

# Habitats Regulations Assessment



## Leintwardine Group Neighbourhood Area

Addendum

January 2017



**Herefordshire  
Council**

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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 modifications through the HRA process to the Leintwardine Group NDP. The NDP has now been through an Independent Examination by Liz Beth and within her report she has recommended a number of modifications to ensure that the plan meets the Basic Conditions.
- 1.2 Herefordshire Council have accepted these modifications to the NDP. Therefore, the document has been updated to reflect the modifications which consisted of points of clarity and compliance with national policy. The 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 Report (November 2015 and May 2016).
- 1.3 The Modifications are not considered to significantly affect the conclusions of the earlier HRA report; as there did not involve the introduction of new policies or changes 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 and May 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 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 final NDP following examination have been screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in November 2015 and May 2016. A summary of the main findings are provided below. The full findings can be found in Appendix 1 of this report.

### **3.0 Summary of main findings following examination**

3.1 The final NDP incorporates the modifications that the 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 has been introduced into the Final NDP following the examination. A total of 20 modifications have been made to add clarity to the policies or ensure that they are in conformity with national policy. None of these significantly 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 which is based on the assumptions and information contained within the Leintwardine Group NDP, the Herefordshire Core Strategy and the HRA for both plans.

### **4.0 Conclusion**

4.1 With reference to section 3 above, modifications made to policies LG1, LG2, LG4, LG5, LG6, LG8, LG10, LG11 (deleted), LG12, LG13, LG16, LG17, LG18 and LG19 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 the final Leintwardine Group NDP and the earlier HRA report and Addendum.

# Appendix 1

NDP options / objectives / policies	HRA Screening of modified 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)?
<b>Policies</b>					
<b>Policy LG1: Promoting a Sustainable Community</b> Points of clarification	Encourages sustainable development and communities	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	N/A	No. The policy would itself not lead to development; instead it relates to criteria for encouraging sustainable development and sustainable communities.
<b>Policy LG2: Protecting Heritage Assets</b> Points of clarification	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 within the Neighbourhood Area will conserve and enhance the local Historic Assets.
<b>Policy LG4: Development within Leintwardine Conservation Area</b> Points of clarification	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
<b>Policy LG5: Design appearance</b> Points of clarification	N/A	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	This policy should help to mitigate the potential effects of future development, by ensuring the appearance and character of the area is maintained and enhanced.	No. This policy will not lead to new development; rather it specifically aims to ensure that any development proposed will protect and enhance the character and appearance of the village. As such this policy could help to provide mitigation against the potential of other NDP policies.
<b>Policy LG6: Sustainable Design</b> Points of clarification	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.
<b>Policy LG8: Highway Requirements</b> Points of clarification	Highway improvements	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 improvements to traffic and highways through the village.
<b>Policy LG10: Leintwardine Settlement Boundary</b> Realignment of the settlement boundary for consistency	Highlights the boundary for the village core of where development would be acceptable	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	N/A	No. The policy would itself not lead to development; instead it relates to criteria for where the village core is and therefore where development is demonstrated as acceptable.

NDP options / objectives / policies	HRA Screening of modified 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)?
<b>Policy LG12: Supporting Local Businesses</b> Points of clarification	Increase in home working Small work premises Reduced vehicle traffic Retaining existing employment sites	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.	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.
<b>Policy LG13: Renewable Energy</b> Points of clarifications	Development of renewable energy infrastructure	No likely significant effect on the River Clun SAC or Downton Gorge SAC	N/A	N/A	No, most of this policy will not lead to development, rather it sets out criteria aiming to ensure that new development reduces Leintwardine 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 Clun SAC or Downton Gorge SAC.
<b>Policy LG16: Safeguarding local greenspace</b> Clarification on open spaces and Local Green Spaces	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 specifically aims to protect existing local green space.
<b>Policy LG17: Provision of local sports area</b> Clarification on open spaces and Local Green Spaces	Playing area provision	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.
<b>Policy LG18: Use of Community Infrastructure Levy</b> Policies of clarification	New infrastructure for Broadband development	No significant effect on the River Wye (including the River Lugg) SAC.	N/A	This policy should help to mitigate the potential impacts of other NDP policies in relation to increased traffic, and new business developments due to reducing the extent to which people need to travel for work.	No. Although this policy may lead to some new development this will be small scale to allow for the implementation of high speed broadband across the Parish. This in turn can allow new types of businesses to occupy the Parish and also allow for home working, thereby reducing the need vehicle traffic travelling across the County.

