

# Habitats Regulations Assessment

Final Report for:

Leominster Neighbourhood Area

September 2018



# Leominster Neighbourhood Plan HRA

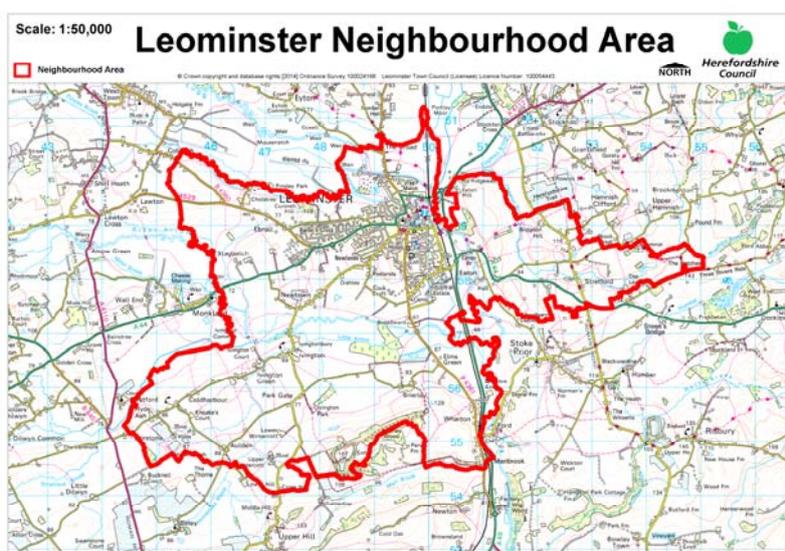
## HRA Screening Assessment

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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 Leominster Town Council has produced a Neighbourhood Development Plan for its administrative area, in order to set out the vision, objectives and policies for the development of the parish up to 2031. This HRA reviews the examination version of the Plan (December 2017).
- 1.3 The NDP is criteria based and does not allocate sites but acknowledges the strategic site within the Core Strategy. For settlement boundaries have been allocation within the plan: Leominster; Ivington; Brierley; Wharton. It provides general criteria policies that clarify and given more detail to those within the Herefordshire Core Strategy.
- 1.4 This requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Core Strategy. It should be read in combination with the Core Strategy Habitat Regulations Assessment Report and ensures that there will not be any significant impacts upon Natura 2000 sites.
- 1.5 The map below shows Leominster 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, Leominster Town 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 August 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 (October 2014, October 2015 and October 2017) and reviewed in terms of the implications of *Sweetman*.

### 3 Methodology

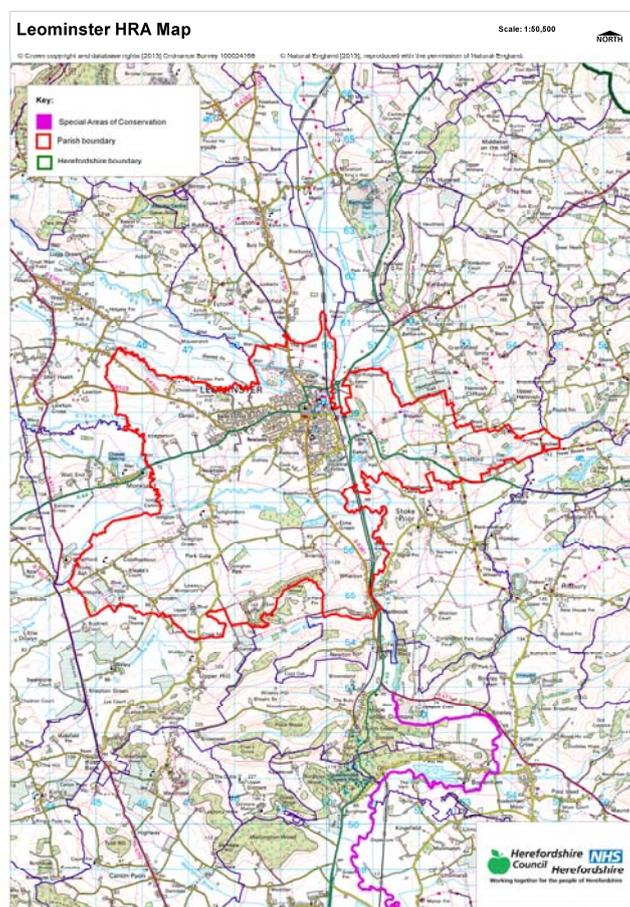
- 3.1 Although the Leominster NDP is not directly regarding the management of any European sites, it does include proposals for development which may affect European sites. Therefore, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant 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 (August 2013) found that the River Wye (including the River Lugg) SAC runs through the parish. Figure 2 below highlights the location of River Wye SAC in relation to the neighbourhood area.



- 4.2 There is also a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect the river water quality and this included the associated watercourses flowing into the rivers.

