

# Habitats Regulations Assessment



## Kingsland 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 Kingsland NDP. The NDP has now been through an Independent Examination by Ann Skippers and within her report she 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 Final 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 (October 2015 and July 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 (October 2015) and this determined the extent to which any of the policies in the Kingsland NDP would be likely to have a significant effect on the River Wye SAC and Downton Gorge SAC.
- 2.2 The findings of the screening matrix can be found in Appendices 1 and 2 of that report (October 2015).
- 2.3 The screening matrix took the approach of screening each policies 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 Kingsland Initial Screening Report. The Initial Screening Report, October 2014, can be found in Appendix 3 of the HRA report (October 2015). 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 Kingsland Neighbourhood Plan may affect site integrity.
- 2.5 None of the Kingsland NDP objectives and policies (October 2015 and July 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 Kingsland NDP, the Herefordshire Local Plan (Core Strategy) and 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 also included mitigation measures to help support the natural environment including biodiversity, and therefore no significant effect conclusion could be reached. These policies have the potential to mitigate some of the possible adverse effects arising from other policies within the NDP. Downton Gorge SAC is vulnerable to air quality associated with poultry units and other intensive agricultural practices, Leintwardine is not proposing either of these within its policies.
- 2.7 It was also concluded that the Kingsland NDP will be unlikely to have any in-combination effects with any plans from neighbouring parishes, as any sites currently allocated in the

adjacent parishes' NDP is within the parameters set out within the Herefordshire Local Plan (Core Strategy).

- 2.8 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.
- 2.9 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 policy criteria will ensure that these issues are addressed in future development proposals.
- 2.8 Therefore it was concluded that the **draft Kingsland NDP will not have a likely significant effect on the water quality River Wye SAC nor air quality on the Downton Gorge 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 October 2015 and July 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 16 modifications have been made to add clarity to the policies or ensure that they are in conformity with national policy. 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 Kingsland 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 KNDP1, KNDP2, KNDP3, KNDP4, KNDP5, KNDP6, KNDP8, KNDP9, KNDP13, KNDP14, KNDP15, KNDP16 and KNDP18 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 **Kingsland NDP will not have a likely significant effect on the River Wye SAC and Downton Gorge SAC** remains valid.

### **5.0 Next steps**

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

# Appendix 1

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? (Yes/No, with reasons)	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/policy and to be considered as part of Appropriate Assessment	Could the policy have likely significant effects on European sites (taking mitigation into account?)
<i>Policy KNDP1 – Promoting a Sustainable community</i> <i>(change of wording for clarity and remove repetition)</i>	Promote sustainable development measures for all new development across the county	N/A	N/A	N/A	No. This policy will not lead to development; rather it aims to ensure that new development coming forward under the other NDP policies contributes to sustainable development across the Neighbourhood area.
<i>Policy KNDP2 – Development Strategy</i> <i>(extend settlement boundary to show extend of extant planning permissions)</i>	Housing development Increased vehicle traffic Increased demand for water abstraction and sewage treatment	Uncertain as to the impact upon the River Wye SAC depending upon location of development  The development will be of small scale and in line with the Core Strategy therefore there should be no adverse impact upon	River Wye SAC	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.  Improved water efficiency measures, metering and addressing leakages in supply may	No. This policy highlights the focus for houses to be developed within the Neighbourhood area over the Plan period. The growth remains within the requirements set out in the Core Strategy RA2 policy and therefore is

