

# Habitats Regulations Assessment

Final Report for:

Ocle Pychard Neighbourhood Area

December 2018



## Ocle Pychard Group Neighbourhood Plan HRA

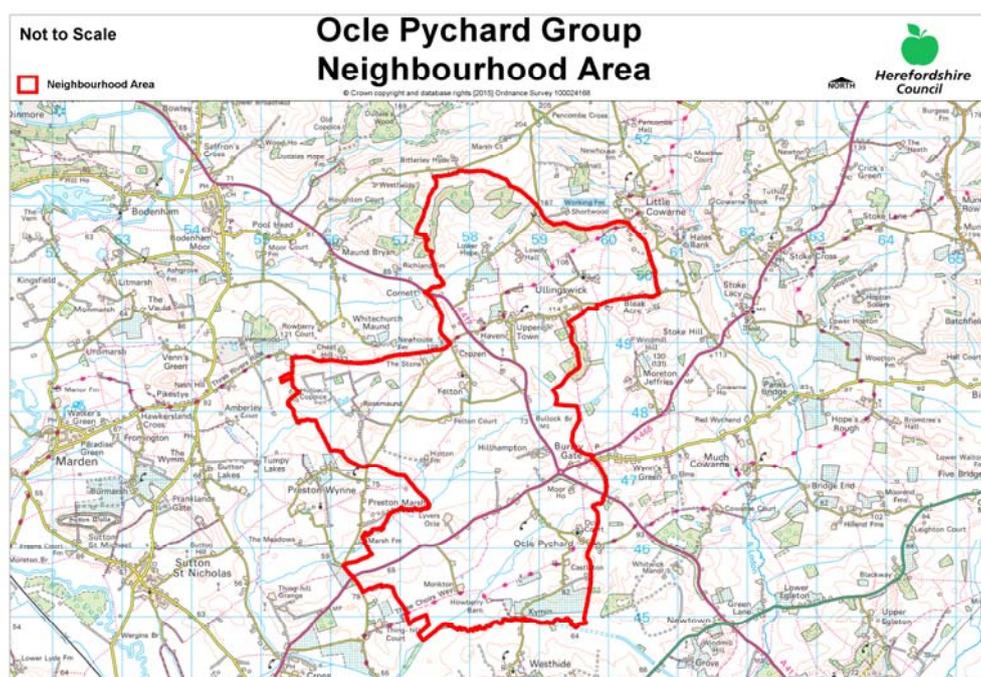
### HRA Screening Assessment

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## 1 Introduction

- 1.1 This Screening Assessment relates to a Neighbourhood Development Plan that is considered to be in general conformity with higher level strategic plans, such as the Herefordshire Core Strategy and the National Planning Policy Framework. The screening stage involves assessing broadly whether the final Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Ocle Pychard Group Parish Council has produced a Neighbourhood Development Plan for Ocle Pychard Group of parishes, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the final Ocle Pychard Group Plan (May 2018).
- 1.3 The NDP is made up of a set of criteria based policies and allocates one main site and two areas to accommodate windfall. Settlement boundaries have been designated within the Ocle Pychard Group of settlements. The general criteria policies that clarify and give more detail to those within the Herefordshire Core Strategy.
- 1.4 This requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Core Strategy. It should be read in combination with the Core Strategy Habitat Regulations Assessment Report and ensures that there will not be any significant impacts upon Natura 2000 sites.
- 1.5 The map below shows Ocle Pychard Group 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, Ocle Pychard Group Parish Council is required by law to carry out an assessment known as "Habitats Regulations Assessment". It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.

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

### 3 Methodology

- 3.1 Although the Ocle Pychard Group NDP is not directly regarding the management of any European sites, it does include proposals for development which may affect European sites. Therefore, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant effects on European sites.
- 3.2 The HRA of neighbourhood plans is undertaken in stages and should conclude whether or not a proposal or policy in a neighbourhood plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the

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

- 3.3 The first process is to undertake an initial screening report to determine the need to undertake the requirement for a HRA, this initial screening identifies whether the Plan could impact upon any European site that could be within the Neighbourhood Area or nearby.
- 3.4 If a European Site is within the Neighbourhood Area or the Neighbourhood Area could impact upon a European site then this will need to be taken into account and a full screening assessment will need to be undertaken.
- 3.5 The full screening stage consists of a description of the plan, identification of potential effects on European Sites, assessing the effects on European Sites. For Neighbourhood Plans the outcome should demonstrate there are no likely effects upon the European sites. If any likely effects occur then there will need to be amendments to the NDP made and be re-screened until all likely effects have been addressed.

