

Habitats Regulations Assessment



Leintwardine Group Neighbourhood Area

Addendum

May 2016

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Appendix 2: Feedback on Habitat Regulation Assessment (HRA) Report consultation

1.0 Introduction

- 1.1 To ensure that the requirements of the Habitats Directive and Regulations are met, it is necessary to consider the modifications through the HRA process to the Leintwardine Group NDP; the NDP was refined by the NDP steering group to reflect feedback from consultation on the Draft Plan and Draft Habitat Regulations Assessment (HRA) Report, refer to Appendix 2.
- 1.2 The purpose of this further HRA Addendum Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Report (November 2015).
- 1.3 The refinements are not considered to significantly affect the conclusions of the earlier HRA report, although there is the removal of the allocated site due to the passage of time and a planning appeal approved for 45 dwellings in another location of the village, it does not 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 a NDP. Accordingly, a screening matrix was prepared (November 2015) and this determined the extent to which any of the policies and the site allocation in the Leintwardine Group NDP would be likely to have a significant effect on the River Clun SAC and Downton Gorge SAC.
- 2.2 The findings of the screening matrix can be found in Appendices 1 and 2 of that report (November 2015).
- 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 Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 For full details of the European Sites' attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Leintwardine Group Initial Screening Report. The Initial Screening Report, June 2014, can be found in Appendix 3 of the HRA report (November 2015). This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Leintwardine Group Neighbourhood Plan may affect site integrity.
- 2.5 None of the Leintwardine Group NDP objectives and policies (November 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 Leintwardine Group NDP, the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy) published on the Council's website.
- 2.6 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 mitigation measures to help support the natural environment including biodiversity, and therefore no significant effect conclusion could be reached. These policies have the potential to mitigate some of the possible adverse effects arising from other policies within the NDP. Downton Gorge SAC is vulnerable to air quality associated with poultry units and other intensive agricultural practices, Leintwardine is not proposing either of these within its policies.
- 2.7 It was also concluded that the Leintwardine Group NDP will be unlikely to have any in-combination effects with any plans from neighbouring parishes, as any sites currently allocated in the adjacent parishes' NDP is within the parameters set out within the Herefordshire Local Plan (Core Strategy), in addition across the County border in Shropshire the development identified within the SAMDev Plan identified a number of criteria to ensure mitigation against any development so that a no adverse impact on the River Clun SAC could

be reached. There are no Neighbourhood plans directly adjacent to Leintwardine Group within Shropshire.

2.8 Therefore it was concluded that the **Leintwardine Group draft NDP will not have a likely significant effect on the water quality River Clun SAC nor air quality on the Downton Gorge SAC.**

2.9 The proposed amendments to the Draft NDP following the Regulation 14 consultation are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in November 2015. A summary of the main findings are provided below.

3.0 Summary of main findings following Regulation 14 consultation

3.1 The Submission NDP incorporates suggestions made by consultees during the Regulation 14 Draft Plan consultation, by adding clarity and emphasis throughout the document. There have been some additions to the criteria in some of the policies which are strengthening up the protection of the area, encouraging active travel, and ensuring that the NPPF guidance of undertaking sequential and exception testing for flooding.

3.2 As part of the consultation comments Natural England responded to the HRA report and requested that some further information should be provided to ensure clarity within the sections. This advice has been taken on board and some further information has been provided in Section 2 above. In particular, it should be noted that the air quality of the Downton Gorge SAC will not be adversely impacted upon as there are no poultry units or other intensive agricultural practices identified within the submission NDP, and the remainder of the policies in the NDP are all criteria based to provide mitigation towards any development. The site allocation has now been removed from the Plan as another site has been approved via planning appeal in a different area of the village.

3.3 The revised NDP policies are therefore unlikely to result in significant effects on either of the European sites, a conclusion of which is based on assumptions and information contained within the Leintwardine Group NDP, the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy). There is no likely in combination effects with the SAMDev proposals in Shropshire County.

4.0 Conclusion

4.1 With reference to section 3 above, the additional criteria and information added to Policies LG4, LG6, LG11, LG12, LG15 and LG17 are not considered to affect the findings of the previous HRA report. On the contrary; they strengthen the likelihood of there being no adverse impacts.

