

# Habitats Regulations Assessment



## Sutton St. Nicholas Neighbourhood Area

Addendum

November 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 modifications through the HRA process to the Sutton St Nicholas NDP. The NDP has now been through an Independent Examination by Ann Skippers and within his report he has recommended a minor modifications to ensure the Plan meets the Basic conditions.
- 1.2 Herefordshire Council have accepted this modification to the NDP. Therefore, the document has been updated to reflect the modifications which consisted of points of clarification to one policy. This modified policy 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 (October 2015 and March 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 Sutton St Nicholas 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 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 Sutton St Nicholas NDP objectives and policies (October 2015 and March 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 Sutton St Nicholas 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 nature environment including biodiversity.
- 2.6 It was also concluded that the Sutton St Nicholas 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 **Sutton St Nicholas 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 October 2015 and March 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**

- 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; only one modification was recommended to add clarity to the policy. This does not 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 of which is based on assumptions and information contained within the Sutton St Nicholas 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, Policy 8 has been reassessed following modifications but these modifications are not seen as significant and do not affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Sutton St Nicholas 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 Sutton St Nicholas NDP and the earlier HRA report and Addendum.

# Appendix 1

NDP options / objectives / policies	HRA Screening of NDP objectives and 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 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)?
<b>Policy 8: Open Spaces</b>	n/a	n/a	n/a	n/a	No. This policy will not lead to new development; rather it specifically aims to protect existing local green spaces.  Modification did not change the policy wording but added some points of clarity and cross referencing.

# Appendix 2

**Appendix 2 – Modifications to the Sutton St Nicholas NDP following examination**

Policy	Modification recommended	Justification
<p>Modification 1</p> <p>Policy 8</p>	<p>Add at the end of the last sentence of Policy 8:            ‘...unless it can be satisfactorily demonstrated that the open space is surplus to requirements, is replaced by equivalent or better provision in terms of quantity and quality in a suitable location or the development is for alternative sports or recreational provision, the needs for which clearly outweigh the loss.’</p> <p>Add a new sentence at the end of the policy that reads: ‘ The Local Green Spaces and public open spaces covered by this policy are shown on the Village Policies Map’</p>	<p>To ensure flexibility in line with the NPPF.</p> <p>To add clarity to the policy and provide a cross reference to the policies map.</p>