

Habitats Regulations Assessment



Eaton Bishop Neighbourhood Area

Addendum

April 2017



**Herefordshire
Council**

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1.0 Introduction

- 1.1 To ensure that the requirements of the Habitats Directive and Regulations are met, it is necessary to consider the proposed Main Modifications through the HRA process to the Eaton Bishop NDP. The NDP has now been through an Independent Examination by Rosemary Kidd and within her report she has recommended a number of minor modifications to ensure the Plan meets the Basic conditions.
- 1.2 Herefordshire Council have accepted these modifications to the Plan, the NDP, therefore, has been updated to reflect the modifications suggested. In the main the changes were minor word alterations to ensure the Policies were in line with the Framework and also to add clarity for the decision makers. These modified policies have now been assessed as part of the HRA and the full results can be viewed in Appendix 1.
- 1.3 The purpose of this further HRA Addendum Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Reports (July 2016 and October 2016).
- 1.4 The modifications are not considered to significantly affect the conclusions of the earlier HRA report, as they did not involve the introduction of new policies or change the overall aims and objectives of the existing planning policies.

2.0 Screening of proposed modifications to the NDP

- 2.1 Regulation 102 of the Habitats Regulations 2010 requires that a Screening Assessment be undertaken, in order to identify the 'likely significant effects' of an NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies and site allocations in the Eaton Bishop NDP would be likely to have a significant effect on the River Wye SAC which runs through the neighbourhood area.
- 2.2 The findings of the screening matrix can be found in Appendices 1 and 2 of that report.
- 2.3 The screening matrix took the approach of screening each policy, objective and site allocation individually, which is consistent with current guidance. The results from the HRA reports for the Pre-submission version of the Herefordshire Local Plan (Core Strategy) and the proposed Main Modifications were also taken into consideration.
- 2.4 None of the Eaton Bishop NDP objectives and policies (July 2016 and Addendum in October 2016) were concluded to be likely to have a significant effect on the European site. This conclusion is based on assumptions and information contained within the Eaton Bishop NDP.
- 2.5 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development. In several cases the policies also included measures to help support the natural environment including biodiversity and safeguard historic environment. These policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 With regard to site allocations, the possibility of there being likely significant effects was considered unlikely given that none of the sites are in close proximity of the European sites. However, it is considered that the inclusion of additional policy wording within the related housing policies of the NDP would, along with other policies, provide adequate safeguarding measures.
- 2.7 It was also concluded that the Eaton Bishop NDP will unlikely have any in-combination effects with any plans from neighbouring parishes.
- 2.8 Therefore it was concluded previously that the **Eaton Bishop NDP will not have a likely significant effect on the River Wye SAC.**

- 2.9 The proposed amendments to the final NDP following the examination are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in October 2016. A summary of the main findings is provided below. The full findings can be found in Appendix 1 of this report.

3.0 Summary of main findings

- 3.1 The final NDP incorporates the modifications that examiner has recommended within the examiner's report. These changes are to ensure that the Plan meets the Basic Conditions. For full details on the modifications see Appendix 2 of this Addendum.
- 3.2 No new policies have been introduced into the Final NDP following the examination; however there have been some minor word changes and repeated or unnecessary criterion deleted from some of the policies. Policy EB3 Phasing protection as it was deemed not capable of implementation and not in line with Planning Policy Guidance of a policy being clear and unambiguous.
- 3.3 The revised NDP policies are therefore unlikely to result in significant effects on the European sites, a conclusion of which is based on assumptions and information contained within the Eaton Bishop NDP, the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy).

4.0 Conclusion

- 4.1 With reference to section 3 above, the change of wording added to the Policies EB1, EB4, EB5, EB7, EB8, EB10 and EB11 (now EB1, EB3, EB4, EB6, EB7, EB9 and EB10) have been rescreened this have improved certainty in many places providing a more positive effect on the HRA SAC. The deletion of criterion within Policies and deletion of policy EB3 is not considered to affect the findings of the previous HRA report. Policies EB6 and EB14 (Now EB5 and EB13) had minor wording amendments but changes were not significant enough to require rescreening.
- 4.2 Therefore the earlier conclusion that the **Eaton Bishop NDP will not have a likely significant effect on the River Wye SAC** remains valid.

5.0 Next steps

- 5.1 This Addendum Report will be published alongside the final Eaton Bishop NDP and the earlier HRA report and Addendum.

