

Habitats Regulations Assessment



Humber, Ford & Stoke Prior Group
Neighbourhood Area

Addendum

June 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 Humber Ford Stoke Prior 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 (July 2015 and November 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 Humber Ford Stoke Prior 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 Humber Ford Stoke Prior 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 Humber Ford Stoke Prior 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 Humber Ford Stoke Prior 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 **Humber Ford Stoke Prior 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 Humber Ford Stoke Prior 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 HFSP3, HFSP4, HFSP5, HFSP6, HFSP9, HFSP16, HFSP17 and the deletion of criterion within Policies are not considered to affect the findings of the previous HRA report.

4.2 Therefore the earlier conclusion that the **Humber Ford Stoke Prior 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 Humber Ford Stoke Prior 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: Humber Ford Stoke Prior

NDP Title: Humber Ford Stoke Prior

Date undertaken: May 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 HFSP 3	Housing developed will be phased. Construction traffic may create noise and disruption but will be reduced from phasing development.	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 July 2015 and November 2015 HRA Reports.	No. No the scale and extent of such development is unlikely to be significant. Examiner's modifications offer more flexibility encouraging sustainable development.
Policy HFSP 4	New homes will be created in Stoke Prior. Construction traffic may create noise and disruption.	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	No. The scale and extent of such development is unlikely to be significant.

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				Modifications would affect the conclusions set out in the July 2015 and November 2015 HRA Reports.	Modifications deleted unnecessary criteria.
Policy HFSP 5	New homes will be created in Risbury. Construction traffic may create noise and disruption	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 July 2015 and November 2015 HRA Reports.	No. The scale and extent of such development is unlikely to be significant. Modifications deleted unnecessary criteria.
Policy HFSP 6	New homes will be developed in Steens' Bridge. Construction traffic may create noise and disruption.	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 July 2015 and November 2015 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
Policy HFSP 9	Community services and facilities (village hall, and Stoke Prior primary school extension) will be developed within the neighbourhood 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 July 2015 and November 2015	No. The scale and extent of such development is unlikely to be significant. Examiner's modifications offer more flexibility.

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				HRA Reports.	
Policy HFSP 16	<p>Protection of natural environment Further protection for housing in and surrounding the identified settlements.</p> <p>Local greenspaces retained and safeguarded against inappropriate development.</p> <p>Views and vistas identified are protected and enjoyed by existing and future development.</p>	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 July 2015 and November 2015 HRA Reports.	<p>No, the policies involved in delivering this objective would only have positive impacts upon the European sites if it is successfully implemented.</p> <p>Modifications included strengthening the wording to take account of National Policy and guidance</p>
Policy HFSP 17	Local heritage will be protected from development.	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 July 2015 and November 2015 HRA Reports.	<p>No. This criteria based policy will not produce any impact upon the European site and ensures protection for heritage assets in the neighbourhood area.</p> <p>Examiner's modifications offer more flexibility.</p>

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Appendix 2

HRA Appendix 2-Table of Examiner’s recommended modifications

Policy	Modification recommended	Justification
Modification 1 Front Cover	Ensure front cover of the Plan and the “Notice” section are updated as necessary.	Interests of accuracy and clarity
Modification 2 Front Cover	Add the time period for the Plan of “2011 – 2031” on the front cover and within the Plan itself	Provide clarity and accuracy
Modification 3 National and Local Planning Context	<ul style="list-style-type: none"> • Delete “...Neighbourhood Plans must be in line with higher level planning policy, namely the...” and replace with “<i>Neighbourhood Plans must have regard to national policy and advice including the...</i>” • In paragraph 2.1a Delete “...the Herefordshire Local Plan (2014)” and replace with “<i>Herefordshire Local Plan Core Strategy 2011 – 2031 (October 2015)</i>” • Add a sentence to paragraph 2.2 to explain that the five principles of sustainable development are to be found in ‘Securing the Future’ 2005 rather than the NPPF (which contains a different definition in the Ministerial foreword) • Update paragraph 2.3 in relation to the Core Strategy • Delete the second bullet point which reads “Demonstrate that they continue to offer protection to any buildings or landscapes of value” from paragraph 2.6 as this is not a basic condition • Replace the final bullet which reads “Demonstrate compliance with all relevant EU obligations” with “<i>Not breach, and otherwise be compatible with all relevant EU obligations.</i>” 	<p>Minor revisions to wording to provide accuracy and clarity</p> <p>Reflect the relevant legislation</p> <p>Conform with European Legislation</p>
Modification 4 Process of producing	Update paragraph 3.11 as necessary	Provide accuracy

