Herefordshire Council

Appropriate Assessment

Report for:

Orcop Neighbourhood Area

May 2022

Herefordshire Council

Orcop Neighbourhood Plan

Appropriate Assessment

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Executive summary

This report addresses the Appropriate Assessment (AA) stage of the HRA and considers the likely significant effects on the integrity of the River Wye (including the River Lugg) SAC.

It outlines the task undertaken, the findings and recommendations to support the Orcop Neighbourhood Plan through to adoption.

The initial Screening report October 2017 found that the River Wye (including the River Lugg) SAC is located 6.5km away from the parish boundary, the parish is however within the Wye hydrological catchment.

The majority of the policies within the Orcop NDP are not site allocations but have criteria to support development. They would all require a further planning application.

The one site allocation within Orcop Hill has also been assessed. It should be borne in mind that site allocations do not grant planning permission and all site allocations will be subject to a more detailed assessment at planning application stage.

The most significant issue with the Wye catchment is regarding water quality and these issues form the majority of the assessment of these policies. The proximity of the Wye has resulted in no direct disturbance on the qualifying feature of the SAC from the policies within the development plan.

At this stage the appropriate mitigation measures can also be considered against each of the policies. The table with appendix 3 indicates where this has been the case. Herefordshire Council are investigating a wide range of mitigation measures and working with partners to resolve the current water quality issues within the Lugg catchment. The mitigation measures references within the document could be expanded and refined prior to any planning permissions in association with the policies of this development plan are approved.

The results of this Appropriate Assessment indicate that there will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been taken into account.

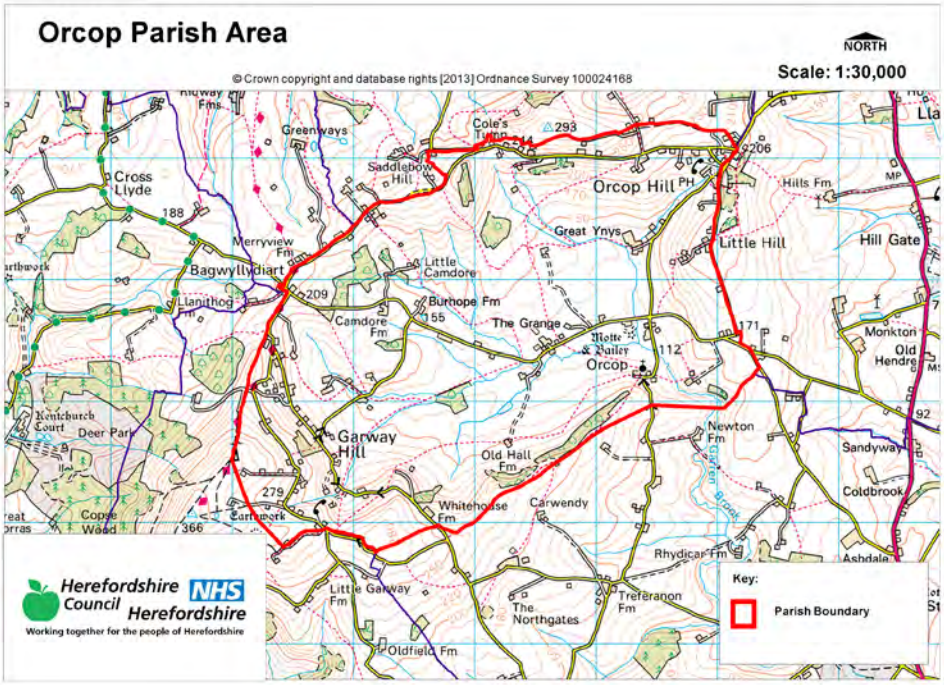
1 Introduction

1.1 This report address the Appropriate Assessment (AA) stage of the HRA and considers the likely significant effects on the integrity of the River Wye (including the River Lugg) SAC.

1.2 It outlines the task undertaken, the findings and recommendations to support the Orcop Neighbourhood Plan through to adoption.

1.3 Orcop Parish Council has produced Neighbourhood Plan for Orcop parish in order to set out the vision, objective and policies for development within the area up to 2031. This Neighbourhood Plan will support the policies within the adopted Herefordshire Core Strategy and if adopted form part of the Herefordshire Development Plan. The Neighbourhood Plan is current at Reg16 submission stage.

1.4 Below shows a map of the neighbourhood plan



2 Requirement for the HRA

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 and now included within the Conservation of Habitats and Species Regulation 2019 ‘the Habitats Regulations’. Therefore, when preparing its neighbourhood plan, Orcop 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 Herefordshire Council is aware of the recent judgment (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an Appropriate Assessment. It is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a

National Network site at the screening stage. The initial screening undertaken in October 2017 and concluded that a full HRA would be required

2.3 The Co-operation Mobilisation (The Dutch case) ruling will also have an impact on Herefordshire in the areas within the catchment of the River Lugg. As this Neighbourhood Area is within the River Wye catchment area however it has been concluded that a Stage 2 Appropriate Assessment be undertaken to include a range of potential mitigation.

