

Habitats Regulations Assessment



Bartestree with Lugwardine Neighbourhood Area

Addendum

August 2016

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1.0 Introduction

- 1.1 To ensure that the requirements of the Habitats Directive and Regulations are met, it is necessary to consider the proposed Main Modifications through the HRA process to the Bartestree with Lugwardine Group NDP. The NDP has now been through an Independent Examination by Ann Skippers and within her 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 (November 2015 and March 2016).
- 1.3 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 Bartestree with Lugwardine Group 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 Pre-submission version of the Herefordshire Local Plan (Core Strategy) and the proposed Main Modifications were also taken into consideration.
- 2.4 None of the Bartestree with Lugwardine Group NDP objectives and policies (November 2015 and Addendum in March 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 Bartestree with Lugwardine Group 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 With regard to site allocations, the possibility of there being likely significant effects was considered unlikely given that none of the sites are in close proximity of the European sites. However, it is considered that the inclusion of additional policy wording within the related housing policies of the NDP would, along with other policies, provide adequate safeguarding measures.
- 2.7 It was also concluded that the Bartestree with Lugwardine Group NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are allocated for development in these.
- 2.8 Therefore it was concluded previously that the **Bartestree with Lugwardine Group NDP will not have a likely significant effect on the River Wye SAC.**

- 2.9 The proposed amendments to the final NDP following the examination are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in November 2015. A summary of the main findings is provided below. The full findings can be found in Appendix 1 of this report.

3.0 Summary of main findings

- 3.1 The final NDP incorporates the modifications that examiner has recommended within the examiner's report. These changes are to ensure that the Plan meets the Basic Conditions. For full details on the modifications see Appendix 2 of this Addendum.
- 3.2 No new policies have been introduced into the Final NDP following the examination; however there have been some minor word changes and repeated or unnecessary criterion deleted from some of the policies.
- 3.3 The revised NDP policies are therefore unlikely to result in significant effects on the European sites, a conclusion of which is based on assumptions and information contained within the Bartestree with Lugwardine Group NDP, the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy).

4.0 Conclusion

- 4.1 With reference to section 3 above, the change of wording added to the Policies BL5, BL8, and BL10 the deletion of criterion within Policies and deletion of policy BL7 are not considered to affect the findings of the previous HRA report. Policies BL1, BL4, BL6, BL7, BL9 and BL13 had minor wording amendments but changes were not significant enough to require rescreening.
- 4.2 Therefore the earlier conclusion that the **Bartestree with Lugwardine Group NDP will not have a likely significant effect on the River Wye SAC** remains valid.

5.0 Next steps

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

Appendix 1

Table 4: HRA Re-Screening of Significant Changes (Policies) following Draft Plan Consultation

Parish Council Name: Bartestree with Lugwardine Group Parish

NDP Title: Bartestree with Lugwardine NDP

Date undertaken: August 2016

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 (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 BL5	Development in redundant rural buildings Increase in vehicle traffic Increased demand for water abstraction and sewage treatment. Suitable house designs encouraged to fit in with the character of the area.	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the in the November 2015 and March 2016 HRA reports.	No. The scale and extent of such development is unlikely to be significant. Examiner's modifications offer more flexibility encouraging sustainable development.
Policy BL8	N/A This is likely to mitigate effects of development safeguarding heritage of the built and natural environment.	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions	No. This criteria based policy will not produce any impact upon the European site and ensures protection for heritage assets and character

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				set out in the in the November 2015 and March 2016 HRA reports.	in the neighbourhood area. Examiner's modifications offer more flexibility. Modifications included strengthening the wording to take account of National Policy and guidance
Policy BL10	Promotion of new affordable housing development in rural areas. Increase in vehicle traffic Increased demand for water abstraction and sewage treatment.	No likely significant effect on the River Wye SAC	River Wye (including River Lugg) SAC	This addendum report reveals that none of the changes proposed to the policies through the Examiners Modifications would affect the conclusions set out in the November 2015 and March 2016 HRA reports.	No. The scale and extent of such development is unlikely to be significant Modifications included strengthening the wording to take account of National Policy and guidance and giving the policy more longevity over the plan period.

