

# Habitats Regulations Assessment

Report for:

**Dilwyn Neighbourhood Area**

**January 2019**



# Dilwyn HRA

## HRA Report Regulation 16

### Contents

- 1 Introduction**  
Map of the Neighbourhood Area with European sites shown
- 2 The requirement to undertake Habitats Regulations Assessment of Neighbourhood Plans**
- 3 Methodology**
- 4 Results of the Initial Screening Report and qualifying features of the European Sites**
- 5 Description of the Neighbourhood Plan**
- 6 Assessment of the 'likely significant effects' of the NDP**  
Table 1 - Colour coding key for Matrix
- 7 Conclusions from the Screening Matrix and if there are any 'likely significant effects'**
- 8 Identification of other plans and projects which may have 'in-combination' effects**
- 9 Conclusion**
- 10 Next steps**

**Appendix 1** – List of options assessed

**Appendix 2** – Options Assessment and Full Screening matrix

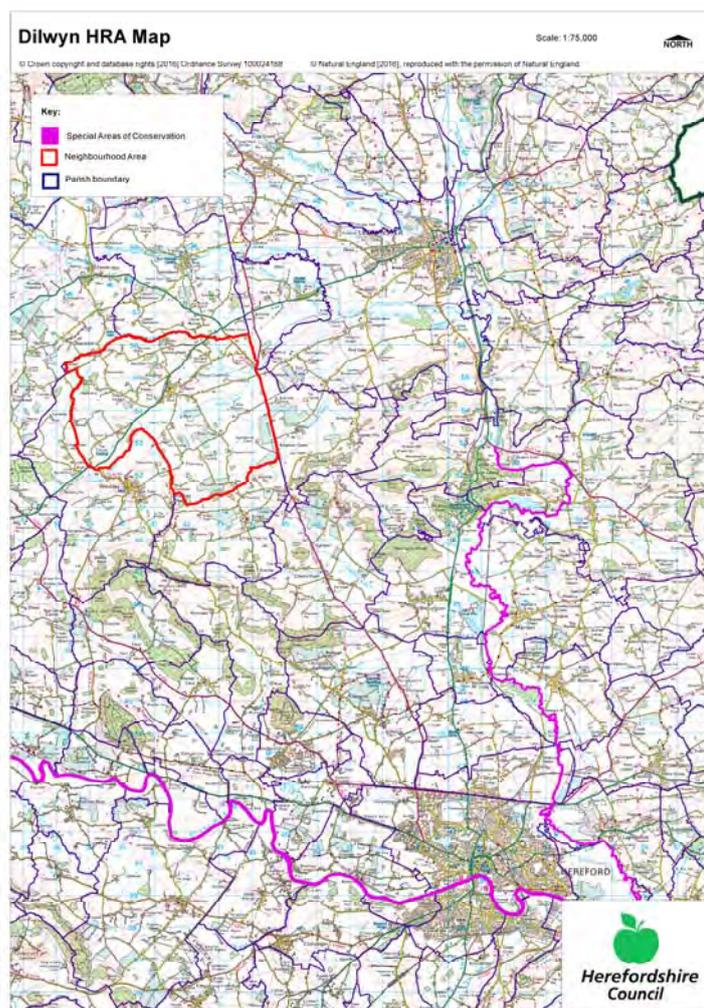
**Appendix 3** – Initial Screening Report (**08/08/2016**)

**Appendix 4** – Feedback on HRA Report Reg 14 (October 2018)

**Appendix 5** – Rescreening of amended policies

## 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 Draft Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Dilwyn Parish Council is producing a Neighbourhood Development Plan for the Dilwyn group Parish, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the Draft Dilwyn Neighbourhood Plan May 2018.
- 1.3 The NDP has 12 criteria based policies. It provides general policies that clarify and provide detail to the policies within the Herefordshire Core Strategy therefore it requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Herefordshire Core Strategy.
- 1.4 This high level screening assessment should be read in combination with the Herefordshire Pre-submission publication of the Local Plan-Core Strategy Habitat Regulations Assessment Report (April 2014) and ensures that there will not be any significant impacts upon Natura 2000 sites.
- 1.5 The map below shows Dilwyn neighbourhood Area with the European Sites highlighted.



