

Habitats Regulations Assessment



Peterchurch Neighbourhood Area

Addendum

August 2017

Contents

1.0	Introduction	1
2.0	Screening of proposed modifications to the NDP	1
3.0	Summary of main findings	1
4.0	Conclusion	2
5.0	Next steps	2

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

Appendix 2: Policy Modifications made following the examination

Appendix 3: 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 amendments through the HRA process to the Peterchurch NDP. The NDP has now been through an Independent Examination by Robert Bryan and within his report he has recommended a number of minor modification 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 and mapping alternatives to reflect recently granted planning permissions and to ensure that wording was in line with the Planning Policy Framework. These modifications 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 policies and consider if they significantly affect the conclusions of the earlier HRA Report (October 2015 and July 2016).

2.0 Screening of the proposed modifications of the Peterchurch 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 Peterchurch NDP would be likely to have a significant effect on the River Wye SAC. It should be noted that the River Wye itself is not within the parish and only a small part of the parish is contained within the hydrological catchment of 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 Peterchurch NDP objectives and policies (October 2015 and July 2016) 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 Peterchurch 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 Peterchurch 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 Golden Valley Housing Market Area in the Herefordshire Core Strategy
- 2.7 Therefore it was concluded that the **Peterchurch NDP will not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

3.0 Summary of main findings – modifications to NDP

- 3.1 The final NDP incorporates the modifications that the examiner has recommended within the Examiner's Report. These changes are to ensure that the plan meets the Basic Condition. 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 updating to reflect current planning

permissions. None of the modifications significantly alter the direction or stance of the submission policies which were previously assessed.

- 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 Peterchurch 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 **Peterchurch NDP will not have a likely significant effect on the River Wye SAC** remains valid.

5.0 Next steps

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

Appendix 1

Consultation date: 5 October to 16 November 2016

Consultation title: Habitat Regulations Peterchurch Neighbourhood Plan Regulation 16

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

Consultee	Summary of Comments	Response to Comments
Natural England	Comments received to the NDP but no specific comments to the SEA	Noted
Heritage England	No comments received	
Environment Agency	No comments received	
Natural Resources Wales	No comments received	

Appendix 2

Appendix 9 – Modifications following the Peterchurch NDP examination

Policy	Modification recommended	Justification
Modification 1 Glossary	Inset a glossary of main technical terms	In the instead of clarity and understanding
Modification 2 Proposal maps	Delete the proposals map on page 24 Incorporate the amended village policies maps as appendices to the plan. The separate sheets depicting various designations and Local green Space policies map should also be incorporated as appendices.	To remove inconsistency
Modification 3	Reword the section 'How long will it take to prepare the Neighbourhood Plan' as appropriate in the past tense	To update the text to past tense
Modification 4 Para 4.8	Amend the first sentence in 4.8 as follows; 'Therefore a key issue for the Peterchurch Neighbourhood Plan is to identify how the village can meet, at least, the minimum target of 54 dwellings'	For clarification
Modification 5 Settlement boundary	Amend the settlement boundary to include the appeal site and the properties and their curtilages at Dorefield House, the Old Rectory and Crossways House. The recommended boundary is drawn on the attached appendix 1 as a red line	To ensure a consistently drawn settlement boundary and reflect of a recent appeal decision.
Modification 6 Policy P1	Delete Policy P1 as written and insert the following text; 'New housing will be allowed within the settlement boundary shown in the Peterchurch Village Policies Map in Appendix 1. The site a Hawthorne Rise is allocated for residential and associated recreation space as identified in the Policies Maps.'	To ensure the plan reflects the recent planning permission
Modification 7 Background to Policy P1	Amend the background /justification supporting text as follows: Delete para 2 and 3 (including the table) 'The minimum growth target for the village is 54 dwellings as explained above on page 11, which explains the Herefordshire Core Strategy policy regarding rural housing and how this applies to Peterchurch. It is considered that with the allocated site and scope for development within the settlement	To provide clarification with regards to the settlement boundary and Policy RA2 and RA3 To avoid repetition