their plan		
Modification 5 Policy HFSP1	<ul style="list-style-type: none"> • Change the second sentence of criterion (a) to read: <i>“They should also seek and take every opportunity to contribute to the area’s biodiversity and its networks. Traditional rural buildings, historic buildings and archaeological sites should be retained and, wherever possible, enhanced.”</i> • Delete criterion b) and replace it with a new criterion b) to read: <i>“A mix of housing types, sizes and tenures should be provided. The precise housing mix should meet the needs of the community over the Plan period and be based on the most up to date information available and support the wider local community where the requirement for specific types of accommodation are identified. In particular the Plan is keen to ensure that the needs of local young families are met.”</i> • Delete “...addressing excessive speed of vehicles, the effect of heavy goods traffic...” from criterion d), but include this as a community aspiration if so desired • Change the word “problem” in paragraph 6.2.7 to “<i>issue</i>” • Delete the last two paragraphs of the policy • Delete paragraph 6.2.1 from the third sentence which begins “Where other policies...” to end 	<p>Strengthen and clarification of policy</p> <p>Clarification of the text</p> <p>Ensure this policy has regard national policy providing a practical framework to provide sustainable development.</p>
Modification 6 Policy HFSP 2	<ul style="list-style-type: none"> • Change the phrase “controlled growth” to “<i>managed</i> growth” in each of the first three bullet points of the policy • Update paragraph 7.2.5 to refer to the adopted Core Strategy 	<p>Clarification of policy and make policy have positive wording</p> <p>Update policy reference to ensure conformity with the Core Strategy</p>

	and substitute the word “ <i>encourages</i> ” for “requires” in the third sentence of this paragraph	
Modification 7 Policy HFSP 3	<ul style="list-style-type: none"> • Delete the second paragraph of Policy HFSP3 • Delete the last sentence of paragraph 8.2.8 • Revise the section heading and policy title to reflect the deletion of the phasing element of the policy 	<p>Make policy less prescriptive and encourage flexibility.</p> <p>Sentence 8.2.8 may prevent sustainable development, so removal is recommended.</p>
Modification 8 Policy HFSP 4	<ul style="list-style-type: none"> • Add the words “<i>the significance of</i>” to criterion (d) after “...adversely affect...” • Change criterion (e) to read: “<i>Where an undeveloped site comprises a frontage of more than 30 metres, development on that site must ensure that at least a third of the frontage is retained as, or makes provision for, open green space;</i>” • Consider the removal or revision of paragraph 9.2.5 • Delete the words “...and so is inappropriate for development...” from the penultimate sentence of paragraph 9.2.7 • Delete the last sentence of paragraph 9.2.7 in its entirety 	<p>Encourage flexibility within the policy.</p> <p>Clarification of policy.</p> <p>Inappropriate to introduce policy in supporting text in paragraph 9.2.7</p>
Modification 9 Policy HFSP5	<ul style="list-style-type: none"> • Add the words “<i>the significance of</i>” to criterion (d) after “...adversely affect...” • Amend paragraph 10.2.5 to read: “Two relatively large substantial gaps exist within the settlement boundary frontages running east-west through the village, one at the north-west corner and one to the south. Development within these <i>gaps should minimise the number of</i> accesses on to the village street, <i>avoid any increase in</i> on-street parking along the narrow 	<p>It is inappropriate to introduce policy in supporting text in paragraph 10.2.5, 10.2.3 and 10.2.6.</p> <p>Revise language to clarify policy</p>

