

# Habitats Regulations Assessment

Regulation 16 Report for:

**Shobdon Neighbourhood Area**

**August 2018**



## **Shobdon Neighbourhood Plan HRA**

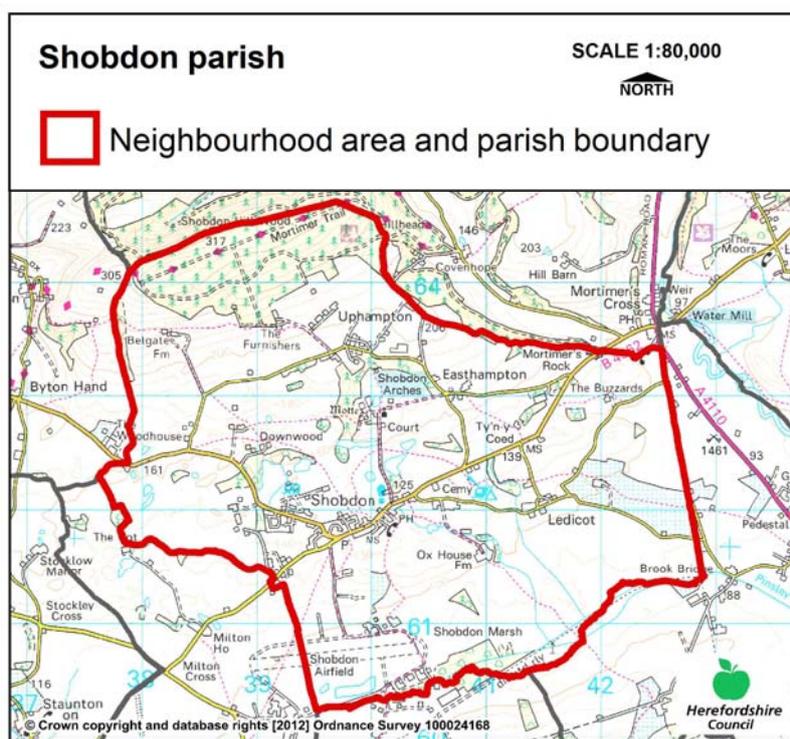
### **HRA Screening Assessment**

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## 1 Introduction

- 1.1 This Screening Assessment relates to a Neighbourhood Development Plan that is considered to be in general conformity with higher level strategic plans, such as the Herefordshire Core Strategy and the National Planning Policy Framework. The screening stage involves assessing broadly whether the final Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Shobdon Parish Council has produced a Neighbourhood Development Plan for the Shobdon neighbourhood area, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the submission Plan (July 2018).
- 1.3 The NDP is a site allocation plan which contains a settlement boundary for Shobdon and gentle criteria bases policies. This provides more detailed policies that clarify and compliment 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 Shobdon 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, Shobdon 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 2013 and concluded that a full HRA would be required. Mitigation was not taken into account at this stage.
- 2.6 The purpose of this final 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 2016, November 2016 and June 2017) and reviewed in terms of the implications of *Sweetman*.

### 3 Methodology

- 3.1 Although the Shobdon 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

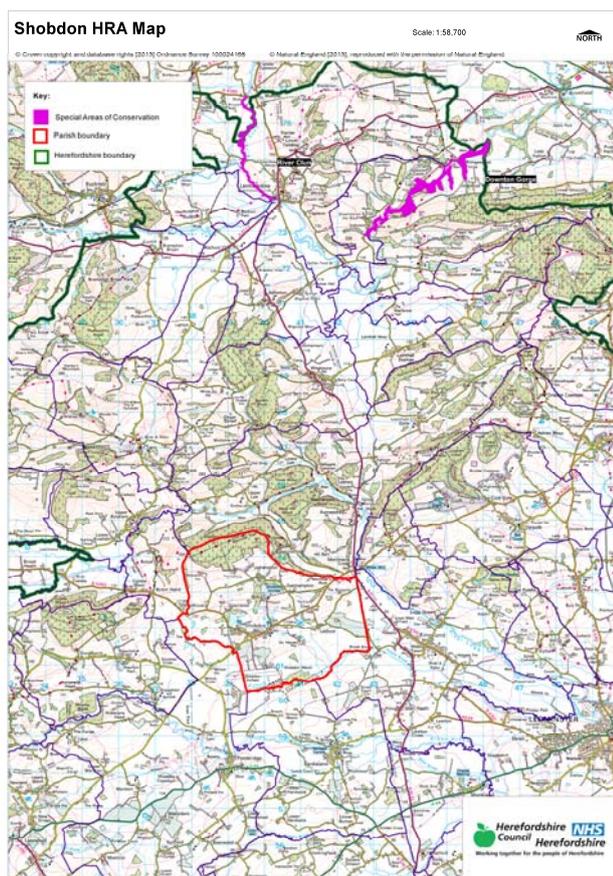
plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated) and are measured with reference to the conservation objectives for those qualifying features as defined by Natural England.

