

# Habitats Regulations Assessment



## Staunton on Wye & District Group Neighbourhood Area

Addendum

January 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 Staunton on Wye NDP. The NDP has now been through an Independent Examination by Clare Wright 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 (October 2014 and February 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 in the Staunton on Wye 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 and objective 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 Staunton on Wye NDP objectives and policies (October 2014 and Addendum in Feb 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 Staunton on Wye 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 It was also concluded that the Staunton on Wye NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are allocated for development in these.
- 2.7 Therefore it was concluded previously that the **Staunton on Wye 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 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 Staunton on Wye 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, and the deletion of criterion within Policies SOWG1, SOWG2, SOWH1, SOWH4, SOWB6 and SOWC1 are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Staunton on Wye 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 Staunton on Wye NDP and the earlier HRA report and Addendum.

# Appendix 1

| Redrafted Policy  | HRA Re-Screening Assessment of Emerging redrafted NDP policies  |   |                                     |   |  |
|---|---|---|-------------------------------------|---|--|
|   | Likely activities (operations) to result as a consequence of the redrafted objective/option/policy  | Likely effect if redrafted policy implemented. Could they have LSE on European Sites? | European Sites potentially affected | 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?   |
| <b>SOWG1 – Restriction of development</b>                         | Protection of flood plain, and no development within 100 metres of the River Wye SAC  | No likely significant effect on the River Wye SAC                                     | River Wye 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 October 2014 and February 2015 HRA Reports.  | No, as the policy will not lead to new development; rather it aims to ensure that all development proposed will be at least 100 metres distant from the River Wye SAC, thereby preventing any harm to protected species.                   |
| <b>SOWG2 – Protection and enhancement of green infrastructure</b> | Policy to facilitate the delivery of relevant parts of Herefordshire Council's Green Infrastructure Study.  | No likely significant effect on the River Wye SAC                                     | River Wye 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 October 2014 and February 2015 HRA Reports.  | No, as the policy merely emphasises the importance of having regard to Green Infrastructure in drawing up proposals.   |
| <b>SOWH1 – New Housing development in Staunton-on-Wye Village</b> | New housing will be developed in the style and character of existing housing. Plot sizes will be restricted to three dwellings.   | No likely significant effect on the River Wye SAC                                     | River Wye 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 October 2014 and February 2015 HRA Reports.  | No. This policy does not specifically identify sites for development but instead provides criteria that any new development must adhere to. As the criteria for development is small scale, the impact will not be as great.               |
| <b>SOWH4 – Rural exceptions Housing (non affordable)</b>          | Develop housing within rural areas that require housing.<br><br>Increase in recreation activities.<br><br>Increase in vehicle traffic.<br><br>Increased water abstraction and treatment.<br><br>Increase in live / work proposals | No likely significant effect on the River Wye SAC                                     | River Wye 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 October 2014 and February 2015 HRA Reports.  | No. This policy will not lead to new development; but rather it relates to viable housing in rural areas outside the parish.   |
| <b>SOWB6- New Business enterprises</b>                            | Brownfield sites may be developed on.<br><br>Increase in vehicle traffic.<br><br>Employment development.  |   | River Wye SAC                       | This policy should help to mitigate against its potential impacts it has it is encouraging brownfield use, retaining existing sites and ensuring all schemes are sustainable, re using redundant buildings. | No. This policy is unlikely to lead to development, instead it relates to criteria for development.<br><br>This policy has now been strengthened to ensure no adverse impact upon the landscape and the environment following examination. |

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|   |     |     |     | 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 October 2014 and February 2015 HRA Reports. |  |
| <b>SOWC1 – Retention of existing community facilities</b> | N/A | N/A | 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 October 2014 and February 2015 HRA Reports. | No. This policy is unlikely to lead to development, as this policy is geared towards retaining and protecting the existing community facilities.<br><br>The new policy wording strengthens this policy up. |

# Appendix 2



| Policy  | Modification recommended  | Justification  |
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| <b>Recommendations</b>                            |   |  |
| Recommendation 1 General comment on Policy layout | Remove grey/green background used throughout the documents to enable legibility.  | In terms of accessibility the grey/green background used throughout the documents reduces the contrast between background and text, some headings in capitals and underlining and a small font does not meet the criteria of the, 'See it Right Guidelines'. |
| Recommendation 2 Page 8                           | Suggest incorporate explanatory text in bold as follows:<br>These policies have been formulated in response to suggestions received in response to the consultation process <b>that generated this Plan and documented in the Consultation Statement and subsequently via responses received</b> under Regulation 14 and 16 of the Neighbourhood Planning Regulations and apply to all the following policies in so far as they relate to the development of land.  |  |
| Recommendation 3 – new policy                     | Suggest adding a policy regarding Broadband along the similar lines to the 'made' Upper Eden NDP  | There has been considerable support for improved broadband connection through the consultations  |
| Recommendation 4                                  | Incorporate the opportunity for contemporary development of a high quality, sustainable design which is appropriate to the context and makes a positive contribution to the surrounding environment and rural landscape into the supporting text to policy SOWE- Development and Design Principles, that relate specifically to the Old School and other buildings within the Conservation Area. For example NDP policy SOWD2 where it allows 'Unless it can be demonstrated that the design and use of materials will result in a building of exceptional and unique architectural merit'. | May provide opportunities for using space more effectively and gracefully which can increase the viability of a development proposal.  |
| Recommendation 5                                  | Consider a regular Plan review  | To monitor the effectiveness of policies in delivering development and meeting one of the Plan's objectives.   |
| <b>Modifications</b>                              |   |  |
| Modification 1 Basic Conditions Statement         | Update the third para of page 3 to incorporate the adopted 2015 Plan.   | Modification provides accuracy.  |
| Modification 2: Basic conditions Statement        | Add headings to the Basic Conditions statement to ensure each of the criteria of the Basic Conditions are detailed  | This modification does not make material changes to the Plan and all the relevant information of how the Plan meets the Basic Conditions is contained within the report, therefore   |