## 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, Dilwyn 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.

## 3 Methodology

- 3.1 As the Dilwyn NDP is not directly connected with the management of any European sites, and includes proposals for development which may affect European sites, 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 (taking into account potential mitigation provided by other policies in the plan). 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 mitigated.

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

- 4.1 The initial Screening report (**08/08/2016**) found that the Neighbourhood Area is in the hydrological catchment of the River Wye (including the River Lugg) SAC. Therefore a full screening assessment is required.
- 4.2 There is 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. There is also a duty under the EU Habitats Directive to ensure that proposals for growth do not adversely affect habitats and biodiversity. This directives promotes to maintain, restore and enhance natural habitats and wild species within the protected sites.

##### **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. Dilwyn Neighbourhood area is served by a public sewage network and wastewater treatment works (WwTw). DCWW have commented that there is no capacity and improvement works are required.
- 4.7 For full details of the River Lugg and River Wye SAC attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Brampton Abbots and Foy Initial Screening Report. The Initial Screening Report, **(08/08/2016)** can be found in Appendix 3 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 Dilwyn 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 Dilwyn NDP.

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

- 5.1 The Draft Dilwyn NDP presents detailed policies for development in the Neighbourhood Area, which is equivalent to the group parish boundary, up to 2031. The first part of the Plan introduces the Plan and its preparation and discusses the background of the village and highlighting issues.
- 5.2 The NDP then details the vision for the Parish over the Plan period and 6 objectives of how this will be achieved. The vision and objectives are as follow:

Vision:

**"Dilwyn will be a thriving and prosperous community that retains its peace and tranquillity whilst offering a high quality of life for residents of all ages, a resilient economy, a sustainable use of resources, and an excellent natural environment."**

Objectives:

1. To accommodate housing growth in proportion to the size of Dilwyn and in keeping with its heritage while promoting a range of tenures, types and sizes to encourage young families and enable local people of all ages to live in a vibrant community.
2. To maintain, sustain and improve community facilities.
3. To promote local employment and tourism through encouraging sustainable farming and accommodating new ideas from the community to develop small businesses.
4. To promote better understanding of and respect for our countryside and local heritage in order to maintain and enhance the rural and historic environment.

5. To promote sustainable development for this and future generations by protecting key environment assets including green spaces, ancient woodland, veteran trees hedgerows and trees and a high-quality landscape.
  6. To address traffic and transport issues.
- 5.3 The initial options for the NDP were assessed to determine their environmental impact that could affect the River Wye SAC. Of the 5 options put forward the no NDP option was not considered viable for the Parish. The remaining options didn't directly promote growth through site allocations, however any additional infill would all be within the proportional growth targets of the Core strategy and are therefore unlikely to have a significant impact on the SAC.
- 5.4 As Dilwyn Plan progressed from options to draft NDP policies, the Plan needed to identify ways in which the least effect on the River Wye (including the River Lugg) 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 August 2016 version.
- 5.5 The NDP also sets out 20 policies on various topics based on the objective headings above and also for the villages, these include:

Policy DW1	Promoting Sustainable Development
Policy DW2	Housing Development in Dilwyn Village.
Policy DW3 (SITES)	Housing Sites in Dilwyn Village.
Policy DW4	Development Principles for Land to the southwest of Orchard Close
Policy DW5	Affordable, Including Intermediate Homes
Policy DW6	Conserving and Enhancing the Landscape, Scenic Beauty and Natural Environment of the Parish.
Policy DW7	Protecting Heritage Assets
Policy DW8	Development within Dilwyn Conservation Area
Policy DW9	Foul and Storm Water Drainage and Flooding
Policy DW10	Protection of Local Green Space
Policy DW11	Design and Appearance
Policy DW12	Small and Home-based businesses.
Policy DW13	Rural Enterprises, Diversification and Tourism.
Policy DW14	Promotion of High-Speed Broadband and Telecommunications
Policy DW15	Renewable and Low Carbon Energy
Policy DW16	Protection and Enhancement of Community Facilities and Services
Policy DW17	Contributions to Community Facilities
Policy DW18	Traffic Measures within the Parish
Policy DW19	Highway Design Requirements
Policy DW20	Protection and Enhancement of the Public Rights of Way Network

