Aconbury Neighbourhood Plan HRA

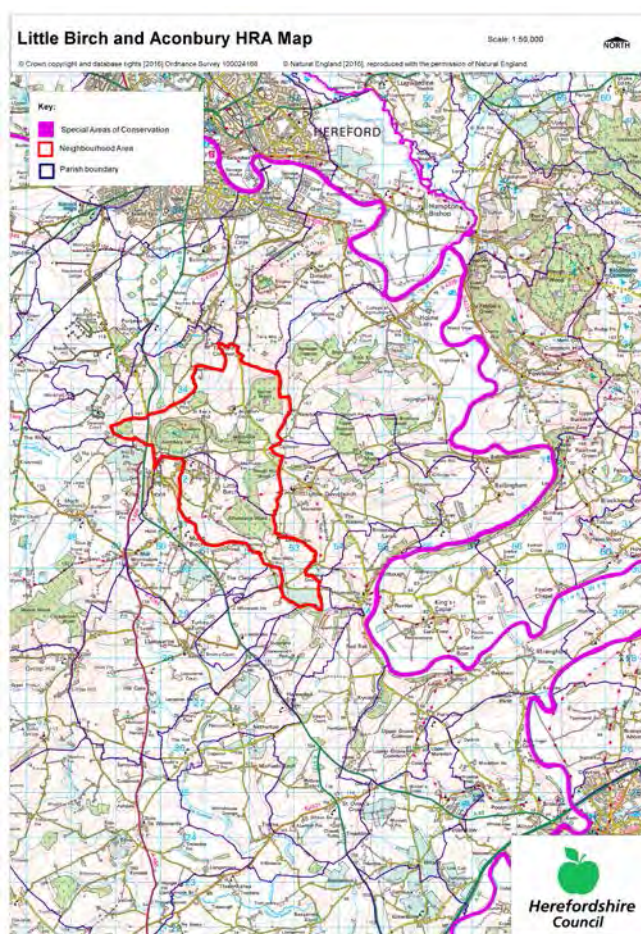
HRA Screening Assessment

Contents

- 1 Introduction**
Map of the Neighbourhood Area with European sites shown
- 2 The requirement to undertake Habitats Regulations Assessment of Neighbourhood Plans – Legislative background**
- 3 Methodology - HRA Stages**
- 4 Results of the Initial Scoping Report and qualifying features of European sites**
- 5 Description of the Little Birch and Aconbury Neighbourhood Plan**
- 6 Screening Assessments of the NDP at Reg14 , Reg 16**
- 7 Assessment of the ‘likely significant effects’ of the submission Little Birch and Aconbury NDP policies**
Table 1 - Colour coding key for Matrix
- 8 Conclusions from the Screening Matrix and if any ‘likely significant effects’**
- 9 Identification of other plans and projects which may have ‘in-combination’ effects**
- 10 Conclusion**
- 11 Next steps**
Appendix 1 – Initial Screening Report (May 2016)
Appendix 2 – List of options assessed
Appendix 3 –Full Screening matrix of submission policies (Appendix 3)
Appendix 4– Feedback on the Habitat Regulation Assessment Report consultation (August 18)
Appendix 5 – Rescreening of policies post Examination (February 2019)
Appendix 6 -Examiners recommendations (February 2019)

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 submission Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Little Birch Parish Council and Aconbury Group have produced a Neighbourhood Development Plan for Little Birch Parish and Aconbury meeting, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the final Little Birch and Aconbury Plan (March 2019).
- 1.3 The NDP is criteria based and does not allocate sites or designate any settlement boundaries for Aconbury, but allocates a settlement boundary for Little Birch. It provides general criteria policies that clarify and give 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 Little Birch and Aconbury Neighbourhood Area to which this assessment related.



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, Little Birch and Aconbury 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 May 2016 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 Report (January 2017) and reviewed in terms of the implications of *Sweetman*.

3 Methodology

- 3.1 Although the Little Birch and Aconbury 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 (24th May 2016) found that the River Wye (including the River Lugg) SAC is outside the parish, but Little Birch and Aconbury falls within the hydrological catchment area of the SAC. 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. There are no mains drainage within Little Birch and Aconbury Neighbourhood area.
- 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 Little Birch and Aconbury Initial Screening Report. The Initial Screening Report, May 2016, 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 Little Birch and Aconbury 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 Little Birch and Aconbury NDP.