### **Site integrity of the River Wye (including the River Lugg) SAC**

- 4.3 The issues associated with maintaining the sites integrity include water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance.
- 4.4 The River Wye SAC can be sensitive to changes in water quantity and quality. As outlined within the Habitat Regulation Assessment to the Herefordshire Core Strategy, the water supply in this area comes from Dwr Cymru Welsh Water (DCWW) and no likely significant effects on European sites as a result of changes in water quality are expected in relation to the proportional growth outlined with the Herefordshire Core Strategy.
- 4.5 In relation to water quality, Policy SD4 of the Herefordshire Core Strategy indicates that any development should not undermine the achievement of water quality targets within the county's rivers. This should ensure that developments within the area can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC. This position is confirmed within the HRA of the Core Strategy in April 2015.
- 4.6 The addition of the Nutrient Management Plan for the River Wye SAC will support this policy. The Water Cycle Study has indicated that there is current capacity for around 1600 dwellings which provides in excess of 10 years supply of housing based on the 2015 Core Strategy trajectory. DCWW states that there is no current issue with the Leominster WwTW accommodating the foul flows from the committed sites that have already obtained planning permission. Depending on the scale and pace of the development proposed in the catchment, there will come a time during the plan period when reinforcement works will be required in order to accommodate the total remaining growth. They also indicate that there are no specific issues with regards to the public sewerage network within Leominster.
- 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, August 2013, can be found in Appendix 1 of this HRA report.
- 4.8 This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Leominster Neighbourhood Plan may affect site integrity.
- 4.9 The initial screening assessment indicated that a full screening assessment is required to assessment the likelihood of significant effects on the River Wye (including the River Lugg) SAC of the policies within the Leominster NDP.

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

- 5.1 The submission Leominster 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 Town Council over the Plan period which include 6 aims;
- To create a sustainable Leominster
  - To create a prosperous Leominster
  - To create a greener Leominster
  - To retain Leominster's distinctive identity
  - To create a healthy Leominster
  - To create an accessible Leominster

The bullet point objectives are then based on each of these topics areas.

- 5.3 The initial options for the NDP (refer to appendix 2) were assessed to determine their environmental impact that could affect the River Wye SAC. Of the nine options put forward the 'no NDP / do nothing' option was not considered viable for the Parish.

The remaining options were as follows;

- No sustainable urban extension
- No new link road to the south of the town
- Allocate additional housing sites and employment sites
- Utilise the policies of the Core Strategy and additional sustainability measures to improve the town as a whole

- 5.4 As Leominster Neighbourhood Plan progressed from options to draft NDP policies, the Plan needed to identify ways in which the least effect on the River Wye SAC could be achieved, alongside taking forward the preferred option from the consultation from the community. A list of the options assessed can be found in previous HRA assessments, and the Assessment matrix for the options can be found HRA October 2015 version.

- 5.5 The NDP also sets out 26 general policies on various topics based on the objective headings above and also for group parish, these include:

LANP1	Supporting the Highway Network and Southern link road to serve the Strategic Development needs in Leominster
LANP2	Leominster sustainable urban extension
LANP3	Supporting the strategic and small scale housing development needs in Leominster town
LANP4	New housing development in Brierley, Ivington and Wharton
LANP5	New homes in the countryside
LANP6	Renewable energy
LANP7	New business development
LANP8	Protecting existing employment sites
LANP9	Development in Leominster town centre
LANP10	Green Infrastructure
LANP11	Amenity open spaces
LANP12	Greening the town centre
LANP13	Dark skies
LANP14	Promoting a healthy community
LANP15	Provision for a new health centre
LANP16	Assets of community value
LANP17	Landscapes
LANP18	Protecting and enhancing the character of Leominster town centre
LANP19	New building in Leominster
LANP20	New extensions in Leominster
LANP21	Agricultural development
LANP22	Intensive livestock unit policy
LANP23	Tourism
LANP24	River Wye Special Area of Conservation
LANP25	Protecting important views
LANP26	Community and highway infrastructure

## 6.0 Assessments undertaken to date of the emerging Leominster 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 Leominster NDP would be likely to have a significant effect on the River Wye SAC. This has been repeated at each statutory stage of the NDP consultation process.

- 6.2 The findings of those screening matrix can be found within the previous versions of the HRA report and its addendum. This 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 Leominster NDP objectives and policies (August 2014) were concluded to be likely to have a significant effect on the European site.
- 6.5 The water cycle study highlighted that most of the River Wye catchment is in a moderate ecological status, the upper reaches of the River Lugg from Presteigne to Leominster are in poor ecological status. In addition there is not sufficient existing permitted headroom in the STWs serving Leominster and parts of rural Herefordshire to continue to treat water from all new housing provided for in the Core Strategy without affecting the quality of the River Wye SAC. In terms of the rural areas, development in villages near Leominster and just north of Hereford are more likely to have an impact due to the sensitivity on the River Lugg and the lack of permitted headroom in the STW's. Where developments in Leominster and in rural areas are proposed, there would be no likely significant effect on the River Wye SAC. In addition, the preparation of 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.
- 6.6 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development and the SAC itself is not within the parish. In several cases the policies also included measures to help support the natural environment including biodiversity.
- 6.7 It is unlikely that the Leominster 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 Leominster Housing Market Area in the Herefordshire Core Strategy
- 6.8 Therefore it was concluded that the **Reg14 Leominster NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

