

Habitats Regulations Assessment



Leominster Neighbourhood Area

Addendum

October 2015

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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 modifications through the HRA process to the Leominster Area Neighbourhood Plan (LANP); the Draft NDP (December 2014) was refined by the NDP steering group to reflect the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) March 2015, feedback from consultation on the Draft Plan and the Draft Environmental and Habitat Regulation Assessment (HRA) Report – referred to in appendix 2.
- 1.2 The purpose of this HRA Addendum Report is to detail the findings of the screening of the proposed changes to one objective and 12 policies within the Leominster Area Neighbourhood Plan and consider if they significantly affect the conclusions of the earlier first HRA Report (November 2014).

2.0 Screening of proposed modifications to the NDP

- 2.1 As required under Regulation 102 of the Habitats Regulations 2010, a Screening Assessment was undertaken to identify the 'likely significant effects' of the NDP. This involved the preparation of a screening matrix, which determined whether any of the policies in the NDP would be likely to have a significant effect on the River Wye SAC.
- 2.2 The findings of the screening matrix can be found in Appendix 2 of that initial report.
- 2.3 The screening matrix took the approach of screening each policy and objective individually, which is consistent with current guidance. The final Leominster Area Neighbourhood Plan (June 2015) has made amendments to one objective and 12 policies which could have an effect on the results of the original screening matrix. Within this re-screening the results from the HRA report for the Pre-submission version and the Main Modification addendum to the Core Strategy HRA were also taken into consideration.
- 2.4 A number of suggestions were made by Natural England in respect of 10 policies contained within the draft LANP, as it was considered that the policy wording could be strengthened to ensure that any potential effects on the River Wye SAC or other natural environmental assets are taken into account. However, it was concluded at that stage the draft Leominster Area NP be unlikely to result in significant effects on the River Wye SAC.
- 2.5 Since the initial screening took place, a number of modifications were made to the Local Plan (Core Strategy) in relation to its rural policies. As such the status of the three rural settlements within the neighbourhood area has been revised with the restrictions on local connections only being removed from the RA2 policy.

3.0 Summary of main findings

- 3.1 The final Leominster Area Neighbourhood Plan has incorporated many of the changes that were suggested by Natural England in the earlier HRA Report and Regulation 14 consultation by making specific reference to the River Wye SAC within certain policies. Therefore these policies have been strengthened and so the likelihood of there being no significant effect remained high with regards to these policies.
- 3.2 The Local Plan (Core Strategy) was adopted in October 2015 and therefore provides a level of policy safeguards with regards to the water management, the Water Framework Directive and Nutrient Management Plan.
- 3.3 Policy LANP4 guides development within the three rural settlements within the neighbourhood area highlighted within the Local Plan (Core Strategy) Policy RA2. This policy is highlighted as having potential uncertain effects on the hydrological catchment of the River Wye SAC. This is due to not particularly reference or safeguards within LANP4 to flooding or surface water issues. The inclusion of additional text with this regard would help to strengthen the

policy within the LANP, however as the Local Plan (Core Strategy) is now adopted safeguards existing within Policy SD3.

- 3.4 At this stage, the neighbouring parish councils of (Kingsland, Humber Ford and Stoke Prior, Hope under Dinmore, Luston and Hatfield and District Group and Kimbolton) are not proposing a greater level of development than that assessed within the Core Strategy. It is therefore also concluded that the Leominster Neighbourhood Plan will unlikely have any in-combination effects with any plans from neighbouring parishes.
- 3.3 Based on assumptions and information contained within the Leominster Neighbourhood Plan, Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy), the revised NDP policies were found to be unlikely to result in significant effects on the River Wye SAC.

4.0 Conclusion

- 4.1 With reference to section 3 above, the modifications the policies of the LANP are not considered to affect the findings of the first HRA report in many cases policies have been strengthened by the addition of criteria specifically referencing the avoidance of impacts on the River Wye SAC and other environmental assets.
- 4.2 The completion of the Nutrient Management Plan and its actions should be reflected within the text and this has been included within many policies. The Local Plan (Core Strategy) has now been adopted and this provides additional safeguards within Policy SD3.
- 5.3 Therefore the earlier conclusion that the Leominster Neighbourhood Plan will not have a likely significant effect on the River Wye SAC remains. This would be strengthened further by the addition of wording regarding the safeguarding of the River Wye SAC and flooding is added to Policy LANP4.

6.0 Next steps

- 6.1 This Addendum Report will be published alongside both the Submission NDP and earlier HRA Reports for consultation. Any further changes to the plan that arise as a result of the consultation will be subject to further screening to consider their significance with regard to HRA.