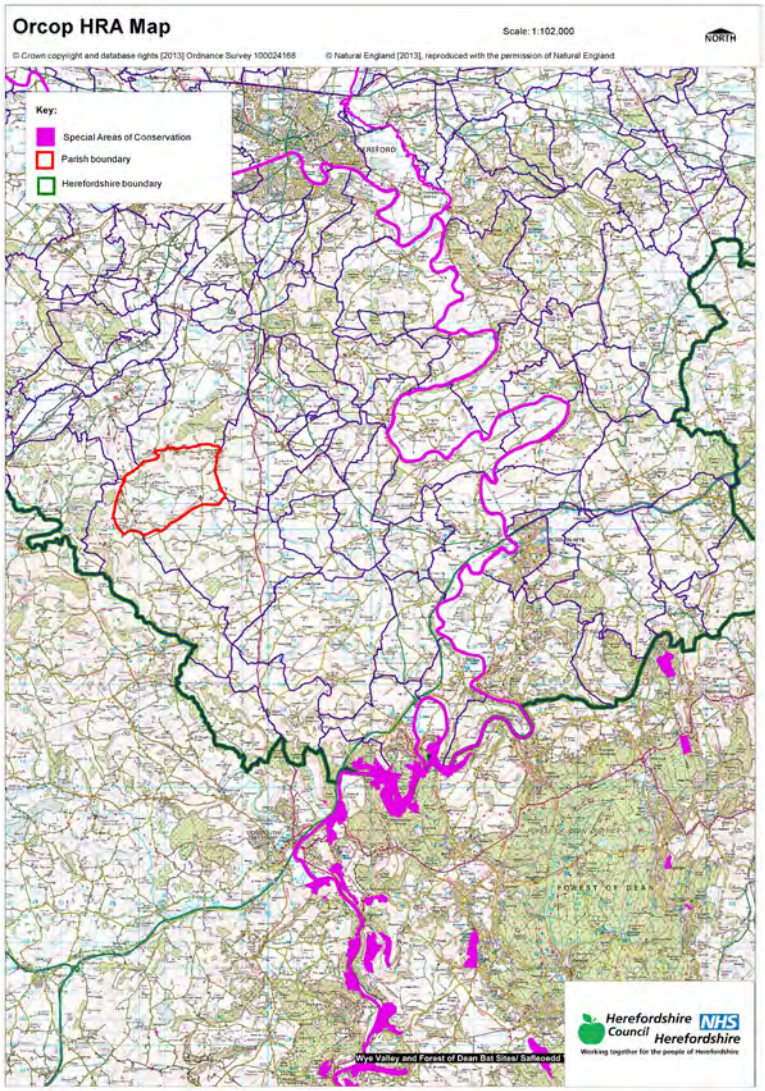
3 Stage 2 – Appropriate Assessment

3.1 As highlighted above the Orcop Neighbourhood Plan is to be subject to a Stage 2 Appropriate Assessment.

3.2 The initial screening and scoping under on October 2017 has identified that the plan may have potential impacts and effects on the following National Network sites:

- River Wye (including the River Lugg) SAC

3.3 The map below shows the Orcop Neighbourhood Area in relation to the River Wye SAC.



3.4 Recent advice and responses to plans within the River Wye and River Lugg catchment have indicated that further Appropriate Assessment work is required specifically to consider the impact of any Neighbourhood Plan on water quality within the catchment. It is therefore considered given the proximity of the River Wye within this neighbourhood area that an Appropriate Assessment is undertaken here.

3.5 The requirements of the Appropriate Assessment can be broken down into 5 areas;

1 Scoping
- Collect information regarding the National Network Site
- Any additional Environment Condition information

2 Assessing the impacts
- Assess the impacts of the neighbourhood plan policies and proposals
- Consider the in-combination effects
- Consider the cumulative effects

3 Mitigation measures
- Consider the potential mitigation measures

4 Summary and recommendations

5 Consultation

4 Scoping

4.1 The initial Screening report October 2017 found that the Neighbourhood Area is 6.5km away from the River Wye, however is within the hydrological catchment. Therefore, a full screening assessment is required.

4.2 There is also a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect the river water quality and this included the associated watercourses flowing into the rivers.

Site integrity of the River Wye (including the River Lugg) SAC

4.3 The River Wye forms one of the longest near natural rivers in England and Wales. The 25km within Herefordshire runs from Hay-on-Wye to Monmouth passing through Hereford and Ross-on-Wye. This section of the river is a rare example of eutrophic river and has not been subject to straightening.

4.4 There are a number of qualifying site features within the English section of the River Wye SAC:
- Water crowfoot vegetation
- White-clawed crayfish
- Sea Lamprey
- Brook lamprey
- River Lamprey
- Twaite shad / Allis shad
- Atlantic salmon
- Bullhead

- Otter

4.5 The issues associated with maintaining the sites integrity include water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance.

4.6 The vulnerability data is indicating that any site allocations and policies should avoid developments within 100m of the designated banks to avoid proximity impacts.

4.7 The River Wye SAC can be sensitive to changes in water quantity and quality. There are some sections of the River Wye SAC, mainly the River Lugg catchment area, where the water quality targets are already exceeding set levels and therefore the river is failing its 'favourable condition' status. This area is subject to measure to reduce nutrients particularly phosphates in line with the targets. In light of the interpretation of the Dutch Case where a Site is falling its water quality objectives and is classified as unfavourable condition, there is limited scope for the approval of additional damaging effects and measures that cannot be relied upon or are uncertain. The neighbourhood plan assessed within this report is within the Wye catchment area.

4.8 However, the River Wye SAC as a whole is not currently failing its conservation status water quality levels but there are growth concerns that other stretches of the river could deteriorate in water quality following future Environment Agency testing.

Environmental condition data for the River Wye SAC

4.9 The River Lugg is considered to be 'failing' its water quality targets because it has exceeded the phosphate limit over 3 years testing period. Testing is undertaken between March and September by the Environment Agency. Although the Lower Wye is at risk of failing, it has currently not been declared as 'failing'

4.10 Phosphorous enter the river via two distinct avenues: point source pollution (waste water treatment works 'WWTW') and diffuse source pollution (run off from roads and agricultural).

4.11 Discharges from WWTW are monitored and controlled by the issuing of Permitted Discharge Consents but diffuse pollution depends upon a number of different factors including land management, stock near to rivers and run off.

4.12 The Wye and Lugg Monitoring Dashboard indicates that as at 2019 (the latest figures published), the phosphate levels within the River Lugg at the testing point at Mordiford Bridge were recorded as 0.12mg/l with the target set at 0.05mg/l.

4.13 In 2019, the sewerage treatment works within the Lugg catchment area were reporting 100% compliance with phosphate limits.

4.14 For the Upper Wye (at Carrots Pool, Hereford) it is within target at 0.01mg/l against the target of 0.03mg/l and within the Lower Wye (at Holme Lacy) it is 0.03mg/l against the target of 0.03mg/l. The sewerage treatment works within the Upper and Lower Wye are also reporting 100% compliance with their phosphate limits.

5 Description of the Orcop Neighbourhood Plan

5.1 The draft Orcop Neighbourhood Plan presents detailed policies for development in the Neighbourhood Area up to 2031. All neighbourhood plans are required to be in general conformity with the adopted Herefordshire Core Strategy. Proportional growth for development is contained within the Core Strategy Policy RA1 and RA2 and neighbourhood plans will seek to allocate this proportional of development to be in conformity with the Core Strategy.

5.2 The Plan begins by highlighting its issues. It then details the vision for the parish over the plan period until 2031 together with 5 objectives to realise that visions.

5.3 The initial options for the neighbourhood plan were assessed to determine their environmental impact that could affect the River Wye (including the River Lugg) SAC. All of which indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core Strategy. Five options were considered in total.

5.4 The submission neighbourhood plan also sets out 14 general policies on a variety of topic bases areas and 1 site allocation or specific site related policies. These include:

- Policy ORC1 Landscape and biodiversity
- Policy ORC2 Key views
- Policy ORC3 Heritage
- Policy ORC4 Design
- Policy ORC5 Wastewater treatment
- Policy OCR6 Surface Water and flood risk
- Policy ORC7 Renewable and low carbon energy projects
- Policy ORC8 Settlement boundaries and site allocations
- Policy ORC9 Housing mix
- Policy ORC10 Community facilities
- Policy ORC11 Copywell Local Green Space
- Policy ORC12 Rural businesses
- Policy OCR13 Holiday accommodation
- Policy OCR14 Agricultural and forestry development

5.5 The plan has current reached Regulation 14 stage and the report assesses the policies as at May 2022. The previous assessment addressed the draft plan (Reg14) policies at October 2021.