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

- 6.9 The submission Leominster Area Neighbourhood Plan has incorporated many of the changes that were suggested by Natural England in the earlier HRA Report and Regulation 14 consultation by making specific reference to the River Wye SAC within certain policies. Therefore these policies had been strengthened and so the likelihood of there being no significant effect remained high with regards to these policies.
- 6.10 Policy LANP4 guides development within the three rural settlements contained in the neighbourhood area. This policy was highlighted as having potential uncertain effects on the hydrological catchment of the River Wye SAC, at the time this was due to

there being no particularly reference or safeguards within LANP4 to flooding or surface water issues. The conclusions highlighted that the inclusion of additional text would help to strengthen the policy within the LANP, however as the Local Plan (Core Strategy) is now adopted developments would need to comply with the existing within Policy SD3 and SD4.

- 6.11 At this stage in the progress, the neighbouring parish councils of (Kingsland; Humber Ford and Stoke Prior; Hope under Dinmore; Luston; Hatfield and District Group and Kimbolton) are not proposing a greater level of development than that assessed within the Core Strategy. It was therefore also concluded that the Leominster Neighbourhood Plan was unlikely have any in-combination effects with any plans from neighbouring parishes.
- 6.12 The revised NDP policies are therefore unlikely to result in significant effects on the European site.

### Screening resubmission Reg16

- 6.13 The Leominster Plan was subject to a second Regulation 16 consultation due to concerns regarding conformity with the Core Strategy. The submission plan included an additional policy LANP 24 which was added to the plan to specifically ensure that the ability to reduce nutrient levels within the river was not compromised by new developments.
- 6.14 Policy LANP4 guides development within the three rural settlements highlighted within the Local Plan (Core Strategy) Policy RA2. The policy was previously highlighted as having potential uncertain effects on the hydrological catchment of the River Wye SAC as there was no particularly reference or safeguards within LANP4 to flooding or surface water issues. The inclusion of additional policy LANP24 helped to strengthen the LANP and the inclusion of settlement boundaries for the town of Leominster and the three outlying settlements also gave more certainty to where development will be permitted.
- 6.15 The neighbouring parish councils of Kingsland; Humber Ford and Stoke Prior; Hope under Dinmore; Luston Group; Hatfield and District Group and Kimbolton had not proposed a greater level of development than that assessed within the Core Strategy. It is therefore also concluded that the Leominster Neighbourhood Plan will unlikely have any in-combination effects with any plans from neighbouring parishes.
- 6.16 The resubmission NDP policies were assessed as unlikely to result in significant effects on the European site.

## 7 Assessment of the 'likely significant effects' of the examination Leominster NDP (December 2017) - Rescreening following implications of *Sweetman* case

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

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

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

## 8 Conclusions from the Screening Matrix

- 8.1 None of the examination Leominster Neighbourhood Plan (October 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC.
- 8.2 The Leominster NDP is primarily a criteria based plan and therefore the policies themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment including biodiversity. The development plan should be read as a whole only side the adopted Core Strategy. Policy SD3 and SD4 address issues relevant to water quality. These policies were adopted to avoid the risks associated with any sewerage capacity and thus remove the pathway to harm not just reduce the scope for harm.
- 8.3 There are no additional allocated sites for development, just the strategic site as per the Core Strategy and four settlement boundaries which would allow for some small scale windfall development.
- 8.4 The Water Cycle Study has indicated that there is current capacity for around 1600 dwellings which provides in excess of 10 years supply of housing based on the 2015 Core Strategy trajectory. DCWW states that there is no current issue with the Leominster WwTW accommodating the foul flows from the committed sites that have already obtained planning permission. Depending on the scale and pace of the development proposed in the catchment, there will come a time during the plan period when reinforcement works will be required in order to accommodate the total remaining growth. They also indicate that there are no specific issues with regards to the public sewerage network within Leominster.
- 8.5 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.
- 8.6 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 and therefore there is no need for the NDP to build in mitigation because it has already been built into the higher tier plan. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 8.7 This review and rescreening of the policies have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Leominster Plan will not have a likely significant effect on the River Wye SAC.***

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

- 1.1 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).
- 1.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy.
- 1.3 Adjacent neighbourhood plans including Kingsland; Luston Group; Kimbolton; Humber, Ford and Stoke Prior; Hope under Dinmore have all been adopted.. 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 Leominster 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 Golden 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 **Leominster NDP will not have a likely significant effect on the River Wye SAC** remains valid.

## 11.0 Next steps

- 11.1 This Report will be published alongside the earlier HRA Report and its addendum. This will be subject to a consultation with the statutory bodies as part of the examination of the Leominster NDP.