# Appendix 2



**Appendix 2 – Modifications to the Leintwardine Group NDP following examination**

Policy	Modification recommended	Justification
Modification 1  Policy LG1 – Promoting a sustainable community	<i>Amend policy to read:</i>  <i>Development proposals must comply with the policies in this Neighbourhood Plan and where this plan does not cover a proposal, any decision should reflect, where possible, the community's sustainable development priorities set out in this policy. Above and below are policies within the Herefordshire Core Strategy. In particular Policy SS4. Where there are overriding material considerations that indicate these policies should not be followed then compensatory or mitigation measures will be sought as part of the development proposal to ensure priorities set out in this policy are still met.</i>	To ensure greater clarity and accuracy within the policy and to ensure the policy meets the basic conditions.
Modification 2  Policy LG2 – Protecting Heritage Assets	Amend points b) and c) to read:  b) <i>Requiring appropriate development proposals elsewhere to be accompanied by full archaeological investigations and in the event of significant and/or extensive remains being found they should be preserved in-situ wherever possible, in accordance with paragraph 135 of the National Planning Policy Framework.</i>  c) <b>Requiring existing development to protect and enhance where possible that adversely affects features and or the setting of Listed Buildings and other similar heritage assets.</b>	To ensure policy is phased positively and add clarity ensuring compliance with para 137 of the NPPF
Modification 3  Para 3.3	Insert additional text in para 3.3 of the text to explain the support of the NPPF for preserving found heritage remains.	To provide justification for Policy LG2.
Modification 4  Policy LG4 – Development within Leintwardine Conservation Area	Amend point b) to read;  b) <i>The Conservation Area setting and views into and from the village should be preserved, in particular from the south and east, which reinforce the compact nature of the village by protecting them from inappropriate forms of development. The most important views and settings are.....</i>	To ensure that the policy is not unduly negative and contrary to the NPPF.
Modification 5  Policy LG5 – Design appearance	Amend points b) and g) to read;  b) <del>With regard to New</del> innovative design or features, <del>those will not necessarily be resisted but</del> <b>should be of high quality and fit</b>	To ensure that the wording is clear as to its intent and to identify the Leintwardine Village Design Statement within the text.

	<p><i>sensitively within the particularly village frontage and street scene;</i></p> <p>g) <i>Within Leintwardine generally comply with the <b>Leintwardine Village Design Statement.</b></i></p>	
<p>Modification 6</p> <p>New para after para 3.24</p>	<p><b>Leintwardine's location is such that working from home is undertaken by many residents and support for this is important. However, the intensity of use associated with a home based enterprises can adversely affect residential amenity, particularly that of neighbouring properties. Adverse effects most often arise from the amount of traffic generated by the enterprise and /or the number and size of vehicles either based at or visiting the enterprise. Residential roads and parking arrangements are not usually planned to accommodate such traffic. Consequently this issue needs to be considered in determining whether an enterprise is in an appropriate location. Developments that make provision for working from home should consider how the design and location of parking might support working from home whilst mitigating the effects on residential amenity.</b></p>	<p>To add additional text to ensure the links between working from home and residential amenity is apparent.</p>
<p>Modification 7</p> <p>Policy LG6 – Sustainable design</p>	<p>Amend the first paragraph and points f) and j) to read;</p> <p><i>An integrated approach to achieve a high standard of sustainable design will be required to, in particular, achieve the maximum possible reduction in the carbon footprint of any development. Development proposals <del>should</del> <b>are encouraged to contain a co-ordinated package of design measures which, in addition to regulatory requirements, include:</b></i></p> <p>f) <i>Assisting offsite measures such as supporting infrastructure to promote sustainable travel and enabling a sustainable drainage system to serve a wider range of properties where <b>appropriate</b>, opportunities exist</i></p>	<p>In order to comply with the Ministerial Statement of March 2015 and is a reasonable requirement of development proposals.</p>
<p>Modification 8</p> <p>Policy LG8 – Highway requirements</p>	<p>Amend points b) and f) to read;</p> <p>b) <i>Proposals would not result in on-street parking but should provide adequate parking for residents and visitors <del>and preferably include proposals that would reduce any on-line street parking that may exist within the area concerned</del></i></p>	<p>To remove reference to points which are not legally reasonable.</p>

	f) <i>There is no adverse effect upon the highway, Public Rights of Way network or adjacent properties as a consequence of storm water drainage flowing along any road or parking areas; and</i>	
Modification 9 Policy LG10 Leintwardine settlement boundary	An additional paragraph after 5.6 should be inserted in the justification text explaining the origin of the settlement boundary, and the reasons for alternation to this boundary.  This text to include the inclusion of the new residential development since the previous boundary was drawn, the exclusion of the Local Green Space and Open Space adjacent to the boundary and that committed sites have been excluded (or alternatively both included)	To comply with government advice and provide justification on the revisions of the settlement boundary.  To ensure consistency in the treatment of committed sites and their inclusion within the settlement boundary.  Given the reliance on commitment sites within Policy LG9 is has been concluded that both commitment sites should be included within the settlement boundary.
Modification 10  Policy LG10 – Leintwardine settlement boundary	The boundary of the Leintwardine policies map to be revised as above.	To amend the boundary on the policies map in line with the policy amendments.
Modification 11  Policy LG10 – Leintwardine settlement boundary	Policy LG10 g) should be altered to read:  <i>g) proposals will <del>in particular</del> be supported where;</i> <i>i) they result in the enhancement of Leintwardine Conservation Area;</i> <i>ii) they involve custom built and/or self-build houses affording a housing opportunity to someone with a local connection where proposals comply with other relevant policies contained within this plan.</i>	To ensure clarity and proportional evidence
Modification 12  Policy LG11 – Housing sites in Leintwardine	Policy LG11 should be deleted and subsequent policies renumbered  Delete the final sentence of para 8.2	To ensure that the plan is relevant, appropriate and not over prescriptive in line with the NPPF.  Many of the requirements are covered by other policies within the plan. Some are highway requirements not planning policy.  m) to o) are beyond the scope of planning policy.

