

Habitats Regulations Assessment



Callow & Haywood Group Neighbourhood Area

Addendum

May 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 Callow and Haywood 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 2014, and Addendums February 2015 and May 2015).
- 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.
- 1.5 As part of the examination, The Examiner requested that further details on the options considered during the preparation of the Plan should be detailed and publically consulted for a period of 6 weeks. The February 2016 Addendum only received comments from Natural England who concurred with the conclusions.

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 in the Callow and Haywood 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 the November 2014 report and Addendums February 2015 and May 2015.
- 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 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 Callow and Haywood Group NDP objectives and policies (November 2014 and Addendums in February and May 2015) 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 Callow and Haywood 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) 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. These policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 It was also concluded that the Callow and Haywood Group NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are currently allocated for development in these.
- 2.8 Therefore it was concluded previously that the **Callow and Haywood 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 2014, and Addendums February and May 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. Policies CH1, CH8 and CH9 have been reassessed as they have had additional criteria added to the policies. 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.

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 Callow and Haywood 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) published on the Council's website.

4.0 Conclusion

4.1 With reference to section 3 above, the change of wording / re-phrasing of wording to the Policies, and the deletion of criterion within Policies CH2, CH3, CH4, CH5, CH6 and CH7 are not considered to affect the findings of the previous HRA report.

4.2 Therefore the earlier conclusion that the **Callow and Haywood 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 Callow and Haywood Group NDP and the earlier HRA report and Addendum.

Appendix 1

NDP objectives	HRA Screening of NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites? (Yes/No, with reasons)	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/option/policy.	Could the policy have any likely significant effects on European sites (taking mitigation into account)?
NDP Policies					
Policy CH1: Protecting and enhancing the rural landscape	Seeks to ensure all development protects landscape, heritage, and the environment.	N/A	N/A	N/A	No, as the policy will not lead to new development; rather it aims to ensure that all development proposed will conserve or enhance Callow and Haywood's landscape, environment and habitats. Specific reference has been made to the River Wye SAC within criterion 5 of the policy. The Examiner has re-wording Criterion 9 to ensure that the removal of existing local orchards and areas of woodland is resisted unless the benefits of the development outweigh the loss.
Policy CH8: Provision and protection of local community facilities.	Encourage and enhance the use of community facilities, as well as facilitating new provision.	New community facilities. Possible vehicular movements and demand for water abstraction and treatment.	River Wye (including the River Lugg) SAC	Policy LD2 of the Local Plan (Core Strategy) will aim to help avoid any adverse impacts on the River Wye for new community uses. Improved water efficiency measures, metering and addressing leakages in the supply may help to mitigate any additional pressures on the water supply as a result of new development. Measures within Policy SD1 of the Local Plan (Core Strategy) should help to mitigate potential impacts relating to non-physical disturbances. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) should also help to avoid any adverse impacts in relation to the hydrological regimes at the River Wye. Water Quality in the River Wye is also being specifically addressed through	No, although this policy could result in the development of new community facilities or the loss of existing provision to new uses, which depending on location could have potential effect on the River Wye. However, sufficient policy safeguards are in place within the Local Plan (Core Strategy) and with the inclusion of additional wording in the Callow and Haywood NDP policy to avoid or mitigate any likely significant effects on the River Wye. The Examiner has added additional wording to Paragraph 2 of the policy to cover the safeguarding of community facilities for use by the community.

NDP objectives	HRA Screening of NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites? (Yes/No, with reasons)	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/option/policy.	Could the policy have any likely significant effects on European sites (taking mitigation into account)?
				the Nutrient Management Plan.	
Policy CH9: Local needs housing	Housing development across two settlements in accordance with Policy RA2 of the Core Strategy. Increased vehicular movements. Increased demand for water abstraction and sewage treatment.	Some small scale housing development. Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the River Wye SAC dependent on the location of development, however the policy would result in small scale growth.	River Wye (including the River Lugg) SAC	Measures set within the relevant Local Plan (Core Strategy) policies and Callow and Haywood NDP Policies CH1, CH2 and CH4 should help to avoid adverse impacts on 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 developments. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) should help to avoid adverse impacts in relation to hydrological regimes at the River Wye. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.	No: this policy would allow for small scale housing schemes and supports the Local Plan (Core Strategy) Policy RA2. In any event, there are additional policy criteria in place in both the Local Plan (Core Strategy) and the Callow and Haywood NDP to avoid or mitigate any likely significant effects. The latest version of the HRA underlying the Core Strategy confirms that the roll out of Policy RA2 across the rural areas should not lead to adverse effects on the integrity of the River Wye SAC, provided the mitigation measures set out in the NMP are implemented. The examiner has introduced a new criterion to ensure that 'development will not have a harmful impact on the River Wye SAC and SSSI' therefore this provides further protection to the SAC.

