

Habitats Regulations Assessment



Eardisley Group Neighbourhood Area

Addendum

January 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 Eardisley 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 (October 2014 and May 2015).
- 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 Eardisley 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 Eardisley Group NDP objectives and policies (October 2014 and Addendum in 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 Eardisley 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), updated in April 2015 in light of the said modifications and 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 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 Eardisley 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 **Eardisley 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 October 2014. 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 Eardisley 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), updated in April 2015 in light of the said modifications and published on the Council's website.

4.0 Conclusion

4.1 With reference to section 3 above, the change of wording added to the Policies, and the deletion of criterion within Policies SD1, E1, E2, E3, C1, H3, H6, H7 and J3 are not considered to affect the findings of the previous HRA report.

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

Appendix 1

Redrafted Policy	HRA Re-Screening Assessment of Emerging redrafted NDP policies				
	Likely activities (operations) to result as a consequence of the redrafted objective/option/policy	Likely effect if redrafted policy implemented. Could they have LSE on European Sites?	European Sites potentially affected	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 SD1 – Sustainable Development	Promote sustainable development measures for all new development across the county	N/A	River Wye 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 September 2014 and May 2015 HRA Reports.	No. This policy will not lead to development; rather it aims to ensure that new development coming forward under the other NDP policies contributes to sustainable development across the county. The examiner's recommendations included addition wording to reduce the risk of flooding.
Policy E1 - Flooding	N/A	No Likely Significant effect on the River Wye SAC	N/A	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 September 2014 and May 2015 HRA Reports.	No. This policy will not lead to new development; but rather it will ensure that any new development has no or little impact upon surface water flooding or fluvial flooding due to the mitigation methods encouraged. This policy will also ensure that within flood zones 2 and 3 new development should not be permitted.
Policy E2 – Historic Assets and village character	N/A	No likely significant effect on the River Wye SAC	N/A	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 September 2014 and May 2015 HRA Reports.	No. This policy will not lead to new development; rather it aims to ensure that any development proposed within the Neighbourhood Area will conserve and enhance the local Historic Assets and local distinctiveness.
Policy E3 – Addressing Carbon reduction	Development of renewable energy infrastructure	No likely significant effect on the River Wye SAC	N/A	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 September 2014 and May 2015 HRA Reports.	No, most of this policy will not lead to development, rather it sets out criteria aiming to ensure that new development reduces Eardisley group parish's contribution to climate change. The policy could however result in the development of renewable energy infrastructure but this is unlikely to have a significant effect on the River Wye SAC.
Policy C1 – New or additional services or facilities	Development of social and community facilities and infrastructure	No likely significant effect on the River Wye SAC		The measures in this policy will help to ensure that any potential adverse impact will be mitigated against. In addition the measures set out in other policies within the NDP will mitigate against any potential adverse impact. 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 September 2014 and May 2015 HRA Reports.	No. The scale and extent of such development is not likely to be significant. In addition, this policy will not itself lead to policy, instead it relates to the criteria for any new community development, which ensures that mitigation methods are put in place for any adverse impacts that may arise. Examiner's modifications offer more protection to Assets of community value.
Policy H3 – Affordable housing	N/A	No significant effect on the River Wye SAC	N/A	This addendum report reveals that none of the changes proposed to the	No. The policy would itself not lead to development; instead it relates to criteria for development, i.e. the

