

Habitats Regulations Assessment

Addendum Report for:

Yarpole Group Neighbourhood Area

February 2018



Contents

1.0	Introduction	1
2.0	Screening of alternative site options for the NDP	1
3.0	Summary of main findings	1
4.0	Conclusion	2
5.0	Next steps	2
	Appendix 1: Consultation responses	
	Appendix 2: Modifications following examination	
	Appendix 3: Assessment of policies following examination	

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 alternative site options through the HRA process to Yarpole Group 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 Herefordshire Council have accepted these modification to the plan, therefore the NDP has been updates to reflect the modifications suggested. In the recommended changes there were some minor word alterations to ensure that policies were in line with the NPPF and also to add clarity for the decision maker. The modified policies have now been rescreened as part of the HRA and the full results can be viewed in Appendix 3.
- 1.3 The purpose of this final HRA Addendum Report is to assess the modifications made following the examination and to assess if they would significantly affect the conclusions of the earlier HRA Report (March 2016, January 2017 and December 2017).
- 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 any new policies or change in the overall aims and objectives of the existing planning policies.

2.0 Screening of potential alternative site options 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 Yarpole Group NDP would be likely to have a significant effect on the River Wye SAC and/ or Downton Gorge 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 alternative site option 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 Dwr Cymru Welsh Water (DCWW) had stated for the Core Strategy that there is currently no permitted headroom in the Sewerage Treatment works serving the Luston and Yarpole area, however were investigating options that might make sufficient headroom available to continue to treat the water from the amount of housing provided for in the Core Strategy policies. More recently, Dwr Cymru Welsh Water (DCWW) have confirmed that the upgrade to the Sewerage Treatment works would have implemented by March 2018.
- 2.5 In addition, the preparation of the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 2.6 Downton Gorge SAC is vulnerable to air quality associated with poultry units and other intensive agricultural practices, the Yarpole Group NDP is not proposing either of these within its policies. Housing sites would not affect the vulnerability of this protected site.
- 2.6 It is unlikely that the Yarpole Group 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 Leominster Housing Market Area in the Herefordshire Core Strategy

Alternative site options NDP

- 2.7 A total of 28 alternative sites have been assessment. A 'Call for sites' was undertaken during April 2015 and updated during the production of the NDP. These sites are included within the 'Assessment of Sites offered during Call for Sites' document. 24 sites were within Yarpole. 22 within Bircher, 1 within Lucton and the final site within the wider rural area. An additional site was submitted at Reg14 and this has also been assessed.
- 2.8 As indicated above, the capacity of the sewerage treatment works within the area is the main issue which could have had a significant effect on the catchment of the River Wye SAC. This would have been applicable to the majority of the sites assessed. However, Welsh Water have confirmed that the upgrade of the works will be operational by March 2018.
- 2.9 The assessment did not conclude that any of the sites would have a significant effect on the protected sites. The site assessment work had resolved that many of the sites were considered too small to allocation. Three sites were finally selected as allocations within the submitted NDP, these were selected based on other site selections criteria in the knowledge that not of the sites would have a significant effect on the protected sites.

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 of objectives and policies and some policies have been deleted or unnecessary criterion deleted as well as criterion added to some of the policies.
- 3.3 The main changes have occurred in policies YG2, YG3, YG4, YG5, YG7, YG9, YG10, YG12, YG14, YG15 and YG16
- 3.4 The revisions to these policies have been assessed and were found to be unlikely to result in significant effects on Downton Gorge SAC nor the River Wye SAC. The plan is not proposing development which would have an impact on air quality within regards to Downton Gorge SAC.

4.0 Conclusion

- 4.1 With reference to section 3 above, modifications made to the submitted NDP following the examination are not considered to affect the findings of the previous HRA report. The HRA assessment has concluded that none of the modifications would have had a significant effect on the River Wye SAC or Downton Gorge SAC.
- 4.2 Therefore the earlier conclusion that the **Yarpole Group NDP will not have a likely significant effect on the River Wye SAC or Downton Gorge SAC** remains valid.

