

**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, European sites
and European offshore marine sites'**

HRA Screening-Appropriate Assessment

APPLICATION NO: 212382
SITE: Land at OS 36304, 22315 Church Lane, Weston-Under-Penyard, Ross-on-Wye, Herefordshire
DESCRIPTION: Proposed construction of holiday accommodation
GRID REFERENCE: OS 363047, 223157

And in combination with revised HRA in respect of existing approved development at this site:

APPLICATION NO: 202707
SITE: Land adjacent to The Link, Weston under Penyard, Ross-on-Wye, Herefordshire
DESCRIPTION: Proposed construction of holiday accommodation.
GRID REFERENCE: OS 363055, 223183

Link to planning application on Herefordshire Council website:

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202707&search-term=202707

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 (Natural England <https://www.gov.uk/guidance/appropriate-assessment>, David Tylesley Associates <https://www.dtapublications.co.uk/>)

The HRA is carried out by Herefordshire Council. This will require sufficient detailed information to be provided by the applicant to enable the authority to make this assessment.

The Project / Plan

1.1 Planning Application Reference Number, Description and Address

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1.2 Description of the plan or project (details)

Proposed construction of holiday accommodation (Foul water shared with existing planning permission for a further single holiday let unit under 202707)

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

- *Herefordshire Local Plan Core Strategy 2011 – 2031*
- *River Wye SAC Nutrient Management Plan (under review)*
- *Citation, Conservation Objectives, SIPs and other current advice and guidance in respect of River Wye SAC.*
- *National Planning Policy Framework*
- *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')*
- *Environment Agency-Natural England joint advice note; "Roles in planning and permitting" October 2021*

1.3 Planning Policy context:

Residential development

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

0.04 Ha (direct site)

1.5 Surrounding land use and context in relation to designated sites

Residential-garden

Relevant National Network Site (inc European or Natura 2000 site(s))

River Wye Catchment SAC

Details of the Site:



River Wye SAC
combined (March 20

Other relevant projects/ plans to be considered 'in combination'

To include those within the planning system or granted but not yet operational, that would have similar impacts – for air emissions a radius of 500m would usually be appropriate

Natural England consultation reference and summary (if available):

Not applicable

Stage1: Preliminary Screening including Likely Significant Effects (LSE)

Completed by:

Ecology (J Bisset)

Date: 31/01/2022

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
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	YES All planning applications within the Wye Catchment may have an effect but these are subject to relevant HRA processes of their own. Existing planning permission 202707 is affected by this development as proposal is now for both holiday lets at this site to share a single PTP foul water system.
If the proposal is considered exempt from the HRA process has this been consulted upon and agreed with Natural England?	NO

Table 2: Screening for Likely Significant Effects (LSE)

Key issues considered:



Foul water



Water pollution

- ☒ Surface water
☐ Emissions
☐ Construction or Demolition processes
☐ Direct impacts inside SAC boundary

- ☐ Water abstraction
☐ recreational impacts
☐ Protected species impacts
☐ Other

Details of key issues

Additional-new foul water flows
Additional surface water flows

NB: Where avoidance measures do not form an embedded and integral part of the project/ plan and are to be put in place to reduce the impacts, these must not be considered to avoid impacts at the Screening stage and will require consideration at the Appropriate Assessment stage (in line with the People Over Wind judgement). Other considerations: Dutch Nitrogen Case, Wealden and other case precedents and appeal decisions.

Are there any potential effects of the project or plan when considered alone?	YES Additional foul water flows with associated nutrient pathways Additional surface water flows with potential effects on nutrients and other pollutants-contaminants
Are there any potential effects of the project or plan <u>in combination</u> with other projects or plans?	YES Cumulative and 'in combination' with other developments within the SAC catchment. In particular planning permission 202707 for an existing single holiday unit at this location
Are the effects, either alone, in combination, or both, likely to be significant?	YES - individually Potentially cumulative and 'in combination' with other developments within the SAC catchment.
Are protective measures required to address possible effects of the project	YES
Are there existing measures, part of the overall project (embedded), or other regulatory requirement (e.g. drainage basins, building regulations, watercourse protection) that avoid likely significant effects?	YES - partly General binding rules
Is any <u>further information and/ or mitigation required (Regulation 63(2))</u> to inform the Appropriate Assessment?	NO

Summary of LSE test conclusions:

Likely significant effects – Appropriate Assessment required

Stage 2: Appropriate Assessment

Completed by:

Ecology (J Bisset)