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

- 4.1 The initial Screening report (3 May 2013) found that Ocle Pychard Group Parish is within the River Wye (including the River Lugg) and the Group Parish is within the hydrological catchment of the River Lugg. 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. DCWW assessment indicates that with the proposed Core Strategy growth the STW flow could be within 10% of the permit. Therefore, it will be important to continue to monitor the position throughout the plan period. The issue of phosphates will be considered as part of NMP actions and through AMP6/7 in planning to meet the requirements of the Water Framework Directive. DCWW comments that a growth scheme (~£3.5m) included in the AMP6 capital programme for completion by 2020. Design horizon ~ 2035 which will accommodate core strategy growth. Given all this information it is reasonable to work on the technical basis that there will not be an impact upon the delivery of housing (including the strategic site) in Bromyard, in the five year period (2014-19) or over the longer plan period.

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 Ocle Pychard Group Initial Screening Report. The Initial Screening Report, May 2016, can be found in Appendix 1 of this HRA report.

4.8 This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Ocle Pychard Group 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 of the policies within the Ocle Pychard Group NDP.

## **5 Description of the Ocle Pychard Group Neighbourhood Development Plan**

5.1 The final Ocle Pychard Group NDP presents detailed policies for development in the Neighbourhood Area, which is equivalent to the group parish boundary, up to 2031. The Plan begins by introducing its preparation and highlighting its issues.

5.2 The NDP then details the vision for the Group Parish over the Plan period:

- A home for thriving and distinct local communities, where the needs of all ages, including those of the younger generation, can be met;
- A location which supports successful farming enterprises and other small businesses, providing local employment; and
- A location where high-quality and sustainable community services and infrastructure are available; and
- A sustainable rural environment where the character of the villages, the natural beauty of the landscape, wildlife and historic heritage are protected and enhanced, providing an attractive and peaceful countryside for all to enjoy.

There are 3 objectives of how this will be achieved. The objectives cover the following topics:

### Objectives for housing

The Neighbourhood Development Plan will ensure that new housing contributes to thriving communities by:

- Identifying land for new housing and demonstrating delivery to meet the requirements of the Local Plan Core Strategy.
- Defining the extent of the settlements of Burley Gate, Ocle Pychard and Ullingswick.
- Requiring new housing to provide a mix of size and type of properties to meet community needs.

### Objectives for economic and social development

The Neighbourhood Development Plan will guide economic and social development by:

- Supporting rural diversification and other forms of economic development which are

appropriate to their location and setting.

- Working to improve electronic communications.
- Supporting renewable energy, particularly community-led proposals.
- Supporting the retention of existing community facilities and new provision.
- Identifying Community Actions in respect of matters outside the formal scope of the Neighbourhood Development Plan.

#### Objectives for the environment

The Neighbourhood Development Plan will ensure that the local environment is protected and enhanced by:

- Providing for the protection, conservation and enhancement of the natural and historic environments in accordance with Local Plan Core Strategy policies.
- Ensuring that new development is in keeping with its surroundings and appropriately designed and accessed.
- Supporting modern design approaches that make a positive contribution to local character and distinctiveness.

From these 3 objectives details have been included to further development the overall objectives into specific policies areas, 13 policies in total.

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

The remaining 4 options were:

- Option 2- Use a criteria based plan only
- Option 3- Allocate sites
- Option 4- Define settlement boundaries
- Option 5- Define settlement boundaries and allocate sites

All of which indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core strategy and are therefore unlikely to have a significant impact on the SAC

- 5.4 As Ocle Pychard Group 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 March 2018 version.

