

# Habitats Regulations Assessment



## Little Dewchurch Neighbourhood Area

Addendum

March 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 proposed modifications through the HRA process to the Little Dewchurch NDP. The NDP has now been through an Independent Examination by Christopher Collison and within his report he 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 wording 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 (February 16 and August 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 Little Dewchurch NDP would be likely to have a significant effect on the River Wye SAC. It should be noted that the River Wye itself is not within the parish but the parish is contained within the hydrological catchment of 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 Little Dewchurch NDP objectives and policies (February 2016 and August 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 Little Dewchurch 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 naturel environment including biodiversity.
- 2.6 It was also concluded that the Little Dewchurch 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 Hereford Housing Market Area.
- 2.7 Therefore it was concluded previously that the **Little Dewchurch 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 February 2016 and August 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 – modifications to the NDP following examination**

- 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 One new policy has been introduced into the Final NDP following the examination, however this was created from separating the wording of one policy into two so no new information has been added. There have been some minor word changes to other policies but none of the modifications 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 Little Dewchurch 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 have been reassessed following modifications; ENV1, ENV2, SB1, H1, H2, E1, INF1, RE1, CF1. These policy modifications are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Little Dewchurch 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 Little Dewchurch NDP and the earlier HRA report and Addendum.

# Appendix 1

HRA Report –Little Dewchurch Neighbourhood Plan (February 2017) - HRA Screening of post examination Neighbourhood Development Plan modified policies

Date undertaken: **February 2017**

NDP modified policies	HRA Screening of post examination NDP 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 (LSE) 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)?
<p>Policy ENV1 – Natural and Built Environment</p> <p>Amendment has sought to add clarification to the wording rather than change the emphasis of the policy</p>	<p>Safeguard local character including local habitats and biodiversity value</p> <p>Modifications have included reference to native trees and hedgerows</p>	<p>This policy is seeking to protect those elements of the natural environment which could have a positive effect on the European site</p>	N/A	N/A	<p>No; this policy is seeking to protect and enhance those features of the natural environment with a specific criteria relating to biodiversity and local habitats.</p>
<p>Policy ENV2 – Local Green Spaces</p> <p>Wording changes to add clarity to the policy</p>	<p>Protect existing open spaces.</p> <p>Modification has included reference to the improvement of local green spaces</p>	N/A	N/A	N/A	<p>No; this policy is seeking to safeguard four existing open spaces within the village.</p>
<p>Policy SB1 – Settlement boundary</p>	<p>Designates a settlement</p>	<p>This policy will seek to direct the majority of</p>	<p>River Wye (including the</p>	<p>Criteria within the policy highlights</p>	<p>No: this policy will allow for the small scale sustainable</p>

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<p>Minor wording modifications</p>	<p>boundary for the settlement of Little Dewchurch</p>	<p>the development to the settlement rather than the wider parish</p>	<p>River Lugg) SAC</p>	<p>development should take place within the settlement boundary.</p> <p>The settlement boundary is not within the flood area of the Wriggle Brook, however the area forms part of the River Wye hydrological catchment. However the policy would result in very small scale growth.</p> <p>The implementation of the Core Strategy policies SD3 and SD4 should help to avoid adverse impacts in relation to hydrological regimes at the River Wye. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural</p>	<p>growth of Little Dewchurch village in line with Core Strategy policy RA1/RA2.</p>
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HRA Report –Little Dewchurch Neighbourhood Plan (February 2017) - HRA Screening of post examination Neighbourhood Development Plan modified policies

				England and the Environment Agency.	
<p>Policy H1 – Housing Delivery</p> <p>Minor wording clarifications but not a change in emphasis</p>	<p>Housing delivery and distribution within the parish.</p> <p>Factual update to the commitment figures</p>	<p>The River Wye does not flow through the parish but the Wriggle Brook forms part of the hydrological catchment of the River Wye (including River Lugg) SAC</p>	<p>River Wye (including the River Lugg) SAC</p>	<p>Distribution within the policy highlights the majority of the development should take place within the settlement boundary.</p> <p>The settlement boundary is not within the flood area of the Wriggle Brook, however the area forms part of the River Wye hydrological catchment. However the policy would result in very small scale growth.</p> <p>The implementation of the Core Strategy policies SD3 and SD4 should help to avoid adverse impacts in relation to hydrological regimes at the River Wye.</p>	<p>No: this policy will allow for the small scale sustainable growth of Little Dewchurch village in line with Core Strategy policy RA1/RA2.</p>

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				Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.	
Policy H2 – Housing design criteria  Reworking for clarification	Development criteria for any housing proposal	Will not lead directly to development. Criteria contained to safeguard water management and protection of the natural environment	River Wye (including the River Lugg) SAC	Criteria is contained within this policy which complement SD3 and SD4 of the Core Strategy with regards to water management	No; policy will not lead to development directly but contains criteria new proposals will be adjudged against. This includes criteria regarding water management.
Policy E1 – Rural Employment  Reworking for clarification	Encouragement of small local business start-ups, working from home and farm diversification primarily in conversion, extensions.	Employment and infrastructure development.  Possible vehicular movements and demand for water abstraction and treatment.	River Wye (including the River Lugg) SAC	The Core Strategy policy LD2 will aim to help avoid any adverse impacts on the River Wye for new employment or businesses uses.  Improved water efficiency measures, metering and addressing leakages in the supply may help to mitigate any	No: this policy is seeking to allow further working for home and small scale businesses. This may have a positive effect on reducing the need to travel.  There are policy safeguards within Core Strategy policies that will help mitigate potential likely significant effects.

