

# Habitats Regulations Assessment



## Brilley Neighbourhood Area

April 2016

# Brilley HRA

## HRA Screening Assessment

### Contents

**1 Introduction**

Map of the Neighbourhood Area with European sites shown

**2 The requirement to undertake Habitats Regulations Assessment of Neighbourhood Plans**

**3 Methodology**

**4 Results of the Initial Screening Report and options**

**5 Description of the Brilley Neighbourhood Plan**

**6 Identification of other plans and projects which may have 'in-combination' effects**

**7 Assessment of the 'likely significant effects' of the Brilley Plan NDP**

Table 1 - Colour coding key for Matrix

**8 Conclusions from the Screening Matrix**

**Appendix 1** – List of options assessed

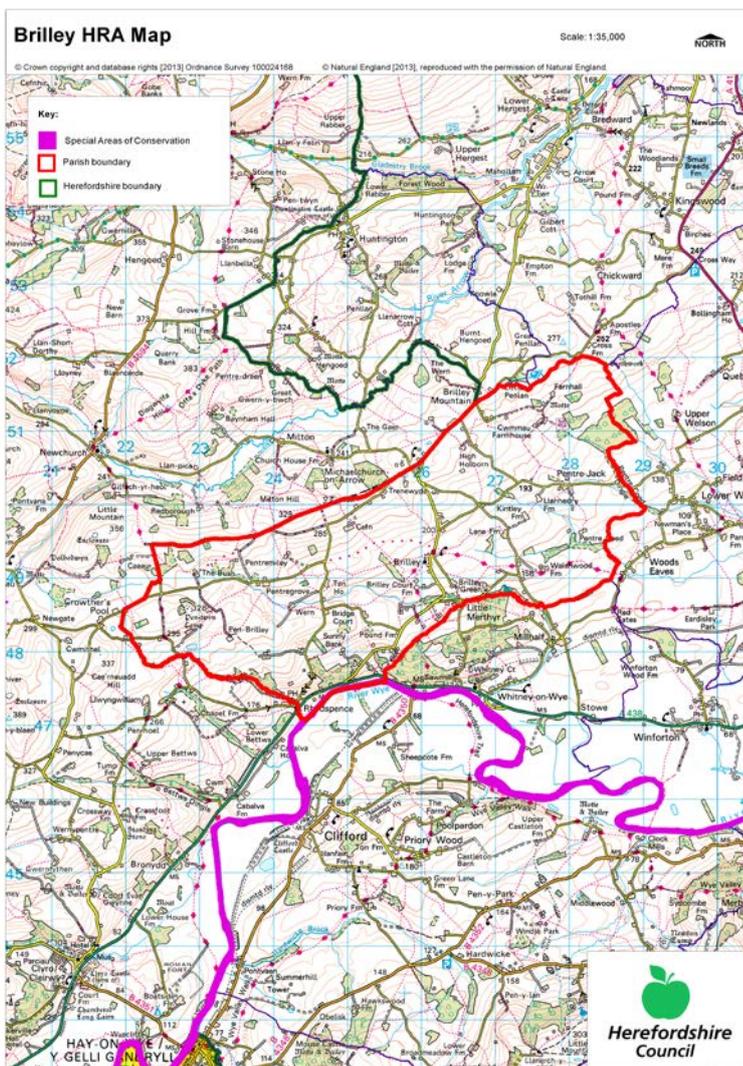
**Appendix 2** – Options assessment matrix

**Appendix 3** – Full Screening Matrix

**Appendix 4** – Initial Screening Report (2014)

# 1 Introduction

- 1.1 This Screening Assessment relates to a Neighbourhood Development Plan that is considered to be in general conformity with higher level strategic plans, such as the Herefordshire Core Strategy and the National planning Policy Framework. The screening stage involves assessing broadly whether the Draft Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Brilley Parish Council is producing a Neighbourhood Development Plan for Brilley Parish, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the Draft Brilley Plan March 2016.
- 1.3 The NDP is criteria based and site based, the plan allocates two sites for up to 9 dwellings. It provides general policies that clarify and provide detail to the policies within the Herefordshire Core Strategy therefore it requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Herefordshire Core Strategy. This high level screening assessment should be read in combination with the Herefordshire Pre-submission publication of the Local Plan-Core Strategy Habitat Regulations Assessment Report (April 2014) and ensures that there will not be any significant impacts upon Natura 2000 sites.
- 1.4 The map below shows Brilley Neighbourhood Area with the European Site highlighted.



## 2 The requirement to undertake Habitats Regulations Assessment of neighbourhood plans

- 2.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the "Habitats Regulations" published for England and Wales in July 2007 and updated in 2013. Therefore, when preparing its NDP, Brilley Parish Council is required by law to carry out an assessment known as "Habitats Regulations Assessment". It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.
- 2.2 Article 6(3) of the EU Habitats Directive provides that:  
*Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*
- 2.3 HRA is an impact-led assessment and refers to the assessment of the potential effects of a neighbourhood plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- **SPAs** are classified under the European Council Directive 'on the conservation of wild birds' (79/409/EEC; 'Birds Directive') for the protection of **wild birds and their habitats** (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
  - **SACs** are designated under the Habitats Directive and target **particular habitats** (Annex 1) and/or species (Annex II) identified as being of European importance.
- 2.4 For ease of reference during HRA, general practice has been that these three designations are collectively referred to as either **Natura 2000** or **European sites**. This means that a Screening Assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans or projects to identify if any significant effect is likely for any European Site.

## 2 Methodology

- 3.1 As the Brilley Plan is not directly connected with the management of any European sites, and includes proposals for development which may affect European sites, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant effects on European sites.
- 3.2 The HRA of neighbourhood plans is undertaken in stages and should conclude whether or not a proposal or policy in a neighbourhood plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated) and are measured with reference to the conservation objectives for those qualifying features as defined by Natural England.
- 3.3 The first process is to undertake an initial screening report to determine the need to undertake the requirement for a HRA, this initial screening identifies whether the Plan could impact upon any European site that could be within the Neighbourhood Area or nearby.
- 3.4 If a European Site is within the Neighbourhood Area or the Neighbourhood Area could impact upon a European site then this will need to be taken into account and a full screening assessment will need to be undertaken.

