

Date: 22 February 2023  
Our ref: 421118  
Your ref: 222394



**BY EMAIL ONLY**

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Dear Gemma,

**Planning consultation:** 222394 Proposed 5 no. detached houses

**Location:** Land at Chapel Cottage, Glewstone, Ross-on-Wye HR9 6AW

Thank you for your consultation on the above which was received by Natural England on 31 January 2023.

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.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**NO OBJECTION - SUBJECT TO APPROPRIATE MITIGATION BEING SECURED**

We consider that without appropriate mitigation the application would:

- have an adverse effect on the integrity of the River Wye Special Area of Conservation

In order to mitigate these adverse effects and make the development acceptable, the following mitigation measures are required / or the following mitigation options should be secured:

- **Habitat Regulations (River Wye SAC) – foul and surface water management.** All foul water will be managed by connection to the local mains sewer and all additional surface water shall be managed by appropriate onsite infiltration-soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.
- To avoid damage to the special interest of the SAC and SSSI mentioned above, a condition requiring a Construction Environmental Management Plan should be submitted and agreed with the Council prior to the commencement of any construction works. The Construction Environmental Management Plan should describe how works will avoid damage to the SSSI.

We advise that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.

Natural England's further advice on designated sites/landscapes and advice on other natural environment issues is set out below.

## **Further advice on mitigation**

The River Wye SAC is approximately 380m from the proposed site location. The CEMP should highlight how dust and potential air pollution will be controlled during the construction process. The CEMP should also highlight how to avoid any potential pollution incidents during the construction phase. Information should be provided to highlight how solvents will not enter any water courses at the operational stage.

Please note that if your authority is minded to grant planning permission contrary to the advice in this letter, you are required under Section 281 (6) of the Wildlife and Countryside Act 1981 (as amended) to notify Natural England of the permission, the terms on which it is proposed to grant it and how, if at all, your authority has taken account of Natural England's advice. You must also allow a further period of 21 days before the operation can commence.

In addition, Natural England would advise on the following issues.

## **Protected Landscapes**

The proposed development is for a site within or close to a nationally designated landscape namely the Wye Valley AONB. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. The policy and statutory framework to guide your decision and the role of local advice are explained below.

Your decision should be guided by paragraphs 176 and 177 of the National Planning Policy Framework which gives the highest status of protection for the 'landscape and scenic beauty' of AONBs and National Parks. For major development proposals paragraph 177 sets out criteria to determine whether the development should exceptionally be permitted within the designated landscape.

Alongside national policy you should also apply landscape policies set out in your development plan, or appropriate saved policies.

We also advise that you consult the relevant AONB Partnership or Conservation Board. Their knowledge of the site and its wider landscape setting, together with the aims and objectives of the AONB's statutory management plan, will be a valuable contribution to the planning decision. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development.

The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose. Relevant to this is the duty on public bodies to 'have regard' for that statutory purpose in carrying out their functions (S85 of the Countryside and Rights of Way Act, 2000). The Planning Practice Guidance confirms that this duty also applies to proposals-outside the designated area but impacting on its natural beauty.

Further general advice on consideration of protected species and other natural environment issues is provided at Annex A.

Should the developer wish to discuss the detail of measures to mitigate the effects described above with Natural England, we recommend that they seek advice through our [Discretionary Advice Service](#).

Should the proposal change, please consult us again.

Yours sincerely

*H. Thompson*

Holly Thompson  
Adviser, West Midlands Area Team

## Annex A: Additional advice.

Natural England offers the following additional advice:

### Landscape

Paragraph 174 of the [National Planning Policy Framework](#) (NPPF) highlights the need to protect and enhance valued landscapes through the planning system. This application may present opportunities to protect and enhance locally valued landscapes, including any local landscape designations. You may want to consider whether any local landscape features or characteristics (such as ponds, woodland, or dry-stone walls) could be incorporated into the development to respond to and enhance local landscape character and distinctiveness, in line with any local landscape character assessments. Where the impacts of development are likely to be significant, a Landscape & Visual Impact Assessment should be provided with the proposal to inform decision making. We refer you to the [Landscape Institute](#) Guidelines for Landscape and Visual Impact Assessment for further guidance.

### Best and most versatile agricultural land and soils

Local planning authorities are responsible for ensuring that they have sufficient detailed agricultural land classification (ALC) information to apply NPPF policies (Paragraphs 174 and 175). This is the case regardless of whether the proposed development is sufficiently large to consult Natural England. Further information is contained in [GOV.UK guidance](#). Agricultural Land Classification information is available on the [Magic](#) website on the [Data.Gov.uk](#) website. If you consider the proposal has significant implications for further loss of 'best and most versatile' agricultural land, we would be pleased to discuss the matter further.

Guidance on soil protection is available in the Defra [Construction Code of Practice for the Sustainable Use of Soils on Construction Sites](#), and we recommend its use in the design and construction of development, including any planning conditions. For mineral working and landfilling separate guidance on soil protection for site restoration and aftercare is available on [Gov.uk](#) website. Detailed guidance on soil handling for mineral sites is contained in the Institute of Quarrying [Good Practice Guide for Handling Soils in Mineral Workings](#).

