

Date: 21 April 2016  
Our ref: 181932  
Your ref: 151314



Ms Gibbons  
Herefordshire Council  
Planning Services,  
Blueschool House,  
Blueschool Street  
Hereford,  
HR1 2ZB

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

## BY EMAIL ONLY

Dear Ms Gibbons

**Planning consultation:** New single carriageway (Southern Link Road) and associated works.

**Location:** Existing roundabout junction of A49(T) and B4399, to a new roundabout with the A465, then joining the B4349

Thank you for your re-consultation on the above dated and received by Natural England on 22 March 2016.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

## THE CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED) (HABITATS REGULATIONS) WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

Having read the additional information we wish to provide the following additional comments on the River Wye Special Area of Conservation (SAC)/ Site of Special Scientific Interest (SSSI). Please also refer back to our previous responses dated the 13 July 2015 and the 12 November 2015.

### Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is within 1.3 km of the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as River Wye Site of Special Scientific Interest (SSSI). The application site is within 25km of the Usk Bat SAC, Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Sites SAC which is a European site. These site are also notified at a national level as SSSIs. Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The [Conservation objectives](#) for each European site

<sup>1</sup> Requirements are set out within Regulations 61 and 62 of the Habitats Regulations, where a series of steps and tests are followed for plans or projects that could potentially affect a European site. The steps and tests set out within Regulations 61 and 62 are commonly referred to as the 'Habitats Regulations Assessment' process.

explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### **River Wye SAC- Further information required.**

Natural England notes that the HRA dated February 2015 has not been produced by your authority, but by the applicant. As competent authority, it is your responsibility to produce the HRA. We provide the advice enclosed on the assumption that your authority intends to adopt this HRA to fulfil your duty as competent authority.

In advising your authority on the requirements relating to Habitats Regulations Assessment, it is Natural England's advice that the proposal is not necessary for the management of the European site. Your authority should therefore determine whether the proposal is likely to have a significant effect on any European site, proceeding to the Appropriate Assessment stage where significant effects cannot be ruled out. Natural England advises that there is currently not enough information to determine whether the likelihood of significant effects can be ruled out. We recommend you obtain the following information to help undertake a Habitats Regulations Assessment:

The red line boundary of the site has been altered in two places. The HRA should be updated to reflect these changes.

The verge on the exit from the A465 roundabout towards Clehonger will be widened and this could affect the land drainage. Information should be provided on whether this could have an impact on the interest features of the River Wye SAC.

The alternation to the proposed highway embankment on the southern side of the SLR, east of the railway, may lead to the requirement for the diversion/ culverting of the Withy Brook. Otters are an interest feature of the River Wye SAC. Information should be provided on whether or not diverting or culverting Withy Brook would impact otters.

#### **River Wye SSSI- Further information required.**

The comments we have made in the River Wye SAC section apply equally to this section.

#### **Other Advice**

Natural England, as stated in previous correspondences, is not in a position to give a view on issues such as local sites, local landscape character or the impacts of the development on species or habitats of biodiversity importance in a local context.

As we advised in our previous correspondence, your authority should seek advice from the appropriate local record centre, Local Site scheme and other appropriate recording bodies to ensure that any decision made relating to this application is compliant with relevant national planning policies. You should also assess whether the proposal respects and, where possible, enhances local distinctiveness and be guided by your Authority's landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework when determining the application.

#### **Protected Species**

Other than the comments on otters, we have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species.

You should apply our Standing Advice to this application as it is a material consideration in the

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The Government has produced core guidance for competent authorities and developers to assist with the Habitats Regulations Assessment process. This can be found on the Defra website. <http://www.defra.gov.uk/habitats-review/implementation/process-guidance/guidance/sites/>

determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted.

If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SAC/ SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service. If the form is not attached, it can also be accessed on our website.

We would be happy to comment further should the need arise but if in the meantime if you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Gillian Driver on 0300 060 4335. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

*Eric Steer*

Mr Eric Steer  
Senior Planning Adviser  
On behalf of the South Mercia Team