				policies through the Examiners Modifications would affect the conclusions set out in the September 2014 and May 2015 HRA Reports.	proportion of affordable housing development to be provided within the overall housing development, the effects of which are assessed separately under other policies.
Policy H6 – New homes in Whitney on Wye	Housing development Increased vehicle traffic Increased demand for water abstraction and sewage treatment	Uncertain as to the impact upon the River Wye SAC depending upon location of development	River Wye SAC	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon 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 development. 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 September 2014 and May 2015 HRA Reports.	No. This policy does not specifically identify sites for development but instead provides criteria that any new development must adhere to. It is acknowledged that some impact could occur due to the new development however the development is small scale and therefore the impact will not be as great. The policy also sets out measures to help reduce the impact, alongside mitigation through other policies in the Plan. The additional pressure on water abstraction and treatment it has been confirmed by DCWW that there are sufficient water resources to meet the increases in demand. Whilst there may be not currently sufficient capacity at the sewage treatment works serving the area to accommodate this level of growth the Nutrient Management Plan being produced by Environment Agency and Natural England has concluded that measures can be implemented to allow the level of growth proposed without compromising the achievement of phosphate targets in the River Wye. Modifications deleted unnecessary criteria.
Policy H7 – Criteria for Housing development in Eardisley Group	N/A	No likely significant effect on the River Wye SAC	N/A	This policy should help to mitigate the potential effects of future development, by ensuring sustainable methods are used and waste and recycling are specifically handled.	No. This policy is unlikely to lead to development, instead it relates to criteria for development. 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 September 2014 and May 2015 HRA Reports.
Policy J3 – Provision and retention of employment sites	Retaining existing employment sites New light and general industry, office and business operations Some increase in vehicle traffic Increase in emissions from development	No likely significant effect on the River Wye SAC	N/A	This policy should help to mitigate against the potential impacts of other policies as it is encouraging brownfield use, retaining existing sites and ensuring all schemes are sustainable, re using redundant buildings and reducing flood risk. 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 September 2014 and May 2015 HRA Reports.	No. Although this policy leads to some development, and could result in an increase in vehicle movement as additional employment opportunities become more readily available. However, the policy itself encourages the retention of existing employment site, re use of redundant buildings and the use of sustainable proposals for any new development thereby mitigating against any negative impact. There are also other policies in the Plan that will help to mitigate against the proposals. Modifications included strengthening the wording to take account of National Policy and guidance.

Appendix 2

Policy	Modification recommended	Justification
Modification 1 Contents page	Ensure that headings within contents page correctly reflects with headings in the Plan.	Interests of accuracy and clarity
Modification 2 Introduction	Consider the addition of fuller explanation about the requirements for the Plan in the Introduction	Provide clarity and completeness
Modification 3 Section 5	Within first paragraph update reference from emerging Core Strategy to reflect that it has now been adopted	Provide accuracy
Modification 4 Policy SD1	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Delete the word “overriding” in the first paragraph • Add the words “<i>Where appropriate</i>” at the start of the last sentence in criterion b) • Add at the start of the last sentence in criterion c) which begins “In addition...”, “<i>Development should be directed to areas with the lowest probability of flooding. In addition existing and new properties...</i>” • Delete “...in particular to reduce the speed of vehicles and the effect of heavy goods traffic upon local amenity and property...” from criterion d), but include this as a community aspiration if so desired • Add the words “<i>unless there is no reasonable prospect of a specific site being used for that purpose</i>” after the words “...the retention of employment land...” in criterion e) • Update any references to the Core Strategy throughout the Plan as necessary • Correct typo in the “Legal Framework and Evidence” section on page 11 – “Planning Practise Guidance” should be “Planning Practice Guidance” 	<p>To ensure it fully reflects the thrust of national policy and guidance.</p> <p>Encourage flexibility within the policy.</p> <p>Utilise the sequential test as detailed in the NPPF for flooding.</p>
Modification 5 Policy E1	<p>The following modification is therefore recommended:</p> <p>Replace criterion a) with “<i>New development will not be permitted in Flood Zones 2 and 3 unless there are no other options and the proposal is in accordance with national policy and guidance. In these cases satisfactory mitigation measures must be provided, including off-site provision as necessary. Any development that would result in increased flood risk to properties elsewhere will not be</i>”</p>	Modification generalising the reference is suggested to ensure the policy stands the test of time should the NPPF be modified or superseded.

