

# Habitats Regulations Assessment



## Orleton and Richards Castle 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 Orleton and Richards Castle NDP. The NDP has now been through an Independent Examination by Barbara Marsymiw and within her report she 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 alterations to ensure the policies were in line with the Framework and also to add clarity for the decision makers. These modified policies have now 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 the policies of the Orleton and Richards Castle NDP and consider if they significantly affect the conclusions of the earlier HRA Report (April 2016 and September 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 Orleton and Richards Castle 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 Orleton and Richards Castle 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. 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).
- 2.7 It was also concluded that the Orleton and Richards Castle 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 **Orleton and Richards Castle 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 have now been screened to consider if they are likely to significantly affect the findings of the previous HRA

Report, prepared in April 2016 and September 2016. A summary of the main findings of this assessment are summarised below and in full in Appendix 3.

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

- 3.1 The final NDP incorporates the modifications that the examiner has recommended with 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 No new policies have been introduced into the final NDP following the examination; however there have been some minor word changes and repeated and unnecessary text removed. None of the modifications significantly alter the direction or stance of the submission policies which were previously assessed.
- 3.3 The revisions to these policies are therefore not unlikely to result in significant effects on Downton Gorge SAC nor the River Wye SAC, a conclusion of which is based on assumptions and information contained within the Orleton and Richards Castle 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 NDP are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Orleton and Richards Castle 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 Orleton and Richards Castle NDP and the earlier HRA Report and its Addendum.

# Appendix 1

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**Consultation date: 31 October to 12 December 2016**

**Consultation title:** HRA - Orleton and Richards Castle 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 /<br>Heritage England | Comments to the draft NDP but no comments received to the HRA | n/a                  |
| Environment<br>Agency                  | No comments received  | n/a                  |
| Natural Resources<br>Wales             | No comments received  | n/a                  |

# Appendix 2

## Appendix 1 – Modifications to the Orleton and Richard Castle NDP following examination

| Policy                         | Modification recommended   | Justification   |
|--------------------------------|--|---|
| Modification 1                 | Amend the date for the plan period on the front cover of the Consultation Statement from 2016-2031 to 2011-2031 and in the Basic Conditions Statement on page 18   | For consistency   |
| Modification 2<br>Section 2    | Add a paragraph at the end of Section 2 to explain that the NDP relies on the policies in the adopted Herefordshire Local Plan –Core Strategy and saved policies from the UDP on a number of environmental matters, including minerals reserves, the historic environment and local wildlife sites   | For clarity   |
| Modification 3<br>Policies Map | Add a full title, including a date, to the Orleton and Richards Castle Map Parish Policies Map   | For clarity   |
| Modification 4<br>Section 3    | Paragraph 3.6 ‘relayed’ should be ‘re-laid’<br><br>Paragraph 3.10 in the third line after ‘properties’ add ‘the’<br><br>Paragraph 3.12 in the second line after ‘must’ add ‘be’<br><br>Paragraph 3.16 ‘role’ should be ‘roll’  | To amend typographical errors   |
| Modification 5<br>Section 4    | Consider adding a reference to encouraging greater use of public rights of way in ORC (NS) 16  | For clarity   |
| Modification 6<br>Policy ORC1  | Delete the first sentence of ORC1a and replace with;<br>‘The Neighbourhood Development Plan supports the delivery of around 71 houses in the neighbourhood plan area over the period 2011-31 to meet the needs of both the local and wider community through development that contributes to meeting identified needs in terms of size, type and tenure.’<br><br>Delete ‘to ensure risks are minimised’ from the second line of ORC1d<br><br>Delete ORC1e<br><br>Reword ORC1f to read;<br>‘Measures to retain community facilities and services will be support; improvements to community services and facilities will be sought to benefit the health and well-being of both new and existing residents’ | To ensure that the policy has sufficient precision for future decision makers.<br><br><br><br><br><br><br><br><br><br><br><br><br><br>To remove policy duplication with Policy ORC14<br><br><br><br><br>To ensure that the intensions for the policy are clear. |



