

The Conservation of Habitats and Species Regulations (2017) Part 6, section 63

'Assessment of implications for European sites and European offshore marine sites'

Habitats Regulation Assessment

This is a record of the Habitat Regulations Assessment (HRA) (including Screening for Likely Significant Effects and Appropriate Assessment where required) carried out by Herefordshire Council (the competent authority) as required by Regulation 63 of the Conservation of Habitats & Species Regulations 2017 (the 'Habitats Regulations') relating to the following **planning application**.

This HRA is carried out in accordance with the relevant guidance documents including those by Natural England at <https://www.gov.uk/guidance/appropriate-assessment>, and David Tyldesley Associates <https://www.dtapublications.co.uk/>

The HRA is carried out by Herefordshire Council. Detailed information will need to be provided by the applicant to enable the authority to make the assessment.

The Project / Plan

1.1 Planning Application Reference Number, Description and Address

Application reference number: 214539
Address: [Land adjacent C1059 Hatfield Leominster Herefordshire HR6 0SG](#)
Description: Proposed residential development of five dwelling houses with associated vehicle access from C1059 together with drainage infrastructure and planting
Applicant: Mr C Andrews
Case officer: Ollie Jones

Location OSGR: 359607 - 259809

Link to Planning Application on Herefordshire Council Website: [Planning Search – Herefordshire Council](#)

1.2 Description of the plan or project (details)

Proposed residential development of five dwelling houses with associated vehicle access from C1059 together with drainage infrastructure and planting

1.3 Documents and plans considered – *delete/ add as appropriate*

Herefordshire Local Plan Core Strategy 2011 – 2031
River Wye SAC Nutrient Management Plan
National Planning Policy Framework
The Conservation of Habitats and Species Regulations 2017 (as amended)

1.4 Planning Policy context:

None

1.5 Size (ha) and description (habitats etc.) of existing site

1.23ha of agricultural land, grazing.

1.6 Surrounding land use and context in relation to designated sites

Site is 9,4km east of River Lugg SSSI which is a constituent part of the River Wye SAC. Land between is rural in nature with rural developments and roads present.

Relevant Habitats (Natura 2000) site(s)

Please select all that apply from:

- River Wye Catchment SAC (including schemes impacting on the linked River Lugg SSSI)
- River Clun SAC
- Wye Valley Woodlands SAC
- Downton Gorge SAC
- Wye Valley & Forest of Dean Bat Sites SAC (Wigpool Iron Mines SSSI)
- Other site (SAC, Ramsar)

Details of the Site:

1. River Wye SAC

The River Wye SAC covers an area of 2234.89 ha in Gloucestershire, Herefordshire, Monmouthshire and Powys.

Designated features

Qualifying habitats

The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following habitats listed in Annex I:

- Transition mires and quaking bogs. (Very wet mires often identified by an unstable 'quaking' surface).
- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche Batrachion vegetation. (Rivers with floating vegetation often dominated by water crowfoot)

Qualifying species

The site is designated under article 4(4) of the Directive (92/43/EEC) as it hosts the following species listed in Annex II:

- Allis shad *Alosa alosa*
- Atlantic salmon *Salmo salar*
- Brook lamprey *Lampetra planeri*
- Bullhead *Cottus gobio*
- Otter *Lutra lutra*
- River lamprey *Lampetra fluviatilis*
- Sea lamprey *Petromyzon marinus*
- Twaite shad *Alosa fallax*
- White-clawed (or Atlantic stream) crayfish *Austropotamobius pallipes*

Conservation Objectives of the Designated features:

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

[European Site Conservation Objectives for River Wye SAC - UK0012642
\(naturalengland.org.uk\)](https://naturalengland.org.uk)

Site Condition

Site condition, for the area of the site in England, is taken from the constituent SSSI units for the River Wye SSSI and the River Lugg SSSI.

