

Habitats Regulations Assessment



Kings Cople Neighbourhood Area

Addendum

June 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 modifications through the HRA process to the Kings Caple NDP. The NDP has now been through an Independent Examination by John Slater and within his report he has recommended a number of modifications to ensure that the plan meets the Basic Conditions.
- 1.2 Herefordshire Council have accepted these modifications to the NDP. Therefore, the document has been updated to reflect the modifications which consisted of points of clarity and compliance with national policy. The 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 Second 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 Report (June 2016 and November 2016).
- 1.3 The Modifications are not considered to significantly affect the conclusions of the earlier HRA report; as there did not involve the introduction of new policies or changes 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 a NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies in the Kings Caple 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 Appendices 2 of that report.
- 2.3 The screening matrix took the approach of screening each policy, objective individually, which is consistent with current guidance. The results from the HRA reports for the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 For full details of the European Sites' attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Kings Caple Initial Screening Report. The Initial Screening Report, October 2014, can be found in Appendix 3 of the HRA report (June 2016). This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Kings Caple Neighbourhood Plan may affect site integrity.
- 2.5 None of the Kings Caple NDP objectives and policies (June 2016 and November 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 Kings Caple NDP, the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy) published on the Council's website.
- 2.6 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 were included measures to help support the natural environment including water quality and biodiversity. Therefore no significant effect conclusion could be reached. These policies were considered to have the potential to mitigate some of the possible adverse effects arising from elsewhere within the plan.
- 2.7 For those policies concerning site 'allocations' or that would result in development, it was concluded that there would not be an appreciable effect on the River Wye SAC or its hydrological catchment. This was largely attributed to the location of the site allocations and the level of growth proposed would not exceed the proportional growth targets outlined in the Local Plan (Core Strategy).

2.7 It was also concluded that the Kings Caple NDP will be unlikely to have any in-combination effects with any plans from neighbouring parishes

2.8 Therefore it was concluded that the **Kings Caple NDP will not have a likely significant effect on the River Wye SAC.**

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

3.0 Summary of main findings following examination

3.1 The final NDP incorporates the modifications that the 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 has been introduced into the Final NDP following the examination. A total of 25 modifications have been made to add clarity to the policies or ensure that they are in conformity with national policy. 10 policies have been deleted but this is due to the policy being amalgamated within other similar policies. None of these significantly alter the direction or stance of the submission policies which were previously assessed.

3.3 The revised NDP policies are therefore unlikely to result in significant effects on the European sites, a conclusion which is based on the assumptions and information contained within the Kings Caple NDP, the Herefordshire Core Strategy and the HRA for both plans.

4.0 Conclusion

4.1 With reference to section 3 above, modifications made to policies E1, E3, E5, CH1, SB1, SB2, H1, H2, H3, BD3, BD4, EM1, and T1 are not considered to affect the findings of the previous HRA report. On the contrary; they strengthen the likelihood of there being no adverse impacts.

4.2 Therefore the earlier conclusion that the **Kings Caple 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 Kings Caple NDP and the earlier HRA report and Addendum.

Appendix 1

HRA Report – Kings Caple Neighbourhood Plan (June 2017) - HRA Screening of amended Neighbourhood Development Plan Policies following examination

Date undertaken: **June 2017**

NDP objectives, policies	HRA Screening of Modified NDP objectives and policies following examination				
	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.	Could the policy have any likely significant effects on European sites (taking mitigation into account)?
E1 (E1 and CH4 combined and change of wording for clarification)	Small scale housing development	N/A	River Wye SAC	N/A	No, this policy is seeking it site and design new development to preserve and enhance the qualities of the AONB
E3 (minor word change to reference new as well as existing)	Encouragement to include wildlife corridors within developments	N/A	River Wye SAC	N/A	No: this policy will not lead to development itself but encourages the inclusion and protection of wildlife corridors and trees within schemes.
E5 (minor wording change)	Include Sustainable drainage within schemes.	This policy is seeking to have a positive effect.	River Wye SAC	N/A	No; this policy seeks to include biodiversity and water quality issues.
CH1	Criteria for any	N/A	N/A	N/A	No: this policy will not lead to