Appendix 2

Appendix 8 – Table of Examiner’s recommended modifications

Policy	Modification recommended	Justification
Modification 1 Contents page	Add “ <i>and Neighbourhood Plan Area</i> ” to the title and/or notation on the Parish Area map on page 4	For clarity that the Parish area is the same as the Neighbourhood Plan area
Modification 2 Introduction	<ul style="list-style-type: none"> • Refer to Maps 3a and 3b in the text explaining what they show • Add a notation to Map 3b that the flood zone information is correct as at [insert date] but reference should always be made to the most up to date information available from the Environment Agency • Update references to the Core Strategy as necessary throughout the Plan including revision of “14%” to “18%” in paragraph 1.17 • Update any references to the South Wye Transport Package / link road as necessary 	<p>To cross reference for completeness and clarity</p> <p>Ensure the most up to date information is always referred too</p> <p>Update the information following the passage of time</p>
Modification 3 Section 2.0	Update as necessary	Following the Plans evolution
Modification 4 Section 3	<ul style="list-style-type: none"> • Delete the words “...eg the route of the proposed Southern Link Road should be designed as a green corridor with a profound zone of tree planting on either side of the road and a minimum of urban features such as lighting.” From objective 4 in Aim 1 • Move objective 5 in Aim 1 to a separate section or annex of the Plan clearly labelled as a community aspiration • Ensure that any references to objectives 4 and 5 in Aim 1 in other parts of the Plan are also changed to reflect these modifications 	To ensure that only land use and planning is represented within the aims
Modification 5 Paragraph 4.1	Delete “(see above)” and the first “Grafton” in paragraph 4.1.12	For the interests of clarity
Modification 6 Policy CH1	<p>The following modifications are therefore suggested:</p> <ul style="list-style-type: none"> • Add the word “<i>and</i>” to the first sentence of the policy so that it reads “landscape <i>and</i> design 	<p>For the interests of clarity and to use a more precise form of words.</p> <p>Ensure that orchards,</p>

	<p>principles”</p> <ul style="list-style-type: none"> • Correct spelling of “tranquillity” to “<i>tranquillity</i>” in criterion 1 • Delete the words “currently heavily over used” at the end of criterion 1 • Change the word “styles” in criterion 2 to “<i>design and form</i>” • Update criterion 3 references to the emerging Core Strategy to reflect the relevant policies in the adopted Core Strategy including the addition of a reference to CS Policy RA1 • Split criterion 6 into two separate criteria with the first sentence being one criterion and the second becoming another • Reword the second sentence in criterion 9 to read: “Development which involves the removal of existing local orchards or <i>areas of woodland</i> will be <i>strongly</i> resisted unless <i>it can be clearly demonstrated that the need for, and the benefits of, the development in that location clearly outweigh the loss of these habitats.</i>” For the avoidance of doubt the first and third sentences of this criterion are retained • Reword criterion 12 to read: “<i>Developer provision or contributions will be sought, where appropriate, or Community Infrastructure Levy used, when available, for the provision of infrastructure for specific new developments and for wider use in the Parishes.</i>” • Reword criterion 13 to read: “<i>Development proposals must ensure that key features of any views can continue to be enjoyed including distant buildings and natural features or features of importance, areas of landscape and the juxtaposition of settlement edges and open countryside.</i>” 	<p>woodlands and ancient woodland have the protection needed</p> <p>To avoid ambiguity and to provide more detailed information</p>
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	<ul style="list-style-type: none"> • Renumbering of the criteria will be needed 	
Modification 7 Policy CH2	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Change “within design and access statements” at the end of criteria 1 and 2 to read <i>“through the submission of a design and access statement or similar evidence.”</i> • Change the word “display” in criterion 2 to <i>“demonstrate”</i> • Add at the end of criteria 4 and 5 <i>“or any successor guidance.”</i> • Add the words <i>“where appropriate”</i> after “sustainable and” and before “ use low carbon technology” in criterion 7 • In criterion 7 insert a full stop after “low carbon technology” and reword the rest of the criterion so that it reads: <i>“Development proposals must be accompanied by appropriate evidence to show that the proposal will have a satisfactory impact on the road network in the area and on the living conditions of residents particularly arising from noise generated by traffic movements.”</i> • Delete the words “...and in particular the new southern link road...” from criterion 8 • Delete sub-criterion ix. in its entirety from criterion 8 • Reword criterion 9 as follows: <i>“Appropriate proposals for the introduction of quiet lanes and traffic management schemes including traffic calming and the introduction of lower speed limits will be supported throughout the Parish.”</i> • Add the words <i>“and taken”</i> after “will be encouraged” in criterion 10 	<p>Ensure that the use of the phrase does not unduly restrict the application of the policy.</p> <p>Ensure the policy is future proofed</p> <p>Provide more precision to the wording</p> <p>To remove the specific reference to the southern link road</p> <p>Ensure flexibility within the policy</p>
Modification 8 Paragraph 4.1.27	<p>Change the reference to “Appendix III” to “Appendix II” in paragraph 4.1.27, but note that if my suggestion on page 30 is implemented this appendix will become Appendix I</p>	<p>To correct a misprint error</p>

