

# Habitats Regulations Assessment

Addendum Report for:

**Much Marcle 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 proposed Main Modifications through the HRA process to the Much Marcle NDP. The NDP has now been through an Independent Examination by Nigel McGurk and within his report she 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 (October 2016 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 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 an NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies and site allocations in the Much Marcle NDP would be likely to have a significant effect on the River Wye SAC which runs through the neighbourhood area.
- 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 adopted version of the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 None of the Much Marcle NDP objectives and policies (October 2016 and December 2017) 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 Much Marcle NDP.
- 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 safeguard historic environment. These policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 There are 6 site allocations within this plan and most of the development will be within Much Marcle, Rushall and Kynaston settlement boundaries. Therefore it is unlikely that significant effects was considered unlikely given that none of the settlement boundaries are in close proximity of the European sites. Mitigation and safeguarding measures are included within the criteria of Much Marcle.
- 2.7 It was also concluded that the Much Marcle NDP will unlikely have any in-combination effects with any plans from neighbouring parishes. This conclusion has not changed following the examination.
- 2.8 Therefore it was concluded previously that the **Much Marcle NDP will not have a likely significant effect on the Wye Valley and Forest of Dean Bat Sites 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 December 2017. 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. Policies HO5 (now HO4) and EM2 has been rescreened as it was deemed not capable of implementation due to lack of evidence and not compliant with Planning Policy Guidance and NPPF.
- 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 Much Marcle NDP Herefordshire Local Plan (Core Strategy) and the adopted version of the HRA for the Local Plan (Core Strategy).

### 4.0 Conclusion

- 4.1 With reference to section 3 above, the change of wording added to the Policies HO5 and EM2. Have been rescreened this have improved certainty in many places providing a more positive effect on the HRA SAC. Three policies HO3, BE1, T11 and T12 have been deleted as they were considered not to meet the basic conditions. The deletion of criterion within Policies is not considered to affect the findings of the previous HRA report. Policies SD1, SD2, HO1, HO2, HO4, HO6, EM1, NE1, NE2, CS1, CS2 and CS3 had minor wording amendments but changes were not significant enough to require rescreening.
- 4.2 Therefore the earlier conclusion that the **Much Marcle NDP will not have a likely significant effect on the Wye Valley and Forest of Dean Bat Sites SAC** remains valid.

### 5.0 Next steps

- 5.1 This Addendum Report will be published alongside the final **Much Marcle NDP and the earlier HRA report and Addendum.**

# Appendix 1

## HRA Re-Screening of Significant Changes (Objectives, Options and Policies) following Draft Plan Consultation and Examination

Parish Council Name: Much Marcle

NDP Title: Much Marcle NDP

Date undertaken: May 2015

| NDP Redrafted objectives, options, policies, sites following significant changes HRA Screening | HRA Re-Screening Assessment of significant changes (objectives, options and policies) following Draft Plan Consultation   |  |   |  |   |
|--|---|--|---|--|---|
|  | Likely activities (operations) to result as a consequence of the redrafted objective, option or policy  | Likely effect if redrafted objective, option or policy implemented. Could they have LSE on European Sites? (Yes/No, with reasons)  | European Sites potentially affected<br><br>(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 HO4 Exception sites (previously HO5)  | <p>Small amount of housing developed.</p> <p>Non-physical disturbance such as noise.</p> <p>Water abstraction</p> <p>Land allocated as rural exception sites.</p> | <p>Small scale housing development.</p> <p>Housing, infrastructure development</p> <p>Possible increase in recreation activities, vehicular movements and demand for water abstraction and treatment.</p> <p>Physical damage of disturbance on a localised scale.</p> <p>Potential to impact on nearby BAP habitat</p> | Wye Valley and Forest of Dean Bat Sites SAC                             | <p>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 developments.</p> | <p>Changes made to the policy from the examiner clarify and enhance the policy to reflect the NPPF. Removal of Rye Meadows site has no significant impact on the SAC.</p> <p>No: this policy would allow for very small scale housing schemes and supports the Core Strategy Policy H2. There are additional policy criteria in this policy to mitigate development impact. Neighbourhood Plan to avoid or mitigate</p> |

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|                               |  |  |  |   |  |
|-------------------------------|--|--|--|---|--|
|                               |  |  |  |   | any likely significant effects towards the SAC.  |
| Policy EM2- Business Premises | Encouragement of re development of business premises | No likely significant effect on the Wye Valley and Forest of Dean Bat Sites SAC. | Wye Valley and Forest of Dean Bat Sites SAC. | Mitigation measures are covered within the NDP and Core Strategy to eliminate potential impacts on the SAC. | <p>Changes made to this policy add more clarity and certainty to changes of use of existing shops, services, restaurants, cafes and pubs.</p> <p>No. The scale and extent of potential development is unlikely to have a significant impact on the SAC. There are sufficient policy safeguards within the NDP and Core Strategy to help avoid or mitigate any likely significant effects on the Wye Valley and Forest of Dean bat sites SAC.</p> |