Appendix 1

Table 2: HRA Re-Screening of Redrafted Neighbourhood Development Plan Objectives, Options and Policies post examination

Parish Council Name: Eaton Bishop Parish Council

NDP Title: Eaton Bishop Neighbourhood Plan

Date undertaken: March-April 2017

NDP Redrafted objectives/options/policies	HRA Re-Screening Assessment post examination				
	Likely activities (operations) to result as a consequence of the redrafted objective/option/policy	Likely effect if redrafted objective/option/policy implemented. Could they have LSE on European Sites?	European Sites potentially affected (Refer to Initial Screening)	Mitigation measures to be considered to avoid any impacts	If recommendations are implemented, would it be possible that it would result in no likely significant effect? (Yes/No with reasons)
<i>Policy EB1</i>	New housing development within the designation settlement boundary of Ruckhall and Eaton Bishop Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment.	Unlikely that there will have a significant effect on the European Site.	River Wye SAC (including River Lugg)	This policy helps allocate and realise sustainable housing growth for Eaton Bishop and Ruckhall settlement boundary. Adverse effects will be mitigated by NDP and Core Strategy policies. This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the in the previous HRA reports.	No. The scale and extent of such development is unlikely to be significant. Examiner's modifications offer more flexibility encouraging sustainable development.
<i>Policy EB4 now EB3</i>	Small scale housing development Increase in vehicle traffic. Increased demand for water abstraction and sewage treatment.	Unlikely that there will have a significant effect on the European Site.	River Wye SAC (including River Lugg)	This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the in	No. The scale and extent of such development is unlikely to be significant. Examiner's modifications offer more clarity and flexibility

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				the previous HRA reports.	encouraging sustainable development.
<i>Policy EB5 now EB4</i>	Protection of biodiversity Safeguard local landscape character	Unlikely that there will have a significant effect on the European Site.	River Wye SAC (including River Lugg)	This policy helps to safeguard greenspace in line with policy LD2, and help mitigate adverse effects caused from development. This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the in the previous HRA reports.	No. This criteria based policy will not produce any impact upon the European site and ensures protection for greenspace and biodiversity neighbourhood area. Examiner's modifications offer more flexibility. Modifications included strengthening the wording to take account of National Policy and guidance.
<i>Policy EB7 now EB6</i>	Protect community facilities	Unlikely that there will have a significant effect on the European Site.	River Wye SAC (including River Lugg)	This policy helps Eaton Bishop safeguard community facilities. This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the in the previous HRA reports.	No. This criteria based policy will not produce any impact upon the European site and ensures protection for heritage assets and character in the neighbourhood area. Examiner's modifications offer further clarity and justification. Modifications included strengthening the wording to take account of National Policy and guidance.

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<i>Policy EB8 now EB7</i>	Safeguard from flooding Flood prevention schemes developed and maintained.	Unlikely that there will have a significant effect on the European Site.	River Wye SAC (including River Lugg)	This policy will help mitigate the impact from flooding. This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the in the previous HRA reports.	No. The scale and extent of such development is unlikely to be significant. Modifications included strengthening the wording to take account of National Policy and guidance and giving the policy more longevity over the plan period.
<i>Policy EB10 now EB9</i>	Appropriate poly tunnel development Rural business development	Unlikely that there will have a significant effect on the European Site.	River Wye SAC (including River Lugg)	This policy will help mitigate impact of waste water treatment and water supply. This will ensure a robust approach to waste water treatment and water supply. This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the in the previous HRA reports.	No. The scale and extent of such development is unlikely to be significant. Modifications included strengthening the wording to take account of National Policy and guidance and giving the policy more clarity and certainty over the plan period.
<i>Policy EB11 now EB10</i>	Appropriate development within Eaton Bishop	Unlikely that there will have a significant effect on the European Site.	River Wye SAC (including River Lugg)	This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the in the previous HRA reports.	No. The scale and extent of such development is unlikely to be significant Modifications included strengthening the wording to take account of National Policy and guidance and giving the policy more clarity and certainty over the plan period.

