

Habitats Regulations Assessment



Eardisland Neighbourhood Area

Addendum

July 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 modifications through the HRA process to the Eardisland NDP. The NDP has now been through an Independent Examination by Chris Collison and within his report he 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 Second 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 Eardisland 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 Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 None of the Eardisland NDP objectives and policies (November 2015 and 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 Eardisland NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).
- 2.5 Due to recognised flooding and environmental constraints, the NDP proposed criteria based policies for future housing, in order to facilitate some element of proportional growth envisaged by Policy RA2 of the Local Plan (Core Strategy). Therefore there are no site allocations within the NDP. The water cycle study highlights that most of the River Wye catchment is in a moderate ecological status. The River Arrow runs through the parish and is part of the hydrological catchment of the River Wye. Therefore, the parish falls within the Upper River Wye catchment area. The River Wye downstream of the confluence with the River Lugg is currently exceeding the phosphate target. The WCS also identifies that the Eardisland Group as one of the highest areas at risk of fluvial flooding in the Upper Wye sub-catchment. The Upper Wye catchment is a part of a large, linear ecosystem which acts as an important wildlife corridor, an essential migration route, and breeding area for many nationally and internationally important species.
- 2.6 It was also concluded that the Eardisland NDP will unlikely have any in-combination effects with any plans from neighbouring parishes due to the level of growth proposed overall is of the same as that proposed for the Leominster Housing Market Area.
- 2.7 Therefore it was concluded previously that the **Eardisland NDP will not have a likely significant effect on the River Wye SAC.**

- 2.8 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 and March 2016. 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 Eardisland 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 following policies E1, E2, E4, E8, E9, E12, E13, E14, E15, E16, E17 and E18. Policies are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Eardisland 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 Eardisland NDP and the earlier HRA report and Addendum.

Appendix 1

NDP policies	HRA Screening of modified policies following examination				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy 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 objective/option/policy	Could the policy have likely significant effects on European sites (taking mitigation into account?)
Policy E1 – General development principles	This policy will not lead directly to development but highlights the criteria by which any proposals will need to meet. Minor word changes have been made by the modifications to add clarity to the policy wording.	A criteria is included which specifically includes the avoidance or mitigation of any likely significant effects on the River Wye SAC	n/a	Safeguarding criteria is already included within the policy	No, safeguarding is included within the policy criteria
Policy E2 – Protecting heritage assets	This policy will not lead to development but contains safeguarding criteria to protect heritage assets. Minor word changes have been made by the modifications to add clarity to the policy wording.	None, this policy outlines the design criteria with regards to the historic environment	n/a	Safeguarding criteria exist within other development principle policies of the NDP	No, this policy would not directly lead to development
Policy E4 – Protection	This policy seeks to	None, the policy is	River Wye (including	Safeguarding criteria is	No, the policy is

and enhancement of features of ecological value	protect and enhance ecological features. Additional ecological features have been added to the policy, plus the creation of new wildlife and ecological features	seeking to safeguard watercourse and ecological features within developments.	the River Lugg) SAC	already included within the policy	aiming to protect and enhance ecological features.
Policy E8 – Protection of local community facilities	This policy seeks to protect local community facilities.	n/a	n/a	n/a	No, this policy is regarding the safeguarding of existing facilities
Policy E9 – Scale and type of new residential development	This policy provides criteria for all new housing development Minor word changes made by modification to add clarity	None, the policy criteria specifically references the avoidance of any significant effects on the River Wye SAC	River Wye (including the River Lugg) SAC	Safeguarding criteria is already included within the policy	No, safeguarding is included within the policy criteria
Policy E12 - Public rights of way/connectivity	This policy is seeking to improve public rights of way Deletion of unnecessary text from policy wording	No, policy includes reference to supporting local biodiversity and wetland habitats	n/a	n/a	No, ecological features are protected within the policy criteria
Policy E13 – Managing agricultural land and businesses	This policy seeks to manage agricultural activities which are subject to planning controls Modifications removed	No, reference is made to the need to reduce flooding and surface water runoff and ground drainage. The Nutrient Management Plan also contains safeguards	River Wye (including the River Lugg) SAC	Safeguard criteria exist and the Action Plan within the Nutrient Management Plan will assist in addressing issues around	No existing safeguards exist within the Core Strategy and the Nutrient Management Plan.