# 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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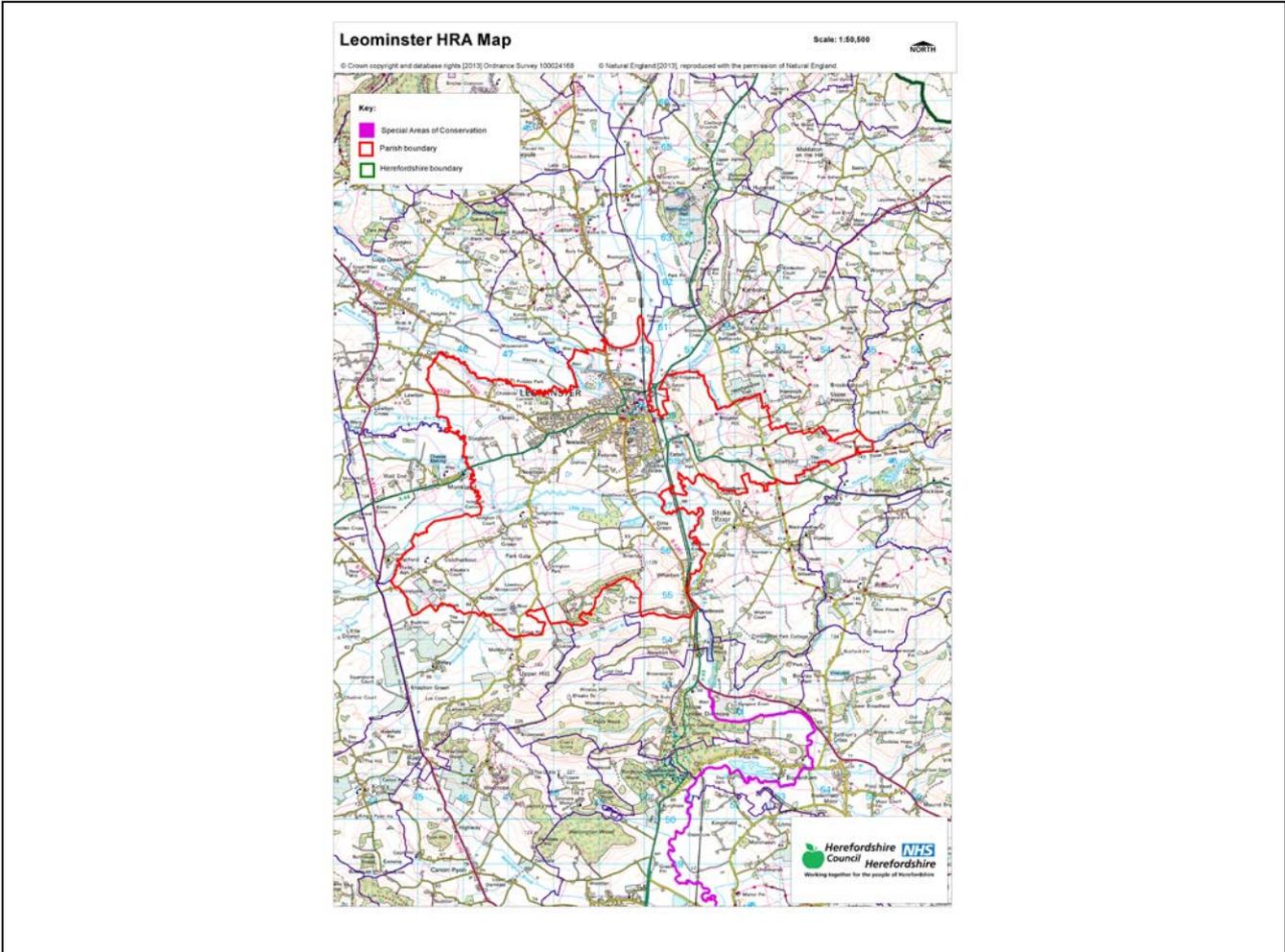
<b>Neighbourhood Area:</b>	Leominster
<b>Parish Council:</b>	Leominster Town Council
<b>Neighbourhood Area Designation Date:</b>	31 <sup>st</sup> July 2012

### **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?	Y	The River Lugg (not part of the SAC) runs through the Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	Leominster Parish is in both the Lugg and Arrow river catchments
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	Yes at Ivington and Leominster Worcester Road

**Downton Gorge SAC:**

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 12.7km away from the northern boundary of the Parish
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**River Clun SAC:**

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

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 46km away from the Parish
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**Wye Valley & Forest of Dean Bat Sites SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	N	Wye Valley & Forest of Dean Bat Sites are 37km away from the Parish
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**Wye Valley Woodlands SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site?	N	Wye Valley Woodlands are 41km away from the Parish
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**HRA Conclusion:**

