

# Habitats Regulations Assessment



## Kingsland 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 amendments through the HRA process to the Kingsland NDP; the NDP was refined by the NDP steering group to reflect feedback from consultation on the Draft Plan, Modifications to the Herefordshire Core Strategy and Draft Environmental and Habitat Regulations Assessment (HRA) Reports, refer to Appendix 2.
- 1.2 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 Report (December 2014).
- 1.3 The vast majority of refinements are not considered to significantly affect the conclusions of the earlier HRA report. One additional policy has been added as a result of changes to the Herefordshire Local Plan (Core Strategy) and some criteria and refinement has taken place to other policies. However there were no changes to 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 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 site allocation 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 (December 2014) were concluded to be likely to have a significant effect on the European sites. 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 policy itself 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 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.
- 2.7 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

2.8 Therefore it was concluded that the **Kingsland NDP will not have a likely significant effect on the River Wye SAC nor Downton Gorge SAC.**

2.9 The proposed amendments within the submission NDP are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in May 2015. A summary of the main findings is provided below.

### 3.0 Summary of main findings

3.1 The Submission NDP incorporates additional policy criteria to add clarity and emphasis throughout the document. Of particular importance is that Policy 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 One new policy has been introduced into the Submission NDP following the Regulation 14 Draft Plan consultation. This was to reflect the changes to the Local Plan (Core Strategy) with regards to Cobnash. This policy has been screened and concluded to have not adverse impact.

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 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 a number of 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 Addendum Report will be published alongside both the Submission NDP and earlier HRA Report 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	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?
KNDP2 Development Strategy	Change made to include reference to Cobnash	The development will be of small scale and in line with the Core Strategy therefore there should be no adverse impact upon the Downton Gorge	River Wye SAC	n/a	No. This policy highlights the focus for houses to be developed within the Neighbourhood area over the Plan period. The addition of Cobnash is in line with the Local Plan (Core Strategy) and criteria safeguards are in place  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.
KNDP4 Retaining the Rural Character of Kingsland Parish	Change to include criteria relation to biodiversity particularly international and national sites	This will have a positive effect on the policy as previously drafted in relation to the River Wye SAC	River Wye SAC	n/a	No, this additional policy criterion will assist to safeguard national and international sites.
KNDP 5 Protecting Kingsland's Heritage Assets	Change made to include criteria relating to the development of farmsteads and the use of the Historic Environment Records	n/a	n/a	n/a	No, this is an addition of policy criteria to safeguard the historic character of development proposals.
KNDP 13 Open space and play areas	Additional open space included within the policy	n/a	n/a	n/a	No, this is an additional open space to the list of those highlighted
KNDP 14 – New homes in Kingsland	Additional criteria added to protect biodiversity and highlight issues surrounding the Nutrient Management Plan	This will have a positive effect on the policy as previously drafted. It now makes reference to the issues surrounding the River Lugg and the Nutrient Management Plan	River Wye SAC	n/a	No, additional policy criteria has been added to safeguard biodiversity and information regarding the Nutrient Management Plan.
KNDP 15 – New homes in Shirleath	Additional criteria added to protect biodiversity and highlight issues surrounding the Nutrient Management Plan	This will have a positive effect on the policy as previously drafted. It now makes reference to the issues surrounding the River Lugg and the Nutrient Management Plan	River Wye SAC	n/a	No, additional policy criteria has been added to safeguard biodiversity and information regarding the Nutrient Management Plan
KNDP 16 New homes in Cobnash	This is a new policy which reflects the changes to the Local Plan (Core Strategy)  Criteria is included which	Small scale development within a defined settlement boundary. No likely significant effect.	River Wye SAC	n/a	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

	safeguards biodiversity				the development is small scale and therefore the impact will not be great. This policy and others within the Plan also sets out measures to help reduce the impact through mitigation
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# Appendix 2



**Consultation date:** 17 December 2014 to 10 February 2015

**Consultation title:** Kingsland Parish NDP Community Consultation Draft 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
English Heritage / Heritage England	No comments received	n/a
Natural England	No comments received	n/a
Environment Agency	No comments received	n/a
Natural Resources Wales	No comment received	n/a