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Appendix 2

Policy	Modification recommended	Justification
Recommended Modification 1	Revise the date on the front cover to 2017 - 2031.	Interests of accuracy and clarity
Recommended Modification 2	Revise the Parish Policies Map as to Proposals Map and show the plan boundary, the boundary of the Inset Maps and the location of priority habitats. Retitle the Village Policies Maps as Inset Maps and show the settlement boundaries, site allocations and community facilities. Revise the keys of the Maps to refer to the relevant policies of the Neighbourhood Plan.	For clarity, consistency and accuracy.
Recommended Modification 3	Include a brief description of the location of and significance of the unregistered parks and gardens and the River Wye SAC in Section 2.	Clarification of the text and to add more detail/certainty
Recommended Modification 4	Delete objective one, the first sentence of objective two and objective 4. Delete "Also to" from the second sentence of objective two. Renumber the objectives and update Appendix III.	For clarity, consistency and accuracy.
Recommended Modification 5	<p>Revise Policy EB1 as follows:</p> <p>Add the following at the end of paragraph 6.1.4 to read "<i>Taking into account the existing commitments of seven dwellings, the net housing requirement is at least 26 new dwellings over the plan period.</i>"</p> <p>Revise the first paragraph of Policy EB1 to read: "New housing development of <i>at least 26 net additional dwellings will be supported on the Proposals Map in the plan period up to 2031.</i>"</p> <p>Delete the second and third sentences of the third paragraph of Policy EB1: "In particular, linear development character of the villages."</p> <p>Delete paragraph 4 of Policy EB1: "Where possible, development should be restrictedRuckhall."</p> <p>Delete "etc" from the fifth paragraph of Policy EB1.</p> <p>Replace the words "are required to" in paragraph 5 of Policy EB1 and "will be required to" in paragraph 6 of Policy EB1 with the word "should".</p> <p>Revise the final paragraph of Policy EB1 to read: "Outside the identified settlement boundaries, <i>housing development will only be supported exceptionally where it is in accordance with the NPPF and Core Strategy Policies RA3 and RA4. Affordable rural housing schemes will be supported where they accord with Core Strategy Policy H2 on Rural Exception Sites.</i>"</p> <p>Revise the Executive Summary to refer to 90% of the development being in Eaton Bishop and 10% in Ruckhall.</p>	<p>Strengthen and clarification of policy</p> <p>Clarification of the text and to add more certainty</p> <p>For the policy to offer greater flexibility</p> <p>Reflect relevant legislation</p>

Recommended Modification 6	Delete Policy EB3.	Policy unlikely to be implementable Lack of evidence and framework provision.
Recommended Modification 7	<p>Revise Policy EB4 by replacing paragraphs one and two with:</p> <p><i>“New housing development should provide a mix of house types, sizes and tenures to meet the needs of those seeking affordable homes to rent and market homes to purchase including first time buyers, young families and older people. Bungalows and properties designed to meet the needs of older people are particularly encouraged.”</i></p> <p><i>“Where a need for affordable housing has been demonstrated, new housing development on sites of more than 10 dwellings should include an element of affordable housing in accordance with the requirements of Core Strategy Policy H1. The type and size of affordable housing shall be based on evidence from the latest Local Housing Needs Survey.”</i></p> <p>Delete paragraph 3 of Policy EB4.</p>	<p>Strengthen and clarification of policy Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.</p> <p>Encourage sustainable development.</p>
Recommended modification 8	<p>Revise Policy EB5 as follows:</p> <p>Revise Green Infrastructure paragraph 1 to read “New developments <i>should include....</i>”</p> <p>Revise Green Infrastructure paragraph 2 to read “<i>Support will be given to enhancements such as.....</i>”</p> <p>Revise Green Infrastructure paragraph 3 to read: “<i>Nature conservation sites and habitats, and important species shall be retained and protected in accordance with their status as set out in Core Strategy Policy LD2. The following sites are located in the Plan area: List sites and their status and show on Proposals Map.</i>”</p> <p>Revise the second sentence of criterion 3 of the Landscape Design section to read: “Existing hedgerows should be <i>retained</i> and enhanced where practical and the planting of new hedgerows....”</p> <p>Revise the first sentence of criterion 4 to read: “Mature and established trees should be <i>retained where practical</i> and incorporated into....”.</p> <p>Revise the second sentence of criterion 5 to read “Development <i>proposals should avoid</i> the removal of existing local orchards or areas of woodland unless it can be clearly demonstrated</p> <p>Revise the first sentence of criterion 6 to read “<i>Where feasible</i>, all new development should incorporate....”</p> <p>Revise the first sentence of criterion 7 to read “<i>Public footpaths should be retained</i> through development sites....”.</p>	<p>To ensure it fully reflects the thrust of national policy and guidance, along with the Core Strategy.</p> <p>Interests of consistency and accuracy.</p>
Recommended	Revise Policy EB6 as follows:	For clarity, consistency and accuracy.