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				<p>additional pressures on the water supply as a result of new development.</p> <p>Measures within Core Strategy policy SD1 should help to mitigate potential impacts relating to non-physical disturbances.</p> <p>The implementation of Core Strategy policies SD3 and SD4 should also help to avoid any adverse impacts in relation to the hydrological regimes at the River Wye. Water Quality in the River Wye is also being specifically addressed through the Nutrient Management Plan.</p> <p>This Little Dewchurch NDP policy should help to reducing the extent</p>	
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HRA Report –Little Dewchurch Neighbourhood Plan (February 2017) - HRA Screening of post examination Neighbourhood Development Plan modified policies

				to which people need to travel to work especially in connection with policies to improve network connections.	
<p>Policy INF1 – Local Infrastructure</p> <p>Wording clarification</p>	<p>This could result in additional masts and transmitter facilities within the parish.</p>	<p>Depending on location could be physical disturbance.</p> <p>Uncertain as to the impacts upon the River Wye SAC dependent on the location of development, however the policy could result in some small scale infrastructure.</p>	<p>River Wye (including River Lugg) SAC</p>	<p>The reference to the capacity of the sewerage network and potential phasing for development within the village will have a positive effect on the water quality and discharge into the hydrological catchment of the River Wye SAC</p>	<p>No: the policy itself will not lead to development but provided the criteria by which any development proposal will be adjudged.</p> <p>A number of policy safeguards exist both within the Core Strategy and the Little Dewchurch NDP. With the additional wording regarding the sewerage capacity this has strengthened the safeguards.</p>
<p>Policy RE1 – Renewable Energy</p> <p>Minor policy wording changes</p>	<p>Policy is aiming to encourage the provision of small scale community renewable energy schemes</p>	<p>Depending on type and location of infrastructure;</p> <p>Physical damage or disturbance</p> <p>Non-physical disturbance such as noise</p>	<p>River Wye (including River Lugg) SAC</p>	<p>Measures included within policy SD2 of the Core Strategy should help to mitigate potential impacts relating to non-physical disturbances.</p> <p>Good practice</p>	<p>No; this policy could result in the development of renewable energy infrastructure which depending on location could have potential effect on the hydrological catchment of the River Wye. However, sufficient policy safeguards are in place within the Core</p>

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				construction techniques including noise suppression measures, hours of operation may help to mitigate potential adverse effects during construction.	Strategy and with the inclusion of additional wording within the Little Dewchurch NDP policy to avoid or mitigate any likely significant effects on the River Wye.
Policy CF1 – Community facilities  Minor wording changes for clarification	Encourage and enhance the use of community facilities.	N/A	N/A	N/A	No: this policy in itself would not result in new development rather it relates to the safeguarding and enhancement of existing community facilities.

# Appendix 2

**Appendix 2 – Modifications to the Little Dewchurch NDP following examination**

Policy	Modification recommended	Justification
Modification 1  Policy LDENV1	<p>Replace the 1<sup>st</sup> paragraph with:</p> <p>‘To be supported development proposals that impact on the Wye Valley Area of Outstanding Natural Beauty must demonstrate highest priority has been given to the conservation and enhancement of the amenity, visual quality, natural beauty and wildlife of the area’</p> <p>In the 2<sup>nd</sup> paragraph after ‘need to’ insert ‘demonstrate that they’</p> <p>In the 2<sup>nd</sup> paragraph, penultimate bullet point, delete ‘protecting’ and insert ‘conserving’</p> <p>In the 3<sup>rd</sup> paragraph delete ‘Ensure that any development is’ and insert ‘development proposals must demonstrate that they are’ and delete ‘is of’ and insert ‘are of’</p>	To improve clarity and ensure a practical framework for decision making
Modification 2  Policy LD ENV2	<p>Replace Policy LD ENV2 with</p> <p>‘The following areas identified on Plan 1 are designated as Local Green Space where new development is ruled out other than in very special circumstances, for example, it is essential to meet specific necessary utility infrastructure needs and no alternative feasible site is available;</p> <ul style="list-style-type: none"> <li>• The village green</li> <li>• The recreational playing field</li> <li>• School playing field</li> <li>• Churchyard’</li> </ul>	To ensure the policy reflects the NPPF
Modification 3  Policy LD SB1	<p>Replace the first two paragraphs of Policy LD SB1 with ‘ Development proposals will be supported within the Little Dewchurch settlement boundary defined on Plan 1’</p> <p>In the final paragraph delete ‘permitted’ and insert ‘supported’</p>	To improve clarity and ensure a practical framework for decision making
Modification 4  Policy LD H1	<p>In Policy LD H1</p> <p>Delete ‘the plan will provide for’ and insert ‘Development proposals will be supported that provide’</p> <p>Delete the second sentence</p> <p>Delete ‘met’ and insert ‘meet’</p> <p>Insert ‘approximately’ before ‘20’</p>	To improve clarity and ensure a practical framework for decision making and accord wjth para 17 and 173 of the NPPF