Appendix 2

HRA Appendix 2-Table of Examiner’s recommended modifications

Policy	Modification recommended	Justification
<p>Recommended Modification 1</p> <p>Plan area</p>	<p>Add to Map A’s title <i>“and Plan area”</i></p>	<p>Interests of accuracy and clarity</p>
<p>Recommended Modification 2</p> <p>Title page</p>	<p>Move the <i>“(CS Policy....)”</i> references from all the policy boxes to the supporting text</p>	<p>Provide clarity and accuracy</p>
<p>Recommended Modification 3 Introduction</p>	<ul style="list-style-type: none"> • Add <i>“which presently consists of the Core Strategy”</i> to the end of the second paragraph under subsection 1.3 • Reword the first paragraph under subsection 1.4 (page 4 of the Plan) to read: <i>“There is no legal requirement for neighbourhood plans to have a sustainability appraisal, but a sustainability appraisal may be a useful tool for showing how the neighbourhood plan will contribute to the achievement of sustainable development. However, in some circumstances a strategic environmental assessment may be required where a neighbourhood plan is likely to have significant environment effects.”</i> • Add <i>“...in the Unitary Development Plan.”</i> at the end of the first sentence in subsection 1.6 • Delete paragraph two in subsection 1.6 in its entirety • Add the word <i>“considered”</i> to the penultimate sentence in the paragraph before the subsection headed <i>“Demographics”</i> on page 7 of the Plan so that it reads: <i>“They are not considered suitable for heavy goods vehicles or....”</i> • Change the last sentence in the paragraph before the subsection headed <i>“Demographics”</i> on page 7 of the Plan so that it reads: <i>“Several have junctions with the A438 which often have very limited visibility...”</i> • Add information such as a link or short sentence indicating where the following appendices can be found: appendix referred to in the 	<p>Minor revisions to wording to provide accuracy and clarity</p> <p>Reflect the relevant legislation</p>

	<p>second paragraph of subsection 1.5 (page 5); report and appendix referred to in the first paragraph of subsection 1.6 (page 5); appendix referred to in the third paragraph on page 6 and appendix referred to under “Crime” on page 8.</p>	
<p>Recommended Modification 4 2 The Policies of the Bartestree with Lugwardine Neighbourhood Development Plan</p>	<ul style="list-style-type: none"> • Add information such as a link or short sentence indicating where the appendix referred to under Section 3 on the bottom of page 8 can be found 	<p>Clarification of the text and provide a helpful pointer</p>
<p>Recommended Modification 5 Policy BL1</p>	<ul style="list-style-type: none"> • Replace the first paragraph on page 9 of the Plan with a new paragraph that reads: <i>“Whilst planning applications will be determined by Herefordshire Council, the Parish Council encourages developers of schemes of ten or more dwellings to produce a Design Brief which sets out the development principles for the site and to discuss this with the Parish Council prior to the submission of any planning application.”</i> • Change the title of Policy BL1 to <i>“Criteria for the Design of New Housing”</i> • Add the words <i>“wherever possible”</i> to the end of criteria II. and VII. • Add the words <i>“where appropriate”</i> to the end of criterion VIII. • Delete <i>“...generous and...”</i> from criterion III. 	<p>Strengthen and clarification of policy</p> <p>Clarification of the text and to add more certainty</p> <p>For the policy to offer greater flexibility</p> <p>Ensure policy is in line with Community Infrastructure Levy Regulations 2010 and the policy tests set out in the NPPF.</p>
<p>Recommended Modification 6 Policy BL4</p>	<ul style="list-style-type: none"> • Delete the words <i>“...an option now endorsed by the modifications to the Local Plan.”</i> in the first paragraph under section 3.4 heading on page 10 of the Plan 28 See page 6 of the Plan 19 • Reword Policy BL4 to read: <i>“Settlement boundaries for Bartestree and Lugwardine have been defined and are shown on Map B. Within these settlement boundaries, development will be supported in principle.”</i> 	<p>Clarification of policy</p> <p>Confirms this policy has regard national policy providing a practical framework to provide sustainable development.</p>
<p>Recommended</p>	<ul style="list-style-type: none"> • Amend the first paragraph on page 	<p>Interests of accuracy and</p>

