

Habitats Regulations Assessment



Kingstone & Thruxton Group Neighbourhood Area

Addendum

September 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 Kingstone and Thrupton NDP. The NDP has now been through an Independent Examination by Rosemary Kidd 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 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 (July 2015 and January 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 Kingstone and Thrupton 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 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 Kingstone and Thrupton NDP objectives and policies (July 2015 and January 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 Kingstone and Thrupton 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 ie they relate instead to criteria for development. In several cases the policies include measures to help support the natural environment including biodiversity. Policies also reflect existing commitments which have been assessed during the planning application stage.
- 2.6 It was also concluded that the Kingstone and Thrupton 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 Ross Housing Market Area.
- 2.7 Therefore it was concluded previously that the **Kingstone and Thrupton 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 have been screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in July 2015 and January 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. Some policies have been amalgamated and two have been deleted. However none of the modification significant alter the direction or stance of the submission policies which were previously assessed.
- 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 Kingstone and Thruxton 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 KTH1, KTH3, KTH4, KTH5, KTD2, KTD3, KTCF1, KTE1/3, KTF1/3, KTF2 have been reassessed following modifications. These policy modifications are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Kingstone and Thruxton 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 Kingstone and Thruxton NDP and the earlier HRA report and Addendum.

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 KTH1 Housing development buildings and phasing	Changes have been made to clarify development will be within the settlement boundaries and design criteria.	No, criterion has been added in line with comments from Natural England to the previous draft.	River Wye (including the River Lugg) SAC		No. This policy conforms to Policy RA2 of the Local Plan (Core Strategy), and additional wording has strengthened the policy.
Policy KTH3 Meeting local housing needs and providing a mix of new housing	Criteria has been amended to ensure clarity and not too over prescriptive with regards to type and provision of housing	n/a	n/a	n/a	No, this policy would not lead to development itself but guides mix and tenure.
Policy KTH4 Character and distribution of housing in Kingstone	Criteria included to ensure that any likely significant effect on the River Wye SAC is avoided or adequately mitigated	n/a	River Wye (including the River Lugg) SAC		No, policy criteria includes of reference to the River Wye SAC
Policy KTH5 Character and distribution of housing in Thrupton	Very small scale proportionate growth within the settlement boundary of Thrupton. Minor wording changes to ensure clarity and remove ambiguity.	n/a	River Wye (including the River Lugg) SAC	n/a	No, this policy will only lead to very small scale development within the settlement boundary of Thrupton. Wording to the overarching Policy KTH1 with assist in safeguarding any potential effects on the River Wye SAC catchment.
Policy KTD2 Protecting Local Green Spaces	Conserve and enhance local green spaces and green infrastructure. Protect public open spaces and identify names local green spaces. Minor wording amendments for clarity regarding private and public land	n/a	n/a	n/a	No, this policy would not lead to development rather it seeks to protect, enhance and designate areas of open space and green infrastructure to benefit the natural environment and character of the area.
Policy KTD3 Green Infrastructure	Policy has been strengthen to include reference to biodiversity ab dither environmental assets and the priority habitats	n/a	n/a	n/a	No, this policy will not lead to development in itself but outlines the green infrastructure requirements.
Policy KTCF1 Provision of protection of community facilities and services	Change to policy to ensure it is not over prescriptive regarding loss of facility	n/a	n/a	n/a	No, this policy seeks to avoid the change of use of specific community facilities within the settlement boundary

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 KTE1/3 Proposals for new employment	Two previous policy amalgamated to add clarity. Criteria regarding ponds, wetlands, SuD and River Wye SAC remain.	n/a	River Wye (including the River Lugg) SAC		No. This policy conforms to Policy RA6 and E1 of the Local Plan (Core Strategy), and includes policy criteria has strengthen this with regards to the River Wye SAC
Policy KTF1/3 Reducing flood risk	Promotion of surface water drainage measures for all developments. Avoidance of development within high flood risk areas All developments should include provisions to reduce surface water run off Promotion of SUDS Two policies have been amalgamated for clarity, however the stance and direction of the previous two policies remains	Improvements in likelihood of flooding and the knock on impacts of increased nutrient run-off into the River Wye catchment.	River Wye (including the River Lugg) SAC	n/a	No, this policy aims to reduce development within flood risk areas and reduce the impacts of surface water flooding. This in turn will reduce the impacts on the wider water environmental including the River Wye SAC catchment area.
Policy KTF2 Flood resilience	Design criteria to ensure all developments are more flood resist Addition of reference to Environment Agency advice regarding flood risk assessments	n/a	n/a	n/a	No, this policy is promoting design aspects of buildings to make them resistance to internal and external flooding occurrences. Policy has been strengthen by reference to Environment Agency guidance.