- 3.5 The full screening stage consists of a description of the plan, identification of potential effects on European Sites, assessing the effects on European Sites (taking into account potential mitigation provided by other policies in the plan). For Neighbourhood Plans the outcome should demonstrate there are no likely effects upon the European sites. If any likely effects occur then there will need to be amendments to the NDP made and be re-screened until all likely effects have been mitigated.

#### **4 Results of the Initial Screening Report and options**

- 4.1 The initial Screening report (May 2014) found that the River Wye SAC is located to the south of the Neighbourhood Area and therefore a full screening assessment is required.
- 4.2 For full details of the River Wye's attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Brilley Plan Initial Screening Report. The Initial Screening Report, May 2014, can be found in Appendix 4 of this HRA report. This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Brilley Neighbourhood Plan may affect site integrity.
- 4.3 The initial options for the NDP were assessed to determine their environmental impact that could affect the River Wye SAC. Overall the majority of the options proposing any growth appear to depend on location and scale in relation to environmental impact. However the options listed are all on a small scale and are unlikely to have a significant impact on the SAC.
- 4.4 As Brilley progresses from options onto their NDP policies, the Plan will need to identify ways in which the least effect on the River Wye SAC could be achieved, alongside taking forward the preferred options from the consultation from the community. If a majority of these options are taken forward either as standalone policies or in combination with other policies then the mitigation from these options will help to counter balance the effect of all new development within the Parish. A list of the options assessed can be found in Appendix 1, and the Assessment matrix for the options can be found Appendix 2.
- 4.5 Three site options have been considered to allocate proportion growth housing. Two of which have been selected to provide housing for up to 9 dwellings. Site 1 will accommodate up to five dwellings and site two will accommodate up to four dwellings. This is in line with the core strategy target of 16 dwellings to be provided in the plan period 2011-2031. The remaining 7 dwellings target will be met from windfall development. Both of the sites have been screened and concluded that no sites will have a significant impact on the River Wye SAC.

#### **5 Description of the Brilley Neighbourhood Plan**

- 5.1 The Draft Brilley Plan presents detailed policies for development in the Neighbourhood Area, which is equivalent to the parish boundary, up to 2031. The first part of the Plan introduces the Plan and its preparation and discusses the background to each of the villages.
- 5.2 The NDP then details the vision for the Parish over the Plan period and five objectives of how this will be achieved. The objectives cover the following topics:

**Proportionate housing growth**  
**Green space protection**  
**Protection of built and natural**  
**Environment-transport and communications**  
**Support local employment**

5.3 The NDP also sets out 14 general policies on various topics based on the objective headings above and also for the village, these include:

- Sustainable development**
- Protection of local community facilities**
- Protection of Local Green Spaces**
- Scale and Type of housing development**
- Range tenures types and sizes of houses**
- Design Principles**
- Landscape Character**
- Light Pollution**
- Development of Communications Infrastructure**
- Traffic Management**
- Transport Improvements**
- Public rights of way**
- Local employment**
- Tourism development**

**6 Identification of other plans and projects which may have ‘in-combination’ effects**

6.1 Regulation 102 of the Habitats Regulations 2010 requires an appropriate assessment where a land use plan (not directly connected with or necessary to the management of the site) is likely to have a significant effect on a European site, either alone or in combination with other plans or projects. In addition, in accordance with the Neighbourhood Planning Regulation 2012 a NDP cannot have a significant effect on any European Site whether alone or in combination with another Plan.

6.2 There are a number of potentially relevant plans and projects which may result in in-combination effects with the Core Strategy across Herefordshire, these plans have been reviewed and can be found in Appendix 2 of the pre-submission publication of the Herefordshire Local Plan – Core Strategy Habitats Regulations Assessment (May 2014). It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy this review will also be substantial for the NDP.

6.3 The HRA for the Core Strategy also identifies that both the Water Cycle Study for Herefordshire, which indicates the potential for planned water abstraction requirements combined with pressures on European Sites from the Core Strategy policies, and the work on the Nutrient Management Plan, to ensure the favourable conservation status of the SAC in respect of phosphate levels as soon as possible and at the latest by 2027, have both been considered as part of the in-combination assessment.

**7 Assessment of the ‘likely significant effects’ of the Brilley Plan NDP**

7.1 As required under Regulation 102 of the Habitats Regulations 2010, a screening assessment has been undertaken to identify the ‘likely significant effects’ of the NDP. A screening matrix was prepared in order to identify whether any of the policies in the Plan would be likely to have a significant effect on the River Wye SAC.

7.2 The findings of the screening matrix can be found in the Screening Matrix in Appendix 3 of this report. Colour coding was used to record the likely impacts of the policies on the European site and its qualifying habitats and species as shown in the table 1 below.

Red	There are likely to be significant effects
Green	Significant effects are unlikely

7.3 The Screening matrix took the approach of screening each policy individually, which is consistent with current guidance documents. The results from the HRA report for the adopted Herefordshire Core Strategy were also taken into consideration.

- 7.4 Mitigation of some of the identified potential effects could be achieved through implementation of the other policies within the NDP which require good practice measures during and after construction phases, such as more efficient use of water, reduction in waste and encouragement of recycling. The provision and encouragement of use of more sustainable transport measures when improving the transport infrastructure, will also help to reduce car traffic around the parish and surrounding areas.