- 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 (May 2013) found that the majority of the NDP is within the hydrological catchment area of the River Wye (including the Lugg SAC), and is 9.5km in the Downton Gorge. Therefore a full screening assessment was required.. The neighbourhood area is situated in the Lugg river catchment and flood zones 2 & 3 run along the southern borders of the parish, to the east and south of Shobdon Airfield. The very eastern tip of the neighbourhood area is in the River Arrow catchment area. There is mains drainage at Shobdon

Figure 2 below highlights the location of River Wye SAC and Downton Gorge 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. DCWW have indicated that there is sufficient headroom in order to accommodate the specific growth required within the Shobdon Neighbourhood Plan.

- 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 Wyeside Initial Screening Report. The Initial Screening Report, May 2013, can be found in Appendix 1 of this HRA report.

### **Site integrity of Downton Gorge SAC**

- 4.8 Downton Gorge is a narrow ravine with a distinctive microclimate and a variety of slopes and aspects. The vulnerability of the site is based on air quality associated within poultry units or other intensive agricultural practices within a 10km radius.
- 4.9 For full details of Downton Gorge's attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Shobdon Initial Screening Report. The Initial Screening Report, May 2013, can be found in Appendix 1 of this HRA report.
- 4.9 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 Shobdon Neighbourhood Plan may affect site integrity.
- 4.9 The initial screening assessment indicated that a full screening assessment is required to assess the likelihood of significant effects on the River Wye (including the River Lugg) SAC and the Downton Gorge SAC of the policies within the Shobdon NDP.

## **5 Description of the Shobdon Neighbourhood Development Plan**

- 5.1 The submission 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; 'that the parish of Shobdon will continue as a sustainable, thriving and prosperous community supporting a high quality of life for all its residents, with a balanced population and with a distinctive settlement at its core exhibiting vitality and dynamism. This means that new development must benefit the whole community and has to be accommodated in ways that meet changing circumstances, especially environmental, social and economic needs, while preserving the area's heritage, natural environment and the local greenspace. The rate at which such development takes place must ensure that new residents can be absorbed into the community without overwhelming its value and expectations'. There are six objectives of how this will be achieved. The objectives cover the following topics:
1. Address traffic
  2. Choice of affordable housing
  3. Thriving local economy
  4. Improve infrastructure
  5. Maintain community facilities
  6. Protect natural and historic 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 or Downton Gorge SAC. Of the 4 options put forward the 'no NDP / do nothing' option was not considered viable for the Parish.

The remaining three options of

- Prepare a neighbourhood plan
- Allocate a few small housing sites

- Allocate one large site

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

13 site options were also assessed and these are reflected in full within the second Reg14 assessment.

- 5.4 As Shobdon 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 or Downton Gorge 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 2016 and May 2018 version.
- 5.5 The NDP also sets out 14 general policies on various topics based on the objective headings above and also for group parish, these include:

|            |   |
|------------|---|
| Policy S1  | Promoting a sustainable community               |
| Policy S2  | Development Strategy                            |
| Policy S3  | Highways and transport infrastructure           |
| Policy S4  | Meeting housing needs with Shobdon village      |
| Policy S5  | Provision of affordable housing                 |
| Policy S6  | Design criteria for residential development     |
| Policy S7  | Supporting local business                       |
| Policy S8  | Renewable and low carbon energy                 |
| Policy S9  | Surface and foul water drainage                 |
| Policy S10 | Accessibility to community facilities           |
| Policy S11 | Broadband infrastructure                        |
| Policy S12 | Local Green Space and Open Space                |
| Policy S13 | Retaining the Natural Environment and Landscape |
| Policy S14 | Protecting Local heritage                       |

## 6.0 Assessments undertaken to date of the emerging Shobdon 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 Shobdon NDP would be likely to have a significant effect on the River Wye SAC and Downton Gorge 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 final report aims to bring together these assessments and review in light of the final examination modifications and the implications of the *Sweetman* case.

### Screening of the draft plan (Reg14)

- 6.3 The screening matrix took the approach of screening each policy and objective individually, which is consistent with current guidance. The results from the HRA reports for the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 6.4 None of the Shobdon NDP objectives and policies (January 2016) were concluded to be likely to have a significant effect on the European site. Core Strategy policy SD3 and SD4 will ensure that development can only occur if these policy requirements are met. Downton Gorge SAC is vulnerable to air quality associated with poultry units and

other intensive agricultural practices, Shobdon is not proposing either of these within its policies

- 6.5 The water cycle study highlights that most of the River Wye catchment is in a Moderate ecological status. The River Arrow runs through the eastern tip of the parish and is part of the hydrological catchment of the River Lugg. Therefore, the parish falls within the Upper River Wye catchment area. The WCS also identifies that the Shobdon as one of the highest areas at risk of fluvial flooding in the Upper Wye sub-catchment. The Upper Wye catchment is a part of a large, linear ecosystem which acts as an important wildlife corridor, an essential migration route, and breeding area for many nationally and internationally important species.
- 6.6 The 2014 Nutrient Management Plan highlights the Upper Wye section of the SAC is currently meeting the phosphate target (0.05 mg/l phosphate). However, it is nearing the target and so there is a risk to future compliance that needs addressing. The inclusion of the policy requirements within Policy SD4 of the Core Strategy 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.
- 6.7 In many cases, 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.
- 6.8 It is unlikely that the Shobdon 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 Kington Housing Market Area in the Herefordshire Core Strategy
- 6.9 Therefore it was concluded that the **Reg14 Shobdon NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC or the Downton Gorge SAC.**

