

Habitats Regulations Assessment



Kingsland Neighbourhood Area

2nd Addendum

July 2016 0

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Appendix 1: Revised screening of policy matrix (July 2016)

Appendix 2: Feedback on Habitat Regulation Assessment (HRA) Report consultation (January 2016)

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 amendments through the HRA process to the Kingsland NDP. The NDP was submitted in November 2015, however due to representations received and issues regarding conformity with the adopted Herefordshire Core Strategy, the NDP have been further refined.
- 1.2 The purpose of this further HRA Addendum Report is to detail the findings of the screening of proposed changes these policies and consider if they significantly affect the conclusions of the earlier HRA Report (October 2015).
- 1.3 The majority of refinements have been made to the reasoned justification rather than the policy wording. However, there has been some refinement to four policies to reflect issues regarding water quality within the parish. There were no changes to the overall aims and objectives of the existing planning policies.

2.0 Screening of the NDP to date

- 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 within the Kingsland NDP would be likely to have a significant effect on the River Wye SAC or Downton Gorge SAC
- 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 any site allocations 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 None of the Kingsland NDP objectives and policies (October 2015) were concluded to be likely to have a significant effect on the European sites. Therefore it was concluded that the **Kingsland NDP will not have a likely significant effect on the River Wye SAC nor Downton Gorge SAC**. This conclusion is based on assumptions and information contained within the Kingsland NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).
- 2.5 In many cases this is because the policies would not result in development, i.e., it related instead to criteria for development. In a number of cases the policies also included measures to help support the natural environment, including biodiversity and therefore no significant effect conclusion could be reached. In addition, these policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 It is unlikely that the Kingsland Neighbourhood Plan will have any in-combination effects with any Plans from neighbouring parish council due to the level of growth proposed is of the same that is proposed for the Leominster Housing Market Area in the Herefordshire Core Strategy

3.0 Summary of main findings - re-submission NDP (July 2016)

- 3.1 The proposed amendments within the re-submission NDP have been screened to consider if they are likely to significantly affect the findings of the previous HRA Report (October 2015). A summary of the main findings is provided below.
- 3.2 The re-submission NDP incorporates additional policy criteria to add clarity and emphasis regarding the treatment of waste water within the local water treatment works. Of particular importance is that Policy KNDP9 and KNDP 14 to KNDP16 which now include specific reference to the necessity to avoid adverse impacts on the European site and ensure that the

delivery of the Nutrient Management Plan is not compromised within the text and additional policy criteria relating to biodiversity.

- 3.2 None new policies have been added to the plan within this iteration.
- 3.3 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is not sufficient existing permitted headroom in the Sewerage Treatment works serving Leominster and parts of rural Herefordshire to continue to treat the water from all of the new housing provided for in the Core Strategy policies without affecting water quality in the River Wye SAC. However, this is in the main due to the large urban extension proposed in Leominster. The preparation of the Nutrient Management Plan for the River Wye SAC identifies measures that would enable the development to proceed. The evidence base and options appraisal for the Nutrient Management Plan modelled four scenarios with the aim to achieve the conservation objective's phosphate target. Therefore, it can now be concluded that where development is proposed at or around Leominster and in the rural areas, there would be no likely significant effect on the River Wye SAC.
- 3.4 It has been indicated by Welsh Water that the Kingsland Sewerage Treatment Works limited capacity and the Environment Agency has indicated as part of the Water Cycle Study that growth would require a new permit as there is no current capacity. The additional policy criteria add will ensure that these issues are addressed in future development proposals.
- 3.5 The re-submission 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 Kingsland NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).

4.0 Conclusion

- 4.1 With reference to section 3 above, the additional criteria added to 4 policies are not considered to affect the findings of the previous HRA report and strengthen the likelihood of there being no adverse impacts. Moreover, the Local Plan (Core Strategy) is now adopted and will provide further policy safeguards.
- 4.2 Therefore the earlier conclusion that the **Kingsland NDP will not have a likely significant effect on the River Wye SAC nor Downton Gorge SAC** remains valid.

5.0 Next steps

- 5.1 This second Addendum Report will be published alongside both the re-submission NDP and earlier HRA Report (November 2014) and addendum (October 2015) for consultation. Any changes to the plan that arise from this consultation will be subject to further screening, in order to consider their impact on protected sites.

Appendix 1 !

Redrafted Policy Re-submission NDP	HRA Re-Screening Assessment of Emerging redrafted NDP objectives, options and policies				
	Likely activities (operations) to result as a consequence of the redrafted policy	Likely effect if redrafted policy implemented. Could they have LSE on European Sites?	European Sites potentially affected	Mitigation measures to be considered to avoid any impacts	If recommendations are implemented, would result in no likely significant effect?
KNDP 9	Policy is specifically regarding the performance of the Kingsland sewerage treatment works.	No, the aim of this amendment is to safeguard the River Wye SAC and its water quality from any discharge levels from the Kingsland WWTWs. This policy will complement the requirements of the Nutrient Management Plan and Policy SD4	River Wye SAC	n/a	No, the amendment is aiming to safeguard the water quality and integrity of the River Wye SAC.
KNDP 14 (k)	Additional criteria added regarding treatment of waste water	No, the aim of this amendment is to safeguard the River Wye SAC and its water quality from any discharge levels from the Kingsland WWTWs. This policy will complement the requirements of the Nutrient Management Plan and Policy SD4	River Wye SAC	n/a	No, the amendment is aiming to safeguard the water quality and integrity of the River Wye SAC.
KNDP 15 (g) and (h)	Additional criteria added regarding treatment of waste water and residential amenity	No, the aim of this amendment is to safeguard the River Wye SAC and its water quality from any discharge levels from the Kingsland WWTWs. This policy will complement the requirements of the Nutrient Management Plan and Policy SD4	River Wye SAC	n/a	No, the amendment is aiming to safeguard the water quality and integrity of the River Wye SAC.
KNDP 16 (f)	Additional criteria added regarding treatment of waste water	No, the aim of this amendment is to safeguard the River Wye SAC and its water quality from any discharge levels from the Kingsland WWTWs. This policy will complement the requirements of the Nutrient Management Plan and Policy SD4	River Wye SAC	n/a	No, the amendment is aiming to safeguard the water quality and integrity of the River Wye SAC.

Appendix 2 !

Comments and representations received to the HRA during submission consultation**Consultation date:** 17 November 2015 to 4 January 2016**Consultation title:** Kingsland Parish NDP Submission Regulation 16*N.B. This consultation feedback is **only** for comments received on the HRA of the Neighbourhood Development Plan*

Consultee	Summary of Comments	Response
English Heritage / Heritage England	No comments received	n/a
Natural England	Confirm agreement with the conclusion of the HRA and its addendum that no likely significant effects on will occur	noted
Environment Agency	No comments received	n/a
Natural Resources Wales	No comment received	n/a