## **8 Conclusions from the Screening Matrix**

- 8.1 In conclusion none of the Draft Brilley Plan (March 2016) policies or sites allocated were likely to have a significant effect on the River Wye SAC. Based on assumptions and information contained within the Brilley Plan, Herefordshire Core Strategy and the adopted version of the HRA for the Core Strategy all of the NDP policies were found to be unlikely to result in significant effects on the River Wye SAC.
- 8.2 In many cases this is because the policy itself would not result in development, i.e., it related instead to criteria for development. In a number of cases the policies also included measures to help support the natural environment, including biodiversity and therefore no significant effect conclusion could be reached. In addition, these policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 8.3 The plan is criteria based, along with allocated two sites for development and a two settlement boundary north and south of Brilley settlement. Site one located in the southern settlement boundary has been screened and no significant effects towards the River Wye SAC have been found. This is down to the small scale and location of the proposed development, the same applies for Site 2 in the northern boundary.
- 8.4 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is sufficient existing permitted headroom in the Sewerage Treatment works serving the Kington area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. In addition, the preparation of the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 8.5 It is unlikely that the Brilley Plan will have any in-combination effects with any Plans from neighbouring parish councils as the level of growth proposed is the same as that proposed for the Housing Market Area in the Herefordshire Core Strategy and all of the proposed housing sites will be of a small scale.
- 8.6 It is therefore concluded that the Brilley Plan will not have a likely significant effect on the River Wye SAC.
- 8.7 Any further amendments to policies (post March 2016) will be rescreened if required and an addendum to this report will be produced.

# Appendix 1

Appendix 1

Brilley NDP Options

<b>Brilley NDP Options</b>
Option 1-4 houses to be built by 2031
Option 2-8 houses to be built by 2031
Option 3-1-2 houses should be built per development
Option 4- up to 4 houses should be built per development
Option 5- Development should be within the main settlement area
Option 6- Development should be within the whole parish
Option 7- One storey development should be built
Option 8- Two story development should be built
Option 9- There should be no preference into what type of property should be built

Brilley Site options

Site 1- Site off Pentre Lane
Site 2- Site opposite Brunley Close
Site 3-Site at Forge field

# Appendix 2

## Table 1: HRA Screening of Emerging Neighbourhood Development Plan Options

Parish Council Name: Brilley

NDP Title: Brilley Neighbourhood Development Plan

Date undertaken: March 2016

Core Strategy HRA version: Adopted Core Strategy version

NDP Options	HRA Screening of Emerging NDP objectives, options and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites? (Yes/No, with reasons)  <i>(If no, progress on to next objective/option/policy. If yes, progress on to next set of columns in row)</i>	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/option/policy and to be considered as part of Appropriate Assessment	If recommendations are implemented, would it be possible that it would result in no LSE? (Yes/No with reasons)
Option 1-4 houses to be built by 2031	Potential increase in car use/ parking and congestion. Increased demand in water treatment and abstraction. Increased recreation activities.  Small amount of Erosion/ trampling.	No. Due to the small scale of development proposed, it is unlikely to have a significant environment impact on the SAC.	Potential effect if development is located in the far south of the parish then this could possibly have a detrimental impact on the River Wye SAC.	Good practice in construction techniques may mitigate potential adverse effects.  Improved water efficiency measures metering and addressing leakages in the supply as a result of new	No. The proposed scale and extent of such development is unlikely to be significant

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	<p>Small amount of Non-physical disturbance, noise vibration.</p> <p>Small amount of Light and air pollution.</p>			<p>development.</p> <p>Development could include sustainable transport incentives such as cycling, bus pass, and car sharing schemes</p>	
Option 2-8 houses to be built by 2031	<p>Potential increase in car use/ parking and congestion. Increased demand in water treatment and abstraction. Increased recreation activities.</p> <p>Small amount of Erosion/ trampling.</p> <p>Small amount of Non-physical disturbance, noise vibration.</p> <p>Small amount of Light and air pollution.</p>	No. Due to the small scale of development proposed, it is unlikely to have a significant environment impact on the SAC.	Potential effect if development is located in the far south of the parish then this could possibly have a detrimental impact on the River Wye SAC.	<p>Good practice in construction techniques may mitigate potential adverse effects.</p> <p>Improved water efficiency measures metering and addressing leakages in the supply as a result of new development.</p> <p>Development could include sustainable transport incentives such as cycling, bus pass, and car sharing schemes</p>	No. Scale and extent of such development is unlikely to be significant.
Option 3-1-2 houses should be built per development	<p>Potential increase in car use/ parking and congestion. Increased demand in water treatment and abstraction. Increased recreation activities.</p> <p>Small amount of Erosion/ trampling.</p>	No. Due to the small scale of development proposed, it is unlikely to have a significant environment impact on the SAC.	Potential effect if development is located in the far south of the parish then this could possibly have a detrimental impact on the River Wye SAC.	<p>Good practice in construction techniques may mitigate potential adverse effects.</p> <p>Improved water efficiency measures metering and addressing leakages in the supply as a result of new</p>	No. The proposed scale and extent of such development is unlikely to be significant.

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	<p>Small amount of Non-physical disturbance, noise vibration.</p> <p>Small amount of Light and air pollution.</p> <p>Erosion/ trampling</p> <p>Non-physical disturbance, noise vibration.</p> <p>Light and air pollution</p>			<p>development.</p> <p>Development could include sustainable transport incentives such as cycling, bus pass, and car sharing schemes</p>	
Option 4- up to 4 houses should be built per development	<p>Potential increase in car use/ parking and congestion. Increased demand in water treatment and abstraction. Increased recreation activities.</p> <p>Small amount of Erosion/ trampling.</p> <p>Small amount of Non-physical disturbance, noise vibration.</p> <p>Small amount of Light and air pollution.</p>	No. Due to the small scale of development proposed, it is unlikely to have a significant environment impact on the SAC.	Potential effect if development is located in the far south of the parish then this could possibly have a detrimental impact on the River Wye SAC.	<p>Good practice in construction techniques may mitigate potential adverse effects.</p> <p>Improved water efficiency measures metering and addressing leakages in the supply as a result of new development.</p> <p>Development could include sustainable transport incentives such as cycling, bus pass, and car sharing schemes</p>	No. The proposed scale and extent of such development is unlikely to be significant.
Option 5- Development should be within the	Potential increase in car use/ parking and	Unlikely as the main settlement of Brilley is	River Wye SAC.	Impact towards the River Wye SAC is dependent	

