

Habitats Regulations Assessment

Report for:

Hampton Bishop Neighbourhood Area

May 2019



Hampton Bishop Neighbourhood Plan HRA

HRA Screening Assessment

Contents

- 1 **Introduction**
Map of the Neighbourhood Area with European sites shown
- 2 **The requirement to undertake Habitats Regulations Assessment of Neighbourhood Plans – Legislative background**
- 3 **Methodology - HRA Stages**
- 4 **Results of the Initial Scoping Report and qualifying features of European sites**
- 5 **Description of the Hampton Bishop Neighbourhood Plan**
- 6 **Screening Assessments of the NDP at Reg14, Reg 16**
- 7 **Assessment of the ‘likely significant effects’ of the examination Hampton Bishop NDP policies**
Table 1 - Colour coding key for Matrix
- 8 **Conclusions from the Screening Matrix and if any ‘likely significant effects’**
- 9 **Identification of other plans and projects which may have ‘in-combination’ effects**
- 10 **Conclusion**
- 11 **Next steps**
Appendix 1 – Initial Screening Report
Appendix 2 – List of options assessed
Appendix 3 –Full Screening matrix of final policies
Appendix 4 – Feedback on Habitat Regulation Assessment Report consultation (Reg14)
Appendix 5 – Feedback on Habitat Regulation Assessment Report consultation (Reg16)
Appendix 6 – Modifications after examination
Appendix 7 – Screening matrix of modified 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 final Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Hampton Bishop Parish Council has produced a Neighbourhood Development Plan for Hampton Bishop parish, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews examination Hampton Bishop Plan (May 2019).
- 1.3 The NDP is criteria based and does not allocate sites. It provides general criteria policies that clarify and given more detail to those within the Herefordshire Core Strategy.
- 1.4 This requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Core Strategy. It should be read in combination with the Core Strategy Habitat Regulations Assessment Report and ensures that there will not be any significant impacts upon Natura 2000 sites.
- 1.5 The map below shows Hampton Bishop 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, Hampton Bishop Parish Council is required by law to carry out an assessment known as “Habitats Regulations Assessment”. It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.
- 2.2 Article 6(3) of the EU Habitats Directive provides that:

Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.

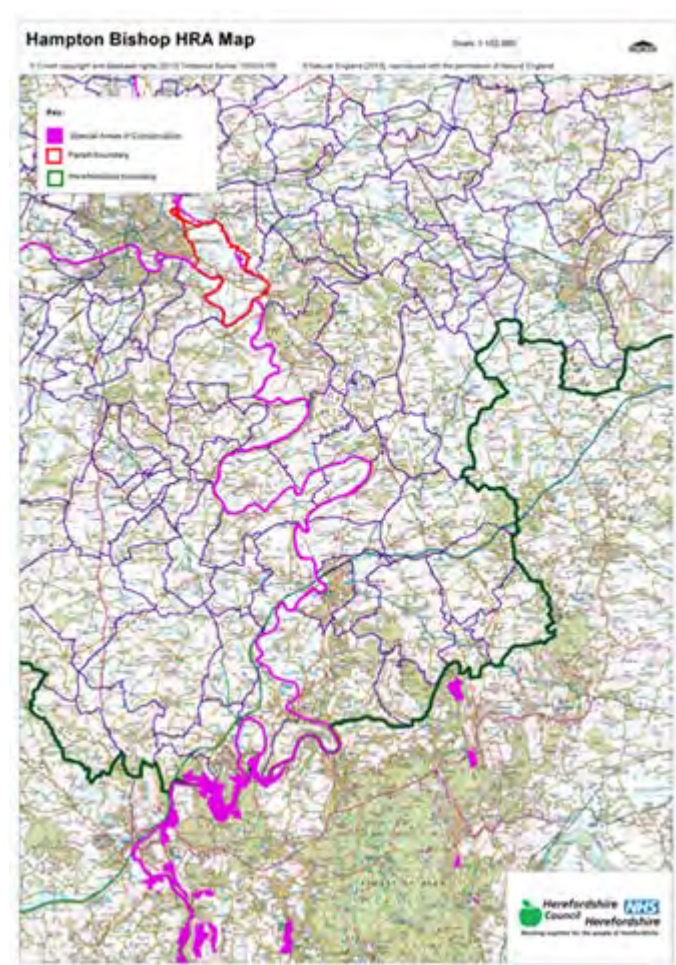
- 2.3 HRA is an impact-led assessment and refers to the assessment of the potential effects of a neighbourhood plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- **SPAs** are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of **wild birds and their habitats** (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
 - **SACs** are designated under the Habitats Directive and target **particular habitats** (Annex 1) and/or species (Annex II) identified as being of European importance.
- 2.4 For ease of reference during HRA, general practice has been that these three designations are collectively referred to as either **Natura 2000** or **European sites**. This means that a Screening Assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans or projects to identify if any significant effect is likely for any European Site.
- 2.5 Herefordshire Council is aware of the recent judgement (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a European site at the screening stage. The initial screening undertaken in May 2013 and concluded that a full HRA would be required. Mitigation was not taken into account at this stage.
- 2.6 The purpose of this submission 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 and reviewed in terms of the implications of *Sweetman*.