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|  | <p>Delete the first sentence of the last paragraph of ORC1</p> <p>Amend the second sentence of the last paragraph of ORC1 to read;<br/>         'When this plan does not cover a proposal, any decision should reflect, where possible, the above priorities as well as the policies in the Herefordshire Local Plan – Core Strategy'</p>   | <p>Remove unnecessary wording.</p> <p>Ensure the policy refers to the whole of the Core Strategy.</p>   |
| <p>Modification 7</p> <p>Policy ORC2</p>                     | <p>Add a new, separate paragraph after ORC2c. This should comprise the third sentence of the first paragraph to the last sentence of ORC2c as follows;<br/>         'Limited small scale employment opportunities will be provided for, including enabling limited new and extended premises, outside of the parish's settlements in association with rural enterprises, or through utilising brownfield land or existing rural buildings. The countryside will continue to accommodate economic development and particularly that associated with agricultural and rural enterprise where these reflect the scale and nature of the landscape within which they sit.'</p> <p>Delete 'exceptional and' from ORC2c</p> | <p>To improve the clarity and ensure precision of the policy.</p> <p>To remove any possible ambiguity within the policy</p>   |
| <p>Modification 8</p> <p>Policy ORC3</p> <p>Policies Map</p> | <p>Ensure that a consistent approach is taken to numbering the sub clauses of policies throughout the plan</p> <p>Annotate each area of designated Local Green Space on the policies maps with the relevant sub policy reference</p> <p>Delete the triangular area of Local Green Space to the south of the Brook from the Richards Castle Proposals Map.</p> <p>Amend the wording of ORC3v to read;<br/>         'Land to the east of Westbrook and north of the Brook in Richards Castle'</p>   | <p>To ensure a consistent approach to the sub-clause.</p> <p>To ensure clarity for future decision makes and that there is cross references to the policies maps.</p> <p>To remove area which does not meet the NPPF requirements. Southern apex is well planted and appears to be part of a garden with no means of public access.</p> |
| <p>Modification 9</p> <p>Policy ORC4</p>                     | <p>Add a date to Figure 3 and additional wording to state that reference should be made to the latest flood mapping information available from the Environment Agency.</p>  | <p>To ensure that reference to referring to the most up to date mapping is included</p>   |
| <p>Modification 10</p> <p>Policy ORC6</p>                    | <p>Reword the first line of Policy ORC6c to read;<br/>         'Ensure that new homes are fully integrated into....'</p>  | <p>To ensure clarity and precision.</p>   |

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|  | <p>Delete 'those pushing pushchairs, walking with aids or using a mobility scooter' and replace with 'those with mobility restrictions.'</p> <p>In ORC6e delete the phrase 'should be appropriate to its purpose'</p> <p>In ORCh replace 'ensuring' with 'carrying out' in the second line and adding 'ensuring that' after 'and' in the fourth line.</p>   |   |
| <p>Modification 11</p> <p>Policy ORC7</p>  | <p>Delete the first two sentence of para 7.3 and replace with;</p> <p>'The settlement boundary remains generally as defined in the Herefordshire UDP. To the north east it has been extended to include the housing site north of Kings Road and opposite Orleton Primary School which is allocated in ORC8. It has also been extended to include the Primary School Playing Fields, designated as ORC3(iv). Within the settlement boundary it may be possible for limited infilling to take place, providing the criteria set out in Policy ORC7 are met.'</p> | <p>To ensure consistent approach to the settlement boundary and to ensure clarity within the policy</p>   |
| <p>Modification 12</p> <p>Policies Map</p> | <p>Amend the Orleton Policies Map to include the Primary School and its playing fields within the settlement boundary</p>   | <p>To ensure consistent approach to the settlement boundary</p>   |
| <p>Modification 13</p> <p>Policy ORC8</p>  | <p>Add 'following' after 'the' in the third line of ORC8 and delete 'specified in the policy 'after requirements'</p> <p>In ORC8b delete 'to be assessed taking into account the effects of climate change'</p> <p>Add 'vehicular' bore 'entrance' and delete 'is' after 'entrance' in ORC8c</p> <p>Delete ORC8n</p> <p>Update para 7.8 to reflect the latest position on planning application for site north of Kings Road and opposite the Primary School</p> <p>Delete last sentence of para 7.10</p>  | <p>To remove superfluous text and to update to reflect the latest position on a planning application.</p> |
| <p>Modification 14</p> <p>Policy ORC9</p>  | <p>Delete ORC9f</p>   | <p>Remove superfluous text</p>  |
| <p>Modification 15</p> <p>Policies Map</p> | <p>Annotate Richards Castle Policies Map with policy references for the two allocated housing sites ie ORC9i and ORC9ii and amend key accordingly</p>   | <p>To ensure the clarity of the policies maps</p>   |
| <p>Modification 16</p>                     | <p>Add 'following' between 'the' and 'requirements' in the second line of ORC10 and delete 'specified in the policy' after 'requirements'</p>   | <p>To remove superfluous text</p>   |

