

# Habitats Regulations Assessment



Middleton on the Hill and Leysters Group  
Neighbourhood Area

Addendum

May 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 Main Modifications through the HRA process to the Middleton on the Hill and Leysters Group 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 (July 2016).
- 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 or amendment of criteria in certain places.

## 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 a NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies and site allocations in the Middleton on the Hill and Leysters Group 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 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 Middleton on the Hill and Leysters Group NDP objectives and policies (July 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 Middleton on the Hill and Leysters Group 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, 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 and site allocations.
- 2.6 It was also concluded that the Middleton on the Hill and Leysters Group NDP will unlikely have any in-combination effect with any plans from neighbouring parishes.
- 2.7 Therefore it was concluded that the **Middleton on the Hill and Leysters Group NDP will not have a likely significant effect on the River Wye SAC.**

- 2.8 The majority of the proposed amendments to the draft NDP have been minor wording changes and have not needed to be rescreened. Policies M10, ML14 and ML15 have been rescreened due to the changes post reg 14 consultation.

### 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. There have been some additions to the criteria in some of the policies which are strengthening up the protection of the area, promoting sustainable transport measures and utilising existing development in order to reduce unnecessary development.
- 3.2 As part of the consultation comments Natural England responded to the HRA report and agreed with the conclusion that the Middleton on the Hill and Leysters Neighbourhood Development Plan (NDP) is unlikely to have significant effect on the River Wye SAC. This conclusion is reached on the basis that the NDP is in line with the Herefordshire Local Plan and the NDP can rely on the policies within to ensure no likely significant effect. Additionally, point 4.1 of the HRA highlights that the River Lugg is within the group parish, however calculations confirm that the River Lugg is ~4.2km away from the nearest parish boundary of Middleton on the Hill and Leysters.
- 3.3 Three policies have been amended for the Submission NDP following the Regulation 14 Draft Plan consultation.
- 3.4 The revised NDP policies are unlikely to result in significant effects on the European sites, a conclusion of which is based on assumptions and information contained within the Middleton on the Hill and Leysters Group 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 modifications. This is published on the Council's website.

### 4.0 Conclusion

- 4.1 With reference to section 3 above, the additional criteria added to Policy ML10, ML14 and ML15 are not considered to affect the findings of the previous HRA report. On the contrary; they strengthen the likelihood of there being no adverse impacts.
- 4.2 Therefore the earlier conclusion that the **Middleton on the Hill and Leysters Group 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 Report for consultation. 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

Table 3: HRA Screening of Significant Changes (Objectives, Options and Policies) following Draft Plan Consultation

Parish Council Name: Middleton on the Hill and Leysters

NDP Title: Middleton on the Hill and Leysters

Date undertaken: May 2017

NDP objectives, options and policies significantly changed following Draft Plan Consultation	HRA Screening of significant changes (objectives, options and policies) following Draft Plan Consultation				
	Likely activities (operations) to result as a consequence of the significant change to the objective, option or policy	Likely effect if changed objective, option or policy is implemented. Could it have LSE on any European Site? (Yes/No, with reasons)  <i>(If no, progress onto next objective/option/policy. If yes, progress onto next set of columns in row)</i>	European Sites potentially affected  (Refer to Initial Screening)	Potential mitigation measures to be considered through redraft of changed objective, option or policy and as necessary, to be considered as part of Appropriate Assessment of these changes	If recommendations are implemented, would it be possible that the changes would result in no likely significant effect?  (Yes/No, with reasons)
<i>Policy ML10: Affordable Housing</i>	N/A	No likely significant effect on the River Wye SAC.	N/A	N/A	No. The amendment of the wording of the policy (removal of listed eligibility for local affordable housing for a link to Herefordshire Council website) purely aims to streamline the policy and direct

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					people to a destination where they can find out related information.
<i>ML14: Traffic management and road safety improvements</i>	N/A	No likely significant effect on the River Wye SAC.	N/A	N/A	No. The addition or possibility of providing a secure covered public cycle parking close to the college bus stop would not have a significant, if any impact or effect.
<i>ML15: Sustainable Transport Measures</i>	N/A	No likely significant effect on the River Wye SAC.	N/A	N/A	No. The addition of the criteria in the policy for 'Improved accessibility to existing business and community facilities' would not necessarily lead to new development, rather it aims to create better access to existing development and should not have any major effects.

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# Appendix 2

## Appendix 2: HRA Consultation Feedback

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

**Parish Council Name:** Middleton on the Hill and Leysters

**Neighbourhood Development Plan Name:** Middleton on the Hill and Leysters

**Details of consultation:** *Regulation 14 Draft Plan consultation*

**Consultation date:** 19 December 2016 – 10 February 2017

<b>Response Date</b>	<b>Consultee</b>	<b>Summary of Comments</b>	<b>Response to Comments</b>
12 January 2017	Natural England	Having reviewed the HRA report we agree with the conclusion that the Middleton on the Hill and Leysters Neighbourhood Development Plan (NDP) is unlikely to have significant effect on the River Wye SAC. This conclusion is reached on the basis that the NDP is in line with the Herefordshire Local Plan and the NDP can rely on the policies within to ensure no likely significant effect. Additionally, point 4.1 of the HRA highlights that the River Lugg is within the group parish by my calculations the River Lugg is ~4.2km away from the nearest parish boundary of Middleton on the Hill and Leysters.	Noted, additional comments will be included within the HRA addendum report.

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