

# Habitats Regulations Assessment

Addendum Report for:

**Bodenham Neighbourhood Area**

**May 2018**



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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 amendments through the HRA process to Bodenham NDP. The NDP has now been through an Independent Examination by Richard High and within his report he has recommended a number of minor modifications to ensure that the plan meets the Basic Conditions.
- 1.2 Herefordshire Council have accepted these modifications to the plan. The NDP has therefore been updated to reflect the modifications suggested. These modification are minor in nature and have now been assessed as part of the HRA and full results can be viewed in Appendix 3.
- 1.3 The purpose of this further HRA Addendum Report is to detail the findings of the screening of proposed modifications to policies and consider if they significantly affect the conclusions of the earlier HRA Reports (June 2016 and October 2017).

## 2.0 Screening of draft 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 within the Bodenham 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 and objective 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 None of the Bodenham NDP objectives and policies (June 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 Bodenham 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, 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 they all have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 Those policies which relate to settlement boundaries where the growth potential growth could occur and could potentially have some impact upon the River Wye SAC, it was determined that some additional policy criteria may be appropriate to ensure safeguards are in place. This is particularly relevant to Bodenham settlement itself, given the proximity of the settlement boundary to the river banks and the fact that two watercourse which feed into the river run through the settlement itself. However, if these policy safeguards are included then due to the scale of growth that is required by the Local Plan (Core Strategy), their proposed growth and commitments at Bodenham Moor, the NDP would not have an appreciable effect on the River Wye SAC.
- 2.7 It is unlikely that the Bodenham Neighbourhood Plan will have any in-combination effects with any Plans from neighbouring parish councils due to the level of growth proposed being the same that is proposed for the Leominster Housing Market Area in the Herefordshire Core Strategy
- 2.8 Therefore it was concluded that the **Bodenham NDP will not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

2.8 The proposed amendments within the submission NDP have been screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in October 2017. A summary of the main findings is provided below.

### **3.0 Summary of main findings – modifications to NDP**

3.1 The Submission NDP (October 2017) incorporates additional policy criteria or wording to add clarity and emphasis throughout the document.

3.2 Twelve policies were refined following the Draft plan consultation which took place from 3 October to 14 November 2016. Two new policies have been added to the plan, these are regarding larger economic activities such as intensive livestock units and a dark skies policies. Nine policies have had amendments which require rescreening.

3.3 Modifications made to 3 other policies of the plan are considered to be minor and would not have a significant effect on the results previously assessed. These were points of clarity and minor word changes.

3.4 The revised NDP policies are therefore unlikely to result in significant effects on the European site, a conclusion of which is based on assumptions and information contained within the Bodenham NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).

### **4.0 Summary of the main findings - following examination**

4.1 The final NDP incorporates the modifications that the examiner has recommended within the Examiner's Report. These changes are to ensure that the plan meets the Basic Conditions. Full details of the modifications can be seen in Appendix 2 of this Addendum.

4.2 No new policies have been introduced into the final NDP following the examination; there have been some minor word changes to assist with clarification. None of the modifications significantly alter the direction or stance of the submission policies which were previously assessed.

4.3 The final policies are therefore unlikely to result in significant effects on the European site, a conclusion of which is based on assumptions and information contained within the Bodenham NDP, the Herefordshire Local Plan and the HRA for the Local Plan.

### **5.0 Conclusion**

5.1 With reference to section 3 above, the modifications to the NDP are not considered to affect the findings of the previous HRA report..

5.2 Therefore the earlier conclusion that the **Bodenham NDP will not have a likely significant effect on the River Wye SAC** remains valid.

### **6.0 Next steps**

6.1 This addendum, report will be published with the final Bodenham NDP and the earlier HRA Report and its Addendum.

# Appendix 1

**Consultation date:** 23 November 2017 to 11 January 2018

**Consultation title:** Environmental Report - Bodenham 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	No comments received specifically to the SEA	n/a
English Heritage / Heritage England	No comments received	n/a
Environment Agency	No comments received specifically to the SEA	n/a
Natural Resources Wales	No comments received	n/a