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main settlement area	<p>congestion. Increased demand in water treatment and abstraction.</p> <p>Physical disturbance damage</p> <p>Erosion/ trampling</p> <p>Light and air pollution</p> <p>Slight increase in traffic levels</p> <p>Physical disturbance</p> <p>Non physical such as noise and light pollution</p> <p>Interruption to hydrological Regimes</p> <p>Air pollution</p>	located .		<p>on scale and location. Locating sites closer to the settlement is coherent with sustainable development policies and is more likely to has a lesser impact on the surrounding environment as development is contained.</p>	
Option 6- Development should be within the whole parish	<p>Potential increase in car use/ parking and congestion. Increased demand in water treatment and abstraction.</p> <p>Physical disturbance damage</p>		<p>Potential effect if development is located in the far south of the parish then this could possibly have a detrimental impact on the River Wye SAC.</p>	<p>Impact is uncertain. Clarification of site and scale of development is required in order to access impact on the SAC.</p>	<p>Yes. The proposal to have development throughout the parish has the potential to have an impact on the River Wye SAC. This can be further clarified at planning application stage.</p>

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	<p>Erosion/ trampling</p> <p>Light and air pollution</p> <p>Slight increase in traffic levels</p> <p>Physical disturbance</p> <p>Non physical such as noise and light pollution</p> <p>Interruption to hydrological Regimes</p> <p>Air pollution</p>				
Option 7- One storey development should be built	Housing development limited to one storey.	No	N/A	N/A	No. The proposed scale and extent of developments are unlikely to be significant. No this option is unlikely to have any impact on the SAC.
Option 8- Two story development should be built	Housing development limited to two storeys.	No	N/A	N/A	No. The proposed scale and extent of developments are unlikely to be significant. No this option is unlikely to

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					have any impact on the SAC.
Site Option 3 Forge Field	<p>Scale of site is modest.</p> <p>The existing land use is agricultural grade 3 and 4 land. (Good to poor).</p> <p>Slight increase in traffic levels</p> <p>Physical disturbance</p> <p>Non physical such as noise and light pollution</p> <p>Interruption to hydrological Regimes</p> <p>Air pollution</p>	No	River Wye (including the River	<p>Impact is uncertain. Clarification of site and scale of development is required in order to access impact on the SAC. Ensure sustainable transport measures are considered within the application. Good practice techniques for construction may help to eliminate disturbance during construction phases.</p> <p>Ensure future policy balances out the scale of promoted schemes and avoid the location to close to the River Wye SAC or its tributaries.</p>	<p>No. It is unlikely that the site selected would have a significant impact on the River Wye SAC. Partly due to the site's proximity to the River Wye SAC and also there are safeguards in place to mitigate potential impact caused by development.</p> <p>]</p>

# Appendix 3

Table 1a: HRA Screening of Neighbourhood Development Plan Proposed Site Allocations

Parish Council Name: Brilley

NDP Title: Brilley NDP

Date undertaken: March 2016

Core Strategy HRA version: Adopted Core Strategy version

Proposed Site Allocations	Characteristics of development, such as size <i>(Use the SEA Criteria in Appendix 2 point 1 of the internal user guide)</i>	Location of proposed site allocation  (Use the SEA Criteria in Appendix 2 point 2 of the internal user guide)	HRA Screening of NDP Proposed Site Allocations			
			European Sites potentially affected  (Refer to Initial Screening)	Likely effect if proposed site allocation is developed. Could the site result in LSE on European Sites? (Yes/No, with reasons)	Mitigation measures to be considered to avoid any impacts	If recommendations are implemented, would it be possible that it would result in no likely significant effect?  (Yes/No with reasons)
<p>Site 1</p> <p>Land off Pentre Lane</p>	<p>The size of development would yield around 4 dwellings.</p> <p>The construction and occupancy of 4 new houses will involve use of timber, aggregates, metals and plastics. There would also be increased demand for water abstraction and sewage treatment.</p> <p>Construction waste will involve mainly inert and</p>	<p>The existing land use is agricultural grade 3 and 4 land. (Good to poor).</p>	<p>River Wye SAC (Including the river Lugg)</p>	<p>No: the scale of development proposed would not give rise to likely significant effects. The development would not be located in close proximity along the River Wye.</p>	<p>There are sufficient safeguards within other policies to avoid any adverse impacts.</p> <p>Ensure sustainable transport measures are considered within the application. Good practice techniques for construction may help to eliminate disturbance during construction</p>	<p>No: the latest iteration of the HRA for the Local Plan (Core Strategy) confirms that NMP can mitigate the effects of 5,300 dwellings in rural areas and the proposed site allocation, in combination with the others, will not exceed the proportional growth target for the settlement.</p> <p>There are sufficient safeguards within other</p>

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	<p>managed materials such as timber, aggregates, metals, bricks/blocks and plastics.</p> <p>Occupancy waste will generate mainly managed general rubbish for landfill, recyclates and sewerage; Pollution and nuisances: mainly from increased traffic, a potential exists from sewage arising.</p> <p>Housing will lead to increase in noise and light pollution than exists at present; The risk of accidents; as development is residential there are no large quantities of hazardous substances or technologies involved.</p>				<p>phases.</p> <p>Ensure future policy balances out the scale of promoted schemes and avoid the location to close to the River Wye SAC or its tributaries.</p>	<p>policies to avoid any adverse impacts. In any event, the 2015 HRA Report confirms that the roll out of the NMP would continue to mitigate the effects of Policy RA2 of the Local Plan (Core Strategy), a policy upon which the proposed allocation of this site for housing is predicated. This site has been identified in direct response to the proportional growth target within that policy and its development, either in isolation or in tandem with the other proposed site allocations, would not exceed the Local Plan's requirements.</p>
<p>Site 2</p> <p>Land opposite Brunley Close</p>	<p>The size of development would yield around 5 dwellings.</p> <p>The construction and occupancy of 5 new houses will involve use of timber, aggregates, metals and plastics. There would also be increased demand for</p>	<p>The existing land use is agricultural grade 3 and 4 land. (Good to poor).</p>	<p>River Wye SAC</p> <p>(Including the river Lugg)</p>	<p>No: the scale of development proposed would not give rise to likely significant effects.</p>	<p>There are sufficient safeguards within other policies to avoid any adverse impacts.</p> <p>Ensure sustainable transport measures are considered within the application. Good</p>	<p>No: the latest iteration of the HRA for the Local Plan (Core Strategy) confirms that NMP can mitigate the effects of 5,300 dwellings in rural areas and the proposed site allocation, in combination with the others, will not exceed the proportional growth</p>

