

Date: 05 November 2014
Our ref: 133573
Your ref: P142930/O



Mr A Banks
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 Mr Banks

Planning consultation: Site for proposed residential development for 35 dwellings of which 13 will be affordable (37%)

Location: Land adjacent to Burnt House, Bridstow, Ross-on-Wye, Herefordshire

Thank you for your consultation on the above dated and received by Natural England on 01 October 2014.

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)**

Area of Outstanding Natural Beauty (AONB)

This proposal is within the Wye Valley AONB. Natural England has concerns regarding the size, location and design of the proposal and would refer the planning authority to Sections 115 and 116 of the [National Planning Policy Framework](#) which deals with major developments in designated landscapes. Natural England believes that the proposal as submitted is a 'major development' and that it contrives the requirements of both of these sections.

Natural England is unable to provide detailed comments on the effect the proposal is likely to have on the landscape character and visual amenity of the this part of the AONB in part due to the poor quality of the Landscape and Visual Impact Assessment (LVIA) submitted by the applicant. We believe that that information provided in the LVIA does not enable us to advise the local planning authority about the implications of this scheme for this nationally designated landscape. However based upon a site visit undertaken on the 29th October we can provide the following advice on how the LVIA should be improved.

- Visual Impact
 - The lack of detailed Zone of Theoretical Visibility (ZTV) in line with best practice guidance as set out in GLVIA 3 (Guidelines for Landscape and Visual Impact Assessment 3rd edition p104 etc.) has hampered the assessment.

- The viewpoints chosen are localized to the proposed site. This in part reflects the poor ZTV; a more thorough ZTV will identify locations to the east and south east of the proposal site which are likely to be effected.
 - Photographs and photomontages do not accord with best practice guidance as set out in GLVIA 3.
 - The LVIA fails to identify key visual receptors that may be affected by the proposal and where they would be affected.
- Impact on Landscape Character and the Special Qualities of the Wye Valley AONB
 - The LVIA lacks a baseline against which the assessment of the effects of the proposal can be judged. Although the LVIA refers to the Herefordshire Landscape Character assessment and relevant National Character Area description these have not been interpreted for the landscape setting of the proposal site.
 - There is no mention of the special qualities of the Wye Valley AONB i.e. those aspects of the landscape which contribute to the natural beauty of the designation. Consequently there is no assessment of how these special qualities may be affected by the proposal.

Natural England strongly advise that the planning authority to seek advice from the Wye Valley AONB unit. Their knowledge of the location and its wider landscape setting will greatly assist the planning authority in reaching their decision when determining the application. They will also be able to advise on whether the development accords with the aims and policies set out in the AONB Management Plan.

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 in close proximity to the River Wye Special Area of Conservation (SAC) which is a European site. The site is also notified at a national level as the River Wye Site of Special Scientific Interest (SSSI). 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 have¹. The [Conservation objectives](#) for each European site 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- No objection

The consultation documents provided by your authority do not include information to demonstrate that the requirements of Regulations 61 and 62 of the Habitats Regulations have been considered by your authority, ie the consultation does not include a Habitats Regulations Assessment.

In advising your authority on the requirements relating to Habitats Regulations Assessment, and to assist you in screening for the likelihood of significant effects, based on the information provided, Natural England offers the following advice:

- the proposal is not necessary for the management of the European site

¹ 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. 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/>

- that the proposal is unlikely to have a significant effect on any European site, and can therefore be screened out from any requirement for further assessment

River Wye SSSI- No objection – no conditions requested

This application is in close proximity to River Wye SSSI. Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the site has been notified. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

Other advice

We would expect the Local Planning Authority (LPA) to assess and consider the other possible impacts resulting from this proposal on the following when determining this application:

- local sites (biodiversity and geodiversity)
- local landscape character
- local or national biodiversity priority habitats and species.

Natural England does not hold locally specific information relating to the above. These remain material considerations in the determination of this planning application and we recommend that you seek further information from the appropriate bodies (which may include the local records centre, your local wildlife trust, local geoconservation group or other recording society and a local landscape characterisation document) in order to ensure the LPA has sufficient information to fully understand the impact of the proposal before it determines the application. A more comprehensive list of local groups can be found at [Wildlife and Countryside link](#).

Protected Species

We have not assessed this application and associated documents for impacts on protected species.

Natural England has published [Standing Advice](#) on protected species. The Standing Advice includes a habitat decision tree which provides advice to planners on deciding if there is a 'reasonable likelihood' of protected species being present. It also provides detailed advice on the protected species most often affected by development, including flow charts for individual species to enable an assessment to be made of a protected species survey and mitigation strategy.

You should apply our Standing Advice to this application as it is a material consideration in the 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 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 at with details at consultations@naturalengland.org.uk.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance

with Paragraph 118 of the NPPF. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

We would be happy to comment further should the need arise but if in the meantime 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.

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.

Yours sincerely

Gillian Driver

Miss Gillian Driver
Planning Adviser
South Mercia Team