5.6 Following the Regulation 14 consultation the plan has been revised by the parish council and their community. One new policy have been added and some policies subject to minor amendments to add clarity to the wording. Policy ORC1, ORC4 and ORC8 have had additional criteria added specifically seeking the assurance that all developments demonstrate nutrient neutrally.

5.7 With this in mind these policies which indicated a potential likely significant effect in Ocotber 2021 and have been subject to amendment have been reassessed. This has taken into account the additional policy criteria within Policy ORC1, ORC4 and ORC8 as well as other mitigation developments since the last assessment.

6 Assessing the impacts of the Orcop Neighbourhood Plan

6.1 Each of the policies and proposals of the neighbourhood plan have been considered in more detail to ascertain whether the impacts are likely to have a significant effect on the site integrity and in combination with other neighbourhood plans and policies.

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 HRA of the Core Strategy and specifically for this neighbourhood plan in the Stage A report dates June 2015

6.3 In terms of growth, the neighbourhood plan does not contribute above and beyond the growth targets for the housing market area requirements as set out within the Core Strategy.

6.4 The adjoining area neighbourhood plan are:

- Much Dewchurch – no NDP being produced
- Llanwarne and District – No NDP being produced
- St Weonards – No NDP being produced
- Garway - adopted
- Kilpeck – Reg14 draft

6.5 The combination of the growth proposed within these plans does not exceed that set out within the Core Strategy.

6.6 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 review work on the Nutrient Management Plan, have both been considered as part of the in-combination assessment.

6.7 It is unlikely that the Orcop 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 Ross Housing Market Area in the Herefordshire Core Strategy.

6.8 A matrix has been used to assess all the policies and proposals within the neighbourhood plan and full details can be seen in appendix 3.

7 Mitigation measures

7.1 An Appropriate Assessment is being undertaken as the Orcop Neighbourhood Plan is located within the River Wye catchment area. Although this section of the Lower Wye is not failing its water quality objectives, Natural England have raised this as an issue. The consideration of mitigation also required the consideration within an Appropriate Assessment. Clearly, water quality within the SAC is the predominate issue here and this is reflected within the assessment undertaken.

7.2 It is therefore the ability to consider any potential mitigation measures, which could be, applied that would reduce the likely significant effects on the integrity of the site. The following potential mitigation measures are indicated below. The summary of findings will indicate if any of these are relevant to the Orcop NDP.

Policy SD4

7.3 Policy SD4 is contained within the adopted Herefordshire Core Strategy. This is not seen as a mitigation measure as the development plan should be read as a whole. However, compliance with the policy is required for any planning application within the catchment area. Therefore, no site allocations proposed within the neighbourhood plan will receive planning permission unless they can also meet the criteria of Policy SD4.

7.4 It should be borne in mind that site allocations do not grant permission for a site and do not directly lead to development. All site allocations will still require planning permission to be granted before any development can take place. This means that all site allocation will be subject to a further environmental assessment/Habitat Regulation Assessment/Appropriate Assessment prior to development taking place or any potential impact to the SAC directly.

7.5 Although all proposals will need to demonstrate compliance with Policy SD4, this does not give sufficient scientific certainty alone and other measures will need to be considered.

Waste Water Sewage Treatment works

7.6 Dwr Cymru Welsh Water (DCWW) are making improvements to its Waste Water Treatment Works to reduce phosphate levels from the treatment discharge. DCWW are on target to deliver requirements within the AMP7 assessment management planning. The following treatment works within the River Wye catchment have or proposed to have phosphate limits:

- Eign, Hereford
- Rotherwas, Hereford
- Ross Lower Cleeve
- Bromyard
- Pontrilas
- Kingstone and Madley
- Leominster)
- Moreton on Lugg
- Kington
- Weobley

7.7 It is however, noted that Orcop is not on mains drainage and septic tanks or private works serve the majority of the properties within the parish. Therefore, this is not a mitigate measure that can be used within this NDP area but it will provide some reduction is phosphate levels within the river catchment area.

Nutrient Management Plan review

7.8 The Dutch judgment means that the current Nutrient Management Plan (NMP) can no longer be relied upon as mitigation as there is not enough certainty that the measures set out within the current plan can be delivered. Therefore, the current NMP does not provide reasonable scientific certainty as a mitigation measure.

7.9 The Nutrient Management Board comprises of a number of partners including Natural England, Environment Agency, National Farms Union, local planning authorities and Welsh Water.

7.10 The Board reviewed, revised and published the NMP in November 2021. However, at this stage its measures are not considered to provide enough certainty to be relied upon.

Proposed wetlands and the Interim Development Plan

7.11 Herefordshire Council are currently investigating the potential for integrated wetlands to assist in the reduction of phosphate levels within the river Lugg catchment. Wetlands can remove phosphorous from surface water runoff or stream flow or remove the final effluent from waste water treatments plants or package treatment plants. They are designed to filter, use sedimentation and plant take up. If the management of wetlands can be secured then they will provide a significant reduction in phosphorous within the Lugg catchment.

7.12 The emerging Interim Development Plan will include the proposed wetlands and other agricultural measures including buffer zones which will provide a reduction in phosphorous in the catchment.

7.13 There are currently no plans for integrated wetlands within the Upper or Lower Wye catchment.

Nutrient Neutral / betterment

7.14 Nutrient Neutrality is where mitigation measures or avoidance included within the neighbourhood plan can counterbalance any phosphate increase attributed to the plan's policies and proposals or would lead to betterment. Neutrality will need to be demonstrated with certainty. The development will need to show that it avoids harm to the protected site or provided the level of mitigation required to ensure that there is no adverse effects.

7.15 The Orcop NDP contains specific nutrient neutrality criteria requirement in Policy ORC1, ORC4 and ORC8.

Interim approach to planning applications

7.16 There remains potential for a positive appropriate assessment to enable development to proceed, on Natural England's advice, where it can be demonstrated that development is nutrient neutral as outlined above. Five criteria have been established where phosphates would be unlikely to reach the river as there is no pathway for impacts, these would be adjudged during the planning application stage.