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	<p>water abstraction and sewage treatment.</p> <p>Construction waste will involve mainly inert and managed materials such as timber, aggregates, metals, bricks/blocks and plastics.</p> <p>Occupancy waste will generate mainly managed general rubbish for landfill, recyclates and sewerage; Pollution and nuisances: mainly from increased traffic, a potential exists from sewage arising.</p> <p>Housing will lead to increase in noise and light pollution than exists at present; The risk of accidents; as development is residential there are no large quantities of hazardous substances or technologies involved.</p>				<p>practice techniques for construction may help to eliminate disturbance during construction phases.</p> <p>Ensure future policy balances out the scale of promoted schemes and avoid the location to close to the River Wye SAC or its tributaries.</p>	<p>target for the settlement. There are sufficient safeguards within other policies to avoid any adverse impacts.</p> <p>In any event, the 2015 HRA Report confirms that the roll out of the NMP would continue to mitigate the effects of Policy RA2 of the Local Plan (Core Strategy), a policy upon which the proposed allocation of this site for housing is predicated.</p> <p>This site has been identified in direct response to the proportional growth target within that policy and its development, either in isolation or in tandem with the other proposed site allocations, would not exceed the Local Plan's requirements.</p>
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Appendix 3

**Table 1: HRA Screening of Emerging Neighbourhood Development Plan Objectives and Policies**

Parish Council Name: Brilley Group

NDP Title: Brilley Draft Plan

Date undertaken: March 2016

Core Strategy HRA version: Adopted Core Strategy version

NDP objectives, options policies	HRA Screening of Emerging NDP objectives, options and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if objective/option/policy implemented. Could they have Likely Significant Effects (LSE) on European Sites? (Yes/No, with reasons)  <i>(If no, progress on to next objective/option/policy. If yes, progress on to next set of columns in row)</i>	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/policy and to be considered as part of Appropriate Assessment	Could the policy have likely significant effects on European sites (taking mitigation into account?)
<b>Objective 1-</b> To ensure that the community facilities and green spaces of Brilley are protected for future generations.	Increase in recreation activities	May be physical damage from erosion and trampling of green space. No likely significant effect on the River Wye SAC	River Wye SAC	Measures included in the Core Strategy OS1-OS3 may help relieve any potential increase in pressure for recreation space if properly implemented.	No. This is highly unlikely to have a significant effect on the River Wye SAC. This objective will safeguard green space and ensure community facilities are protected.

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### Appendix 3

<p><b>Objective 2-</b>To promote a level of housing growth that is proportionate to the size and scale of Brilley so that it remains a rural village. A suitable range of properties should be provided so that local people of all ages can continue to live in the parish, families are attracted to the area and local housing needs are met.</p>	<p>Housing development Increased vehicle traffic Increased demand for water abstraction and sewage treatment Sustainable housing growth</p>	<p>Uncertain as to the impact upon the River Wye SAC depending upon location of development</p>	<p>River Wye SAC</p>	<p>The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.</p> <p>Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new development.</p> <p>Good practice measures are implemented during and after construction phase ensuring there is minimal noise and vibration.</p>	<p>No. This policy ensures the number of houses to be developed within the villages over the Plan period to be in proportion in size and scale.</p>
<p><b>Objective 3-</b>Ensure that the natural and built environment of the parish is protected and enhanced for future generations through suitably designed and sustainable development and by protecting key</p>	<p>Promoting measures to ensure the historic, cultural and ecological heritage of the Parish remains or is enhanced.</p>	<p>No likely significant effect on the River Wye SAC</p>	<p>N/A</p>	<p>N/A</p>	<p>No. This objective will not lead to development itself but will seek to improve the historic environment that currently exists within the Neighbourhood area.</p>

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### Appendix 3

environmental and heritage assets.					
<b>Objective 4-</b> To vigorously encourage the appropriate improvements in transport & communications infrastructure to support present demand and future growth in Brilley.	Development of transport infrastructure  Promote improvement of communications for all members of the community	No likely significant effect on the River Wye SAC	N/A	Ensure sustainable transport measures are considered in developing transport infrastructure.	No. This objective could result in transport development infrastructure but more as a means of traffic management. Also to enhance the facilities that are currently in existence and to ensure there are sustainable transport routes in place.
<b>Objective 5-</b> To support existing employment in the parish and encourage new employment and tourism opportunities, including working from home, while ensuring current, new or expanded businesses within the area do not have an adverse impact on the environment or residential amenity.	Potentially increase use on public transport and public car use.	No likely significant effect on the River Wye SAC	N/A	Ensure sustainable transport measures are considered and public transport measures are considered to support tourism opportunities.	No. This objective will not seek to provide development but ensure new employment and tourism opportunities are supported and do not have a detrimental impact on the environment.

