

# Habitats Regulations Assessment

Addendum Report for:

**Luston Group Neighbourhood Area**

**September 2017**



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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 Main Modifications through the HRA process to the Luston Group NDP. The NDP has now been through an Independent Examination by Rosemary Kidd and within her report she has recommended a number of modifications to ensure the Plan meets the basic conditions.
- 1.2 Herefordshire Council have accepted these modifications to the Plan, the NDP, therefore, has been updated to reflect the modifications suggested. In the recommended changes there were some minor word alterations to ensure the Policies were in line with the Framework and also to add clarity for the decision makers. A selection of policies has some more significant amendments and these policies have been rescreened. The relevant 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 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).
- 1.4 The modifications are not considered to significantly affect the conclusions of the earlier HRA report, as they did not involve the introduction of new policies or change 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 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 and policies provide adequate safeguarding measures.

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 final NDP following the examination are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in April 2016. A summary of the main findings is provided below. The full findings can be found in Appendix 1 of this report.

### **3.0 Summary of main findings**

3.1 The final NDP incorporates the modifications that 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 have been introduced into the final NDP following the examination; however there have been some minor word changes of objectives and policies and some policies have been deleted or unnecessary criterion deleted as well as criterion added to some of the policies. Minor rewording that did not change the meaning of the objective or policy were made to Objective 5, policies LG3, LG11 (now LG9), LG13 (now LG10), Objective 5 and policy maps relating to policies LG11 (now LG9), LG13 (now LG10). Policy LG8, LG9 and LG12, including policy map for LG12 were deleted. The examiner found that there was overlap within LG8 which made the policy too similar to LG14 (now LG11) and lack of clarity regarding the delivery of priorities, LG9 was considered to be not deliverable and had not taken account of national planning policy and LG12, with associated policy map was removed due to the land specified not having an difference to other nearby countryside and did not warrant special additional protection.

3.3 The main changes have occurred in policies LG1 (and accompanying policy map), LG5, LG6, LG7, LG10 (now LG8) and LG14 (now LG11) have had criteria added or significantly reworded.

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.

### **4.0 Conclusion**

4.1 With reference to section 3.4 above, the modifications to the one objective and seven policies of the NDP are not considered to affect the findings of the previous HRA report. With reference to section 3.2 above, the amendments, change of wording and criterion added to the LG1 (and accompanying policy map), LG5, LG6, LG7, LG10 (now LG8) and LG14 (now LG11) have been rescreened. This has improved certainty in many places providing a more positive effect on the HRA SAC. The deletion of criterion within Policies and deletion of policies LG\*, LG9 and LG12 are not considered to affect the findings of the previous HRA report. Objective 5, policies LG3, LG11 (now LG9), LG13 (now LG10), Objective 5 and policy maps relating to policies LG11 (now LG9), LG13 (now LG10) had minor wording amendments but changes were not significant enough to require rescreening.

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 the final Luston Group NDP and the earlier HRA report and Addendum.

# Appendix 1

Appendix 1: Revised screening of policy matrix

HRA Re-Screening of Significant Changes (Policies) following Examination

Parish Council Name: Luston Group Parish

NDP Title: Luston Group NDP

Date undertaken: August 2017

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?)
<b>Policies</b>					
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	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	No. The policy would itself not lead to development; instead it relates to criteria for encouraging sustainable development and sustainable communities. This policy remains within the requirements set

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				contained within the Luston Group NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).	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
Policy LG5 Flood risk, water management and surface water run off	Looks at managing flood risk and the management of water sources and surface water run off.	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 mitigating flood risk and manage surface water and will use Sequential Tests and Exception Tests (where appropriate) and have regard to the Strategic Flood Risk Assessment (SFRA) 2009 for Herefordshire.	No. This policy will not lead to new development; rather it specifically aims to ensure that any development will be sustainable and address water management and flooding.
Policy LG6 Scale and type of new housing in Luston	No direct development will occur as a result of this policy but any development will be guided in terms of scale and type.	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	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

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				existing landscape.	and wildlife corridor. As such this policy could help to provide mitigation against the potential of other NDP policies.
Policy LG7 Scale and type of new housing in Ashton, Eyton and Moreton	No direct development will occur as a result of this policy but any development will be guided in terms of scale and type.	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.	No. 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 LG10 (now LG8) Supporting and enhancing existing small scale local employment	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.	No. 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

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					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 LG14 (now LG11) Developer Contributions and Community Infrastructure Levy	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 addition the measures set out in other policies within the NDP will mitigate against any potential adverse impact.	No. The scale and extent of such development is not likely to be significant. It also relates to the criteria for the funding of community facilities or other community assets, which ensures that mitigation methods are put in place for any adverse impacts that may arise.