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# Appendix 2



## Modifications following Examination Much Marcle

| Policy   | Modification recommended  | Justification  |
|--|---|--|
| Recommended Modification 1<br><br>Much Marcle Neighbourhood Area | Change title of Map on page 2 to "Much Marcle <i>Neighbourhood Area</i> "   | Interests of accuracy and clarity.   |
| Recommended Modification 2<br><br>Introductory Section           | <ul style="list-style-type: none"> <li>• Page 1, last sentence of first column, change to "<i>The Plan seeks to focus new development</i> within Settlement..."</li> <li>• Top of second column, change to "<i>The Plan sets out Settlement Boundaries</i> for Much..."</li> <li>• Third paragraph of second column, change to "...at its core, which the Plan <i>seeks to conserve</i>."</li> <li>• Fourth paragraph, change to "<i>The Plan is supportive of appropriate, sustainable development in the countryside</i>."</li> <li>• Page 4, first para, change to "...must <i>have regard to national policy and advice, as set out in the National Planning</i>..."</li> <li>• Second para, change to "...the Plan must also be in <i>general conformity with</i>..."</li> <li>• Page 4, last para, first column, change to "...change. <i>As such, the Plan forms part of the development plan for Herefordshire and its policies must be taken into account when Herefordshire Council determines planning applications within the Much Marcle Neighbourhood Area</i>."</li> <li>• First para, second column, delete ", which need to be taken into account in developing and delivering the Plan"</li> <li>• Last para, second column, delete "therefore"</li> </ul> <p>From end of Page 5 to top of page 6, delete "where: 1) a proposal...identified in Policy RA2."</p> <p>Delete heading "Agriculture, Forestry and Rural Enterprises" and the related paragraph below it</p> | <p>For clarity, accuracy and precision.</p> <p>Remove superfluous information.</p> <p>Clarification of text and how the text is written.</p> <p>Amend printing error for accuracy.</p>                                     |
| Recommended Modification 3<br><br>Policy SD1                     | <p>Policy SD1, change to "<i>All development proposals within the Neighbourhood Area should seek to achieve sustainable development. Where relevant, necessary and relevant to the proposal, the location, scale, density, design, form, construction and operation of development should take into account:</i></p> <ul style="list-style-type: none"> <li><i>a) the guidance in the Parish Design Statement;</i></li> <li><i>b) the site and...microclimates;</i></li> <li><i>c) the reduction of fossil fuels and the use of low and/or zero carbon energy infrastructure/renewable sources of energy;</i></li> <li><i>d) the efficient use, re-use and/or recycling of natural resources;</i></li> <li><i>e) the use of sustainable urban drainage solutions;</i></li> <li><i>f) steering development away from land liable to flooding, or development that would increase flood risk elsewhere.</i></li> </ul> <p>Delete the first two paras of supporting text on page 15 ("All new development...enhanced.")</p>  | <p>NPPF conformity.</p> <p>Clarification of the text and to add more detail ensuring the text is not confusing.</p> <p>Strengthen policy and ensure the policy is precise in relation to the national planning advice.</p> |
| Recommended Modification 4<br><br>Policy SD2                     | <p>Policy SD2, change to "...<i>energy resources will be supported where they respect local character and residential amenity</i>."<br/>(Delete rest of Policy)</p>   | For further clarification, precision and accuracy.   |
| Recommended Modification 5<br><br>Policy HO1                     | <p>Change title of Policy HO1 to: "<i>Delivery of High Quality Housing</i>"</p> <ul style="list-style-type: none"> <li>• Change Policy HO1 to "<i>Development proposals...will be supported on brownfield land, allocated housing sites, housing infill sites and/or where it results in the conversion and re-use of a redundant building. All new housing should respect local character and residential amenity</i>." (Delete rest of Policy)</li> <li>• Delete last sentence of supporting text on page 17 and the rest of the paragraph at the top of page 18, up until and including "...through consultation." The inclusion of this is unnecessary and has been overtaken by events. I also note that it is the</li> </ul>  | <p>For further clarification, precision and accuracy.</p> <p>Remove superfluous information.</p> <p>Remove repetition.</p>   |