#### **Screening of modifications to NDP (Reg16)**

- 6.10 The Submission NDP (November 2016) incorporates suggestions made by consultees during the Regulation 14 draft plan consultation, by adding clarity and emphasis throughout the document.
- 6.11 No new policies have been introduced into the Submission NDP, however nine policies have been amended, S2, S3, S4, S5, S7, S10, S11, S13 and S15. Objectives were subject to minor rewording, however this was not seen as significant to require rescreening.
- 6.12 The main change has been made to policy S4 where 5 sites had been added to the policy wording which were originally within the reasoned justification to demonstrate potential delivery of housing numbers. These site were assessed due to their inclusion within the policy.
- 6.13 No poultry units or intensive agricultural practices are promoted within the plan, therefore the NDP will not have a likely significant effect on the Downton Gorge SAC.
- 6.14 The revised NDP policies are therefore unlikely to result in significant effects on the European sites

### Screening following the second Reg16

- 6.15 Following the requirement to re-evaluate the delivery potential of site allocations within the submission NDP, the Re-submitted plan had amendments made to the settlement boundary and the site allocations within Policy S4.
- 6.16 The main changes here had been the adjustments of the settlement boundary to the south of the village to reduce potential windfall development, acknowledgement of sites which have planning permission and the inclusion of an additional site 'Land to the east of the Paddocks'
- 6.17 These revision to the policies were found to be unlikely to result in a significant effect on Downton Gorge SAC nor the River Wye SAC.

### Screening following second Reg14 following the examination of the NDP

- 6.18 The Shobdon NDP was subject to an independent examination in the autumn 2017. The examiner's report was received on 15 December 2017. The report concluded that the NDP did not meet the basic conditions as a full planning appraisal of the options and consistent assessments of the sites had not been undertaken. It concluded that the NDP would need to be subject to a further regulation 14 and regulation 16 consultation period to address this
- 6.19 Therefore, the NDP was subject to a further regulation 14 consultation and the policies and options have been subject to a further HRA assessment. Amendments to the redrafted NDP include policies S1, S3, S4, S6, S8, S9, S12 and S13. With regards to housing allocations, a site was also removed and a further one added from those previously examined. In order to make the assessment comprehensive, the whole plan was reassessed.
- 6.20 Following a further housing assessment, the housing allocations within the village have been amended. These is to take account of planning permissions which have been granted whilst the NDP is in progress. The redrafted plan now contains three sites which have been assessed within the HRA Reg14 version (sites which were previously considered were assessed within earlier versions of the HRA). Many of these sites are now reflected within the commitments. The three sites included within the plan are considered unlikely to have a significant effect on the Downton Gorge SAC nor the River Wye SAC.
- 6.21 The revisions to these policies overall had been found to be unlikely to result in significant effects on Downton Gorge SAC nor the River Wye SAC.

### 7 Assessment of the 'likely significant effects' of the submission Shobdon NDP – Reg16 (July 2018) and implications of *Sweetman* case

- 7.1 The plan has now been submitted for the second examination. 5 policies have been subject to minor amendments since the Reg14 consultation; S4, S6, S7, S9 and S12.
- 7.2 However, 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 the appendix. Colour coding was used to record the likely impacts of the policies on the European site and its qualifying habitats and species as shown in the table 1 below.

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

- 7.5 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 or Downton Gorge SAC at this final screening stage. Any likely significant effects would require an Appropriate Assessment to be required.

## 8 Conclusions from the Screening Matrix

- 8.1 None of the policies within the submission Shobdon Neighbourhood Plan (August 2018) were concluded to be likely to have a significant effect on the River Wye SAC or the Downton Gorge SAC.
- 8.2 Policy S9 has been included within the Shobdon 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 Shobdon NDP contains three site allocations and a number of criteria based policies which themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment, including biodiversity and therefore no significant effect conclusion could be reached.
- 8.4 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is currently no existing capacity issues with regards to permitted headroom in the Sewerage Treatment works serving the Shobdon area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. Continuing work is required with DCWW to ensure that sufficient headroom can be provided through improvements and a potential feasibility study may be required to assess if any further upgrades are required. Policy SD4 of the Core Strategy indicates that development would not be permitted if wastewater treatment and water quality cannot be assured
- 8.5 They have subsequently confirmed within consultation responses to the draft Shobdon NDP, that there are no capacity issues within the works serving Shobdon and they do not envisage any issues within the growth being proposed.
- 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 Downton Gorge SAC is vulnerable to air quality associated with poultry units and other intensive agricultural practices, Shobdon is not proposing either of these within its policies
- 8.8 No mitigation measures have been included within the screening of the policies of the NDP. Policies of the Core Strategy and the NDP will form part of the development plans. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 8.6 This has been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Shobdon Plan will not have a likely significant effect on the River Wye SAC or Downton Gorge 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 Eardisland, Kingsland and Yarpole have all been adopted. Pembridge and Aymestrey has reached Regulation 16 and Titley and District are in drafting stage in their production. 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 Shobdon 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 Kington 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 **Shobdon NDP will not have a likely significant effect on the River Wye SAC and Downton Gorge** remains valid.