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<b>Policy-BR1-</b> Protection of Local Community Facilities	Protect existing community facilities	No likely significant effect on the River Wye SAC	N/A	N/A	No. This policy will not lead to development but ensures local community facilities are protected.
<b>Policy-BR2-</b> Protection of Local Green Spaces.	Protection of green space	No likely significant effect on the River Wye SAC	N/A	N/A	No. This policy will not lead to development but will ensure local green spaces are protected. This policy could help to provide mitigation against the potential of other NDP policies, potentially conserving and enhancing local biodiversity.
<b>Policy-BR3-</b> Scale and Type of New Housing development in the Parish of Brilley	Ensuring that any new housing development is fitting with its context and does not impact upon the character of the village	No likely significant effect on the River Wye SAC	N/A	Good practice measures are implemented during and after construction phase ensuring there is minimal noise and vibration.	No. This policy will not lead to development; rather it aims to ensure that new development is in keeping with the local character of the village.
<b>Policy-BR4-</b> Ensuring an appropriate range of tenures, types and sizes of houses.	Ensuring that any new housing development contributes to mixed developed in relation to local housing needs.	No likely significant effect on the River Wye SAC	N/A	N/A	No. This policy will ensure there is a range of tenures, types and sizes of houses provided within new development.

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<b>Policy-BR5-General Design Principles.</b>	N/A	No likely significant effect on the River Wye SAC	N/A	N/A	No. This policy is not likely to lead to development but rather it aims to provide design guidelines for new development.
<b>Policy-BR6-Landscape Character</b>	N/A	No likely significant effect on the River Wye SAC	N/A	N/A	No. This policy is not likely to lead to development but rather it aims to provide guidelines for potential development in order to protect the local landscape character.
<b>Policy-BR7-Dark Skies</b>	Reduction of outdoor lighting	No Likely Significant effect on the River Wye SAC	N/A	N/A	No. This policy will not lead to new development; but rather it will ensure that any new development has no or little impact upon light pollution.
<b>Policy-BR8-Supporting Development of Communications</b>	Development of social and community facilities and infrastructure  Strengthen broadband	No likely significant effect on the River Wye SAC	N/A	Good practice measures are implemented during and after construction phase ensuring there is	No. This objective is not likely to lead to development but ensure

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### Appendix 3

Infrastructure	<p>infrastructure</p> <p>Reduction in car usage</p> <p>Small reduction in air pollution</p>			minimal noise and vibration.	communications infrastructure is strengthened for community use. Faster broadband speeds may provide work from home opportunities, thereby reducing the need to travel.
<b>Policy-BR9</b> -Traffic management	Improvement of road safety	No likely significant effect on the River Wye SAC	N/A	N/A	No. This objective will not lead to development itself but will look to ease the pressures between the community and transport through the Parish.
<b>Policy- BR10</b> -Transport Improvements	<p>Development of transport infrastructure</p> <p>Traffic Calming measures</p>	No likely significant effect on the River Wye SAC	N/A	Ensure sustainable transport measures are considered during the construction phases of the development.	No. This policy will lead to new traffic development, and specifically aims to improve road safety and introduce traffic calming within
<b>Policy-BR11</b> -Public rights of way/ connectivity	<p>New public rights of way created.</p> <p>Provision of landscaping and planting.</p>	No likely significant effect on the River Wye SAC	N/A	N/A	No. The policy may help mitigate other policies in place it aims to promote and boost biodiversity by linking wildlife corridors.

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<p><b>Policy-BR12-</b> Supporting and enhancing existing local employment.</p>	<p>Job creation  Potential increase in transport.</p>	<p>No significant effect upon the River Wye</p>	<p>N/A</p>	<p>Increase in transport is likely to be mitigated by BR9 and B910.</p>	<p>No. The policy will not itself lead to development, but promote economy and job growth. This may increase traffic but this is mitigated by other NDP policies.</p>
<p><b>Policy- BR13-</b>New local employment opportunities</p>	<p>Job creation</p>	<p>No significant effect upon the River Wye</p>	<p>N/A</p>	<p>N/A</p>	<p>No. The policy ensures there are local employment opportunities providing they do not have a detrimental impact to the surrounding context.</p>
<p><b>Policy-BR14-</b>Tourism development</p>	<p>New development for tourist accommodation.  Potential increase in transport usage.</p>	<p>No significant effect upon the River Wye</p>	<p>N/A</p>	<p>This policy ensures there is a justified need for proposed development and ensures there is no detrimental impact on the surrounding and environment</p>	<p>No. This policy encourages tourism development. This policy criteria safeguards against detrimental environmental effects. Policies BR9 and BR10 will also mitigate the impact of development.</p>

# Appendix 4

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**Initial Habitat Regulations Assessment and Strategic Environmental  
Assessment Screening Notification**

**The Neighbourhood Planning (General) Regulation 2012 (Reg. 32)  
Conservation of Habitats and Species Regulations 2010 (d)**

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<b>Neighbourhood Area:</b>	Brilley Neighbourhood Area
<b>Parish Council:</b>	Brilley Parish Council
<b>Neighbourhood Area Designation Date:</b>	14/05/2014