Appendix 2

Appendix 2 – Modifications to the Kingstone and Thruxton NDP following examination

Policy	Modification recommended	Justification
Modification 1 Front cover	Revise the date of the Neighbourhood Plan on the cover to 2016-2031	It is customary for the plan to be dated from the time it was made. however it should be noted that the growth targets within the NDP mirror that of the Core Strategy 2011-2031
Modification 2 Housing objectives	Revise the bullet points in the housing objective as follows: <ul style="list-style-type: none"> • <i>To ensure that</i> the overall scale of housing development is proportionate to....survey. The final sentence should be deleted from the objective and included within the supporting text to explain how the objective should be interpreted. • <i>To ensure that</i> an appropriate range of tenures, types and sizes of houses is provided to meet local housing needs as identified in local housing needs surveys. • <i>To ensure</i> housing development is sustainable • <i>To ensure that</i> housing development outside the settlement boundary <i>is limited to appropriate exceptional circumstances</i> 	To ensure that the statements are interpreted as objectives and to amalgamate similar matters.
Modifications 3 Policy KTH1	Revise the opening paragraph of the Kingstone section to read “Within the settlement boundary for Kingstone village.....new development <i>will be supported</i> where they..” Revise the opening paragraph of the Thruxton section to read “within the settlement boundary for Thruxton....new housing development <i>will be supported</i> where they” Delete criterion 2 under Kingstone Delete criteria 1 under Thruxton Revise bullet point 8 to read “Enhance	To ensure consistency by including commitment and built sites within the settlement boundary. To ensure clarity in the wording of the policy regarding the support for development within the settlement boundary. Delete reference to phasing as the permission has a phasing plan and the smaller site is now being developed.

	<p>the character of the area <i>by respecting the local vernacular and using appropriate designs and materials</i></p> <p>Delete the second and third sentences of the section of phasing</p> <p>Add at the end of the paragraph on Rural Exception Housing <i>“or is for affordable housing in accordance with Local Plan Policy H2”</i></p>	<p>Add clarity to the design criteria</p> <p>Add additional text to ensure conformity with Core Strategy policy H2.</p>
Modification 4 Policy KTH2	Delete 'etc' from bullet point 4	Remove the lack of clarity within the policy by the term 'etc'
Modification 5 Policy KTH3	<p>Revise paragraph 1 to read: <i>“Encouragement will be given to residential development that provides tenures, types and sizes of housing that will help to meet the local housing need, in particular”</i></p> <p>Revise second bullet point of first section to read “provision of one or two bedroomed <i>started homes</i> to meet the needs of first time buyers or”</p> <p>Revise the first sentence of the second section to read “All proposals for new housing development <i>should</i> demonstrate”</p> <p>Delete the second sentence of the first bullet point of the second section.</p> <p>Revie the second bullet point of the second section to replace 'must' with 'should'</p> <p>Number all the bullet points of the policy consecutively</p>	<p>Remove elements of the policy which are over-prescriptive and difficult to implement.</p> <p>Improve clarity and interpretation to ensure consistent implementation.</p>
Modification 6 Para 4.1.23 Policy KTH4	<p>Delete the objective in paragraph 4.1.23 relating to Policy KTH4</p> <p>Revise the first paragraph of KTH4 to read <i>“The design and layout of new housing development within the Kingstone settlement boundary should take into account the following.”</i></p>	<p>Remove objective which does not relate to policy.</p> <p>Ensure that policy is clear and able to be implemented.</p> <p>Include additional explanatory text</p>