	<p>road, and <i>avoid</i> the impression of creating further ribbon development. Consequently the proposed plot depth is greater than that accommodating existing development to <i>encourage the provision of</i> shared access and a landscaped buffer between the road and the shared access to be provided, which will enhance the street scene and maintain, albeit to a limited extent, the rural appearance of the village street at these points. <i>It is suggested that the plot depth for such development should be a minimum of 35.5 metres. The plot to the north-west has a minimum depth of about 48m, and the settlement boundary for the plot to the south has been set at approximately 40m distance from the roadway. Although a range of property sizes should be provided if possible within these frontages, the maintenance of gaps within their development will assist with this objective.</i>"</p> <ul style="list-style-type: none"> • Delete the words "...which is not suitable for development..." from paragraph 10.2.3 • Delete the words "...and development of housing along Blacksmiths Lane would involve eating into existing large parcels of agricultural land..." from paragraph 10.2.6 	
<p>Modification 10 Policy HFSP6</p>	<ul style="list-style-type: none"> • Add the words "<i>the significance of</i>" to criterion (c) after "...adversely affect..." • Reword criterion (f) to read: "<i>Whenever possible and subject to viability considerations, every opportunity should be taken to provide, or make a contribution towards the provision of, a footpath link between Humber Close and Stoke Prior Lane.</i>" 	<p>To ensure it fully reflects the thrust of national policy and guidance.</p> <p>Remove of requirement the scale of the obligation may affect its viability.</p>

	<ul style="list-style-type: none"> Delete the words “would be inappropriate” from the fourth sentence of paragraph 11.2.6 and replace them with the words “<i>is likely to be inappropriate</i>” 	
Modification 11 Policy HFSP 7	<ul style="list-style-type: none"> Change criterion (iv) of the policy to read: “<i>Development is encouraged to include provision for housing suited to older people.</i>” Update paragraphs 12.1 and 12.2.2 in relation to the threshold for affordable housing noting the situation with the national policy and by reference to the Core Strategy 	<p>For clarity and accuracy.</p> <p>To ensure it fully reflects the thrust of national policy and Core Strategy.</p>
Modification 12 Policy HFSP 8	<ul style="list-style-type: none"> Delete the words “...including the maximum possible reduction in the carbon footprint of any development.” from the first paragraph of the policy Delete the words “...in addition to regulatory requirements...” from the second paragraph of the policy Amend criterion (c) so that it reads: “<i>Encouraging the use of physical sustainability measures...</i>” Amend criterion (f) so that it reads: “<i>Encouraging on site measures...</i>” Add “<i>wherever possible</i>” to criterion (g) Add “<i>wherever possible</i>” to criterion (h) 	<p>NDP cannot set out any additional local technical standards or requirement relating to construction.</p> <p>Ensure this it is line with national policy.</p>
Modification 13 Policy HFSP 9	<ul style="list-style-type: none"> Delete the words “identified as necessary within the Parish” from the first sentence of the policy. Delete the second sentence of the first paragraph that begins “Those currently identified as being needed to support...” Change the order of the policy so that criteria (i) to (v) and the preceding 	<p>To add clarity to the policy.</p> <p>Encourage flexibility within the policy.</p> <p>To ensure sustainable development is viable.</p> <p>Ensure policy is future proofed.</p>