	<p>boundary there is a reasonable prospect that this figure will be met and possible exceeded.</p> <p>Planning policies in the NPPF encourage brownfield development wherever possible and this Plan wishes to underline this objective. This policy establishes that the principle of housing development is acceptable in the settlement boundary. All development will, however, need to comply with policies in this Plan, the Core Strategy and any relevant policies regarding the detail.</p> <p>In particular, there is a need to ensure development does not result in the loss of viable community facilities and sites providing sustainable employment opportunities in accordance with plan policies P5 and P7.</p> <p>It is important that schemes are designed to enhance the character and local distinctiveness of the area and do not create flooding issues.'</p>	
<p>Modification 8</p> <p>Policy P2</p>	<p>Delete the Policy P2 and the title 'Background /Justification'</p> <p>Retain the first paragraph in the Background ./Justification section as part of the background to Policy 1</p> <p>Delete the last paragraph on page 23 and replace with the following:</p> <p>'The Core Strategy allows scope for development outside the settlement boundaries under the terms of the following policies:</p> <p>RA3 Herefordshire's Countryside –allows residential development exceptionally where it meets criteria including meeting an agricultural /forestry need (subject to policy RA4), it is necessary to serve a rural enterprise, replacement dwelling, sustainable re-use of a building (subject to RA5), rural exception affordable housing to serve local needs (subject to Policy H2), development which is of exceptional quality and innovative design and development that provides for the needs of gypsies and travellers'</p>	<p>To avoid duplication and to add clarity</p> <p>To ensure supporting content is within the background and not the policy</p>
<p>Modification 9</p> <p>Policy P3</p>	<p>Delete title 'Policy P3 Rural Exception Housing' and replace with the title 'Rural Exception Housing'</p> <p>Delete the policy text and the title 'Background/Justification, retain the remainder.</p>	<p>To remove repeat policy with the Core Strategy</p>
<p>Modification 10</p> <p>Policy P4</p>	<p>In the first paragraph of the policy delete the word 'All'. Insert at the end of the first sentence 'in accordance with the latest local housing needs survey.'</p>	<p>To ensure reference to required survey</p> <p>To ensure consistency within the policy</p>

	<p>Delete second paragraph of the policy</p> <p>Insert in Background/Justification as the last sentence: 'The latest Local Housing Market Assessment will provide evidence of the need for an appropriate mix and range of housing types and sizes'</p>	
<p>Modification 11</p> <p>Policy P5</p>	<p>Amend the title of the policy to 'Development relating to Social and Community Facilities'</p> <p>Amend criteria a as follows: 'The loss of social and community facilities to other uses will not be supported...) include the remainder of the wording in criteria a</p> <p>In criteria b add the following as an extra criteria ; 'iv. New development should be within the settlement boundary, conform to Core Strategy policy E5 Town Centres and does not have a significant adverse effect on the vitality and viability of other centres'</p> <p>In point ii of criteria b. reword as follows: 'Their design enhances the character of the immediate surroundings and is sympathetic to the locally distinctive nature of traditional design in the village'</p> <p>In criteria c add the following sentence 'Any development should conform to the criteria in b above</p> <p>In Background/justification Add a new first para 'This policy is aimed at facilities such as shops, the pub, post office and other community facilities'</p> <p>Add a new second sentence to the existing paragraph. 'The Core Strategy policy E5 Town centres establishes a hierarchy of town centres to ensure these types of uses are of an appropriate scale and function to the area that they serve. Development in the village has to respect this policy'</p>	<p>To ensure title is relevant.</p> <p>To ensure conformity with Policy SC1</p> <p>To ensure cross reference with Policy E5 and the retail hierarchy</p> <p>To ensure consistency</p>
<p>Modification 12</p> <p>Policy P7</p>	<p>Alter title to 'Promoting Local Employment and Tourism'</p> <p>Delete the policy wording and the title 'Background/Justification'</p>	<p>Policy does not add to that of RA6</p>

