

# **Hereford Enterprise Zone Local Development Order 2018**

## **Environmental Report**

**October 2018**

# Hereford Enterprise Zone Local Development Order: Environmental Report

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## Summary

This Environmental Report sets out how Herefordshire Council as Local Planning Authority has considered the effects of the Hereford Enterprise Zone Local Development Order (LDO) on the environment, in particular in order to show how it meets its legislative requirements in that regard.

Revisions have been made to the LDO that would extend the area it covers to encompass further areas identified as employment land within Herefordshire Local Plan Core Strategy. These include an area within the eastern part of the Rotherwas Industrial Estate and the proposed expansion area at Lower Bullinghope identified in the previous LDO.

The LDO does not grant planning permission for development which is Schedule 1 or Schedule 2 development when screened against the EIA Regulations.

The areas covered by the LDO were subject to a Habitats Regulation Assessment undertaken for Herefordshire Local Plan Core Strategy. It was accepted that the Plan would have no significant effect. A further Habitats Regulation Assessment Screening has been undertaken for the LDO (Appendix 1). This found that there were considered to be no likely significant effects.

A Strategic Environmental Assessment was undertaken for development associated with Rotherwas Industrial Estate as part of the Sustainability Appraisal of Herefordshire Local Plan Core Strategy. This involved an iterative process informing changes to the Plan at various stages. The effect upon the LDO has been to inform conditions considered necessary to ensure the environmental effects of development are mitigated and enhancements obtained.

No Listed Buildings are included within the LDO area and important heritage assets within and adjacent to the LDO have been protected.

# Environmental Report

## 1. Introduction

1.1 This Environmental Report considers two principal issues:

- i) Whether Hereford (Rotherwas) Local Development Order (LDO) grants planning permission for development within Schedules 1 and 2 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended by the 2015 Regulations of the same name).
- ii) Whether the LDO grants planning permission for development which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects).

In addition, it refers to previous work undertaken in relation to the strategic environmental assessment of the areas concerned<sup>1</sup> which was undertaken as part of the Sustainability Appraisal for Herefordshire Local Plan Core Strategy that was adopted in October 2016. It explains the effects the LDO may have upon heritage assets

1.2 This LDO was first adopted in April 2013 and minor changes made to this in November 2014. The LDO was prepared by Herefordshire Council under the Town and Country Planning Act 1990 and The Town and Country Planning (Development Management Procedure) (England) Order 2015. It covered a period of 4 years with a view to it being rolled forward for a further period. A review has been undertaken in light of its operation and the opportunity taken to make a number of revisions made, including adding two further parts of the Enterprise Zone. In summary, the changes proposed include:

- a) The addition of the area previously identified as an area for Potential Future LDO Expansion (Edged and hatched purple on Map 1);
- b) The addition of an area at the eastern end of the zone previously excluded from the LDO (edged and hatched brown on Map 1);
- c) The amendment of Condition 14 to refer to an Enterprise Zone specific Sustainability Scheme with BREEAM remaining as an alternative;
- d) The removal of Condition 15 relating to areas previously considered areas of high archaeological sensitivity following assessments which suggest this is no longer considered to be the case;
- e) Emphasising the need for foul/waste water to connect to the mains sewerage system and to be treated at Hereford Wastewater Treatment Works (clause E[e]).
- f) The addition of two further areas to be excluded from the LDO within the defined areas (clause E[f]) because of their archaeological significance.
- g) The rolling forward of the LDO for a further 5 years.

1.3 Other changes to the supporting text have been proposed within the 'Background and Purpose', 'Statement of Reasons' and 'Processes and Procedures under the Local Development Order' sections to reflect changes made since the previous version was prepared, for example the adoption of Herefordshire Local Plan Core Strategy, and to

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<sup>1</sup> See Map 1

improve clarity and explanation. These do not alter the provisions of the LDO such that their effect needs to be assessed.

## **2. Environmental Impact Assessment Regulations**

- 2.1 A Local Development Order must not be made so as to grant planning permission for development which is Schedule 1 development within the meaning of regulation 2(1) of the 2015 Regulations. There is no need to screen if the development is clearly outside schedule 2. Where the EIA seeks to grant permission for development that falls within the thresholds specified in Schedule 2 of the EIA Regulations 2015, the LPA shall not make a LDO unless they have adopted a screening opinion, or the Secretary of State has made a screening direction.
- 2.2 The LDO only proposes development on land proposed for employment through the Herefordshire Local Plan Core Strategy, which has undergone a Sustainability Appraisal. Much of the area concerned was allocated for employment uses within Herefordshire Unitary Development Plan, which the Core Strategy supersedes. In addition, LDO clauses E[b] and [c] specifically exclude any developments that fall within Schedules 1 and 2 of the EIA Regulations (2105). Consequently, the LDO does not grant planning permission for development which is Schedule 1 or Schedule 2 development when screened against the EIA Regulations.