	text which referenced permitted development rights and some minor word changes to assist in clarity.	regarding agricultural practices.		agricultures processes.	
Policy E14 – New agricultural development	This policy concerns agricultural related development Minor word change to add clarify	None, the policy criteria specifically references the avoidance of any significant effects on the River Wye SAC	River Wye (including the River Lugg) SAC	Safeguarding criteria is already included within the policy	No, safeguarding is included within the policy criteria
Policy E15 – Supporting existing local employment	This policy is regarding the expansion of existing employment business. Clarity added regarding the loss of existing employment and the terms of active monitoring	Uncertain as at this stage as the location of any development is not known. Although safeguards exist in other policies.	River Wye (including the River Lugg) SAC	Safeguarding criteria exists within the plan and the Nutrient Management Plan will assist in addressing issues.	No, existing safeguards exist within the Core Strategy and the Nutrient Management Plan.
Policy E16 – New local employment opportunities	This policy provides criteria for future new employment development. Word changes to add clarity to the policy	Uncertain as at this stage as the location of any development is not known. Although safeguards exist in other policies.	River Wye (including the River Lugg) SAC	Safeguarding criteria exists within the plan and the Nutrient Management Plan will assist in addressing issues.	No, existing safeguards exist within the Core Strategy and the Nutrient Management Plan.
Policy E17 – Supporting tourism and local business development	The policy supports tourism and associated facilities. Minor word change to	Uncertain as at this stage as the location of any development is not known. Although safeguards exist in other	River Wye (including the River Lugg) SAC	Safeguarding criteria exists within the plan and the Nutrient Management Plan will assist in addressing	No, existing safeguards exist within the Core Strategy and the Nutrient Management Plan.

Herefordshire Local Plan (Core Strategy) (October 2015)

	add clarity	policies.		issues.	
Policy E18 – deleted from plan	This policy was deleted within the modifications and retitled as Parish Actions	n/a	n/a	n/a	n/a

Appendix 2

Appendix 2: Modifications to the Eardisland Neighbourhood Plan following examination.

Policy	Modification recommended	Justification
Modification 1	The Parish Actions should be transferred to a non-statutory annex to the Neighbourhood Plan and paragraph 1.6 should be adjusted accordingly	These do not relate to development and land use and cannot serve to determine planning applications
Modification 2 Policy E1	Delete 'should meet' and insert 'must demonstrate how it meets' Delete 'the optimum size of any development is 4-5 dwellings' and insert 'developments comprising more than 5 dwellings will not be supported' Delete 'permitted' and insert 'supported' Delete criterion v	Clarification and provide a practical framework within which decisions on planning applications can be made. Delete unnecessary text
Modification 3 Policy E2	Delete 'development will only be permitted where it does not have a detrimental impact on any heritage asset' Delete requirement d After 'respect views' insert 'that are visible from locations that are freely accessible to the general public' Delete requirement j	Add clarification and delete unnecessary text and ensure that sufficient regard has been had to paragraph 17 of the NPPF Ensure that planning policy serves the public interest
Modification 4 Policy E4	Delete criterion c	Add clarification and sufficient regards to the presumption in favour of development
Modification 5 Policy E8	Delete 'permitted' twice and insert 'supported'	Clarification and provide a practical framework within which decisions on planning applications can be made.
Modification 6 Policy E9	Delete 'permitted' and 'insert 'supported' In b before 'constraints' insert 'flood risk'	Clarification and provide a practical framework within which decisions on planning applications can be made. Delete unnecessary

	Delete criterion e and criterion i	references to other policies Add clarification regarding flooding constraints.
Modification 7 Policy E12	Delete 'within the parish'	Delete unnecessary reference as the plan covered the whole parish area
Modification 8 Policy E13	Replace the opening text with 'Where planning permission is required, to be supported changes of use of former agricultural buildings to other employment uses must satisfy all the following criteria' Delete 'etc; and insert 'and any external storage areas' Before 'working hours' insert 'where there is a proven need' Delete criterion f and criterion g	Delete reference to land holdings and criteria relating to general permitted development regulations Provide clarification and removed over prescriptive text
Modification 9 Policy E14	Delete 'permitted' and insert 'supported'	Clarification and provide a practical framework within which decisions on planning applications can be made.
Modification 10 Policy E15	Delete 'will be permitted' and insert 'will be supported' Delete 'will only be permitted' and insert 'will only be supported' Delete requirement e Delete requirement f Insert 'or' as the final word of g	Clarification and provide a practical framework within which decisions on planning applications can be made.
Modification 11 Policy E16	Delete 'considered' and insert 'supported' Delete 'small scale' Delete 'promote the sustainable use of the natural and historic environment as an asset which is valued conserved and enhanced' Delete 'permitted' and insert 'supported'	Provide clarification and a practical framework within which decisions on planning application can be made.

	Delete 'that comply with the other policies of this plan'	
Modification 12 Policy E17	Delete 'permitted' and insert 'supported'	Clarification and provide a practical framework within which decisions on planning applications can be made.
Modification 13 Policy E18	Policy E18 should be re-tilted as a Parish Action and transferred to a non-statutory annex to the Neighbourhood Plan	Do not provide a practical framework as required by para 7 of the NPPF
Modification 14 General	Modification of general text will be necessary to achieve consistency with the modified policies and Appendices 8 and 9 should be deleted from the Plan document.	Consequential changes to ensure plan reads logically following amendments