	<p>Retain the existing paragraph in the Background/Justification' section and amend as follows;</p> <p>'At the end of the second sentence delete 'Policy P7' and insert 'Core Strategy policies RA6 Rural economy and E5 Town Centres'</p> <p>Add an extra paragraphs, as follow;</p> <p>'The parish council is keen to support new foot/cycle paths, bridleways and enhancements to the Herefordshire trail.</p> <p>In addition, proposals to create a shared footpath, cycleway and bridleway along the former railway line will be supported. The Parish council will work with adjoining parishes, Herefordshire Council and others to implement this proposal.</p>	
Modification 13 Policy P8	<p>Add a further criterion, as follows:</p> <p>d) Conform to other adopted policies in this plan, other development plan policies and adopted supplementary planning documents'</p>	To ensure all the planning considerations are encompassed
Modification 14 Policy P9	<p>Delete criteria g from the Policy</p> <p>Insert a final sentence in the Background/Justification section:</p> <p>'This policy should be read in conjunction with policy LD1 Landscape and Townscape in the Core Strategy'</p>	Text does not conform to NPPG guidance with regards to concise, precise and supported by appropriate evidence.
Modification 15 Policy P10/1	<p>Amend the boundary of the site in accordance with the plan and refer in the policy that the vehicular access to the area shall be via the adjacent housing site.</p>	For clarification following Hearing
Modification 16 Policy P10	<p>Amend the policy as follows:</p> <p>'The local green spaces shown on the policies maps will be protected from development unless such development is ancillary and necessary for the enhancement of the open space or there are very special circumstances which justify such development including the need for utility infrastructure where there are not alternatives'</p> <p>Include within the plan a short justification in accordance with NPPF criteria in paragraph 77, which explains the particular merits and value to the community of each of the open spaces.</p>	To ensure the policy is explicit and references para 78 of the NPPF
Modification 17 Policy P11	<p>Amend the policy as follows:</p> <p>'Development affecting non-designated heritage assets listed below will be considered in relation to policy LD4 Historic Environment and Heritage in the Core Strategy. Where other non-designated heritage assets, which are not</p>	To ensure consistency with Policy LD4 and provide further clarification

	<p>identified, are affected by development proposals, such proposals will also be assessed in relation to this policy.</p> <p>Insert the list of identified non-designated heritage assets'</p> <p>Insert a new paragraph at the end of the Background/justification section, as follows: 'This policy is in accordance with guidance in the NPPF and the Core Strategy policy LD4 Historic Environment and Heritage. It identifies sites which merit the status on non-designated heritage assets and allows for other sites to be considered under the terms of this policy when they are also considered of appropriate status.'</p> <p>Identify location of all non-designated heritage assets on the policies maps. It may be necessary to create a separate policies map for this purpose.</p>	
<p>Modification 18</p> <p>Policy P13</p>	<p>Amend the policy as follows:</p> <p>'In the interest of traffic and highway issues, improved car parking in the village centre, particularly at St Peter's Church will be supported.</p> <p>In the background/justification section amend the second para as follow: 'The policy identifies that extra car parking is required in the village centre. Priorities, which have been identified, include improved footpaths, cycleways and bridleways and improved bus and community transport services. A Parish Council working group will identify future priorities and projects.</p>	<p>To ensure clarity for decision maker</p>

Appendix 3

NDP options/objectives/policies	HRA Screening of NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites?	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/option/policy.	Could the policy have any likely significant effects on European sites (taking mitigation into account)?
Policy P1 New housing development in Peterchurch village	Housing development the majority of which already has planning permission	No	n/a	n/a	No, the policy has included criteria regarding local distinctiveness and environmental quality.
Policy 5 Peterchurch village centre	Ensuring long term services within the village	No	n/a	n/a	No, this criteria is promoting walking and cycling within the village and ensuring that proposals demonstrate any community facilities are no longer viable.
Policy P8 and P8/1 Extension to Old Forge Industrial Estate	Small scale extension to existing employment area	No	River Wye (including the River Lugg) SAC	n/a	No, this policy is seeking to reduce flood risk within the hydrological catchment
Policy P9 Landscape	Criteria policy to protect character	n/a	n/a	n/a	n/a
Policy P10 – green spaces and infrastructure	Protection of green infrastructure and green spaces	n/a	n/a	n/a	No; this is not a policy which will lead to development but one which will seek to protect green spaces and green infrastructure
Policy P10/1 Land off Bazeley Lane	Provision of recreation area	No	n/a	n/a	No, this criteria is promoting walking and cycling within the village and to the recreation area.
Policy P11 Non-designated heritage assets	Identification of non-designate heritage assets	n/a	n/a	n/a	No, the wording has been amended to include a list of heritage assets to clarify the policy
Policy P13 – traffic and transport	Improved cycling, walking, horse riding and public transport links. Also additional car parking near church.	The River Wye does not flow through the parish but an area to the north and east of the village area within the catchment area.	River Wye (including the River Lugg) SAC		No; this policy would only lead to some small scale sustainable transport links and predominately within areas outside of the hydrological catchment of the River Wye.