## **3. Habitats Regulations Assessment**

- 3.1 A LDO may not grant planning permission for development which is likely to have a significant effect on a European site (either alone or in combination with other plans or projects) unless it is directly connected with or necessary to the management of the site. In this regard it is necessary to consider whether the LDO changes are likely to have a 'significant effect' upon the River Wye Special Area of Conservation.
- 3.2 Previously a Habitats Regulations Assessment prepared for the previous LDO concluded that there would be no likely significant effects arising from it as a consequence of:
- Schedule 1 and 2 developments being specifically excluded from the LDO.
  - Conditions inserted into the main body of the modified draft of the LDO will seek to prevent any significant impacts on water quality.
  - Based on information provided to the Council by the Environment Agency and Welsh Water (May 2012), there is sufficient headroom in terms of phosphate levels for the development anticipated to come forward through the LDO.
  - Herefordshire Council is committed to safeguarding water quality in the River Wye SAC through establishing a Nutrient Management Plan Board, in association with relevant partners, and a Technical Advisory Group to identify mitigation measures to address phosphate and water quality issues.
  - The establishment of monitoring arrangements for the anticipated phosphate increases arising from development which is given permission.
  - Core Strategy policy wording in respect of Water Quality.

- 3.3 The LDO covers development that is proposed in Herefordshire Local Plan Core Strategy and does not include any other land or development. In relation to the assessment under the Habitats Regulations undertaken for that Plan it should be born in mind that Herefordshire Local Plan Core Strategy should be read as a whole and comprises one plan.
- 3.4 A review of the above provisions has been undertaken to update the Habitats Regulation Assessment to screen whether there will be likely significant effects arising from changes to the LDO identified in paragraph 1.2 above. The Screening in relation to this is presented in Appendix 1.
- 3.5 The evidence supporting this comprises the following:
- 3.5.1 A HRA (May 2014, Addendum September 2014, and Addendum in light of the Inspector's Modifications (April 2015) was undertaken of the following relevant Local Plan Core Strategy policies which are considered to be:
- SS5 – Employment Provision: this identifies Hereford as the strategic location for 15 ha of further employment land with Hereford Enterprise Zone being the largest focus for new employment provision in the County.
  - HD1 – Hereford: includes provisions for 5 ha of additional major employment development as part of the Southern Urban Expansion (area identified in purple on Map 1)
  - HD6 – Southern Urban Expansion (Lower Bullingham): Provides for around 5 ha of employment land comprising a mixture of use class B1, B2 and B8 to complement Hereford Enterprise Zone.
  - HD7 – Hereford Employment Provision: continuing development of employment land at Hereford Enterprise Zone at Rotherwas to strengthen the enterprise zone, with particular focus on defence and knowledge sectors, creating added benefit for companies who locate in the area; and provision of new areas of employment land particularly through the development of strategic urban extensions.
  - E1 – Employment provision: directing larger employment proposals to strategic employment sites, including Hereford.
  - E2 - Redevelopment of existing employment land and buildings: safeguarding employment land rated as 'best' and 'good' from redevelopment to non-employment uses. Herefordshire Council's Employment Land Study 2012 identified the areas highlighted in red and brown (denoted as Site 48 in that report) on Map 1 as a combination of best, good and moderate.
- 3.5.2 The HRA concluded:
- In relation to SS5 – the HRA concluded there were no likely significant effects on any European sites from this policy in that sufficient policy safeguards are included within the Core Strategy to avoid or mitigate a likely significant effect from the potential effects identified from this policy. The EA/NE Nutrient Management Plan should also help to ensure that effects on water quality (from any pressure on STW capacity from new employment development) in the River Wye SAC are not significant. The specific employment land allocations for the market towns and rural areas are considered separately below in terms of their potential to have significant

effects on European sites. There were no modifications arising from the Inspector's report that affected this policy.

- Policy HD1 - again the HRA concluded there were no likely significant effects on any European sites from this policy in that sufficient policy safeguards are included within the Core Strategy to avoid or mitigate a likely significant effect (policies LD2, SD1, SD3, SD4 and OS1-OS3). DCWW had confirmed that there are sufficient water resources to meet the increases in demand from Herefordshire throughout their operating area and the plan period. CWW had also confirmed that there was sufficient existing headroom within the STWs serving Hereford to meet the planned level of growth without having a significant effect on the River Wye SAC. It was concluded that the changes to this policy arising from the Inspector's changes did not affect the previous findings of the May 2014 assessment and the policies indicated still provide sufficient mitigation.
- Policy HD6 – once again the HRA concluded there were no likely significant effects on any European sites from this policy. The Lower Bullingham development site is not directly adjacent to or overlapping with any European sites, but it does lie within reasonably close proximity to the River Wye SAC. However, sufficient policy safeguards are included within the Core Strategy to avoid or mitigate a likely significant effect (policies LD2, SD1, SD3, SD4 and OS1-OS3). DCWW confirmed that there are sufficient water resources to meet the increases in demand from Herefordshire throughout their operating area and the plan period. DCWW has also confirmed that there is sufficient existing headroom within the STWs serving Hereford to meet the planned level of growth without having a significant effect on the River Wye SAC. It was concluded that the changes to this policy arising from the Inspector's changes did not affect the previous findings of the May 2014 assessment and the policies indicated still provide sufficient mitigation.
- Policy HD7 – The HRA concluded this policy will result in employment development in Hereford, which could be within fairly close proximity of the River Wye SAC. However, sufficient policy safeguards are included within the Core Strategy to avoid or mitigate a likely significant effect (policies LD2, SD1, SD3, SD4, SS4, SS7 and OS1-OS3). DCWW confirmed that there are sufficient water resources to meet the increases in demand from Herefordshire throughout their operating area and the plan period. DCWW has also confirmed that there is sufficient existing headroom within the STWs serving Hereford to meet the planned level of growth without having a significant effect on the River Wye SAC. Hence there would be no likely significant effects on any European sites. There were no relevant changes to this policy arising from the Inspector's modifications.
- Policy E1 -this policy might result in an increase in economic activities within the County and in general is likely to result in an increase in vehicle movements (including near to sensitive sites) and a general increase in population as employment opportunities become more readily available, bringing with it associated pressures e.g. for recreation space and for water supply and treatment, and a further increase in vehicle movements. Despite this, sufficient policy safeguards are included within the Core Strategy to avoid or mitigate a likely significant effect on any European site (policies LD2, SD1, SD3, SD4). Hence there would be no likely significant effects on any European sites. There were no relevant changes to this policy arising from the Inspector's modifications.