modification 9	<p>Delete “Proposals should fit in with the neighbouring settlements and enhance physical and visual connections and linkages with them” from criterion 1.</p> <p>Delete “to both the Parish Council and Herefordshire Council” from criterion 2.</p> <p>Delete “to assist the local economy and sustainability objectives” from criterion 5.</p>	Should be modified to reflect national policy and guidance.
Recommended modification 10	<p>Revise Policy EB7as follows:</p> <p>Include the playing field in the bulleted list in paragraph 1 of Policy EB7.</p> <p>Revise the second paragraph of Policy EB7 to read: “The change of use of the village hall or church or playing field to residential use will only be supported if:</p> <ul style="list-style-type: none"> • • an equivalent or enhanced community facility has been provided within the settlement boundary or within a nearby accessible location; or • • the developer has satisfactorily demonstrated that there is no longer a need for the premises by the community as they have been unused for a minimum of two years and during that period it has been actively marketed without securing a viable community use.” <p>Include the following text in the justification: <i>“The facility must have been actively marketed for a minimum of two years through a commercial land and premises agent using advertisements and promotional activity on the internet and in regional property journals, without securing a viable alternative community use.”</i></p> <p>Include the following text in the justification: <i>“Any new community facilities should have a safe access on foot and cycle with adequate car parking. They should be located within the settlement boundary or close by.”</i></p> <p>Revise the third paragraph of Policy EB7 to list the infrastructure priorities: “.....to support the following priorities to local infrastructure: set out priorities in a bulleted list.”</p> <ul style="list-style-type: none"> • The location of the community facilities referred to in Policy EB7 should be shown on the Proposals Maps. 	<p>Lack of evidence and framework provision.</p> <p>Encourage flexibility within the policy.</p>
Recommended modification 11	<p>Revise Policy EB8 as follows:</p> <p>Revise the third paragraph on Reducing the Flood Risk as follows: “.....rainwater filtration) should be provided within development sites wherever possible.”</p> <p>Revise the first line of the section on Flood Resilience to read: “Development in areas liable to flooding....”</p> <p>Revise the last line of the final paragraph of Policy EB8 to read: “<i>This could include boundary walls and</i></p>	Interests of accuracy and clarity.

	fencing such as solid gates with waterproof seals, and where possible integral drains or fencing. <i>The lower levels should be constructed to be more resistant to flooding.</i> "	
Recommended modification 12	Revise Policy EB10 as follows: Revise the second paragraph to read " that the proposals address the factors set out in <i>Core Strategy Policies RA5 and RA6</i> and the following criteria:" In criterion 1 replace "fragile road network" with "local road network". Revise criterion 2 to read ".....industrial buildings and parking.".	Interests of accuracy and clarity. Positive wording provides a better reflection of the Plan.
Recommended modification 13	Revise Policy EB11 as follows: Correct the title of the SPD in paragraph 6.4.5 to "Polytunnels SPD". Revise paragraph 6 of Policy EB11 to read: " <i>The siting of poly-tunnels, agricultural units and associated developments should be sited so that they do not have an unacceptable adverse impact on the amenity of residents of nearby dwellings.</i> " Delete paragraph 8 of Policy EB11.	Interests of accuracy and clarity. Should be modified to reflect national policy and guidance.
Recommended modification 14	Revise the title of Policy EB14 to "Community Energy Schemes". Add the following to the beginning of paragraph 6.4.8 " <i>The Plan seeks to encourage new community led energy schemes in appropriate locations to help increase the supply of renewable and low carbon energy.</i> "	Interests of accuracy and clarity.

Appendix 3

Appendix 3: HRA Consultation Feedback reg 16

This consultation feedback is **only** for comments received on the HRA of the Neighbourhood Development Plan

Parish Council Name: Eaton Bishop Parish Council

Neighbourhood Development Plan Name: Eaton Bishop Neighbourhood Plan

Details of consultation: *this could include how the consultation was advertised and what information was provided*

Consultation date: 25 October 2016 to 6 December 2016.

Consultation title: Regulation 16 Consultation

No comments have been made regarding the reg 16 HRA assessments.