

Habitats Regulations Assessment



Weston under Penyard Neighbourhood Area

Addendum

July 2015

Contents

1.0	Introduction	1
2.0	Screening of proposed modifications to the NDP	1
3.0	Summary of main findings	1
4.0	Conclusion	2
5.0	Next steps	2

Appendix 1: Revised screening of policy matrix

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 proposed Main Modifications through the HRA process to the Weston under Penyard NDP; the NDP was refined by the NDP steering group to reflect feedback from consultation on the Draft Plan and Draft Environmental and Habitat Regulations Assessment (HRA) Reports, 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 (May 2015).
- 1.3 The vast majority of refinements 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, despite the addition of new criteria in certain places. In general, these refinements relate to the composition of certain sentences and phrases, minor points of accuracy in relation to technical information and references to evidence base studies and other documentation. Importantly, the three European sites are now specifically mentioned within relevant policies and this negates the likelihood of an adverse impact on these.

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 Weston under Penyard NDP would be likely to have a significant effect on the River Wye SAC, Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Site SAC, all of which are in reasonably close proximity of the boundary of the Weston under Penyard 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, objective and site allocation 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 Weston under Penyard NDP objectives and policies (May 2015) were concluded to be likely to have a significant effect on the three European sites. This conclusion is based on assumptions and information contained within the Weston under Penyard 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. In addition, to conserve community facilities and heritage, 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.
- 2.6 With regard to site allocations, the possibility of there being likely significant effects was considered unlikely given that none of the sites are in close proximity of the European sites. However, it is considered that the inclusion of additional policy wording within the related housing policies of the NDP would, along with other policies, provide adequate safeguarding measures.
- 2.7 It was also concluded that the Weston under Penyard NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are allocated for development in these.

- 2.8 Therefore it was concluded that the **Weston under Penyard NDP will not have a likely significant effect on the River Wye SAC; Wye Valley Woodlands SAC and the Wye Valley and Forest of Dean Bat Sites SAC.**
- 2.9 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 May 2015. A summary of the main findings is provided below.
- 3.0 Summary of main findings**
- 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. Of particular importance is that Policy SE1 includes specific reference to the necessity to avoid adverse impacts on the European sites and ensure that the delivery of the Nutrient Management Plan is not compromised. It was recommended that these references be included in the housing section of the NDP but all planning applications will have to satisfy the criteria within Policy SE1 and so it is considered that this proposal is satisfactory.
- 3.2 No new policies have been introduced into the Submission NDP following the Regulation 14 Draft Plan consultation.
- 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 Weston under Penyard 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 additional criteria added to Policy SE1 are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Weston under Penyard NDP will not have a likely significant effect on the River Wye SAC; Wye Valley Woodlands SAC and the Wye Valley and Forest of Dean Bat Sites 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 from July to August 2015. Any changes to the plan that arise from this consultation will be subject to further screening, in order to consider their impact on protected sites.

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 SE1 Sustaining the parish environment and landscape.	Policy to preserve or enhance the landscape of the parish's ecological network. Aims to ensure that development contributes positively to the rural character of the area.	No, the policy specifically refers to the need to avoid adverse impacts upon the European sites that are in close proximity of the neighbourhood area and increasing emphasis on ensuring the delivery of the Nutrient Management Plan.	N/A	N/A	No. This policy will enhance the likelihood of there being no adverse impacts upon the European sites.

Appendix 2

Consultation date: 26/05/15 – 07/07/15

Consultation title: Regulation 14

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

Consultee	Summary of Comments	Response
Natural England	<p>Natural England welcomes the opportunity to provide comments on the Habitats Regulations Assessment screening report as a statutory consultee and specialist adviser on the application of the Conservation of Habitats and Species Regulations 2010, the "Habitats Regulations". In general we consider that the screening report is comprehensive and has fully considered the potential impacts on the identified European sites.</p> <p>The HRA needs to reflect the most up to date version of the Herefordshire Core Strategy HRA which has been submitted as part of the examination of the Core Strategy. We acknowledge that the report has considered this in its assessment of the objectives and policies of the Neighbourhood Plan. It states that the policies set out in Herefordshire Core Strategy are still subject to the outcome of the Inspector's Report. It also explains that Addendum report prepared in April 2015 confirms that the Main Modifications would not affect the conclusions set out in the Core Strategy HRA Report.</p> <p>We note that the HRA report has recommended that several of the Neighbourhood Plan policies (Policies H1, H6, H7, SB4 and SE6) should be strengthened with the inclusion of additional wording to protect the European Sites in general and specifically the River Wye Special Area of Conservation (SAC).</p> <p>Natural England therefore agrees that it is unlikely that the Weston-Under- Penyard Neighbourhood Plan, with the inclusion of the suggested amendments outlined in the HRA Screening Report which will provide additional safeguards, will have a significant effect on European Sites, either alone or in-combination.</p>	<p>Noted.</p> <p>Additional words have been added to Policy SE1 in order to strengthen the likelihood of there being no adverse impacts.</p>