- Policy E2 will not of itself result in new development; rather it relates to safeguarding existing employment land and hence will have no likely significant effect on any European sites. There were no relevant changes to this policy arising from the Inspector's modifications.
- 3.6 The current LDO contains a range of provisions and conditions that address the policies highlighted within the HRA, albethey referenced to Herefordshire Unitary Development Plan that operated at the time the LDO was prepared. With the exception of the additional area (highlighted brown), there are considered to be no material changes proposed to the LDO that would be relevant to a HRA.
- 3.7 A major issue affecting the River Wye Special Area of Conservation is the levels of phosphate across its catchment and care needs to be taken in terms of operations that may cause pollution. In relation to foul/wastewater drainage, discharges from Hereford Treatment Works enter the River Wye, and modelling analysis by the Environment Agency indicates the proposed level of growth should be capable of delivery without breaching conservation objectives for the SAC. Dwr Cymru/Welsh Water also confirmed that it was able to accommodate the proposed additional 6,500 dwellings set out in Herefordshire Local Plan Core Strategy over the period 2011 to 2031 at Hereford Treatment Works.
- 3.8 When Hereford Enterprise Zone was designated, the masterplan prepared for this suggested the zone might accommodate 206,000sq. m. of gross employment floorspace and discussions with Welsh Water indicated normal foul/wastewater drainage from this amount of development would equate to 714 dwellings (equivalent but excluding discharges from any industrial process that would require separate licensing). This covered the areas denoted in red and purple on Map 1.
- 3.9 Subsequent reassessment in the light of developments that have taken place since the LDO came into operation indicate:
- The suggested approach with some accommodation being up to 3 storeys has not materialised and inquiries suggest it is unlikely that such accommodation will come forward.
  - The anticipated extent of primary uses falling within B1 categories of offices and research and development has similarly not taken space within the zone and again is unlikely to come forward.
  - The additional employment land to the east is similarly unlikely to attract B1 offices and research and development activities.

In the light of these factors the anticipated maximum Gross External Area for employment buildings within the LDO area (i.e. building footprint and excluding roads, parking and open space) for the enlarged LDO area (including the area denoted in brown as well as red and purple on Map 1) is estimated to be 170,000 sq. m. This would be equivalent to about 510 dwellings<sup>2</sup> which is considerably below that originally suggested and agreed as acceptable when the LDO was first prepared (714 dwelling equivalent).

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<sup>2</sup> Dwr Cymru/Welsh Water advice is that an estimate may be based on a figure of 10m<sup>3</sup>/ha/day for sewage flow from 'light industry, warehousing or storage', where the area in hectares excludes roads and verges (this should equate to gross external area of the building).

- 3.10 Developers have provided and will continue to be required to provide information to assist in assessing anticipated water use and foul/wastewater discharges at the prior notification stage so that Herefordshire Council can assess whether or not the proposal accords with the SAC conservation objectives. Current employment upon achieved within the Enterprise Zone through the LDO is understood to be 542 people. It is estimated that when the zone is fully built-out some 1,700 jobs will have been created. An assessment based on employees, assuming 10% of employees work in premises with a canteen which is the current proportion for the premises that have been developed so far, suggests a figure of 520 dwelling equivalent. To date all developments have brought forward proposals that would provide for waste water through connection to the public sewer. Notwithstanding that the Environment Agency would object to any proposals that did not propose such connection, there are overriding environmental reasons for this such that any development that considered this approach would be excluded from progressing development through the LDO through provision E.e).
- 3.11 Where it is not possible to conclude from the information submitted that there is no likely significant effect on the River Wye SAC then the Local Planning Authority would exclude development through Part E[d] of the Local Development Order.
- 3.12 Appendix 1 to this report contains the Habitats Regulation Screening Report for the revised LDO.
- 3.10 Where operations are expected to discharge any trade effluent into the public foul sewer, Trade Effluent Discharge Consent is required from Dwr Cymru Welsh Water. Consequently, applicants will need to reach agreement with this waste water undertaker on treatment of water arising from any industrial processes proposed.

#### **4. Herefordshire Local Plan Core Strategy Strategic Environmental Assessment**

- 4.1 Strategic Environmental Assessment (within the context of a Sustainability Appraisal – SA) was also undertaken of Herefordshire Local Plan Core Strategy within the context of Environmental Assessment of Plans or Programmes Regulations 2004<sup>3</sup>.
- 4.2 The SA (including SEA) concluded that:
- In relation to Policy SS5 – it is likely to have a significant positive effect on employment, skills and the sustainable economy by supporting the provision of employment land.
  - Policies HD1, HD6 and HD7 – there are sensitive landscapes around this urban extension although it is likely that the potential impacts can be adequately mitigated. New development will need to comply with policy SD3: Sustainable Water Management and Water Resources, which requires development proposals to be located in accordance with the Sequential and Exception Tests in the NPPF (where appropriate) and flood storage compensation measures to be included where flooding is an issue. Water quality, particularly in the River Wye SAC, could be affected by increased discharges from water treatment works and, given that the River Wye SAC is designated for migratory species, consideration must be given to the potential effects of the Core Strategy both upstream and downstream of the plan area.