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		the Downton Gorge		help to mitigate any additional pressure placed on the water supply as a result of new development.	not over and above the proposed.  Although it is acknowledged that there will be an increase in the demand for water abstraction and sewage treatment the Core Strategy has identified that there will be sufficient headroom and capacity for the additional houses over the plan period following the Nutrient Management Plan.
<i>Policy KNDP3 – Sustainable Design</i>  <i>(conformity with the Written Statement of 25 March 2015)</i>	N/A	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	This policy should help to mitigate the potential effects of future development, by ensuring sustainable methods are used and waste and recycling are specifically handled.	No. This policy is unlikely to lead to development, instead it relates to criteria for development.
<i>Policy KNDP4 – Retaining the rural character of Kingsland Parish</i>  <i>(wording to ensure clarity and precision)</i>	N/A	N/A	N/A	The measures in this policy to conserve and enhance biodiversity and the landscape character across the Parish should help to provide mitigation against the potential	No. This policy will not lead to new development; rather it specifically aims to ensure that any development proposed will conserve, restore and enhance habitats,

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				adverse impacts of new developments	natural green space, local ecological features and networks. As well as the historic landscape and archaeological sites. As such this policy could help to provide mitigation against the potential of other NDP policies.
<i>Policy KNDP5 – Protecting Kingsland’s Heritage Assets</i>  <i>(conformity with national policy)</i>	N/A	No likely significant effect on the River Wye SAC or Downton Gorge	N/A	N/A	No. This policy will not lead to new development; rather it aims to ensure that any development proposed within the Neighbourhood Area will conserve and enhance the local Historic Assets and local distinctiveness.
<i>Policy KNDP6 – Retaining the character of the Conservation Area and Kingsland Village</i>  <i>(ensure conformity with statutory duty within the Planning Act)</i>	Promoting measures to ensure the historic, cultural and ecological heritage of the Parish remains or is enhanced.	No likely significant effect on the River Wye SAC or Downton Gorge.	N/A	N/A	No. This policy will not lead to new development; rather it aims to ensure that any development proposed within the Neighbourhood Area will conserve and enhance the local Historic Assets and local distinctiveness of



					Kingsland village.
<i>Policy KNP8 – Highways and transport infrastructure</i> <i>(ensure consideration of highway requirements)</i>	Development of transport infrastructure such as car park for Kingsland and encouraging sustainable transport methods	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	N/A	No. This policy is not likely to lead to development but rather it aims to provide sustainable traffic measures to reduce the effect of transport on the environment from development.
<i>Policy KNP9 – Kingsland Sewage treatment works</i> <i>(minor amendments)</i>	N/A	N/A	N/A	This policy should help to mitigate potential adverse effects of future development within the Parish in relation to water quality and capacity at the sewerage works.	No. This policy will not itself lead to development instead it relates to criteria for new development. In addition, the proposal specifically aims to ensure that new development does not have an adverse impact upon the water treatment works and therefore the water quality.
<i>Policy KNP13 –Local Green Space, Open space and play areas</i> <i>(minor amendments)</i>	N/A	N/A	N/A	The policy will help to provide additional open space / play areas within the Neighbourhood Area.	No. The policy would itself not necessarily lead to development; however the additional open space / play areas that could be provided from development will help

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					to enhance the area and provide mitigation against the new development.
<p><i>Policy KNP14 – New Homes in Kingsland</i></p> <p><i>(removed unnecessary text)</i></p>	<p>Housing development</p> <p>Increased vehicle traffic</p> <p>Increased demand for water abstraction and sewage treatment</p>	<p>Uncertain as to the impact upon the River Wye SAC depending upon location of development.</p> <p>Unlikely impact on Downton Gorge SAC due to the small scale of the development</p>	<p>River Wye SAC</p>	<p>The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.</p> <p>Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new development.</p> <p>The policy safeguards 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</p>	<p>No. This policy is providing criteria that any new development must adhere to.</p> <p>It is acknowledged that some impact could occur due to the new development however the development is small scale and therefore the impact will not be great. This policy and others within the draft Plan also sets out measures to help reduce the impact through mitigation</p> <p>The additional pressure on water abstraction and treatment it has been confirmed by DCWW that there will be sufficient water resources to meet the increases in demand over the Plan period. Whilst there may be</p>