5.0 Next steps

- 5.1 This Addendum Report will be published alongside the final Yarpole Group NDP and the earlier HRA report and Addendum.

Appendix 1

Consultation date: 6 April to the 25 May 2017**Consultation title:** Yarpole Group 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	Comments received to the NDP but none received to the HRA	n/a
Historic England	No comment received regarding the HRA	n/a
Environment Agency	Comments received to the NDP but none received to HRA	n/a
Natural Resources Wales	No comments received	n/a

Consultation date: 11 December 2017 to 15 January 2018**Consultation title:** Yarpole Group Neighbourhood Plan Site options consultation*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	Natural England notes and concurs with the conclusion of the submitted assessment.	n/a
Historic England	No objections to the document and no substantive comments to make.	n/a
Environment Agency	No comments received	n/a
Natural Resources Wales	No comments received	n/a

Appendix 2

Appendix 1: Modifications following examination – Yarpole Group NDP

Policy	Modification recommended	Justification
<p>Modification 1</p> <p>Policy YG2. <i>Paragraphs 4.50-53</i></p>	<p>In part d) of Policy YG2 insert the word 'Residential' before 'development' both at the start of the paragraph and in the fifth line after 'accommodate';</p> <p>In the second line of part d) replace the word 'exceptional' by 'limited';</p> <p>In lines 3 and 4 of part d) delete the words 'in particular but not exclusively Policy RA3, and replace 'necessary' by 'applicable';</p> <p>Clarify the context for the reference to 'the needs of the community' in the second line of paragraph 3.8 on page 14.</p>	<p>For Clarification</p>
<p>Modification 2</p> <p>Text paragraphs 3.10-3.13 and Table 1. <i>Paragraphs 4.03-07 and 4.31.</i></p>	<p>Replace this section of the plan by updated text as below:-</p> <p>3.11 The target for new housing within the Group Parish indicated for the period 2011 to 2031 by Herefordshire Council is 48 dwellings. Herefordshire Council advised that at April 2017 some 8 new dwellings had been constructed since 2011 and a further 17 had received planning permission but as yet were not completed. Between April and November 2017, a further 20 dwellings resulted from the grant of planning permission, of which all were within or adjacent to Yarpole village. A modest estimate of the allowance for dwellings that are likely to come forward outside of the village within the remainder of the Group Parish and based upon past trends suggest at least a further 8 dwellings would result. These would come forward through rural building conversions, agricultural dwellings and other acceptable forms of housing development in the countryside. Accordingly, it is anticipated that the minimum outstanding level of proportional growth of 3 dwellings will be met and most probably exceeded during the outstanding plan period – see Table 1.</p> <p>3.12 Housing provision associated with the three villages will continue to be met through a combination of individual or small plots within a settlement boundary together with the three site allocations, one in Bircher and two in Yarpole. The site allocations will enable a mixture of house types, sizes and tenures as is necessary to be brought forward. A local housing needs report was prepared by Herefordshire Council in 2014 but there is no up-to-date information on the need for affordable housing in the plan area. Should any future requirement be identified the most appropriate way to provide this would be through Herefordshire Local Plan Core Strategy policy H2 which enables exceptions to be made where there is a proven need for such housing. Such schemes have proved successful in nearby villages. A group within the Parish is investigating the establishment of a Community Land Trust to meet any future needs that might be identified.</p> <p>3.13 The approach to accommodating housing within each village together with supporting infrastructure is identified in the following three sections. However, the summary of how these</p>	<p>To ensure the policy reflects the requirement within the supporting text and that the policy is reasonable and to ensure clarify of the meaning of the whole policy.</p>

will meet and exceed the required level of proportionate growth is set out in Table 1 below. It should however be recognised that these figures represent the expected minimum potential number for the relevant sites and plots in order to indicate that the required target can be met. A modest figure for developable sites is used in all instances.

