

Habitats Regulations Assessment

Addendum Report for:

Wyeside Group Neighbourhood Area

October 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 amendments through the HRA process to Wyeside NDP; the NDP. The NDP has now been through an Independent Examination by John Mattocks and within his report he has recommended a number of modifications to ensure that the plan meets the Basic Conditions.
- 1.2 Although Herefordshire Council have accepted these modifications to the plan, Wyeside Group Parish Council decided to withdraw their neighbourhood plan as they considered that the amendments did not fully reflect the community's wishes and aspirations.
- 1.3 The parish council have now resubmitted the plan and it has been updated to reflect the modification suggested apart from two minor amendments to Policy WHO1 and WHO2. These modifications have now been assessed as part of the HRA and full results can be viewed in Appendix 3.
- 1.4 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 Report (March 2016 and January 2017).

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 Wyeside 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 Wyeside NDP objectives and policies (March 2016 and January 2017) were concluded to be likely to have a significant effect on the European site. Although three of the parishes making up the Wyeside Group border the River Wye SAC, only one village is in close proximity to the river itself. Policy WE01 and Core Strategy policy SD3 and SD4 together with the Nutrient Management Plan will ensure that there are safeguards in place. This conclusion is based on assumptions and information contained within the Wyeside 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 and the SAC itself is not within the parish. In several cases the policies also included measures to help support the natural environment including biodiversity.
- 2.6 It is unlikely that the Wyeside 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 Housing Market Area in the Herefordshire Core Strategy
- 2.7 Therefore it was concluded that the **Wyeside NDP will not have a likely significant effect on the River Wye (including the River Lugg) SAC.**
- 2.8 The proposed amendments within the submission NDP have been screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in January 2017. A summary of the main findings is provided below.

3.0 Summary of main findings – modifications to NDP

- 3.1 The Submission NDP (January 2017) incorporates additional policy criteria or wording to add clarity and emphasis throughout the document. Of particular importance is that Policy WE05 has been added which now includes reference to the sewerage network capacity within the village and the potential to phase development. This will provide additional policy safeguards to avoid adverse impacts on the European site and ensure that the delivery of the Nutrient Management Plan is not compromised.
- 3.2 Modifications made to 4 other policies of the plan are considered to be minor and would not have a significant effect on the results previously assessed. These were points of clarity and minor word changes.
- 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 Wyeside NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).

Summary of the main finding – following examination and resubmission

- 3.4 Following the issuing of the examiner's report, the Wyeside Group Parish Council decided to withdraw their plan as there were concerns regarding how the modifications reflected the community aspirations. The plan has now been resubmitted for a further regulation 16 consultation.
- 3.5 The resubmission NDP incorporates the majority of the modifications that the examiner has recommended within the Examiner's report with the exception of some minor modifications to policy WH01 and WH02. 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.
- 3.5 One new policy has been added following the examination, this has not added any new information but has amalgamated a number of criteria deleted from other policies. Most of the amendments have involved wording changes for clarity rather than emphasis or direction.
- 3.6 The resubmission 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 Wyeside NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan

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 **Wyeside 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 resubmission Wyeside NDP and the earlier HRA Report and its addendum.

Appendix 1

Consultation date: 6 February to 20 March 2017

Consultation title: Wyeside Neighbourhood Plan Regulation 16

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

Consultee	Summary of Comments	Response to Comments
Natural England	No comments received regarding the Environmental Report	
Heritage England	No comment received regarding the Environmental Report	
Environment Agency	No comments received regarding the Environmental Report	
Natural Resources Wales	No comments received	