<p>Modification 9 Policy CH3</p>	<p>Therefore the following modifications are recommended:</p> <ul style="list-style-type: none"> • Delete the words “Once the local heritage list for Callow and Haywood has been adopted by Herefordshire Council” from the start of Policy CH3 • Add at the end of the first paragraph of the policy <i>“taking account of the significance of the heritage asset.”</i> • Delete the sentence “This policy applies to all other significant but unlisted historic buildings.” from the third paragraph of the policy • Reword the final sentence of the policy so that it reads: <i>“The whole or partial loss of any locally listed building or structure will normally be resisted.”</i> 	<p>To enhance clarity and precision</p>
<p>Modification 10 Supporting statement to Policy CH3</p>	<p>As a result the modifications suggested are:</p> <ul style="list-style-type: none"> • Renumber the objectives which appear as 6 – 10 in Aim 1 and 6 – 7 in Aim 2 in paragraph 4.1.32 to be consistent with how they appear in Section 3.0 • Undertake the recommended modifications for any of the relevant objectives as detailed in Section 3.0 earlier in this report • Update references to Core Strategy and its policies in paragraph 4.1.33 as necessary • Update the information relating to the Unitary Development from the box in paragraph 4.1.33 as appropriate • Clearly identify / label the section that paragraphs 4.1.34 to 4.1.38 inclusive make up as community aspirations or move this section to a separate annex or document clearly labelled community aspirations 	<p>Update the information with the passage of time and the adoption of the Core Strategy</p> <p>For clarity and consistency</p>
<p>Modification 11 Policy CH4</p>	<p>The recommended modifications are:</p> <ul style="list-style-type: none"> • Reword Policy CH4 to read: <i>“Applications for development which affect or would potentially affect the landscape character and assets in areas of high-medium and high</i> 	<p>For the interests of clarity and more precise wording.</p> <p>Update over the passage of time and the adoption of the Core Strategy.</p>

	<p><i>landscape sensitivity identified on Map 6 should be accompanied by an appropriate landscape impact analysis. This will include details of how the proposal would preserve or enhance the landscape character and its assets as well as taking local topography and skyline into account and demonstrate it would not contribute to the urbanisation of the rural area.</i></p> <p><i>In addition consideration should be given to the River Wye Special Area of Conservation and development should include appropriate landscape designs to ensure that any potential impacts on local wildlife habitats are minimised. Development that would have an adverse effect on the River Wye SAC will not be permitted.</i></p> <p><i>Development will only be permitted when it does not compromise the ability of the Nutrient Management Plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets, or are at risk of doing so.”</i></p> <ul style="list-style-type: none"> • Update references to Core Strategy and its policies in paragraph 4.2.12 as necessary • Update the information relating to the Unitary Development Plan from the box in paragraph 4.2.12 as appropriate 	
<p>Modification 12 Paragraph 4.3.3</p>	<p>Delete the words “...Further development would exacerbate...” to the end of this sentence in paragraph 4.3.3</p>	<p>In the interests of clarity</p>
<p>Modification 13 Policy CH5</p>	<p>The following modifications are suggested:</p> <ul style="list-style-type: none"> • Change the words “former agricultural buildings” in the title of, and references in, the policy to “former agricultural <i>and other land-based rural businesses</i> buildings” • Change the words “other 	<p>For the interests of precision and clarity and to ensure the policy is not more restrictive than it needs to be.</p>