## 6 Assessment of the 'likely significant effects' of the Dilwyn NDP

- 6.1 As required under Regulation 102 of the Habitats Regulations 2010, a screening assessment has been undertaken to identify the 'likely significant effects' of the NDP. A screening matrix was prepared in order to identify whether any of the policies in the Plan would be likely to have a significant effect on the River Wye SAC.

- 6.2 The findings of the screening matrix can be found in the Screening Matrix in Appendix 2 of this report. 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

### Screening of the draft plan (Reg14) July 2018

- 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 Draft Dilwyn Neighbourhood Plan (July 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. Based on assumptions and information contained within the Dilwyn Parish Plan, Herefordshire Core Strategy and the Pre-submission version / proposed modifications addendum of the HRA for the Core Strategy all of the NDP policies were found to be unlikely to result in significant effects on the River Wye.
- 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. In several cases the policies also included measures to help support the natural environment including biodiversity. The plan is mainly criteria based plan but allocates two sites (DW3).
- 6.6 It is unlikely that the Dilwyn 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.
- 6.7 Therefore it was concluded that the **Reg14 Dilwyn NDP would not have a likely significant effect on the River Wye (including Lugg) SAC.**

### Assessment of the 'likely significant effects' of the submission Dilwyn NDP (Reg16) December 2018.

- 6.8 The submission draft NDP rescreens the policies that have received significant changes post Reg14. The changes were made in light of comments received at regulation 14 consultation and to ensure that the plan meets the Basic Conditions. Overall the rescreening did not significantly affect the conclusions of the earlier HRA report, as they did not involve the introduction of new policies or change the overall aims and objectives of the existing planning policies, despite the addition of new criteria in certain places. In general, these refinements relate to the composition of certain sentences and phrases, minor points of accuracy in relation to technical information and references to evidence base studies and other documentation.
- 6.9 Policy DW4 and DW11 were amended significantly with criteria added to each policy, adding clarification for the protection of heritage assets and the process of dealing with contaminated land. These policies were rescreened. Policies DW1, DW5, DW6, DW18 and DW19 and Objective 5 received some minor wording changes for the

purposes of clarification however did not change the meaning or objective of the police or objective and did not require rescreening.

- 6.10 **The Reg 16 submission NDP policies are therefore unlikely to result in significant effects on the European sites the River Wye (including the River Lugg) SAC or Wye Valley Woodlands SAC.**

## 7 Conclusions from the Screening Matrix

- 7.1 None of the submission Dilwyn Neighbourhood Plan (December 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. This is due to the scale and location of potential development on the sites allocated. The settlement of is not in close proximity to the River Wye SAC. For the policies contained in the plan there is sufficient policy criteria in Core Strategy policies LD2, SD3 and SD4 to ensure that development can only occur if these criteria are met.
- 7.2 Dwr Cymru Welsh Water (DCWW) have stated for the Core Strategy that there is no capacity at present in the Sewerage Treatment works. Any new development will need to be in line with Core Strategy Policy SD4.
- 7.3 Policy SD4 of the Core Strategy of the NDP indicate that development would not permitted if wastewater treatment and water quality cannot be assured. 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.
- 7.4 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.
- 7.5 Policy SD4 of the Core Strategy of the NDP indicate that development would not permitted if wastewater treatment and water quality cannot be assured.
- 7.6 Policy LD2 of the Core Strategy indicates that any development should conserve, restore and enhance biodiversity and geodiversity assets of Herefordshire. Development within close proximity to internationally and local designated sites will need to incorporate sympathetic design components to enhance their nature conservation interests. The NDP allocates 2 sites, therefore an AA is likely to be required at planning application stage, when further details of the proposed schemes are known. Dilwyn plan mostly consists of protective policies it is determined unlikely to have a significant impact on the SACs.
- 7.7 This screening has found that the Dilwyn draft plan is unlikely to result in significant effects **on the River Wye (including Lugg) SAC.**