Appendix 2

Modifications following the Wyeside NDP examination

Policy	Modification recommended	Justification
Modification 1 Whole plan	Remove all explanatory statements from within the coloured policy boxes and include such statements within the accompanying explanatory text for the relevant policy. Also delete cross – references between policies.	To ensure that policies are concise and precise Remove unnecessary references
Modification 2 Policy WH01	Delete Policy WH01 and replace with new policies in Appendix	To ensure the policy does not contain undue constraints on development
Modification 3 Policy WH02	Delete Policy WH02 and replace with new policies in Appendix	To ensure the policy does not contain undue constraints on development
Modification 4 Policy WB01	Delete the introduction to Policy WB01 and all but the final bullet point and replace it by the following: Employment generating proposals which help to diversity the economy of Wyeside will be permitted where they are of a scale which is commensurate with the location and setting. A range of economic activities will be supported, including; <ul style="list-style-type: none"> • Local food and drink production and agricultural diversification; • Commercial facilities such as a village shop, garden centres and public house; • High value knowledge based employment such as financial, technical and professional services; • The small scale expansion or extension of existing businesses; • Light industry and /or manufacturing; trade and crafts; • Transport, storage and distribution; • Health and social care; • Sustainable tourism including bed and breakfast / holiday accommodation; restaurants and cafes; leisure-related community facilities. <p>In the final bullet pint delete the introductory sentence 'That the proposal is....must' and replace it by 'All proposals should...'</p> <p>Delete the first requirement ' Provide employment for the local community'</p>	To unsure clarity and full regards to the NPPF Ensure a positive approach to employment provision.

	Re-draft paragraph 3.6 to provide an explanation and justification for the choice and types of employment which are listed in the policy as helping to diversify the local economy.	
Modification 5 Policy WB02	Modify Policy WB02 to read: Proposals for retail development will be permitted provided that it is of a scale which would not threaten the vitality and /or viability of any nearby centre.	Ensure regard to the national guidelines
Modification 6 Policy WH03	Replace Policy WH03 by the following policy: Exceptionally, where there is a proven local need established by an up-to-date local housing needs survey, a site or sites may be developed primarily for affordable housing outside the areas considered suitable for general housing in accordance with Policy WH01. Any permission shall be subject to a s106 planning obligation to ensure that the housing is available to local people and remains so in perpetuity.	To ensure clarity and ensure policy reflects the available evidence
Modification 7 Policy WH04	In policy WH04, delete bullet points 2, 6, 7 and 9 and, in the second line of the introductory part of the policy, insert the words 'which will make a positive contribution to rural businesses and enterprise and support the local economy or which would otherwise contribute to residential development' between 'rural areas' and 'will be permitted where'	Reduce uncertainty and ambiguity within the policy
Modification 8 Policy WH05	Modify the introduction to Policy WH05 to read: Outside the areas considered suitable for general housing in accordance with Policy WH01 proposals for dwellings associated with agriculture, forestry and rural enterprise will be permitted: Insert the word 'or' between the first and second bullet points In the second bullet point, delete the words 'which requires an onsite dwelling' and substitute the words 'and that there is an essential need for a dwelling to support the enterprise which cannot be met by existing accommodation.' Delete the third bullet point.	To ensure clarity in interpretation
Modification 9 Policy WHD01	Delete the introductory wording to policy WHD01 and replace by the words 'Proposals for the erection of new buildings will be permitted providing the following requirements are met;	Remove prescriptive elements of wording which cannot be adequately justified. To remove duplication

	<p>Amend the heading of the first part of the policy to 'non-agricultural / forestry or business buildings'</p> <p>In the first part of the policy, delete the first and final bullet points and amend the penultimate point by replacing 'must' with 'should' and insert 'where appropriate taking account of the hydrological setting of the site, 'after' (SUDs)</p> <p>In the introductory text to the second part of the policy delete the words 'if prior approval exists with permitted development' and replace by 'where prior approval is required under the provisions of the General Permitted Development Order'</p> <p>Delete bullet points 4, 5 and 7 from the second part of the policy and amend the penultimate bullet point as in the first part.</p>	
<p>Modification 10</p> <p>Policy WHD02</p>	<p>Amend the heading for Policy WHD02 to read 'Changes of use and associated building alterations and /or extensions'</p> <p>Delete the fifth and final bullet points and amend the penultimate point by replacing 'must' with 'should' and insert 'where appropriate taking account of the hydrological setting of the site' after '(SUDs)'</p>	<p>To ensure clarity</p>
<p>Modification 11</p> <p>Policy WE01</p>	<p>Delete the whole of the introductory paragraph to policy WE01 and place the text within an explanatory (non-policy) part of the plan to justify the policy approach. Include any required specific references to current Government policy in the text, including an explanation of the sequential and exceptions tests.</p> <p>Remove the initial two sentences of part 1 of the policy and place them in the explanatory text. Delete all from 'New developments should not be permitted' to and including' ISBN: 978-1-4098-3413-7.</p> <p>Modify part 1 to read: 'Development will not be permitted which would be likely to have a significant environment effect on the River Wye SAC unless evidence has been provided that any adverse effects can be avoided.... or Authority'</p> <p>Delete part 4 of the policy and replace parts 2 and 3 by the following text: 'New built development should not be permitted in either flood risk zones 2 or 3 unless, consistent with sustainability objectives, it is established that it is not possible for the development to be located in a zone with a lower probability of flooding and, if appropriate, the exceptions test has been passed. All development in flood risk areas</p>	<p>Remove non policy text and cross referencing for policy</p> <p>To simplify the policy</p>