	<p>business type uses” to “other <i>businesses</i>” in paragraph one of the policy</p> <ul style="list-style-type: none"> • Delete the words “in principle” from paragraph one of the policy • Add the words “<i>and other land-based rural businesses</i>” after “farm” and before “diversification” in paragraph one of the policy • Delete the words “consideration has been given to all the following criteria” in paragraph two of the policy • Reword criterion 1 to read: “<i>Access is suitable for the proposed use and will not adversely affect the local road network;</i>” • Reword criterion 2 to read: “<i>Appropriate landscaping is provided;</i>” • Delete the words “to be are” in criterion 3 • Reword criterion 4 to read: “<i>Suitable measures are put in place to ensure that any traffic generated by the proposed use is compatible with the rural area and has a satisfactory relationship with the occupiers of any nearby residential property with particular regard to noise and disturbance.</i>” • Remove the numbered criterion 5 and retain this as a standalone paragraph and reword it so that it reads: “<i>Development should ensure that there would be no adverse impact on the natural environment, especially the River Wye SAC.</i>” 	
Modification 14 Policy CH6	<p>The recommended modifications are:</p> <ul style="list-style-type: none"> • Change the word “quite” to “quiet” in paragraph 4.3.7 • Add the words “<i>and other land-based rural businesses</i>” after “farm” and before “diversification” in criterion 4 of the policy 	To correct typo error and to allow for a more broad definition
Modification 15	These modifications are therefore	To improve clarity and sense.

<p>Policy CH7</p>	<p>recommended to improve clarity, precision and accuracy:</p> <ul style="list-style-type: none"> • Consider if there is a missing word at the end of the policy’s title; add the word “measures” • Reword criterion 3 to read: “Sustainable technology and renewable and low carbon energy proposals will be supported in appropriate locations and be of a scale and design which respects the local built and natural character and appearance of the area.” • Consequential amendments to the supporting text may be required • Update references to Core Strategy and its policies in paragraph 4.3.13 as necessary • Update the information relating to the Unitary Development Plan from the box in paragraph 4.3.13 as appropriate 	<p>Re-word some of the supporting text to reflect the contents of the policy</p> <p>Update the information following the adoption of the Core Strategy</p>
<p>Modification 16 Policy CH8</p>	<p>The following modifications are suggested:</p> <ul style="list-style-type: none"> • Reword paragraph two of the policy to read: <i>“Local community facilities such as community centres and religious buildings will be protected and retained for community use unless it can be satisfactorily demonstrated that the use is no longer viable or the use would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location and in line with Core Strategy Policy SC1. In determining applications for the change of use of such facilities in these circumstances, other health, education or community type uses will be preferred.”</i> • Delete the third paragraph of the policy and its two subsequent numbered criteria • Change the relevant aims and objectives in (the first) paragraph 4.4.4 to be Aim 2 and objective 5 • Change the paragraph 	<p>Revise the text following the adoption of the Core Strategy</p> <p>To avoid any confusion with the term ‘community assets’, and allows greater flexibility.</p>

	<p>numbering on page 51 of the Plan to “4.4.5”</p> <ul style="list-style-type: none"> • Update references to Core Strategy and its policies in the box in the (renumbered) paragraph 4.4.5 as necessary • Update the information relating to the Unitary Development Plan from the box in (renumbered) paragraph 4.4.5 as appropriate 	
Modification 17 Section 4.5	Update references to the Core Strategy as appropriate including the need to change the figure of “14%” in paragraph 4.5.2 to “18%” and the deletion of main modifications text on page 53	Correct the figure from the adopted Core Strategy requirements
Modification 18 Policy CH9	<p>Therefore the modifications recommended are:</p> <ul style="list-style-type: none"> • Add a new paragraph at the end of the policy which reads: <i>“Development will not have a harmful impact on the River Wye SAC and SSSI.”</i> • Update references to Core Strategy and its policies in the box in the paragraph 4.5.7 and elsewhere as necessary including paragraphs 4.5.1, 4.5.3 • Delete the information relating to the Unitary Development Plan from the box in paragraph 4.5.7 as appropriate 	<p>Revise the text following the adoption of the Core Strategy</p> <p>To reflect Natural England’s suggestion for adding criterion on the River Wye SAC</p>
Modification 19 Next Steps	Update or delete this section as necessary	Update prior to the final version reflecting the passage of time
Modification 20 Appendices	<p>The following modifications should be considered:</p> <ul style="list-style-type: none"> • Consider the need for Appendix I to be attached to the Plan document itself • Insert a sentence in Appendix II that reads: <i>“Information correct as at [insert date]. Please ensure that the most up to date information is sought on listed buildings from the local planning authority or Historic England”</i> • Delete Appendix IV from the Plan, but retain in the consultation Statement 	Remove unnecessary Appendices and re-number.