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

- 8.1 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).
- 8.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy. Adjacent neighbourhood plans include Pembridge (due for Referendum), Eardisland (made), Monkhide and Stretford (not preparing a plan), Briley with Upper Hill (not preparing a plan), Pyons Group (made), Weobley

(finished Reg 14) These plans have not gone over and beyond the requirements set out within the Core Strategy for their area.

- 8.3 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.
- 8.4 It is unlikely that the draft Dilwyn 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 Leominster Housing Market Area in the Herefordshire Core Strategy.

## **9 Conclusion**

- 9.1 **The submission Dilwyn NDP will not have a likely significant effect on the River Wye SAC (including Lugg).**

## **10 Next steps**

- 10.1 This report will be published alongside the submission Dilwyn NDP. This will be subject to a 6 week consultation (Regulation 16) prior to submission for examination.

# Appendix 1

Appendix 1 –Dilwyn HRA (Reg 14)  
Options Considered  
August 2018

<b>Option 1 - Accommodating the level of housing growth required to meet Herefordshire Local Plan Core Strategy through small sites available within Dilwyn main village and Dilwyn Common.</b>
<b>Option 2 – Accommodating the level of housing growth required to meet Herefordshire Local Plan Core Strategy through a large site at Dilwyn main village.</b>
<b>Option 3 – Accommodating the level of housing growth required to meet Herefordshire Local Plan Core Strategy through development of several medium sized sites within Dilwyn main village and Dilwyn Common.</b>
<b>Option 4 – Accepting a higher level of growth than that required by Herefordshire Local Plan Core Strategy through a combination of a larger site and some small sites.</b>
<b>Option 5 – not to prepare an NDP.</b>

# Appendix 2

**HRA Screening of Draft Neighbourhood Development Plan Policies****Parish: Dilwyn****Date undertaken: August 2018**

NDP objectives and policies	HRA Screening of final NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
Objective 1	To accommodate housing growth in proportion to the size of Dilwyn and in keeping with its heritage while promoting a range of tenures, types and sizes to encourage young families and enable local people of all ages to live in a vibrant community.	Unlikely that there will be any significant effects on the European Site. Policy seeks to support traffic issues in the parish.	River Wye (including River Lugg) SAC	No	No: Scale and extent of development is in line with the Local Plan (Core Strategy) and this policy will not lead to development itself.
Objective 2	To maintain, sustain and improve community facilities.	Local community and recreation facilities will be protected as community assets. No Likely significant impacts expected.	River Wye (including River Lugg) SAC	No	No: this objective is seeking to safeguard and or improve existing facilities.
Objective 3	To promote local employment and tourism	Unlikely that there will be any significant effects on	River Wye (including	No	No, policy criteria exist within the NDP and

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

	though encouraging sustainable farming and accommodating new ideas from the community to develop small businesses.	the European Site. All developments are required to meet the criteria of Policy SD4.	River Lugg) SAC		Core Strategy (SD4) required to be met for the development to receive planning permission.
Objective 4	To promote a better understanding of and respect for our countryside and local heritage in order to maintain and enhance the rural and historic environment.	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: Scale and extent of development is in line with the Local Plan (Core Strategy) and this policy will not lead to development itself.
Objective 5	To promote sustainable development for this and future generations by protecting key environment assets including green spaces and a high-quality landscape.	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission and this objective is seeking to safeguard green spaces.
Objective 6	To address traffic and support transport issues.	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this objective itself will not lead to development, instead it relates to criteria based objective regarding the accommodation of increased traffic