	<p>should be capable of being made safe without increasing flood risk elsewhere'</p> <p>Include any cross-references to relevant HCS policies such as SD3 and SD4, in the explanatory text.</p>	
<p>Modification 12</p> <p>Policy WE02</p>	<p>In policy WE02</p> <p>Reword the second bullet point to commence 'Where appropriate, taking account of the nature and scale of the proposed development, a detailed landscape impact analysis should be provided as part of the planning application to demonstrate how....'</p> <p>In the penultimate (9th) bullet point delete the whole of the first sentence 'Development....wildlife habitat' and the words at the end of the second sentence 'of at least the equivalent size to that which has been lost.'</p> <p>Clearly distinguish from policy any delete text which represents a community aspiration.</p>	<p>To ensure clarity and compliance with national policy</p>
<p>Modification 13</p> <p>Policy WE03</p>	<p>Revise the policy heading for WE03 to 'Protecting Green Infrastructure, Heritage Assets and Local Green Space'</p> <p>Amend the introductory section of Policy WE03 to read:</p> <p>'Where appropriate, development proposals should demonstrate that....'</p> <p>In the second bullet point, delete the words 'enhancing' and 'and archaeological, historical and cultural features'</p> <p>After the bullet points insert; 'Archaeological, historical and cultural features will be protected and, where possible, enhanced.'</p> <p>Delete the final paragraph in the policy and substitute:</p> <p>'The area of land comprising the orchard opposite the Red Lion in Bredwardine, the orchard bordered by Church Lane, the River Wye and the road running from the Red Lion to Bredwardine Bridge is shown on the Bredwardine Policies Map Appendix 5, as a Local Green Space. In this area inappropriate development will not be permitted except in very special circumstances.'</p> <p>Include additional text in paragraph 5.4 of the plan to justify the designation of the area as a Local Green Space in terms of paragraph 77 of the NPPF.</p>	<p>Ensure clarity and justification for the Local Green Space</p>

<p>Modification 14</p> <p>Policy WE04</p>	<p>Modify the introductory section of Policy WE04 by deleting the words 'where they are in compliance with WHD01 or WHD02 above' and substituting 'subject to the relevant criteria in Policy WHD01 or Policy WHD02.</p> <p>In the first bullet point, delete the words 'Solar panels are not permitted on roofs of historical buildings. However, ground based solar panels will..' and substitute with 'Solar panels are permitted on roofs of historical buildings if an assessment proves that there will be no harm to the building. Ground based solar panels will also....' Include a definition of the term 'historical buildings' in the supporting text.</p> <p>Delete the second and third bullet points from the point but include supporting text to clarify the position with regards to solar panel farms and small wind turbines, including a definition of the term, and providing a cross reference to the policy in HCS policy SD2 that a site for a wind turbine may be permitted if it has community support.</p>	<p>To ensure clarity within the policy and reduce ambiguous text.</p>
<p>Modification 15</p> <p>Policy WE05</p>	<p>Modify Policy WE05 to read:</p> <p>Public sewerage and wastewater treatment</p> <p>Development at Bredwardine, Moccas and Preston-on-Wye should minimise any effect on the capacity of the public sewerage network and /or wastewater treatment works serving those villages. If a development proposal would result in the existing capacity being exceeded financial contributions will be sought for any improvements necessary to facilitate such development.</p> <p>Elsewhere, any new housing growth will be required to utilise.....(as in the second bullet point of the submitted WNP policy)</p> <p>Remove all other explanatory and background text from the policy box and place it within the supporting text for this policy, including the Note at the foot of page 36.</p>	<p>To simplify the policy</p>
<p>Modification 16</p> <p>Policy WF01</p>	<p>Add the following words to the end of policy WF01;</p> <p>'except where an assessment has been made which demonstrates that the land is surplus to requirements or that the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location.</p>	<p>To ensure reflects national policy</p>
<p>Modification 17</p>	<p>Insert a new policy WF04 in section 6 of the plan as follows:</p>	<p>To ensure clarity and ease of interpretation</p>