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|  |  | Herefordshire Council does not support this change.   |
| Modification 3:<br>Basic Conditions<br>Appendix 1              | add <b>Herefordshire Local Plan Core Strategy 2011-2031 adopted 16 October 2015.</b>   | Factual change adds clarity   |
| Modification 4:<br>Basic Conditions<br>Appendix 1              | Update inaccuracies and omissions as follows:<br>(i) Add 'General policies' or Environment' category. Refer to Core Strategy Policy SD3 - Sustainable Water Management, Policy LD2 – Biodiversity and geodiversity, Policy LD3 – Green Infrastructure.<br>(ii) Housing. Add Policy RA3 – Herefordshire's countryside<br>(iii) Business and Employment. Add Policy E4 – Tourism.<br>(iv) Community Facilities. Add OS1: Requirement for open space, sports and recreation facilities<br>(v) Design Principles. Historic environment and heritage assets are significant contributors to sustainable development, it is therefore appropriate to add LD4 - Historic environment and heritage assets and Policy SD1 – Sustainable design and energy efficiency, Policy SD2 – Renewable and low carbon energy generation.<br>(vi) Old School and Conservation Area category, add Policy LD4 – Historic environment and heritage assets. Remove reference to LD2 and LD5. | Modification provides factual accuracy and clarity.   |
| Modification 5:<br>Basic Conditions<br>Statement<br>Appendix 2 | Incorporate into the Appendix the formal response from Herefordshire Council designating the Neighbourhood Plan Boundary Area and a map of the Area.   | Modification for additional clarity.  |
| Modification 6: All policies                                   | Remove the word "only" from text to read "development will be supported where ..."   | Modification to add clarity   |
| Modification 7:<br>Policy SOWG1                                | Incorporate Environment Agency response to ensure development may take place, in accordance with NPPF, similar to the following:<br><b>SOWG1 - Sustainable water management</b><br><b>Development will be supported subject to other policies within this Plan where it is located within Flood Zone 1 (Low Risk).</b><br><b>Where small-scale development is deemed necessary (with consideration of the Sequential Test) within Flood Zones 2 and 3 proposals will demonstrate that they are safe and will not</b>   | Modification to incorporate a key stakeholders consultation comment to add clarity to a policy. |

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|                                  | <p><b>increase flood risk to third parties, with flood-risk betterment provided where possible. Development within 100 metres of the boundary of the River Wye Special Area of Conservation will not be supported.</b></p> <p>Within policy supporting text refer to National Planning Policy Guidance (NPPG) and Herefordshire Council's Core Strategy (Policy SD3 - Sustainable Water Management).</p>   |   |
| Modification 8:<br>Policy SOWG 2 | <p>Reword the policy to the following:<br/><b>Proposals for new development will be supported where they demonstrate regard to the Herefordshire Strategy for Green Infrastructure by:</b> etc</p>   | Modification to ensure policy is more positive. |
| Modification 9:<br>Policy SOWH1  | <p><b>Further proposals for new housing will be supported within the built up area of Staunton village, (excluding land within the Conservation Area) subject to satisfying the following criteria:</b><br/>etc<br/>Add: <b>Proposals for more than three dwellings per plot are likely to be refused permission by reason of being out of scale and context to the local pattern of development in the village. Where such proposals are submitted evidence will be required to satisfy appropriateness to context and other impacts upon residential amenity and any other additional benefits that might be brought by the development.</b></p> | Modification to add clarity                     |
| Modification 10:<br>Policy SOWH4 | <p>Reword the policy:<br/>In the Parish generally individual houses outside <b>the built up area of the village of Staunton on Wye</b> will be supported .... etc<br/>In all the above cases the proposal will need to demonstrate safe access, neutral or positive <b>landscape and other environmental impacts</b> and .... etc</p>  | Modification to add clarity                     |
| Modification 11:<br>Policy SOWH4 | <p>Add at the end of the first paragraph of explanatory text .... <b>This may also be linked to live/work proposals.</b></p>   | Modification to add clarity                     |
| Modification 12:<br>Policy SOWB5 | <p>Remove reference to excluding those in SOWC1 as these do not comprise agricultural buildings. Suggested as follows: -<br/>Proposals for change of use of agricultural buildings in the Parish to residential and holiday accommodation and non-agricultural</p>   | Modification to add clarity                     |