					movements and the safety of road users in the parish.
<b>OPTIONS</b>					
Option 1	Accommodating the level of housing growth required to meet Herefordshire Local Plan Core Strategy through small sites available within Dilwyn main village and Dilwyn Common.  Increase in vehicle traffic.  Increased demand for water abstraction and sewage treatment.	Allocation of small sites for housing would give certainty to future development. It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission.
Option 2	Accommodating the level of housing growth required to meet Herefordshire Local Plan Core Strategy through a large site at Dilwyn main village.  Increase in vehicle traffic.  Increased demand for	Allocation of a large site for housing would give certainty to the location of future development. It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission.

	water abstraction and sewage treatment.				
Option 3	<p>Accommodating the level of housing growth required to meet Herefordshire Local Plan Core Strategy through development of several medium sized sites within Dilwyn main village and Dilwyn Common.</p> <p>Increase in vehicle traffic.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	<p>Allocation of a medium sites for housing would give a level of certainty to the location of future development. It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.</p>	River Wye (including River Lugg) SAC	No	<p>No, policy criteria exist within the NDP and Core Strategy (SD4) required to be meet for the development to receive planning permission.</p>
Option 4	<p>Accepting a higher level of growth than that required by Herefordshire Local Plan Core Strategy through a combination of a larger site and some small sites.</p> <p>Increase in vehicle traffic.</p>	<p>Pursuing this option would give certainty over future development within the area particularly within the River Wye catchment. It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.</p>	River Wye (including River Lugg) SAC	No	<p>No, policy criteria exist within the NDP and Core Strategy (SD4) required to be meet for the development to receive planning permission.</p>

	Increased demand for water abstraction and sewage treatment.				
Option 5	Not to prepare an NDP	It is unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4.	River Wye (including River Lugg) SAC.	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be met for the development to receive planning permission.
POLICIES					
Policy DW1	Promoting Sustainable Development	Unlikely that there will be any significant effects on the European Site. Policy seeks to support sustainable measures for schemes.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective.
Policy DW2	Housing Development in Dilwyn Village.  Increase in vehicle traffic.  Increased demand for water abstraction and sewage treatment.	Small scale development proposed. Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally	River Wye (including River Lugg) SAC	No	No, implementation of Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure water quality issues are addressed.

		effected.			
Policy DW3 (SITES)	Housing Sites in Dilwyn Village.  Increase in vehicle traffic.  Increased demand for water abstraction and sewage treatment.	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.	River Wye (including River Lugg) SAC	No	No, implementation of Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure water quality issues are addressed as well as being in line with Core Strategy Policies H1 and H3.
Policy DW4	Development Principles for Land to the southwest of Orchard Close	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.	River Wye (including River Lugg) SAC	No	No, implementation of Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure water quality issues are addressed.
Policy DW5	Affordable and Intermediate Homes	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: Scale and extent of development is in line with the Local Plan (Core Strategy) and this policy will not lead to development itself but address the housing needs issue in

					the parish.
Policy DW6	Conserving the Landscape, Scenic Beauty and Natural Environment of the Parish.	Unlikely that there will be any significant effects on the European Site. The policy wording requirements for development to meet regarding the River Wye SAC and priority species and habitats.	River Wye (including River Lugg) SAC	No	No: this policy itself refers to the River Wye SAC and other priority species and habitats.
Policy DW7	Protecting Heritage Assets	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards heritage assets in Dilwyn.
Policy DW8	Development within Dilwyn Conservation Area	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy guides development in the conservation area in Dilwyn.
Policy DW9	Foul and Storm Water Drainage and Flooding	The policy contains criteria to specifically relating to flood risk. Sequential and exception	River Wye (including River Lugg) SAC	No	No: This policy is specific intended to highlight criteria for developments to meet