5 Description of the Little Birch and Aconbury Neighbourhood Development Plan

- 5.1 The submission Little Birch and Aconbury 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; 'to ensure that the special characteristics of the villages within the five parishes that residents know and love, including their rural feel, historic buildings and relationship with the surrounding countryside, are enhanced and protected'. There are three objectives of how this will be achieved. The objectives cover the following topics:
1. Housing Development
 2. Economic and Social development

3. Protecting the environment

- 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 nine options put forward the 'no NDP / do nothing' option was not considered viable for the Parish.

The remaining eight options of

- To do nothing
- To do a criteria based policy
- To allocate sites for housing
- Criteria based plan and settlement boundary
- Criteria based plan, allocate sites and identify a settlement boundary

All of which 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 As Little Birch and Aconbury 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 January 2017 version.

- 5.5 The NDP also sets out 11 general policies on various topics based on the objective headings above and also for parish and meeting, these include:

- Policy LBA1: Sustainable development
- Policy LBA2: Development needs and requirements
- Policy LBA3 Little Birch village
- Policy LBA4: Development in Little Birch
- Policy LBA5: Development in Aconbury
- Policy LBA6: Rural economic development
- Policy LBA7: Communications and broadband
- Policy LBA8: Renewable energy
- Policy LBA9: Community facilities
- Policy LBA10: Protecting the local environment
- Policy LBA11: Building design

6 Assessments undertaken to date of the emerging Little Birch and Aconbury 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 Little Birch and Aconbury NDP would be likely to have a significant effect on the River Wye SAC. 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 submission report aims to bring together these assessments and review in light of the regulation 14 comments 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 Little Birch and Aconbury NDP objectives and policies (January 2017) were concluded to be likely to have a significant effect on the European site. The River Wye does not flow in the neighbourhood area and is only within the hydrological catchment area. 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 biodiversity.
- 6.6 It is unlikely that the Little Birch and Aconbury 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 Ross on Wye Housing Market Area in the Herefordshire Core Strategy
- 6.7 Therefore it was concluded that the **Reg14 Little Birch and Aconbury NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

7 Assessment of the 'likely significant effects' of the submission Little Birch and Aconbury NDP (August 2018) screening the regulation 16 draft

- 7.1 The submission draft NDP rescreens all of the policies post reg 14 amendments. The changes are to ensure that the plan meets the Basic Conditions.
- 7.2 No new policies have been introduced into the submission NDP following the reg 14; however there have been some minor word changes to the policies. The main changes have occurred to Policy LBA1, LBA3, LBA7 and LBA9.
- 7.3 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.
- 7.4 The findings of the screening matrix can be found in the Screening Matrix in appendix 3. 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

- 7.5 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 submission screening stage. Any likely significant effects would require an Appropriate Assessment to be required.

Screening of modifications to NDP Post examination

- 7.6 The final NDP incorporates the modifications that the examiner has recommended within the examiner's report. These changes are to ensure that the plan meets the Basic Conditions. The examiner's recommended changes can be found in appendix 6.
- 7.7 No new policies have been added following the examination, this has not added any new information that but has amalgamated a number of criteria deleted from other policies. Most of the amendments have involved wording changes for clarity rather than emphasis or direction. However there have been some minor word changes to the policies. The main changes have occurred to policy LBA7 tis policy has been rescreened and results have found that this is unlikely to have an advert impact on the River Wye SAC. The changes to the policies are minor in nature and have helped to clarify and enhance these polices, helping them appropriately align with strategic policy. Overall the policies post examination within the NDP do require an appropriate assessment.