<p>Modification 7 Policy BL5</p>	<p>11 of the Plan to read: <i>“Housing development outside the settlement boundaries, in the countryside, is restricted to those categories of development identified in the NPPF, the Local Plan and this neighbourhood plan.”</i></p> <ul style="list-style-type: none"> • Reword Policy BL5 to read: <i>“Residential development outside the settlement boundaries of Bartestree and Lugwardine will be limited to:</i> <i>I. the replacement of existing dwellings that have a lawful residential use and where the replacement is comparable in size and scale and is within the curtilage of the existing dwelling;</i> <i>II. extensions to existing dwellings;</i> <i>III. proposals which accord with Policies BL3 and BL6 of this Plan 20. IV. rural exception sites in accordance with Core Strategy Policy H2 and</i> <i>V. proposals which are in accordance with Core Strategy Policy RA3.</i> 	<p>consistency</p> <p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.</p> <p>Enables greater flexibility.</p>
<p>Recommended Modification 8 Policy BL6</p>	<ul style="list-style-type: none"> • Reword Policy BL6 to read: <i>“Conversion of redundant rural buildings to small scale commercial or business use or residential uses will be permitted provided the impacts on the landscape and local road network are satisfactory.”</i> 	<p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.</p> <p>Encourage sustainable development.</p>
<p>Recommended Modification 9 Policy BL7</p>	<ul style="list-style-type: none"> • Delete Policy BL7 and the two supporting paragraphs of text (subsection 3.7) in their entirety • Consequential amendments to the Plan’s numbering etc. will be needed 	<p>Reiteration of existing policy in the Core Strategy, does not add anything to the plan.</p> <p>Insufficient account of policy and guidance.</p>
<p>Recommended Modification 10 Policy BL8</p>	<ul style="list-style-type: none"> • Delete the words “...within which new residential development would only be permitted in exceptional circumstances.” from the second sentence in the first paragraph in subsection 3.8 on page 11 of the Plan • Delete the third sentence in the first paragraph in subsection 3.8 on page 11 of the Plan which begins “However, there may be potential...” to end • Add <i>“The NPPF advises that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance.”</i> To the first paragraph in 	<p>To ensure it fully reflects the thrust of national policy and guidance, along with the Core Strategy.</p> <p>Such as statutory tests for development in Conservation Areas or Core Strategy LD4.</p> <p>Interests of consistency and accuracy.</p>

	<p>subsection 3.8</p> <ul style="list-style-type: none"> • Change the second sentence at the top of page 12 of the Plan to read: <i>“The character and setting of these areas should be conserved and inappropriate development will be resisted in line with Policy BL8.”</i> • Replace the third paragraph of subsection 3.8 with: <i>“Development adjacent to heritage assets, including historic parkland, should be carefully considered to ensure that no harmful effects arise. Map C indicates the areas of unregistered parks and gardens and traditional orchards in Bartestree and Lugwardine.”</i> • Reword Policy BL8 as follows: <i>“All applications affecting heritage assets in the Parish will be required to consider the significance of any heritage asset affected including any contribution made by their setting. Great weight will be given to the conservation of a designated heritage asset and any harm or loss will require clear and convincing justification in line with national policy. Non-designated heritage assets including the unregistered parks and gardens and traditional orchards shown on Map C, will be conserved or enhanced and their character protected. A balanced judgment will be required about the effects of any development proposals on or close to such assets having regard to the scale of any harm or loss and their significance of the heritage asset. Within the Lugwardine Conservation Area, new development must conserve or enhance the character or appearance of the Conservation Area.”</i> <ul style="list-style-type: none"> • Check Map C for factual accuracy and update as necessary 	
<p>Recommended Modification 11 Policy BL9</p>	<ul style="list-style-type: none"> • Change the title of the policy to <i>“Local Green Spaces, Allotments and Rights of Way”</i> • Change the first sentence of Policy BL9 to read: <i>“The following Local Green Spaces and as indicated on Map B will be protected for their beauty, historic value, special significance to the local community or recreational value:”</i> 	<p>For clarity, consistency and accuracy.</p> <p>Should be modified to reflect national policy and guidance.</p>