7.17 These are:

- Drainage fields is more that 50m from the designated site boundary and;
- Drainage field is more than 50m from any surface water feature (ditch, drain, watercourse and;
- Drainage field is in an area with a slope no greater than 15% and;
- Drainage field is in an area where the high water table groundwater depth is at least 2m below the surface at all times and;
- There are no other hydrological pathways which would expedite the transport of phosphorous (fissured geology, shallow soil, flooding)

7.18 It should be noted that the only planning applications within the River Lugg catchment are required to demonstrate meeting these five tests at present. Orcop is not within the River Lugg catchment but the Lower Wye.

8 Summary of findings

8.1 This assessment has considered the likely significant effects of the Orcop Neighbourhood Plan on the following National Network Sites

- River Wye (including the River Lugg) SAC

8.2 The neighbourhood area falls within the Lower Wye catchment area and although this area is not failing its water quality objectives at present, an Appropriate Assessment is being undertaken in light of recent comments from Natural England.

8.3 The table within Appendix 3 show the detail of each policy and proposals assessed.

8.4 After an initial screening 8 policies are concerned to have potential likely significant effects.

- Policy ORC5 Wastewater treatment
- Policy OCR6 Surface Water and flood risk
- Policy ORC7 Renewable and low carbon energy projects
- Policy ORC8 Settlement boundaries and site allocations
- Policy ORC10 Community facilities
- Policy ORC11 Rural businesses
- Policy OCR12 Holiday accommodation
- Policy OCR13 Agricultural and forestry development

8.5 Following the amendments made to the plan after the Reg14 consultation additional policy criteria has been added to Policy ORC1, ORC4 and ORC8 regarding the need for developments to demonstrate nutrient neutrality. 7 policies have been subject to amendment in total, 3 of them has been indicates as have potential likely significant effects and these have been reassessed;

- Policy ORC8 Settlement boundaries and site allocations
- Policy ORC10 Community facilities
- Policy OCR13 Holiday accommodation

8.6 The majority of the policy within the NDP are not site allocations but have criteria to support development. They would all require a further planning application.

8.7 The site allocation: Land at Birch View, has also been assessed. It should be borne in mind that site allocations do not grant planning permission and all site allocations will be subject to a more detailed assessment at planning application stage.

8.8 The most significant issue is regarding water quality and these is the forms the majority of the assessment of these policies.

8.9 At this stage the appropriate mitigation measures can also be considered against each of the policies. The table with appendix 3 and appendix 5 indicates where this has been the case. Herefordshire Council are investigate a wide range of mitigation measures and working with partners to resolve the current water quality issues within the Lugg catchment and are minded to the water quality within the Upper and Lower Wye catchment areas.

8.10 The Appropriate Assessment undertaken does not rely on the Nutrient Management Plan or the Policy SD4 alone.

8.11 The addition of a local criteria within the Orcop NDP Policy ORC1 is requiring all developments to provide clear and robust evidence so that they can demonstrate a nutrient neutral development. Without this, planning permission will not be granted. In terms of development plan policy, this is certain, a site allocation does not grant permission.

8.12 The inclusion of the policy is aiming to achieve that all developments will be nutrient neutral but some of the solutions are likely to be provided outside of the neighbourhood plan area. Therefore it is not practical at this stage in include the requirement that the NDP should be nutrient neutral within their own area when some solution will include wetland provision upstream.

8.13 The parish is not within a catchment which is currently 'failing' but the inclusion of a nutrient neutrality criteria has provided a safeguard that if during the plan period the Lower Wye catchment did follow that of the current Lugg catchment.

8.14 The mitigation measures referenced within the document and within the *Interim Phosphate Delivery Plan Stage 2 – Mitigation options for phosphate removal* could be expanded and refined and should be taken into account before any planning permissions in association with the policies of this development plan are approved.

8.15 Regular position statements are placed on the Council's website to update developers and applicants for the requirements to demonstrate nutrient neutrality and the options for this.

8.16 As the work is ongoing and moving at a pace, it is considered that the best and most accurate guidance for developers on the options to achieve nutrient neutrality is within these guidance documents on the website and not specifically within the NDP policy or text. This is because during the plan period, methods could be refined and solutions that are more appropriate found. The guidance notes and website can easily respond to this update unlike the supporting text of the neighbourhood plan.

8.17 **The results of this Appropriate Assessment indicate that will not be a significant effect on the integrity of the River Wye (including River Lugg) SAC when the mitigation and avoidance measures have been taken into account**.

9 Consultation

9.1 This report will accompany the submission Regulation 16 version of the Neighbourhood Plan. This report will be subject to a 5 week consultation period.

Appendix 1

Herefordshire Council

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)

Neighbourhood Area:	Orcop Neighbourhood Area
Parish Council:	Orcop Parish Council
Neighbourhood Area Designation Date:	18/07/2013

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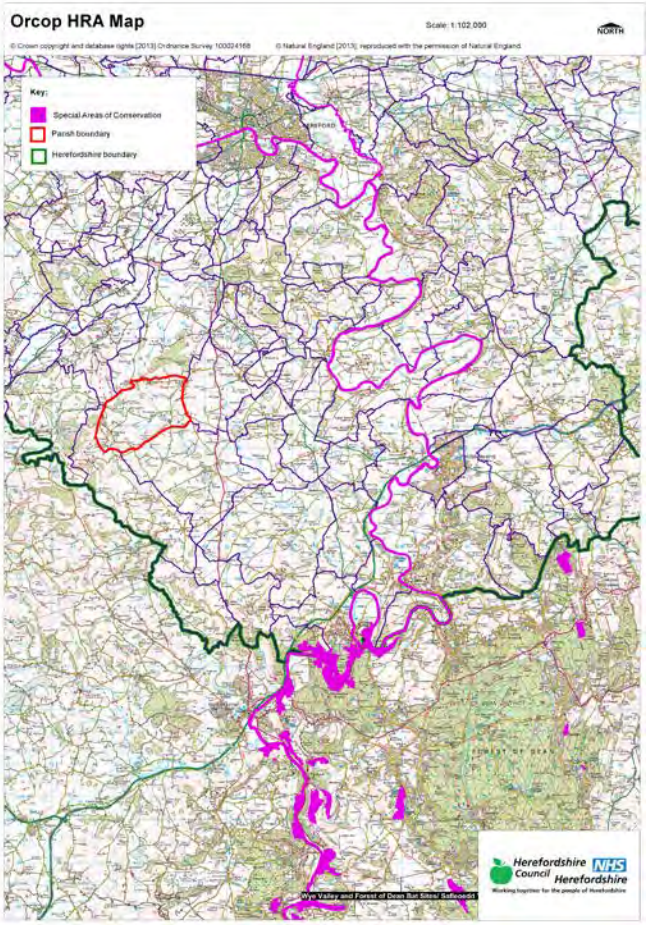
HRA Initial Screening: Map showing relationship of Neighbourhood Area with European Sites (not to scale)