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<sup>3</sup> See Practical Guide to the Strategic Environmental Assessment Directive, September 2005

However, the issue of water quality is addressed in policies SS3 and SD4. The only material change that was made through the Inspector's main modifications to policy HD6 was assessed to improve the effects of development on the landscape.

- Policies E1 and E2 - The general policies are likely to have broadly positive or negligible effects on the SA objectives as they mainly aim to address fairly specific topics such as the protection of biodiversity, or housing and employment provision. A number of significant positive but no significant negative effects have been identified from the general policies. A small number of minor negative effects mainly occur where a policy could potentially restrict development (e.g. housing or employment development) as a result of a wider aim to achieve environmental protection.

4.3 Again the LDO contains a number of provisions and conditions that are considered sufficient to protect the effects on environmental designations and potential related concerns in and around the LDO area.

## **5. Effect on Heritage Assets**

5.1 The LDO area does not contain any Listed Buildings.

5.2 The LDO protects three areas considered important for heritage reasons. These include:

- Rotherwas House Green Space Buffer Zone – the site of Rotherwas House is a Scheduled Ancient Monument that also contains the remains of its historic garden and Rotherwas Chapel. It is outside the LDO boundary although an area that comprises its setting falls within the defined Enterprise Zone area. A buffer zone defines its setting and this is excluded from the provisions of the LDO through clause E[f].
- Rotherwas House Cemetery – this has recently been identified and contains graves that relate to former owners of Rotherwas House. It falls within the LDO area and is excluded from the LDO provisions through clause E[f].
- Corridor identified within the southern extension area. This comprises an area of with buried archaeology found during the construction of Rotherwas Relief Road. An access may be developed across this area to service units outside where this is agreed with the Local Planning Authority as part of a planning application.

5.3 Previously two areas were identified as being potentially sensitive in terms of archaeological interest. Subsequent evaluations have indicated this is no longer the case.

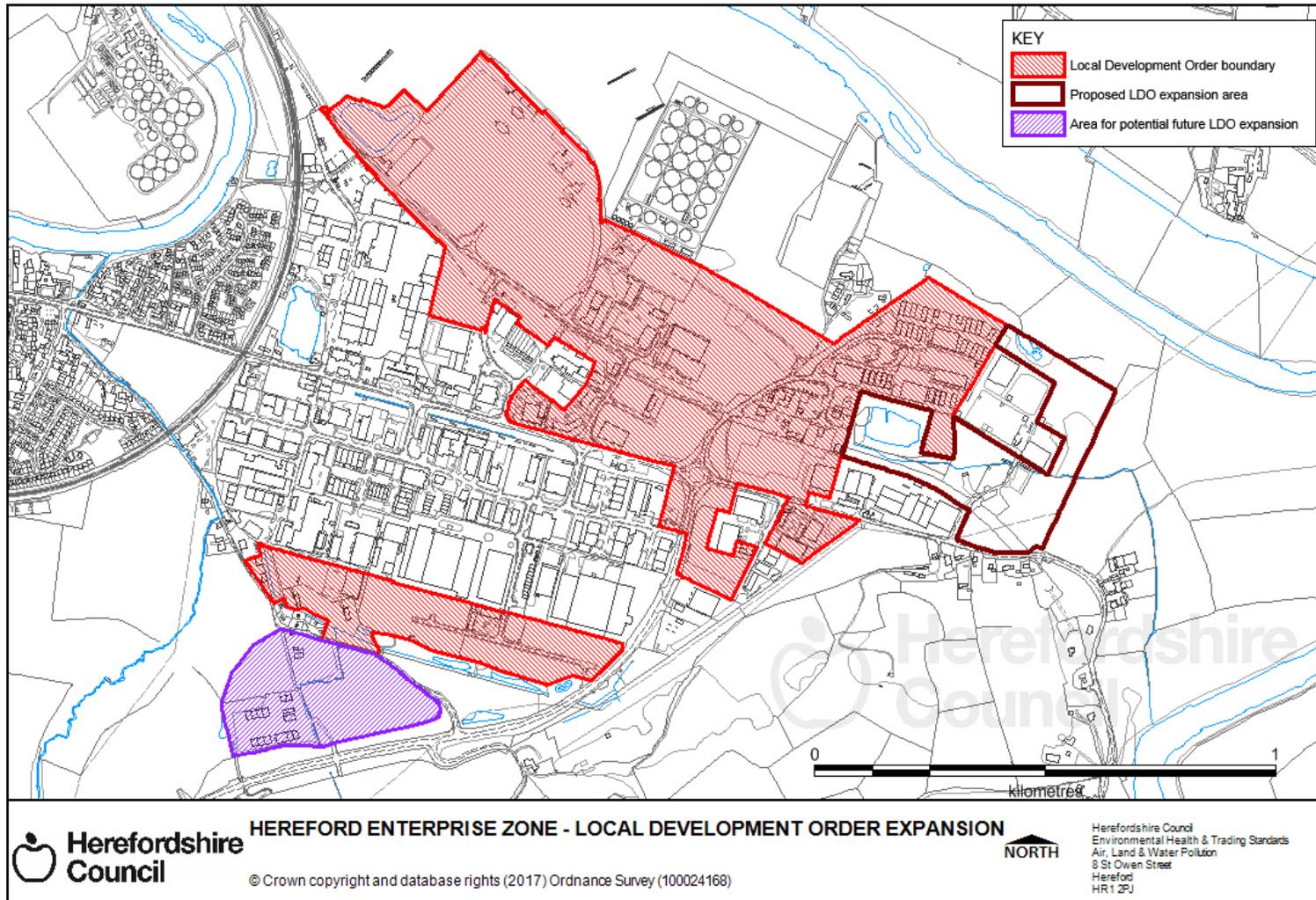
5.4 Four buildings/complexes of buildings were identified in Rotherwas Conservation Management Plan to be retained. This does not restrict their use for business through appropriate proposals. Herefordshire Council will have regard to the Management Plan's recommendations in relation to their significance should proposals come forward for their use. However, they have not been highlighted in previous or revised LDO.