	<ul style="list-style-type: none"> • Rename Map B “<i>Bartestree & Lugwardine Maps</i>” • Identify each LGS on Map B by name and by referring to the list I. to VIII. in the policy so that the policy ties up with the map and each LGS can be readily identified 	
<p>Recommended Modification 12 Policy BL10</p>	<ul style="list-style-type: none"> • Reword Policy BL10 to read: <i>“New development is expected to help to meet the need for affordable housing. I. All developments on sites of more than 10 dwellings which have a maximum combined gross floor space of more than 1000 square metres will be expected to provide a target of 35% affordable housing provision to meet local housing needs and may include affordable rent, shared ownership and discounted sales but should reflect the most up to date evidence on local housing needs available. II. Any affordable housing provided should ensure that priority is given in allocating those homes to those demonstrating a local housing need or local connection and thereafter be offered to the neighbouring Parishes of Withington, Weston Beggard, Dormington, Mordiford and Hampton Bishop and then to the remainder of Herefordshire.”</i> 	<p>Give the policy more longevity over the plan period and enabling greater flexibility.</p> <p>Interests of accuracy and clarity. NDP cannot set out any criteria relating to covenants about resale or re letting of the affordable homes. As covenants fall outside the planning system.</p>
<p>Recommended Modification 13 Policy BL13</p>	<ul style="list-style-type: none"> • Replace the words “full and adequate” in criterion II. with the words “<i>satisfactory</i>” and add at the end of this criterion “<i>based on the characteristics of the site and the type and amount of development;</i>” • Delete criterion III. in its entirety • Add “<i>take every available opportunity to ensure that...</i>” to the start of criterion V. • Move criterion VI. in its entirety to the supporting text • Reword criterion VII. to read: <i>“Developer or CIL contributions will be sought from new development where appropriate to fund improvements towards improved public transport services and facilities and to mitigate the impact on the highway network.”</i> • Consequential amendments to the 	<p>To add clarity to the policy.</p> <p>Lack of evidence and framework provision.</p> <p>Encourage flexibility within the policy.</p> <p>Interests of accuracy.</p> <p>Ensure policy is in line with Community Infrastructure Levy Regulations 2010 and the policy tests set out in the NPPF.</p>

	policy numbering will be needed	
Recommended Modification 14 General	<ul style="list-style-type: none"> • Delete subsections 4.1, 4.2 and 4.3 in their entirety • Consequential amendments to the Plan will be needed 	Should be deleted as this is not in conformity with the Core Strategy Policy RA6. Statements not planning policy so should be removed. Interests of clarity
Recommended Modification 15 Risk Assessment	<ul style="list-style-type: none"> • Delete Section 5 in its entirety 	Does not support strategic needs and detracts from the Plan.
Recommended Modification 16 Map B	<ul style="list-style-type: none"> • Change Map B by deleting the words "Proposed New" from "Proposed New Settlement Boundaries"; delete the word "Designated" from "Designated Green Spaces" and replace it with "Local" and delete the "Planning Appeal Pending" from the key and removing the "Planning Appeal Pending" notation/site from the map 	Interests of clarity and accuracy. Future proofing policy. Better reflection of the Plan.