

***The Conservation of Habitats and Species Regulations 2017,
as amended by the Conservation of Habitats and Species (Amendment)
(EU Exit) Regulations 2019' (the 'Habitats Regulations')***

**Part 6, section 63
'Assessment of implications for National Network Sites'**

HRA Screening - Appropriate Assessment

River Lugg Catchment

APPLICATION NO: 204246
SITE: Field Known as Emily's Meadow, Opposite Marsh House Farm, Nr. Weobley, Herefordshire
DESCRIPTION: Retention of portable cabin for use as an agricultural classroom.
GRID REFERENCE: OS 341316, 251219

Link to planning application on Herefordshire Council website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204246&search-term=204246

Assessment of 'Likely Significant Effects' on:

- ☒ River Lugg (Wye) Catchment SAC
- ☐ Forest of Dean & Wye Valley Bat SAC (Wigpool Iron Mines SSSI)
- ☐ River Clun SAC
- ☐ Downton Gorge SAC (SSSI-NNR)
- ☐ Other site (SSSI-NNR):

Likely significant effects identified on initial Screening Assessment:

- ☒ Foul water
- ☒ Surface water
- ☐ Emissions
- ☐ Construction or Demolition processes
- ☒ Other: Operations and activities directly supported and facilitated by the development

Appropriate Assessment information, discussion and proposed mitigation measures:

It is unclear what the final proposal for managing foul water created by the operation of the proposed development as an 'Agricultural Classroom' will be. No detailed supporting foul water management proposal has been supplied for the LPA to make formal comments against or use within the required HRA process. The welfare and Health and Safety

requirements of 'Pupil' and 'Teacher' have not been detailed and how these would affect creation of foul water flows that would then require management to demonstrate a legally certain and securable 'nutrient neutrality'.

As proposed the LPA does not have the detailed legally securable, or scientific evidence, to provide the required 'certainty' to complete a 'positive' Habitat Regulations Assessment process and determine that there is no effect on the integrity of the River Lugg (Wye) SAC

The current HRA guidance also requires that any activities that a development could support, facilitate or intensify require consideration as part of the HRA process and any such operations or activities must be able to provide scientific and legal certainty that they will have no 'effects' on the River Lugg (Wye) SAC.

The proposed development is a classroom to support the provision of training in agricultural practices and animal handling. The proposed classroom is located on an area of land in the wider countryside and could support the presence of livestock, horses and other animals or crop cultivation associated with 'agriculture' in its widest context. These animals generate waste (manure and urine) and crop cultivation has potential nutrient application or run-off, that would provide a source of nutrients (including phosphates) within the River Lugg SAC hydrological catchment.

No details on the 'agricultural' operations and activities the proposed classroom would support, or be required to run, the 'agricultural education offering' have been supplied. With no certainty on these potential effects or how any nutrient neutrality can be demonstrated and secured for the operational life time of the educational facility the LPA is unable to undertake the required 'positive' Habitat Regulation Assessment process and determine that there is no effect on the integrity of the River Lugg (Wye) SAC

Recommended Planning Conditions to secure appropriate mitigation:

NOT APPLICABLE

CONCLUSION:

- ☒ ***Adverse effect on the integrity* of the River Lugg (Wye) Special Area of Conservation; The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'):** Part 6, section 63(5)

Appropriate Assessment completed by: Ecology (J Bisset) 17/06/2021