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

**European Site**

*(List only those which are relevant from above)*

River Wye (including the River Lugg) SAC

## **Strategic Environmental Assessment Initial Screening for nature conservation landscape and heritage features**

The following environmental features are within or in general proximity to the Leominster 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	1	An area encompassing the junction between the A44 (Bargates) and B4361 (Dishley Street/Cursneh Road) in Leominster.	Y
Ancient Woodland	7	Marlbrook Woods; Ramshill Wood (border); Draycott Wood (border); Puddlestone Wood (border); Long Wood (border); Titterstone Plantation (border); Lower Miles Rough (border)	Y
Areas of Archaeological Interest	0	There are no AAI's in Leominster Parish	N
Areas of Outstanding Natural Beauty	0	There are no AONB's in Leominster Parish	N
Conservation Areas	4	Leominster Bridge Street; Leominster River Meadows; Leominster Bargates; Leominster	Y
European Sites	0	There are no SACs in the Parish	N
Flood Areas		Flood Zones 2 & 3 follow the Rivers Lugg and Arrow, as well as Cheaton Brook, Little Arrow and various other brooks and streams	Y
Listed Buildings	Numerous	There are numerous Listed Buildings throughout the Parish	Y
Local Sites (SWS/SINCs/RIGS)	21	Land at Eaton Hill; Land at Eaton; lands at Leasows; Pond near Bankfield House; River Lugg; River Arrow; Field near Stoke Prior (border); Land at Stoke Prior (border); marshland near Steens Bridge (border); Land near Stone Farm (border); Land at Stretford Bridge (border); Stretford Brook; Wig Wood, Lewis's Plantation & Kennel Gorse (border); Bach Camp (border); Fields east of Blackpole (border); Eyeton Common (border); Monkland Common (border); Field north of Harbour Farm (border); Pinsley Brook; Titterstone Plantation, Woodfield and Lime Kiln Copse (border); Lower Miles Rough (border)	Y
Long distance footpaths/trails (e.g. Herefordshire Trail)	2	Herefordshire Trail; Three Rivers Ride	Y
Mineral Reserves	13	West of Cholstrey mill to B4360 (border); Cholstrey, east and west of village (border); Ivington Bury to Ivington Court; Newlands to Highfield House off	Y

		Passa Lane; Worcester Road from Leominster; East of Leominster, Tick Bridge Lane, north of Stretford Brook; Sparrow Hill north of Steens Bridge; East of Stoke Prior, Blackwardine; Area around Wellington constrained by 200m zone and area north of Wellington outside 200m zone; East of Sollers Dilwyn – Tyrells Court to Stretford (border); Manor Farm, Monkland to Wall End (border); South east of Pudleston Court (border); North of Uphampton Farm-Fort (border)	
National Nature Reserve	0	No NNR's in Leominster Parish	N
Registered & unregistered parks and gardens	12 Unregistered	The Ryelands; Eaton Hill; Hennor House Upper Wintercott; Hamnish Clifford (border); Pudleston Court (border); Eyton Hall (border); Buckland (border); Eyton Old Hall (border); Pudleston Rectory (border); Hampton Court (border); Birley Court (border)	Y
Scheduled Ancient Monuments	9	Ivington Camp Multivallate Hillfort; Forbury Chapel; Leominster Priory; Three Moated Sites at The Hyde and Lower Hyde; Roman Settlement (border); Risbury Camp (border); Dovecote at Stockton Bury (border); Kingsland Castle (border); Bach Camp (border)	Y
Sites of Special Scientific Interest	6	River Lugg Meanders (Favourable) (border); River Lugg (Unfavourable Recovering); Hill Hole Dingle (Unfavourable Recovering) (border); The Bury Farm (Favourable) (border); Dinmore Hill Woods (Favourable (part) Unfavourable Recovering (part)) (border); Berrington Pool (Favourable) (border)	Y

**Decision Notification:**

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

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

**Assessment date: 13/05/2013 re-screened 21/08/2013**

**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. Water Quality: Within the whole catchment of the River Wye, which includes the River Lugg, mains drainage issues with regards to water quality are being resolved through the Core Strategy / Local Plan and development of a Nutrient Management Plan. Welsh Water should be consulted to ensure that the proposed growth will be within the limit of their consents. Otters: "An otter will occupy a 'home range', which on fresh waters usually includes a stretch of river as well as associated tributary streams, ditches, ponds, lakes and woodland. The size of a home range depends largely on the availability of food and shelter, and the presence of neighbouring otters. On rivers, a male's home range may be up to 40km or more of watercourse and associated areas; females have smaller ranges (roughly half the size) and favour quieter locations for breeding, such as tributary streams. Otters without an established home range are known as 'transients'. They are mostly juveniles looking for a territory of their own, or adults that have been pushed out of their territories. Transient otters may use an area for a short while, but they will move on if conditions are not suitable or if they are driven away by resident otters. Transients will have been important in extending the range of otters, but they are very difficult to identify from field signs. Within a home range an otter may use many resting sites. These include above-ground shelters, such as stands of scrub or areas of rank grass, and underground 'holts' – for example, cavities under tree roots and dry drainage pipes." (Source: EA website: <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.