River Wye SSSI

Unit	Unit name	Condition	Condition Threat Risk	Habitat	Area (ha)	GridRef
001	TIDAL RIVER - ESTUARY TO BROCKWEIR BRIDGE	Unfavourable - Declining	High	RIVERS AND STREAMS	114.9234 ha	ST 537 956
002	BROCKWEIR BRIDGE TO MONMOUTH	Unfavourable - Declining	High	RIVERS AND STREAMS	36.3835 ha	SO 534 055
003	MONMOUTH TO ROSS	Unfavourable - Declining	High	RIVERS AND STREAMS	157.0946 ha	SO 573 185
004	ROSS TO HEREFORD	Unfavourable - Declining	High	RIVERS AND STREAMS	293.5648 ha	SO 568 320
005	HEREFORD TO BREDWARDINE BRIDGE	Unfavourable - Declining	High	RIVERS AND STREAMS	150.1955 ha	SO 418 415
006	BREDWARDINE BRIDGE TO WHITNEY TOLL	Unfavourable - Declining	High	RIVERS AND STREAMS	122.4429 ha	SO 300 461
007	WHITNEY TOLL TO HAY	Unfavourable - Declining	High	RIVERS AND STREAMS	30.8778 ha	SO 242 458

River Lugg SSSI

Unit	Unit name	Condition	Condition Threat Risk	Habitat	Area (ha)	GridRef
001	RIVER LUGG (WYE SAC)	Unfavourable - Declining	High	RIVERS AND STREAMS	58.8726 ha	SO 530 455
002	BODENHAM WEIR TO LEOMINSTER	Unfavourable - Declining	High	RIVERS AND STREAMS	20.4404 ha	SO 503 573
003	LEOMINSTER TO MORTIMERS CROSS	Unfavourable - Declining	High	RIVERS AND STREAMS	36.2719 ha	SO 448 623
004	MORTIMERS CROSS TO PRESTEIGNE	Unfavourable - Declining	High	RIVERS AND STREAMS	26.8469 ha	SO 366 648

Other Relevant Documents

There is a Site Improvement Plan for the River Wye which can be found at [Site Improvement Plan: River Wye - SIP199 \(naturalengland.org.uk\)](#)

Stage1: Preliminary Screening including Likely Significant Effects (LSE)

Completed by:

Fran Lancaster

Date: 3rd May 2024

Table 1: Initial Screening

Does the project or plan qualify for exemption from the HRA process?

Is the project or plan directly connected with or necessary for the conservation management of the habitat site (provide details)? If so the project may be considered exempt from the HRA process.	No
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If the proposal is considered exempt from the HRA process? Has this been consulted upon and agreed with Natural England?	NA/Not exempt
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Table 2: Screening for Likely Significant Effects (LSE)

Key issues considered:

- | | |
|---|---|
| <input checked="" type="checkbox"/> Foul water | <input checked="" type="checkbox"/> Water pollution |
| <input checked="" type="checkbox"/> Surface water | <input type="checkbox"/> Water abstraction |
| <input type="checkbox"/> Aerial Emissions (ammonia, N deposition & acid deposition) | <input type="checkbox"/> Recreational impacts |
| <input type="checkbox"/> Construction or Demolition processes | <input type="checkbox"/> Protected species impacts (direct) |
| <input type="checkbox"/> Direct impacts inside SAC boundary (habitats) | <input type="checkbox"/> Protected species impacts (indirect) |
| <input type="checkbox"/> Impacts upon supporting habitats | <input type="checkbox"/> Other |

Details of key issues & identification of potential effect pathways

The proposal is for 5 new dwellings to be served by a Graf One2Clean Packaged Treatment Plant discharging to a drainage mound. Surface water is to be discharged to an attenuation basin and then discharged to a local ditch.

The potential effect pathways of foul and surface water and water pollution have been identified.

NB: Where avoidance and mitigation measures do not form an integral part of the project/ plan and are to be put in place to reduce the impacts, these must not be considered in order to avoid impacts at the Screening stage and will require consideration at the Appropriate Assessment stage (in line with the People Over Wind judgement).