- 5.5 The NDP also sets out 13 general policies on various topics based on the objective headings above and also for group parish, these include:

- OPG1 - Sustainable Development
- OPG2 - Development needs and requirement
- OPG3 - Burley Gate
- OPG4 - Land East of the Telephone Exchange, Burley Gate
- OPG5 - Ocle Pychard
- OPG 6 - Ullingswick
- OPG7 - Economic development in Ocle Pychard
- OPG8 - Communications and broadband
- OPG9 - Renewable energy
- OPG10 - Community facilities
- OPG11 - Natural environment
- OPG12 - Historic environment
- OPG13 - Design and access

## 6.0 Assessments undertaken to date of the emerging Ocle Pychard Group 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 Ocle Pychard Group 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 Ocle Pychard Group NDP objectives and policies (March 2018) were concluded to be likely to have a significant effect on the European site. Although the parishes making up the Ocle Pychard Group are in the hydrological catchment of the River Lugg, none of the parishes border the River Wye SAC. Policy OPG11 and Core Strategy policy SD3 and SD4 together with the Nutrient Management Plan will ensure that development can only occur if these policy requirements are met.
- 6.5 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development and the SAC itself is not within the parish. In several cases the policies also included measures to help support the natural environment including biodiversity.
- 6.6 It is unlikely that the Ocle Pychard Group Neighbourhood Plan will have any 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 Bromyard Housing Market Area in the Herefordshire Core Strategy
- 6.7 Therefore it was concluded that the **Reg14 Ocle Pychard Group NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

### Screening of modifications to NDP (Reg16)

- 6.8 The Submission NDP (May 2018) incorporates additional policy criteria or wording to add clarity and emphasis throughout the document.
- 6.9 Modifications made to policies by the inclusion of additional criteria and amendments to Policy OPG2, OPG3 and OPG4 are not considered to affect the findings of the previous HRA report. On the contrary; they strengthen the likelihood of there being no adverse impacts.
- 6.10 The revised NDP policies are therefore unlikely to result in significant effects on the European site.

6.11 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.

6.12 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.

## 7 Assessment of the 'likely significant effects' of the Ocle Pychard NDP Rescreening following implications of *Sweetman* case

7.1 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.

7.2 None of the Ocle Pychard Group Neighbourhood Plan policies were concluded to be likely to have a significant effect on the River Wye SAC.

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

## 8 Conclusions from the Screening Matrix following the examination modifications

8.1 The Ocle Pychard Group NDP was subject of an independent examination by Ann Skippers. The examiner concluded that a number of modifications were required in order to meet the basic conditions.

8.2 The following NDP policies have been subject to modifications as a result of the examination: OPG3, OPG4, OPG5, OPG6, OPG12.

8.3 Many of these changes are minor in nature to ensure that the policies are not overly restrictive or have clarity for the decision maker. As a result they have not changed the intention or the direction of the policies themselves. With this in mind there was no requirement to and they have demonstrated that the conclusions of the previously assessment has not changed.

8.4 None of the post examination Ocle Pychard Neighbourhood Plan policies are concluded to be likely to have a significant effect on the River Wye SAC.

8.5 Any amendments to policies will give criteria for future applications to meet to support policy SD04 and ensure that the delivery of the Nutrient Management Plan is not compromised.

8.6 ***It is therefore concluded that the Ocle Pychard Plan will not have a likely significant effect on the River Wye SAC.***

## 9 Conclusions from the Screening Matrix

9.1 None of the final Ocle Pychard Group Neighbourhood Plan (March 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC.

9.2 Policy OPG11 has been included within the Ocle Pychard Group 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.

- 9.3 The Ocle Pychard Group NDP has a set of criteria based policies within the plan and 1 site allocation, along with two areas identified to accommodate windfall. The majority of the policies themselves would not result in development, but include criteria to support the natural environment, including biodiversity and therefore no significant effect conclusion could be reached.
- 9.4 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is currently no existing capacity with regards to permitted headroom in the Sewerage Treatment works serving the Ocle Pychard Group area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. Growth negligible as small catchment and can potentially accept with current limits. The assessment indicates that with the proposed Core Strategy growth the STW flow could be within 10% of the permit. Therefore, it will be important to continue to monitor the position throughout the plan period.
- 9.5 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 any further upgrade requirements. Policy SD4 of the Core Strategy indicates that development would not be permitted if wastewater treatment and water quality cannot be assured.
- 9.6 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.
- 9.7 No mitigation measures have been included within the screening of the policies of the NDP. Policies of the Core Strategy and the NDP will form part of the development plans. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 9.8 This review and rescreening in addition to the revisions to the policies from the examination, have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Ocle Pychard Group Plan will not have a likely significant effect on the River Wye SAC.***
- 10 Identification of other plans and projects which may have ‘in-combination’ effects**
- 10.1 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).
- 10.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy.
- 10.3 Adjacent neighbourhood plans include Pencombe, Bodenham, Marden, Sutton, Withington Group, Much Cowarne and Morton Jefferies.
- 10.4 Morton Jefferies and Much Cowarne currently have no plan, Withington Group have completed Reg 14 (July 2018), Pencombe is at Reg 16, Marden’s plan was made in October 2016 and Suttons plan was made in February 2017. 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 Ocle Pychard Group 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 **Ocle Pychard Group 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 final NDP prior to the referendum.