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?	N	The River Lugg is 6.5km away from 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 River Wye hydrological catchment area.
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage within Orcop

Downton Gorge SAC:

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 45.1km away from the Parish

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

Usk Bat Sites SAC:

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 27km 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	The Parish is 18km away from Wye Valley and Forest of Dean Bat Sites

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	The Parish is 13km away from the Wye Valley Woodlands

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 Orcop 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

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

The following environmental features are within or in general proximity to the Orcop 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	0	There are no AQMA's within the Parish	N
Ancient Woodland	7	Scudamore Hill Wood (border); Cockshoot Wood; Stradway Wood; Hondy Wood; Old Hall Wood; Burnt House Wood (border); Charity Orls Wood (border)	Y
Areas of Archaeological Interest	0	There are no AAI's within the Parish	N
Areas of Outstanding Natural Beauty	0	There are no AONB's within the Parish	N
Conservation Areas	0	There are no Conservation areas within the Parish	N
European Sites	0	There are no SAC's within the Parish	N
Flood Areas		Flood zones enter the Parish just south of Newton Farm and run from one end of Orcop village to the other	Y
Listed Buildings	Numerous	There are numerous Listed Buildings throughout the Parish	Y
Local Nature Trails	1	Herefordshire Trail runs along the western border of the Parish	Y
Local Sites (SWS/SINCs/RIGS)	8 (SWS)	Orcop Church; Old Hall and Little Old Hall Woods; Garway Hill Common (border); Hondy Wood; Saddlebow Common (border); Merrryvale Common (border); Garren Brook; Burnt House Wood (border)	Y
Long distance footpaths/trails	1	Herefordshire Trail	Y
Mineral Reserves	0	There are no Minerals Sites within the Parish	N
National Nature Reserve	0	There are no NNR's within the Parish	N
Registered & Unregistered parks and gardens	0	There are no Registered or Unregistered Parks and Gardens within the Parish	N
Scheduled Ancient Monuments	2	Orcop Castle; Churchyard Cross in St John The Baptist Churchyard	Y
Sites of Special Scientific Interest	0	There are no SSSI's within the Parish	N

Decision Notification:

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

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

Assessment date: 19/06/2013

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.

Downton Gorge
Site Features: *Tilio-Acerion* forests of slopes, screes and ravines
Vulnerability data: 10km for air quality associated with poultry units or other intensive agricultural practices.

River Clun
Site Features: Freshwater pearl mussel *Margaritifera margaritifera*
Vulnerability data: Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected.

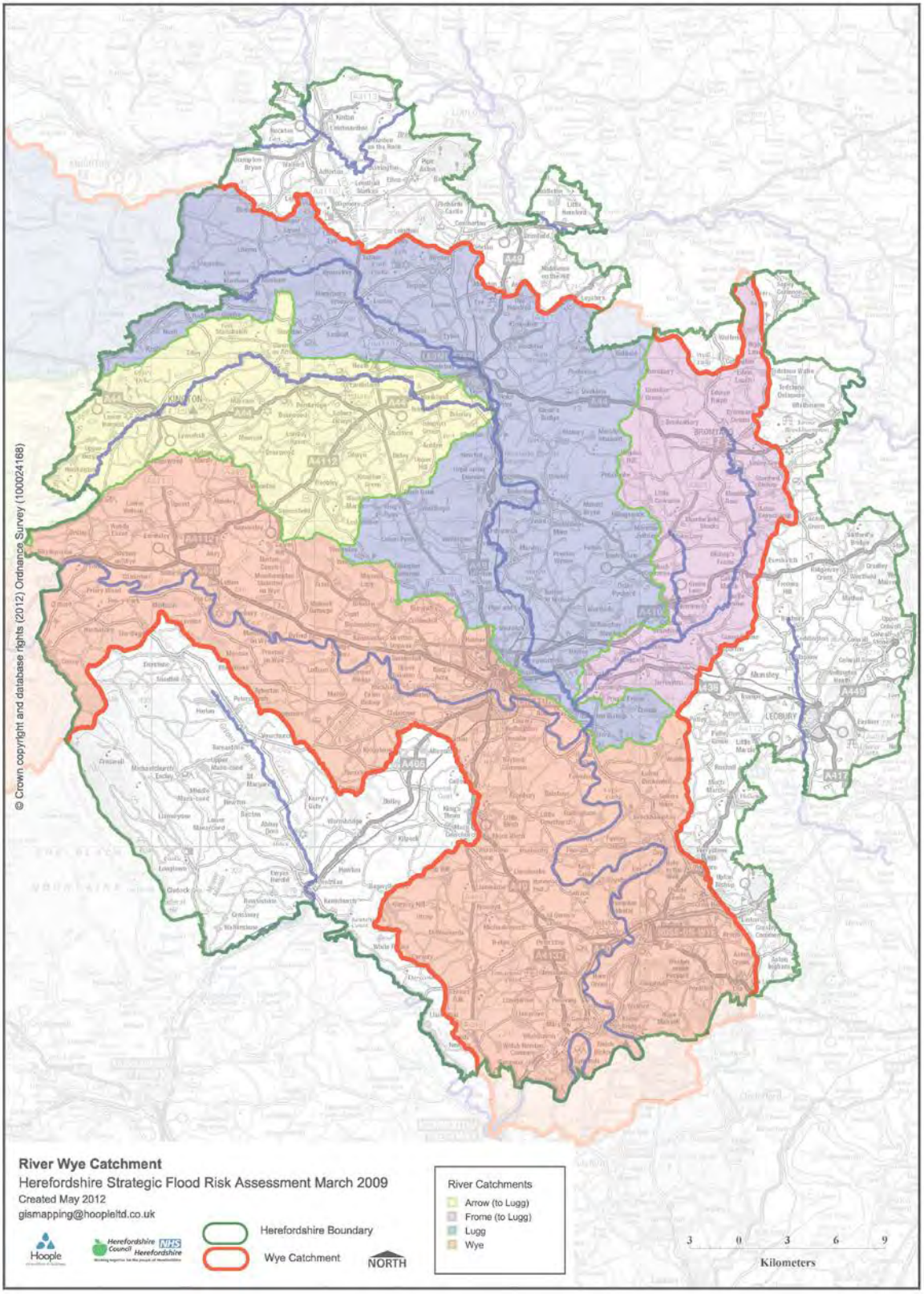
River Wye
Site Features: Water courses of plain to montane levels with the *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation. Transition mires and quaking bogs. White-clawed (or Atlantic Stream) crayfish *Austropotamobius pallipes.* Sea lamprey *Petromyzon marinus.* Brook lamprey *Lampetra planeri.* River lamprey *Lampetra fluviatilis.* Twaite shad *Alosa fallax.* Atlantic salmon *Salmo salar.* Bullhead *Cottus gobio.* Otter *Lutra lutra.* Allis shad *Alosa alosa*
Vulnerability data: 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: http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf 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



Appendix 2

Historic England

WEST MIDLANDS OFFICE

Mr James Latham
Herefordshire Council
Neighbourhood Planning & Strategic Planning
Planning Services, PO Box 230, Blueschool House
Blueschool Street
Hereford
HR1 2ZB

Direct Dial: 0121 625 6887

Our ref: PL00201268

27 October 2017

Dear Mr Latham

CONSULTATION ON SEA SCOPING REPORT FOR ORCOP NEIGHBOURHOOD PLAN

Thank you for the invitation to comment on the SEA Scoping Report for the Neighbourhood Plan listed above. We have no substantive objection to the contents of the document.