	<i>permitted.</i> ”	
Modification 6 Policy E2	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Replace the words “which contribute” in criterion a) with “<i>make an important contribution to the character of the villages within the Plan area.</i>” • Change “conserve and enhance” in criterion b) to “<i>preserve or enhance</i>” • Reword criterion c) to read: “<i>Not adversely affect views and vistas valued by the communities and identified in Appendix 1 of the Plan. These views and vistas include, but are not limited to views of Eardisley from Bollingham Hill; Hay Bluff and the Black Mountain; listed buildings and buildings of local interest.</i>” • Reword paragraph 7.2.5 to read: “<i>Reference should be made to evidence documents available on the Group website and which will be kept up to date during the Plan period.</i>” or similar • Paragraphs 7.2.7, 7.2.8 and 7.2.9 should be moved to a separate appendix or document as community aspirations or deleted from the Plan 	<p>Remove ambiguity regarding views and vistas.</p> <p>Reflect the relevant legislation</p> <p>Improve clarity of the policy</p>
Modification 7 Policy E3	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Delete the first paragraph of Policy E3 and the accompanying three criteria a) to c) and replace the text with: “<i>All proposals for new development are encouraged to address the requirements of Herefordshire Local Plan Core Strategy Policy SS7 at the neighbourhood level by utilising physical measures associated with buildings that include the orientation of buildings, the provision of energy and water conservation measures and renewable energy infrastructure.</i>” or similar • Delete the last sentence of the policy which reads: “Developer support for such projects will also be encouraged as part of their package of measures.” • Consequential amendments to the supporting statements will of course be needed 	<p>The Government has created a new approach to setting technical standards for new housing development. A Written Ministerial Statement (WMS) 25 made it clear that neighbourhood plans cannot set out any additional local technical standards or requirements relating to the construction, internal layout or performance of new dwellings.</p>
Modification 8 Policy E4	<p>The following modifications are therefore recommended:</p>	<p>In the interests of completeness and accuracy</p>

	<ul style="list-style-type: none"> • Change the reference in criterion b) to the Proposals Map to Policies Map or vice versa and make it clear there are three such maps for each of the villages • Reword criterion b) to read: <i>“Protecting four Local Green Spaces in Eardisley and Winforton shown on the Policies Maps for those villages together with the open space identified on the Eardisley Policies Map.”</i> • Add the words <i>“Where appropriate”</i> at the start of criterion e) before <i>“Requiring proposals...”</i> • Modify the Eardisley Policies Map to exclude Mill Cottage and its curtilage from the Local Green Space • Alter the key for the Policies Maps from <i>“Protected Open Space and Green Space (E4)”</i> to <i>“Local Green Spaces (E4)”</i> • Alter the key on the Eardisley Policies Map from <i>“Safeguarded Open Space and Allotments”</i> to <i>“Open Space (E4)”</i> • Show the full extent of the Conservation Area boundary on the Eardisley Policies Map 	
Modification 9 Policy C1	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Delete the second paragraph of the policy which begins <i>“Proposals for services and facilities...”</i> to end of this paragraph • Reword paragraph three of the policy to read: <i>“Proposals that would result in the loss of a local service or facility or an Asset of Community Value will be strongly resisted unless it is demonstrated that the use is no longer viable or a replacement facility of an equivalent or better standard is provided.”</i> • Delete paragraph 8.1.7 	<p>Paragraph 8.1.7 does not relate to the policy.</p> <p>Allow more flexibility to the policy</p>
Modification 10 Policy H1	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Change <i>“12”</i> to <i>“11”</i> in criterion a) • change the <i>“12”</i> to <i>“11”</i> in paragraph 8.2.3 in relation to the figure for Winforton • Update the reference to the <i>“Herefordshire Local Market</i> 	Update reference and ensure policy is future proofed

