

# Habitats Regulations Assessment



## Lower Bullingham Neighbourhood Area

Addendum

April 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 proposed modifications through the HRA process to the Lower Bullingham NDP. The NDP has now been through an Independent Examination by Richard High and within his report he has recommended a number of minor modifications to ensure that the plan meets the Basic Conditions.
- 1.2 Herefordshire Council have accepted these modifications to the plan. The NDP has therefore been updated to reflect the modifications suggested. In the main the changes were wording alternatives to ensure the policies were clear and grammatically correct. Two policies have been deleted as they did not meet the Basic Conditions. These modified policies have been assessed as part of the HRA and full results can be viewed in Appendix 3.
- 1.3 The purpose of this further HRA Second 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).

## 2.0 Screening of draft 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 Lower Bullingham NDP would be likely to have a significant effect on the River Wye 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 and objective 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 lower Bullingham NDP objectives and policies (October 2015) 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 Lower Bullingham 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 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.
- 2.6 It is unlikely that the Lower Bullingham 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 Hereford Housing Market Area in the Herefordshire Core Strategy
- 2.7 Therefore it was concluded that the **Lower Bullingham NDP will not have a likely significant effect on the River Wye (including the River Lugg) SAC.**
- 2.8 The proposed amendments within the final NDP following the examination have now 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 is provided below and in full in Appendix 3.

## 3.0 Summary of main findings

- 3.1 The final NDP incorporates modifications that the examiner has recommended within the examiner's report. These changes are to ensure that the plan meets the Basic Conditions. Full details of the modifications can be seen in Appendix 2 of this Addendum.

- 3.2 Policy LB1 and LB2 are now deleted and policies LB4, LB5, LB6, LB8, LB9 and LB10 have add minor amendments to ensure clarity. However these policies have not been amended significantly.
- 3.3 The revised NDP policies are therefore unlikely to result in significant effects on the European site, a conclusion of which is based on assumptions and information contained within the Lower Bullingham 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 made to the policies are not considered to affect the findings of the previous HRA report and strengthen the likelihood of there being no adverse impacts.
- 4.2 Therefore the earlier conclusion that the **Lower Bullingham NDP will not have a likely significant effect on the River Wye SAC** remains valid.

#### **5.0 Next steps**

- 5.1 This Second Addendum Report will be published alongside the final Lower Bullingham NDP and the earlier HRA Report and its Addendum.

# Appendix 1

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**Consultation date: 3 October to 14 November 2016**

**Consultation title:** HRA - Lower Bullingham Neighbourhood Plan (Regulation 16)

*N.B. This consultation feedback is **only** for comments received on the HRA of the submission Neighbourhood Development Plan*

Consultee	Summary of Comments	Response to Comments
Natural England	Comments to the draft NDP but no comments received to the HRA	n/a
English Heritage / Heritage England	Comments to the draft NDP but no comments received to the HRA	n/a
Environment Agency	No comments received	n/a
Natural Resources Wales	No comments received	n/a

# Appendix 2

## Appendix 2 – Modifications to the Lower Bullingham NDP following examination

Policy	Modification recommended	Justification
Modification 1  Objective 1 Policy LB1	Delete Policy LB1	<p>Policy is very generally phrased and does not add to the Core Strategy Policy MT1 which is more detailed.</p> <p>Criteria could related to a development anywhere and does not contain a local dimension.</p> <p>No specific justifications for the section of the three schemes in terms of road safety, traffic volumes or existing conditions other than a broad reference.</p> <p>Therefore does not meet the basic conditions</p>
Modification 2  Policy LB2	Delete Policy LB2	<p>Justification for the policy is brief. Standards are the same are prescribed within the Highway Design Guide for New Development which are those used by Herefordshire Council. Therefore the policy adds nothing to the existing policy and does not meet the basic conditions.</p>
Modification 3  Objective 3 Policy LB4	<p>In Policy LB4 After “Proposals will be expected to demonstrate” delete “that they have taken account of the following”</p> <p>in a) insert “that they have been” before “designed”</p> <p>in b) insert “that they will have” before “no significant...”</p> <p>in c) insert “that “ before “the development does not...”</p> <p>in d) insert “that” before “the development utilises...”</p> <p>reword h) to read “that the design takes into account the potential for adaptation to</p>	For clarity and grammatical continuity of the policy.