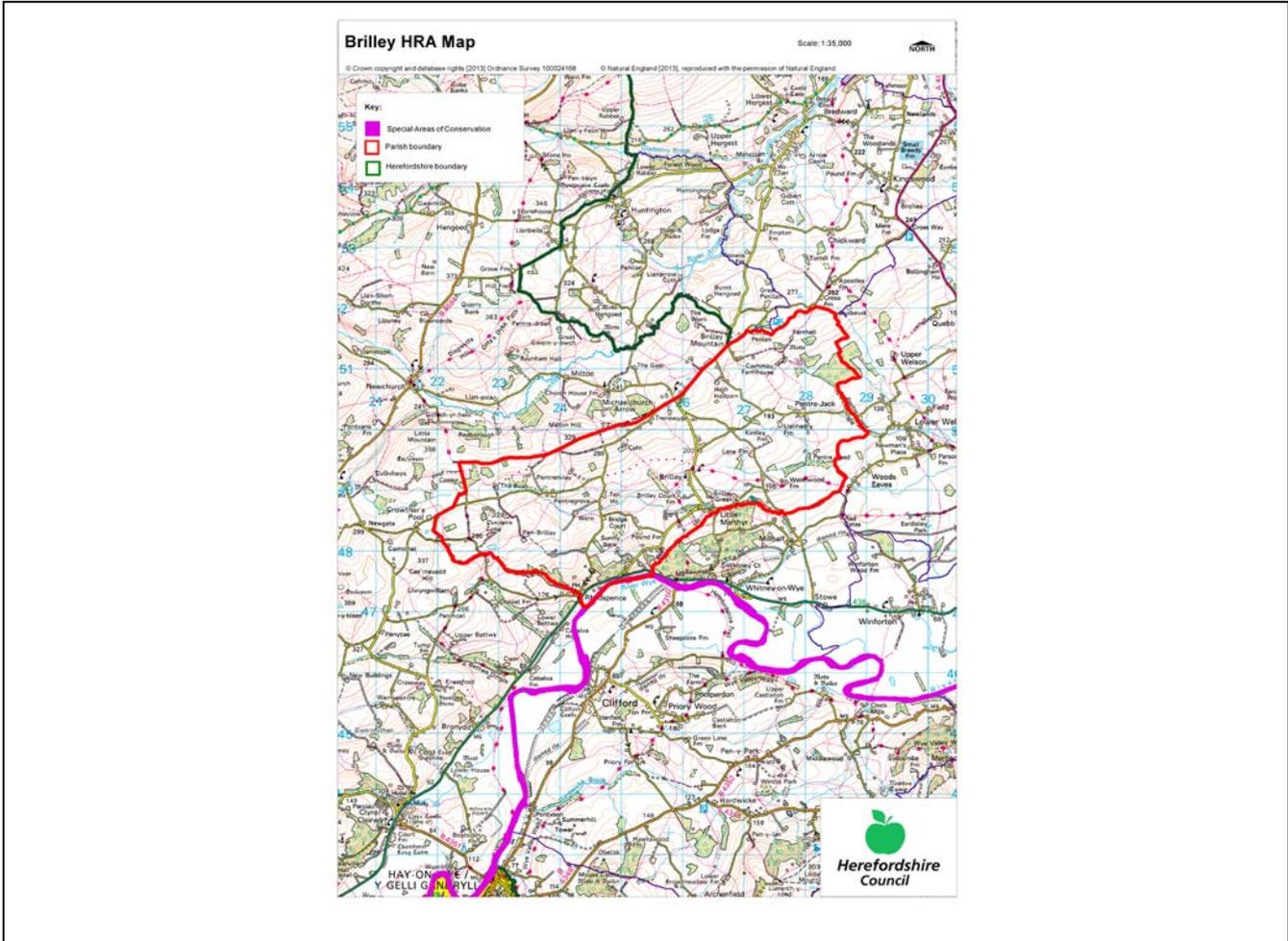
### **Introduction**

This Initial Habitat Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA) Screening has been undertaken to assess whether any European Sites exist within or in proximity to the Neighbourhood Area which could be affected by any future proposals or policies.

Through continual engagement the outcomes of any required assessments will help to ensure that proposed developments will not lead to Likely Significant Effects upon a European Site or cause adverse impacts upon other environmental assets, such as the built historic or local natural environment.

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**HRA Initial Screening: Map showing relationship of Neighbourhood Area with European Sites  
(not to scale)**



**Initial HRA Screening**

**River Wye (including the River Lugg) SAC:**

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	Y	The River Wye runs along the southern boundary of the Parish
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The Parish is within the hydrological catchment of the River Wye
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	N	There is no mains drainage at Brilley

**Downton Gorge SAC:**

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 25.4km away from the Parish.
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**River Clun SAC:**

Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council?	N	River Clun does not border the Parish.
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**Usk Bat Sites SAC:**

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 30.7km away from the Parish.
--	---	--

**Wye Valley & Forest of Dean Bat Sites SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	N	Wye Valley and Forest of Dean Bat Sites are 48km away from the Parish.
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**Wye Valley Woodlands SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site?	N	Wye Valley Woodlands are 42.4km away from the Parish.
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**HRA Conclusion:**

The assessment above highlights that the following European Sites will need to be taken into account in the future Neighbourhood Development Plan for the Brilley Neighbourhood Area and a Full HRA Screening will be required.

**European Site**

*(List only those which are relevant from above)*

River Wye (including the River Lugg) SAC

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***Strategic Environmental Assessment Initial Screening for nature conservation landscape and heritage features***

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The following environmental features are within or in general proximity to the Brilley Neighbourhood Area and would need to be taken into account within a Strategic Environmental Assessment. In

addition, the NDP will also need to consider the other SEA topics set out in Guidance Note 9a to ensure that the plan does not cause adverse impacts.

SEA features	Total	Explanation	SEA required
Air Quality Management Areas (AQMA)	0	There are no AQMAs within the Parish	N
Ancient Woodland	12	Rhydspence Plantation; Kiln Ground Wood (border); Welsh Wood Dingle; Pentre Coed Dingle; Ashen Coppice; Fernhall Wood; Upper Welson Wood (border); Winforton Wood (border); Arbour Coppice (border); Bearcroft Coppice (border); Hell Wood (border); Landlords Wood (border)	Y
Areas of Archaeological Interest (AAI)	0	There are no AAIs within the Parish	N
Areas of Outstanding Natural Beauty (AONB)	0	There are no AAIs within the Parish	N
Conservation Areas	0	There are no Conservation Areas within the Parish	N
European Sites (SAC)	1	River Wye	Y
Flood Areas/Zones		Flood Zones run along the River Wye at the very south of the Parish by Rhydspence, and also along a tributary off the Wye that runs through Little Merthyr and to the south of Brilley Court Farm	Y
Listed Buildings	Numerous	There are Listed Buildings throughout the Parish	Y
Local Sites (SWS/SINCS/RIGS)	27 (SWS)	Land at Pency Castell; Land at Tan House; Land at Bailey Merdy Farm; Three fields near Woodspring and Cwm Y Afr; Rhydspence Plantation and adjoining sites; Land at Woodside, Brilley; Woodlands and meadow south of Brilley; Meadow adjacent to Brilley Chapel; Meadow adjacent to Woodbine Villa; Brilley Churchyard; Land adjacent to old track to Pentre Coed Farm; Welshwood Dingle; Meadow adjacent to Winforton Wood, Arbour Farm (border); Winforton Wood (border); Nicholas Common (border); River Wye; Lower field at Welson (border); Bushy Hazels and Cwmma Moors; Upper Welson Marsh (border); Field at Ferhall; Quebb Meadow (border); Queest Moor (border); Old Marl Pit (border); Marsh at Burnt Hengoed (border); River Arrow (border)	Y
Long distance footpaths/trails (e.g. Herefordshire Trail)	2	Offas Dyke; Herefordshire Trail	Y
Mineral Reserves	0	There are no Minerals Reserves Sites within the Parish	N
National Nature Reserve (NNR)	0	There are no NNRs within the Parish	N