	<ul style="list-style-type: none"> • sentence are placed underneath the first sentence • Start a new paragraph to begin a reworded second sentence: “Those <i>facilities</i> currently identified...” to end of the existing second sentence and include criteria (a) to (d) • For the avoidance of doubt retain the last paragraph of the policy as currently worded as the final paragraph 	
Modification 14 Policy HFSP 10	<ul style="list-style-type: none"> • Delete the second paragraph of the policy and replace it with “<i>Proposals for development that would lead to the loss of Stoke Prior Post Office will not be supported unless it can be demonstrated that an alternative facility is available or can be provided or that its loss otherwise accords with Core Strategy SC1.</i>” 	Should be modified to reflect national policy and guidance along with the Core Strategy.
Modification 15 Policy HFSP 11	<ul style="list-style-type: none"> • Change criterion (d) to read: “<i>Proposals should demonstrate that their impact on the local road network is acceptable;</i>” • Ensure that any modification to Policy HFSP6 is reflected in paragraph 15.2.8 and action as appropriate 	To add clarity and consistency to the policy.
Modification 16 Policy HFSP 12	<ul style="list-style-type: none"> • Update references to the Core Strategy in paragraph 16.2.2 as appropriate so that they reflect the adopted version of the Core Strategy and check the quotes remain accurate 	To ensure sustainable development can be achieved. Ensure accuracy and updated in light of the Core Strategy.
Modification 17 Policy HFSP 13	<ul style="list-style-type: none"> • Add “<i>where appropriate</i>” after “Requiring new development proposals...” in criterion (b) 	Make the policy more flexible stop onerous requirement.
Modification 18 Policy HFSP 14	<ul style="list-style-type: none"> • Delete “...contributing towards addressing existing problems where their developments will exacerbate conditions.” from the policy • Reword paragraph 18.2.4 to read: “<i>The community therefore</i> 	To ensure the feasibility of the policy.

	<i>considers that developments should take every opportunity to increase the natural permeability of rainwater into the soil and reduce the load on the ditch network.”</i>	
Modification 19 Policy HFSP 15	Ensure the reference to Policy HFSP8 in paragraph 19.2.3 reflects the modifications made to Policy HFSP8	Ensure accuracy and consistency in the policy is maintained.
Modification 20 Policy HFSP 16	<ul style="list-style-type: none"> • Retitle Table HFSP16 “Views, vistas and panoramas and <i>local green spaces</i>” • Delete numbers 1, 2, 3, 5, 7, 8, 9, 10, 12, 17 and 18 from Table HFSP16 • Ensure that Table HFSP16 identifies each retained view, vista and panorama and local green space by number • Identify and cross-reference each retained view and local green space on a map(s) so that it is consistent with the amended Table HFSP16 • Reword criterion (b) to read: <i>“Any development within the views, vistas and panoramas identified on Table HFSP16 and shown on map X must ensure that the key features of the view can continue to be enjoyed including any distant buildings, areas of landscape and the juxtaposition of village edges and open countryside;”</i> • Add the words <i>“where possible”</i> at the end of criterion (c) • Add <i>“and as shown on map X”</i> to the end of criterion (g) • Change the reference to criterion (f) in paragraph 20.2.6 to criterion (g) 	<p>To ensure the feasibility and flexibility of the policy.</p> <p>Views policy should be identified on map to provide clarification.</p> <p>To clarify policy.</p> <p>To ensure sustainable development is achievable.</p> <p>Take better account of national policy and guidance and to provide a practical framework.</p> <p>Insufficient justification provided.</p>
Modification 21	<ul style="list-style-type: none"> • Replace criteria (a) and (b) with a new criterion (a) which reads: <i>“Ensuring development</i> 	This policy needs to align better with national policy for the public benefit of

<p>Policy HFSP 17</p>	<p><i>proposals demonstrate that any harmful effects to the significance of heritage assets including their settings, are avoided or minimised. Any harm or loss should be weighed against the public benefits of any scheme carefully in accordance with national policy.”</i></p> <ul style="list-style-type: none"> • Delete the word “even” from criterion (c) • Add the words “<i>including a field evaluation</i>” after “...a full archaeological investigation.” in criterion (c) • Renumber criterion (c) as (b) 	<p>schemes.</p> <p>To provide a clear and practical framework in line with national policy.</p>
<p>Modification 22</p> <p>Monitoring and Delivery</p>	<p>Consequential amendments to this section will be needed to reflect changes to the Plan</p>	<p>Amendment needed in line with the modifications.</p>