

Habitats Regulations Assessment



Dorstone 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 amendments through the HRA process to the Dorstone NDP; the NDP was refined by the NDP steering group to reflect feedback from consultation on the Draft Plan and Draft Environmental and Habitat Regulations Assessment (HRA) Reports, refer to Appendix 2.
- 1.2 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 Report (October 2015).
- 1.3 The majority of refinements are not considered to significantly affect the conclusions of the earlier HRA report as many were points of clarification. Three policies have been modified to include criteria regarding safeguarding of the River Wye SAC, other policies were amended to make minor clarification as a result of the representations to the draft consultation. However there were no changes to the overall vision and objectives of the existing planning policies.

2.0 Screening of draft 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 Dorstone NDP would be likely to have a significant effect on the River Wye SAC. It should be noted that the River Wye itself is not within the parish and only a small part of the parish is contained within the hydrological catchment of the River Wye 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 Dorstone NDP objectives and policies (October 2015) were concluded to be likely to have a significant effect on the European site, however two policies were highlighted as having the potential to be strengthened by the inclusion of additional criteria to avoid comprise of the nutrient management plan targets. This conclusion is based on assumptions and information contained within the Dorstone NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).
- 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.
- 2.6 It is unlikely that the Dorstone 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 Golden Valley Housing Market Area in the Herefordshire Core Strategy
- 2.7 Therefore it was concluded that the **Dorstone NDP will not have a likely significant effect on the River Wye (including the River Lugg) SAC.**
- 2.8 The proposed amendments within the submission NDP have been screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in October 2015. A summary of the main findings is provided below.

3.0 Summary of main findings – modifications to NDP

- 3.1 The Submission NDP (April 2016) incorporates additional policy criteria to add clarity and emphasis throughout the document. Of particular importance is that Policy E1, RE1 and ENV1 which now include specific reference to the necessity to avoid adverse impacts on the

European site and ensure that the delivery of the Nutrient Management Plan is not compromised within the text and additional policy criteria relating to biodiversity and Moccas SSSI.

- 3.2 Modifications made to 4 policies other policies of the plan are considered to be minor and would not have a significant effect on the results previously assessed. These were points of clarity and minor word changes.
- 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 Dorstone NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).

4.0 Conclusion

- 4.1 With reference to section 3 above, the additional criteria added to a number of policies are not considered to affect the findings of the previous HRA report and strengthen the likelihood of there being no adverse impacts. Moreover, the Local Plan (Core Strategy) is now adopted and will provide further policy safeguards.
- 4.2 Therefore the earlier conclusion that the **Dorstone 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 both the Submission NDP and earlier HRA Report for consultation. Any changes to the plan that arise from this consultation and the examination will be subject to further screening, in order to consider their impact on protected sites.

Appendix 1

NDP options/objectives/policies	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?	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)?
Policy H2 Housing site criteria	Amended 'should' to 'will' and additional criteria regarding the effect of new development on existing dwellings	No	n/a	n/a	No: this policy will allow for the small scale sustainable growth of Dorstone village in line with Core Strategy policy RA1/RA2.
Policy E1 Small business and farming	Additional reference to the River Wye SAC	No	River Wye (including the River Lugg) SAC	This additional criteria will seek to avoid any significant effects	No, policy criteria has been strengthened by the include of reference to the River Wye SAC
Policy T1 Tourism	Addition of bridleways to criteria 5	No	n/a	n/a	No; the policy emphasises the importance of natural environment. The amendment to include bridleways has not altered to effects.
Policy RE1 Renewable energy	Additional reference to River Wye catchment in criteria 5		River Wye (including the River Lugg) SAC	This additional criteria will seek to avoid any significant effects	No, policy criteria has been strengthened by the include of reference to the River Wye SAC
Policy ENV1 Conservation, heritage and landscape	Add reference to the River Wye SAC and Moccas Park SSSI to criteria 3		River Wye (including the River Lugg) SAC	This additional criteria will seek to avoid any significant effects	No, policy criteria has been strengthened by the include of reference to the River Wye SAC
Policy F1 Flooding	Amend 'should' to 'will'	No	n/a	n/a	The policy itself will not lead to development, instead it relates to the criteria used for permitting development in suitable locations. The amendment strengthens the policy.
Policy CF1 Community facilities	Additional criteria added regarding replacement community facilities.	No	n/a	n/a	No: this policy in itself would not result in new development rather it relates to the safeguarding and enhancement of existing community facilities.

Appendix 2

Date: 21 January 2016
Our ref: 173289 172653 SM 210116 DorstoneNP
Your ref: Dorstone Neighbourhood Plan



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BY EMAIL ONLY

Dear Sir / Madam

Planning consultation: Dorstone Neighbourhood Plan – Public Consultation Draft Regulation 14 Consultation, Draft Strategic Environmental Report and Draft Habitats Regulation Assessment
Location: Herefordshire County

Thank you for your consultations in respect of the above documents.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England has no comments to make in respect of the Environmental Report.