8 Conclusions from the Screening Matrix

- 8.1 None of the submission Little Birch and Aconbury Neighbourhood Plan (August 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. The River Wye is not within close proximity to Little Birch parish or Aconbury parish River Wye SAC.
- 8.2 Following examination policies LBA1, LBA5, LBA6 and LBA7 has been amended and clarified in response to examiners recommended modifications. Little Birch and Aconbury 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 Little Birch and Aconbury NDP is primarily a criteria based plan and therefore the policies themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment LBA 10, including biodiversity and therefore no significant effect conclusion could be reached.
- 8.4 There are no allocated sites for development, just a highlighted development strategy of contiguous growth and a settlement boundary in Aconbury. Due to the location of the Neighbourhood Area = i.e. not directly on the river banks or adjacent to a watercourse that feeds into the River, and likely scale of businesses and residential development being small. It is considered that development in the parish and parish meeting would not have an appreciable effect on the River Wye SAC, i.e. that they were not likely to be significant. However this can be further assessed at planning application stage, when more details are provided of a scheme and its location, design and scale.
- 8.5 Little Birch and Aconbury have no mains drainage in the parish, impact of water abstraction and quality can be determined at planning application stage on a case by case basis. Policy SD4 of the Core Strategy and Policy 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.

8.8 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 Little Birch and Aconbury 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 Callow and Haywood, Lower Bullingham and Little Dewchurch have all been adopted. Dinedor, Ballingham Bollstone and Hentland and Much Birch are all working on development a NDP. Much Dewchurch and Holme Lacy will be included within the Rural Areas DPD. 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 Little Birch and Aconbury 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 Ross on Wye 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 **Little Birch and Aconbury NDP will not have a likely significant effect on the River Wye SAC** remains valid.

11.0 Next steps

11.1 This final Report will be published alongside the final Little Birch and Aconbury NDP and the earlier HRA Report and its addendum. This will be subject to a consultation with the statutory bodies prior to the final adoption/making of the Little Birch and Aconbury NDP

Appendix 1

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

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

Conservation of Habitats and Species Regulations 2010 (d)

Neighbourhood Area:	Little Birch & Aconbury Neighbourhood Area
Parish Council:	Little Birch Parish Council and Aconbury Parish Meeting
Neighbourhood Area Designation Date:	24/05/2016

