

# Habitats Regulations Assessment



## Breinton Neighbourhood Area

Addendum

July 2015

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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 Breinton NDP; the Draft NDP was refined by the steering group to reflect feedback from consultation on the Draft Plan and Environmental and Habitat Regulations Assessment (HRA) Reports, refer to Appendix 2, as well as the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy).
- 1.2 The purpose of this further HRA Addendum Report is to detail the findings of the screening of the proposed changes to Policies B1, B2, B3 and B18 of the Breinton NDP and consider if they significantly affect the conclusions of the earlier HRA Report (February 2015).
- 1.3 These refinements are not considered to significantly affect the conclusions of the earlier HRA report, as they do not materially change the overall aims and objectives of the policies, although they have led to the inclusion of new criteria and which should enhance the ability of the policies to safeguard the River Wye SAC from unacceptable adverse impacts.

## 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 Breinton 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 Appendix 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 report for the Pre-submission version of the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 On the basis of assumptions and information contained within the Breinton NDP, Herefordshire Local Plan (Core Strategy) and the Pre-submission version of the HRA for the Local Plan (Core Strategy), all of the NDP policies were found to be unlikely to result in significant effects on the River Wye SAC.
- 2.5 This was largely attributed to the fact that 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, conservation of community facilities and heritage etc, and therefore no significant effect conclusion could be reached. These policies were considered to have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 It was also concluded that the Breinton NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are allocated for development in these either.
- 2.7 Therefore, it was concluded that the **Breinton NDP will not have a likely significant effect on the River Wye SAC.**
- 2.8 The proposed amendments to the Draft NDP are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in February 2015, and the main findings are summarised below.

## 3.0 Summary of main findings

- 3.1 The Submission NDP incorporates suggestions made by consultees during the Regulation 14 Draft Plan consultation, with particular emphasis on making specific reference to the River

Wye SAC within certain policies. Therefore these policies have been strengthened and so the likelihood of there being no significant effect remained high.

- 3.2 No new policies have been introduced into the Submission NDP following the Regulation 14 Draft Plan consultation or as a consequence of the proposed Main Modifications to the Local Plan (Core Strategy) since its Examination in Public during February 2015.
- 3.3 The revised NDP policies were found to be unlikely to result in significant effects on the River Wye SAC, a conclusion of which is based on assumptions and information contained within the Breinton 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 modifications to Policies B1, B2, B3 and B18 of the NDP are not considered to affect the findings of the first HRA report.
- 4.2 Therefore the earlier conclusion that the **Breinton 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 both the Submission NDP and earlier HRA Reports for consultation from July to August 2015. Any further changes to the plan that arise as a result of the consultation will be subject to further screening to consider their significance with regard to HRA.

# Appendix 1

Redrafted Policy	HRA Re-Screening Assessment of Emerging redrafted NDP objectives, options and policies				
	Likely activities (operations) to result as a consequence of the redrafted objective/option/policy	Likely effect if redrafted objective/option/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?
Policy B1	<p>Housing development across in accordance with Policy RA2 of the Core Strategy.</p> <p>Increased vehicular movements.</p> <p>Increased demand for water abstraction and sewage treatment.</p>	<p>The proposed Main Modifications to Policy RA1 of the Local Plan (Core Strategy) have led to an increase in the proportional housing growth target.</p> <p>Minimum of x dwellings to be built across the Parish.</p>	River Wye (including the River Lugg) SAC	<p>The policies set out in the Local Plan (Core Strategy), subject the outcome of the Inspector's Report, and elsewhere within the NPD should help to avoid adverse impacts upon the European site, and new criteria has been added following the Draft Plan stage; these are clear that development will only be permitted when it does not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets or are at risk of doing so.</p> <p>Whilst the Local Plan (Core Strategy) has yet to be adopted and cannot, therefore, be relied upon in too much detail, the implications of the Main Modifications to its policies, for the earlier HRA findings, are set out in an addendum report, prepared in April 2015 and published on the Council's website.</p> <p>This addendum report reveals that none of the changes proposed to the policies through the Main Modifications would affect the conclusions set out in the September 2014 HRA Report. It also makes clear that the roll out of the Nutrient Management Plan (NMP) should avoid adverse effects.</p> <p>Improved water efficiency measures, including metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new development.</p>	No. The new criteria should mitigate against any adverse impact and, in any event, this policy conforms to Policy RA2 of the Local Plan (Core Strategy), and although it is acknowledged that there will be an increase in the demand for water abstraction and sewage treatment, the latest version of the HRA underlying the Core Strategy (April 2015) confirms that the roll out of Policy RA2 across the rural areas should not lead to adverse effects on the integrity of the River Wye SAC, provided the mitigation measures set out in the NMP are implemented.