Appendix 1

Re-screened NDP objectives and policies	HRA Screening of Emerging NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective /policy implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/option/policy and to be considered as part of Appropriate Assessment	Could the policy have likely significant effects on European sites (taking mitigation into account?)
Objective 4: To retain Leominster's distinctive identity	Additional wording has been added to refer to heritage assets as well as listed buildings.	No likely significant effect on the River Wye SAC.	River Wye SAC	N/A	No, this objective will result in conservation, preservation of all heritage assets not just listed buildings and contribute to sustainable development.
Policy LANP1: Supporting the strategic development needs in Leominster	Additional wording has been added to promote the production of a Comprehensive Traffic Management Plan, the inclusion of a green corridor alongside the road, reduced surface water into the River Arrow and a number of other traffic management criteria.	No likely significant effect on the River Wye SAC	River Wye SAC	Ensure location and construction is suitable and has minimal impact to the surrounding environment.	No. This policy does not specifically identify route for the southern link but instead provides criteria that any new road must adhere to. A criterion has been added to the policy which indicates that surface water run off from the road should not be allowed to enter the River Arrow and a wide green corridor should bound the road. This will have a positive impact on the River Wye SAC. The overall aim of this and its related policies is towards sustainable development that conserves and enhances existing environment.

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<p>Policy LANP2 : Supporting the strategic housing development needs in Leominster Town</p>	<p>Employment generation, increase in small business, increase in industry around town centre, and the enterprise park. Housing developed in brownfield sites. Mixed use zoning and housing with live work units developed. Increase in water abstraction and treatment. Reference has now been added to the text regarding the need to safeguard the River Wye SAC and not compromise the delivery of the Nutrient Management Plan.</p>	<p>Uncertain effects on the River Wye.</p> <p>There is no mention within the Plan of a Surface Water Management Plan. Para 4.6.24 of the Core Strategy highlights the requirement is areas such as Leominster that measures are required to reduce nutrients in line with targets.</p>	<p>River Wye SAC</p>	<p>The policy has been strengthened by the addition of necessary criteria that ensures all developments must not compromise the ability of the NMP to reduce nutrients in line with the targets set. However no additional information has been added with regards to the Surface Water issues.</p>	<p>No. This policy will lead to new development but does not define the site. An additional criterion has been added to reference the Nutrient Management Plan</p>
<p>Policy LANP3: Leominster sustainable urban extension</p>	<p>Additional criteria added relating to the design and layout requirements of the urban expansion and traffic management measures.</p> <p>Reference is now included to the Nutrient Management Plan.</p>	<p>No likely significant effects on the River Wye SAC</p>	<p>River Wye SAC</p>	<p>Reference to the Nutrient Management Plan and a necessary criterion has been added to stipulate that all development must not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River SAC which are already exceeding water quality targets.</p> <p>SUDs are also referred to.</p>	<p>No. This policy will lead to new development but does not define the site. An additional criterion has been added to reference the Nutrient Management Plan and possibility of Sustainable urban drainage.</p>
<p>Policy LANP4: New housing development in Brierley, Ivington and Wharton</p>	<p>Policy updated to reflect main modification to the Core Strategy. Promotes limited growth within these mentioned settlements with a wide range of environmental and design criteria. However there is no reference to the NMP or flooding concerns given the close proximity of two of the three villages to the River Lugg and River Arrow</p>	<p>Uncertain likely significant effect on the River Wye SAC</p>	<p>River Wye SAC</p>	<p>Policy promotes very limited housing development within built form of settlements.</p> <p>However, there is no mention of flooding or water quality issues given the close proximity of two of the three settlements to the River Lugg or River Arrow.</p> <p>Reference to the Nutrient Management Plan and a Surface Water Management</p>	<p>Uncertain. This policy will lead to new development but does not define any sites and settlement boundaries.</p> <p>However there are no measures included to address the recognised nutrient levels within this area and the NMP or the avoidance of flood risk areas.</p>

				<p>Plan are required.</p> <p>The policy would be strengthened by the addition of necessary criteria that ensures all developments must not comprise the ability of the NMP to reduce nutrients in line with the targets set.</p>	<p>Two of the three settlements are close to the River Lugg and River Arrow which are part of the hydrological catchment of the River Wye SAC.</p> <p>The Local Plan (Core Strategy) has now been adopted which means that policy safeguards do exist within Policy SD3 in the absence of additional wording within LANP4.</p>
<p>Policy LANP7: New business development</p>	<p>Additional criterion has been added to avoid adverse effects on the environment and restrict the use class adjacent to residential areas</p>	<p>No likely significant effect on the River Wye SAC</p>	<p>River Wye SAC</p>	<p>Additional criterion has been added to reflect the need to avoid adverse effects on the natural environment.</p> <p>Improved water efficiency measures metering and addressing leakages in the supply may help mitigate any additional pressure placed on the water supply through new development. Good practice construction techniques including noise suppression measures, hours of operation etc, may help to mitigate potential adverse effects during construction.</p>	<p>No. This policy relates to sustainable development through expanding business development. This may increase water resource usage and increase vehicle traffic but should be mitigated through the addition of the environmental criterion and other policies within Leominster's plan.</p>
<p>Policy LANP10: Green Infrastructure</p>	<p>Additional criteria added to include the enhancement and expansion or creation of priority habitat include existing hedgerows, orchard and woodlands.</p>	<p>No likely significant effect on the River Wye SAC</p>	<p>River Wye SAC</p>	<p>N/A</p>	<p>No. This policy is unlikely to lead to development in itself but it relates to green space creation.</p>
<p>Policy LANP12: Green the town centre</p>	<p>Additional criteria to protect specific trees within the town</p>	<p>No likely significant effect on the River Wye SAC</p>	<p>River Wye SAC</p>	<p>N/A</p>	<p>No. This policy is unlikely to have an impact on the River Wye SAC, as it relates to tree planting and green</p>