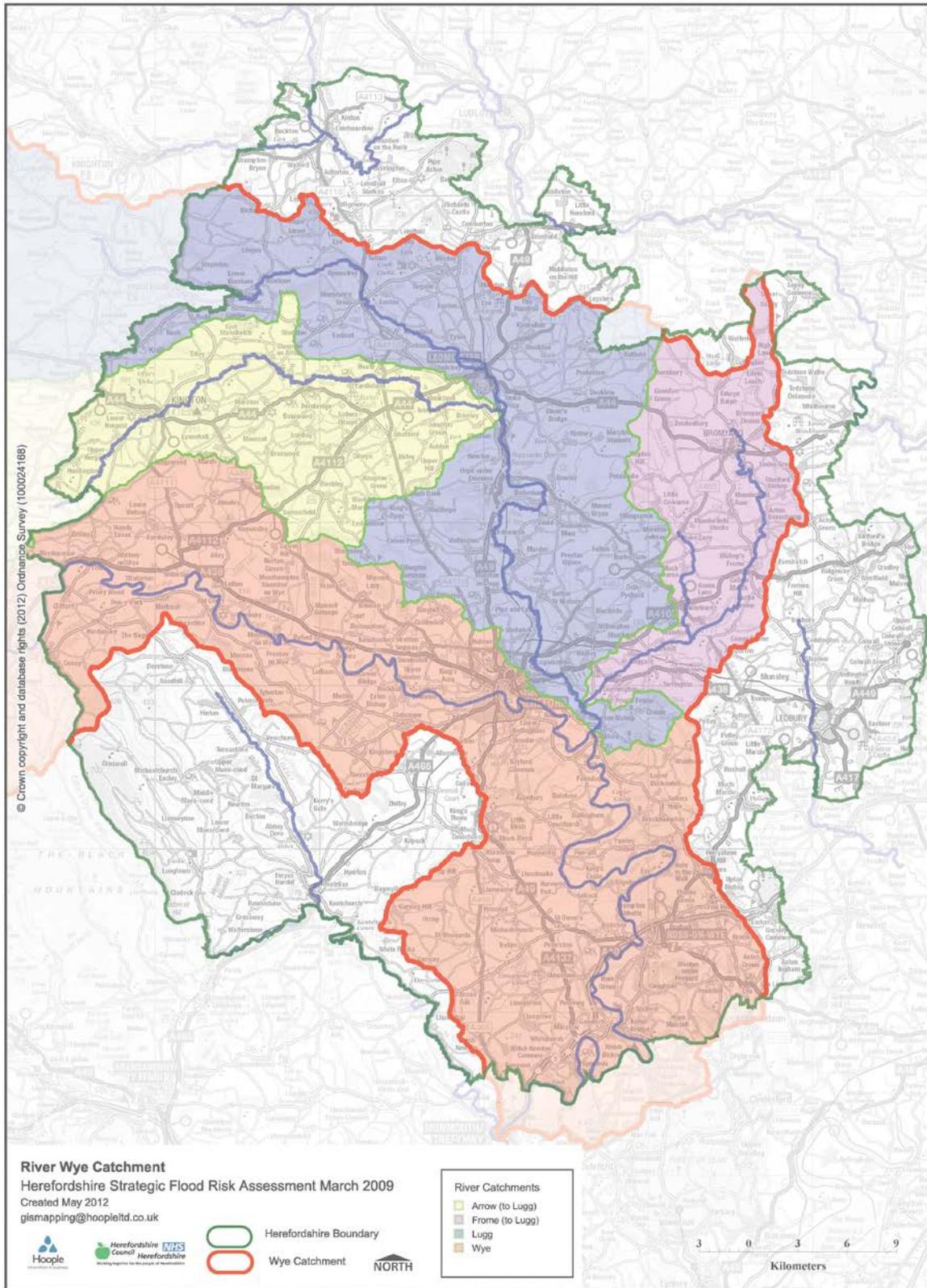
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation.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

## **Leominster Neighbourhood Development Plan**

### **Options considered**

- Do nothing
- No sustainable urban extension
- No new link road to the south of the town
- Allocate additional housing sites and employment sites
- Utilise the policies of the Core Strategy and additional sustainability measures to improve the town as a whole

# Appendix 3

**HRA Screening of final Neighbourhood Development Plan Policies**

Date undertaken: September 2018

NDP policies	HRA Screening of final NDP policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Policy LANP1  Supporting the Highway Network and southern link road	Strategic housing site within the Core Strategy.  The inclusion of a green corridor alongside the road, reduced surface water into the River Arrow included within the criteria	No likely significant effect on the River Wye SAC  All developments are required to meet the criteria of Policy SD4. This will remove the pathway to the likely significant effect	River Wye (including the River Lugg) SAC	No	No. This policy does not specifically identify route for the southern link but instead provides criteria that any new road must adhere to.  All developments including the road will need to adhere to Policy SD4 of the Core Strategy which will remove the pathway to any likely significant effects.
Policy LANP2  Leominster SUE	This policy reflects the strategic sites within the Core Strategy	This strategic site has been tested via the Appropriate Assessment	River Wye (including River Lugg) SAC	No	No, this strategic site has been tested via the Appropriate Assessment of the