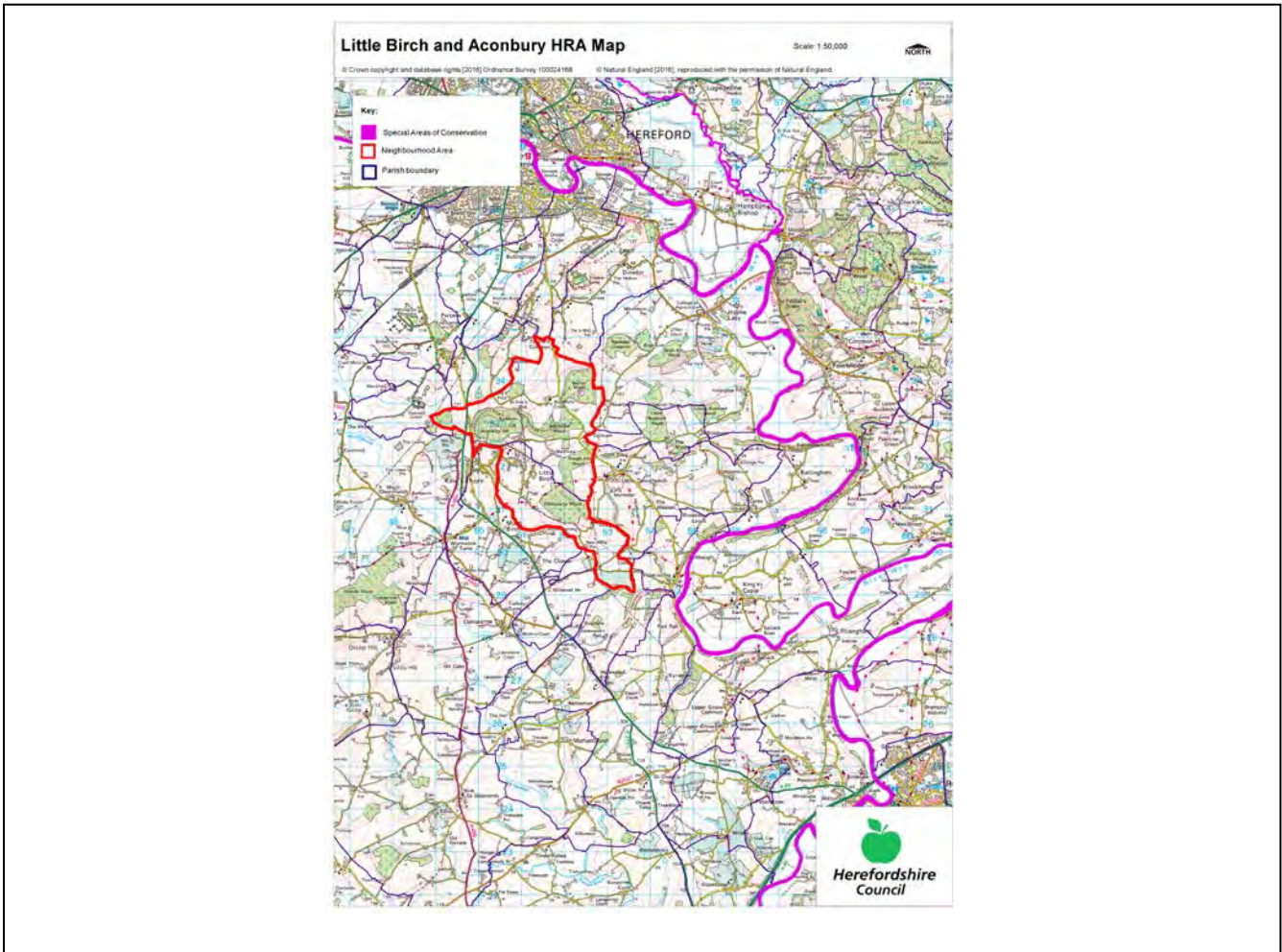
Introduction

This Initial Habitat Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA) Screening has been undertaken to assess whether any European sites exist within or in proximity to the Neighbourhood Area which could be affected by any future proposals or policies.

Through continual engagement the outcomes of any required assessments will help to ensure that proposed developments will not lead to Likely Significant Effects upon a European site or cause adverse impacts upon other environmental assets, such as the built historic or local natural environment.

HRA Initial Screening

Map showing relationship of Neighbourhood Area with European Sites (not to scale)



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

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	N	The River Wye is 1km away from the Parishes
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The Parishes are within the hydrological catchment of the River Wye.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	N	There is no mains drainage in the Parishes

Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 38km away from the Parishes.
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River Clun SAC:

Does the River Clun border the Neighbourhood Area	N	River Clun does not border the Parishes.
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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 14km away from the Parishes.
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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 13km away from the Parishes.
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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 Little Birch and Aconbury 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 Little Birch and Aconbury 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	4	Williams Wood; Nether Wood; Hamptons Rough Wood; Lady Coppice.	12	Pullastone Wood; Hopleys Wood; Reeces Wood; Callow Plantation; Widows Wood; Brick Kiln Wood; Fox Wood; Ballis Wood; Trilloes Court Wood; Weaven Wood; Gwatkins Grove; Elvaston Wood.
Areas of Outstanding Natural Beauty (AONB)	1	Wye Valley.	0	-
Conservation Areas	0	-	0	-
Flood Areas	Flood Zones 2 and 3 run through the southern part of Little Birch Parish.			
Geoparks	0	-	0	-
Listed Buildings	There are numerous Listed Buildings throughout the Parishes.			
Local Geological Sites (LGS)	0	-	0	-
Local Wildlife Sites (LWS)	4	Williams Wood; Hamptons Rough Wood and The Firs; Woodlands on Aconbury Hill; Athelstans & Rough Hill Wood and The Crickets.	11	Hopleys Wood; Reeces Wood; Roadside Bank near Twyford; Brick Kiln Wood;