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

		tests set out in the NPPF will not permit development identified as flood zones 2 and 3. This should help to safeguard the River Wye SAC and the flood zones.			and compliment policy SD4. This policy itself will not lead to development, instead it relates to criteria based objective.
Policy DW10	Protection of Local Green Space	Unlikely that there will be any significant effects on the European Site. The policy wording requirements for development to meet regarding the River Wye SAC and priority species and habitats.	River Wye (including River Lugg) SAC	No	No: this policy itself refers to the River Wye SAC and other priority species and habitats.
Policy DW11	Design and Appearance	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this objective itself will not lead to development, instead it relates to criteria based objective regarding the design and appearance of development.
Policy DW12	Small and Home-based businesses. Increase in vehicle traffic. Increased demand for	Unlikely that there will be any significant effects on the European Site. Criteria regarding priority habitats and species is contained within the	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective.

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

	water abstraction and sewage treatment	policy which need to be met.			
Policy DW13 –	Rural Enterprises, Diversification and Tourism.  Increase in vehicle traffic.  Increased demand for water abstraction and sewage treatment	The policy contains criteria specifically regarding tourism and employment and does not propose development with 100m of the boundary of the River Wye SAC.	River Wye (including River Lugg) SAC	No	No, policy criteria exist within the NDP and Core Strategy (SD4) required to be meet for the development to receive planning permission.
Policy DW14	Promotion of High-Speed Broadband and Telecommunications	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective.
Policy DW15	Renewable and Low Carbon Energy	Unlikely that there will be any significant effects on the European Site. Policy seeks to support appropriately sites schemes renewable and low carbon energy.	River Wye (including River Lugg) SAC	No	No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards energy production in the parish.
Policy DW16	Protection and Enhancement of Community Faculties and Services	Local community facilities will be protected as community assets. No Likely significant impacts expected.	River Wye (including River Lugg) SAC	No	No: this policy is seeking to safeguard and or improve existing facilities.

Policy DW17	Contributions to Community Facilities	Local community facilities will be protected as community assets. No Likely significant impacts expected.	River Wye (including River Lugg) SAC	No	No: this policy is seeking to safeguard and or improve existing facilities.
Policy DW18	Traffic Measures within the Parish	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this objective itself will not lead to development, instead it relates to criteria based objective regarding the accommodation of increased traffic movements.
Policy DW19	Highway Design Requirements	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this objective itself will not lead to development, instead it relates to criteria based objective regarding the accommodation of increased traffic movements.
Policy DW20	Protection and Enhancement of the Public Rights of Way Network	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No: this objective itself will not lead to development, instead it relates to criteria based objective.

# Appendix 3

---

**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)**

---

<b>Neighbourhood Area:</b>	Dilwyn Neighbourhood Area
<b>Parish Council:</b>	Dilwyn Parish Council
<b>Neighbourhood Area Designation Date:</b>	9 September 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 (including the River Lugg) SAC is 6.8km away from the Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The Parish is within the River Arrow (to Lugg) hydrological catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	N	There is no mains drainage at Dilwyn.

### Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 16km away from the Parish
---	---	--

**River Clun SAC:**

Does the River Clun border the Neighbourhood Area	N	The River Clun does not border the Parish
---	---	---

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

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	N	The Wye Valley and Forest of Dean Bat Sites are 38km away from the Parish
--	---	---

**Wye Valley Woodlands SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site?	N	The Wye Valley Woodlands are 36km away from the Parish
--	---	--