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		of the Core Strategy.			Core Strategy
Policy LANP3 Strategic and small scale housing	Small scale housing development.	No likely significant effects on the River Wye SAC.  All developments are required to meet the criteria of Policy SD4 of the Core Strategy. The policy provides development criteria within settlement boundaries and does not go over and above the Core Strategy	River Wye (including the River Lugg) SAC	No	No. This policy will lead to new development but does not define the site. All developments are required to meet the criteria of Policy SD4 to gain planning permission.
Policy LANP4 New housing in settlements	Promotes limited growth within these mentioned settlements with a wide range of environmental and design criteria.  Settlement boundaries do not promote development opportunities over and above that highlighted within the Core Strategy.	No likely significant effect on the River Wye SAC	River Wye (including the River Lugg) SAC	No	This policy will lead to new development. Sites are not defined but there are settlement boundaries to guide development.  Two of the three settlements are close to the River Lugg and River Arrow which are part of the hydrological catchment of the River Wye SAC.  However policy SD4 and LANP24 is now in place which seeks to ensure that the river is not compromised and

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					all developments will need to meet these before planning permission is granted.
Policy LANP5 News homes in countryside	Very small scale housing, limited criteria	No likely significant effect on the River Wye SAC	River Wye (including the River Lugg) SAC	No	No, this policy would only permit very limited development within the countryside in line with Policy RA3 of the Core Strategy. All developments would need to meet the criteria of Policy SD4 in order to gain planning permission
Policy LANP6 Renewable energy	Smalls scale projects Potential disturbance	No likely significant effects on the River wye SAC	River Wye (including the River Lugg) SAC	No	No, any proposed development would need to meet the criteria of Policy SD4 in order to gain permission.
Policy LANP7 New business development	Employment generation, Increase in small business, increase in industry around town centre, and the enterprise park.	No likely significant effect on the River Wye SAC	River Wye (including the River Lugg) SAC	No	No. Any developments will need to meet the criteria of Policy SD4 in order to gain planning permission.
Policy LANP8 Employment sites	Safeguarding of existing employment sites	No likely significant effect on the River Wye SAC	River Wye (including the River Lugg) SAC	No	No, this policy is seeking to safeguard existing areas of employment. Policy

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					SD4 would require to be met if any planning permission was required and Policy LANP24 exists to ensure that any changes in employment use would not compromise the SAC
Policy LANP9 Town centre	Retail development and small scale upper floor housing	No likely significant effect on the River Wye SAC	River Wye (including the River Lugg) SAC	No	No, this policy is seeking to enhance the town centre. Developments which would require planning permission would need to meet the criteria of policy SD4
Policy LANP10 Green Infrastructure	Criteria included the enhancement and expansion or creation of priority habitat include existing hedgerows, orchard and woodlands.	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No. This policy is seeking to increase green infrastructure and habitats
Policy LANP11 Amenity open space	Ensuring green space is protected	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No. this policy is seeking to protect existing green space.
Policy LANP12 Greening town centre	Additional criteria to protect specific trees within the town	No likely significant effect on the River Wye SAC	River Wye (including Rover Lugg) SAC	No	No. This policy is unlikely to have an impact on the River Wye SAC, as it relates to tree planting and

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					green space creation and is unlikely to lead to development.
Policy LANP13 Dark skies	Reduction of external lighting Reduction of internal lighting Use of energy efficient lighting	No likely significant effect in the River Wye SAC	River Wye (including River Lugg) SAC	No	No, this policy is seeking to reduce light pollution
Policy LANP14 Healthy community	Improvements to the cycling facilities and new pedestrian cycle zones	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No this policy is unlikely to lead to development instead it related to healthy community promotion
Policy LANP15 New health centre	Criteria for new health centre	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No, any future development will need meet the requirements of Policy SD4 in other to receive planning permission.
Policy LANP16 Community value	Reuse / redevelopment of the old school Development of supporting infrastructure	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No this policy aims to ensure redevelopment for non-community uses will be permitted if there is no proven need for the existing use.
Policy LANP17	Enhancing low lying river corridor	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No, the policy is unlikely to have an impact on the River

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Landscape	<p>Protecting retaining orchard, mature trees hedgerows and other vegetation</p> <p>Protect enhance heritage buildings /assets</p> <p>Protect field boundaries and drains and ditches</p>				Wye SAC as it related to protect and enhancing the natural environment as well as the historic built environment
Policy LANP18  Character of town centre	<p>Enhance and protect historic buildings</p> <p>Improve and bring back into use vacant and under used buildings</p> <p>Tree and plant planting</p>	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No, this policy is seeking to protect and enhancing the existing character of Leominster
Policy LANP19  New building in Leominster	Development criteria for all new buildings	No likely significant effect on the River Wye SAC. All new development will need to meet the policy requirements of Policy SD4 within the Core Strategy.	River Wye (including the River Lugg) SAC	No	No. This policy is criteria based specifying design and low carbon options for new buildings in Leominster.
Policy LANP20  New extensions	Small scale residential extensions to properties	No likely significant effect on the River Wye SAC	River Wye (including River Wye) SAC	No	No, policy will only lead to small scale extensions .Policy SD4 and LANP 24 are required to be met if planning permission is to be granted.