Table 1: Summary of Proposals to Meet and Exceed the Housing Target (At November 2017)

Housing Target 2011 to 2031:- 48 Completions 2011- 2017:- 8 Outstanding planning permissions November 2017 (not covered below):- 10 Remainder to be provided through this plan:- 30		
		Number of dwellings-on available sites Immediate term
1	Bircher Site allocations (Policy YG3) Small site/conversion (YG4)	5 8
2	Lucton (Policy YG6)	0
3	Yarpole Small sites (Policy YG8) Allocation, Croft Crescent (YG9) (PP granted) Allocation, Brook House Farm and adjacent land (YG10)(PP granted)	9 5 18
	Dwellings resulting from this Neighbourhood Plan	46
4	Rural windfall based on past trends.	8
	Total	53

Modification 3

Policy YG3(e) and Policies YG4(c), YG6(a) and

Delete criterion e) in Policy YG3 and criteria a) in Policy YG6 and b) in Policy YG8;

In Policy YG4, criterion c) Delete 'Development shall ... (to) ... in particular,' and commence 'Proposals ...'

For clarity and to avoid ambiguity

YG8(b). Paragraph 4.54	Include additional text following these policies drawing attention to the fact that Policy YG14 will apply within the conservation areas for Bircher, Lucton and Yarpole.	
Modification 4 Policy YG3(h) and Policy YG4(e). Paragraphs 4.55-57	Delete criterion h) in Policy YG3 and criterion e) in Policy YG4 and make a consequential adjustment to the wording of paragraph 4.4	For clarity and to demonstrate certainly and for compliance as there is insufficient evidence to show that the nature and scale of the development included in this policy
Modification 5 Policy YG5. Paragraphs 4.58-63 and 4.67	In the second line of Policy YG5, after the words 'in order to protect' insert the words 'its biodiversity value and for' and, in the third line, delete ', biodiversity'; Delete the second part of the policy and substitute the following:- <i>Except in very special circumstances, no development will be permitted which would adversely affect the special qualities of the area and the contribution these make to the village's environment.</i> In paragraph 4.5, final line, delete the words 'was identified in an earlier plan.' and footnote 3.	To ensure clarity and make direct reference to the village environment and further development
Modification 6 Policy YG7. Paragraphs 4.58-62, 4.64 and 4.67	At the end of the second line in Policy YG7, between the words '...protect' and 'the ...' insert the words 'its biodiversity and heritage value and for'; Delete the final sentence of the policy and substitute the following:- <i>Except in very special circumstances, no development will be permitted which would adversely affect the special qualities of the area and the contribution these make to the village's environment.</i> Delete paragraph 5.4 including footnote 4 on page 22.	To ensure clarity and make direct reference to the village environment including heritage value and provide further clarity on future development
Modification 7 Paragraph 6.6. Paragraph 4.68	Delete the two sentences in paragraph 6.6 between 'Both the land ...' at the end of line 7 and '... also Listed Buildings.' in line 12. Merge that text into paragraph 6.18 in justification of Policy YG12. Insert the following text in place of the two deleted sentences in paragraph 6.6:- <i>The green wedge and pinch point contribute to the character of the village by dividing it into its three settlement character areas which might influence the approach to determine how the settlement should develop. In addition, given the absence of any Conservation Area Appraisal, this broad characterisation is also useful to defining some of the qualities that need to be preserved. The characterisation is presented at Diagram 1.</i>	For clarification