Policy B2	Policy to support the delivery of affordable housing in line with Policy H2 of the Core Strategy.	<p>Some small scale housing development.</p> <p>Housing, infrastructure development</p> <p>Possible increase in recreation activities, vehicular movements and demand for water abstraction and treatment.</p> <p>Uncertain as to the impacts upon the River Wye SAC dependent on the location of development, however the policy would result in small scale growth.</p>	Rive Wye (including the River Lugg) SAC	<p>Criterion 6 of Policy B15 is clear that development proposals should incorporate SUDs and Policy B1 does not allow for housing development that would be at risk of flooding or exacerbate existing problems. New criterion has been added to make clear that development will only be permitted when it does not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets or are at risk of doing so.</p> <p>Measures set within the Local Plan (Core Strategy) should help to avoid adverse impacts upon the European site. Whilst the Local Plan (Core Strategy) has yet to be adopted and cannot, therefore, be relied upon in too much detail, the implications of the Main Modifications to its policies, for the earlier HRA findings, are set out in an addendum report, prepared in April 2015 and published on the Council's website.</p> <p>This addendum report reveals that none of the changes proposed to the policies through the Main Modifications would affect the conclusions set out in the September 2014 HRA Report. It also makes clear that the roll out of the Nutrient Management Plan (NMP) should avoid adverse effects.</p> <p>Improved water efficiency measures, including metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new development.</p>	No, the new criteria should mitigate against any adverse impact and, in any event, this policy would allow for small affordable housing schemes in accordance with Policy H2 of the Core Strategy. These would be in areas not normally released for housing. However there are additional policy criteria in place in both the Local Plan (Core Strategy) and the NDP to avoid or mitigate any likely significant effects.
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Policy B3	Retention of the last few remaining gaps in the King's Acre Road frontage.	N/A	Rive Wye (including the River Lugg) SAC	New criterion has been added to make clear that development will only be permitted when it does not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets or are at risk of doing so.	No. This policy will not lead to development; rather it seeks to prevent any further westward expansion ribbon development, or any further southward encroachment on to open countryside.
Policy B18	Policy encourages the continued use of the site for employment uses and would support the provision of expanded premises.	Employment and infrastructure development.  Possible vehicular movements and demand for water abstraction and treatment.	Rive Wye (including the River Lugg) SAC	<p>This policy should help to reduce the extent to which people need to travel to work by allowing incumbent businesses the opportunity to expand. New criterion has been added to make clear that development will only be permitted when it does not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets or are at risk of doing so.</p> <p>Measures set within the Local Plan (Core Strategy) should help to avoid adverse impacts upon the European site. Whilst the Local Plan (Core Strategy) has yet to be adopted and cannot, therefore, be relied upon in too much detail, the implications of the Main Modifications to its policies, for the earlier HRA findings, are set out in an addendum report, prepared in April 2015 and published on the Council's website.</p> <p>This addendum report reveals that none of the changes proposed to the policies through the Main Modifications would affect the conclusions set out in the September 2014 HRA Report. It also makes clear that the roll out of the Nutrient Management Plan (NMP) should avoid adverse effects.</p> <p>Improved water efficiency measures, including metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new development.</p>	<p>No, the new criteria should mitigate against any adverse impact and, in any event, this policy is seeking retention of existing and development of further small scale businesses. This may have a positive effect on reducing the need to travel.</p> <p>There are policy safeguards within Local Plan (Core Strategy) and other NDP policies that will help mitigate potential likely significant effects.</p>





# Appendix 2

**Consultation date:** 16/02/15 – 30/03/15

**Consultation title:** Regulation 14 Draft Plan Consultation

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

Consultee	Summary of Comments	Response to Comments
Natural England	<p>This HRA should reflect the most up to date version of the Herefordshire Core Strategy HRA which is to be submitted as part of the examination of the Core Strategy. Therefore we advise that if you wish to proceed with the Neighbourhood Plan, prior to the adoption of the Core Strategy, the HRA will need to be amended and updated. In Section 8 of the HRA, it appears the basis for the conclusion of no likely significant effect from the Breinton Neighbourhood Development Plan (NDP), in combination with the draft Herefordshire Local Plan (Core Strategy), is that in combination effects have been ruled out as the NDP aligns with the draft Local Plan.</p> <p>The draft Local Plan has not yet been adopted and both it, and its HRA, are therefore potentially subject to further changes. Given this, relying on the draft Local Plan and its HRA to avoid or mitigate for any potential impact are not considered sufficient to be certain of avoiding impact at this stage. The NDP's HRA may, of course, rely on the evidence supporting the Local Plan's HRA to draw conclusions as to whether the policies in the plan will have significant effects on the River Wye Special Area of Conservation (SAC), and incorporate mitigation measures as necessary.</p> <p>We note that a number of policies in the NDP relate to new development (housing and commercial). Natural England is concerned that, given the NDP is progressing in advance of the Local Plan and cannot therefore rely on the policies within the local plan or its associated HRA, there remains a risk of likely significant effect on the River Wye SAC, with respect to water quality impacts. We have therefore suggested the following to address this issue:</p> <ul style="list-style-type: none"> <li>• Additional wording for policies B1, B4, B5 and B18 to ensure that development can only proceed where any adverse effects on the River Wye SAC can be avoided and mitigated, and</li> <li>• an additional criterion within policies B1, B4, B5 and B18, which stipulates that development will only be permitted when it does not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets or are at risk of doing so.</li> </ul> <p>Natural England would suggest that amendments to both the HRA and these policies are necessary to provide the necessary certainty that likely significant effects can be avoided, and therefore enable the NDP to progress in advance of the Core Strategy.</p>	Noted. Additional criteria have been added to the policies where necessary.