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(delete reference to landscape qualities)	developments within the 'Heritage Area'				development but sets criteria for developments within the 'Heritage Area'
SB1 (reworded more positively)	Proportionate housing development within and immediately adjacent to the settlement boundary.	<p>Some small scale housing development.</p> <p>Housing, infrastructure development</p> <p>Possible increase in recreation activities, vehicular movements and demand for water abstraction and treatment.</p> <p>Uncertain as to the impact on the River Wye SAC as dependant on the location of the development. The River Wye flows along the border of the parish but not adjacent to the settlement boundary</p>	River Wye SAC	Additionally policy E4 takes into account proportional growth requirements of the Core Strategy and potential headroom capacity at the local STW.	<p>No, development in line with the Local Plan (Core Strategy) policy RA2 and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects.</p> <p>Although it is acknowledged that there will be an increase in the demand for water abstraction and sewage treatment, the latest version of the HRA underlying the Core Strategy (April 2015) confirms that the roll out of Policy RA2 across the rural areas should not lead to adverse effects on the integrity of the River Wye SAC, provided the mitigation measures set out in the NMP are implemented</p> <p>Further assessments will be undertaken at site application stage.</p>

HRA Report – Kings Caple Neighbourhood Plan (June 2017) - HRA Screening of amended Neighbourhood Development Plan Policies following examination

<p>SB2 (delete 'not adjoining the boundary')</p>	<p>Policy limiting development within the countryside. Small scale in line with RA3</p>	<p>Some small scale housing development. Housing, infrastructure development Possible increase in recreation activities, vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the River Wye SAC dependent on the location of development, however the policy would result in small scale growth.</p>	<p>River Wye SAC</p>		<p>No, this policy merely supports the provisions of Policies RA3, RA4 and RA5 of the Core Strategy. There are additional policy criteria in place in both the Local Plan (Core Strategy) and the suggested additions to the NDP to avoid or mitigate any likely significant effects.</p>
<p>H1 (include reference to 2 allocated sites)</p>	<p>Proposed site allocations for proportional growth houses within the settlement boundary</p>	<p>Some small scale housing development. Housing, infrastructure development Possible increase in recreation activities, vehicular movements and demand for water abstraction and</p>	<p>River Wye SAC</p>	<p>Specific environmental issues could be investigated during the site search and be positively addressed within the policy wording.</p>	<p>No, development in line with the Local Plan (Core Strategy) policy RA2 and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects.</p>

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		<p>treatment.</p> <p>Allocation of sites with given more certainty and impacts can be assessed.</p>			
<p>H2 (removed reference to immediately adjacent to)</p>	<p>Small scale windfall development within and adjacent to the settlement boundary or in line with policy RA3</p>	<p>Some small scale housing development.</p> <p>Housing, infrastructure development</p> <p>Possible increase in recreation activities, vehicular movements and demand for water abstraction and treatment.</p> <p>Allocation of sites with given more certainty and impacts can be assessed.</p>	<p>River Wye SAC</p>		<p>No, development in line with the Local Plan (Core Strategy) policy RA2 and RA3 and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects.</p>
<p>H3 (Minor word changes)</p>	<p>Small scale housing development</p>	<p>Design criteria to ensure form, scale are characteristic</p>	<p>N/A</p>	<p>N/A</p>	<p>No; this policy will not lead to development itself but highlights design criteria and the need for evidence</p>
<p>BD3</p>	<p>Limit height of</p>	<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	<p>No: this policy is a further design criteria restricting the</p>

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(minor word changes)	buildings				height of buildings within the village
BD6 (minor word changes)	Protection of residential amenity	N/A	N/A	N/A	No; this is a design criteria for housing schemes to protect existing residential amenity
EM1 (removed none planning elements)	Greater availability of broadband, additional ability to work for home / locally	N/A	N/A	N/A	No; this is a design policy encouraging all housing developments to include broadband
T1 (remove matters covered by other legislation)	Continuing use of public rights of way	Possible increase in tourism activity	River Wye SAC	Policies within the Core Strategy and other suggested additions to the NDP should provide sufficient safeguards in this respect	No; sufficient safeguards are included within the Core Strategy and the additions to the NDP to provide policy safeguard as impacts will be minor.