The SEA Frameworks sections of the SEA are generally commendable in their approach of including references to historic landscape and townscape quality, the maintenance of the Herefordshire SMR and conservation and wherever possible enhancement of locally significant heritage assets.

On a minor note, we would point out that in Appendix A2, SA Objective 14 under "Current status" reference is made to "numerous scheduled monuments (91 in total) in Orcop…..". This would appear to be erroneous- are there 91 *"heritage assets"* perhaps?

I hope this is helpful.

Yours sincerely,

Peter Boland
Historic Places Advisor
peter.boland@HistoricEngland.org.uk

cc:

Historic England is subject to the Freedom of Information Act. 2000 (FOIA) and Environmental Information Regulations 2004 (EIR). All information held by the organisation will be accessible in response to an information request, unless one of the exemptions in the FOIA or EIR applies.

Date: 15 November 2017
Our ref: 229474
Your ref: Orcop Neighbourhood Development Plan - SEA Scoping Report Consultation

James Latham
Technical Support Officer
Neighbourhood Planning and Strategic Planning teams
Herefordshire Council
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T 0300 060 3900

Dear Mr Latham

Orcop Neighbourhood Development Plan - SEA Scoping Report Consultation

Thank you for your consultation on the above dated 23 October 2017 which was received by Natural England on 23 October 2017.

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.

Strategic Environmental Assessment
Natural England generally welcomes the scoping report for the Orcop Neighbourhood Plan and considers that the methodology and baseline information used to inform the report appears to meet the requirements of the SEA Directive (2001/42/EC) and associated guidance.

Since the Neighbourhood Plan area lies within the hydrological catchment area of the River Wye Special Area of Conservation (SAC) and likely significant effects cannot be ruled out, we are pleased to note that this has been taken into account in the scoping report.

Habitats Regulations Assessment Screening
Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council's conclusion that likely significant effects upon the named European designated site below cannot be ruled out and therefore a full HRA will be required:

• River Wye Special Area of Conservation (SAC)

In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out.

Further guidance on deciding whether the proposals are likely to have significant environmental effects and the requirements for consulting Natural England on SEA are set out in the National Planning Practice Guidance.

Additional information
The attached annex may be of use to you; it sets out sources of environmental information and some natural environment issues you may wish to consider as you develop your neighbourhood plan or order.

For clarification of any points in this letter, please contact Yana Burlachka on 02082256013. For any further consultations on your plan, please contact: consultations@naturalengland.org.uk.

Yours sincerely

Yana Burlachka
Land use planning adviser
Sustainable Development Team – West Midlands

Annex 1 - Neighbourhood planning and the natural environment: information, issues and opportunities

Natural environment information sources

The Magic[1] website will provide you with much of the nationally held natural environment data for your plan area. The most relevant layers for you to consider are: **Agricultural Land Classification, Ancient Woodland, Areas of Outstanding Natural Beauty, Local Nature Reserves, National Parks (England), National Trails, Priority Habitat Inventory, public rights of way (on the Ordnance Survey base map)** and **Sites of Special Scientific Interest (including their impact risk zones)**. Local environmental record centres may hold a range of additional information on the natural environment. A list of local record centres is available here[2].

Priority habitats are those habitats of particular importance for nature conservation, and the list of them can be found here[3]. Most of these will be mapped either as **Sites of Special Scientific Interest**, on the Magic website or as **Local Wildlife Sites**. Your local planning authority should be able to supply you with the locations of Local Wildlife Sites.

National Character Areas (NCAs) divide England into 159 distinct natural areas. Each character area is defined by a unique combination of landscape, biodiversity, geodiversity and cultural and economic activity. NCA profiles contain descriptions of the area and statements of environmental opportunity, which may be useful to inform proposals in your plan. NCA information can be found here[4].

There may also be a local **landscape character assessment** covering your area. This is a tool to help understand the character and local distinctiveness of the landscape and identify the features that give it a sense of place. It can help to inform, plan and manage change in the area. Your local planning authority should be able to help you access these if you can't find them online.

If your neighbourhood planning area is within or adjacent to a **National Park** or **Area of Outstanding Natural Beauty** (AONB), the relevant National Park/AONB Management Plan for the area will set out useful information about the protected landscape. You can access the plans on from the relevant National Park Authority or Area of Outstanding Natural Beauty website.

General mapped information on **soil types** and **Agricultural Land Classification** is available (under 'landscape') on the Magic[5] website and also from the LandIS website[6], which contains more information about obtaining soil data.

Natural environment issues to consider

The National Planning Policy Framework[7] sets out national planning policy on protecting and enhancing the natural environment. Planning Practice Guidance[8] sets out supporting guidance.

Your local planning authority should be able to provide you with further advice on the potential impacts of your plan or order on the natural environment and the need for any environmental assessments.

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[1] http://magic.defra.gov.uk/
[2] http://www.nbn-nfbr.org.uk/nfbr.php
[3] http://webarchive.nationalarchives.gov.uk/20140711133551/http:/www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx
[4] https://www.gov.uk/government/publications/national-character-area-profiles-data-for-local-decision-making
[5] http://magic.defra.gov.uk/
[6] http://www.landis.org.uk/index.cfm
[7] https://www.gov.uk/government/publications/national-planning-policy-framework--2
[8] http://planningguidance.planningportal.gov.uk/blog/guidance/natural-environment/

Landscape

Your plans or orders may present opportunities to protect and enhance locally valued landscapes. You may want to consider identifying distinctive local landscape features or characteristics such as ponds, woodland or dry stone walls and think about how any new development proposals can respect and enhance local landscape character and distinctiveness.

If you are proposing development within or close to a protected landscape (National Park or Area of Outstanding Natural Beauty) or other sensitive location, we recommend that you carry out a landscape assessment of the proposal. Landscape assessments can help you to choose the most appropriate sites for development and help to avoid or minimise impacts of development on the landscape through careful siting, design and landscaping.