Modification 8 Policy YG9 and paragraph 6.11. <i>Paragraphs 4.12-14 and 4.17</i>	In criterion b) of Policy YG9 delete 'type and tenure' in line 2 and all after '...local community needs' in the last two lines; Delete the second sentence in paragraph 6.11.	To ensure clarity of wording and meaning
Modification 9 Paragraph 6.8. <i>Paragraph 4.70</i>	Delete the whole of paragraph 6.8.	Removal of paragraph to provide clarity
Modification 10 Policy YG10 (g) and paragraph 6.12. <i>Paragraphs 4.10 and 4.11</i>	Delete all after '...local community needs' in the last two lines of Policy YG10; Update paragraph 6.12 to refer to the planning permissions granted for development on this site. Include an explicit recognition that the policy can only be applied by the LPA should a further application (or applications) be made for the development of the site; Delete the last two sentences in paragraph 6.12 and include a statement referring to the planning permission granted for the permanent residential use of the barns.	To provide clarification and update regarding planning permissions or further development
Modification 11 Policy YG11 and paragraph 6.16 and 6.17. <i>Paragraph 4.37-42</i>	Delete the whole of Policy YG11 and the text in paragraphs 6.16 and 6.17 from the statutory plan and include it within a non-statutory appendix to the plan.	Removal of entire Policy to ensure that the plan meets the relevant basic condition
Modification 12 Policy YG12 and paragraph 6.18. <i>Paragraph 4.58-62 and 4.65</i>	At the end of point i) in Policy YG12 add the words 'which contributes especially to the tranquillity of the village.' after '... cemetery' At the end of point ii) in Policy YG12 add the words 'which contributes especially to the character and appearance of the village through protecting an important setting.' after 'Vicarage Farm.' Delete the last part of the policy and substitute the following:- Except in very special circumstances, no development will be permitted which would adversely affect the special qualities of the area and the contribution these make to the village's environment. Delete the last sentence in paragraph 6.18.	To ensure clarity of the Policy and removal of historic UDP references

<p>Modification 13</p> <p>Policy YG13 and paragraphs 6.19 and 6.20. <i>Paragraphs 4.71-2</i></p>	<p>Delete Policy YG13 and the accompanying text in paragraphs 6.19 and 6.20.</p>	<p>Removal of entire Policy to ensure that the plan meets the relevant basic condition</p>
<p>Modification 14</p> <p>Policy YG14. <i>Paragraphs 4.73-5</i></p>	<p>In criteria 2 of policy YG14, third line, replace the words 'will not be resisted' by 'will be permitted';</p> <p>Delete criterion 4 in policy YG14;</p> <p>Preface the fifth criterion by the words 'For all but minor works and in so far as practicable'. Delete the word 'any' in the first line and the words 'as essential components.' on line 2.</p>	<p>To avoid repetition and for the purpose of clarity</p>
<p>Modification 15</p> <p>Policy YG15. <i>Paragraphs 4.76-80</i></p>	<p>Delete the words ', in addition to regulatory requirements,' in lines 4 and 5 of the introductory section to Policy YG15;</p> <p>Replace criterion d) by the following text:- <i>Where development falls within flood risk zones 2 or 3, or elsewhere comprises sites of 1 hectare or greater, proposals will need to be supported by an appropriate flood risk assessment, including taking into account climate change, to inform decisions upon planning applications;</i></p> <p>Delete criterion f)</p>	<p>For the purpose of clarity and removal of criteria in non-compliance with Government Policy</p>
<p>Modification 16.</p> <p>Policy YG16. <i>Paragraphs 4.43-46</i></p>	<p>Amend the heading for Policy YG16 to read: 'Contributions to Community Services, Youth Provision and Recreation Facilities'</p> <p>Delete Policy YG16 and replace it by the following policy:- <i>When a proposed development would result in demands on community facilities, services and physical or social infrastructure which necessitates additional provision, permission will be granted subject to a planning obligation under s106 of the Town and Country Planning Act 1990 to secure a contribution towards the provision, improvement, replacement, operation or maintenance of those facilities, services or infrastructure in the interests of supporting sustainable development and in so far as the statutory tests for planning obligations are met.</i></p> <p>Delete paragraph 8.4 and replace it with the following text:-</p>	<p>To ensure clarity of the policy and its meaning in light of no CIL for community provision</p>