**HRA Conclusion:**

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

**European Site**

*(List only those which are relevant)*

River Wye (including the River Lugg) Special Area of Conservation (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 Dilwyn 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	5	Heath Wood; Henwood Wood; Stocking Wood; Chadnor Hill Wood; Upper Marsh Covert.	6	Lower Marsh Covert; Sarnesfield Coppice; Sherrington Wood; Broadmarsh Coppice; Lye Vallets & Yoke Wood; Westhope Wood.
Areas of Outstanding Natural Beauty (AONB)	0	-	0	-
Conservation Areas	2	Dilwyn; Weobley.	0	-
Flood Areas	Flood Zones follow the northern boundary of the Parish. They also run from north-east to south west of the Parish.			
Geoparks	0	-	0	-
Listed Buildings	There are numerous listed buildings throughout the Parish.			
Local Geological Sites (LGS)	0	-	0	-
Local Wildlife Sites (LWS)	4	Tippets Brook; Pigmore Common; Stretford Brook; Land adjacent to Newbridge Brook, Lower Newton.	10	Land at Stretford Bridge; Land at Knapton Green; Weobley Marsh Common; Weobley Church; Sherrington Wood; Land at Bearwood; Fields near Bearwood; Field near Weobley Marsh Common;

				Pool near Black Hall; Westhope Hill and surrounding woodlands.
Mineral Reserves	5	South of Dilwyn; South of Dilwyn & Stretford Brook; Chadnor Court to Swanstone Court to Knapton Green; Newbridge Court to Throne Farm, north east of Weobley; East of Sollers Dilwyn – Tyrells Court to Stretford.	1	North of Lower Burton.
National Nature Reserve (NNR)	0	-	0	-
Nature Trails	0	-	0	-
Registered Parks and Gardens	0	-	0	-
Scheduled Ancient Monuments (SAM)	2	Dovecote at Luntley court; Moated mound south of Church.	5	Three moated sites at The Hyde and Little Hyde; Kiln Site; Weobley Castle; Churchyard cross, St Peter and St Paul Church; Moated site and associated fishponds 160m east of Little Sarnesfield.
Sites of Importance in Nature Conservation (SINC)	0	-	0	-
Special Areas of Conservation (SAC)	0	-	0	-
Unregistered parks and gardens	1	Henwood Farm.	6	Garnstone Park; Burton Court, Eardisland; Birley Court; Lynch Court; Sarnesfield; Canon Pyon House.

			SSSI Status			SSSI Status
Sites of Special Scientific Interest (SSSI)	0	-	-	0	-	-

**Decision Notification:**

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

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

**Assessment date: 8 August 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. 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 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:** Dilwyn

**Neighbourhood Development Plan Name:** Dilwyn NDP

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

**Consultation date:** 10 September to 22 October 2018

Response Date	Consultee	Summary of Comments	Response to Comments
N/A	N/A	N/A	N/A

No comments were received on the Dilwyn HRA.

# Appendix 5

Table 3: HRA Screening of Significant Changes (Objectives, Options and Policies) following Draft Plan Consultation

Parish Council Name: Dilwyn

NDP Title: Dilwyn NDP

Date undertaken: January 2019

NDP objectives, options and policies significantly changed following Draft Plan Consultation	HRA Screening of significant changes (objectives, options and policies) following Draft Plan Consultation				
	Likely activities (operations) to result as a consequence of the significant change to the objective, option or policy	Likely effect if changed objective, option or policy is implemented. Could it have LSE on any European Site? (Yes/No, with reasons)  <i>(If no, progress onto next objective/option/policy. If yes, progress onto next set of columns in row)</i>	European Sites potentially affected  (Refer to Initial Screening)	Potential mitigation measures to be considered through redraft of changed objective, option or policy and as necessary, to be considered as part of Appropriate Assessment of these changes	If recommendations are implemented, would it be possible that the changes would result in no likely significant effect?  (Yes/No, with reasons)
<b>Policies</b>					
Policy DW4	Development Principles for Land to the southwest of Orchard Close:  Guidance on development in terms of how to manage heritage assets.	Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4 which seeks to ensure water quality of the SAC	River Wye (including River Lugg) SAC	No	No, implementation of Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure water quality issues are addressed.

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

		is not detrimentally effected.			
Policy DW11	Design and Appearance:  Will guide the design of housing and management of contaminated land.	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	No	No, implementation of Core Strategy policy SD4, LD2, SD1 and to grant planning permission will ensure water quality issues are addressed.