

Habitats Regulations Assessment

Addendum Report for:

Border Group Neighbourhood Area

November 2017



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: Feedback on Habitat Regulation Assessment (HRA) Report consultation revised
Reg14

Appendix 2: Revised screening of options and policy matrix

1.0 Introduction

- 1.1 To ensure that the requirements of the Habitats Directive and Regulations are met, it is necessary to consider the modifications through the HRA process to the draft Border Group NDP. The parish council have refined their plan following an additional reg14 draft consultation and now ready to submit under regulation 16.
- 1.2 The purpose of this 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 Report (December 2015 and November 2016).

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 (December 2015) and this determined the extent to which any of the policies and the site allocation in the Border Group NDP would be likely to have a significant effect on the River Wye SAC, the River Clun SAC and Downton Gorge SAC.
- 2.2 The findings of the screening matrix can be found in Appendices 1 and 2 of that report (December 2015).
- 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 Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 For full details of the European Sites' attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Border Group Initial Screening Report. The Initial Screening Report, September 2014, can be found in Appendix 3 of the HRA report (December 2015). This information made it possible to identify the features of each site which determine site integrity, as well as the specific sensitivities of each site, therefore enabling later analysis of how the potential impacts of the Border Group Neighbourhood Plan may affect site integrity.
- 2.5 None of the Border Group NDP objectives and policies (December 2015) were concluded to be likely to have a significant effect on the European sites. This conclusion is based on assumptions and information contained within the Border Group NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy) published on the Council's website.
- 2.6 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 mitigation 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 within the NDP. Downton Gorge SAC is vulnerable to air quality associated with poultry units and other intensive agricultural practices, Border Group is not proposing either of these within its policies.
- 2.7 It was also concluded that the Border Group NDP will be unlikely to have any in-combination effects with any plans from neighbouring parishes, as any sites currently allocated in the adjacent parishes' NDP is within the parameters set out within the Herefordshire Local Plan (Core Strategy), in addition across the County border in Shropshire the development identified within the SAMDev Plan identified a number of criteria to ensure mitigation against any development so that a no adverse impact on the River Clun SAC could be reached. There are no Neighbourhood plans directly adjacent to Border Group within Shropshire.
- 2.8 Therefore it was concluded that the **Border Group draft NDP will not have a likely significant effect on the water quality of the River Wye SAC and the River Clun SAC nor air quality on the Downton Gorge SAC.**

2.9 The proposed amendments to the first Draft NDP following the Regulation 14 consultation are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in December 2015. A summary of the main findings are provided below.

3.0 Summary of main findings following Regulation 14 consultation

3.1 The revised draft 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, encouraging active travel, and ensuring that the NPPF guidance of undertaking sequential and exception testing for flooding.

3.2 The draft plan was essential criteria based with only allocates one site for development in Lingen. The site is bordered by the Limebrook stream which is within the hydrological catchment of the River Lugg; a tributary of the River Wye SAC. The policy itself and the accompanying development brief contain a number of mitigation measures to ensure it has no significant impact.

3.3 In the HRA for the Core Strategy it states that only 1km of the River Clun SAC is within Herefordshire and none of the 4 settlements highlighted for proportional growth within the Border Group NDP are within the River Clun catchment area. It is acknowledged that the NDP policies will not have an adverse impact upon the River Clun SAC.

3.4 No poultry units or intensive agricultural practices are promoted within the plan, therefore the NDP will not have a likely significant effect on the Downton Gorge SAC

3.5 The revised NDP policies are therefore unlikely to result in significant effects on either of the European sites, a conclusion of which is based on assumptions and information contained within the Border Group NDP, the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy). There is no likely in combination effects with the SAMDev proposals in Shropshire County.

3.6 The amendments have been made to Policies BG6, BG10, BG13, BG15, BG16 and BG17. However none are considered to affect the findings of the previous HRA report. Policy BG14 includes reference to safeguards on water quality within the catchment area.

3.7 Therefore the earlier conclusion that the **Border Group NDP will not have a likely significant effect on the River Wye SAC and the River Clun SAC and Downton Gorge SAC** remains valid.

Summary of findings from the Reg16 assessment

3.8 Following the revised Reg14, a number of amendments have been made to 16 policies. The Submission NDP incorporates suggestions made by consultees during the Regulation 14 Draft Plan consultation, by adding clarity and emphasis throughout the document. This includes some additional policies regarding further site allocations in Adforton and Lingen.

3.9 The submission plan is now more site based within a number of sites being proposed within Lingen, Walford and Adforton. A number of sites were considered and these have been included within the assessment. However only one site for development in Lingen is bordered by the Limebrook stream which is within the hydrological catchment of the River Lugg; a tributary of the River Wye SAC. The policy itself and the accompanying development brief contain a number of mitigation measures to ensure it has no significant impact.

3.10 In the HRA for the Core Strategy it states that only 1km of the River Clun SAC is within Herefordshire and none of the 4 settlements highlighted for proportional growth within the Border Group NDP are within the River Clun catchment area. It is acknowledged that the NDP policies will not have an adverse impact upon the River Clun SAC.

- 3.11 No poultry units or intensive agricultural practices are promoted within the plan, therefore the NDP will not have a likely significant effect on the Downton Gorge SAC

4.0 Conclusion

- 4.1 With reference to section 3 above, the modifications to the policies of the NDP and the additional sites are not considered to affect the findings of the previous HRA report.

- 4.2 Therefore, the earlier conclusions that the **Border Group NDP will not have a likely significant effect on the River Wye SAC, River Clun SAC or Downton Gorge SAC** remains valid.

5.0 Next steps

- 5.1 This second addendum Report will be published alongside both the submission Reg16 NDP and earlier HRA Reports 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 the water quality of the River Wye SAC and the River Clun SAC and the air quality of Downton Gorge SAC.