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|  | <p>business will be supported etc ....<br/>                 Clause a) add <b>“landscape or other environmental impacts”</b></p>  |   |
| <p>Modification 13:<br/>                 SOWB6</p>       | <p>Alter title and add wording as below,<br/> <b>SOWB6 New employment generating enterprises</b><br/>                 Proposals for new employment generating enterprises <b>will be supported</b><br/>                 within the village of Staunton on Wye and to the north of, and with direct access onto, the A438 subject to satisfying all of the following criteria:<br/>                 - remove (a) B1 use class reference, and;<br/>                 - replace (a) with d) iv ‘demonstrate that landscape, environmental etc’<br/>                 - retain c and d<br/>                 d) i be accessed by <b>vehicular</b> traffic from the A438 etc<br/>                 d) ii Demonstrate <b>ways in which</b> the proposal <b>can</b> provide employment for the local community<br/>                 d) iii Either be served with pedestrian access and be within reasonable walking distance of the village or provide a travel plan favouring alternative means of transport to the private car where appropriate.<br/> <b>‘Proposals that are related to the local economy such as for tourism, food production or manufacture, environment or agriculture are particularly encouraged through this policy.’</b><br/> <b>‘Proposals with a demonstrable adverse impact on local amenity, landscape and other environmental impacts particularly highways will be refused permission.’</b><br/>                 Explanatory text - Insert alternative word in the third line from bottom of page ‘...such development will <b>provide</b> employment opportunities...’</p> | <p>Modification to broaden the encouragement to business enterprises that may not be within B1 use, such as tourism or locally based food manufacturing, also other changes are recommended to enable this policy to fit within the requirements of the NPPF and sustainability criteria.</p> |
| <p>Modification 14<br/>                 Policy SOWC1</p> | <p>Additional wording to the policy:<br/> <b>SOWC1 A. Development proposals will be supported where they will improve and otherwise encourage the use and viability of the following facilities:</b><br/>                 add list a to h<br/> <b>B.</b> Proposals for change of use of these facilities will not be permitted unless it has been demonstrated the community (in the form of the Parish Council and other recognised community organisation) has been given <b>first</b> opportunity to take them on in order to retain their use.</p>   | <p>Modification to ensure positive support for development to sustain facilities and to provide additional direction from LP Policy SC1</p>   |

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|                          | <p><b>Applicants will be expected to show the steps taken in the relevant land or property being marketed to the community, including the parish council and community organisation affected, for a period of at least 12 months.</b></p> <p><b>C. There will be a presumption against the loss of these community facilities unless it can be shown they are no longer viable and a community based usage has been explored, as per clause B. above. In such cases, flexibility will be given to enable these facilities, local shops, services or public house to diversify into ancillary retail and tourism opportunities, which may enable the business to continue to serve the local community.</b></p> |  |
| Modification 15<br>SOWC2 | <p>Reword and re order paragraphs, Add map beneath policy.</p> <p><b>Development proposals will be supported where they will improve and otherwise encourage the use and viability of the existing recreational facility (abutting the Conservation area and highlighted in the map below). Any development likely to adversely affect the existing recreational facility highlighted on the plan below will not be permitted.</b></p> <p>Incorporate text "The Parish Council will action and support consideration of further recreational and community facilities within Staunton on Wye village" into the supporting text. This is a declaration of intent not a land use policy.</p>                     | Modification to add clarity.                   |
| Modification 16<br>SOWD1 | No change  |  |
| Modification 17<br>SOWD2 | <p>Change wording slightly to:<br/>Subject to compliance with the other policies in the Neighbourhood Plan the erection of new buildings will only be supported <b>where</b> they comply with the following criteria:</p> <p>a) Dwellings and other non – agricultural/business buildings.</p> <p>i. Unless it can be demonstrated that the design and use of materials will result in a building of exceptional and unique architectural merit the new building <b>is encouraged to</b> be of one or two storeys and of a scale which matches its surroundings.</p>   | Modification to provide a more positive policy |

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|                                       | <p>ii. The use of external materials blend in with surrounding buildings.</p> <p>iii. The incorporation of <b>energy efficient components as well as</b> renewable energy will be encouraged. <b>Where incorporated on a roof</b> these should, whenever possible, be of a low profile <b>and non-reflective</b>.<br/>Etc..</p> |  |
| Modification 18<br>Appendix 1         | Remove appendix 1   | Duplication as it is already in the Basic Conditions Statement |
| Modification 19<br>Appendices 2 and 6 | Move appendices 2 & 6 to the Basic Conditions Statement   | To add clarity   |
| Modification 20<br>Appendix 7         | Move appendix 7 to the consultation statement   | To add clarity   |