4.2 Therefore the earlier conclusion that the **Leintwardine Group NDP will not have a likely significant effect on the River Clun SAC and Downton Gorge SAC** remains valid.

5.0 Next steps

5.1 This Addendum Report will be published alongside both the Submission NDP and earlier HRA Report for consultation. Any changes to the plan that arise from this consultation will be subject to further screening, in order to consider their impact on the water quality of the River Clun SAC and the air quality of Downton Gorge SAC.

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 redrafted policy implemented. Could they have Likely Significant Effects on European Sites?	European Sites potentially affected	Mitigation measures to be considered, to avoid any impacts	Could the policy have any likely significant effects on European sites (taking mitigation into account)?
Policies					
Policy LG4: Development within Leintwardine Conservation Area	N/A	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	N/A	No. This policy will not lead to new development; rather it aims to ensure that any development proposed will preserve and enhance the conservation area, this has been further enhanced by a new protecting important views and settings criteria.
Policy LG6: Sustainable Design	N/A	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	This policy will help to mitigate the potential effects of any future development by encouraging sustainable design methods including reducing the carbon footprint of any development.	No. This policy will not lead to new development; rather it specifically aims to ensure that any development proposed will be sustainable. As such this policy could help to provide mitigation against the potential of other NDP policies. The additional wording of ensuring 'sequential and exception' tests as set out in the NPPF will further enhance the mitigation.
Policy LG11: Housing Land adjacent to the Surgery	Housing Development Increased in vehicle traffic	This policy details the two commitment sites with planning permission within the village of Leintwardine and provides criteria for each development. These sites are not directly adjacent to either of the SACs within the Parish.	No likely significant effect on the River Clun SAC or Downton Gorge SAC	Within this policy there are mitigation methods to help reduce the potential impacts arising from these developments. Ensure during development phase that there are mitigation methods in place to reduce any adverse impact that could occur during the development.	No. Although this policy is identifying a site for housing development within the village, it does include mitigation methods as well as the additional policies within the NDP and Core Strategy that have measures to mitigate against the impact of the development. In addition, the development is not over and above the Core Strategy requirement which has been identified as not having a significant effect on the River Clun SAC and Downton Gorge SAC.
Policy LG12: Supporting Local Businesses	Increase in home working Small work premises Reduced vehicle traffic Retaining existing employment sites Encourage active travel	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	This policy should help to mitigate the potential impacts of other NDP policies in relation to increased traffic due to reducing the extent to which people need to travel for work, and encouraging active travel.	No. Although this policy encourages some development it is of small scale and encourages home working thereby reducing the need to travel in both instances. There are measures in other policies in the Plan that will help to mitigate against any negative impact the policy may have.
Policy LG15: Protection and Enhancement of Services and Facilities	Development of social and community facilities and infrastructure	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	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	No. The scale and extent of such development is not likely to be significant. It also relates to the criteria for the protection of existing community facility or any new community development, which ensures that mitigation methods are put in place for any

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				mitigate against any potential adverse impact.	adverse impacts that may arise.
Policy LG17: Provision of local sports area	Playing area provision Increase active travel	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	N/a	No. Although this policy could lead to some small scale development these will be ancillary to the playing pitch area.

Appendix 2

Template 2: HRA Consultation Feedback

This consultation feedback is **only** for comments received on the HRA of the Neighbourhood Development Plan

Parish Council Name: Leintwardine Group

Neighbourhood Development Plan Name: Leintwardine Group

Details of consultation: *Regulation 14 Draft Plan consultation*

Consultation date: 5/12/2016 – 30/01/2016

Response Date	Consultee	Summary of Comments	Response to Comments
29/01/2016	Natural England	<p>Advise expanding section 4 and 8 to explain how conclusion of no likely significant effects has been reached on Downton Gorge SAC.</p> <p>Show in Section 6 if the combination impacts have been considered for other plans and projects which are in Shropshire.</p> <p>In Section 6.3 the HRA refers to Nutrient Management Plan for the Sac, advise to make it clear that this is for the R.Wye SAC rather than the R.Clun SAC.</p> <p>Remove the word 'only' from section 8.4 as this is misleading.</p>	<p>Noted, additional comments will be included within the HRA addendum report.</p>

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