Policy LANP21 Agricultural development	Agricultural development	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No, all new development will be required to meet the criteria of Policy SD4 which will removed the pathways
Policy LANP22 Intensive livestock unit	Poultry unit development, treatment of waste  Development likely to be subject to permits and EIA	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	No	No, although this will be locational dependent, all new development will be required to meet the criteria of Policy SD4 and LANP24 which will removed pathways.
Policy LANP23 Tourism	Potential additional disturbance from increased visitors	No likely significant effect on the River Wye SAC	River Wye (including the River Lugg) SAC	No	No although this will be locational dependent, all new development will be required to meet the criteria of Policy SD4 and LANP24 which will removed pathways
Policy LANP24 River Wye Special Area of Conservation	Safeguarding policy	No likely significant effect on the River Wye SAC	River Wye (including the River Lugg) SAC	No	No, the intension of the policy is to provide specific policy pathway removal in line with Policy SD4.
Policy LANP25 Protecting important views	Ensuring important views are protected	No likely significant effect on the River Wye SAC	River Wye (including the River Lugg) SAC	No	No. This policy is criteria based specifying on views and vistas.

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<p>Policy LANP26 Community and highway infrastructure</p>	<p>Increase in cycling and walking. Additional parking at the railway station, better pavements and street furniture. Vehicle restriction in the town centre.</p>	<p>No likely significant effect on the Rover Wye SAC</p>	<p>River Wye (including the River Lugg) SAC</p>	<p>No</p>	<p>No, This policy is unlikely to have an effect on the River Wye SAC. This may help improve environmental conditions through decreasing the amount of private car usage in Leominster.</p>
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# Appendix 4

**Consultation date:** 10 December 2014 to 6 February 2015

**Consultation title:** Draft Habitat Regulations Leominster Neighbourhood Plan Regulation 14

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

Consultee	Summary of Comments	Response to Comments
Natural England	<p>The HRA needs to reflect the most up to date version of the Herefordshire Core Strategy HRA which is to be submitted as part of the examination of the Core Strategy. Therefore we advise that if you wish to proceed with the Neighbourhood Plan, prior to the adoption of the Core Strategy, the HRA will need to be amended and updated.</p> <p>In Section 8 of the HRA, it appears the basis for the consultation of no likely significant effect from the Leominster Neighbourhood Development Plan, in combination with the draft Herefordshire Local Plan (Core Strategy) is that in combination effects have been ruled out as the NDP aligns with the draft Local Plan.</p> <p>The draft Local Plan has to yet been adopted and both it, and its HRA, are therefore potentially subject to further changes. Given this, relying on the draft local plan and its HRA to avoid or mitigate for any potential impact are not considered sufficient to be certain of avoiding impact at this stage. The NDP's HRA may, of course, rely on the evidence supporting the Local Plan's HRA to draw conclusions as to whether the policies in the plan will have significant effects on the River Wye Special Area of Conservation (SAC).</p> <p>Natural England agrees that it is unlikely that the NDP will have significant effects on the SAC alone and in combination effects if the draft Local Plan is adopted, with the suggested amendments we have outlined as being necessary to avoid impacts on the River Wye SAC. We therefore advise that the Leominster NP can only progress prior to not be adopted until the adoption of the Herefordshire Core Strategy is adopted if it is reassessed and amended to ensure the necessary safeguards are in place to ensure there will be no likely significant effects on the River Wye SAC. (sic)</p> <p>If the Neighbourhood Plan is allowed to progress after the Core Strategy has been adopted then it is likely it will only require minor amendments to reflect the changes made to the Core Strategy and HRA.</p>	<p>Noted.</p> <p>Additional criteria have been added since the draft plan consultation to address the issues raised and additional commentary has been added to the report to indicate that the timescales for adoption of the Leominster Neighbourhood Plan are likely to be following the adoption of the Herefordshire Core Strategy.</p>
English Heritage / Heritage England	No comments received	
Environment Agency	No comments received	
Natural Resources Wales	No comments received	

# Appendix 5

**Consultation date:** 20 January to 2 March 2016

**Consultation title:** Draft Habitat Regulations Leominster Neighbourhood Plan Regulation 16

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

<b>Consultee</b>	<b>Summary of Comments</b>	<b>Response to Comments</b>
Natural England	Agree with the conclusions that the Leominster NP will not have a likely significant effect on the River Wye SAC. Agree that LANP4 could be strengthened with additional wording on safeguarding the River Wye SAC and flooding.	Noted. A specific policy has now been included within the redrafted plan regarding the River Wye SAC.
English Heritage / Heritage England	No comments received	
Environment Agency	No comments received	
Natural Resources Wales	No comments received	

# Appendix 6

**Consultation date:****Consultation title:** Draft Habitat Regulations Leominster Neighbourhood Plan resubmission Regulation 16*N.B. This consultation feedback is **only** for comments received on the HRA of the Neighbourhood Development Plan*

<b>Consultee</b>	<b>Summary of Comments</b>	<b>Response to Comments</b>
Natural England	Comments received but no comments to the HRA specifically	
Historic England	Comments received but no comments to the HRA specifically	
Environment Agency	No comments received	
Natural Resources Wales	No comments received	