<p>Modification 13</p> <p>Policy LG12 – Supporting Local Enterprise</p>	<p>Policy LG12 f) to be reworded as follows;</p> <p>f) in relation to the conversion of rural buildings to employment uses, where the building involved contributes to the character of the parish, <del>this</del> <b>the existing external appearance, setting and form</b> should be retained, <del>in particular by the form of the conversion and avoiding</del> unacceptable external storage and paraphernalia <b>avoided</b>.</p>	<p>To ensure the intent is clear</p>
<p>Modification 14</p> <p>Policy LG13 – Renewable energy</p>	<p>Policy LG13 to the end after point e) and final sentence to be deleted.</p>	<p>To ensure compliance with the basic conditions</p>
<p>Modification 15</p> <p>Policy LG16 – Safeguarding Local Green Space</p>	<p>Policy LG16 to exclude children’s play area and the school field from the designated Local Green Space list and remove the repeated justification for the cemetery. For clarification;</p> <ul style="list-style-type: none"> <li>• The area comprising part of the parkland at Seedley House adjacent to High Street</li> <li>• Leintwardine Bridge Green</li> <li>• <del>Children’s play area at Rosemary, The Griffins and Roman Close</del></li> <li>• Leintwardine cemetery <del>which also contributes to the separation between the old village and more recent 20/21<sup>st</sup> century development.</del></li> <li>• <del>Leintwardine Primary School Playing Field.</del></li> </ul>	<p>In order to comply with the NPPF para 76/77 as these areas are considered to be open spaces and not Local Green Spaces</p>
<p>Modification 16</p> <p>Policy LG16 – Safeguarding Local Green Space</p>	<p>The Leintwardine proposals map to be amended to show only the designated Local Green Spaces as modified and a new designation of area of open space.</p>	<p>In order to comply with the NPPF and reflect policy amendments.</p>
<p>Modification 17</p> <p>Policy LG17 – Provision of Local Sports Area</p>	<p>The title of the Policy LG17 to be altered to ‘Open Space and provision of Local Sport Area’</p> <p>The policy to include the following extra first paragraph:</p> <p>Existing open space is to be protected for community use and any development on it will be expected to retain and where possible improve that use. The following sites are designated as Open Space;</p>	<p>To include those areas previously included as Local Green Space and ensure open space protection.</p> <p>It should be noted that the third area is known locally as: The amenity area at the Crifftin’s. Therefore the reference will be updated to include this reference.</p>

	<ul style="list-style-type: none"> <li>Leintwardine Primary School Playing Field</li> <li>Children's play areas at Rosemary</li> <li>Children's play area at the Griftins</li> <li>Children's play area at Roman Close</li> </ul>	
<p>Modification 18</p> <p>Policy LG18 – Use of Community Infrastructure Levy</p>	<p>Policy LG18 is to be revised as follows:</p> <p>Policy LG18: <del>Use of</del> <b>Developer Contributions and future Community Infrastructure Levy (CIL)</b></p> <p><b>Where</b> appropriate new development within the Leintwardine Group Parish should contribute towards <b>necessary community infrastructure</b> the provision, improvement, replacement, operation or maintenance of community facilities and infrastructure in order to address the demands of sustainable development. Contributions <del>should to be made through Section 106 Agreements, and if and when available CIL or other agreements</del> <b>developer contribution mechanisms</b> that may be available at the time during the period of the plan.</p>	<p>To reflect the currently status of CIL and developer contributions within the County.</p>
<p>Modification 19</p> <p>Policy LG 19 – Leintwardine Group policies Map</p>	<p>For the clarity and accuracy required by the basic conditions, I recommend the following amendments to this figure;</p> <p>The map needs to show the River Clun SAC as a brown line within the plan area. The key shows 'LWS and Sites of Importance for Nature Conservation' as brown cross-hatching but this is barely showing up in the map at present and is not clear.</p>	<p>The notations on the map are countywide policies mapping notations.</p> <p>It is acknowledge that the nature conservation mapping is unclear when printed at this scale so an additional note will be added to the map to ensure clarity on the proposals map.</p>
<p>Modification 20</p> <p>Appendix 2</p>	<p>The title and introductory text of Appendix 2 to be changed as follows:</p> <p>Appendix 2: <del>Non-statutory</del> <b>Enabling Actions</b> policy</p> <p>The following policies are not for the purpose of land use planning but indications of actions to be pursued by Leintwardine Group Parish Council to support the growth that this Neighbourhood Plan proposes and to address community needs in terms of facilities, services and key infrastructure.</p> <p><del>LG(NS)19:</del> <i>Enabling Associated Measure</i>  <del>LG(NS)20:</del> <i>Parish projects</i>  <del>LG(NS)24:</del> <i>Assets of Community Value</i></p>	<p>To ensure that it is clear that these are not land us policies</p>