				Upper Bolstone Wood and The Belt; Trilloes Wood Court; Ballis Wood; River Wye; Margin of Wriggle Brook near Tressock; Redbrook Meadow, Gwatkins Grove and Grandoos Coppice; Helens Wood.
Mineral Reserves	0	-	0	-
National Nature Reserve (NNR)	0	-	0	-
Nature Trails	2	Herefordshire Trail; Violette Szabo.		
Registered Parks and Gardens	0	-	1	Holme Lacy.
Scheduled Ancient Monuments (SAM)	1	Aconbury Camp.	3	Churchyard cross in St David's Churchyard; Ringwork 750m west of Grove Farm; Churchyard cross in St Michael's Churchyard.
Sites of Importance in Nature Conservation (SINC)	0	-	0	-
Special Areas of Conservation (SAC)	0	-	1	River Wye.
Unregistered parks and gardens	0	-	5	Harewood Park; Pennoxstone; Aramstone; Bryngwyn; Lyston House.
			SSSI Status	
Sites of Special Scientific Interest (SSSI)	0	-	-	1 River Wye.
				SSSI Status
				Unfavourable Recovering.

Decision Notification:

The initial screening highlights that the Neighbourhood Development Plan for the Little Birch and Aconbury Neighbourhood Area:

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

Assessment date: 24/05/2016

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."

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

Little Birch and Aconbury Options

Option 1- Do nothing
Option 2- To do a criteria based policy.
Option 3- To allocate sites in the plan.
Option 4- Criteria policy and settlement boundary.
Option 5- Criteria policy/settlement boundary/allocate sites.

Appendix 3

HRA Screening of final Neighbourhood Development Plan Policies

Date undertaken: August 2018

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 LBA1: Sustainable development	Protect And enhance the existing natural environment, landscape and views.	Any developments near the River Wye will need to take account of the water quality and flooding issues. Developments of this scale are unlikely to have any significant effects given the safeguards within Core Strategy policy SD3, SD4 and NDP LBA10 policy.	River Wye (including the Lugg SAC).	None identified.	No: this policy itself will not lead to development, instead it relates to criteria based objective, that sets outs principles for sustainable development in Little Birch and Aconbury.
Policy LBA2: Development needs and requirements	Highlights the settlement boundary Sets out disbursed ad-hoc pattern for growth	None identified.	River Wye (including the Lugg SAC).	None identified.	No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy is specific intended to highlight criteria for LBA developments to meet and

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	Supports proportionate growth				compliment policy SD4. Further assessment of potential impact to the River Wye (including River Lugg) SAC can be completed at planning application stage. However the scale, location and type of developments in Little Birch and Aconbury are unlikely to have a significant effect on the SAC.
Policy LBA3 Little Birch village	Supports proportionate growth in a dispersed and ad hoc way in Little Birch Small scale housing development Small increase in vehicle traffic Small increase demand for water abstraction and sewage treatment Non-physical disturbance during construction phase.	Any developments near the River Wye will need to take account of the water quality and flooding issues. Developments of this scale are unlikely to have any significant effects given the safeguards within Core Strategy policy SD3, SD4 and NDP LBA10 policy.	River Wye (including the Lugg SAC).	None identified.	No: this policy would allow for small/ medium scale housing schemes and supports the Core Strategy. This policy is specific intended to highlight criteria for developments to meet and compliment policy SD4. Further assessment of potential impact to the River Wye (including River Lugg) SAC can be completed at planning application stage. However the scale, location and type of developments in Little Birch are unlikely to have a significant effect on the SAC.
Policy LBA4: Development in Little	Sets out criteria to ensure development is not invasive and	Any developments near the River Wye will need to take account of the	River Wye (including the Lugg SAC).	None identified.	No: the scale, location and type of developments within Little Birch is unlikely to have

