

Habitats Regulations Assessment



Wellington Neighbourhood Area

Addendum

March 2016

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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 Wellington NDP. The NDP has now been through an Independent Examination by Chris Collinson and within his report he has recommended a number of minor 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 main the changes were minor word 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 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 policies and consider if they significantly affect the conclusions of the earlier HRA Reports (June 2015 and September 2015).
- 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 a NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies and site allocations in the Wellington 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, objective and site allocation individually, which is consistent with current guidance. The results from the HRA reports for the Pre-submission version of the Herefordshire Local Plan (Core Strategy) and the proposed Main Modifications were also taken into consideration.
- 2.4 None of the Wellington NDP objectives and policies (June 2015 and Addendum in September 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 Wellington NDP, the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy), updated in April 2015 in light of the said modifications and published on the Council's website.
- 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. These policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 With regard to site allocations, the possibility of there being likely significant effects was considered unlikely given that none of the sites are in close proximity of the European sites. However, it is considered that the inclusion of additional policy wording within the related housing policies of the NDP will, along with other policies, provide adequate safeguarding measures.
- 2.7 It was also concluded that the Wellington NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are currently allocated for development in these.
- 2.8 Therefore it was concluded that the **Wellington NDP will not have a likely significant effect on 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 June 2015 and September 2015. 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 and repeated or unnecessary criterion deleted from some of the policies.

3.3 The revised NDP policies are therefore unlikely to result in significant effects on the European sites, a conclusion of which is based on assumptions and information contained within the Wellington NDP, the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy), updated in April 2015 in light of the said modifications and published on the Council's website.

4.0 Conclusion

4.1 With reference to section 3 above, the change of wording added to the Policies, and the deletion of criterion within Policies W1, W2, W3, W4, W5, W7 and W9 are not considered to affect the findings of the previous HRA report. The title of Policy W2 has been changed to reflect the contents of the policy, so is now known as 'Housing Site Allocations'.

4.2 Therefore the earlier conclusion that the **Wellington 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 Wellington NDP and the earlier HRA report and Addendum.

Appendix 1

Table 4: HRA Re-Screening of Significant Changes to Policies following examination

Parish Council Name: Wellington Parish

NDP Title: Wellington NDP

Date undertaken: February 2016

NDP Redrafted policies following significant changes HRA Screening	HRA Re-Screening Assessment of significant changes to policies following examination				
	Likely activities (operations) to result as a consequence of the redrafted objective, option or policy	Likely effect if redrafted policy implemented. Could they have LSE on European Sites? (Yes/No, with reasons) <i>(If no, progress onto next objective/option/policy. If yes, progress onto next set of columns in row)</i>	European Sites potentially affected (Refer to Initial Screening)	Mitigation measures to be considered to avoid any impacts	If recommendations are implemented, would it be possible that it would result in no likely significant effect?
Policy W1 Scale of new residential development.	Policy to support the delivery of market housing to meet housing needs in line with Local Plan (Core Strategy) Policy RA2.	Proportional growth. Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment.	River Wye (including the River Lugg) SAC	The policies set out in the Local Plan (Core Strategy), and elsewhere within the NPD should help to avoid adverse impacts upon the European site.	No. This policy conforms to Policy RA2 of the Local Plan (Core Strategy), and although it is acknowledged that there will be an increase in the demand for water abstraction and sewage treatment, the latest version of the HRA underlying the Core Strategy (April 2015) confirms that

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					the roll out of Policy RA2 across the rural areas should not lead to adverse effects on the integrity of the River Wye SAC, provided the mitigation measures set out in the NMP are implemented.
Policy W2 Housing Site Allocations	Details the locations of the future housing allocations (unchanged from previous allocations that have been assessed), but has removed the phasing element to ensure efficient delivery of housing.	Additional wording is ensuring there is sufficient capacity within the mains drainage.	River Wye SAC	N/A	No. This policy will not produce any impacts upon the European site. There are policy safeguards within the Local Plan and also within other policies in the NDP.
Policy W3 Tenures, types and sizes of houses.	Control over the size and scale of new housing and support for measures to ensure appropriate provision of housing tenure and the terms under which such provision may be allowed to vary. Removal of the differences with 10 houses or less or over 10	N/A	N/A	N/A	No. This policy will not produce any impacts upon the European site.

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	houses has added more clarity to the policy.				
Policy W4 Protecting heritage assets.	Policy to ensure that any new development that could affect a heritage asset will protect or enhance that asset.	N/A	N/A	N/A	No. This policy will not produce any impacts upon the European site.
Policy W5 General Design principles	Increased demand for water abstraction and sewage treatment. Housing development in line with policy criteria. Housing development in line with policy criteria.	Additional wording has been added following examination to ensure that no adverse effect on the River Wye SAC will come from the development.	River Wye SAC	The policies set out in the Local Plan (Core Strategy), and elsewhere within the NPD should help to avoid adverse impacts upon the European site. Improved water efficiency measures, including metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new development.	No, this policy only provides criteria that other proposals must adhere to, and ensures mitigation methods to avoid any significant impact.
Policy W7 Protection of local green spaces.	Conservation of specific green areas of land.	N/A	N/A	N/A	No. This policy will not lead to development; rather it seeks to conserve areas of green space and prevent alternative forms of use, to the benefit of the natural

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					environment and landscape character.
Policy W9 New community facilities	Promotion of opportunities for the establishment of new facilities in and around the settlement, including allotments.	New community facilities and the attendant rise in vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the European site, dependent on the location of development, though the policy does steer proposals towards the settlement boundary.	River Wye (including the River Lugg) SAC	The policies set out in the Local Plan (Core Strategy), and elsewhere within the NPD should help to avoid adverse impacts upon the European site.	No, as there are policy safeguards within the Core Strategy and NDP policies.