Registered & Unregistered Parks and Gardens	4 (unregistered)	Whitney Court (border); Winforton House (border); Huntington Park, Kington (border); Huntington Court, Kington (border)	Y
Scheduled Ancient Monuments (SAM)	5	Pen-Twyn Camp; Churchyard cross at St Mary's Churchyard; Mound north of Cwmma Farm; The camp earthwork (border); Turret tump (border)	Y
Sites of Special Scientific Interest (SSSI)	4	River Wye (Unfavourable Recovering); Bushy Hazels & Cwmma Moor (Favourable); Upper Welson Marsh (Unfavourable Recovering) (border); Quebb Meadow (Unfavourable Recovering) (border)	Y

**Decision Notification:**

The initial screening highlights that the Neighbourhood Development Plan for the Brilley Neighbourhood Area:

- a) Will require further environmental assessment for Habitat Regulations Assessment and Strategic Environmental Assessment.

**Assessment date: 15/04/2014**

**Assessed by: James Latham**

## Appendix 1: European Sites

The table below provides the name of each European Site, which has been screened in for the purposes of neighbourhood planning in Herefordshire; includes their site features of integrity; and vulnerability data. This is based on the sites individual features of integrity and their vulnerabilities, which could include distance criteria. This has been used in identifying which parishes are likely to require a full HRA Screening of their future Neighbourhood Development Plan, to establish if their plan might have Likely Significant Effects on a European Site.

<b>Downton Gorge</b>
<b>Site Features:</b> <i>Tilio-Acerion</i> forests of slopes, screes and ravines
<b>Vulnerability data:</b> 10km for air quality associated with poultry units or other intensive agricultural practices.
<b>River Clun</b>
<b>Site Features:</b> Freshwater pearl mussel <i>Margaritifera margaritifera</i>
<b>Vulnerability data:</b> Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected.
<b>River Wye</b>
<b>Site Features:</b> Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation. Transition mires and quaking bogs. White-clawed (or Atlantic Stream) crayfish <i>Austropotamobius pallipes</i> . Sea lamprey <i>Petromyzon marinus</i> . Brook lamprey <i>Lampetra planeri</i> . River lamprey <i>Lampetra fluviatilis</i> . Twaite shad <i>Alosa fallax</i> . Atlantic salmon <i>Salmo salar</i> . Bullhead <i>Cottus gobio</i> . Otter <i>Lutra lutra</i> . Allis shad <i>Alosa alosa</i>
<b>Vulnerability data:</b> Proximity: Developments should not be within 100m of the designated bank. Some developments beyond 100m may also have impacts based on proximity and these issues should be addressed where possible when developing NDP policy and choosing site allocations. Water Quality: Within the whole catchment of the River Wye, which includes the River Lugg, mains drainage issues with regards to water quality are being resolved through the Core Strategy / Local Plan and development of a Nutrient Management Plan. Welsh Water should be consulted to ensure that the proposed growth will be within the limit of their consents. Otters: "An otter will occupy a 'home range', which on fresh waters usually includes a stretch of river as well as associated tributary streams, ditches, ponds, lakes and woodland. The size of a home range depends largely on the availability of food and shelter, and the presence of neighbouring otters. On rivers, a male's home range may be up to 40km or more of watercourse and associated areas; females have smaller ranges (roughly half the size) and favour quieter locations for breeding, such as tributary streams. Otters without an established home range are known as 'transients'. They are mostly juveniles looking for a territory of their own, or adults that have been pushed out of their territories. Transient otters may use an area for a short while, but they will move on if conditions are not suitable or if they are driven away by resident otters. Transients will have been important in extending the range of otters, but they are very difficult to identify from field signs. Within a home range an otter may use many resting sites. These include above-ground shelters, such as stands of scrub or areas of rank grass, and underground 'holts' – for example, cavities under tree roots and dry drainage pipes." (Source: EA website: <a href="http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf">http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf</a> accessed 09/04/2013)

### Usk Bat Site

**Site Features:** Annex I habitats present as a qualifying feature, but not a primary reason for site selection: European dry heaths, Degraded raised bogs still capable of natural regeneration, Blanket bogs, Calcareous rocky slopes with chasmophytic vegetation, Caves not open to the public, *Tilio-Acerion* forests of slopes, screes and ravines. Annex II species of primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, UK population 5%, although it is suggested this is an underestimate.

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

### Wye Valley and Forest of Dean Bat Sites

**Site Features:** Annex II species that are a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*. Greater horseshoe bat *Rhinolophus ferrumequinum*

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

Greater Horseshoe bats are known to migrate between 20-30km between their summer and winter roosts.

NDPs closest to the European Site will need to consider:

Woodland habitat buffer.

Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation. A system/series of sites required. Vulnerable to loss of insect food supply, due to insecticide use, changing farming practices and loss of broad-leaved tree-cover and loss / disturbance of underground roosts sites.

### Wye Valley Woodlands

**Site Features:** Annex I habitats that are a primary reason for site selection: Beech forests *Asperulo-Fagetum*, *Tilio-Acerion* forests of slopes, screes and ravines, *Taxus baccata* woods of the British Isles. Annex II species present as a qualifying feature, but not a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, 51-100 residents

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues. NDPs closest to the European Site will need to consider: Woodland habitat buffer. Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

## Appendix 2: Wye Catchment Map