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					space creation and is unlikely to lead to development.
Policy LANP19: New building in Leominster	Additional criteria added to encourage high levels of connectivity, community space and avoidance of adverse impacts on the natural environmental particularly the River Wye SAC	No likely significant effect on the River Wye SAC	River Wye SAC	Additional reference to the need to avoid adverse impact on the natural environment particularly the River Wye SAC has been added to the policy.	No. This policy is criteria based specifying design and low carbon options for new buildings in Leominster This envisages Leominster to be a world leading sustainable town, and for all new buildings to have a low carbon design, this should mitigate out any environmental issues created out of development. Specific reference has been made to the important of avoiding environmental impacts particularly associated with the River Wye.
Policy LANP20: Tourism	A preferred location criterion for a hotel has been added to the policy. Reference to the need to avoid adverse impacts on the River Wye SAC and the Nutrient Management Plan has been added.	No likely significant effect on the River Wye SAC	River Wye SAC	Additional criteria has been added to safeguard the River Wye SAC and the ability to deliver the Nutrient Management Plan	No. Although an increase in tourist may create an increase in visitor pressure at sensitive European sites, sufficient policy safeguards are included within the NDP LANP 3,6,9,10,11. The addition of the suggested criteria has strengthened this further.
Policy-LANP21 – Protecting important views (new policy number)	Additional views added to the list – ensuring important views are protected	N/A	N/A	N/A	NO. This policy is criteria based specifying on views and vistas. Therefore should not have an impact on the River Wye SAC.

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<p>Policy LANP23: Improving walking, cycling and public transport (new policy number)</p>	<p>Additional criteria to encourage more cycle racks.</p> <p>Increase in cycling and walking.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No. This policy is unlikely to have an effect on the River Wye SAC. This may help improve environmental conditions through decreasing the amount of private car usage in Leominster.</p>
<p>Policy LANP24: Moving around Leominster town centre (new policy number)</p>	<p>Additional criteria regarding pedestrian, additional parking at the railway station, better pavements and street furniture.</p> <p>Vehicle restriction in the town centre.</p> <p>Increase in cycling and walking.</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No. This policy is unlikely to have an effect on the River Wye SAC. This may help improve environmental conditions through decreasing the amount of vehicle usage in Leominster.</p>

Appendix 2

Consultation date: 10 December 2014 to 6 February 2015

Consultation title: Draft Habitat Regulations Leominster Neighbourhood Plan Regulation 14

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

Consultee	Summary of Comments	Response to Comments
Natural England	<p>The HRA needs to reflect the most up to date version of the Herefordshire Core Strategy HRA which is to be submitted as part of the examination of the Core Strategy. Therefore we advise that if you wish to proceed with the Neighbourhood Plan, prior to the adoption of the Core Strategy, the HRA will need to be amended and updated.</p> <p>In Section 8 of the HRA, it appears the basis for the consultation of no likely significant effect from the Leominster Neighbourhood Development Plan, in combination with the draft Herefordshire Local Plan (Core Strategy) is that in combination effects have been ruled out as the NDP aligns with the draft Local Plan.</p> <p>The draft Local Plan has to yet been adopted and both it, and its HRA, are therefore potentially subject to further changes. Given this, relying on the draft local plan and its HRA to avoid or mitigate for any potential impact are not considered sufficient to be certain of avoiding impact at this stage. The NDP's HRA may, of course, rely on the evidence supporting the Local Plan's HRA to draw conclusions as to whether the policies in the plan will have significant effects on the River Wye Special Area of Conservation (SAC).</p> <p>Natural England agrees that it is unlikely that the NDP will have significant effects on the SAC alone and in combination effects if the draft Local Plan is adopted, with the suggested amendments we have outlined as being necessary to avoid impacts on the River Wye SAC. We therefore advise that the Leominster NP can only progress prior to not be adopted until the adoption of the Herefordshire Core Strategy is adopted if it is reassessed and amended to ensure the necessary safeguards are in place to ensure there will be no likely significant effects on the River Wye SAC. (sic)</p> <p>If the Neighbourhood Plan is allowed to progress after the Core Strategy has been adopted then it is likely it will only require minor amendments to reflect the changes made to the Core Strategy and HRA.</p>	<p>Noted.</p> <p>Additional criteria have been added since the draft plan consultation to address the issues raised and additional commentary has been added to the report to indicate that the timescales for adoption of the Leominster Neighbourhood Plan are likely to be following the adoption of the Herefordshire Core Strategy.</p>
English Heritage / Heritage England	No comments received	
Environment Agency	No comments received	
Natural Resources Wales	No comments received	