## 11.0 Next steps

- 11.1 This Report will be published alongside the submission Shobdon NDP and the earlier HRA Report and its addendum. This will be subject to a consultation with the statutory bodies as part of the Regulation 16 consultation period.

# Appendix 1

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

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

**Conservation of Habitats and Species Regulations 2010 (d)**

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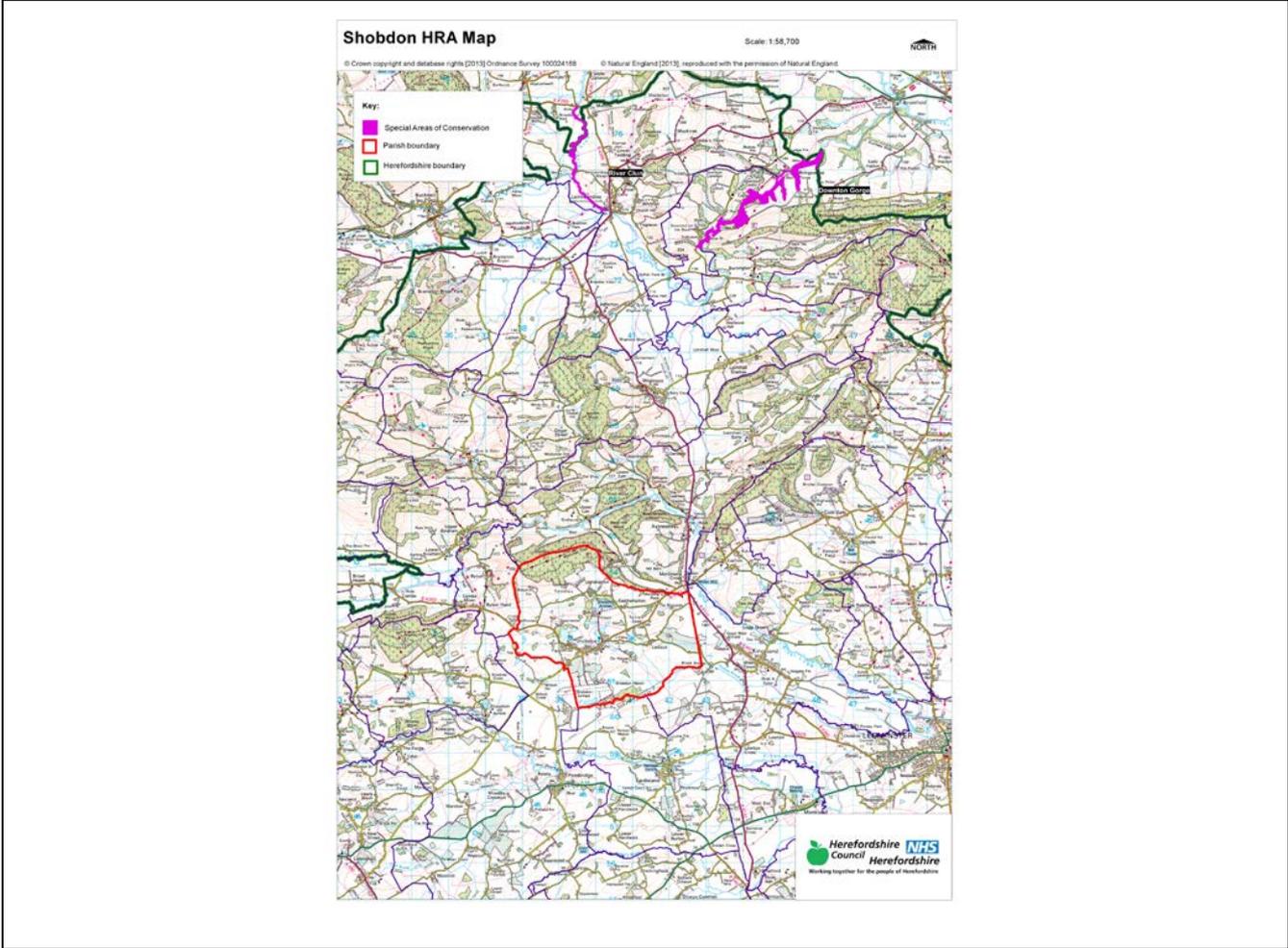
|   |                            |
|---|----------------------------|
| <b>Neighbourhood Area:</b>                  | Shobdon Neighbourhood Area |
| <b>Parish Council:</b>                      | Shobdon Parish Council     |
| <b>Neighbourhood Area Designation Date:</b> | 17/07/2012                 |