Are there any potential effects of the project or plan when considered alone?	Yes <i>If 'yes' then proposal must be carried forward to the Appropriate Assessment Stage. If 'no' then proposal must still be considered in-combination below. The identification of a potential effect pathway is sufficient to require an Appropriate Assessment i.e. no judgement on significance/ or threshold is applied at screening stage. Existence of a pathway is considered to be an LSE.</i>
Are there any potential effects of the project or plan <u>in combination</u> with other projects or plans?	Potentially yes <i>If 'yes' then proposal must be carried forward to the Appropriate Assessment Stage.</i>

Natural England consultation reference and summary (if available):

None

Summary of LSE test conclusions

- No likely significant effects – no Appropriate Assessment required and planning permission can be legally granted. A consultation with NE is not required where a proposal is 'screened out'.**
- Likely significant effects – Appropriate Assessment required.**

And, where relevant:

- Further information to inform the Appropriate Assessment required** – the applicant is advised to provide the relevant information as detailed below.

Further information required to inform the Appropriate Assessment	N/A
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Stage 2: Appropriate Assessment

Completed by:

Fran Lancaster
Date: 3 rd May 2024

Appropriate Assessment statement including alone, impacts in-combination and discussion of proposed mitigation measures

Complete the tables and boxes below, deleting as necessary. Where information is taken from supporting documents this should be quoted and fully referenced. Any documents not available on the Council's website should be provided to Natural England when they are consulted.

Table 3: Impacts of the plan/ project alone

Complete boxes as appropriate below and delete boxes for potential effect pathways which are not relevant:

<p>Foul Water Package Treatment Plant</p> <p>The proposal is for 5 dwellings to discharge foul flows to a Grad One2Clean Packaged Treatment Plant and associated drainage mound. HC Drainage have agreed the technical design for the drainage field and its location and are satisfied from a technical point of view.</p> <p>A Nutrient Neutrality Assessment and Mitigation Strategy by Nutrient Neutral (April 2024) has been provided in support of the proposed development.</p> <p>Infiltration testing at the site has revealed varying infiltration rates due to areas of clay. The drainage mound proposed in the northern area of the site will overcome the lower infiltration rates and provide sufficient infiltration for the effluent from the PTP. HC drainage are satisfied with the proposed approach.</p> <p>A Graf One2Clean packaged treatment plant is proposed, it has sufficient capacity for the proposed development and is a biological system putting out 1.6mg/l phosphate in the effluent.</p> <p>Budget Calculation</p> <p>The proposed development is for 5 dwellings and has been assessed using the NE budget calculator and acceptable adaptations of the NE methodology.</p> <p>Assumed occupancy is 2.3 person per dwelling. Water usage is 120 L per person per day (agreed as locally acceptable). Site Area – 1.23 ha.</p>

The Phosphate Co-efficient for the outflow of the PTP has been set at 1.6 mg/l based on the technical specification provided.

The **Waste Water P load** of the development is calculated to be:

Development proposal	5 dwellings
Additional population	11.5 people
Waste Water Volume	1,380 l/day
P-coefficient of PTP	1.6mg/l
TP discharged to watercourse	2,208 mg/TP/day
Convert mg to kg/day	0.002208 kg/TP/day
Convert to kgTP/year	0.81 kgTP/yr

Waste Water total phosphate load 0.81 kg/TP/yr.

The **Current Land Use** is grazing.

The **Current P Leaching Load** is 1.08 kg TP/yr.

The **Post Development Land Use** is residential urban land.

Two amendments to the NE methodology have been applied here. The proposed development is for 5 dwellings over a reasonably large site. The proposal results in only 40% of the site being impermeable surfacing. On this basis the Modified Rational Method has been applied and the phosphate leaching resulting from the proposed landuse change has been reduced to 0.26kgTP/yr. Impermeable surfacing on the site will be controlled in two ways – permitted development rights will be removed from the site and a maximum quantum of impermeable surfacing will be controlled by condition.

Further the CIRIA Guidance has been applied to the surface water element of the calculation. The use of an attenuation feature or retention basin for surface water prior to discharging flows at an attenuated rate allows for a further 28% reduction to be applied to the phosphate leaching through surface water. This reduces the phosphate leaching from future land uses to 0.19kgTP/yr.

The **Annual phosphorus export post development** is 0.19 kg TP/yr.