3 Methodology

- 3.1 Although the Hampton Bishop NDP is not directly connected with the management of any European sites, it does include proposals for development which may affect European sites. Therefore, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant effects on European sites.
- 3.2 The HRA of neighbourhood plans is undertaken in stages and should conclude whether or not a proposal or policy in a neighbourhood plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated) and are measured with reference to the conservation objectives for those qualifying features as defined by Natural England.

- 3.3 The first process is to undertake an initial screening report to determine the need to undertake the requirement for a HRA, this initial screening identifies whether the Plan could impact upon any European site that could be within the Neighbourhood Area or nearby.
- 3.4 If a European Site is within the Neighbourhood Area or the Neighbourhood Area could impact upon a European site then this will need to be taken into account and a full screening assessment will need to be undertaken.
- 3.5 The full screening stage consists of a description of the plan, identification of potential effects on European Sites, assessing the effects on European Sites. For Neighbourhood Plans the outcome should demonstrate there are no likely effects upon the European sites. If any likely effects occur then there will need to be amendments to the NDP made and be re-screened until all likely effects have been addressed.
- 4 Results of the Initial Screening Report and qualifying features of the European Sites**
- 4.1 The initial Screening report (May 2013) found that the River Wye runs along the western and southern borders. The River Lugg runs along the eastern border and the Parish is within the River Lugg hydrological catchment area, therefore a full screening assessment is required.

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. Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Sewerage Treatment Works serving the Hampton Bishop area, which is covered by the Eign STW, to continue to treat the water from the amount of housing provided for in the Core Strategy policies. In addition, the preparation of the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 4.7 Hampton Bishop is near the confluence of the River Wye and the River Lugg. The eastern boundary of the parish is the River Lugg and the southern boundary is the River Wye. The upper Wye near the confluence is near to the phosphate target and the River Lugg is currently exceeding the target. An upgrade to the Eign sewerage treatment works to include phosphate removal is planned by Dwr Cymru Welsh Water.
- 4.8 For full details of the River Wye's attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Hampton Bishop Initial Screening Report. The Initial Screening Report, May 2013, can be found in Appendix 1 of this HRA report.
- 4.9 This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Hampton Bishop Neighbourhood Plan may affect site integrity.
- 4.10 The initial screening assessment indicated that a full screening assessment is required to assessment the likelihood of significant effects on the River Wye (including the River Lugg) SAC of the policies within the Hampton Bishop NDP.

5 Description of the Hampton Bishop Neighbourhood Development Plan

5.1 The submission Hampton Bishop 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 and two objectives of how this will be achieved. The objectives cover the following topics:

Objective 1 – to help ensure that future development is designed and managed to reduce problems associated with poor surface water drainage and flooding in and around the village.

Objective 2 – To promote high quality design in new buildings and extensions in order to maintain and enhance the historic setting of the conservation area and the wider rural riparian landscape of the parish.

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

The remaining options are as follows:

Option 1: NDP Preparation

- A. Prepare an NDP
- B. Do nothing

Option 2: Village Boundary

- A. Use a settlement boundary to manage development at Hampton Bishop
- B. Do not use a settlement boundary to manage village development

Option 3: Housing Delivery

- A. Allocate further sites for housing other than what is on commitment sites
- B. Deliver additional housing through managed windfall development, with no site allocation other than the commitment sites

Option 4: Type of village boundary

- A. Restrictive boundary, limiting development to that identified in the plan
- B. Permissive boundary. Including areas of open land for possible later development

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 Hampton Bishop 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 within the previous HRA version.

5.5 The NDP also sets out 11 general policies on various topics based on the objective headings above and also for group parish, these include:

- HB1 Development in Areas of Flood Risk
- HB2 Design for Flood Resilience and Resistance
- HB3 Design to Reduce Surface Water Run Off
- HB4 Protecting Heritage Assets and Archaeology

- HB5 Protection of historic farmsteads
- HB6 Hampton Bishop Settlement Boundary
- HB7 Building Design Principles for New Development
- HB8 Landscape and Design Principles
- HB9 Green Infrastructure
- HB10 Development on the Urban Fringe of the City of Hereford
- HB11 Improving Traffic Management and Accessibility in Hampton Bishop

6.0 Assessments undertaken to date of the emerging Hampton Bishop 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 Hampton Bishop 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 Hampton Bishop NDP objectives and policies were concluded to be likely to have a significant effect on the European site. The plan does not allocate any sites and is a criteria based plan, therefore will not directly lead to development. All future development will need to ensure that they meet the requirements of Core Strategy policy SD3 and SD4 in order to gain planning permission. 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 policies to help support the natural environment including biodiversity.
- 6.6 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Sewerage Treatment Works serving the Hampton Bishop area, which is covered by the Eign STW, to continue to treat the water from the amount of housing provided for in the Core Strategy policies. In addition, the preparation of the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 6.7 It is unlikely that the Hampton Bishop 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 Hereford Market Area in the Herefordshire Core Strategy