# Appendix 1

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

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

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

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<b>Neighbourhood Area:</b>	Ocle Pychard Group Neighbourhood Area
<b>Parish Council:</b>	Ocle Pychard Group Parish Council
<b>Neighbourhood Area Designation Date:</b>	3 May 2016

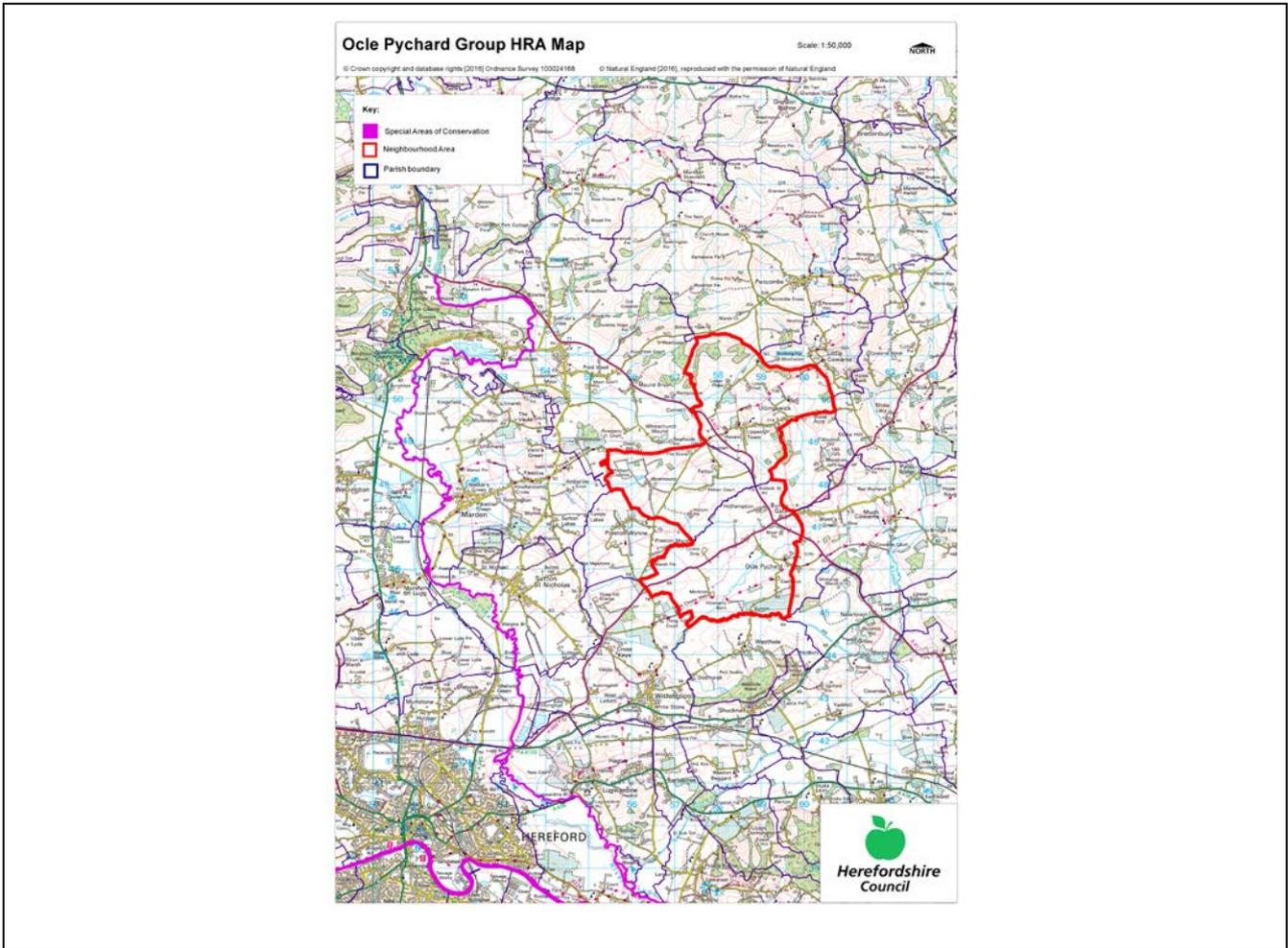
### **Introduction**

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

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

## HRA Initial Screening

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



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

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	N	The River Wye is 3km away from the Group Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The Group Parish is within the hydrological catchment of the River Lugg.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage at Ocle Pychard and Bullocks Bridge (near Ullingswick)

### Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 26km away from the
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		Group Parish.
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**River Clun SAC:**

Does the River Clun border the Neighbourhood Area	N	River Clun does not border the Group 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 and Forest of Dean Bat Sites are 25km away from the Group 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 29km away from the Group Parish.
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**HRA Conclusion:**

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

**European Site**

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

River Wye (including the River Lugg) SAC

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

The following environmental features are within or in general proximity to the Ocle Pychard Group Neighbourhood Area and would need to be taken into account within a Strategic Environmental Assessment. In addition, the NDP will also need to consider the other SEA topics set out in Guidance Note 9a to ensure that the plan does not cause adverse impacts.

SEA features	Within Neighbourhood Area		Bordering Neighbourhood Area	
	Total number	Name(s)	Total number	Name(s)