### **Introduction**

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

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

**HRA Initial Screening: Map showing relationship of Neighbourhood Area with European Sites  
(not to scale)**



**Initial HRA Screening**

**River Wye (including the River Lugg) SAC:**

|  |   |   |
|--|---|---|
| Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?    | N | The River Wye/Lugg is not within the borders of the Parish  |
| Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC? | Y | The majority of the Parish is within the River Lugg hydrological catchment area. The very eastern tip is in the River Arrow catchment area. |
| If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?                  | Y | There is mains drainage at Shobdon  |

**Downton Gorge SAC:**

|   |   |   |
|---|---|---|
| Is the Neighbourhood Area within 10km of Downton Gorge SAC? | Y | Downton Gorge is 9.5km away from the Parish |
|---|---|---|

**River Clun SAC:**

|  |   |                                       |
|--|---|---------------------------------------|
| Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council? | N | River Clun does not border the Parish |
|--|---|---------------------------------------|

**Usk Bat Sites SAC:**

|  |   |   |
|--|---|---|
| Is the Neighbourhood Area within 10km of the SAC boundary? | N | Usk Bat Sites are 48.3km away from the Parish |
|--|---|---|

**Wye Valley & Forest of Dean Bat Sites SAC:**

|  |   |  |
|--|---|--|
| Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites? | N | The Parish is 47km away from Wye Valley and Forest of Dean Bat Sites |
|--|---|--|

**Wye Valley Woodlands SAC:**

|  |   |   |
|--|---|---|
| Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site? | N | The Parish is 47.6km away from the Wye Valley Woodlands |
|--|---|---|

**HRA Conclusion:**

The assessment above highlights that the following European Sites will need to be taken into account in the future Neighbourhood Development Plan for the Shobdon 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

Downton Gorge 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 Shobdon 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.

| <b>SEA features</b>                         | <b>Total</b> | <b>Explanation</b>   | <b>SEA required</b> |
|---|--------------|--|---------------------|
| Air Quality Management Areas                | 0            | There are no AQMA's within the Parish  | N                   |
| Ancient Woodland                            | 1            | Chaff Wood   | Y                   |
| Areas of Archaeological Interest            | 0            | There are no AAI's within the Parish   | N                   |
| Areas of Outstanding Natural Beauty         | 0            | There are no AONB's within the Parish  | N                   |
| Conservation Areas                          | 0            | There are no Conservation Areas within the Parish  | N                   |
| European Sites                              | 0            | There are no SACs within the Parish  | N                   |
| Flood Areas                                 |              | Flood Zones 2 and 3 at the south of the Parish to the east and south of Shobdon Airfield, and flows up towards Shobdon | Y                   |
| Listed Buildings                            | Numerous     | There are numerous listed buildings throughout the Parish  | N                   |
| Local Sites (SWS/SINCS/RIGS)                | 3 (SWS)      | Shobdon Pools; Marsh Covert; Pinsley Brook   | Y                   |
| Long distance footpaths/trails              | 1            | The Mortimer Trail   | Y                   |
| Mineral Reserves                            | 0            | There are no Minerals Reserves sites within the Parish   | N                   |
| National Nature Reserve                     | 0            | There are no NNR's within the Parish   | N                   |
| Registered & unregistered parks and gardens | 1 Registered | Shobdon Arches   | Y                   |
| Scheduled Ancient Monuments                 | 3            | Shobdon Arches; Shobdon Castle Mound; Round Barrow 270yds (250m) south of Shobdon Church                               | Y                   |
| Sites of Special Scientific Interest        | 0            | There are no SSSI's within the Parish  | N                   |

**Decision Notification:**

The initial screening highlights that the Neighbourhood Development Plan for the Shobdon Neighbourhood Area:

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

**Assessment date: 23/05/2013**

**Assessed by: James Latham**

## Appendix 1: European Sites

The table below provides the name of each European Site, which has been screened in for the purposes of neighbourhood planning in Herefordshire; includes their site features of integrity; and vulnerability data. This is based on the sites individual features of integrity and their vulnerabilities, which could include distance criteria. This has been used in identifying which parishes are likely to require a full HRA Screening of their future Neighbourhood Development Plan, to establish if their plan might have Likely Significant Effects on a European Site.

|   |
|---|
| <b>Downton Gorge</b>  |
| <b>Site Features:</b> <i>Tilio-Acerion</i> forests of slopes, screes and ravines  |
| <b>Vulnerability data:</b> 10km for air quality associated with poultry units or other intensive agricultural practices.  |
| <b>River Clun</b>   |
| <b>Site Features:</b> Freshwater pearl mussel <i>Margaritifera margaritifera</i>  |
| <b>Vulnerability data:</b> Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected.  |
| <b>River Wye</b>  |
| <b>Site Features:</b> 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>   |
| <b>Vulnerability data:</b> 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.<br>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.<br>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.<br>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.<br>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."<br>(Source: EA website: <a href="http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf">http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf</a> accessed 09/04/2013) |

### Usk Bat Site

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

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

### Wye Valley and Forest of Dean Bat Sites

**Site Features:** Annex II species that are a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*. Greater horseshoe bat *Rhinolophus ferrumequinum*

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

Greater Horseshoe bats are known to migrate between 20-30km between their summer and winter roosts.