## **6. Consultation with Statutory Consultees**

6.1 Consultation upon this draft Environmental Report will be undertaken, including with the following Statutory Consultees:

**Natural England**  
**Historic England**  
**Highways England**  
**Environment Agency**  
**Dwr Cymru Welsh Water**

# Map 1 –LDO Area



# Appendix 1: Habitats Regulation Assessment Screening Report

Date: October 2018

<b>Natura 2000 Site for consideration</b>	<b>River Wye (Code UK0012642)</b>
<b>Plan or Project Name</b>	<b>Hereford Enterprise Zone Modified Local Development Order (October 2018)</b>
Brief description of project or plan	
<p>The LDO grants conditional planning permission for development falling within Classes B1, B2 and B8 of the <i>Town &amp; Country Planning (Use Classes) (Amendment) Order 2010</i> in the Hereford Local Development Order (LDO) area.</p> <p>The LDO aims to assist in accelerating the creation of employment opportunities in the Rotherwas area by making it simpler for new business to achieve sustainable growth.</p>	
<b>Is the project or plan directly connected with or necessary to the management of the site?</b>	No
<b>Description of the Natura 2000 site:</b>	
<p>sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive <i>Ranunculus</i> beds. There is a varied water-crowfoot <i>Ranunculus</i> flora; stream water-crowfoot <i>R. penicillatus</i> ssp. <i>pseudofluitans</i> is abundant, with other <i>Ranunculus</i> species – including the uncommon river water-crowfoot <i>R. fluitans</i> – found locally. Other species characteristic of sub-type 2 include; flowering-rush <i>Butomus umbellatus</i>, lesser water-parsnip <i>Berula erecta</i> and curled pondweed <i>Potamogeton crispus</i>. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen <i>Collema dichotum</i>. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.</p> <p>The Annex I habitats that are a primary reason for selection of the site are:</p> <ul style="list-style-type: none"> <li>• Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</li> </ul> <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p> <ul style="list-style-type: none"> <li>• Transition mires and quaking bogs</li> </ul> <p>The Annex II species that are a primary reason for selection of this site are:</p>	

- White-clawed (or Atlantic stream) crayfish
- Sea lamprey
- Brook lamprey
- River lamprey
- Twaite shad
- Atlantic salmon
- Bullhead
- Otter

Annex II species present as a qualifying feature, but not a primary reason for site selection:

- Allis shad

### **Vulnerability:**

- Water quality impacts arising from agricultural land-use within the catchment are having direct and indirect effects on the SAC interests through the effects of diffuse pollution such as nutrient run-off and increased siltation. Natural England and Natural Resources Wales are seeking to address such issues through improved targeting of existing and new agri-environment schemes and through improvements in compliance with agricultural Codes of Practice as part of measures advance through the River Wye Nutrient Management Plan. Water quality is also affected by synthetic pyrethroid sheep-dips and by point-source discharges within the catchment.
- The impact of sewage treatment works on the SAC is a further matter being addressed through the River Wye Nutrient Management Plan process following a review under the Habitats Regulations.
- The Nutrient Management Plan has been delivered to drive delivery and monitor progress by a Board comprising representatives of Herefordshire and Powys Councils, NE, the EA, Natural Resources Wales, Dwr Cymru/Welsh Water, the Wye and Usk Foundation (CABA), National Farmers' Union and the Country Land and Business Association. This will, in particular agree the scale and nature of the issues and advance mitigation techniques that will be required to deliver the emerging Core Strategy. A Catchment Based Approach (CABA) will manage development and delivery of the plan's objectives, with oversight from a Nutrient Management Board that holds overall responsibility for the delivery of the plan.
- Loss of riparian habitat is occurring as a result of changes in agricultural land-use practices and other factors, including riverside development and the loss of alder tree-cover through disease. Some alder coppicing is being targeted in agri-environment schemes to combat the effects of the disease.
- Fishing activities are implicated in the decline of the salmon; initiatives such as the Wye Salmon Action Plan will help to address this issue. The Wye & Usk Foundation is a charity concerned with restoring the habitat, water quality and fisheries in the river.
- Water flow - there is increasing demand for abstraction from the river for agriculture and potable water. This is particularly a problem in the headwaters of the catchment.
- Demand for increased recreational activities is a source of potential concern for the future. Regularisation of the functions of the competent authorities should reduce the risk of damage to the SAC as a result of developments for such

activities. The EA and NE are promoting educational materials regarding recreational use of sensitive sites.