## Modifications following Examination Much Marcle

|   |   |   |
|---|---|---|
|   | <p>purpose of Examination to consider the Neighbourhood Plan against the basic conditions.</p> <ul style="list-style-type: none"> <li>• Move Table on page 17 to below the second paragraph of the second column on page 17. Change text at the end of the second paragraph to "...shown in the Table below."</li> </ul> <p>Replace the plans on pages 22, 23 and 24 of the Neighbourhood Plan with legible plans. All relevant boundaries and text should be clearly visible, allowing no scope for confusion. This may require several plans, rather than one. It is essential that the information provided can be seen, clearly. In relation to any site allocations referred to in Policies, the plans should show precise site boundaries and ensure that each site is clearly referenced.</p> <ul style="list-style-type: none"> <li>• Delete last para on Page 17 and first two paras on Page 18</li> <li>• Change title of the plan on page 19 to "Much Marcle – Land Uses"</li> </ul> | NPPF conformity.  |
| Recommended Modification 6<br><br>Policy HO2  | <p>Policy HO2, change to "Development proposals...will be supported, <i>subject to their respecting local character and residential amenity.</i>" (delete rest of Policy)</p> <ul style="list-style-type: none"> <li>• Supporting text, page 18, penultimate para, change to "However, it is important that all new infill development proposals demonstrate that they will <i>respect the amenity of neighbouring occupiers.</i>"</li> <li>• Delete last para of supporting text on page 18</li> </ul>   | <p>Lack of supporting information</p> <p>In the interests of precision and accuracy.</p>  |
| Recommended Modification 7<br><br>Policy HO3  | <ul style="list-style-type: none"> <li>• Delete Policy HO3</li> <li>• Delete supporting text on page 20</li> </ul>  | <p>Does not contribute to sustainable development.</p> <p>Interests of consistency and accuracy.</p>  |
| Recommended modification 8<br><br>Policy HO4  | <ul style="list-style-type: none"> <li>• Policy HO4, change the first para to "<i>The following sites, identified on the plans on pages 23 and 24, are allocated for housing:</i>"</li> <li>• Footnote to Policy HO4, delete "(as per Policy NE2)" which does not relate directly to the Footnote</li> </ul>  | <p>Remove superfluous information.</p> <p>Interests of clarity</p>  |
| Recommended modification 9<br><br>Policy HO5  | <p>Policy HO5, change title to "<i>Housing Sites Outside the Much Marcle Settlement Boundary</i>"</p> <ul style="list-style-type: none"> <li>• Policy HO5, change to "<i>Development that will assist in meeting a proven local need for affordable housing in perpetuity will be supported at each of the sites listed below and shown on the plan on page 22 (approximate number of dwellings shown in brackets):</i>"</li> <li>• Policy HO5, delete "Rye Meadows" site</li> <li>• Footnote to Policy HO5, delete "(as per Policy NE2)" which does not relate directly to the Footnote</li> <li>• Delete para of supporting text below Policy HO5 on page 21,</li> </ul>  | <p>In the interests of precision and accuracy.</p> <p>Lack of evidence to prove viability or deliverability.</p> <p>Conformity to the NPPF.</p> |
| Recommended modification 10<br><br>Policy HO6 | <ul style="list-style-type: none"> <li>• Policy HO6, change to "<i>The conversion and re-use for housing of the redundant or disused buildings identified on the plan on page 24 will be supported, subject to such development respecting local character and residential amenity.</i>"</li> <li>• Replace the plan on page 24 with a plan or plans clearly identifying the location of each building</li> </ul>   | <p>Ensure the policy has a better reflection of relevant legislation in the NPPF.</p>   |
| Recommended modification 11<br><br>Policy EM1 | <p>Policy EM1, change to "Development proposals for...<i>will be supported where they respect local character and residential amenity</i>"</p> <ul style="list-style-type: none"> <li>• Supporting text, last sentence on page 25, delete "...and development proposals for these uses will be supported where they comply with other Plan policies as outlined above"</li> </ul>   | <p>Interests of viability and deliverability.</p> <p>Conformity to the NPPF.</p>  |
| Recommended modification 12<br><br>Policy EM2 | <ul style="list-style-type: none"> <li>• Policy EM2, change to: "<i>Change of use requiring planning permission of existing shops, services, restaurants, cafes and pubs will not be supported unless it can be demonstrated, further to at least six months active marketing of the premises at market value, that the existing use is no longer viable.</i>"</li> <li>• Supporting text, delete everything after "...crucial to the vitality of the area."</li> </ul>   | <p>Interests of viability and deliverability.</p> <p>Interests of sustainable development.</p> <p>Conformity to the NPPF.</p>                   |
| Recommended modification 13<br><br>Policy BE1 | <ul style="list-style-type: none"> <li>• Delete Policy BE1</li> <li>• Supporting text, second column, page 27, change to "Herefordshire Council has a duty <i>to protect heritage assets from inappropriate development</i> and this is reflected in...assets."</li> </ul>  | <p>Not in conformity with the NPPF, C12.</p> <p>Does not meet the basic conditions as it is contrary to national policy.</p>                    |
| Recommended modification 14                   | <ul style="list-style-type: none"> <li>• Policy NE1, change to "<i>Development proposals should respect important landscape views, taking into account the list of views</i>"</li> </ul>  | <p>For clarity and accuracy in policy wording.</p>  |