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<p>Birch</p>	<p>detrimental to its existing environment.</p> <p>Appropriate development is developed in keeping with the Little Birch’s village context and character.</p>	<p>water quality and flooding issues.</p> <p>Developments of this scale are unlikely to have any significant effects given the safeguards within Core Strategy policy SD3, SD4 and NDP LBA10 policy</p>			<p>a significant effect on the SAC.</p> <p>This policy is specific intended to highlight criteria for developments to meet and compliment policy SD4. Further assessment of potential impact to the River Wye (including River Lugg) SAC can be completed at planning application stage. However the scale, location and type of developments in Little Birch are unlikely to have a significant effect on the SAC.</p>
<p>Policy LBA5: Development in Aconbury</p>	<p>Identifies settlement boundary for Aconbury</p> <p>Sets out criteria to ensure development in Aconbury is not invasive and detrimental to its existing environment.</p> <p>Promotes appropriate development is developed in keeping with the village context and character and safeguards heritage and natural assets in Aconbury.</p>	<p>Any developments near the River Wye will need to take account of the water quality and flooding issues.</p> <p>Developments of this scale are unlikely to have any significant effects given the safeguards within Core Strategy policy SD3, SD4 and NDP LBA10 policy</p>	<p>River Wye (including the Lugg SAC).</p>	<p>None identified.</p>	<p>No: the scale, location and type of developments within the Aconbury settlement boundary is unlikely to have a significant effect on the SAC.</p> <p>This policy is specific intended to highlight criteria for LBA developments to meet and compliment policy SD4. Further assessment on the River Wye (including River Lugg) SAC can be completed at planning application stage.</p>

<p>Policy LBA6: Rural economic development</p>	<p>Encourage development of small scale employment facilities. Promotion of business development</p> <p>Job creation in local area</p> <p>Small reduction in vehicular usage.</p> <p>Possible vehicular movements and demand for water abstraction and treatment.</p>	<p>Any developments near the River Wye will need to take account of the water quality and flooding issues. Developments of this scale are unlikely to have any significant effects given the safeguards within Core Strategy policy SD3, SD4 and NDP LBA10 policy .</p>	<p>River Wye (including the Lugg SAC).</p>	<p>None identified.</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 employment development is unlikely to have a significant impact on the SAC.</p> <p>Further assessment on the River Wye (including River Lugg) SAC can be completed at planning application stage.</p>
<p>Policy LBA7: Communications and broadband</p>	<p>Support for broadband and infrastructure development.</p> <p>Improved mobile coverage</p> <p>Increased access to internet.</p> <p>Increase working from home and small scale business.</p> <p>Small reduction in commuter traffic.</p>	<p>No significant effect on the River Wye (including the River Lugg) SAC.</p>	<p>River Wye (including the Lugg SAC).</p>	<p>None identified.</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 communications development is unlikely to have a significant impact on the SAC.</p> <p>Improving communication infrastructure can allow new types of businesses to occupy the Parish and also allow for home working, thereby reducing the need vehicle traffic travelling across the County. Further</p>

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					assessment on the River Wye (including River Lugg) SAC can be completed at planning application stage.
Policy LBA8: Renewable energy	Community based renewable energy schemes promoted Renewable energy schemes developed. Construction traffic.	Unlikely that there will be any significant effects on the European Site. Policy seeks to support appropriately sites schemes predominately solar power.	River Wye (including River Lugg) SAC	None identified.	No. Policy criteria exist within the Core Strategy SD4 required to be meet for the development to receive planning permission. The scale, location and extent of potential renewable energy development is unlikely to have a significant impact on the SAC. Improving infrastructure can allow new types of businesses to occupy the Parish and also allow for home working, thereby reducing the need vehicle traffic travelling across the County. Further assessment on the River Wye (including River Lugg) SAC can be completed at planning application stage.
Policy LBA9: Community facilities	Support and upkeep of existing local community facilities. Promote new development of community facilities. Increase in vehicular	Local community recreation facilities will be protected as community assets. No Likely significant impacts expected.	River Wye (including the Lugg SAC).	None identified.	No: this policy itself will not lead to development, instead it relates to criteria based objective of supporting and up keeping exiting community facilities.