Should the development proceed, we advise that the developer uses an appropriately experienced soil specialist to advise on, and supervise soil handling, including identifying when soils are dry enough to be handled and how to make the best use of soils on site.

### Protected Species

Natural England has produced [standing advice](#)<sup>1</sup> to help planning authorities understand the impact of particular developments on protected species. We advise you to refer to this advice. Natural England will only provide bespoke advice on protected species where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### Local sites and priority habitats and species

You should consider the impacts of the proposed development on any local wildlife or geodiversity sites, in line with paragraphs 175 and 179 of the NPPF and any relevant development plan policy. There may also be opportunities to enhance local sites and improve their connectivity. Natural England does not hold locally specific information on local sites and recommends further information is obtained from appropriate bodies such as the local records centre, wildlife trust, geoconservation groups or recording societies.

Priority habitats and Species are of particular importance for nature conservation and are included in the England Biodiversity List published under section 41 of the Natural Environment and Rural Communities Act 2006. Most priority habitats will be mapped either as Sites of Special Scientific Interest, on the Magic website or as Local Wildlife Sites. List of priority habitats and species can be found on [Gov.uk](#).

Natural England does not routinely hold species data, such data should be collected when impacts on priority habitats or species are considered likely. Consideration should also be given to the potential

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<sup>1</sup> <https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals>

environmental value of brownfield sites, often found in urban areas and former industrial land, further information including links to the open mosaic habitats inventory can be found [here](#).

### **Ancient woodland, ancient and veteran trees**

You should consider any impacts on ancient woodland and ancient and veteran trees in line with paragraph 180 of the NPPF. Natural England maintains the Ancient Woodland [Inventory](#) which can help identify ancient woodland. Natural England and the Forestry Commission have produced [standing advice](#) for planning authorities in relation to ancient woodland and ancient and veteran trees. It should be taken into account by planning authorities when determining relevant planning applications. Natural England will only provide bespoke advice on ancient woodland, ancient and veteran trees where they form part of a Site of Special Scientific Interest or in exceptional circumstances.

### **Environmental gains**

Development should provide net gains for biodiversity in line with the NPPF paragraphs 174(d), 179 and 180. Development also provides opportunities to secure wider environmental gains, as outlined in the NPPF (paragraphs 8, 73, 104, 120, 174, 175 and 180). We advise you to follow the mitigation hierarchy as set out in paragraph 180 of the NPPF and firstly consider what existing environmental features on and around the site can be retained or enhanced or what new features could be incorporated into the development proposal. Where onsite measures are not possible, you should consider off site measures. Opportunities for enhancement might include:

- Restoring a neglected hedgerow.
- Creating a new pond as an attractive feature on the site.
- Planting trees characteristic to the local area to make a positive contribution to the local landscape.
- Using native plants in landscaping schemes for better nectar and seed sources for bees and birds.
- Incorporating swift boxes or bat boxes into the design of new buildings.
- Designing lighting to encourage wildlife.
- Adding a green roof to new buildings.

Natural England's [Biodiversity Metric 3.1](#) may be used to calculate biodiversity losses and gains for terrestrial and intertidal habitats and can be used to inform any development project. For small development sites the [Small Sites Metric](#) may be used. This is a simplified version of [Biodiversity Metric 3.1](#) and is designed for use where certain criteria are met. It is available as a beta test version.

Natural England's [Environmental Benefits from Nature tool](#) may be used to identify opportunities to enhance wider benefits from nature and to avoid and minimise any negative impacts. It is designed to work alongside [Biodiversity Metric 3.1](#) and is available as a beta test version.

### **[Green Infrastructure](#)**

Natural England's [Green Infrastructure Framework](#) provides evidence-based advice and tools on how to design, deliver and manage green infrastructure (GI). GI should create and maintain green liveable places that enable people to experience and connect with nature, and that offer everyone, wherever they live, access to good quality parks, greenspaces, recreational, walking and cycling routes that are inclusive, safe, welcoming, well-managed and accessible for all. GI provision should enhance ecological networks, support ecosystems services and connect as a living network at local, regional and national scales.

Development should be designed to meet the [15 Green Infrastructure Principles](#). The Green Infrastructure Standards can be used to inform the quality, quantity and type of green infrastructure to be provided. Major development should have a GI plan including a long-term delivery and management plan. Relevant aspects of local authority green infrastructure strategies should be delivered where appropriate.

GI mapping resources are available [here](#) and [here](#). These can be used to help assess deficiencies in greenspace provision and identify priority locations for new GI provision.

### **Access and Recreation**

Natural England encourages any proposal to incorporate measures to help improve people's access to

the natural environment. Measures such as reinstating existing footpaths together with the creation of new footpaths and bridleways should be considered. Links to urban fringe areas should also be explored to strengthen access networks, reduce fragmentation, and promote wider green infrastructure.