Ancient Woodland	6	Ely Poles Wood; Round Hill; Redhill Coppice; Jordans Coppice; Long Coppice; 1 Unnamed plot of land.	8	Venns Wood; Combs Hill Wood; Westfields Wood; Dudales Wood; Huddle Wood; Pye Coppice; Ash Coppice; Westhide Wood.
Areas of Outstanding Natural Beauty (AONB)	0	-	0	-
Conservation Areas	2	Ocle Pychard; Ullingswick.	0	-
Flood Areas	Flood Zones 2 and 3 run along the Parish Boundaries of Ocle Pychard, Felton and Ullingswick.			
Geoparks	0	-	0	-
Listed Buildings	There are numerous Listed Buildings in the Neighbourhood Area			
Local Geological Sites (LGS)	0	-	0	-
Local Wildlife Sites (LWS)	2	Woodlands above Ullingswick; Jordans Coppice.	8	Upper Maund Common; Venns Wood; Maund Common; Dudales Wood and Old Coppice; Cowarne Wood; Ash Coppice; Old canal at Monkhide;

				Woodland on Shucknall.	
Mineral Reserves	0	-	3	South of Little Cowarne, Hundred Bank Cottage to Mount Pleasant; South of Little Cowarne, Crossways to Starpit Farm, Much Cowarne; Bodenham Moor, north west of Maund Bryan.	
National Nature Reserve (NNR)	0	-	0	-	
Nature Trails	1	Three Rivers Ride.	1	Bromyard Walks.	
Registered Parks and Gardens	0	-	0	-	
Scheduled Ancient Monuments (SAM)	0	-	3	Churchyard cross at St Mary The Virgins Churchyard; Medieval Settlement at Much Cowarne immediately south east of Mill House; Churchyard cross at St Bartholomew's Churchyard.	
Sites of Importance in Nature Conservation (SINC)	0	-	0	-	
Special Areas of Conservation (SAC)	0	-	0	-	
Unregistered parks and gardens	0	-	4	Venn Wood; Cowarne Court; Westhide Court; Porch House.	
			<b>SSSI Status</b>		<b>SSSI Status</b>
Sites of Special Scientific Interest (SSSI)	0	-	-	0	-

**Decision Notification:**

The initial screening highlights that the Neighbourhood Development Plan for the Ocle Pychard Group Neighbourhood Area:

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

**Assessment date: 13 April 2016**

**Assessed by: James Latham**

## Appendix 1: European Sites

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

<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."

### 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

## Appendix 5 – Ocle Pychard Group Parish (Reg 14)

### Options Considered

September 2017

Option 1- Do nothing and NDP and let HC use the Core Strategy and Allocations Plan. The Group PC carefully considered whether or not to undertake a NDP, or rely instead on the LPCS and the RASA DPD. Having taken advice, it was resolved in February 2016 to undertake a NDP.