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	<p>movements.</p> <p>Increase in nonphysical disturbance.</p>				
<p>Policy LBA10: Protecting the local environment</p>	<p>Safeguard existing landscape against inappropriate development.</p> <p>Encouragement of sustainable development which preserves and protects the landscape, environment and habitats.</p>	<p>No significant effect on the River Wye (including the River Lugg) SAC. This policy is a mitigation measure within itself.</p>	<p>River Wye (including the Lugg SAC).</p>	<p>None identified.</p>	<p>No. This policy ensures existing landscape is protected against inappropriate development.</p> <p>This policy is likely to have a beneficial effect on environment and biodiversity of Little Birch and Aconbury.. This policy is specific intended protect local environment meet and compliment policy SD4.</p>
<p>Policy LBA11: Building design</p>	<p>Encourage good design</p> <p>Safeguard existing landscape against inappropriate development.</p> <p>Encouragement of sustainable development which preserves and protects the landscape, environment and habitats.</p>	<p>Physical damage of disturbance on a localised scale.</p> <p>Non-physical disturbance such as noise.</p> <p>Uncertain as to the impacts upon the River Wye SAC dependent on the location of any development.</p> <p>Potential increase in visitor numbers to the parish could have an effect on the River Wye</p>	<p>River Wye (including the Lugg SAC).</p>	<p>None identified.</p>	<p>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.</p>

		Employment and infrastructure development. Possible vehicular movements and demand for water abstraction and treatment.			
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Appendix 4

HRA Consultation Feedback

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

Parish Council Name: Little Birch Parish and Aconbury Meeting

Neighbourhood Development Plan Name: Little Birch and Aconbury Neighbourhood Plan

Details of consultation: Regulation 14

Consultation date: 8 January to 19 February 2018

Consultation title: Little Birch and Aconbury Neighbourhood Plan

No comments were received from any statutory consultees regarding the HRA.

Appendix 5

HRA Screening of final Neighbourhood Development Plan Policies

Date undertaken: March 2019

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 LBA7: Infrastructure	<p>Support for broadband and infrastructure development.</p> <p>Improved mobile coverage</p> <p>Increased access to internet.</p> <p>Increase working from home and small scale business.</p> <p>Small reduction in commuter traffic.</p>	No significant effect on the River Wye (including the River Lugg) SAC.	River Wye (including the Lugg SAC).	None identified.	<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 communications development is unlikely to have a significant impact on the SAC.</p> <p>Improving communication infrastructure can allow new types of businesses to occupy the Parish and also allow for home working, thereby reducing the need vehicle traffic travelling across the County. Further assessment on the River Wye (including River Lugg) SAC can be completed at planning application stage.</p> <p>Changes post examination help clarify and makes the policy easier to implement as a planning policy. This policy is unlikely to have a significant effect on the River Wye SAC.</p>

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Appendix 6

Little Birch and Aconbury table of recommendations

Policy	Modification recommended	Justification
Mod1: LBA1	Modification 1: Policy LBA1, bullet 1 to be amended as follows: <i>“1. enabling new housing to meet the needs and requirements of the Herefordshire Local Plan Core Strategy and the communities in Little Birch and Aconbury; and”</i>	Interests of accuracy and clarity.
Mod2: LBA5	Modification 2: The first paragraph of Policy LBA5 to be amended as follows: <i>“A settlement boundary is defined for Aconbury as shown on Plan 5 within which development proposals for housing and other purposes will be permitted provided that they will: ...”</i>	Interests of accuracy and clarity. Conformity to NPPF.
Mod3: LBA6	Modification 3: The first sentence of Policy LBA6 to read as follows: <i>“A range of proposals for employment development and rural diversification that comply with policies in the development plan will be supported, including: ...”</i>	Interests of accuracy and clarity. Conformity to NPPF and comply with BC.
Mod 4: LBA7	Modification 4: The second paragraph of Policy LBA7 to be amended as follows: <i>Proposals which provide for the provision or improvement of walking, cycling and public transport infrastructure will be supported wherever feasible and appropriate, particularly where they deliver enhanced connectivity to existing facilities. A cycle/footway link within the neighbourhood area alongside the A49 between the Kings Pitt Road and the C1263 at Cross in Hand Farm, or similar facility as appropriate, will provide much-needed enhanced access to the existing bus stop on the trunk road at this location.</i>	Interests of accuracy and clarity. Ensure policy is realistic. Conformity to NPPF and comply with BC.
Mod 5: Plan 2	Modification 5: Plan 2 to be amended so that areas of ancient woodland within the neighbourhood area are clearly defined in a visually similar way to those outside of the neighbourhood area.	Interests of accuracy and clarity. Conformity to NPPF.