- 6.8 Therefore it was concluded that the **Reg14 Hampton Bishop NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

Screening of the submission Reg16 NDP

- 6.9 None of the submission Hampton Bishop Neighbourhood Plan (July 2018) policies were concluded to be likely to have a significant effect on the River Wye SAC. The plan is very aware of the presence of the river and the flooding issues which occur within the neighbourhood area. Many of the objectives and policies of the plan are aimed at reducing flood risk before from the river and surface water runoff.
- 6.10 Hampton Bishop NDP does not contain any specific policies with regards to the SAC. However, Core Strategy policy SD3 and SD4 ensure that development can only occur if criteria to ensure no likely significant effect can be concluded.
- 6.11 The Hampton Bishop NDP is primarily a criteria based plan and therefore the policies themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment (HB1, HB2, HB3, HB8, HB9), including biodiversity and therefore no significant effect conclusion could be reached.
- 6.12 There are no allocated sites for development and the parish have already provided its proportional growth requirements in existing planning permissions. Any further development would be subject meeting the policies of both the Core Strategy and NDP and their policies should be read in conjunction with each other.
- 6.13 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Sewerage Treatment Works serving the Hampton Bishop area, which is covered by the Eign STW, to continue to treat the water from the amount of housing provided for in the Core Strategy policies. In addition, the preparation of the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC. Policy SD4 of the Core Strategy indicate that development would not permitted if wastewater treatment and water quality cannot be assured.
- 6.14 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.
- 6.15 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.
- 6.16 Legal opinion following the *Sweetman* case has indicated that in areas where there is adequate sewerage treatment works capacity and where Policy SD4 would apply to developments, then no likely significant effects could be concluded with regards to the NDP and there is no requirement for NDPs to include additional mitigation.
- 6.18 This review and rescreening have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Hampton Bishop Plan (Reg16) will not have a likely significant effect on the River Wye SAC.***
- 7 **Screening of the likely significant effects of the examination Hampton Bishop NDP (May 2019)**

- 7.1 In light of the *Sweetman* case all policies have been reviewed to ensure compliance with the ruling regardless of whether any changes have been made at the examination. The finding can be found in appendix 5.
- 7.2 The findings of the screening matrix can be found in the Screening Matrix in the appendix. Colour coding was used to record the likely impacts of the policies on the European site and its qualifying habitats and species as shown in the table 1 below.

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

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

8 Conclusions from the Screening Matrix following the examination modifications

- 8.1 The Hampton Bishop NDP was subject to an independent examination by Ann Skippers. The examiner concluded that a small 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:
- HB1 Development in Areas of Flood Risk
 - HB4 Protecting Heritage Assets and Archaeology
 - HB6 Hampton Bishop Settlement Boundary
 - HB8 Landscape and Design Principles
 - HB11 Improving Traffic Management and Accessibility in Hampton Bishop
- 8.3 Many of these changes are minor in nature to ensure that the policies are clear for the decision makers. As a result they have not changed the intention or the direction of the policies themselves.
- 8.4 With this in mind the rescreening matrix demonstrated that the conclusions of the previous assessment has not changed.
- 8.5 None of the post examination Hampton Bishop plan policies were concluded to be likely to have a significant effect on the River Wye SAC. The plan is very aware of the presence of the river and the flooding issues which occur within the neighbourhood area. Many of the objectives and policies of the plan are aimed at reducing flood risk before from the river and surface water runoff.
- 8.6 Hampton Bishop NDP does not contain any specific policies with regards to the SAC. However, Core Strategy policy SD3 and SD4 ensure that development can only occur if criteria to ensure no likely significant effect can be concluded.
- 8.7 The Hampton Bishop NDP is primarily a criteria based plan and therefore the policies themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment (HB1, HB2, HB3, HB8, HB9), including biodiversity and therefore no significant effect conclusion could be reached.
- 8.8 There are no allocated sites for development and the parish have already provided its proportional growth requirements in existing planning permissions. Any further development would be subject meeting the policies of both the Core Strategy and NDP and their policies should be read in conjunction with each other.

- 8.9 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Sewerage Treatment Works serving the Hampton Bishop area, which is covered by the Eign STW, to continue to treat the water from the amount of housing provided for in the Core Strategy policies. In addition, the preparation of the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC. Policy SD4 of the Core Strategy indicate that development would not permitted if wastewater treatment and water quality cannot be assured.
- 8.10 In addition, the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 8.11 No mitigation measures have been included within the screening of the policies of the NDP. Policies of the Core Strategy and the NDP will form part of the development plans. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 8.12 Legal opinion following the *Sweetman* case has indicated that in areas where there is adequate sewerage treatment works capacity and where Policy SD4 would apply to developments, then no likely significant effects could be concluded with regards to the NDP and there is no requirement for NDPs to include additional mitigation.
- 8.13 This review and rescreening have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the final Hampton Bishop Plan will not have a likely significant effect on the River Wye SAC.***