### Assessment Criteria

*Describe the individual elements of the project (either alone or in combination with other plans or projects) likely to give rise to impacts on the European Site.*

The Rotherwas Industrial Estate (including the land covered by the LDO) was identified as existing or safeguarded employment land under policies and proposals of the previous *Herefordshire Unitary Development Plan (2007)* and maintained within *Herefordshire Local Plan Core Strategy* which was subject to a Habitats Regulations Assessment (HRA). Core Strategy policies SS5, HD1, HD6, HD7, E1 and E2 contain relevant proposals. The HRA for these policies utilises information that was provided to Herefordshire Council regarding potential water quality and water resource issues and resulted in Policies SD3 and SD4. The Core Strategy must be read as a whole in that it comprises one plan.

#### **Water Quality:**

The River Wye SAC could be adversely affected by foul water and surface water drainage particularly in respect of increased levels of phosphate entering the watercourse.

#### **Water Resources:**

Herefordshire Council has ascertained that Welsh Water has sufficient water resources to cater for growth in Herefordshire, including employment growth, up to 2031.

*Describe any likely direct, indirect or secondary impacts of the project (either alone or in combination with other plans or projects) on the Natura 2000 site by virtue of:*

<ul style="list-style-type: none"> <li>• Size and scale</li> </ul>	68ha (approximately)
<ul style="list-style-type: none"> <li>• Land-take</li> </ul>	None of the SAC is included in the draft LDO area.
<ul style="list-style-type: none"> <li>• Distance from the Natura 2000 site or key features of the site</li> </ul>	<p>From the nearest point of the draft LDO area (on the west): 161metres.</p> <p>The furthest point from the R. Wye SAC is some 1.2km away (on eastern side of southern magazines area).</p>
<ul style="list-style-type: none"> <li>• Resource requirements</li> </ul>	Welsh Water's revised draft Water Resource Management Plan (September 2018) indicates that there is a surplus supply demand balance for the zone containing Hereford across the 30-year planning period 2020-2050. Abstraction licenses have been reviewed under the Habitats Directive in order to ensure they are sustainable.
<ul style="list-style-type: none"> <li>• Emissions (disposal to land, water, air)</li> </ul>	<p>Foul water to be treated at Eign &amp; Rotherwas Waste Water Treatment Works.</p> <p>Surface water will be attenuated on the site and discharged to the River Wye at an agreed rate.</p> <p>(See also conditions attached to draft LDO)</p>

<ul style="list-style-type: none"> <li>Excavation requirements</li> </ul>	No significant impact on the Natura 2000 site as a result of excavation requirements.
<ul style="list-style-type: none"> <li>Transportation requirements</li> </ul>	No significant impact on the Natura 2000 site as a result of transportation requirements identified through Core Strategy HRA.
<ul style="list-style-type: none"> <li>Duration of construction, operation etc.</li> </ul>	Phased construction with some demolition. Permanent operation.
<ul style="list-style-type: none"> <li>Other</li> </ul>	None.
<p><u>For information</u></p> <p>Certain development continues to be specifically <b>excluded from the draft LDO</b>:</p> <ol style="list-style-type: none"> <li>that falling within a description of projects listed in Schedule 1 of the <i>Environmental Impact Assessment Regulations 2011</i>;</li> <li>that falling within a description of projects listed in Schedule 2 of the <i>Environmental Impact Assessment Regulations 2011</i>, which is likely to have a significant effect on the environment by virtue of factors such as its nature, scale or location;</li> <li>that likely to have a significant effect on a European site, either alone or in combination with other plans or projects, as prescribed by Regulation 78 of the <i>Conservation of Habitats and Species Regulations 2010</i>.</li> </ol> <p>A LDO does not remove the need for consent under other regulatory controls, such as listed building or advertisement consents, environmental permits, or building regulations.</p>	
<p><i>Describe any likely changes to the site arising as a result of:</i></p>	
<ul style="list-style-type: none"> <li>Reduction of habitat area</li> </ul>	No loss of habitat area of Natura 2000 site.
<ul style="list-style-type: none"> <li>Disturbance to key species</li> </ul>	No disturbance to key species.
<ul style="list-style-type: none"> <li>Habitat or species fragmentation</li> </ul>	None likely.
<ul style="list-style-type: none"> <li>Reduction in species density</li> </ul>	None likely.
<ul style="list-style-type: none"> <li>Changes in key indicators of conservation value (water quality etc)</li> </ul>	The development of the LDO area is likely to increase phosphates entering the SAC. The SIMCAT report from the EA (May 2012), along with a review of committed developments in Herefordshire and average completion rates within the Powys and Brecon Beacons National Park areas of the Wye catchment, demonstrates that there is sufficient headroom for an increase in phosphate levels, whilst remaining in