	<p>After 'expected' insert 'subject to viability considerations'</p> <p>Delete 'through the village'</p>	
<p>Modification 5</p> <p>Policy LD H2</p>	<p>Replace Policy LD H2</p> <p>'Housing proposals will be supported where they demonstrate that they;</p> <ul style="list-style-type: none"> <li>• Respect their natural and built environment setting including open spaces, biodiversity and landscape setting, and are designed and use materials that reinforce local distinctiveness;</li> <li>• Maintain existing residential amenity and are likely to achieve satisfactory residential amenity for future occupiers;</li> <li>• Are of a scale and form that contributes to meeting the latest assessment of local housing needs;</li> <li>• Include energy efficient measures and renewable energy generation;</li> <li>• Include safe access and sufficient parking provision for users and</li> <li>• Will not increase surface water runoff</li> </ul>	<p>To improve clarity and ensure a practical framework for decision making</p>
<p>Modification 6</p> <p>Policy LD E1</p>	<p>Replace Policy LD E1 with</p> <p>'Rural employment proposals which respect their built and natural environment setting, including flooding and drainage considerations, and where there is no significant adverse effect on residential amenity, including through traffic generation, will be supported where they;</p> <ul style="list-style-type: none"> <li>• Develop and diversify agricultural and other land based rural businesses</li> <li>• Develop rural tourism</li> <li>• Extend existing employment premises</li> <li>• Convert and re-use redundant rural buildings to business use, including live work units</li> <li>• Develop well-designed new employment buildings in previously developed land or other suitable sites</li> <li>• Enable home working, including through extensions of existing residential properties.</li> </ul> <p>To be supported proposals that would result in the loss of existing business premises must demonstrate the existing use is no longer viable, or that the premises are to be replaced with business premises of an equivalent size, quality and accessibility.</p>	<p>Ensuring that the policy has regards to the components of the NPPF; supporting a prosperous rural economy, requiring good design, conserving and enhancing the natural environment and conserving and enhancing the historic environment.</p>
<p>Modification 7</p> <p>Policy LD INF1</p>	<p>Replace Policy LD INF1</p>	<p>To improve clarity and ensure a practical</p>

	<p>'Development proposals for mobile phone and superfast broadband infrastructure will be supported where they demonstrate they will not adversely affect residential amenity or the historic and natural environment. To be supported all new development proposals must include on-site provision to enable access to superfast broadband.</p> <p>Development proposals will be supported where they provide for safe pedestrian and vehicular access to the highway network.</p> <p>Development proposals for new homes will be supported where they demonstrate they will not result in on-street parking of vehicles.</p> <p>Development proposals will be support where they demonstrate they will not result in an increase in surface water run-off.</p> <p>Development proposals will be supported where they demonstrate adequate public sewerage capacity.</p>	framework for decision making
Modification 8 Policy LD RE1	<p>In Policy LD RE1</p> <p>In the 1<sup>st</sup> paragraph after 'proposals' insert 'for buildings' and delete 'within individual private proposals'</p> <p>In the 2<sup>nd</sup> paragraph delete 'in addition' and delete 'if further consultation with the parish indicates there was majority community support'</p> <p>In the 3<sup>rd</sup> paragraph delete 'renewable energy proposals will need to' and insert 'to be supported renewable energy proposals must demonstrate they'</p> <p>Delete the 4<sup>th</sup> paragraph</p>	<p>To remove reference to the nature of ownership which is not a material planning consideration.</p> <p>To ensure clarity and certainty in terms of the NPPF</p>
Modification 9 Policy LD CF1	<p>In policy LD CF1</p> <p>Replace the 1<sup>st</sup> bullet point with 'Proposals that will result in loss or reduction of the following community facilities will only be supported where it is clearly demonstrated they are no longer fit for purpose or viable, or that an equivalent equally accessible alternative community facility is/or will be available within the parish;</p> <ul style="list-style-type: none"> <li>• The Plough Inn</li> <li>• The Church</li> <li>• The Village Hall</li> <li>• The recreational playing field and adjacent Adventure Park</li> </ul>	To improve clarity and ensure a practical framework for decision making



Modification 10	Modifications of general text will be necessary to achieve consistency with the modified policies.	To ensure the final plan reads consistently
Minor amendments		