

# Habitats Regulations Assessment

Addendum Report for:

Hope under Dinmore Group Neighbourhood Area

May 2018



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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 modification through the HRA process to the Hope-under-Dinmore NDP. The NDP has now been through a second Independent Examination which was undertaken by Deborah McCann and within her report she has recommended one modification to ensure the Plan meets the basic conditions.
- 1.2 Herefordshire Council have accepted this modification to the Plan and therefore the NDP has been updated to reflect the modification suggested.
- 1.3 The purpose of this HRA third 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 (October 2015, July 2016 and October 2017).
- 1.4 The modification to delete Policy HUD7 and the policies maps is not considered to significantly affect the conclusions of the earlier HRA report.

## 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 (October 2015 and July 2016) and this determined the extent to which any of the policies and site allocations in the Hope-under-Dinmore draft NDP would be likely to have a significant effect on the River Wye (including the River Lugg) 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 Hope-under-Dinmore 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 Hope-under-Dinmore NDP, the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy) 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, and therefore no significant effect conclusion could be reached. These policies have the potential to mitigate some of the possible adverse effects arising from other policies within the NDP.
- 2.6 It was also concluded that the Hope-under-Dinmore NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as any sites currently allocated in the adjacent parishes' NDP is within the parameters set out within the Herefordshire Local Plan (Core Strategy).
- 2.7 Therefore it was concluded that the **Hope-under-Dinmore draft NDP (October 2015 and July 2016) will not have a likely significant effect on the River Wye (including the River Lugg) SAC.**
- 2.8 The proposed amendments to the Draft NDP following examination are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in October 2015 and July 2016. A summary of the main findings is provided below.

## 3.0 Summary of main findings

- 3.1 An independent examination of the Hope under Dinmore NDP was undertaken in September / November 2016. The Examiner's report suggested a number of modifications to policies

which included the removal of a local green space and some wording amendments to other policies.

- 3.2 The parish council decided to withdraw their plan in November 2016 in order to review the examiner's modifications as they considered some not to be compatible with the community aspirations particularly relating to the removal of the Local Green Space.
- 3.3 An additional consultation was undertaken in June/July 2017 regarding the Local Green Space and amendments to the settlement boundary.
- 3.4 A resubmission plan was produced in November 2017 and the following policies have been amended and therefore rescreened. The results can be seen in full in appendix 4. However, the rescreening did not alter the original conclusions from the October 2015 and April 2016 HRA.
  - HUD1
  - HUD2
  - HUD3
  - HUD5
  - HUD6
  - HUD8
  - HUD9 (new policy)
  - HUD10 (was HUD9)
  - HUD 11 (was HUD10)
  - HUD 12 (was HUD11)
  -

#### **Further modification following the second examination**

- 3.5 A further examination was undertaken in January 2018. The examiner's report suggested one modification; the delete policy HUD7 and the Local Green Space allocation from the policies map. The removal of this policy and associated Local Green Space would not alter the original conclusion from the October 2017 HRA.
- 3.6 It was concluded that this amendment did not require rescreening matrix and that the previous findings of the report would not be affected.

#### **4.0 Conclusion**

- 4.1 With reference to section 3 above, the modification to the NDP is not considered to affect the findings of the previous HRA reports.
- 4.2 Therefore the earlier conclusion that the **Hope-under-Dinmore Group NDP will not have a likely significant effect on the River Wye SAC** remains valid.

#### **5.0 Next steps**

- 5.1 This third Addendum Report will be published alongside the final NDP which will be subject to examination. Any subsequent changes to the plan will need to be rescreened.

# Appendix 1

Table 2: HRA Re-Screening of Emerging Redrafted Neighbourhood Development Plan Policies

Parish Council Name: Hope-under-Dinmore Group Parish Council

NDP Title: Hope-under- Dinmore group Neighbourhood Development Plan (Submission Draft) Date undertaken: April 2016

NDP options	HRA Screening of Emerging NDP options				
	Likely activities (operations) to result as a consequence of the option	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 option and to be considered as part of Appropriate Assessment	Could the policy have likely significant effects on European sites (taking mitigation into account?)
<b>Policy HUD3: Criteria for new housing development</b>	<p>Housing development</p> <p>Increased vehicle traffic</p> <p>Increased demand for water abstraction and sewage treatment</p> <p>The submission version has added criterion regarding residential amenity</p>	<p>No significant effect on the River Wye (including the River Lugg) SAC.</p>	<p>River Wye (including the River Lugg) SAC</p>	<p>The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.</p> <p>This policy should help to mitigate the potential effects of future development.</p>	<p>No. This policy is unlikely to lead to development, instead it relates to criteria for development</p> <p>The change made to the policy only affected Residential amenity with new development sites and therefore does not have a material change to the conclusion of the HRA.</p>

# Appendix 2

## HRA Consultation Feedback

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

**Parish Council Name: Hope-under-Dinmore**

**Consultation title: Hope-under-Dinmore Regulation 14 Draft Plan consultation**

<b>Response Date</b>	<b>Consultee</b>	<b>Summary of Comments</b>
29/01/2016	Natural England	Natural England notes and agrees with the HRA screening conclusion i.e. that as the draft neighbourhood plan conforms with the adopted local plan for Herefordshire and does not allocate sites no significant effects are likely to arise.