The **Phosphate Balance for the Site** is:

Waste Water Total P Load post treatment	0.81 kg TP/yr
Historic landuse	1.08 kg TP/yr
Post development P export	0.19 kg TP/yr
Landuse net change	- 0.89 kg TP/yr
Phosphate budget	-0.08 kg TP/yr
P budget + 20% buffer betterment	Not required where development demonstrates

The Natural England Nutrient Neutrality Budget Calculator – River Lugg Catchment has been used correctly for this proposed development and the outcome of the nutrient budget is that there is no annual phosphorous load to mitigate and that the scheme delivers a betterment.

There will be no adverse impact upon the River Wye SAC as a result of the proposed development which delivers a betterment in terms of nutrients as set out above.

Surface Water and Water Pollution

The proposal includes the use of an attenuation feature for surface water prior to discharging surface flows at an attenuated rate to a local watercourse (ditch). The proposed attenuation feature

is appropriately sized and is technically acceptable according to HC drainage. The proposal provides appropriate levels of treatment to surface flows of low pollution risk such as roofs and private driveways. Impermeable surfacing will be used on the site for pathways and other appropriate features.

The level of treatment provided is sufficient to ensure no pollution to local watercourses and no adverse effect on the integrity of the River Wye SAC.

Table 4: Mitigation Requirements and Outcomes

No mitigation is required.

Table 5: Remaining Impacts

None

Table 6: Consequences for Conservation Objectives of the Designated Site

Impacts on maintaining the favourable condition of the site	None – the scheme delivers a betterment
Disruptions or delays in progress towards achieving the conservation objectives of the site	None – the scheme delivers a betterment
Alterations to natural progression or other natural changes within the site	None – the scheme delivers a betterment
Loss of key habitat/ species features. Fragmentation or isolation of key species and habitats. Impacts to diversity, distribution, density, balance, area or population(s) of key species or habitats that are indicators of the favourable condition of the site, including from disturbance	None – the scheme delivers a betterment
Alterations to the ecological relationships and balance between species and habitats that are key to the structure/ function of the site	None – the scheme delivers a betterment
Alterations to nutrient balance or other processes vital to the functioning of the ecosystem	None – the scheme delivers a betterment

Table 7: Integrity Test

Will there be an impact upon the Integrity of the Designated Site?

There will be no adverse impact upon the integrity of the River Wye SAC and there is no legal barrier to planning permission being granted.

Table 8: Are there Alternative Solutions to the proposal?

If adverse effects on the integrity of the site, either alone or in combination, cannot be ruled out through avoidance or mitigation then alternative solutions must be considered.

None

Please Note: Where there are no satisfactory alternatives then consideration may be given to whether the proposal could follow the Imperative Reasons of Overriding Public Interest (IROPI) route. Is this

option is under consideration for a plan or project then specialist legal advice should be sought and followed.

Table 9: Recommended planning conditions to secure mitigation which is required in order to achieve no effect on integrity of the Designated Site.

Permitted development rights must be removed from the site in order to ensure that impermeable surfacing on the site is fixed at 40% over time and that there is no 'urban creep.'

1. Prior to the first occupation of any of the residential development hereby permitted written evidence / certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development

Reason: In order to ensure that water conservation and efficiency measures are secured to safeguard water quality and the integrity of the River Lugg (Wye) SAC in accordance with policies SS6, SD2, SD4 and LD2 of the Herefordshire Local Plan Core Strategy, the National Planning Policy Framework, the Conservation of Habitats and Species Regulations (2017) and NERC Act (2006).

2. The Development hereby approved shall include a total impermeable area not greater than 40% of the site or 0.49ha. An "impermeable area" will include land covered by buildings or non-porous hardstanding through which surface water is unable to infiltrate.

Reason: To ensure the protection of the River Lugg SSSI and the River Wye SAC from additional sources of phosphate resulting from surface water at the site.

Conclusion of the Appropriate Assessment:

Herefordshire Council, as a Competent Authority under the Habitat Regulations 2017, Part 6, section 63(5) concludes that **there would be NO** adverse effects on the integrity of the Special Area of Conservation; subject to appropriate mitigation being secured via the planning conditions listed above. Planning Permission can legally be granted.

Please Note: The authority must consult Natural England on the draft HRA and must have regard to the advice of Natural England before granting planning permission.