## Modifications following Examination Much Marcle

|  |  |   |
|--|--|---|
| Policy NE1                                       | <i>indicated below and on the plan on page 31.</i><br><ul style="list-style-type: none"> <li>Change last sentence of supporting text in first column on page 29 to "...streamlines) are important measures to maintain local landscape character."</li> </ul>  | Lack of detail of what all open views to surrounding countryside comprise of.                         |
| Recommended modification 15<br><br>Policy NE2    | <ul style="list-style-type: none"> <li>Change Policy NE2 to "<i>Development should minimise impacts on biodiversity and provide net gains in biodiversity where possible.</i>"</li> <li>Supporting text, delete all supporting text below Policy NE2 on page 32 after "...distinctive character of the area." The text to be deleted reads as though it comprises a Policy, which it does not</li> <li>Replace plan on page 33 with a plan where all text and designated areas are clearly legible</li> </ul>                | Conformity to the NPPF and Core Strategy.<br><br>Interests of accuracy and clarity.                   |
| Recommended modification 16<br><br>Policy CS1    | <ul style="list-style-type: none"> <li>Policy CS1, change to "...will be supported, subject to demonstrating that they respect local character and residential amenity."</li> <li>Supporting text, below Policy CS1 on page 35, delete "However, new facilities...within this Plan."</li> </ul>  | Conformity to the NPPF and Core Strategy.   |
| Recommended modification 17<br><br>Policy CS2    | <ul style="list-style-type: none"> <li>Policy CS2, change to "<i>The change of use of community facilities to non-community uses will only...or where equivalent or better alternative provision exists or will be provided.</i>"</li> <li>Delete para of supporting text below Policy CS2 on page 35</li> </ul>   | For further clarification, precision and accuracy.  |
| Recommended modification 18<br><br>Policy CS3    | <p>change to "<i>The sites in the Table below and identified on the plan on page 37 are designated as Local Green Space, where development is ruled out, other than in very special circumstances.</i>"</p> <ul style="list-style-type: none"> <li>Supporting text, last para on page 36, delete everything after "...public access." The text to be deleted is confusing and unclear as it introduces a new, unsubstantiated or evidenced concept in relation to "<i>the most important local green spaces.</i>"</li> </ul> | Conformity to the NPPF and Core Strategy.<br><br>For further clarification, consistency and accuracy. |
| Recommended modification 19<br><br>Policy TI1    | <ul style="list-style-type: none"> <li>Delete Policy TI1</li> <li>Delete para of supporting text below Policy TI1, which reads as though it is a Policy, which it is not</li> </ul>  | No regard to national policy. Conformity to the NPPF and Core Strategy.                               |
| Recommended modification 20<br><br>Policy TI2    | <ul style="list-style-type: none"> <li>Delete Policy TI2</li> <li>Delete Objective MM14, which would stand in isolation given the recommended changes</li> <li>Delete all supporting text below Policy TI2, which is not something that is addressed by the Neighbourhood Plan</li> </ul>  | Conformity to the NPPF and Core Strategy.   |
| Recommended modification 21<br><br>Other matters | <ul style="list-style-type: none"> <li>Page 41, change last sentence to "<i>The Parish Council will undertake a formal review of the Neighbourhood Plan within 5 years of it being made.</i>"</li> </ul>   | For further clarification and accuracy.   |
| Recommended modification 22<br><br>Glossary      | <ul style="list-style-type: none"> <li>Delete the Glossary</li> <li>Update the Contents and page numbering, taking into account the recommendations contained in this Report.</li> </ul>   | For further clarification, consistency and accuracy.  |

# Appendix 3

### **Appendix 3: HRA Consultation Feedback reg 16**

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

**Parish Council Name:** Much Marcle Parish Council

**Neighbourhood Development Plan Name:** Much Marcle Neighbourhood Plan

**Consultation date:** 5 January to 16 February 2018

**Consultation title:** Regulation 16 Consultation

No comments have been made regarding the reg 16 HRA assessments.