NDPs closest to the European Site will need to consider:

Woodland habitat buffer.

Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

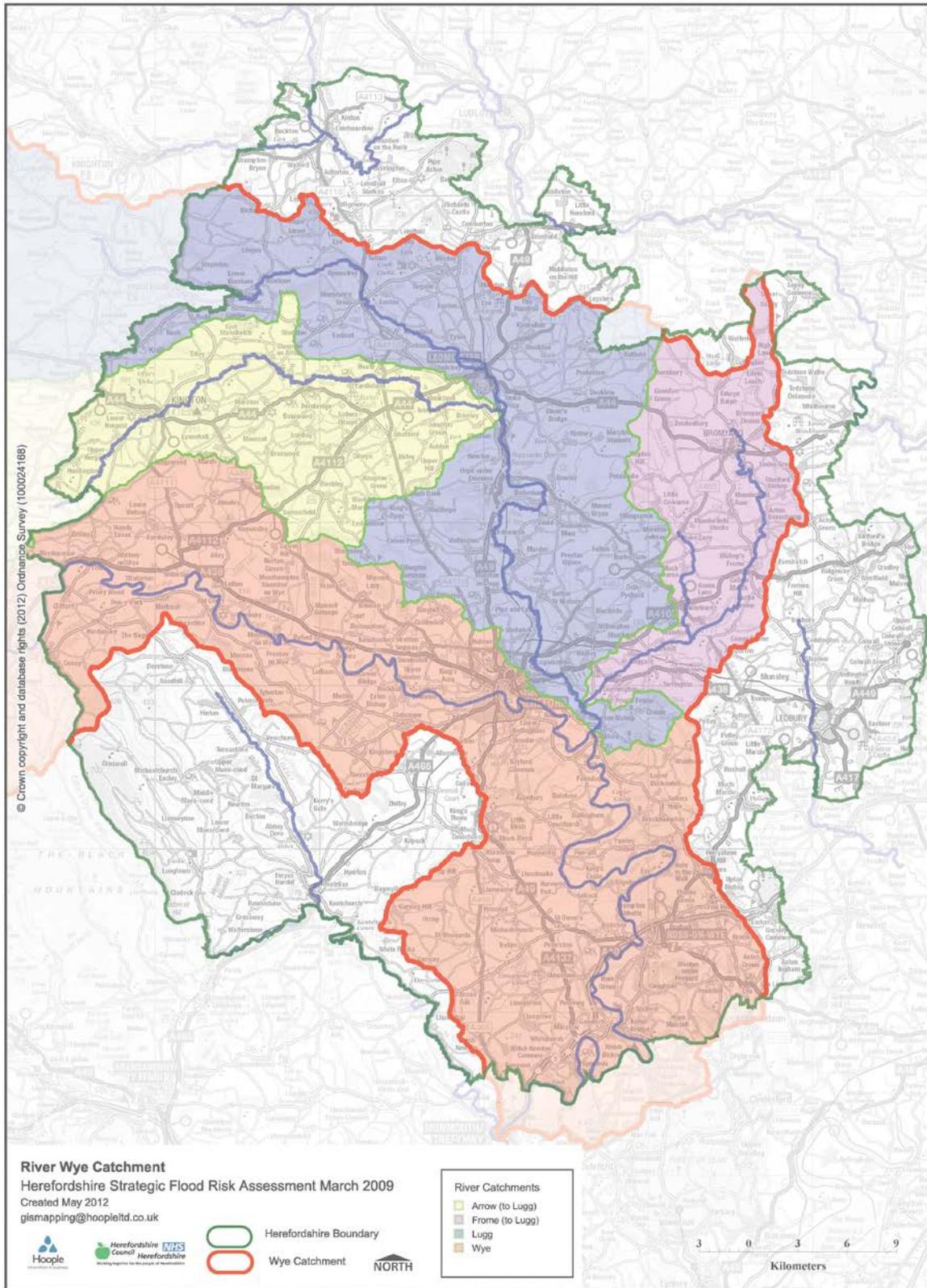
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation. A system/series of sites required. Vulnerable to loss of insect food supply, due to insecticide use, changing farming practices and loss of broad-leaved tree-cover and loss / disturbance of underground roosts sites.