Policy WF04	<p>General Policy Applicable to All Developments</p> <p>Ensure that traffic generated by any proposals can be accommodated safely within the local road network which in many cases is single track, and does not result in the need to widen roads along their entire length or the removal of hedgerows, except where additional passing points are needed to manage increases in traffic volumes, demonstrate that landscape, environmental and amenity impact are acceptable, and that access and parking standards are adequate having regard to the latest highway guidance produced by Herefordshire Council.</p>	
Modification 18	<p>Ensure that all procedural references in the plan are up to date and make any amendments to the supporting text in the plan which is required as a consequence of modifications to the policies made in response to the recommendations in this report.</p>	<p>To ensure any obvious textual errors are corrected.</p>

Appendix 3

Table 2: HRA Screening of amended Neighbourhood Development Plan Policies

Date undertaken: October 2017

NDP objectives and policies	HRA Screening of Emerging NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option 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	If recommendations are implemented, would it be possible that it would result in no LSE? (Yes/No with reasons)
WB01 – New Business Opportunities	Policy to support proposals for new business opportunities. Potential additional traffic movements Additional water use	Unlikely that there will be any significant effects on the European Site. Potential detrimental effects would be mitigated with the policies within the Core Strategy and by NDP policy.	River Wye (including River Lugg) SAC	N/A	No, policy criteria exist within the NDP to safeguard the River Wye SAC particularly policy WE01.
WB02 – Retail Development	Policy to support proposals for small retail development.	Unlikely that there will be any significant effects on the European Site. This policy is promoting very small scale retail facilities within the parish	River Wye (including River Lugg) SAC	N/A	No, policy criteria exist within the NDP to safeguard the River Wye SAC particularly policy WE01.
WH01 – New Housing	Policy for housing development in line with	Small scale development proposed (plots of 10 or	River Wye (including	Implementation of Core Strategy policy LD2:	No: development is in line with the Local

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Development	<p>Core Strategy targets.</p> <p>Increase in vehicle traffic.</p> <p>Increase recreation activities.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	<p>less) Unlikely that there will be any significant effects on the European Site. Potential detrimental effects would be mitigated with the policies within the Core Strategy and by NDP policy.</p>	River Lugg) SAC	<p>Biodiversity and Geodiversity, which aims to avoid adverse impacts on European sites from development including housing. Policy SD1: Sustainable design and Energy efficiency should help to mitigate potential impacts relating to non-physical disturbance</p> <p>Policy WE01 of the NDP also contains restrictive criteria including no development within 100m of the boundary of the River Wye.</p>	<p>Plan (Core Strategy) and the policy safeguards which exist within the NDP (WE01) will avoid or mitigate any likely significant effects.</p>
WH02 – Ensuring an appropriate Range of Tenures, Types and Size of Houses	<p>Policy to support proposals for a range of types, tenures and size of houses.</p>	<p>Unlikely that there will be any significant effects on the European Site. Potential detrimental effects would be mitigated with the policies within the Core Strategy and by NDP policy</p>	River Wye (including River Lugg) SAC	<p>This policy is criteria based policy for affordable housing within Wyeside Group. Safeguarding criteria exists within policy WE01 which restricts development within 100m of the boundary of the River Wye.</p>	<p>No: development is in line with the Local Plan (Core Strategy) and the policy safeguards which exist within the Core Strategy should help avoid or mitigate any likely significant effects.</p>
WH03 – Affordable Housing	<p>Affordable housing development in rural areas.</p> <p>Increase in vehicle traffic</p> <p>Increased demand for</p>	<p>Unlikely that there will be any significant effects on the European Site.</p>	River Wye (including River Lugg) SAC	<p>This policy is criteria based policy for affordable housing within Wyeside Group and conforms to Core Strategy policy H1.</p>	<p>No: Scale and extent of such development is unlikely to be significant. But this can be determined further at planning</p>