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

- 9.1 There are a number of potentially relevant plans and projects which may result in in-combination effects with the Core Strategy across Herefordshire, these plans have been reviewed and can be found in Appendix 2 of the publication of the Herefordshire Local Plan Core Strategy Habitats Regulations Assessment (Oct 2015).
- 9.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy.
- 9.3 Adjacent neighbourhood plans include Bartestree with Lugwardine which has been adopted. Dormington and Modiford; Holme Lacy and Dinedor are in drafting stage of their production. These plans have not gone over and beyond the requirements set out within the Core Strategy for their area. Hampton Bishop is adjacent to Hereford and a Hereford Area Plan is being prepared. This plan is still at an early stage of production but is seeking to allocate sites to meet the Core Strategy requirements of policy HD1.
- 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. Welsh Water have also confirmed an upgrade to the Eign works which will include phosphate removal.
- 9.5 It is unlikely that the Hampton Bishop 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 Hereford 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 **Hampton Bishop 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

Initial Habitat Regulations Assessment and Strategic Environmental Assessment Screening Notification

The Neighbourhood Planning (General) Regulation 2012 (Reg. 32) Conservation of Habitats and Species Regulations 2010 (d)

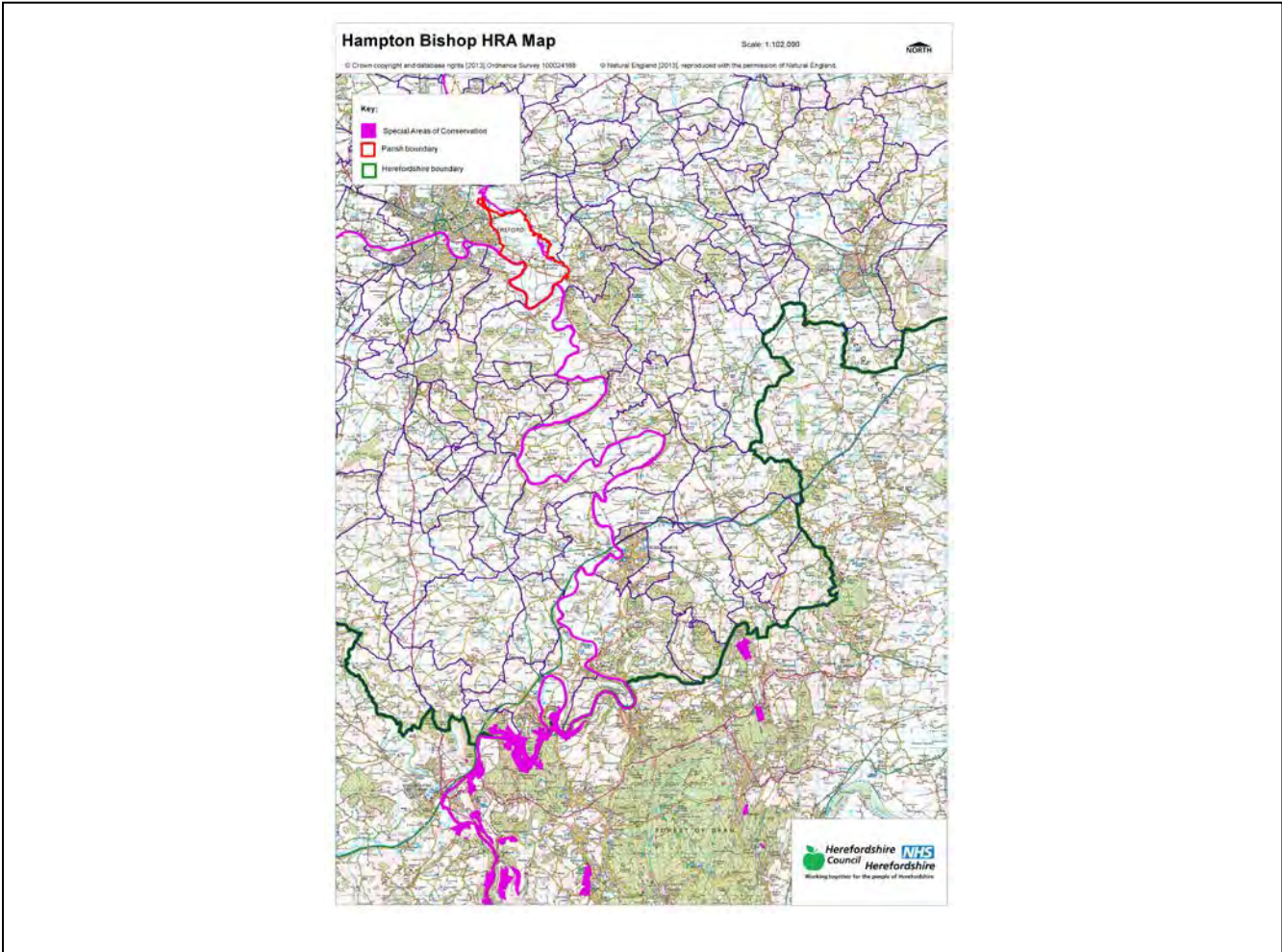
| | |
|---|-----------------------------------|
| Neighbourhood Area: | Hampton Bishop Neighbourhood Area |
| Parish Council: | Hampton Bishop Parish Council |
| Neighbourhood Area Designation Date: | 07/05/2013 |