# Appendix 2

## Appendix 2: Modifications following examination –Bodenham NDP

Policy	Modification recommended	Justification
<p>Modification 1</p> <p>Policy BNDP2</p>	<p>In the last line of the first paragraph of Policy BNDP2 delete; 'these are' and insert 'they'</p> <p>In criterion 1.1 insert 'are' before 'located'</p> <p>In criterion 1.4 delete 'do not adversely affect any' and insert 'any adverse effect on and add after '..Annex C' 'is clearly outweighed by the benefits of the proposal in terms of sustainable development'</p>	<p>To correct grammatical issues</p> <p>To ensure the approach conforms to the NPPF.</p>
<p>Modification 2</p> <p>Policy BNDP 3</p>	<p>Modify the first part 1 of Policy BNDP3 to read:            'Proposals for new housing development will be required to demonstrate that the dwelling mix, type and tenure reflect local housing need, and incorporate...'</p> <p>Modify criterion 2.2 to read:            'They are subject to a condition or planning obligation which will require that they meet the needs of local people or having a local connection who meet at least one of the following criteria:</p> <ul style="list-style-type: none"> <li>• Currently living in the locality (retain footnote) and has done for a continuous period of at least 3 years</li> <li>• Works in the locality and has done so for at least 3 years</li> <li>• Has moved away but has strong established and continuous links with the locality by reason of birth or long term immediate family connections</li> <li>• Has an essential need through age, disability or other special circumstances to live close to those who have lived in the locality for at least 3 years'</li> </ul> <p>In criteria 2.4 insert a comma after design</p> <p>Modify criterion 4 to read:            'The delivery of housing will be monitored during the plan period. If monitoring clearly demonstrated that local needs are not being met or there is clear evidence that there is a need for additional housing to meet the strategic needs of the area, the Plan will be reviewed.'</p>	<p>To define local housing requirement and local occupancy conditions.</p> <p>To include a commitment to review the plan.</p>

	<p>Move the heading 'Local Occupancy' and paragraph 5.7 to follow paragraph 5.6 before the policy and modify 5.7 to read; 'In order to ensure that the provision of affordable housing on exception sites meets the requirements of local people, it will be necessary for such developments to be subject to a condition or section 106 agreement which will require that properties are let in accordance with the requirements of part 2.2 of the policy'</p>	
<p>Modification 3 Policy BNDP4</p>	<p>Change the heading of Policy BNDP4 to Foul Drainage.</p> <p>Delete parts 1.1 and 1.2 of Policy BNDP4, attach part 1.3 to the first line of Part 1 and delete the number 1.3</p>	<p>To make the policy more specific</p>
<p>Modification 4 Policy BNDP 5</p>	<p>In 1.3 insert 'unacceptable' before 'adverse'</p> <p>Delete criterion 1.5</p> <p>Insert a new criteria 2.6; ' Outside the settlement boundaries new buildings for employment use will only be permitted where they cannot be accommodated within the settlement boundary of Bodenham or Bodenham Moor or have a clear need to be located in the countryside and in all cases they should not be prominent in the landscape and of a high quality of design which respects their rural setting'</p>	<p>To remove criterion where no evidence exists and not consistent with the NPPF.</p> <p>To ensure consistency with the Core Strategy</p>
<p>Modification 5 Policy BNDP6</p>	<p>Modify the first part to read: 'proposals for large scale economic activities, including new intensive livestock units (cattle, chicken and pigs) and the conversion of existing livestock enterprises to intensive husbandry techniques, will only be supported where they provide detailed evidence to demonstrate that any adverse impact on the following areas can be adequately mitigated;</p> <p>1.1 the highway network in terms of an adverse access, highway, safety, congestion and the suitability of the ability of the network to accommodate the type of traffic generated;</p> <p>1.2 the landscape and historic environment of the area</p> <p>1.3 the ecology and biodiversity of the area</p> <p>1.4 flood risk and drainage and</p> <p>1.5 the living conditions in neighbouring properties in terms of noise, disturbance, dust, lighting, smell or overbearing visual impact.</p>	<p>To ensure that the policy is expressed in more positive terms in accordance with RA6 and the NPPF.</p> <p>To ensure that there is a clear framework for decision makers</p>