Appendix 2

Appendix 2 – Modifications to the Kings Caple NDP following examination

Policy	Modification recommended	Justification
Modification 1 Policies Map	That a comprehensive Proposals maps is produced including site allocations, a revised settlement boundary and other plan designation	To ensure that the intentions of the plan are clear particularly relating to site allocations
Modification 2 Policy E1	Replace the currently wording with; 'Development should not adversely impact upon the quality of the landscape, which is designated as an Area of Outstanding Natural Beauty and should seek to preserve and enhance the setting of Kings Caple within its landscape. Any development which is shown by an assessment of views to have an adverse effect upon the character and appearance of the landscape will be expected to fully mitigate its effects, before planning permission is granted.'	For clarity two draft policies (E1 and CH4) have been combined into a single policy dealing with impacts of development on the protected landscape.
Modification 3 Policy E2	Delete policy	Not necessary to differentiate between agricultural development from other types of development. Issue encompassed into revised Policy E1
Modification 4 Policy E3	Insert ' new as well as existing' after 'incorporate'	To ensure clarity
Modification 5 Policy E5	Insert 'where appropriate' after 'required'	To ensure clarity
Modification 6 Policy E6	Delete policy	Policy is contrary to Secretary of State guidance issued on 25 March 2015. No local justification or evidence has been provided to support departure.
Modification 7 Policy CH1	Delete 'and landscape qualities' from the first sentence	Form of protection set out in policy is justified however landscape quality is protected within policy E1
Modification 8 Policy CH2	Delete policy	Policy does not add anything beyond Policy E1
Modification 9 Policy CH3	Delete policy	Policy is unclear, too vague and ambiguous as to which heritage assets and settings it is seeking to protect. There is a lack of

		evidence to support the policy
Modification 10 Policy CH4	Delete policy	Combined with Policy E1, therefore policy is superfluous
Modification 11 Policy SB1	Replace policy with; 'There will be a presumption in favour of new residential development on land within the settlement boundary as shown on the policies maps and any non-residential development must be compatible with the residential character of the surrounding development'	To ensure clarity and policy is written in a positive manner.
Modification 12 Policy SB2	Delete 'and not adjoining the boundary' Delete the second sentence of the policy	To ensure that the policy is in conformity with the Core Strategy and is relevant
Modification 13 Policy H1	Replace the policy with; 'The following 2 sites are allocated for new housing; <ul style="list-style-type: none"> • KC11 – Field adjacent to the Homestead for approximately 15 dwellings • KC03B – Land adjacent to Kings Caple Primary School for approximately 8 dwellings The settlement boundary to be shown on the policies map to be extended to show these two sites as falling within the settlement boundary.	To ensure the sites indicated are allocated for housing rather than a description as preferred sites. To include a logical extension of the settlement boundary to include the two site allocations
Modification 14 Policy H2	Remove 'or immediately adjacent to' from the first sentence Remove 'and not immediately adjacent to' in the second sentence	To ensure the policy does not conflict with Core Strategy Policy RA2 and RA3
Modification 15 Policy H3	Insert 'on allocated sites' after 'housing development' Delete 'in scale, form and type' In the second sentence insert 'on the allocated sites' after 'housing development' Delete 'Kings Caple' and insert at the end 'as shown in figure 8.11 and 8.12 of the Herefordshire Local Housing Market Assessment 2013 or such other document which updates the local needs assessment.'	To ensure that the policy is achievable and make reference to the most up to date information
Modification 16 Policy H4	Delete 'and shared equity housing schemes'	To ensure that the policy is compliant with the intentions of policy H1 of the Core Strategy.

Modification 17 Policy H5	Delete policy	Policy is not compatible with the objectives of delivering sustainable development
Modification 18 Policy BD2	Delete policy	This policy is beyond matters covered by planning policy
Modification 19 Policy BD3	Replace 'stories' with 'storeys' After 'Poulstone Lane' change 'houses' with 'dwellings' Replace 'story' with 'storey' Delete the final sentence and put in supporting text	To ensure clarity in terminology
Modification 20 Policy BD6	Insert 'significantly' before 'adversely' Remove all text after 'planning application'	To ensure that the policy expectations are realistic. To remove elements which are control by other legislation
Modification 21 Policy BD7	Delete policy	To remove duplication covered with policy E1 and CH1
Modification 22 Policy EM1	Replace the wording with; 'All housing developments are to be provided with the necessary infrastructure and ducting to enable the property to be connected to a high-speed broadband network'	To remove elements not in the remit of planning policy
Modification 23 Policy T1	Replace all text after PROW and insert 'will not be approved'	To remove matters covered by other legislation
Modification 24 Policy TT1	Delete policy	Issues can be dealt with by planning condition on development. The policy is not enforceable for completed development
Modification 25 Policy TT2	Delete policy	To remove over-onerous and unrealistic requirements.