	<p>Assessment 2012” in paragraph 8.2.5 to “<i>Herefordshire Local Housing Market Assessment 2012 Update (dated November 2013 or any successor evidence)</i>”</p>	
Modification 11 Policy H2	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Ensure that the titles of the maps are consistent throughout the Plan i.e. if the policy refers to Village Inset Maps ensure there is a map of this name or use the title Policies Map as appropriate • Add to the end of criterion c) “as shown on the Whitney-on-Wye Policies Map” bearing in mind the previous recommendation on consistency on map titles • Ensure that the map reference is consistent with the language used in paragraph 8.2.9 	For clarity and accuracy.
Modification 12 Policy H3	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Reword criterion a) to read: “<i>On sites of more than 10 dwellings with a maximum combined gross floor space of more than 1000 square metres, developers will normally be required to meet a target of 35% affordable housing provision.</i>” • Update the reference to the “Herefordshire Local Market Assessment 2012” in paragraph 8.2.16 to “<i>Herefordshire Local Housing Market Assessment 2012 Update (dated November 2013) or any successor evidence</i>” 	To help with clarity and provision of a practical framework for decision making, and to ensure it is future proofed.
Modification 13 Policy H4	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Add “<i>and as shown on the Eardisley Policies Map</i>” to the first sentence of the policy • Identify the three sites specifically on the Eardisley Policies Map • Make each of the Policies Maps within the Plan bigger • Replace the words “should not exceed 15 dwellings” in criterion c) i) with “<i>should be approximately 15 dwellings</i>” • Reword criterion iv) “Density of development is consistent with 	<p>Useful to refer to the map within the policy.</p> <p>To add clarity to the policy.</p>

	<p>that..." in criterion d) iv) to "<i>The density of development respects the density and context of the Eardisley Conservation Area.</i>"</p> <ul style="list-style-type: none"> • Delete vi) from criterion d) 	
Modification 14 Policy H5	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Add "<i>and as shown on the Winforton Policies Map</i>" to the first sentence of the policy • Identify the two sites explicitly on the Winforton Policies Map • Delete criterion v) from criterion c) 	Useful for Policies maps to be cross-referenced within policy
Modification 15 Policy H6	<ul style="list-style-type: none"> • Change the phrase "in the vicinity of Millhalf" in criterion a) to refer to the designation on the Whitney Policies Map, but change the notation from "proposed housing site" on the Policies Map to "<i>Millhalf</i>" or see alternative option in the text above • Describe the length of the proposed frontage along Duck Street in words as well as relying on the line on the Policies Map by adding the distance of this line from the nearest house in the supporting text • Ensure that the 'one plot deep' referred to in paragraph 8.2.9 is also inserted in the supporting statements for this policy 	To add clarity and to avoid the policy being open for interpretation.
Modification 16 Policy H7	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Delete criteria c), d), g), j) • Reconsider the supporting statements • Delete paragraph 8.2.33 	<p>Paragraph 8.2.33 is more akin to a policy but has not been consulted as policy.</p> <p>Supporting statements could be more positively worded.</p> <p>Some of the criteria are unnecessary</p>
Modification 17 Policy J1	Add " <i>where appropriate</i> " after "Requiring new development proposals..." in criterion c)	Make the policy more flexible
Modification 18 Policy J3	<ul style="list-style-type: none"> • Add "<i>to ensure the most effective use of land</i>" after "or elsewhere on brownfield sites..." in criterion a) • Reword criterion d) to read as follows: "<i>Resist proposals for change of use of existing business premises and sites away from employment activity unless it can be satisfactorily demonstrated that there is no</i> 	Take better account of national policy and guidance and to provide a practical framework.

	<p><i>reasonable prospect of a site being used for that purpose or any other suitable employment use. This evidence will include appropriate and active marketing of at least 12 months for a change of use of a Class B employment use.”</i></p> <ul style="list-style-type: none"> • Remove italics from paragraph 9.1.7 • Remove notations of “Safeguarded Employment Land (J1, J2, J3) from all three Policies Maps or change that notation to “<i>Employment Land (J3)</i>” • Show the whole extent of the “Employment Land” designations on the relevant maps if retained 	
Modification 19 Policy MD1	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Delete the words “As an exception to Policy J3,” from the start of the policy • Add the words “<i>subject to viability considerations</i>” after “occupying no less than 1.0 ha” in criterion d) • Remove the “Employment Land” designation from this site and extend the MD1 notation to wash over the two individual buildings on the northern side of the road • Change the title of the policy to “<i>The Old Sawmills Site</i>” or similar 	To add clarity to the map and policy
Modification 20 Risk assessment	Remove or update this section	To bring the plan up to date in the process
Modification 21 Other matters	Ensure the four Policies Maps are appropriately located within the Plan document	Maps are an important part of the plan and therefore should be included in the plan themselves.