Introduction

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

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

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



Initial HRA Screening

River Wye (including the River Lugg) SAC:

| | | |
|--|---|---|
| Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary? | Y | The River Wye runs along the western and southern borders. The River Lugg runs along the eastern border |
| Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC? | Y | The Parish is within the River 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 Hampton Bishop |

Downton Gorge SAC:

| | | |
|---|---|---|
| Is the Neighbourhood Area within 10km of Downton Gorge SAC? | N | Downton Gorge is 33.28km away from the Parish |
|---|---|---|

River Clun SAC:

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

Usk Bat Sites SAC:

| | | |
|--|---|--|
| Is the Neighbourhood Area within 10km of the SAC boundary? | N | Usk Bat Sites are 42.15km away from the Parish |
|--|---|--|

Wye Valley & Forest of Dean Bat Sites SAC:

| | | |
|--|---|--|
| Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites? | N | The Group Parish is 18.7km away from Wye Valley and Forest of Dean Bat Sites |
|--|---|--|

Wye Valley Woodlands SAC:

| | | |
|--|---|---|
| Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site? | N | The Parish is 21.6km away from the Wye Valley Woodlands |
|--|---|---|

HRA Conclusion:

The assessment above highlights that the following European Sites will need to be taken into account in the future Neighbourhood Development Plan for the Hampton Bishop 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 Hampton Bishop 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 | Total | Explanation | SEA required |
|---|--------------------------------|---|---------------------|
| Air Quality Management Areas | 0 | There are no AQMA's within the Group Parish | N |
| Ancient Woodland | 1 | Rotherwas Park Wood (border) | Y |
| Areas of Archaeological Interest | 0 | There are no AAI's within the Parish | N |
| Areas of Outstanding Natural Beauty | 0 | There are no AONB's within the Parish | Y |
| Conservation Areas | 3 | Hampton Bishop village is a Conservation Area. There is also Hampton Park Conservation Area on the western border of the Parish, and Mordiford Conservation Area along the eastern border of the Parish | Y |
| European Sites | 1 | The River Wye and River Lugg SAC runs along the Western, northern and eastern borders | Y |
| Flood Areas | | The Whole of the Parish is within a Flood Zone except the north east of the Parish, and also the area around Court Farm | Y |
| Listed Buildings | Numerous | There are numerous Listed Buildings throughout the Parish | Y |
| Local Sites (SWS/SINCS/RIGS) | 1 SINCS 4 SWS | SINCS: Land north of Hampton Park Road (border) SWS: River Wye; River Lugg; Rotherwas Park Wood (border); Lugg Meadows | Y |
| Long distance footpaths/trails (e.g. Herefordshire Trail) | 1 | Wye Valley Walk | Y |
| Mineral Reserves | 1 | Lugg Bridge Farm on Roman Road to Upper Lodge | Y |
| National Nature Reserve | 0 | There are no NNR's within the Parish | N |
| Registered & unregistered parks and gardens | 1 Registered 6 Unregistered | Registered: Sufton Court (border) Unregistered: Old Sufton; Longworth (border); Lugwardine Court (border); New Court, Lugwardine (border); Hampton Dene; Rotherwas Park (border) | Y |
| Scheduled Ancient Monuments | 3 | Ring Ditches and Rectilinear enclosures east of Tupsley; Churchyard cross in St Andrews Churchyard; Churchyard cross in Holy Rood Churchyard | Y |
| Sites of Special Scientific Interest | 3 | River Wye (Unfavourable Recovering); River Lugg (Unfavourable Recovering); Lugg & Hampton Meadows (Favourable) | Y |

Decision Notification:

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

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

Assessment date: 04/06/2013

Assessed by: James Latham

Appendix 1: European Sites

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

| |
|---|
| Downton Gorge |
| Site Features: <i>Tilio-Acerion</i> forests of slopes, screes and ravines |
| Vulnerability data: 10km for air quality associated with poultry units or other intensive agricultural practices. |
| River Clun |
| Site Features: Freshwater pearl mussel <i>Margaritifera margaritifera</i> |
| Vulnerability data: Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected. |
| River Wye |
| Site Features: 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> |
| Vulnerability data: Proximity: Developments should not be within 100m of the designated bank. Some developments beyond 100m may also have impacts based on proximity and these issues should be addressed where possible when developing NDP policy and choosing site allocations. Water Quality: Within the whole catchment of the River Wye, which includes the River Lugg, mains drainage issues with regards to water quality are being resolved through the Core Strategy / Local Plan and development of a Nutrient Management Plan. Welsh Water should be consulted to ensure that the proposed growth will be within the limit of their consents. Otters: "An otter will occupy a 'home range', which on fresh waters usually includes a stretch of river as well as associated tributary streams, ditches, ponds, lakes and woodland. The size of a home range depends largely on the availability of food and shelter, and the presence of neighbouring otters. On rivers, a male's home range may be up to 40km or more of watercourse and associated areas; females have smaller ranges (roughly half the size) and favour quieter locations for breeding, such as tributary streams. Otters without an established home range are known as 'transients'. They are mostly juveniles looking for a territory of their own, or adults that have been pushed out of their territories. Transient otters may use an area for a short while, but they will move on if conditions are not suitable or if they are driven away by resident otters. Transients will have been important in extending the range of otters, but they are very difficult to identify from field signs. Within a home range an otter may use many resting sites. These include above-ground shelters, such as stands of scrub or areas of rank grass, and underground 'holts' – for example, cavities under tree roots and dry drainage pipes." (Source: EA website: http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf accessed 09/04/2013) |