Date: 31/01/2022

Appropriate Assessment information, discussion and proposed mitigation measures:

Table 3. Impacts of the plan/ project alone

Designated site features which may be potentially affected	Likely effect of Impacts and mitigation measures proposed
All Habitats and Species	Impacts to habitat quality through pollution (additional nutrients) of SAC river and tributaries impacting all habitats and species present

Table 4. Impacts of the plan/ project in combination

Designated site features which may be potentially affected	Likely effect of Impacts and mitigation measures proposed
Not applicable see Table 3	Not applicable see Table 3

Table 5. Consequences for Conservation Objectives of the Designated Site

Impacts to maintaining the favourable condition of the site	YES potential effects on qualifying habitats and species as identified in Table 3
Alterations to natural progression or other changes within the site	YES potential effects on qualifying habitats and species as identified in Table 3
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	YES potential effects on qualifying habitats and species as identified in Table 3

Alterations to the ecological relationships and balance between species and habitats that are key to the structure/ function of the site	YES potential effects on qualifying habitats and species as identified in Table 3
Alterations to nutrient balance or other processes vital to the functioning of the ecosystem (including phosphates)	YES potential effects on qualifying habitats and species as identified in Table 3

Mitigation Requirements and Outcomes of these

Notes in respect of HRA:

- It is noted that the foul water management system now subject to consideration and approval also impacts the approved plans and specifications (and previous HRA process) in respect of foul water management for the existing already approved (at appeal) planning application 202707 for a single holiday let unit at this location.
- This HRA process must be completed as an 'in combination' – cumulative assessment considering all foul water flows that will be discharging to any approved foul water system.
- Legal certainty that the amended foul water management scheme impacting and changing application 202707 and subject to approval under this application can be secured for both developments must be in place prior to any final new planning permission being granted.
- **The council's development management team will need to ensure the identified legal certainty is secured prior to final planning permission being granted for this current application (212382)**
- The proposal is to install a single PTP to serve the development approved under application 202707 and the second holiday let unit proposed on the same development site under this current application.
- The proposed PTP will manage foul water flows from TWO holiday let units.
- The proposed PTP will discharge to a suitably sized soakaway drainage field located on land under the applicant's ownership.
- The supplied information advises that there is suitable local percolation/groundwater levels to allow the proposed soakaway drainage field to be achieved.
- There are no watercourses identified within 50m of the new drainage feature.
- This development is within the 'English' Lower Wye catchment of the Wye SAC.
- Natural England have not currently advised this LPA that this catchment area is failing its conservation status.
- All additional surface water can be managed through local infiltration and Sustainable Drainage Systems.
- **The agreed shared foul water system can be secured for this specific application by a relevant condition on any planning permission granted and through relevant legal certainty secured on shared system features affecting existing planning permission 202707.**
- The agreed surface water management systems can be secured by condition

on any planning permission granted.

Integrity Test and Alternatives

Can adverse effects be avoided or mitigated?

YES

If adverse effects on the integrity of the site, either alone or in combination, cannot be ruled out through avoidance or mitigation, the following must be considered;

Are there Alternative Solutions to the proposal?

Not applicable

Where there are no satisfactory alternatives, the authority must consider whether the project or plan must proceed In Reasons of Overriding Public Interest (IROPI)?

Not applicable

Where it is proposed that the project or plan proceed IROPI, can suitable Compensatory Measures be secured?

Not applicable

Conclusion of the Appropriate Assessment:

The authority concludes that **there would be NO** adverse effects on the integrity of the identified Special Area of Conservation (National Network Site); subject to appropriate mitigation being secured. 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)

NOTE: The authority must consult Natural England on the draft HRA.

Recommended Planning Conditions to secure appropriate mitigation where required (following full HRA that concludes no adverse effects subject to securing this mitigation)

Habitat Regulations (River Wye SAC) – Foul Water

Unless otherwise approved in writing by the planning authority, all foul water shall discharge through connection to a shared private foul water treatment system (Package Treatment Plant) discharging to a soakaway drainage field. All features of the approved foul water system shall be hereafter managed by the applicant.

Reason: In order to comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD4.

Habitat Regulations (River Wye SAC) – Surface Water

Unless otherwise approved in writing by the planning authority, all surface water shall discharge through a plot specific Sustainable Drainage Scheme on land under the control and management of the applicant.

Reason: In order to comply with 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'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

Relevant legal certainty in respect of changed foul water systems now being approved that affect previously approved planning permission under 202707 must be secured by the LPA's Development Management team.