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					not currently sufficient capacity at the sewage treatment works serving the Leominster and the rural villages surrounding to accommodate this level of growth the Nutrient Management Plan being produced by Environment Agency and Natural England has concluded that measures can be implemented to allow the level of growth proposed without compromising the achievement of phosphate targets in the River Wye.
<i>Policy K15 – New homes in Shirtheath</i> <i>(remove unnecessary text)</i>	Housing development  Increased vehicle traffic  Increased demand for water abstraction and sewage treatment	Uncertain as to the impact upon the River Wye SAC depending upon location of development.  Unlikely impact on Downton Gorge SAC due to the small scale of the development	River Wye SAC	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.  Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure	No. This policy is providing criteria that any new development must adhere to.  It is acknowledged that some impact could occur due to the new development however the development is small scale and therefore the impact will not be great. This

				<p>placed on the water supply as a result of new development.</p> <p>The policy safeguards 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</p>	<p>policy and others within the draft Plan also sets out measures to help reduce the impact through mitigation</p> <p>The additional pressure on water abstraction and treatment it has been confirmed by DCWW that there will be sufficient water resources to meet the increases in demand over the Plan period. Whilst there may be not currently sufficient capacity at the sewage treatment works serving the Leominster and the rural villages surrounding to accommodate this level of growth the Nutrient Management Plan being produced by Environment Agency and Natural England has concluded that measures can be implemented to allow the level of growth</p>
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					proposed without compromising the achievement of phosphate targets in the River Wye.
<p><i>Policy KNDP16 – New homes in Cobnash</i></p> <p><i>(remove unnecessary text)</i></p>	Small scale housing development	<p>Uncertain as to the impact upon the River Wye SAC depending upon location of development.</p> <p>Unlikely impact on Downton Gorge SAC due to the small scale of the development</p>	River Wye SAC	<p>The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.</p> <p>Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new development.</p> <p>The policy safeguards 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</p>	<p>No. This policy is providing criteria that any new development must adhere to.</p> <p>It is acknowledged that some impact could occur due to the new development however the development is small scale and therefore the impact will not be great. This policy and others within the draft Plan also sets out measures to help reduce the impact through mitigation</p> <p>The additional pressure on water abstraction and treatment it has been confirmed by DCWW that there will be sufficient water resources to meet the increases in demand over the Plan period.</p>

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					<p>Whilst there may be not currently sufficient capacity at the sewage treatment works serving the Leominster and the rural villages surrounding to accommodate this level of growth the Nutrient Management Plan being produced by Environment Agency and Natural England has concluded that measures can be implemented to allow the level of growth proposed without compromising the achievement of phosphate targets in the River Wye.</p>
<p><i>Policy KNP18 – Agriculture, Forestry and Rural enterprises</i>  <i>(ensure conformity and clarity)</i></p>	N/A	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A		<p>No. This policy sets out criteria for the development of agricultural, forestry and rural enterprise dwellings in rural areas. Any resulting development would be on a very small scale as this policy refers to the development of</p>

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					individual buildings and is applying strict criteria for where this would be allowed.
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# Appendix 2



**Modifications to the Kingsland NDP following examination**

Policy	Modification recommended	Justification
Modification 1 Summary	Replace the words 'Local Plan for Herefordshire' in the first and fourth paragraphs on page 3 of the Plan with 'Development Plan for Herefordshire'	To ensure the correct terminology is used
Modification 2 Policy KNDP1	Change the beginning of the second sentence of the policy to read; 'Development proposals should address the following high-level priorities ...cohesive and resilient community' (retain reminder of sentence as existing with the addition of; at the end)  Change criterion a) to read; 'The conservation and enhancement of the rural character...' (retain rest of criterion as existing)  Delete the last paragraph of the policy in its entirety	To ensure clarity and precision and remove unnecessary or repetitive elements of the policy
Modification 3 Policy KNDP 2	Change 'this Neighbourhood Plan' in criteria a) of the policy to 'the development plan'  Add to criteria d) 'in the development plan including' after 'relevant policies'  Delete the words 'as long as they are sustainable in accordance with KNDP1' from the fourth sentence in paragraph 2.6 on page 17 of the Plan.  Delete the last sentence in paragraph 2.6  Extend the settlement boundary for Kingsland to reflect extant permissions shown on the map included as Appendix 2 in the additional information sent  Extend the settlement boundary for Cobnash to reflect extant permission and as shown on the map included as Appendix 4 in the additional information  Some updating of the Plan will be needed to reflect updated housing figures	To ensure clarity and accuracy  To that settlement boundaries accuracy reflect extant planning permissions
Modification 4	Change the first sentence of the policy to read;	To ensure conformity with the