Option 2- Use a criteria based plan only This option was not pursued because of the scale of the minimum housing requirement, the nature of the three LPCS settlements within the N. Area and the policy requirements of the LPCS, notably the need to clearly define the extent of the RA2 settlements. A windfall/criteria based approach would not suffice to demonstrate that the housing requirement could be met.

Option 3- Allocate sites This option was considered in order to address the LPCS housing requirement. To this end, a call for sites was held in spring 2017 and a Housing Site Assessment (HSA) prepared which confirmed the need to select this option and allocate sites if the requirement was to be met.

On this basis, three options for site release at Burley Gate were set out in the HSA. These were then refined in public consultation. The Revised Housing Option (RHO), document previously supplied, explains the process and sets out the basis of the approach which now appears in the draft Plan.

Option 4- Define settlement boundaries This option was considered in conjunction with an option 3 approach order to meet LPCS policy requirements and having regard to the nature of the named settlements.

Draft boundaries were set out in the HSA and confirmed in the RHO.

Option 5- Define settlement boundaries and allocate sites This is a combination of 3 and 4 above. As explained, this approach forms the basis of the Plan's approach to housing delivery.

# Appendix 3

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

Date undertaken: **December 2018**

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

<b>NDP objectives and policies</b>	<b>HRA Screening of final NDP objectives and policies</b>				
	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

No rescreening required.

# Appendix 4

## Appendix 2: HRA Consultation Feedback

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

**Parish Council Name:** Ocle Pychard Group

**Neighbourhood Development Plan Name:** Ocle Pychard Group NDP

**Details of consultation:** *Regulation 14 Draft Plan consultation*

**Consultation date:** 1 November 2017 –31 December 2017

Response Date	Consultee	Summary of Comments	Response to Comments

**No Comments received**

# Appendix 5

### **Appendix 3: HRA Consultation Feedback Reg 16**

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

**Parish Council Name:** Ocle Pychard Group Parish Council

**Neighbourhood Development Plan Name:** Ocle Pychard Group Neighbourhood Plan

**Details of consultation:** *Regulation 16*

**Consultation date:** 27 March to 8 May 2018

**Consultation title:** Regulation 16 Consultation

Natural England:

#### **OCLE PYCHARD; NEIGHBOURHOOD PLAN- HRA CONSULTATIONS**

‘Thank you for your consultation and the invitation to comment on the HRA Documents for the above Neighbourhood Plans.

For the purposes of such consultations, Historic England confines its advice to the question, “Is it likely to have a significant effect on the environment?” in respect of our area of concern, cultural heritage.

In this context and regarding HRA Historic England does not disagree with your conclusions but is happy to defer to the opinions of the other statutory consultees.

I trust the above comments will be of help in taking forward the Neighbourhood Plans. ‘

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# Appendix 6

Ocle Pychard  
Table of Examiner’s Modifications  
December 2018

<b>Policy</b>	<b>Modification recommended</b>	<b>Justification</b>
Setting the scene	Delete “...published in March 2010...” from paragraph 1.8 on page 2 of the Plan	Interests of accuracy and clarity
OPG3	Add a new sentence at the beginning of the policy that reads: <i>“A settlement boundary for Burley Gate is defined and is shown on Plan 4 and the Burley Gate Village Policies Map.”</i>	Interests of accuracy and clarity.
OPG4	Add a new sentence after the first sentence of the policy that reads: <i>“The site is shown on Plan 4 and the Burley Gate Village Policies Map.”</i>  Delete the words “...outside but adjacent to...” from criterion 4 and replace with the word “...along...”  Delete criterion 5 in its entirety	Interests of accuracy and clarity
OPG5	Add a new sentence at the beginning of the policy that reads: <i>“Two settlement boundaries for Ocle Pychard are defined and are shown on Plan 5 and the Ocle Pychard Village Policies Map.”</i>	Interests of accuracy and clarity
OPG6	Add a new sentence at the beginning of the policy that reads: <i>“A settlement boundary for Ullingswick is defined and is shown on Plan 6 and the Ullingswick Village Policies Map.”</i>	Interests of accuracy and clarity
OPG12	Revise criterion 2 to read: <i>“preserving or enhancing the character or appearance of the Ocle Pychard and Ullingswick Conservation Areas; and”</i>  Include a map of the Ullingswick Conservation Area in the Plan	Interests of accuracy and clarity