<p>Modification 6</p> <p>Policy BNDP7</p>	<p>Delete the first sentence of Policy BNDP7</p> <p>Modify part 3 to read:  'Where the legal requirements are met, developer contribution will be sought towards meeting identified community needs, including...' and after 'pedestrian safety'</p> <p>Add 'if the Community Infrastructure Levy is introduced, income received by the Parish Council will be used to meet these needs.'</p>	<p>Remove unnecessary text</p> <p>To clarify the potential role of CIL and development obligations.</p>
<p>Modification 7</p> <p>Policy BNDP 8</p>	<p>Modify the second sentence of part 2 to read:  'Where development would affect the landscape setting of the two main settlements it will only be permitted where a detailed landscape assessment demonstrates that the impact will not be severe'</p> <p>Modify part 3 to read:  'Proposals which can demonstrate that they have taken into account any impact on the views defined in the map and table at Annex 1, and are designed to ensure that any impact on them will not seriously detract from the main features of them, will be permitted'</p> <p>Revise the map in Appendix 1 to show the location and scope of the significant view more clearly, by using a narrower view cone instead of the existing symbol and delete view 7 from the map and table in Appendix 1.</p>	<p>To ensure the policy has flexibility</p> <p>To ensure that the plan is precise and clear in terms of the views being defined.</p>
<p>Modification 8</p> <p>Policy BNDP9</p>	<p>Delete section 1.1.2</p> <p>Modify section 1.1.3 to read:  'not break the skyline in distant views unless they make a demonstrably positive contribution to the landscape'</p> <p>Delete section 1.2</p>	<p>To ensure the policy is in line with the NPPF.</p>
<p>Modification 9</p> <p>Policy BNDP10</p>	<p>Delete parts 1.1, 1.2 and 1.3</p> <p>Modify part 1.4 to read:  'Take account of the significance of the local features of historical interest identified in Table 4 and the Map in Appendix 7 of Annex 1 and retain them where possible unless their loss is clearly necessary for the development and the benefits of the development would clearly outweigh the harm resulting from their loss'</p> <p>Modify part 1.5 to read:</p>	<p>To ensure consistency with the NPPF.</p> <p>To clarify the status of non-designated heritage assets.</p> <p>To provide clarity with regard to Building for Life requirements</p> <p>To ensure correct reference regarding the built environment</p>

	<p>'demonstrate where appropriate and possible how they meet the standards of Building for Life 12'</p> <p>In part 1.7 delete 'merge seamlessly with the existing landscape' and insert 'respect and where possible enhance the existing built environment'</p>	
<p>Modification 10</p> <p>Policy BNDP11</p>	<p>In part 1 insert 'unacceptable' before 'nuisance'</p> <p>In part 2 delete 'there is no light spillage beyond the boundary of the property' and replace it with 'light spillage beyond the boundary of the property is kept to a minimum'</p>	<p>To ensure the policy reflect those elements under the control of planning.</p>
<p>Modification 11</p> <p>Policy BNDP 12</p>	<p>In part 1 delete 'or other local assets' and after 'Annex C' insert 'and show on the Maps at Appendix 1 and Appendix 2 to Annex C'</p> <p>Delete part 2</p> <p>In Annex C and the maps at Appendix 1 and Appendix 2 to Annex C delete;</p> <p>1 – the car park and tennis courts adjacent to Bodenham parish hall, together with the field parcel to the east not lying within the settlement boundary</p> <p>4 – the field lying east of the C1125 and bounded to the north by Chapel Lane known as Shuker's Field</p> <p>7 – Lady Close Orchards and Bodenham Lake</p> <p>Also in Annex C change the reference in the 'category' column for 'public open space' to 'Local Green Space'</p>	<p>To add clarity</p> <p>To remove open spaces which are not considered to meet the requirements of the NPPF.</p> <p>1 – Considered that the car park and village hall does not demonstrate a special undeveloped green space. Protection is afforded under other policies.</p> <p>4 – no public access and it not considered to have distinctive qualities for the designation. This area will benefit from countryside policies.</p> <p>7 – site benefits from protection in several ways but is considered extensive and not appropriate for the designation of local green space.</p>
<p>Modification 12</p> <p>Policy BNDP 13</p>	<p>Delete part 1 of Policy BNDP13</p>	<p>To ensure conformity with SD2 and the NPPF and no clear justification has been provided for the negative position.</p>

# Appendix 3

NDP objectives	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>NDP Policies</b>					
Policy BNDP2 Settlement boundaries	Policy to define settlement boundaries for both Bodenham and Bodenham Moor. This will be the focus for growth.	Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the River Wye SAC dependent on the location of development.  The settlement boundary for Bodenham is relatively close to the River Lugg	River Wye (including the River Lugg) SAC	Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new developments.  The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) should help to avoid adverse impacts in relation to hydrological regimes at the River Wye.  Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.  Reference has now been made to the protection and enhancement of the River Wye SAC and its catchment	No, reference has now been made to the River Wye SAC within the criteria, this is especially important given the close proximity of the River Lugg to the settlement boundary.

