

From: Bisset, James <jbisset@herefordshire.gov.uk>
Sent: 02 December 2021 12:36
To: Rowles, Simon <Simon.Rowles2@herefordshire.gov.uk>
Subject: 213319 Pen Moor, St Weonards

Simon,

The application site lies within the catchment of the River Wye SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under 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') as being of international importance for its aquatic flora and fauna; and within the 10km buffer for air emission effects on the Wye Valley Woodlands SAC (designated for woodland habitats and associated flora and fauna)

Permission can only be granted if there is scientific certainty that no unmitigated phosphate pathways exist and that the HRA process can confirm 'no adverse effect on the integrity' of the identified SACs.

The required HRA process triggered by this planning application lies as a legal process above any grant offers and farm incentives that the applicant may be eligible for.

The HRA process must be completed on a precautionary basis and with scientific and legal certainty 'beyond doubt'.

The following additional information to provide required legal and scientific certainty to enable the HRA process to be progressed by the LPA is requested. Additional 'follow-up' information may then still be required to allow the HRA process to be finalised.

- Written confirmation that the proposed development is not legally required to support any existing numbers of livestock held on the holding.
- Written confirmation that the proposed development is not required to support any planned or proposed intensification (increase) in any livestock numbers being held on the holding.
- Written confirmation that the proposed manure store will not increase the volume of manure (or any other source of Nitrogen based air emissions) held at this specific location (potential increase in point source air emissions)

If any question above is answered "YES" then further additional information must also be supplied:

- Detailed scheme to clearly demonstrate that no manure, nutrient material or 'dirty water' from the new impermeable base surface created by the development during its operation has any potential pathways to enter River Wye SAC catchment. The scheme should provide certainty as to how such materials and run-off with any potential contaminants or pollutants (eg oils from machinery) will be managed for the lifetime of the development.
- A detailed manure management – Nutrient Neutrality scheme to clearly demonstrate that the maximum potential (precautionary approach) manure and nutrients created can be managed for the lifetime of the development and Nutrient Neutrality can be secured.

- A detailed Air Emissions assessment in respect of nitrogen based deposition of air emissions on the Wye Valley Woodlands SAC. If identified deposition is greater than 1% of critical load further detailed assessment should be completed and an 'in combination' assessment process is triggered to consider all potential/actual air emissions from any development or operations within 10km that is not already considered in the APIS background deposition data.
- If the air emission assessment identifies ANY increase on deposition for a SAC (or SSSI) site already identified as 'failing' due to exceedance of deposition levels a scientifically demonstrated mitigation scheme to ensure air emission deposition neutrality can be achieved must be supplied for consideration.

Once the additional information such as to demonstrate complete nutrient neutrality within the relevant SACs the LPA can look to progress the required HRA process. Any required 'full' appropriate assessment will require a formal 'no objection' consultation response from Natural England PRIOR to any grant of planning consent.

The LPA as the competent authority is at this time and based on supplied information only able to conclude that there would be an adverse effect of the integrity of the River Wye SAC and Wye Valley Woodlands SAC.

At this time there is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 (SS1, SS6 and LD2 also apply); 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'); NPPF; Wildlife & Countryside Act (1981 amended) and NERC Act considerations.

James

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