Habitat Regulation Assessment

International sites – River Wye SAC

Natural England understands that the River Wye SAC is located less than 1km away from the northern edge of the Dorstone Neighbourhood Plan area boundary. We also understand that the Neighbourhood Plan area falls partially within the River Wye's hydrological catchment. We acknowledge that the presence of the SAC is addressed within the accompanying Habitat Regulations Assessment (HRA) and Environmental Report (paragraph 3.1.1), however, there is no reference to this within the Neighbourhood Plan itself.

The River Wye SAC is a European designated site (also commonly referred to as Natura 2000 sites) and its interest features are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). Development that will have an adverse effect on the River Wye SAC should not be permitted. Neither should development 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.

In considering the European site interest, Natural England advises Herefordshire County Council, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a this Plan will have. The [Conservation objectives](#) for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

The Environmental Report (at 3.1.1) tells us that the watercourses within the village of Dorstone are not part of the hydrological catchment of the River Wye. We also understand that none of the proposed housing sites fall outside of the village boundary. On this basis, we are in agreement that the delivery of the Neighbourhood Plan should not exacerbate existing problems regarding water quality or have an unacceptable adverse impact upon the River Wye SAC.

Dorstone Neighbourhood Plan

Natural England has reviewed the above document and in general terms considers it addresses the protection of the natural environment well. However, we offer the following comments / advice:

International and national sites

The River Wye SAC is located only 1km north of the NP boundary yet this important international site is not mentioned in the document. Also, Moccas Park SSSI is located within the Neighbourhood Plan area yet is also not mentioned in the document. The Plan must ensure that any proposal or activity that would be likely to damage or destroy the interest features of this nationally designated site is avoided. We would suggest that the Plan is amended to include reference to both of these important designations in the introductory section of the Plan. We also recommend the inclusion of a discussion of Moccas Park SSSI, including any opportunities for protection and enhancement at 4f.

Vision, Objectives and Policies

We welcome the clear support for sustainable green tourism, the preservation and enhancement of landscape and wildlife features and the transition to a low carbon economy / community as part of the Plan's overall vision. However, there is little contained within the Plan which supports the development of improved Green Infrastructure (GI) for people and wildlife. There are a number of Local Wildlife Sites within the locality of the town whose habitats may provide a starting point for GI enhancement and creation. You will be able to obtain information on non-statutory sites and species records from the Warwickshire Wildlife Trust and/or the Local Biological Records Centre.

We advise inclusion of a specific policy on GI and expanding it to include more about [green infrastructure](#). This, to protect existing GI within the boundary of the plan area and also to promote the creation of new GI should new development proposals come forward. Such GI could include protection and creation of wildlife corridors and other environmental assets in the area to preserve and expand the existing ecosystem network. You may find it helpful to refer to the [Herefordshire Green Infrastructure Study \(2010\)](#).

Multi-functional green infrastructure is important to underpin the overall sustainability of a development by performing a range of functions including flood risk management, the provision of accessible green space, climate change adaptation and supporting biodiversity. An example of a green infrastructure provision is sustainable drainage systems. These can deliver benefits for people and for wildlife and make a valuable contribution to the local green infrastructure network. Actions such as re-naturalising watercourses can also bring multifunctional benefits, including benefiting flood attenuation. Woodland planting can also help mitigate flooding, see [Woodland for Water: Woodland measures for meeting Water Framework Directive objectives](#) for further information.

Additionally, research indicates that green roofs/living roofs can reduce run-off and thereby the risk of surface water flooding; reducing the requirement for heating and air-conditioning; and providing habitat for wildlife. Further information can be found here: <http://livingroofs.org/>.

Neighbourhood plans may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Opportunities to incorporate features into new build or retro fitted buildings which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the

installation of bird nest boxes should also be considered as part of any new development proposal, and this could be written into policy in the neighbourhood plan.

We also advise including policy to protect specifically [priority habitat](#) and other environmental assets in the area to preserve the existing eco-system network.

Finally, we recommend that reference is made to the Natural England Standing Advice for Protected Species which is available on the gov.uk website. It helps local planning authorities better understand the impact of development on protected or priority species should they be identified as an issue at particular developments. This also sets out when, following receipt of survey information, the authority should undertake further consultation with Natural England.

We would be happy to comment further should the need arise but if in the meantime for any queries relating to the specific advice in this letter only please contact Susan Murray on 0300 060 2967. For any new consultations, or to provide further information on this consultation please send your correspondences to consultations@naturalengland.org.uk.

Yours sincerely

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Hours of work: Tuesday's and Thursday's only

Consultation date: 25 November 2015 – 31 January 2016

Consultation title: Habitat Regulations Dorstone Neighbourhood Plan Regulation 14

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan (January 2016)*

Consultee	Summary of Comments	Response to Comments
Natural England	Note that the River Wye SAC is located less than 1 KM away from the northern edge of the neighbourhood area boundary and area partially within the hydrological catchment. Acknowledge reference within the SEA and HRA but not referred to within the neighbourhood plan itself. The watercourses within the village are not part of the hydrological catchment and none of the proposed housing sites fall outside the boundary. On this basis, are in agreement within that the plan should not exacerbate existing water quality issues or have an unacceptable adverse impacts on the River Wye SAC.	Noted
English Heritage / Heritage England	Comments received to policy text but not specifically regarding the HRA	
Environment Agency	Comments received to policy text but not specifically regarding the HRA	
Natural Resources Wales	No comments received	