# Appendix 2

HRA Appendix 2-Table of Examiner's recommended modifications

Policy	Modification recommended	Justification
Modification 1  Policy Maps	<p>Improve the legibility of the Luston village map to ensure that all site boundaries are clearly legible and the shading is clearly distinguishable.</p> <p>Identify the boundaries of all sites and buildings referred to in policies on the Policies Map/Inset Map.</p>	In the interest of clarity
Modification 2  Vision and Objectives	Revise objective 5 to read: <i>"To conserve and enhance the heritage assets, particularly Luston Conservation Area."</i>	For clarification
Modification 3  LG1	<p>Revise Policy LG1 as follows:</p> <p>Revise the second sentence of the first paragraph to read: <i>"Development should not have an unacceptable detrimental impact on the character of the area in which it is located."</i></p> <p>Delete criteria b) and i)</p> <p>Revise criterion g) to read: <i>"Housing development should not be located where existing agricultural or commercial uses would have unacceptable adverse impact on residential amenity."</i></p> <p>Add a new criterion <i>"Agricultural and commercial buildings or uses that are likely to give rise to noise or other pollution shall not be located where they would have an unacceptable adverse impact on existing or proposed housing."</i></p> <p>Revise paragraph 5.1.5 to read <i>".....within the Neighbourhood Plan until a programmed scheme of improvements is implemented. The scheme is within year 3 of the current Asset Management Plan and is due for completion by the end of March 2018."</i></p>	For clarification and ensuring policy has regard to national planning policy and is in general conformity with strategic local policies and will satisfy the Basic Conditions
Modification 4  LG2	<p>Revise the first paragraph of Policy LG2 to read:</p> <p>Delete first sentence.</p> <p>Revise the second sentence to read: <i>"All new development should make a positive contribution to the distinctive character of the area and..."</i></p>	For clarification
Modification 5  LG3	<p>Revise Policy LG3 as follows:</p> <p>Revise criterion d) to read: <i>"Development proposals should take in consideration any adverse impact on the Locally Significant View from Luston to Eye Church and Manor shown on Map 2 through a landscape appraisal and impact study."</i></p>	In order to ensure that the policy is clear and unambiguous

	Delete “and opportunities for local food production” from criterion g).	
Modification 6 LG5	Revise the first paragraph of Policy LG5 to read:  <i>“Development proposals should be located in accordance with the Sequential Test and Exception Tests (where appropriate) and have regard to the Strategic Flood Risk Assessment (SFRA) 2009 for Herefordshire.”</i>	To ensure that the policy has regard to national and strategic local planning policy and in line with Core Strategy Policy SD3
Modification 7 LG6	Revise Policy LG6 as follows:  Revise the first paragraph and criteria as follows:  <i>“A minimum of 43 new dwellings shall be developed in the Plan area between 2017 and 2031. New housing development in Luston shall be located within the settlement boundary on a site shown on the Policies Map as a housing allocation or on an infill site or through the conversion of an existing building.”</i>  <i>“New housing development shall be in accordance with other policies of the development plan and:</i>  d) Be of an appropriate density within the context of the immediate surroundings;”  Include criteria e), f), g), h), j), k) and l). Only include “and” at the end of the penultimate criterion.  Renumber criteria.  Delete criteria c) and i).  Revise the second paragraph to read: <i>“The following sites are allocated for housing development.”</i> include the table with the heading in the third column revised to read “indicative number of dwellings”.  Revise the indicative numbers for sites 136/212 and 136/214 to a realistic figure that can be satisfactorily accessed. Add the following <i>“The following sites are housing commitments:”</i> include sites 136/213 and 136/220 with the number of housing approved. Ensure that the site areas are correct.  The definition of infill development should be moved to the justification to the policy.  Revise the key to the Policies Map and Inset Maps to read Housing Allocations and Housing Commitments and differentiate the shading between the two types of sites. Number each site so that it can be identified. Ensure the	To provide clarity in the policy overall and clarity regarding the number of dwellings to be developed in the plan area during the lifetime of the plan. In addition, reference to policies RA3, RA4, RA5, H1 and H2 as ‘other policies’ to be included to show accordance with Core Strategy