Policy KNDP3	<p>'An integrated approach is encouraged to achieve the maximum possible reduction'</p> <p>Change the second sentence of the first paragraph of the policy to read; 'Development proposals are encouraged to contain a coordinated package of sustainable design measures which could include' (delete 'which accord with regulatory requirements')</p> <p>Change the first sentence of 4. to read: 'Developers are particularly encouraged to set out their...' (retain as existing)</p>	Written Ministerial Statement of 25 March 2015
Modification 5  Policy KNDP4	<p>Delete the first paragraph of the policy which begins 'Measures to maintain..' in its entirety.</p> <p>Reword criteria a) to read: 'Conserve the rural landscape character of the Parish and, where possible, include measure which restore or enhance this character.'</p> <p>Change criteria c) to read: 'Take every available and appropriate opportunity to extend tree and hedgerow cover by planting with indigenous species '</p> <p>Change criterion d) to read; 'Retain important natural assets of the parish including landscape features such as trees, woodland, wide grass verges, orchards and hedgerows unless the need for, and benefits of, the development in that location clearly outweighs the loss or deterioration in irreplaceable habitats'</p> <p>Change criterion e) to read: 'Ensure that the key landscape features of important views should be able to be continued to be enjoyed'</p> <p>Change the word 'Retain' in criteria f) to 'Conserve'</p>	To ensure clarity and precision and ensure sufficient flexibility in decision making
Modification 6  Policy KNDP 5	Reword Policy KNDP5 to read: 'Development proposals should ensure that the Parish's heritage assets, including those not yet identified, and its local historic character and distinctiveness are conserved or enhanced. In particular consideration should be given to:	To ensure conformity with national policy and the NPPF regarding the historic environment.

	<ul style="list-style-type: none"> <li>a) Respecting the Parish's historic landscape character</li> <li>b) The significance of heritage assets including archaeological sites, and their settings</li> <li>c) The need for a desk-based assessment and, where necessary, where a development proposal has the potential affect heritage assets with archaeological interest</li> <li>d) Conserving the character of traditional rural buildings including farmsteads and by particular reference to the Herefordshire Farmsteads Characterisation Project</li> <li>e) Early consultation and engagement with sources of information about the historic environment'</li> </ul> <p>Improve the quality of the Historic Environment Map on page 24 of the Plan</p>	To ensure clarity with regards to mapping
Modification 7 Policy KNDP 6	<p>Change the title of the policy to 'Kingsland Village and Conservation Area'</p> <p>Change the first sentence of the policy to read; 'Proposals in Kingsland village should conserve or enhance the landscape setting or character or appearance of Kingsland village and reinforce its local distinctiveness'</p> <p>Change criterion i) to read; 'Preserve or enhance the character or appearance of the Kingsland Conservation Area</p> <p>Change criterion ii) to read: 'Do no adversely affect the significance of heritage assets and their settings within the village'</p> <p>Delete criterion iii) in its entirety</p> <p>Change the word 'conserve' to 'preserve' in the third bold paragraph</p> <p>Delete the paragraph which is numbered 1 and replace it with '1. The following characteristics are particularly valued by the community' (retain list a) to f)</p> <p>Change f) the read 'The distinctive identities of Kingsland village and West Town'</p> <p>Delete the paragraph which is numbered 2. and replace it with '2. The following design</p>	<p>To ensure the policy is not over restrictive in line with the statutory duty within the 1990 Planning Act</p> <p>To ensure clarity and precision and remove repetition</p>