Usk Bat Site

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

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

Wye Valley and Forest of Dean Bat Sites

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

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

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

NDPs closest to the European Site will need to consider:
Woodland habitat buffer.

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

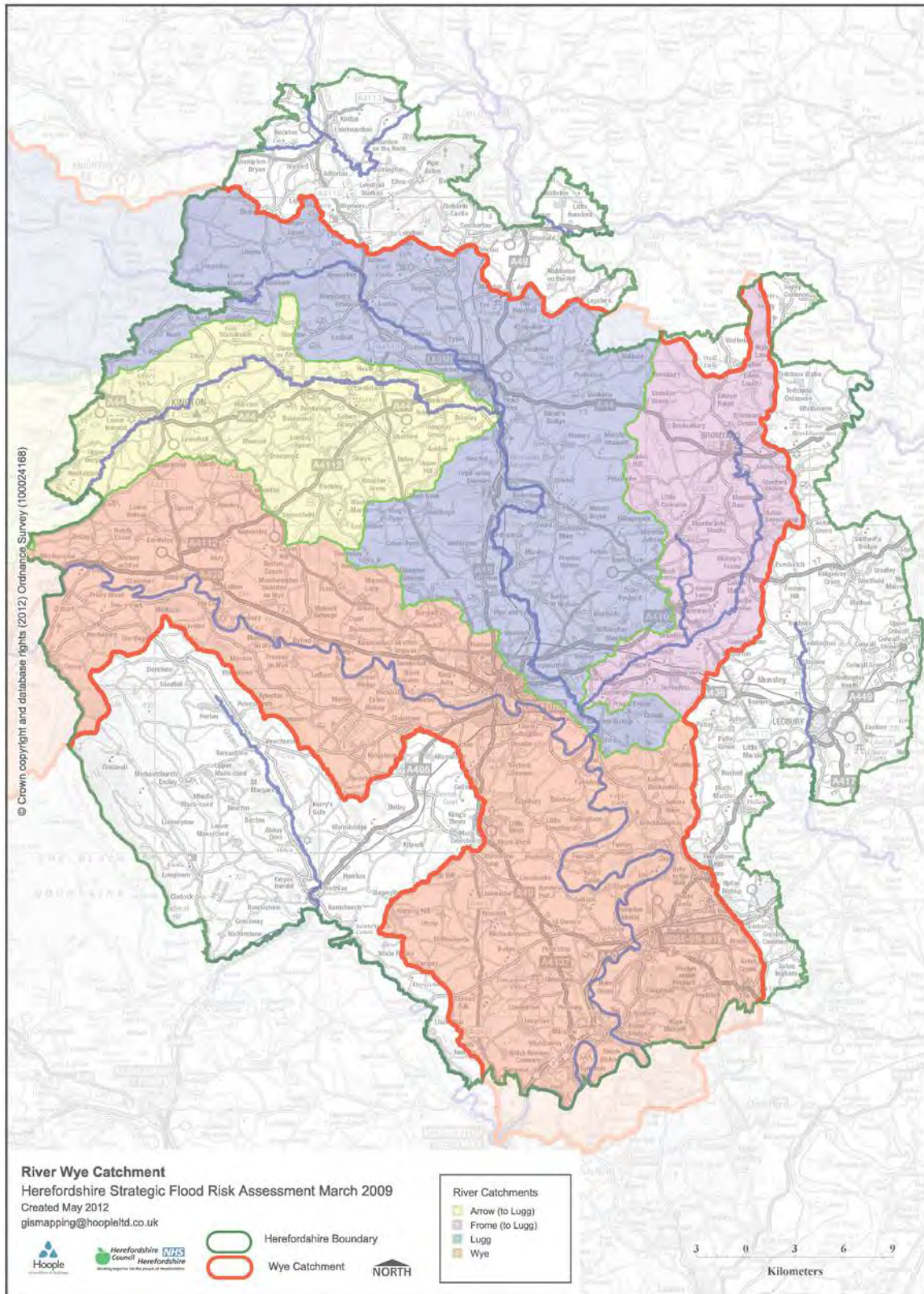
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation.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

Wye Valley Woodlands

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

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

Appendix 2: Wye Catchment Map



Appendix 2

Hampton Bishop Options

Option 1: NDP Preparation

- A. Prepare an NDP
- B. Do nothing

Option 2: Village Boundary

- A. Use a settlement boundary to manage development at Hampton Bishop
- B. Do not use a settlement boundary to manage village development