	<p>Delete the following from point 1 “<i>and development should be limited to small or medium size schemes with a maximum of 15 dwellings</i>” and add this requirement as a new bullet point to Policy KTH1</p> <p>Delete “<i>with a variety of shapes and sizes</i>” from bullet point 2</p> <p>Replace “must” with “should” in bullet points 3 and 8</p> <p>Revise point 3 to read “New development should include open space with the development or make a contribution towards the enhancement of existing open spaces, play areas or landscaping in the locality”</p> <p>Include text in the background to policy to explain bullet point 4 on minimising light pollution</p> <p>Include text in the background to the policy to explain the design features that are considered to be locally distinctive and the particular features of the ‘deans’ house type</p>	<p>regarding light pollution as contained within the examiner’s report 3.42</p> <p>Include additional explanatory text regarding housing design as contained within examiner’s report 3.43</p> <p>Ensure clarity of the policy by use of the term ‘support’ rather than ‘permit’</p>
<p>Modification 7</p> <p>Policy KTH5</p>	<p>Revise the objective above Policy KTH5 as follows “To ensure that housing development in Thruxton contributes to the social wellbeing of the village and does not compromise the quiet rural nature of the parish”</p> <p>Revise the first sentence of Policy KTH5 to read “New housing will be <i>supported</i> within the settlement boundary of Thruxton where it comprises;”</p> <p>Revise point 1 to read “The sustainable re-use of redundant or disused buildings, including farmstead. The development should be designed to be of high quality and respect the character and significance of the building and its setting in accordance with Local Plan Policy RA5”</p> <p>Delete “within or adjacent to existing clusters of buildings in Thruxton” and</p>	<p>Ensure the objective is worded as an objective and not a policy requirement.</p> <p>Reworded to conform with Policy RA5 of the Core Strategy as not specific evidence has been included to justify or provide commentary on the significance of historic farmsteads in the plan area.</p> <p>Ensure clear and unambiguous policy wording regarding ‘within and adjacent’ to the settlement boundary</p> <p>Ensure clarity of the policy by use of the term ‘support’ rather than</p>

	“for instance” in point 2	‘permit’
Modification 8 Policy KTD1 Para 4.3.2	<p>Delete Policy KTD1</p> <p>Include the descriptions of the potential non-statutory heritage assets in an appendix head “potential non-statutory heritage assets in Kingstone and Thruxton – this list is not exhaustive”</p> <p>Delete the last sentence of paragraph 4.3.2 and insert the following “Descriptions of a number of potential non-statutory heritage assets are included in Appendix Xx. This list is not exhaustive. Herefordshire Council will be asked to consider their assessment for inclusion in a local list of non-statutory heritage assets. Development proposals affecting statutory or non-statutory heritage assets will be considered against Local Plan Policy LD4”</p>	<p>No evidence has been provided that the list is comprehensive or how it has been assessed and the wording is limited in relation to LD4.</p>
Modification 9 Policy KTD2	<p>Revise the opening sentence to read <i>“Development proposals should protect existing green infrastructure and where appropriate, enhance or provide new green infrastructure by”</i></p> <p>Revise the second and third sections to read “Development that would result in the loss of open spaces, recreation or amenity land will not be supported unless it meets the requirements of Local Plan Policy OS3. Any replacement open space should be secured for the benefit of the community. The following types of open space should be safeguards: bulleted list</p> <p>Include reference to the relevant Sport England guidance in the background text</p> <p>Revise the third part of the policy as follows” The following areas shown on Map 8 (Local Green Space) are designed as Local Green Spaces”. Number list of names</p> <p>“Local Green Spaces will be protected from development except in very</p>	<p>Ensure clarity of policy</p> <p>Some open spaces are identified as private therefore ‘public’ is deleted to add clarity</p> <p>To ensure reference to the relevant Sport England guidance is made within the text.</p>

	special circumstances.....will not be acceptable”	
Modification 10 Policy KTD3	<p>Revise paragraph 1 to read “<i>Wherever practical and feasible</i>, development proposals <i>should</i> include measures to enhance biodiversity as part of landscaping and building design”</p> <p>Revise third paragraph to read “....and other environmental assets as shown on Map 2 and 3...”</p> <p>Add reference to the Herefordshire Biodiversity action Plan priority habitats in the background text.</p>	<p>To include the useful summary regarding the background to the policy.</p> <p>Add clarity to the policy by cross referencing to the associated maps.</p> <p>To ensure feasibility and practicality of the possible</p>
Modification 11 Policy KTCF1	<p>Replace ‘permitted’ in line 2 and 9 with ‘support’</p> <p>Revise the second sentence of the first paragraph to read “<i>Where a development proposal would result in the loss of a community facility or service, the proposal should demonstrate how the factors set out in Local Plan Policy SC1 have been considered</i>”</p> <p>Revise point 3 to read “They do not have an unacceptable impact on the local highway network”</p>	<p>Ensure clarity of the policy by use of the term ‘support’ rather than ‘permit’</p> <p>To ensure the policy is not over prescriptive.</p> <p>To add clarity to the policy in terms of the highway network</p>
Modification 12 Economic objective	<p>Revise the economic objective to read “<i>To provide for the delivery of an appropriate growth in work unit development for local employment opportunities within Gooses Foot Industrial Estate and for a limited amount of appropriate employment development outside the settlement boundary to support rural diversification</i>”</p> <p>Delete the second sentence of the objective and the bullet points</p>	<p>To ensure that the objectives do not include policy statements.</p> <p>No evidence provide to support maximum floorspace requirements and therefore unduly prescriptive</p> <p>Move policy statements to the employment policy itself.</p>
Modification 13 Policy KTE1 and KTE2	<p>Revise Policy KTE1 as follows:</p> <p>New small scale employment development of B1, B2 and B8 and other employment uses of an appropriate scale and type should be located on the Gooses Foot Industrial</p>	<p>To ensure that the policy is clear and provides appropriate criteria to consider future development proposals.</p> <p>Remove the overlap</p>