### **Rights of Way, Access land, Coastal access and National Trails**

Paragraphs 100 and 174 of the NPPF highlight the important of public rights of way and access. Development should consider potential impacts on access land, common land, rights of way and coastal access routes in the vicinity of the development. Consideration should also be given to the potential impacts on the any nearby National Trails. The National Trails website [www.nationaltrail.co.uk](http://www.nationaltrail.co.uk) provides information including contact details for the National Trail Officer. Appropriate mitigation measures should be incorporated for any adverse impacts.

### **Biodiversity duty**

Your authority has a [duty](#) to have regard to conserving biodiversity as part of your decision making. Conserving biodiversity can also include restoration or enhancement to a population or habitat. Further information is available [here](#).

**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:** 222394  
**SITE:** Land West of Chapel Cottage, Glewstone, Ross on Wye,  
Herefordshire, HR9 6AW  
Proposed 5 no. detached houses.  
**DESCRIPTION:**  
**GRID REFERENCE:** OS 356125, 222141

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**

APPLICATION NO: 222394  
SITE: Land West of Chapel Cottage, Glewstone, Ross on Wye, Herefordshire, HR9 6AW  
DESCRIPTION: Proposed 5 no. detached houses.  
GRID REFERENCE: OS 356125, 222141

Link to Planning Application on Herefordshire Council Website:

[https://www.herefordshire.gov.uk/info/200142/planning\\_services/planning\\_application\\_search/details?id=222394&search-term=222394](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=222394&search-term=222394)

**1.2 Description of the plan or project (details)**

Proposed erection of a five detached houses

**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:

*Required to comply with National Planning Policy Framework (2019).  
Required to comply with Herefordshire's Core Strategy 2011-2031*

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

0.5 ha

### 1.5 Surrounding land use and context in relation to designated sites

Village/rural

## **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 (C. Nikitik)

Date: 30/01/2023

### **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)?<br>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<br>All planning applications within the Wye Catchment may have an effect but these are subject to relevant HRA processes of their own. There are no specific 'in combination' planning applications immediately relevant to this case and assessment |
| 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:**

- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Foul water                | <input type="checkbox"/> Water pollution           |
| <input checked="" type="checkbox"/> Surface water             | <input type="checkbox"/> Water abstraction         |
| <input type="checkbox"/> Emissions                            | <input type="checkbox"/> recreational impacts      |
| <input type="checkbox"/> Construction or Demolition processes | <input type="checkbox"/> Protected species impacts |
| <input type="checkbox"/> Direct impacts inside SAC boundary   | <input type="checkbox"/> Other                     |

**Details of key issues**

Additional - new foul water flows  
Additional – new 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<br>Additional foul water flows with associated nutrient pathways<br>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 if not mitigated<br>Cumulative and 'in combination' with other developments within the SAC catchment.   |
| Are the effects, either alone, in combination, or both, likely to be significant?  | YES – if not mitigated<br>If not mitigated 'alone' then 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<br>General binding rules, building regulations   |
| Is any <u>further information and/ or mitigation required</u> ( <i>Regulation 63(2)</i> ) to inform the Appropriate Assessment?  | NO  |

### Summary of LSE test conclusions:

**Likely significant effects – Appropriate Assessment required**

### Stage 2: Appropriate Assessment

Completed by:

Ecology (C. Nikitik)

Date: 30/01/2023

### 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<br>potential effects on qualifying habitats and species as identified in Table 3 |
| Alterations to natural progression or other changes within the site   | YES<br>potential effects on qualifying habitats and species as identified in Table 3 |
| Loss of key habitat/ species features.<br>Fragmentation or isolation of key species and habitats.<br>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<br>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<br>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<br>potential effects on qualifying habitats and species as identified in Table 3 |

### Mitigation Requirements and Outcomes of these

|  |
|--|
| Notes in respect of River Wye SAC HRA  |
| The proposal is for FIVE new residential dwelling with associated new foul water flows (nutrient pathways) |

The Surface Water Management Plan and Foul Water Strategy Ref by FS003 by Townsend Water Engineering dated June 2022 refers.

The site is located in the 'English' lower Wye catchment of the River Wye SAC.

Natural England have not currently advised the LPA that the 'English' Lower Wye SAC catchment is failing its conservation status

- The applicant has indicated that **foul water** will be managed by connection to the mains sewer.
- DCWW has raised no objection to this proposal.
- The applicant has confirmed that all **surface water** resulting from the proposed development can be managed 'on-site' through an appropriate Sustainable Drainage Scheme and local infiltration.
- Percolation and infiltration test results indicate that the ground conditions are acceptable for infiltration and soakaways
- The LPA has no reason to consider that this surface water management scheme cannot be achieved at this location.

### 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 and surface water management**

All foul water will be managed by connection to the local mains sewer and all additional surface water shall be managed by appropriate onsite infiltration-soakaway systems; unless otherwise agreed in writing by the Local Planning Authority.

Reason: In order to comply with Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended) National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, SD3, SD4 and LD2