Option 3: Housing Delivery

- A. Allocate further sites for housing other than what is on commitment sites
- B. Deliver additional housing through managed windfall development, with no site allocation other than the commitment sites

Option 4: Type of village boundary

- A. Restrictive boundary, limiting development to that identified in the plan
- B. Permissive boundary. Including areas of open land for possible later development

Appendix 3

HRA Screening of Reg 16 Hampton Bishop Neighbourhood Development Plan Policies

Date undertaken: October 2018

| NDP objectives and policies | HRA Screening of submission 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 |
| HB1 Development in areas of flood risk | Policy to avoid developments in flood risk areas Some flood risk prevention measure | There will be no likely 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 Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission. |
| HB2 Design for flood resilience and resistance | Criteria for flood resilience. Some flood risk prevention measures | There will be no likely 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 Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission. |
| HB3 Design to reduce surface water run off | Criteria to reduce surface water run off | There will be no likely significant effects on the European Site. All | River Wye (including River Lugg) SAC | No | No, policy criteria exist within the Core Strategy (SD3 and |

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

| | | | | | |
|--|---|---|--------------------------------------|----|--|
| | Sustainable urban drainage | developments are required to meet the criteria of Policy SD4. | | | SD4) required to be met for the development to receive planning permission |
| HB4 Protecting heritage assets and archaeology | Protection of heritage assets | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No, policy criteria exist within the Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission |
| HB5 Protection of historic farmsteads | Small scale residential and employment development Increase in water usage | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No, policy criteria exist within the Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission |
| HB6 Hampton Bishop settlement boundary | Small scale housing development Increase in water usage | There will be no likely 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 Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission |
| HB7 building design principles for new | Criteria for design of buildings | Unlikely that there will be any significant effects on | River Wye (including River Lugg) SAC | No | No, the policy will not lead to development but indicated design criteria for new |

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

| | | | | | |
|---|---|---|--------------------------------------|----|--|
| development | | the European Site. | | | development. |
| HB8 Landscape and design principles | Criteria for landscaping element to developments Additional planting Protection of open space | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No this policy will not lead to development but contains the criteria to landscape design adjudge applications against. |
| HB9 Green infrastructure | Ecological enhancements Protection of the eco-system | Unlikely that there will be any significant effects on the European Site. Contains criteria to improve ecology | River Wye (including River Lugg) SAC | No | No: this policy itself will not lead to development, instead it relates to criteria regarding ecology and reference priority species and habitats. |
| HB10 Development on the urban fringe of the city of Hereford | Residential development on the edge of Hereford boundary Increased water usage | There will be no likely 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 Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission |
| HB11 Improving traffic management and accessibility in Hampton Bishop | Contains criteria to improve walking and cycling opportunities within the parish | 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 to improve walking and cycling within the village. |

Appendix 4

Consultation date: 18 April to 1 June 2018

Consultation title: Hampton Bishop Neighbourhood Plan **revised** Regulation 14

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

| Consultee | Summary of Comments | Response to Comments |
|-------------------------|--|----------------------|
| Natural England | Agree with the conclusions of no likely significant effect on upon the River Wye SAC | Noted |
| Historic England | No comments received | |
| Environment Agency | No comments received | |
| Natural Resources Wales | No comments received | |

Appendix 5

Consultation date: 23 October to 4 December 2018

Consultation title: Hampton Bishop Neighbourhood Plan Regulation 16

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

| Consultee | Summary of Comments | Response to Comments |
|-------------------------|---|----------------------|
| Natural England | No comments received | |
| Historic England | Comments received but nothing specific to the HRA | |
| Environment Agency | Comments received but nothing specific to the HRA | |
| Natural Resources Wales | No comments received | |

Appendix 6

Modifications following examination of the Hampton Bishop NDP

| Policy | Modification recommended | Justification |
|------------------------------------|---|--|
| Modification 1 Plan period | Insert the start date of the plan as '2011' | For clarification with the Core Strategy. |
| Modification 2 Section 2 | Update references to the NPPF as necessary Delete any reference and links to the 'Technical Guidance to the NPPF document (paragraphs 2.3 and 2.4 and links 5 and 7) Replace any reference to the 'Technical Guidance to the NPPF' document with relevant references to PPG | To update references to the NPPF |
| Modification 3 Para 5.1.32 | Revise paragraph 5.1.32 on page 23 of the plan to read: 'For proposals in Zone 2 and 3 applicants may need to submit a Sequential Test of alternative sites in lesser Flood Zones to identify if a more suitable site is available. A Sequential Test is not needed if one has already been done for the type of development proposed or for some types of minor development and changes of use. It is therefore important to check what is needed' (Retain the rest of the paragraph from the existing second sentence') | To ensure accuracy and clarity |
| Modification 4 Policy HB1 | Change the words 'will be' to 'may be' and add the words 'in line with national and local policy requirements' after 'Sequential Test' in the first sentence of the second paragraph of the policy. Change the reference to 'Map 6' in the sixth paragraph of the policy to 'Map 5' | To ensure accuracy and clarity Correct typographical error |
| Modification 5 Policy HB3 / 5.2 | Change 'Appendix II' in paragraph 5.2.3 on page 29 of the plan to 'Appendix I' | Correct typographical error |
| Modification 6 Policy HB4 | Add a new second sentence to the policy which reads: 'In relation to non-designated heritage assets, a balance judgement will be made | To ensure the distinction is made between designated and non-designated assets |