NDP objectives	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)?
Policy BNDP3 Mix, type and tenure of new housing development	Policy to provide small scale affordable housing in appropriate locations	<p>Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the River Wye SAC dependent on the location of development.</p> <p>The settlement boundary for Bodenham is relatively close to the River Lugg</p>	River Wye (including the River Lugg) SAC	<p>Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new developments.</p> <p>The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) should help to avoid adverse impacts in relation to hydrological regimes at the River Wye.</p> <p>Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.</p>	No, with the addition of criteria in the other policies of the plan. This policy supports the principle of policy H2 of the Core Strategy. Policy safeguards exist within other policies of the plan.
Policy BNDP4 Foul Drainage	Policy to indicate the requirements relations to flood management in development proposals.	No, this will not lead to development indicates the details required for applications	River Wye (including the River Lugg) SAC	n/a	No, this policy will not lead to development but indicates the details required for development proposals. This will result in managed flood risk for the parish Additional criteria has been added to ensure capacity within the sewerage system which will assist the Nutrient Management Plan.

NDP objectives	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)?
Policy BNDP5 Employment	Small scale employment facilities including live work and working from home	Employment and infrastructure development.  Possible vehicular movements and demand for water abstraction and treatment.	River Wye (including the River Lugg) SAC	<p>The Core Strategy policy LD2 will aim to help avoid any adverse impacts on the River Wye SAC for new employment or businesses uses.</p> <p>Improved water efficiency measures, metering and addressing leakages in the supply may help to mitigate any additional pressures on the water supply as a result of new development.</p> <p>Measures within Core Strategy policy SD1 should help to mitigate potential impacts relating to non-physical disturbances.</p> <p>The implementation of Core Strategy policies SD3 and SD4 should also help to avoid any adverse impacts in relation to the hydrological regimes at the River Wye. Water Quality in the River Wye is also being specifically addressed through the Nutrient Management Plan.</p> <p>This NDP policy should help to reducing the extent to which people need to travel to work especially in connection with policies to improve network connections.</p>	

NDP objectives	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)?
Policy BNDP6 Large scale economic activities	Larger scale farming activity	Depending on type and location of infrastructure;  Physical damage or disturbance  Non-physical disturbance such as noise, dust	River Wye (including the River Lugg) SAC	Criteria is included within the policy to reflect ecological and biodiversity issues. Policy SD4 and the Nutrient Management Plan are also in place to assist with mitigation. Some proposals would also be subject to Environmental Impact Assessment	No this policy itself would not lead to development, it is intended to mitigate the impacts of these proposals on the local environment.
Policy BNDP7 Local community facilities	Protection of existing community facilities, promotion of choice of transport modes and indication of developer contributions	none	River Wye (including the River Lugg) SAC	none	No, the policy is seeking to retain existing or co-locate new facilities.
Policy BNDP 9 Protecting landscape and important public views	Elements of landscape feature which should be considered in development proposals	none	River Wye (including the River Lugg) SAC	none	No this policy will not lead to development, it is intended to protect landscape character and setting and ensure these are addressed in development proposals
Policy BNDP10 Protection and enhancement of the built environment	Elements of local character which should be considered in development proposals	none	River Wye (including the River Lugg) SAC	none	No this policy will not lead to development, it is intended to protect the local character and setting and ensure these are addressed in development proposals.
Policy BNDP11 Tranquillity and light pollution	Lessen the impact of artificial lighting on the environment	Lessen physical disturbance	River Wye (including the River Lugg) SAC	none	No this policy is seeking to reduce the amount of artificial lighting within the environment.
Policy BNDP12 Open Space	Protection of open space and local green space	none	River Wye (including the River Lugg) SAC	none	No, this policy will not lead to development but seek to protect existing open spaces and green areas.
Policy BNDP 13 Renewable energy	Promotion of small scale renewable energy schemes	Depending on type and location of infrastructure;  Physical damage or disturbance  Non-physical disturbance such as noise	River Wye (including the River Lugg) SAC	Measures included within policy SD2 of the Core Strategy should help to mitigate potential impacts relating to non-physical disturbances.  Good practice construction techniques including noise suppression measures, hours of operation may help to mitigate potential adverse effects during construction.	No; this policy could result in the development of renewable energy infrastructure which depending on location could have potential effect on the River Wye SAC. However, sufficient policy safeguards are in place within the Core Strategy and with the inclusion of additional wording within the Bodenham NDP policy to avoid or mitigate any likely significant effects on the River Wye