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| Policy ORC10                         | In ORC10a delete 'to be assessed taking into account the effects of climate change'<br><br>Delete ORC10n  |  |
| Modifications 17<br><br>Policy ORC12 | Use a alphabetic system to denote the sub clauses of policy ORC12   | For consistency  |
| Modification 18<br><br>Policy ORC 14 | Delete 'is' and replace with 'should' in ORC14b   | To ensure consistency.<br><br><i>The examiner's report refers to ORC14c, however this bullet already has 'should' within the policy.</i> |
| Modification 19<br><br>Policy ORC15  | Change the title of ORC15 to 'Developer Contributions and future Community Infrastructure Levy (CIL)'<br><br>Reword ORC 15 to read;<br>'Where appropriate new development within Orleton and Richards Castle parishes should contribute towards necessary community infrastructure in order to address the demands that such development places on the area and to support the social dimension of sustainable development. Contributions should be made through Section 106 Agreement, CIL or other developer contribution mechanisms that may be available during the period of the plan' | To ensure that the policy is more generic as CIL has not been implemented at this stage  |

# Appendix 3

| NDP redrafted objectives and policies          | HRA Screening of the redrafted NDP objectives and policies   |  |                                     |                                      |  |
|--|--|--|-------------------------------------|--------------------------------------|--|
|  | Likely activities (operations) to result as a consequence of the policy  | Likely effect if policy implemented. Could they have Likely Significant Effects (LSE) on European Sites? | European Sites potentially affected | Mitigation measures to be considered | Could the policy have likely significant effects on European sites (taking mitigation into account?)   |
| Policy ORC1: Promoting Sustainable Development | Encourages sustainable development and communities   | No likely significant effects expected   | 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 ORC2: Development Strategy              | Policy that states where the main focus for housing development and employment should be. It also outlines the approach to be taken to residential development throughout the parish | No likely significant effects expected.  | N/A                                 | N/A                                  | N/A  |
| Policy ORC3: Local                             | Policy seeks to protect important green areas  | No likely significant  | N/A                                 | N/A                                  | No. The policy would itself not lead to  |

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| Green Space                                    | within the villages.  | effects expected  |   |   | development; instead it relates to criteria for protection of local green spaces.                                     |
| Policy ORC6:<br>Sustainable Design             | Policy that imposes the need for new housing to conform to high standards of sustainable design and architecture that includes maximum carbon reductions and an integrated package of identified design measures. | No likely significant effects expected  | N/A   | N/A   | N/A   |
| Policy ORC7:<br>Housing Development in Orleton | Policy that lays out the criteria for further residential development in the village of Orleton for a minimum of 14%. Includes a settlement boundary around the village.  | No likely significant effects expected  | N/A   | N/A   | N/A   |
| Policy ORC8:<br>Housing Sites in Orleton       | Housing Development<br>Increased in vehicle traffic.  | This policy proposes one site to the north east of the village for approx. 2.8 hectares north of Kings Road.<br><br>This site is not directly | No likely significant effect on the River Wye (Including the River Lugg) SAC or Downton Gorge SAC | Within this policy there are mitigation methods to help reduce the potential impacts arising from this development. | No. Although this policy is identifying a site for housing development within the village, it does include mitigation |

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|  |     | adjacent to either of the SACs.    |     | Ensure during development phase that there are mitigation methods in place to reduce any adverse impact that could occur during the development.            | methods as well as the additional policies within the NDP and Core Strategy that have measures to mitigate against the impact of the development. In addition, the development is not over and above the Core Strategy requirement which has been identified as not having a significant effect on the River Wye (including River Lugg) SAC and Downton Gorge SAC. |
| Policy ORC15: Developer Contributions and future Community Infrastructure Levy | N/A | No significant effect on the SACs. | N/A | This policy should help to mitigate the potential impacts of other NDP policies as it will help to address the demands that development places on the area. | No. This policy will not lead to new development.  |