	<p><i>Herefordshire Council intends to introduce a charging system for the Community Infrastructure Levy during the plan period. Currently it operates a system for related payments through Planning Obligations.</i></p> <p>Delete the last sentence in paragraph 8.5 and replace it by the following text:- <i>The Group Parish Council will maintain a list of supporting and enabling actions that might benefit from contributions made through developer contributions. This list will be reviewed from time to time in order to support growth within the community.</i></p>	
<p>Modification 17.</p> <p>Appendix 2. Paragraph 4.82</p>	<p>Delete appendix 2 and the reference to it in paragraph 4.3 of the plan.</p>	<p>In the interest of clarity following amendment at Reg 14</p>
<p>Modification 18.</p> <p>Alterations to the Policies Map for Yarpole.</p>	<p>A. Redraw the settlement boundary to the east of Mortimer House, Cock Gate, to exclude the area of land referred to as 'site 17' from the settlement. <i>Paragraph 4.26</i></p> <p>B. Delete the area of land to the north and west of South Bank and Maunds House and within the curtilage of those dwellings from the designation of Local Green Space under Policy YG12. <i>Paragraph 4.66.</i></p> <p>C. Include those areas of land within flood risk zone 2 as 'land liable to flood' on the Policies Map as subject to YG15. <i>Paragraph 4.79.</i></p>	<p>To ensure Policy Maps are in line with document, in the interest of consistency and clarity</p>

Appendix 3

NDP policies	HRA Screening of modified 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
Policies					
Policy YG2: Development Strategy	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 YG3: Housing Development in Bircher	Policy outlines the criteria for further residential development in the village of Bircher for a minimum of 14%. Includes a settlement boundary around the village.	No likely significant effects expected	N/A	N/A	N/A
Policy YG4: proposed Land for Housing Development in Bircher	Housing Development Increased in vehicle	This policy does propose a site to the north of the village of 0.47 hectare; this is still within the	No likely significant effect on the River Wye SAC or	Within this policy there are mitigation methods to help reduce the potential impacts arising from this	No. Although this policy is identifying a site for housing development within

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	traffic	threshold of the Core Strategy. This is not directly adjacent to either of the SACs.	Downton Gorge SAC	development. Ensure during development phase that there are mitigation methods in place to reduce any adverse impact that could occur during the development.	the village, it does include mitigation 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 SAC and Downton Gorge SAC.
Policy YG5 : Local Green Space in Bircher	Policy seeks to protect important green areas within the village.	No likely significant effects expected	N/A	N/A	No. The policy would itself not lead to development; instead it relates to criteria for protection of local green spaces.
Policy YG7: Local Green Space in Lucton	Policy seeks to protect important green areas within the village.	No likely significant effects expected	N/A	N/A	No. The policy would itself not lead to development; instead it relates to criteria for protection of local green spaces.
Policy YG9: Land off	Housing Development Increased in vehicle	This policy does propose a site to the north of the	No likely significant effect on the River	Within this policy there are mitigation methods to	No. Although this policy is identifying a

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Croft Crescent	traffic	village. This site now has the benefit of outline planning permission	Wye SAC or Downton Gorge SAC	<p>help reduce the potential impacts arising from this development.</p> <p>Ensure during development phase that there are mitigation methods in place to reduce any adverse impact that could occur during the development.</p>	<p>site for housing development within the village, this site now has the benefit of outline planning permission. Criteria is in place to ensure any reserve matters have regard to the safeguard of the River Wye SAC</p>
Policy YG10: Book House Farm and land to its East	<p>Housing Development</p> <p>Increased in vehicle traffic</p>	<p>This policy does propose a site to the south of the village; this is still within the threshold of the Core Strategy. This is not directly adjacent to either of the SACs within the Parish.</p>	<p>No likely significant effect on the River Wye SAC or Downton Gorge SAC</p>	<p>Within this policy there are mitigation methods to help reduce the potential impacts arising from this development.</p> <p>Ensure during development phase that there are mitigation methods in place to reduce any adverse impact that could occur during the development.</p>	<p>No. Although this policy is identifying a site for housing development within the village, it does include mitigation 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 SAC and Downton Gorge SAC.</p>

Policy YG12: Local Green Space in Yarpole	Policy seeks to protect important green areas within the village.	No likely significant effects expected	N/A	N/A	No. The policy would itself not lead to development; instead it relates to criteria for protection of local green spaces.
Policy YG14: Development in conservation areas	N/A	No likely significant effects expected	N/A	N/A	No. This policy will not lead to new development; rather it aims to ensure that any development proposed will preserve and enhance the conservation area
Policy YG15: 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 YG16: CIL	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.