Wildlife habitats

Some proposals can have adverse impacts on designated wildlife sites or other priority habitats (listed here[9]), such as Sites of Special Scientific Interest or Ancient woodland[10]. If there are likely to be any adverse impacts you'll need to think about how such impacts can be avoided, mitigated or, as a last resort, compensated for.

Priority and protected species

You'll also want to consider whether any proposals might affect priority species (listed here[11]) or protected species. To help you do this, Natural England has produced advice here[12] to help understand the impact of particular developments on protected species.

Best and Most Versatile Agricultural Land

Soil is a finite resource that fulfils many important functions and services for society. It is a growing medium for food, timber and other crops, a store for carbon and water, a reservoir of biodiversity and a buffer against pollution. If you are proposing development, you should seek to use areas of poorer quality agricultural land in preference to that of a higher quality in line with National Planning Policy Framework para 112. For more information, see our publication Agricultural Land Classification: protecting the best and most versatile agricultural land[13].

Improving your natural environment

Your plan or order can offer exciting opportunities to enhance your local environment. If you are setting out policies on new development or proposing sites for development, you may wish to consider identifying what environmental features you want to be retained or enhanced or new features you would like to see created as part of any new development. Examples might include:

- Providing a new footpath through the new development to link into existing rights of way.
- 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.
- Think about how lighting can be best managed to encourage wildlife.
- Adding a green roof to new buildings.

You may also want to consider enhancing your local area in other ways, for example by:

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[9] http://webarchive.nationalarchives.gov.uk/20140711133551/http:/www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx
[10] https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences
[11] http://webarchive.nationalarchives.gov.uk/20140711133551/http:/www.naturalengland.org.uk/ourwork/conservation/biodiversity/protectandmanage/habsandspeciesimportance.aspx
[12] https://www.gov.uk/protected-species-and-sites-how-to-review-planning-proposals
[13] http://publications.naturalengland.org.uk/publication/35012

- Setting out in your plan how you would like to implement elements of a wider Green Infrastructure Strategy (if one exists) in your community.
- Assessing needs for accessible greenspace and setting out proposals to address any deficiencies or enhance provision.
- Identifying green areas of particular importance for special protection through Local Green Space designation (see Planning Practice Guidance on this [14]).
- Managing existing (and new) public spaces to be more wildlife friendly (e.g. by sowing wild flower strips in less used parts of parks, changing hedge cutting timings and frequency).
- Planting additional street trees.
- Identifying any improvements to the existing public right of way network, e.g. cutting back hedges, improving the surface, clearing litter or installing kissing gates) or extending the network to create missing links.
- Restoring neglected environmental features (e.g. coppicing a prominent hedge that is in poor condition, or clearing away an eyesore).

[14] http://planningguidance.planningportal.gov.uk/blog/guidance/open-space-sports-and-recreation-facilities-public-rights-of-way-and-local-green-space/local-green-space-designation/

Appendix 3

Herefordshire Council

Neighbourhood Plan Policy Screening – Orcop Neighbourhood Plan

Policy Number	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
Policy ORC1 Landscape and biodiversity	Policy itself will not lead to development Policy is guiding development away from the sensitive site Policy is seeking to enhance and or protect the natural environment in general	This will have a positive effect	No, the policy is seeking to protect designated and priority features
Policy ORC2 Key Views	Policy itself will not lead to development Policy is guiding development away from the sensitive site Policy is seeking to enhance and or protect the environment in general	This will have a positive effect	No, the policy is seeking to protect the views within and around the parish and will not lead to development itself
Policy ORC3 Heritage	Policy itself will not lead to development Policy is guiding development away from the sensitive site Policy is seeking to conserve, enhance or protect the built, natural and/or historic environment	This will have a positive effect	No, the policy is seeking to protect designated and priority features

Policy Number	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
Policy ORC4 Design	Policy itself will not lead to development Policy is seeking to conserve, enhance or protect the built, natural and/or historic environment	This will have a positive effect	No, the policy is seeking to protect designated and priority features
Policy ORC5 Waste water treatment	Policy itself will not lead to development	Policy is seeking applicants to consider flooding and drainage issues as part of any scheme and encouraging wet systems for biodiversity	LSE Schemes could have a positive effect on flooding and drainage issues
Policy ORC6 Surface water and flood risk	Policy itself will not lead to development	Policy is seeking applicants to consider flooding and drainage issues as part of any scheme and encouraging wet systems for biodiversity	LSE Schemes could have a positive effect on flooding and drainage issues
Policy ORC7 Renewable and low carbon energy projects	The location of the development is currently unknown, its implementation will be subject to a planning application	Increased movement Increase disturbance	LSE The location of any development is yet to be known
Policy ORC8 Settlement boundaries and site allocations	The location of the development is currently unknown, its implementation will be subject to a planning application	Defining the area for potential housing growth Increased traffic Increased demand on water abstraction Increase demand on sewerage treatment	LSE The policy is seeking to deliver dwellings within a defined settlement boundary for Orcop

Policy Number	Potential effect	In-combination effects	Likely Significant effect (Yes/ No and state how)
Policy ORC9 Housing mix	Policy itself will not lead to development		No, the policy is concerning the range and mix of development in Policy OCR8
Policy ORC10 Community facilities	The location of the development is currently unknown, its implementation will be subject to a planning application	Increased movement Increased demand for water and sewerage	LSE The location of any development is yet to be known
Policy ORC11 Rural businesses	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support local business opportunities Increased traffic Increased demand for water abstraction and sewerage treatment	LSE The locations of the development is yet to be known
Policy ORC 12 Holiday accommodation	The location of the development is currently unknown, its implementation will be subject to a planning application	Policy to support local holiday accommodation opportunities Increased traffic Increased demand for water abstraction and sewerage treatment	LSE The locations of the development is yet to be known
Policy ORC13 Agricultural and forestry development	The location of the development is currently unknown, its implementation will be subject to a planning application	Increased movement Increased demand for water and sewerage	LSE The location of any development is yet to be known

Site Allocation	Potential effect	In-combination effects	Likely Significant effect
Land west of Birch View 3 dwellings	The policy could have a likely to have an impact on water quality	Policy for housing development in line with the target within the Core Strategy Increase traffic and movement	LSE Site allocation

Site Allocation	Potential effect	In-combination effects	Likely Significant effect
	The policy could have a likely to have a disturbance effect on the sensitive site	Increase demand for water abstraction and sewerage treatment	

Herefordshire Council

Appropriate Assessment policy assessment – Orcop Neighbourhood Plan

Policy ORC5: Waste Water Treatment

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	The proportional growth requirement is within the expected for the Ross on Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general. However, the development within these settlement boundaries are not contacted to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. Additional reference to the need for an agreed foul and surface water management strategy with regards to seeking nutrient neutrality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to the policy. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC5

Herefordshire Council

Policy ORC6: Surface Water and flood risk

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	The proportional growth requirement is within the expected for the Ross on Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general. However, the development within these settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC5 (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems.

	Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to policy ORC5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC6

Policy OCR7: Renewable and low carbon energy projects

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. The majority of development will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	Development within the parish is not connected to WWTW.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission or lead to development in itself. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC5 (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. Additional reference to the need for an agreed foul and surface water management strategy with regards to water quality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to the policy ORC5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC7

Policy OCR8: Site allocation

Site allocation – West of Birch View

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, this site is not covered by the main sewerage area, therefore a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general. However, the development is not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC5 (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy or within this site specific policy. Additional reference to the need for an agreed foul and surface water management strategy with regards to water quality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to this policy or ORC5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC8

Policy OCR8: Settlement Boundary and site allocations

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	The proportional growth requirement is within the expected for the Ross on Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general. However, the development within these settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. Additional reference to the need for an agreed foul and surface water management strategy with regards to water quality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to the policy OCR5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC8

Policy ORC10: Community facilities

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general. However, the development within these settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC5 (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. Additional reference to the need for an agreed foul and surface water management strategy with

regards to water quality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to the policy OCR5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC10

Policy ORC11: Rural businesses

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general. However, the development within these settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC5 (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy.

Additional reference to the need for an agreed foul and surface water management strategy with regards to water quality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to the policy ORC5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC11

Policy ORC12: Holiday Accommodation

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general. However, the development within the parish are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. Additional reference to the need for an agreed foul and surface water management strategy with regards to water quality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to the policy ORC5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC12

Policy OCR13: Agricultural and forestry development

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. The majority of the development will be in areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	However, the development within the parish is not connected to WWTW.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC5 (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. Additional reference to the need for an agreed foul and surface water management strategy with regards to water quality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to the policy ORC5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC13

Appendix 4

Consultation date: 16 December to 31 January 2022

Consultation title: Orcop Neighbourhood Development Plan (Reg14)

*N.B. This consultation feedback is **only** for comments received on the Appropriate Assessment*

Consultee	Summary of Comments	Response to Comments
Natural England	No comments received	
Heritage England	No comments received	
Environment Agency	Comments received but not specific to the SEA. Indicated that the parish was in the Lower Wye catchment and not failing its water quality so no specific comments to make	
Natural Resources Wales	No comments received	

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Appendix 5

Herefordshire Council

Appropriate Assessment policy assessment – Orcop Neighbourhood Plan

Policy OCR8: Settlement Boundary and site allocations

Likely signification effect – foul water, surface water, water quality in the river.
Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	The proportional growth requirement is within the expected for the Ross on Wye Market area within the Core Strategy and agreed by Welsh Water. Welsh Water have and are continuing to include phosphate stripping in a number WWTW across the county. This will have a positive impact on the catchment in general. However, the development within these settlement boundaries are not connected to WWTW. Therefore, specific foul and water management strategy will be needs within all proposals which needs to be agreed in writing by the Local Planning Authority.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish and includes a criteria to ensure nutrient neutrality. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission or lead to development in itself. It is seeking to comply with the proportional growth requirements of the Core Strategy Policy RA2. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC 1 and ORC4 includes the requirement for nutrient neutrality and suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects –The revised submission NDP has benefitted for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This is in the form of a specific nutrient neutrality criteria within policy ORC1 and ORC 2 and ORC8

Conclusion –There are no likely significant effects with regards to the Orcop NDP Policy ORC8

Policy ORC10: Community facilities

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the proportional growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
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Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish and includes a criteria to ensure nutrient neutrality. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC1 and ORC4 includes the requirement for nutrient neutrality suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects –. The revised submission NDP has benefitted for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This is in the form of a specific nutrient neutrality criteria within policy ORC1 and ORC 2 and ORC8

Conclusion –The are no likely significant effects with regards to the Orcop NDP Policy ORC10

Policy ORC13: Holiday Accommodation

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. Therefore, the areas within the settlement boundaries are not covered by the main sewerage area. The majority of the growth will be targeted to areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
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Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish and includes a criteria to ensure nutrient neutrality. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC1 and ORC4 includes the requirement for nutrient neutrality and suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects –. The revised submission NDP has benefitted for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This is in the form of a specific nutrient neutrality criteria within policy ORC1 and ORC 2 and ORC8

Conclusion –There are no likely significant effects with regards to the Orcop NDP Policy ORC12

Policy OCR13: Agricultural and forestry development

Likely signification effect – foul water, surface water, water quality in the river.

Possible Mitigation measures:

Mitigation	Description
Main sewerage system	There is no main drainage within Orcop except a small number of houses in Orcop Hill. The majority of the development will be in areas where a foul and surface water management strategy will be required for any developments which needs to be agreed in writing by the Local Planning Authority
WWTW	However, the development within the parish is not connected to WWTW.
Integrated Wetlands	A programme of delivering integrated wetland is planned to create a number of wetlands to aid the reduction of phosphate within the catchment. The delivery of a number of these wetlands will be within the plan period.
Revised Nutrient Management Plan	A revised Nutrient Management Plan is underway which will contain a variety of measures by partners including the Environment Agency, Welsh Water, Farm Herefordshire and National Farmers Union to reduce phosphate levels within the catchment. This will be finalised within the plan period.
Other considerations	The Orcop is located 6.5km from the River Wye. The area is known to have poor drainage along the Garren Brook corridor. Policy ORC1 seeks to protect the ecological network within the parish and includes a criteria to ensure nutrient neutrality. Policy ORC5 seeks to ensure waste water is managed sufficiently Policy ORC6 seeks to manage surface water and flood risk
In-combination policies	The policy does not grant permission. A planning application will be required and any application will need to meet the requirements of Policy SD4 The policy criteria within Policy ORC5 (Wastewater treatment) includes the requirement for suitable sustainable drainage or wet systems. Policy SD4 required all developments to meet criteria to not undermine the water quality objectives of the SAC.

Residual effects – Having taken the above mitigation measures into account, it is considered that there is the NDP would benefit for additional policy wording regarding the safeguarding of the SAC particularly around water quality. This could include a specific nutrient neutrality policy. Additional reference to the need for an agreed foul and surface water management strategy with regards to water quality would ensure the likely significant effects of the development plan policies have been removed. There are not residual outstanding effects.

Conclusion –It is suggested that additional wording is added to the policy ORC5. If this were included then a conclusion of no likely significant effects would result with regards to the Orcop NDP Policy ORC13