

Habitats Regulations Assessment



Luston Group Neighbourhood Area

Addendum

December 2016



**Herefordshire
Council**

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Appendix 1: Feedback on Habitat Regulation Assessment (HRA) Report consultation

Appendix 2: Revised screening of policy matrix

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 Luston Group NDP; the NDP was refined by the NDP steering group to reflect feedback from consultation on the Draft Plan and the associated Environmental and Habitat Regulations Assessment (HRA) Reports, referred to Appendix 1.
- 1.2 The purpose of this further HRA Addendum Report is to detail the findings of the screening of proposed changes to six policies of the Luston Group NDP and consider if they significantly affect the conclusions of the earlier HRA Report (April 2016).

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 in the Luston Group NDP would be likely to have a significant effect on the River Wye SAC and the Downton Gorge SAC.
- 2.2 The findings of the screening matrix can be found in Appendix 2 of that report.
- 2.3 The screening matrix took the approach of screening each policy and objective individually, which is consistent with current guidance. The results from the HRA Report for the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 On the basis of assumptions and information contained within the Luston Group NDP, Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy), all of the NDP policies were found to be unlikely to result in significant effects on the Downton Gorge SAC or the River Wye SAC.
- 2.5 In many cases this was 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 measures to help support the natural environment including biodiversity. In addition, to conserve community facilities and heritage etc, and 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.
- 2.6 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 Downton Gorge SAC or the River Wye hydrological catchment. Downton Gorge SAC is vulnerable to air quality associated with poultry units and other intensive agricultural practices, Luston Group is not proposing either of these within its policies. With regards to the River Wye 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). Phasing policy has also been included to ensure that waste water capacity is available.
- 2.7 It was also concluded that the Luston Group NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are allocated for development in these.
- 2.8 Therefore, it was concluded that the **Luston Group NDP will not have a likely significant effect on Downton Gorge SAC nor the River Wye SAC.**
- 2.9 The proposed amendments to the Draft NDP are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in April 2016 and the main findings of this assessment are summarised below.

3.0 Summary of main findings

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- 3.1 The Submission NDP incorporates suggestions made by consultees during the Regulation 14 Draft Plan consultation, by adding clarity and emphasis throughout the document.
- 3.2 No new policies have been introduced into the Submission NDP following the Regulation 14 Draft Plan consultation. However six policies have been amended, LG1, LG2, LG3, LG6, LG11 and LG13.
- 3.3 The main change has been made to policy LG6: Housing sites in Orleton, where six potential sites have been added to the policy and included within the settlement boundary. This is due to early concerns that the criteria based policies and previous settlement boundary alignment would not provide for the delivery of the required housing growth within the Core Strategy.
- 3.4 Additional policy criteria has been added to Policy LG1 highlighting the need to phase development linked with the capacity of the waste water treatment works serving Luston and Yarpole.
- 3.4 The revisions to these policies have been assessed and were found to be unlikely to result in significant effects on Downton Gorge SAC nor the River Wye SAC. The plan is not proposing development which would have an impact on air quality within regards to Downton Gorge SAC. Policy criteria has been included within Policy LG1 regarding waste water capacity within the Luston and Yarpole area in order to provide safeguards for the River Wye (River Lugg) SAC. These conclusions are based on assumptions and information contained within the Luston Group 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 modifications to the six policies of the NDP are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Luston Group NDP will not have a likely significant effect on Downton Gorge SAC nor River Wye 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

Consultation date: 6 March to 18 April 2016

Consultation title: Habitat Regulations Luston Group Neighbourhood Plan Regulation 14

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan (April 2016)*

Consultee	Summary of Comments	Response to Comments
Natural England	Confirm agree with the conclusions that the Luston Group Plan will not have a likely significant effect on the River Wye Special Area of Conservation (SAC) and Downton Gorge SAC. Would advise that it is made clearer within the report how and why the report concludes no likely significant effect on the Downton Gorge SAC,	Noted, addendum will reflect comments regarding Downton Gorge.
English Heritage / Heritage England	No comment received	n/a
Environment Agency	No comments received	n/a
Natural Resources Wales	No comments received	n/a

Appendix 2

NDP objectives, options policies	HRA Screening of Emerging NDP objectives, options and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if objective/option/policy implemented. Could they have Likely Significant Effects (LSE) on European Sites? (Yes/No, with reasons) <i>(If no, progress on to next objective/option/policy. If yes, progress on to next set of columns in row)</i>	European Sites potentially affected (Refer to Initial Screening)	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?)
Policies					
Policy LG1 General Development Principles	Encourages sustainable development and communities	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	N/A	No. The policy would itself not lead to development; instead it relates to criteria for encouraging sustainable development and sustainable communities.
Policy LG2 Design of development in Luston Group	N/A	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	This policy will help to mitigate the potential effects of any future development by encouraging sustainable design methods including reducing the	No. This policy will not lead to new development; rather it specifically aims to ensure that any development proposed will be sustainable. As

				carbon footprint of any development and protecting the identity and character of the area.	such this policy could help to provide mitigation against the potential of other NDP policies.
Policy LG3 Protecting and enhancing local landscape character and views	N/A	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	This policy will help to mitigate the potential effects of any future development by encouraging sustainable construction methods and protecting the existing landscape.	No. This policy will not lead to new development; rather it specifically aims to ensure that any development proposed will protect the existing landscape, habitats and wildlife corridor. As such this policy could help to provide mitigation against the potential of other NDP policies.
Policy LG6 Scale and type of new housing in Luston	Housing development Increased vehicle traffic	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.	This policy remains within the requirements set out in the Core Strategy RA2 policy and therefore is 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 is sufficient headroom and capacity for the additional houses over the plan period.
Site 136/212	Housing development Increased vehicle traffic	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.	This policy remains within the requirements set out in the Core Strategy RA2 policy and therefore is 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 is sufficient headroom and capacity for the additional houses over the plan period.
Site 136/213					Site is subject to a planning appeal
Site 136/214	Housing development Increased vehicle traffic	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.	This policy remains within the requirements set out in the Core Strategy RA2 policy and therefore is not over and above

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					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 is sufficient headroom and capacity for the additional houses over the plan period.
Site 136/220					Site now has planning permission
Site 136/221	Housing development Increased vehicle traffic	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.	This policy remains within the requirements set out in the Core Strategy RA2 policy and therefore is 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 is sufficient headroom and capacity for the

					additional houses over the plan period.
Site 136/223	Housing development Increased vehicle traffic	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.	This policy remains within the requirements set out in the Core Strategy RA2 policy and therefore is 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 is sufficient headroom and capacity for the additional houses over the plan period.
Policy LG11 Protection of local green spaces	n/a	n/a	n/a	n/a	No. This policy will not lead to new development; rather it specifically aims to protect existing local green spaces.
Policy LG13 Protection and enhancement of local community facilities	Development of social and community facilities and infrastructure	No likely significant effect on the River Wye SAC or Downton Gorge SAC	N/A	The measures in this policy will help to ensure that any potential adverse impact will be mitigated against. In	No. The scale and extent of such development is not likely to be significant. It also relates to the

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				addition the measures set out in other policies within the NDP will mitigate against any potential adverse impact.	criteria for the protection of existing community facility or any new community development, which ensures that mitigation methods are put in place for any adverse impacts that may arise.
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