	<p>Estate. Any proposals that would result in the loss of employment land on this estate should be considered against the provisions of Local Plan Policy E2.</p> <p>Employment development that would help to diversify the rural economy will be supported on sites outside Goodes Foot Industrial Estate and the settlement boundary where it meets the requirements of the Local Plan Policies RA5 and RA6.</p> <p>New or expanded employment development should:</p> <ol style="list-style-type: none"> 1. Not have a detrimental impact on residential amenity 2. Not result in an unacceptable impact on the environment in terms of noise, smells, pollution, light pollution and visual intrusion 3. Where possible, re-use brownfield land 4. Not lead to the loss of open space 5. Be designed to fit into the character of the local area 6. Incorporate landscaping around the site to screen buildings and parking areas and provide ponds or wetlands as part of SuDs 7. Have a means of access that can accommodate the number and type of vehicles associated with the business 8. Not have an unacceptable adverse impact on the local highway network and 9. Make adequate provision for parking for employees and visitors within the employment site <p>Retain Policy KTE1 paragraph 3 on flood risk, paragraph 5 on broadband and paragraph 6 on River Wye SAC.</p> <p>Delete Policy KTE2</p>	<p>between the policies.</p> <p>To ensure the timescales for marketing as consistent with the Local Plan as now evidence has been provide to increase the timescale.</p> <p>To remove unnecessary burdens on business development</p>
Modification 14 Flood Risk Objective	Revise the objective on flood risk section to read "To ensure that new development is designed to include suitable means of	To ensure the objective fully embraces the aspirations of the policy and is framed as an

	surface water management in order to reduce the risk of flooding and to increase its flood resilience”	objective.
Modification 15 Policy KTF1 and 4 KTF3	<p>Amalgamate Policy KTF1 and KTF3 and revise as follows “Development proposals should provide effective measures to manage surface water drainage from the site. Development should not result in an increase in run-off from the site and should aim to achieve a reduction in run-off rate and volume, where possible.</p> <p>Development proposals should increase a surface water drainage assessment to include on-site soakaway tests.</p> <p>Development should be designed to reduce surface water run-off by:</p> <ol style="list-style-type: none"> 1 maximising the retention of surface water within the development site and minimising run off to adjacent land and properties 2 including Sustainable drainage systems (SuDS) wherever possible; 3 Minimising hard standing and making use of porous surfaces, where possible; 4 taking account of existing topography to manage the flow of water along specific flow routes away from property, and into appropriate storage facilities; and 5 using water alleviation facilities such as bog gardens or child safe facilities such as covered lagoons, pond and swales. <p>Sustainable building designs that incorporate grey water storage will be encouraged.</p>	Policies are amalgamated and simplified in order to clarify the application of the policies with regards to managing and reducing surface water run-off.
Modification 16 Policy KTF2	<p>Delete the first sentence.</p> <p>Add the following in the supporting text: “The Environment agency and Defra</p>	Include reference to the DCLG flood design guidance and Environmental Agency

	have standing advice for completing flood risk assessment for planning applications. Detailed guidance on designing buildings to be flood resilient is set out in 'Improving the Flood Performance of New Building Flood Resilient Construction' (DCLG 2007)	standing advice.
Modification 17 Policy KTDC1	Delete Policy KTDC1 and the supporting test in section 4.6	Deleted as the section as drafted does not comply with the current legislation on developer contributions and Section 106 Agreements.
Minor amendments	<ul style="list-style-type: none"> • Update the information in Table 1 • Revise paragraph 4.0.2 to read 'Neighbourhood Plans are required to have regard to national planning policies and to be in general conformity with strategic local policies' • Update the background text to Policy KTH2 as necessary • Para 4.2.2 revise reference to 'English Nature' to 'Natural England' • Rename Policy KTD2 as 'Protecting and Enhancing Green Infrastructure' • Rename Policy KTD3 and Nature Conservation • Update section 5 as necessary 	To add clarity to the plan