| | | |
|--------------------------------|--|---|
| | having regard to the scale of any harm and the asset's significance' | |
| Modification 7 Policy HB6 | Change criterion 1 of the policy to read: 'Proposals are designed to respond positively to character of the surrounding area and preserve or enhance heritage assets such as conservation areas.' | To ensure text reflects the statutory duty within the Planning (Listed Building and Conservation Area) Act 1990 |
| Modification 8 Policy HB8 | Delete criterion 4 from the policy Reword the second sentence of criterion 5 to read: 'Mature and established trees should be integrated and incorporated into landscaping schemes and be protected unless there are compelling reasons to support their loss' Reword criterion 7 to read: 'Locally distinct landscapes should be retained unless there are compelling reasons to support their loss' | To delete text within is not appropriate for policy To ensure the text is sufficiently robust Reference to traditional orchards are within policy HB9, therefore remove duplicate text. |
| Modification 9 Policy HB10 | Add the words 'within the Plan area' at the end of the policy title | To ensure clarity |
| Modification 10 Policy HB11 | Reword the second paragraph of the policy to read: 'Otherwise acceptable proposals or transport related proposals which improve traffic conditions or contribute to its better management will normally be supported. Example of enhancements include (retain existing a to c) Add the words 'Otherwise acceptable' at the start of the third paragraph of the policy Delete the fourth paragraph from the policy; it could be included in the support text if desired. | To ensure the text is clear and related to land use policy |
| Modification 11 Next steps | Update and remove this section from the final version of the plan | To ensure text is up to date |
| Modification 12 Appendices | Add a sentence to Appendix I that reads: 'The information on this map reflects information correct at the time of writing the plan. Up to date information should be | To ensure that the most up to date information is available |

| | | |
|--|---|--|
| | sought from the local planning authority, the parish council or appropriate statutory body. | |
|--|---|--|

Appendix 7

HRA Screening of final Hampton Bishop Neighbourhood Development Plan Policies

Date undertaken: May 2019

| NDP objectives and policies | HRA Screening of final NDP objectives and policies | | | | |
|--|--|---|--------------------------------------|---|---|
| | Likely activities (operations) to result as a consequence of the objective/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 |
| HB1 Development in areas of flood risk | Policy to avoid developments in flood risk areas Some flood risk prevention measure | There will be no likely 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 Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission. |
| HB2 Design for flood resilience and resistance | Criteria for flood resilience. Some flood risk prevention measures | There will be no likely 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 Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission. |
| HB3 Design to reduce surface water run off | Criteria to reduce surface water run off | There will be no likely significant effects on the European Site. All | River Wye (including River Lugg) SAC | No | No, policy criteria exist within the Core Strategy (SD3 and |

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

| | | | | | |
|--|---|---|--------------------------------------|----|--|
| | Sustainable urban drainage | developments are required to meet the criteria of Policy SD4. | | | SD4) required to be met for the development to receive planning permission |
| HB4 Protecting heritage assets and archaeology | Protection of heritage assets | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No, policy criteria exist within the Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission |
| HB5 Protection of historic farmsteads | Small scale residential and employment development Increase in water usage | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No, policy criteria exist within the Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission |
| HB6 Hampton Bishop settlement boundary | Small scale housing development Increase in water usage | There will be no likely 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 Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission |
| HB7 building design principles for new | Criteria for design of buildings | Unlikely that there will be any significant effects on | River Wye (including River Lugg) SAC | No | No, the policy will not lead to development but indicated design criteria for new |

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

| | | | | | |
|---|---|---|--------------------------------------|----|--|
| development | | the European Site. | | | development. |
| HB8 Landscape and design principles | Criteria for landscaping element to developments Additional planting Protection of open space | Unlikely that there will be any significant effects on the European Site. | River Wye (including River Lugg) SAC | No | No this policy will not lead to development but contains the criteria to landscape design adjudge applications against. |
| HB9 Green infrastructure | Ecological enhancements Protection of the eco-system | Unlikely that there will be any significant effects on the European Site. Contains criteria to improve ecology | River Wye (including River Lugg) SAC | No | No: this policy itself will not lead to development, instead it relates to criteria regarding ecology and reference priority species and habitats. |
| HB10 Development on the urban fringe of the city of Hereford | Residential development on the edge of Hereford boundary Increased water usage | There will be no likely 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 Core Strategy (SD3 and SD4) required to be met for the development to receive planning permission |
| HB11 Improving traffic management and accessibility in Hampton Bishop | Contains criteria to improve walking and cycling opportunities within the parish | 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 to improve walking and cycling within the village. |