	<p>compliance with the conservation objectives for the SAC.</p> <p>Provisions B (bullet 6) and E e) of the revised LDO require (through a foul drainage discharge &amp; treatment assessment):</p> <ul style="list-style-type: none"> <li>• confirmation of the foul drainage discharges that would potentially affect associated phosphate levels from the development; and</li> <li>• any increase in phosphate levels to be discharged through the public sewerage system and waste water treatment works as a result of the development.</li> </ul>
<ul style="list-style-type: none"> <li>• Climate change</li> </ul>	<p>Climate change is likely to lead to an increase in the frequency of flash flooding events. The revised draft LDO continues to incorporate a number of conditions, one of which requires details to be submitted of the proposed flood proofing features/techniques that are to be incorporated within the design and construction of buildings to protect them to a height of 600mm above the 1% climate change flood level, as defined by the Rotherwas Flood Management &amp; Drainage Strategy (condition 8). In addition, all developments will be required to incorporate sustainable urban drainage systems and plans must first be submitted to the local planning authority, including for schemes for the attenuation of surface water with accompanying pollution prevention measures and a foul drainage and discharge &amp; treatment assessment (see conditions 6 to 9).</p>
<p><i>Describe any likely impacts on the European Site as a whole in terms of:</i></p>	
<ul style="list-style-type: none"> <li>• Interference with the key relationships that define the structure of the site</li> </ul>	<p>No impact anticipated.</p>
<ul style="list-style-type: none"> <li>• Interference with key relationships that define the function of the site</li> </ul>	<p>No impact anticipated, due to evidence on pollution from water quality modelling work and the excluded developments (Section E of the LDO).</p>
<p><i>Indicate the significance as a result of the identification of impacts set out above in terms of:</i></p>	
<ul style="list-style-type: none"> <li>• Loss</li> </ul>	<p>No impact anticipated, due to evidence on pollution from water quality modelling work and the excluded developments (Section E of the LDO).</p>
<ul style="list-style-type: none"> <li>• Fragmentation</li> </ul>	<p>Not significant.</p>
<ul style="list-style-type: none"> <li>• Disruption</li> </ul>	<p>Not significant.</p>
<ul style="list-style-type: none"> <li>• Disturbance</li> </ul>	<p>Not significant.</p>

<ul style="list-style-type: none"> <li>• Change to key elements of the site</li> </ul>	Not significant.
<p><i>Describe from the above those elements of the project or plan, or combination of elements, where the above impacts are likely to be significant or where the scale or magnitude of impacts is not known.</i></p>	
<p>Based on information provided to Herefordshire Council by the Environment Agency (March 2012), Natural England’s conservation objective for phosphates in the River Wye would be exceeded if discharges increase to 13% above existing levels. A headroom capacity calculation undertaken and based on new data from the Environment Agency and Welsh Water at that time (28<sup>th</sup> May 2012) shows a headroom capacity figure of 6,788 units. Notwithstanding this, Herefordshire Council adopted a precautionary approach to account for sensitivity testing of the SIMCAT model. Therefore, in agreement with NE, the headroom capacity figure was agreed at 6,500.</p> <p>Herefordshire Council is committed to safeguarding water quality in the River Wye SAC. The Council is working with partners through the River Wye Nutrient Management Plan Board, set up in 2014, and its associated Technical Advisory Group comprising representatives of Herefordshire and Powys Councils, NE, the EA, Natural Resources Wales, Dwr Cymru/Welsh Water, the Wye and Usk Foundation (CABA), National Farmers’ Union and the Country Land and Business Association. A Nutrient Management Plan has been prepared which includes maintaining a water quality surveillance monitoring programme. Through this mechanism, the phosphate levels in the River Wye are regularly monitored by the EA and this information is shared with the Herefordshire Council and other relevant organisations. This will indicate whether and if so the extent to which phosphate levels have increased as a result of development which is granted permission. Additionally, through the Board’s processes committed and planned developments within the River Wye catchment upstream of Herefordshire Council’s jurisdiction (which fall within the relevant parts of Powys and the Brecon Beacons National Park) will be reviewed to monitor in-combination effects. The Council recognises that once the phosphate threshold is reached, further development will not be possible, unless mitigation is in place.</p> <p>The Core Strategy for Herefordshire proposes 6,500 new dwellings and a minimum of 16 hectares of new employment land in Hereford over the period 2011 to 2031, which are likely to seek to drain ultimately to the Hereford Sewage Treatment Works. Of the new employment land 5 ha will be adjacent to the current employment land at Rotherwas and is covered by the LDO. The Core Strategy was adopted in October 2015 following its public examination where it was concluded that subject to its policies the Plan was found to be sound and meet its environmental obligations. It is accepted that the Core Strategy cannot promote development which is likely to have a significant adverse effect on the SAC, as a result of water quality issues. It is anticipated that to ensure Habitat Regulations compliance, the Core Strategy will include either a cap on development above the agreed development threshold, and/or a policy commitment to ensure development cannot proceed without identified mitigation measures being in place. The Core Strategy will be subject to HRA assessment.</p>	

The LDO does not propose development in addition to that set out within Herefordshire Local Plan Core Strategy but the delivery of a limited amount of development that is accounted for within that Local Plan. As such it is not considered that the LDO constitutes a plan or project which is required to be considered in combination with the Core Strategy or any other plans or projects. The table below shows the current levels of completions and commitments that would fall to be served by Hereford Waste Water Treatment Works.