### Wye Valley Woodlands

**Site Features:** Annex I habitats that are a primary reason for site selection: Beech forests *Asperulo-Fagetum*, *Tilio-Acerion* forests of slopes, screes and ravines, *Taxus baccata* woods of the British Isles. Annex II species present as a qualifying feature, but not a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, 51-100 residents

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues. NDPs closest to the European Site will need to consider: Woodland habitat buffer. Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

## Appendix 2: Wye Catchment Map



# Appendix 2

## **Options**

- No nothing
- Prepare an neighbourhood plan
- Allocate a few small housing sites
- Allocate one large site

## **Site options**

Site 1 – Land to the west of the Old Power House

Site 2- Land to the east of the Old Gymnasium

Site 3 – Land to the south of Bateman Close

Site 4 – Land to the north-west of The Grove (Old play area)

Site 5 – Pearl Lake, west of the Paddock

Site 6 /6A – Land to the east of The Paddock and the Humbers

Site 7 – Land north of Moor Meadow, at Hillhampton Farm

Site 8 – Land to the west of Wildflower House

Site 9 – Land to the south of New Cottages

Site 10 /10A – Land to the south of Rosevilla Terrace

Site 11 – Land to the east of Shobdon Primary School

Site 12 – Part field to the south of Bar Meadow

Site 13 – Orchard to the south of the Grove.

# Appendix 3

| NDP policies                                 | HRA Screening of revised NDP policies at reg16  |   |  |  |  |
|--|---|---|--|--|--|
|  | Likely activities (operations) to result as a consequence of the objective/option/policy  | Likely effect if objective/option/policy 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 S1: Promoting a Sustainable Community | <p>Promotion of sustainable design</p> <p>Road safety improvement</p>   | Criteria to support sustainable and integrated development. The policy will not lead to development itself.               | <p>River Wye (including the River Lugg) SAC</p> <p>Downton Gorge SAC</p> | No.  | <p>No. This policy will not result in any development itself.</p> <p>The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted.</p> |
| Policy S2:Development Strategy               | <p>Development in line with proportional growth in line with Policy RA2 of the Local Plan (Core Strategy).</p> <p>New homes will be</p> | Settlement boundary and site allocations will focus the location of development.  | <p>River Wye (including the River Lugg) SAC</p> <p>Downton Gorge SAC</p> | <p>It is unlikely that this policy will have a significant impact on both SACs.</p> <p>The implementation of</p> | No. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid   |

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|   |   |  |   |   |   |
|---|---|--|---|---|---|
|   | provided in Shobdon.  |  |   | Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted.   | adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted.  |
| Policy S3: Highways and Transport Infrastructure        | Promotion of safe access onto highway<br><br>Promotion of adequate car parking<br><br>Promotion of highway safety<br><br>Cap on street lights | Safer roads<br><br>Decrease vehicle speed                      | River Wye (including the River Lugg) SAC<br><br>Downton Gorge SAC | No  | No. The policy would itself not lead to development; instead it relates to criteria for highways and transport infrastructure.  |
| Policy S4: Meeting Housing Needs within Shobdon Village | Housing development<br><br>Increased vehicle traffic  | Increase on water and sewerage usage within the catchment area | River Wye (including the River Lugg) SAC<br><br>Downton Gorge SAC | No. This policy highlights the number of houses to be developed in line with the Core Strategy.<br><br>The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be | No. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted. |

|   |   |  |   |  |   |
|---|---|--|---|--|---|
|   |   |  |   | granted.   |   |
| Site 5 - Land to the west of the Paddocks       | Small scale housing development within the settlement boundary of Shobdon | Increase on water and sewerage usage within the catchment area | River Wye (including the River Lugg) SAC<br><br>Downton Gorge SAC | Ensure main connection into the sewerage system. | No, The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted. |
| Site 6/6a - Land to the east of the Paddocks    | Small scale housing development within the settlement boundary of Shobdon | Increase on water and sewerage usage within the catchment area | River Wye (including the River Lugg) SAC<br><br>Downton Gorge SAC | Ensure main connection into the sewerage system. | No, The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted. |
| Site 12 – part field to the south of Bar Meadow | Small scale housing development within the settlement boundary of Shobdon | Increase on water and sewerage usage within the catchment area | River Wye (including the River Lugg) SAC<br><br>Downton Gorge     | Ensure main connection into the sewerage system. | No, The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the   |

|   |  |  |     |     |   |
|---|--|--|-----|-----|---|
|   |  |  | SAC |     | NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted.   |
| Policy S5: Provision of Affordable Housing              | Stipulates affordable housing criteria               | Increase on water and sewerage usage within the catchment area | N/A | No  | No. The policy would itself not lead to development; instead it relates to criteria for development.<br><br>The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) and BNDP4 of the NDP will avoid adverse impacts in relation to hydrological regimes at the River Wye as permission would not be granted. |
| Policy S6 – Design Criteria for Residential Development | Sets out design criteria for residential development | N/A  | N/A | N/A | No. The policy would itself not lead to development; instead it relates to design criteria for Development.   |
| Policy S7: Supporting Local Business                    | Enhancement of employment land                       | N/A  | N/A | No  | No. The policy would itself not lead to   |