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# Appendix 3

**Consultation date: 1 June to 13 July 2016**

**Consultation title:** Hope under Dinmore 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
Natural England	No comments received
English Heritage / Heritage England	No comments received
Environment Agency	No comments received to HRA
Natural Resources Wales	No comments received

# Appendix 4

NDP policies	HRA Screening of redrafted NDP policies				
	Likely activities (operations) to result as a consequence of the option	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 option and to be considered as part of Appropriate Assessment	Could the policy have likely significant effects on European sites (taking mitigation into account?)
<b>Policy HUD1 : Housing Strategy</b>	Housing development Increased vehicle traffic Increased demand for water abstraction and sewage treatment	Uncertain as to the impact upon the River Wye (Including the River Lugg) SAC depending upon location of development	River Wye (including the River Lugg) SAC	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.  Improved water efficiency measures, 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 highlights the number of houses to be developed within the village over the Plan period. This figure remains within the figure set out in the Core Strategy RA2 policy and therefore is not over and above the proposed. Much of the development was commitment via planning permission in April 2017.  Although it is acknowledged that there will be an increase in the demand for water abstraction and sewage treatment the Core Strategy has

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					identified that there is sufficient headroom and capacity for the additional houses over the plan period.
<b>Policy HUD2 : Settlement Boundary</b>	Highlights the boundary for the village core of where development would be acceptable	No significant effect upon the River Wye	N/A	N/A	No. The policy would itself not lead to development; instead it relates to criteria for where the village core is and therefore where development is demonstrated as acceptable.
<b>Policy HUD3: Criteria for new housing development</b>	Housing development Increased vehicle traffic Increased demand for water abstraction and sewage treatment The submission version has added criterion regarding residential amenity	No significant effect on the River Wye (including the River Lugg) SAC.	River Wye (including the River Lugg) SAC	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.  This policy should help to mitigate the potential effects of future development.	No. This policy is unlikely to lead to development, instead it relates to criteria for development.
<b>Policy HUD5: Community facilities</b>	Development of social and community facilities and infrastructure	No likely significant effect on the River Wye SAC	n/a	The measures in this policy will help to ensure that any potential adverse impact will be mitigated against. In addition the measures set out in other policies within the NDP will	No. This policy will not itself lead to development, instead it relates to the criteria for the protection of existing community facility or any new community

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				mitigate against any potential adverse impact.	development, which ensures that mitigation methods are put in place for any adverse impacts that may arise.
<b>Policy HUD6: Landscape Character</b>	n/a	n/a	n/a	The measures in this policy to conserve and enhance the landscape character across the Parish should help to provide mitigation against the potential adverse impacts of new developments	No. This policy will not lead to new development; rather it specifically aims to ensure that any development proposed will conserve, restore and enhance landscape character. As such this policy could help to provide mitigation against the potential of other NDP policies.
<b>Policy HUD8: Biodiversity</b>	n/a	n/a	n/a	This policy should help to mitigate the potential effects of future development.	No. This policy will not lead to new development; rather it specifically aims to ensure that any development proposed will conserve, restore and enhance biodiversity and geodiversity. As such this policy could help to provide mitigation

					against the potential of other NDP policies.
<b>Policy HUD9: Heritage assets</b>	n/a	n/a	n/a	This policy should help to mitigate the potential effects of future development.	No. This policy will not lead to new development; rather it specifically aims to ensure that any development proposed will conserve, restore and enhance heritage assets. As such this policy could help to provide mitigation against the potential of other NDP policies.
<b>Policy HUD10: Renewable energy</b>	Development of renewable energy infrastructure	No significant effect on the River Wye (including the River Lugg) SAC	N/A	This policy should help to mitigate the potential impacts of any renewable energy developments.	No, although this policy could result in the development of renewable energy infrastructure, it is likely to be small scale and mitigation methods are within the policy.
<b>Policy HUD11: Employment Development</b>	Increase in home working Small work premises Reduced vehicle traffic Retaining existing employment sites	No significant effect on the River Wye (including the River Lugg) SAC.	n/a	This policy should help to mitigate the potential impacts of other NDP policies in relation to increased traffic and developments due to reducing the extent to which people need to travel for work.	No. Although this policy encourages some development it is of small scale and encourages home working thereby reducing the need to travel in both instances. There are

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					measures in other policies in the Plan that will help to mitigate against any negative impact the policy may have.
<b>Policy HUD12: Communications infrastructure</b>	New infrastructure for Broadband development	No significant effect on the River Wye (including the River Lugg) SAC.	N/A	This policy should help to mitigate the potential impacts of other NDP policies in relation to increased traffic, and new business developments due to reducing the extent to which people need to travel for work.	No. Although this policy may lead to some new development this will be small scale to allow for the implementation of high speed broadband across the Parish. This in turn can allow new types of businesses to occupy the Parish and also allow for home working, thereby reducing the need vehicle traffic travelling across the County.



# Appendix 5

**Consultation date: 23 November 2017 to 11 January 2018**

**Consultation title:** Hope under Dinmore Neighbourhood Plan **second** Regulation 16

Consultee	Summary of Comments	Response to Comments
Natural England	No comments received to HRA	Noted
English Heritage / Heritage England	No comments received to HRA	Noted
Environment Agency	No comments received to HRA	Noted
Natural Resources Wales	No comments received	n/a

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

# Appendix 6

**Appendix 6 – Modifications to the Hope under Dinmore Group NDP following examination**

Policy	Modification recommended	Justification
Modification 1 Policy HUD7	Delete policy HUD 7 and its associated paragraph. Delete the allocation from the policies map	The local green space does not meet the requirement of para 77 and therefore the policy and allocation should be deleted.