<b>Core Strategy dwellings requirement 2011-2031 and baseline figure used in modelling (capacity before 99% threshold reached)</b>	<b>6500</b>
Housing Completions 2011-2018	1059
Outstanding planning permissions for housing March 2018	1008
LDO dwellings equivalents 2013 – 2018	159- 165
Sub-total	2226 - 2232
<b>Estimated outstanding Headroom</b>	<b>4274 - 4268</b>

Based on the period 2011 to 2018, the completion rate for dwellings is approximately 151 dwellings per annum within Hereford. The additional dwelling equivalent through the LDO (2013 to 2018) amounts to around 24 dwellings per annum. The development trajectory assumed when the Core Strategy was prepared suggested some 2,400 dwellings by 2020 and 4,550 by 2025. Evidence in terms of development rates trend 2011 to 2018 suggests that by 2020 some 1575 dwellings equivalent will be likely which is just over 66% of what was envisaged.

When completed it is assessed that development through the LDO will produce foul/waste water equivalent of 520 dwellings

*Conditions to be imposed to secure no likely significant effect:*

Development expected to have a likely significant effect is excluded by the LDO (see above) therefore no significant impacts are identified through the seeking information about foul/waste water drainage through requirement B bullet 6 in the LDO and developments not covered by the LDO through section E.e).

*Outcome of screening stage*

***No likely significant effects.***

*Reasons:*

- Schedule 1 and 2 developments are specifically excluded from the LDO.
- Conditions 1, 6, 7, 10, 11, 12 and 13 and exclusions covered in Section E, in particular provision E.d) and E.e) of the LDO seek to prevent any significant adverse effects on water quality.
- Based on information provided to the Council by the Environment Agency and Welsh Water (May 2012), there is sufficient headroom in terms of phosphate levels for the development anticipated to come forward through the LDO (see above).
- Herefordshire Council is committed to safeguarding water quality in the River Wye SAC. The Council is working through a Nutrient Management Plan Board that has established a technical working group to identify mitigation measures to address phosphate and water quality issues. Mitigation measures will be delivered through a Nutrient Management Plan and policy requirements within Herefordshire Local Plan Core Strategy. The Core Strategy has a jointly agreed, examined and clear policy to ensure a) that this issue is given appropriate priority and b) that the required mitigation is delivered. Core Strategy policy SD4 is that policy which covers waste water treatment and river water quality: See Appendix A to this report.
- The Council will monitor the anticipated phosphate increases as a result of development which is given permission and will also undertake jointly through the Nutrient Management Plan Board to monitor phosphate levels in the River Wye on an agreed basis with partners. The Council recognises that only development which has no likely significant effects on the SAC will be acceptable. This restriction is reflected within the Core Strategy and supported through the establishment of the level of development above which further growth may only proceed without further mitigation measures having been put in place.

*Are the appropriate statutory environmental bodies in agreement with this conclusion (delete as appropriate and attach relevant correspondence)?*

Yes/No - See below

Statutory environmental authorities consulted:

Authority	Contact	Date consulted on draft LDO	Response
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Environment Agency			
Natural England			
Dwr Cymru Welsh Water			
	<b>Author</b>	<b>Verified</b>	
<i>Name</i>	Kevin Singleton		
<i>Organisation</i>	<b>Herefordshire Council</b>	<b>Natural England</b>	
<i>Date</i>			
<i>Signature</i>			

## **Appendix A : Herefordshire Local Core Strategy Policy SD4**

### **Policy SD4 - Wastewater treatment and river water quality**

Development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.

In the first instance developments should seek to connect to the existing mains wastewater infrastructure network. Where this option would result in nutrient levels exceeding conservation objectives targets, in particular additional phosphate loading within a SAC designated river, then proposals will need to fully mitigate the adverse effects of wastewater discharges into rivers caused by the development. This may involve:

- incorporating measures to achieve water efficiency and/or a reduction in surface water discharge to the mains sewer network, minimising the capacity required to accommodate the proposal, in accordance with policy SD3;
- phasing or delaying development until further capacity is available;
- the use of developer contributions/community infrastructure levy funds to contribute to improvements to waste water treatment works or other appropriate measures to release capacity to accommodate new development;
- in the case of development which might lead to nutrient levels exceeding the limits for the target conservation objectives within a SAC river, planning permission will only be granted where it can be demonstrated that there will be no adverse effect on the integrity of the SAC in view of the site's conservation objectives; and
- where the nutrient levels set for conservation objectives are already exceeded, new development should not compromise the ability to reduce levels to those which are defined as favourable for the site.

Where evidence is submitted to the local planning authority to indicate connection to the wastewater infrastructure network is not practical, alternative foul drainage options should be considered in the following order:

- provision of or connection to a package sewage treatment works (discharging to watercourse or soakaway);
- septic tank (discharging to soakaway).

With either of these non-mains alternatives, proposals should be accompanied by the following:

- information to demonstrate there will be no likely significant effect on the water quality, in particular of designated national and European sites, especially the River Wye SAC and the River Clun SAC; or
- where there will be a likely significant effect upon a SAC river, information to enable the council, in its role as a competent authority, to ascertain that the development will have no adverse effect on the integrity of the SAC;
- in relation to water courses with national or European nature conservation designations, the inclusion of measures achieving the highest standard of water quality discharge to the natural drainage system including provision for monitoring.

The use of cesspools will only be considered in exceptional circumstances and where it can be demonstrated that sufficient precautionary measures will ensure no adverse effect upon natural drainage water quality objectives.