|  |   |   |     |     |   |
|--|---|---|-----|-----|---|
|  | around Shobdon Airfield is encouraged.  |   |     |     | development; instead it relates to support and promote local business that results in sustainable growth.   |
| Policy S8: Renewable and Low Carbon Energy | Development of renewable energy infrastructure  | No likely significant effect on the River Wye SAC | N/A | N/A | No. The policy would itself not lead to development; instead it relates to support and promotion of domestic renewable energy and small scale low carbon proposals. Policy SD4 is required to be met in order for any development to received planning permission.                            |
| Policy S9: Surface and Foul Water Drainage | Safeguard against surface water flooding in new development<br><br>Upgrading sewer works<br><br>Utilise of SUDs | No likely significant effect on the River Wye SAC | N/A | No  | No. The policy would itself not lead to development; instead it relates to safeguarding new development against flooding and over capacities in sewerage. This compliments policy SD4 of the Core Strategy. Without meeting this criteria, development would not receive planning permission. |

|   |   |  |   |     |   |
|---|---|--|---|-----|---|
| Policy S10: Accessibility to Community Facilities           | Facilitating better access to community facilities  | No likely significant effect on the River Wye SAC                | N/A   | N/A | No. The policy would itself not lead to development; instead it relates to criteria for community facility development.   |
| Policy S11: Broadband Infrastructure                        | Policy to support proposals for creating or improving the broadband infrastructure along with necessary conditions. | No likely significant effect on the River Wye SAC                | River Wye (including the River Lugg) SAC<br><br>Downton Gorge SAC | N/A | N/A   |
| Policy S12: Protection and Provision of Open Space          | Protection and enhancement of Open Spaces within Shobdon<br><br>Greenspace protected                                | No likely significant effect                                     | River Wye (including the River Lugg) SAC<br><br>Downton Gorge SAC | No  | No. This policy is criteria based policy regarding open space which would not lead to development itself.   |
| Policy S13: Retaining the Natural Environment and Landscape | Protection and enhancement of natural environment   | Criteria to protect natural character and landscape              | River Wye (including the River Lugg) SAC<br><br>Downton Gorge SAC | No  | No. This policy is a criteria based policy which would not lead to development and will help safeguard against any detrimental impact derived from new development. |
| Policy S14: Protecting local heritage                       | Protection of local heritage  | Criteria to protect historic character and local distinctiveness | River Wye (including the River Lugg) SAC<br><br>Downton Gorge SAC | No  | No, this policy is criteria based policy regarding heritage.  |

# Appendix 4

**Consultation date: 8 February to 21 March 2016**

**Consultation title:** Habitat Regulations Shobdon Neighbourhood Plan Regulation 14

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan (January 2016)*

| Consultee                           | Summary of Comments   | Response to Comments           |
|-------------------------------------|---|--------------------------------|
| Natural England                     | Section 8.4 states that 'the River Wye downstream of the confluence with the River Lugg is currently exceeding the phosphate target' The River Wye downstream of the confluence with the River Lugg known as the Lower River Wye sub catchment is currently meeting its phosphate target. The Shobdon parish is within the River Lugg sub catchment the River Lugg upstream of the confluence with the River Wye. The River Lugg section of the SAC is currently exceeding the phosphate target. Section 8.4 and 8.5 needs to be amended to reflect the correct section of the River Wye SAC. | Comments are noted and updated |
| English Heritage / Heritage England | No comments received  | n/a                            |
| Environment Agency                  | No comments received specifically to the HRA  | n/a                            |
| Natural Resources Wales             | No comments received  | n/a                            |

# Appendix 5

**Consultation date: 9 January to 20 February 2017**

**Consultation title:** Habitat Regulations Shobdon Neighbourhood Plan Regulation 16

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan (January 2016)*

| Consultee                              | Summary of Comments   | Response to Comments           |
|--|---|--------------------------------|
| Natural England                        | No further comment to make and no specific comment to the HRA | Comments are noted and updated |
| English Heritage /<br>Heritage England | No specific comments to the HRA                               | n/a                            |
| Environment<br>Agency                  | No comments received specifically to the HRA                  | n/a                            |
| Natural Resources<br>Wales             | No comments received  | n/a                            |

# Appendix 6

**Consultation date: 28 July to 15 September 2017**

**Consultation title:** Habitat Regulations Shobdon Neighbourhood Plan **resub** Regulation 16

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

| Consultee                              | Summary of Comments                          | Response to Comments |
|--|--|----------------------|
| Natural England                        | No further comments to make                  |                      |
| English Heritage /<br>Historic England | No comments received specifically to the HRA | n/a                  |
| Environment<br>Agency                  | No comments received specifically to the HRA | n/a                  |
| Natural Resources<br>Wales             | No comments received                         | n/a                  |

# Appendix 7

**Consultation date: 23 May to 5 July 2018**

**Consultation title:** Habitat Regulations Shobdon Neighbourhood Plan **second** Regulation 14

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

| Consultee                              | Summary of Comments  | Response to Comments |
|--|--|----------------------|
| Natural England                        | Agree with the conclusions within section 5.2 that the Shobdon NDP is unlikely to have significant effects on the designated sites | Noted                |
| English Heritage /<br>Heritage England | No comments received   | n/a                  |
| Environment<br>Agency                  | No comments received   | n/a                  |
| Natural Resources<br>Wales             | No comments received   | n/a                  |