Appendix 2

Appendix 2 – Examination modifications

Policy	Modification recommended	Justification
<p>Recommended Modification 1</p> <p>Throughout the Plan</p>	<p>Policies should use the term “be supported” or “not be supported” instead of “be permitted” or “not be permitted”</p>	<p>In recognition that the basis of decision making is the development plan unless material considerations indicate otherwise.</p>
<p>Recommended Modification 2</p> <p>Policy W1</p>	<p>Recommended modification 2: In Policy W1</p> <ul style="list-style-type: none"> • Delete “,and/or on an allocated site,” • Delete bullet point v. and re-number subsequent bullet points • After “self-build” insert “homes” 	<p>To ensure clarity within the Policy and consistency with National policy.</p>
<p>Recommended Modification 3</p> <p>Policy W2</p>	<p>In Policy W2 Retitle the policy “Housing Site Allocations” Delete the first paragraph Delete “From 2014 to 2025 a maximum of” and insert “Approximately” Delete “From 2026 to 2031 a maximum of” and insert “approximately” After “Graveyard” insert a new paragraph “To be supported proposals must demonstrate sufficient mains foul drainage capacity to serve the development.”</p>	<p>To ensure consistency with National and Local policy. To ensure there is no conflict against the presumption in favour of sustainable development</p>
<p>Recommended Modification 4</p> <p>Policy W3</p>	<p>In Policy W3</p> <ul style="list-style-type: none"> • After “maintaining” delete “a” and insert “an appropriate” • In the second sentence delete “appropriate” and insert “encouraged” • Delete paragraphs 2 and 3 	<p>To establish a clear policy framework to enable each proposal to be determined at the time it is submitted.</p>
<p>Recommended Modification 5</p> <p>Policy W4</p>	<p>In Policy W4</p> <ul style="list-style-type: none"> • Replace the second paragraph with “Development that will harm a heritage asset or the setting of a heritage asset will not be supported unless substantial public benefits outweigh the harm.” • Delete “All new development will be expected to” and insert “Development proposals will be supported where they” 	<p>To reflect the approach adopted in the Framework to the sustaining or enhancing of the significance of heritage assets</p>
<p>Recommended Modification 6</p>	<p>In Policy W5:</p> <ul style="list-style-type: none"> • Delete “within the designated area” 	<p>To provide greater clarity to the policy.</p>

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<p>Policy W5</p>	<ul style="list-style-type: none"> • After “criteria” add “,where relevant” • In criterion (b) delete “Gives priority” and insert “Demonstrates consideration has been given” • Delete criterion (c) and insert “is capable of being connected to essential infrastructure services with capacity” • In criterion (e) delete “detrimental effect” and insert “severe cumulative adverse impact” • In criterion (g) delete “the use of active travel” and insert “walking and cycling” • In criterion (l) delete “,garaging” • In criterion (n) delete the first sentence. 	
<p>Recommended Modification 7</p> <p>Policy W6</p>	<p>In Policy W6 replace the fourth bullet point with “Preserving and not significantly detracting from those parts of the important views identified on Map 3 and Map 4 that are within the Neighbourhood Plan area, and that are visible from locations that are freely accessible to members of the general public”</p>	<p>The policies of the Neighbourhood Plan do not apply to land outside the Designated Neighbourhood Area.</p> <p>The use of the word “protecting” does not establish a practical framework for decision making on planning applications as required by paragraph 17 of the Framework nor does it adequately reflect the presumption in favour of sustainable development established by the Framework</p>
<p>Recommended modification 8</p> <p>Policy W7</p>	<p>In Policy W7 Delete the final sentence and insert “Development will be ruled out except in very special circumstances, for example, where essential public utility infrastructure is necessary that cannot be located elsewhere”</p>	<p>To allow for exceptional circumstances.</p>
<p>Policy W8</p>	<p>No modification</p>	<p>This policy meets the basic conditions</p>
<p>Recommended modification 9</p> <p>Policy W9</p>	<p>In Policy W9</p> <ul style="list-style-type: none"> • After “allocation” insert “of Proposed Green Space as defined” and • In the first bullet point delete “, wherever possible,” and 	<p>To ensure a practical framework for decision making.</p>

Appendix 2 – Examination modifications

	<p>continue after boundary “unless it can be clearly demonstrated that this is not physically or functionally possible” and</p> <ul style="list-style-type: none"> • In the final sentence delete “possible” and the brackets and insert “that is physically possible and this would not represent an unreasonable burden on the development in accordance with paragraph 173 of the Framework and” 	
Policy W10	No modification	This policy meets the basic conditions
Recommended modification 10 Policy W11	Policy W11 should be deleted	To ensure clarity within the plan as this policy has already been deleted following the Reg 14 consultation but remained in the Plan
Policy W12	No modification	This policy meets the basic conditions
Policy W13	No modification	This policy meets the basic conditions
Recommended modification 11	Identified errors that are typographical in nature or arising from updates should be corrected. Modification of general text will be necessary to achieve consistency with the modified policies	To ensure clarity and consistency throughout the plan.