Appendix 1

Consultation date: 12 January to 27 February 2017

Consultation title: Border Group Neighbourhood Plan Regulation 16

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

Consultee	Summary of Comments	Response to Comments
Natural England	Agree with the conclusions of no likely significant effect upon the River Wye SAC, River Clun SAC and the Downton Gorge SAC	Noted, reference updated within the addendum
Heritage England	Comments received but nothing specific regarding the HRA	
Environment Agency	No comments received	
Natural Resources Wales	No comments received	

Appendix 2

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)?
Policies					
Policy BG1 Promoting a Sustainable Community	Encourages small scale development to help create sustainable communities	No likely effects, safeguards existing within the Core Strategy and other policies of the NDP.	n/a	n/a	No. The policy would itself not lead to development; instead it relates to criteria for encouraging sustainable development and sustainable communities.
Policy BG2 Development Strategy	Encourages small scale development within identified settlements Small scale employment development	Only Lingen is within the hydrological catchment of the River Lugg.	River Wye (including the River Lugg) SAC	Development will be small scale. Reference has been made to the requirement with regards to development proposals within Lingen to ensure that water quality issues are taken account of.	No, adequate safeguards exist within the Core Strategy and other policies within the NDP.
Policy BG3 New homes in Adforton	Small scale development within the settlement boundary of Adforton	None, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.	None	n/a	No, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG4 Redevelopment of Land north of Letton Lane	Small scale development within the settlement boundary of Adforton	None, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.	None	n/a	No, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG5 Conversion and extension to redundant barn at the north end of the Adforton village	Small scale development within the settlement boundary of Adforton	None, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.	None	n/a	No, Adforton is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG7 New homes in Lingen	Small scale development within the development boundary of Lingen	Lingen is within the hydrological catchment of the River Lugg.	River Wye (including the River Lugg) SAC	Development will be small scale. Reference has been may be with regards to development proposals within Lingen to ensure that water quality issues are taken account of.	No, adequate safeguards exist within the Core Strategy and other policies within the NDP.
Policy BG8 Land at the Nursery, Lingen	Proposed housing site within the south of the village adjacent to the Limebrook stream	The Limebrook is part of the hydrological catchment of the River Lugg. Development would be small scale and the development brief indicated that discharging into the brook will not be acceptable.	River Wye (including the River Lugg) SAC	Policy relating to water quality and the provision of SuDs is included within Policy BG14. This will help strengthen the policy safeguards.	No, policy safeguards currently exist within the Core Strategy SD3 and the development brief included within the plan. Additional criteria within the policy BG13 strengthen this further.
Policy BG9	Proposed housing site to the north of	Lingen is within the hydrological	River Wye (including the River Lugg)	Development will be small scale. Reference has been may be with	No, adequate safeguards exist within the Core Strategy and other policies

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Land at the Turn Farm, Lingen	the village.	catchment of the River Lugg.	SAC	regards to development proposals within Lingen to ensure that water quality issues are taken account of.	within the NDP.
Policy BG10 New homes in Walford	Small scale development within the settlement boundary of Walford	None, Walford is outside of the hydrological catchments of the Wye/Lugg or Clun.	None	n/a	No, Walford is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG11 Land South of Walford	Small scale development within the settlement boundary of Walford	None, Walford is outside of the hydrological catchments of the Wye/Lugg or Clun.	None	n/a	No, Walford is outside of the hydrological catchments of the Wye/Lugg or Clun.
Policy BG13 Design criteria for residential development	Various design criteria to support development proposals including the treatment of waste water	The policy includes criteria for dealing with waste water which will have a positive mitigation effect on any potential adverse effects	River Clun SAC and River Wye SAC	This policy should help to mitigate potential adverse effects in relation to water quality	No, this policy will not itself lead to development, instead it relates to criteria for development. This policy criteria together with Policy SD4 of the Core Strategy provide the safeguard to protect both SACs from deterioration in water quality from developments within the parish.
Policy BG16 Renewable energy	Development of small scale renewable energy particularly solar and hydro	This will be locational dependant. Only a small area of the parish is within the catchment of the Clun and the southern parishes within the catchment of the Wye.	River Clun SAC and River Wye SAC	n/a	No, this policy could result in the development of small scale renewable energy infrastructure which could potentially affect two European Sites depending on its location. However, sufficient policy safeguards area included within the Core Strategy to avoid or mitigate a likely significant on any European Site.
Policy BG18 Flooding and surface drainage	Reduce flooding and pollution of watercourses within the parish	The aim of this policy is to protect the River Lugg and Teme from pollution	River Clun SAC and River Wye SAC	Additional specific reference to the SACs would strengthen the policy further	No, the aim of this policy is to prevent pollution of any watercourse within the parish. Additional specific reference to the SACs would strengthen the policy further.
Policy BG19 Accessibility to service and facilities	Small scale expansion of existing community facilities and services and safeguarding of existing	n/a	n/a	n/a	No, any development is only likely to be small scale extensions and therefore not significant. Sufficient policy safeguards exist both with the Core Strategy and the NDP

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Policy BG20 Protecting and enhancing the natural environment and landscape	Policy to protect natural environment and features	n/a	n/a	The criteria includes reference to supporting the biodiversity value of designated sites	No, this policy seeks to protect features of the natural environment
Policy BG21 Protecting local heritage	Policy to protect heritage features	n/a	n/a	n/a	No, this policy is seeking to protect features of the heritage environment
Policy BG22 Lingen Conservation Area	Design criteria for any development within the Lingen Conservation Area	n/a	n/a	n/a	No, policy safeguards exist within the NDP regarding development in Lingen. This policy is concerning design aspects within the Conservation Area.