	<p>Settlement Boundary is clearly legible around the allocations.</p> <p>Update the data set out in Table 1 and Appendix 1.</p>	
Modification 8 LG7	<p>Revise Policy LG7 as follows:  <i>“New housing development in the settlements of Ashton, Eyton and Moreton should be located where it is contiguous with the built form.”</i>  <i>“New housing development shall be in accordance with other policies of the development plan and:</i>  b) Be small scale, proportionate to the size of the settlement;  c) Be of an appropriate density within the context of the immediate surroundings;”</p> <p>Include criteria d), e), f), g) h), i) and j). Only include “and” at the end of the penultimate criterion. Include final paragraph on physical and visual linkages.</p> <p>Renumber criteria.</p> <p>Delete criteria a).</p> <p>Add a new paragraph:  <i>“Exceptionally housing development outside the settlements of Luston, Ashton, Eyton and Moreton will be supported where it satisfies Core Strategy Policies RA3, RA4 or RA5.”</i></p> <p>Add a new paragraph to the justification to explain how “contiguous with the built form” will be interpreted: <i>“Existing built form is where there are a number of dwellings and other buildings that create a recognisable settlement. The group may be close or loosely arranged ranging from as few as four dwellings to a continuous stretch of many”. “Contiguous with” is defined as “adjacent to”.</i></p>	<p>To ensure that the policy is clear and unambiguous. To provide further clarity in the policy and justification to show accordance with Core Strategy and to enhance explanation of phrasing</p>
Modification 9 LG8	<p>Delete Policy LG8.</p> <p>Move the aspirational non land use infrastructure and those that are not priorities for developer contributions / CIL to a new section of the Plan under the heading Community Aspirations and clearly identified as not forming part of the Neighbourhood Development Plan:  <i>“The Parish Council will seek to the following improvements to road safety, traffic management and public transport: X, Y, Z.”</i></p>	<p>To eliminate overlap in policies LG8 and LG14 and to make it clear what and how priorities are to be delivered.</p>
Modification 10 LG14	<p>Revise Policy LG14 as follows:</p> <p>Revise the title of Policy LG14 to <i>“Developer Contributions and Community Infrastructure Levy”</i>.</p> <p>Revise the first paragraph to read: <i>“Developer contributions and Community Infrastructure Levy</i></p>	<p>To eliminate overlap in policies LG8 and LG14 and to make it clear what and how priorities are to be delivered.</p>

	<p><i>will be sought towards proposals to improve the highway infrastructure. Priority will be given to the following proposals:</i></p> <ul style="list-style-type: none"> <li>• <i>Highway improvement schemes to promote the safety of pedestrians and cycle users; and</i></li> <li>• <i>Traffic calming measures and the reduction in traffic speeds.”</i></li> </ul> <p>Where feasible, include a list of proposals to be funded through this means in the justification.</p>	
Modification 11 LG9	Delete Policy LG9	The policy is not deliverable and has not taken account of national planning policy
Modification 12 LG10	<p>Revise Policy LG10 as follows:</p> <p>Delete the first paragraph of the policy.</p> <p>Revise the second paragraph to read:  <i>“Proposals for the redevelopment or change of use of existing employment premises to non-employment uses should demonstrate that they have been vacant for 6 months or more and during that time have been actively marketed for appropriate employment uses without securing a viable alternative use.”</i></p> <p>Delete the second bullet point.</p> <p>Revise the third paragraph to read: <i>“The development of new small scale employment premises should.”</i> (revise the wording of the bullet points for grammatical reasons)  Delete the final bullet point.</p> <p>Reference the criteria with letters instead of bullet points.</p> <p>Delete the second sentence from paragraph 5.5.1. Revise paragraph 5.5.2 to read: <i>“The Neighbourhood Plan seeks to safeguard existing employment premises and encourage .....”</i>  Add the following to paragraph 5.5.4  <i>“Homeworking is also encouraged and where permission is required, proposals will be considered against Core Strategy Policy E3.”</i></p>	Clarification of employment premises criteria and justification to state that planning applications for homeworking will be considered against Core Strategy Policy E3.
Modification 13 LG11 and Policy Map	<p>Revise the first paragraph of Policy LG11 to read:</p> <p><i>“The following areas shown on the Policies Map are designated as Local Green Spaces:”</i></p> <p>Delete Lydiatts Crossroads and delete it from the Policies Map</p>	To ensure clarity of what is included as a green space and remove one allocation as it does not satisfy the criteria of paragraph 77 and should not be designated as a Local Green Space under Policy LG11

<p>Modification 14</p> <p>LG12 and Policy Map</p>	<p>Delete Policy LG12 and delete the sites from the Policies Map</p>	<p>The land is no different to other nearby land in the countryside to warrant special additional protection.</p>
<p>Modification 15</p> <p>LG13 and Policy Map</p>	<p>Revise Policy LG13 as follows:</p> <p>Delete the first sentence of the first paragraph. Revise the second sentence to read: "The re-use of local community facilities for health, education or community uses <i>will be preferred.</i>"</p> <p>Move the sentence to after criterion b).</p> <p>Revise the second paragraph to read: "Proposals for the change of use of an existing community facility to other uses <i>should demonstrate</i> that:"</p> <p>Revise the second sentence of criterion a) "....Such sites should, <i>where feasible</i>, be accessible by ....."</p> <p>Identify the community facilities on the Policies Map/Inset Map.</p>	<p>To ensure the policy is clear and unambiguous</p>