	accommodate changing lifestyles and technologies.”	
Modification 4  Objective 4 Policy LB5 Policies map	<p>Amend the title of the “Lower Bullingham Policies Map” to the “Lower Bullingham Neighbourhood Plan Policies Map” and insert the Map into the Plan as Appendix 1</p> <p>In the first line of Policy LB5 insert after “Figures 7, 8 and 9” “and the Open Spaces Map at Appendix 2.</p> <p>Amend the title of the “Lower Bullingham Green Spaces” Map to “Lower Bullingham Neighbourhood Plan Open Spaces Map” and insert the Map into the Plan at Appendix 2</p> <p>On the key to the map amend delete “Local Green Space” and insert “Protected Open Spaces”.</p> <p>Amend the Table of Contents to refer to the two Appendices</p>	For clarity and ensure status of the maps are clear.
Modification 5  Policy LB6 Open Space map	<p>In Policy LB6 after “...open spaces listed below” insert “and shown in the Open Spaces Map in Appendix 2”.</p> <p>Show the The Pastures, the Cycle Path at Rotherwas and the Green Space behind 1 St Clare’s Court on the map to be retitled as “Lower Bullingham Neighbourhood Plan Open Spaces Map” with an additional notation on the key for “Open Spaces for improvement” ensuring that it is clearly legible particularly for the two spaces where the notation for both Policy LB5 and LB6 apply. The cycle path map should either show only the section within the neighbourhood plan area or make it clear that the policy only applies to that section.</p> <p>Amend the 4th bullet point to read “the green corridor containing the Rotherwas Cycle Path including the extension and improvement of the cycle path.</p>	<p>To ensure open spaces are identified on the maps.</p> <p>To ensure that the cycle path is identifiable on the maps</p>
Modification 6  Objective 5 Policy LB8	<p>In Policy LB8 after “...communities in Lower Bullingham” delete “the following should be taken into account in the overall planning of the site, and in individual development phases of the site.” and insert “proposals for the development of the site should include:”</p> <p>Delete point b)</p> <p>In point c) delete “are provided”</p> <p>In point d) delete “Improved” and insert “effective road, public transport, pedestrian and cycle ”</p>	<p>To provide clear guidance to the decision maker and ensure the policy reads effectively.</p> <p>Ensure that reference is made to pedestrian and cycle links.</p> <p>Remove elements of repetition and reflect that new development cannot be required to remove existing</p>

	In point e) after “existing communities and” add “where possible within the legal requirements for section 106 agreements, reduce flooding within the parish at Lower Bullingham Lane and Watery Lane.”	problems through section 106.
Modification 7 Policy LB9	<p>Change the title of Policy LB9 to “Contributions to Community Infrastructure”</p> <p>Change the first line of the Policy to read “Any funding payable to Lower Bullingham Council under the Community Infrastructure Levy, or any successor legislation, will be used for the following:”</p> <p>In the last paragraph of the Background/Justification for Policy LB9 delete “In preparing the Lower Bullingham Neighbourhood Plan” and insert “When the Lower Bullingham Plan is made”.</p>	<p>To ensure that the policy reflects the pending possible legislative changes with regards to CIL.</p> <p>To ensure that the policy text is clear.</p>
Modification 8 Policy LB10	<p>Reword the third sentence of the Policy LB10 to read “Particular importance will be attached to any development that could lead to an increased risk of flooding for areas subject to existing flooding problems. These include:”</p> <p>Delete the fourth bullet point.</p>	To ensure the policy is clearly worded and removed text which does not have a purpose.
Modification 9 Next Steps	Delete Section 7	To ensure that the next steps are not misleading or include superseded information

# Appendix 3

**HRA Screening of Final Neighbourhood Development Plan Policies**

NDP policies	HRA Screening of NDP 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?	European Sites potentially affected	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
<i>Policy LB1</i>	<i>Policy now deleted</i>				
<i>Policy LB2</i>	<i>Policy now deleted</i>				
<i>Policy LB3</i>	Improvement of traffic management measures.	No likely significant effect on the River Wye SAC	N/A	N/A	No. This policy is not likely to lead to development but rather it aims to provide traffic management.
<i>Policy LB4</i>	N/A	No likely significant effect on the River Wye 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 LB5</i>	N/A	N/A	N/A	The measures in this policy to conserve and protect open spaces across the Parish which	No. This policy will not lead to new development; rather it specifically aims to

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				should help to provide mitigation against the potential adverse impacts of new developments	protect and conserve open spaces. As such this policy could help to provide mitigation against the potential of other NDP policies.
<i>Policy LB6</i>	N/A	N/A	N/A	The measures in this policy to conserve and protect open spaces across the Parish which should help to provide mitigation against the potential adverse impacts of new developments	No. This policy will not lead to new development; rather it specifically aims to protect and conserve open spaces. As such this policy could help to provide mitigation against the potential of other NDP policies.
<i>Policy LB7</i>	N/A	N/A	N/A	The measures in this policy to conserve and protect open spaces across the Parish which should help to provide mitigation against the potential adverse impacts of new developments	No. This policy will not lead to new development; rather it specifically aims to protect and conserve open spaces. As such this policy could help to provide mitigation against the potential of other NDP policies.
<i>Policy LB8</i>	Additional and improved green infrastructure links  Mix of affordable housing  Flood alleviation schemes	No Likely Significant effect on the River Wye SAC	N/A	N/A	No. This policy will not lead to new development itself; but rather it will ensure that any new development on the SUE has no or little

					impact upon flooding and helps to improve links within the community and across the parish.
<i>Policy LB9</i>	N/A	N/A	N/A	N/A	No. The policy will not itself lead to development, instead it relates to how CIL funding should be spent within the Parish, as a result of other policies.
<i>Policy LB10</i>	N/A	No Likely Significant effect on the River Wye SAC	N/A	N/A	No. This policy will not lead to new development; but rather it will ensure that any new development has no or little impact upon surface water flooding or fluvial flooding due to the mitigation methods encouraged.