	<p>criteria should be demonstrated by all development proposals' (retain criteria a to d)</p> <p>Delete ' as well as Shirheath and Cobnash' from paragraph numbered 3.</p> <p>Delete criteria a) to g) from the paragraph numbered 3</p>	
Modification 8 Policy KNDP 8	Amend criterion d) to read; 'They minimise the need for, and aim to avoid the provision of, any additional street lighting'	To ensure consideration of highways requirements
Modification 9 Policy KNDP 9	Change 'we' in the penultimate sentence of the policy to 'Wye'	To remove inappropriate text and correct error
Modification 10 Policy KNDP 13	<p>Change the title of the policy to 'Local Green Spaces, Open Space, Play Areas and Access'</p> <p>Add 'and as shown on the Kingsland Policies Map' after 'The following areas...' in the second sentence of the policy</p> <p>Update the Policies Map to show the extended Scheduled Ancient Monument at Kingsland Castle</p> <p>Remove the Local Green Space designation on the policies map from Mortimer Park Rugby and Cricket Ground</p>	<p>To ensure policy title reflects the content</p> <p>To ensure that up to date policy maps</p> <p>Land is already protected by Core Strategy Policy OS3 which is more appropriate</p>
Modification 11 Policy KNDP 14	<p>Delete criteria b) and m) in their entirety</p> <p>The background and supporting text will require updating in light of the recommended modification to this policy and to Policy KNDP2</p>	To ensure clarity and precision and remove unnecessary text
Modification 12 Policy KNDP 15	<p>Delete criterion j) in its entirety</p> <p>The supporting text may need some updating in the light of modifications made elsewhere to this section</p>	To remove unnecessary text
Modification 13	<p>Delete criterion j) in its entirety</p> <p>Delete the last sentence in paragraph 6.13 on page 47 of the Plan in its entirety</p>	To remove unnecessary text

Policy KNDP 16	The supporting text may need some updating in the light of modifications made elsewhere to this section	
Modification 14  Policy KNDP 18	<p>Add the words 'within a group of' to the second sentence of criterion b) so that it reads 'Where new buildings cannot be located within a group of existing buildings, new development ....'</p> <p>Delete criterion c) in its entirety</p> <p>Delete the words 'or loss of rural ambience' from criterion d)</p> <p>Delete criterion e) in its entirety</p> <p>Delete criterion h) in its entirety</p> <p>Revise criterion i) to read 'There is not detrimental impact upon the visual amenity of the parish or the surrounding landscape and the rural character of the parish is respected'</p> <p>Delete criterion k) in its entirety</p> <p>Delete 'and any potential negative impact upon the parish mitigated' from criterion l)</p>	<p>To include missing text</p> <p>To ensure conformity with national policy</p> <p>To ensure precision in decision making</p> <p>To remove elements which would be difficult to enforce</p>
Modification 15  Delivering the Plan	Delete the words 'unless there are significant material reasons for departing from their provisions' in the first sentence of paragraph 8.1 on page 55 of the Plan and replace with 'unless there are material considerations that indicate otherwise'	To ensure the wording accords with the Town and Country Planning Act 1990
Modification 16  Policies Maps	<p>Amend the name of the Kingsland Policies Map that covers the parish to 'Kingsland Parish Policies Map'</p> <p>Amend the name of the Kingsland Policies Map that covers the village to 'Kingsland Village Policies Map'</p> <p>Change the names of the list of maps on page 57 of the Plan to reflect the actual titles of the maps and the modifications suggested above (or vice versa)</p> <p>Consider including the maps in the Plan itself</p>	To ensure clarity and avoid confusion