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	water abstraction and sewage treatment.				application stage.
WH04 – Re-use of Rural Buildings	Policy to support redevelopment of rural buildings into dwelling Small increase in transport usage Increase in water usage	Unlikely that there will be any significant effects on the European Site. Criteria is contained within the policy regarding the safeguarding of priority habitats and species.	River Wye (including River Lugg) SAC	This policy deals with rural development and accords with Core Strategy Policy RA5 Re-use of rural buildings.	No: Scale and extent of such development is unlikely to be significant. But this can be determined further at planning application stage.
WH05 – Housing in Open Countryside	Restrict housing in the open countryside and in line with Core Strategy policy RA3	Unlikely that there will be any significant effects on the European Site. Development will be very small scale and in line with policy RA3 of the Core Strategy	River Wye (including River Lugg) SAC	This policy sets out criteria for housing development in the countryside. This policy conforms to Core Strategy policy RA3, RA4 and RA5.	No: Scale and extent of such development is unlikely to be significant. But this can be determined further at planning application stage.
WHD01 – New Building Design	Policy to support residential development.	Unlikely that there will be any significant effects on the European Site. Potential detrimental effects would be mitigated with the policies within the Core Strategy and by NDP policy	River Wye (including River Lugg) SAC	In accordance with policy Core Strategy policy SD1, this policy can help mitigate the effects of development through sustainable housing design. This can help minimise adverse impact on the environment and the SAC.	No this policy will not lead to development but contains the criteria to design adjudge applications against.
WHD02 – Change of Use	Policy to support change of use	Unlikely that there will be any significant effects on	River Wye (including River Lugg) SAC	N/A	No: this policy itself will not lead to development, instead

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	Potential increase in traffic and water use.	the European Site. Contains criteria for the change of use of an existing building.			it relates to criteria based objective. Criteria is included within the policy to reference priority species and habitats.
Policy WE01 – Environmental Restrictions on Development	This policy safeguards species and local biodiversity against development. Ensuring development is does not have a detrimental impact on surrounding environment.	The policy contains criteria to specifically safeguard the River Wye SAC and the flood zones. This includes no development with 100m of the boundary of the River Wye SAC.	River Wye (including River Lugg) SAC	This policy helps to safeguard local environment in line with policy LD2, and help mitigate adverse effects caused from development.	No: This policy is likely to have a beneficial effect on environment and biodiversity of Wyeside group.
Policy WE02 – Landscape Design Principles	Contains the design criteria for development particularly landscape features.	Unlikely that there will be any significant effects on the European Site. Potential detrimental effects would be mitigated with the policies within the Core Strategy and by NDP policy	River Wye (including River Lugg) SAC	This policy helps to safeguard landscape around Wyeside Group parish and accords with Core Strategy policy LA1.	No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards natural and built landscape of Wyeside.
Policy WE03 - Protecting Local Green Spaces and Important Views	Local green spaces safeguarded from development Increase in recreational activity.	Unlikely that there will be any significant effects on the European Site. The policy wording includes safeguarding reference to the River Wye SAC and priority species and	River Wye (including River Lugg) SAC	This policy helps to safeguard local green spaces and significant views.	No: this policy itself refers to the River Wye SAC and other priority species and habitats. Additional policy criteria is contained within NDP policy WE01.

		habitats.			
Policy WE04 – Renewable Energy	Support for renewable energy projects	Unlikely that there will be any significant effects on the European Site. Policy seeks to support appropriately sites schemes predominately solar power.	River Wye (including River Lugg) SAC	The Core Strategy and the NDP contain environmental policies to ensure that any development is mitigated to ensure no significant affects.	No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards
Policy WE05 – Public sewerage and waste water treatment	Support provision of adequate water treatment provision	This is likely to have a positive effect on the baseline.	River Wye (including River Lugg) SAC	This policy seeks to protect the locality and provided adequate infrastructure facilities.	No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy safeguards
WF01 – Retention of Existing Recreational Facilities	Recreation facilities maintained	Local community recreation facilities will be protected as community assets. No Likely significant impacts expected.	River Wye (including River Lugg) SAC	Core Strategy policies OS1-OS3 relating to open space, sport and recreation may help relieve any increase pressure on European sites for recreation space, if appropriately implemented.	No: this policy is seeking to safeguard existing facilities. There is currently very limited facilities within the five settlements
WF04 – General Policy Applicable to all developments	General criteria for development	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	N/A	No: this policy itself will not lead to development, instead it relates to criteria based objective.