

# Habitats Regulations Assessment

Addendum Report for:

**Bishopstone Group Neighbourhood Area**

**February 2018**



## **Bishopstone Group NDP 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

Appendix 3: Natural England response to HRA

## 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 Bishopstone 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 (June 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 of new criteria in certain places. The main changes were to policies H1, H2, H3 and G1.

## 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 Bishopstone 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 adopted version of the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 None of the Bishopstone Group 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 Bishopstone Group NDP, 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.
- 2.6 It was also concluded that the Bishopstone Group NDP will unlikely have any in-combination effect with any plans from neighbouring parishes. There was a clarification of a site allocation added to the plan on Bishon Farm site, this is within the desired settlement boundary and would ensure housing deliverability for up to 16 dwellings. Although this area is a traditional orchard, there are mitigation measures within the plan to help minimise its effect. Development on this site will be where the orchard is in poor condition and the majority of trees already fallen. This has been screened in the HRA, and overall potential effects from this site can be mitigated through Core Strategy and NDP policies.

- 2.7 The proposed amendments to the Draft NDP have been minor wording changes to policies H1, H2, H3 and G1. These policies have added parts to the policy so were re screened in the screening assessments, overall there were no significant effects. Therefore conclusion is the same as the findings of the previous HRA Report, prepared in June 2016. 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. There have been some additions to the criteria in some of the policies which are strengthening up the protection of the area, prevention of flooding, water quality measures added and generally a reduction of adverse impact upon the River Wye (including the Lugg) SAC.
- 3.2 One new policy has been introduced into the Submission NDP following the Regulation 14 Draft Plan consultation. The main changes within the NDP are to housing. H1 has been amended to protect majority of the orchard at Bishon Farm site and to include an area in this site for housing to ensure deliverability for 12-16 houses. H2 wording within the policy has been amended, three settlement boundaries have been reduced to two this has clarified and helped the housing policy comply with the Core Strategy by removing the Home Farm settlement boundary. H3 wording has been amended and simplified this supports policies RA3 and RA5 of the Core Strategy. Changes to policy G1 adds flexibility to the policy and adds more criteria to safeguard the environment from development.
- 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 Bishopstone Group NDP, 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 policies H1, H2, H3 and G1 added further criteria. The changes to policies H1 and H2 add greater certainty to deliver to housing within Bishopstone Group and within the identified settlement boundaries. There have seen no significant change from the findings of the previous HRA report. On the contrary; the changes strengthen the likelihood of there being no adverse impacts.
- 4.2 Therefore the earlier conclusion that the **Bishopstone 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

HRA Screening of Significant Changes (Objectives, Options and Policies) following Draft Plan (reg 14) Consultation

Parish Council Name: Bishopstone Group Parish Council

NDP Title: Bishopstone Group Neighbourhood Plan

Date undertaken: January 2018

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)	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)
Policy H1	<p>Housing development in line with Core Strategy targets.</p> <p>Increase in vehicle traffic.</p> <p>Increase recreation activities.</p> <p>Increased demand for water abstraction and sewage treatment.</p> <p>Development of infill sites</p> <p>Site is allocated for a development between 12 and 16 dwellings</p> <p>Community space identified and safeguarded.</p> <p>Community Orchard created.</p>	<p>Majority of housing target will be met through windfall and infilling within Bishopstone Settlement boundary.</p> <p>The required number of houses is in line with the Core Strategy and types of new houses will be provided within the relevant constraints appropriate to the character and countryside.</p> <p>Due to size and nature of windfall and infill development it is unlikely that there will be any significant effects on the European Site.</p>	River Wye (including River Lugg) SAC	<p>Implementation of Core Strategy policy LD2: Biodiversity and Geodiversity, which aims to avoid adverse impacts on European sites from development including housing.</p> <p>A management plan for the orchard has been produced to ensure the orchard is sufficiently protected and managed in the plan period.</p>	<p>No. This policy acknowledges that proportional growth will occur across the neighbourhood area in line with the Local Plan (Core Strategy). Scale and extent of such development is unlikely to be significant.</p> <p>Changes to this policy provide further clarity and certainty over housing development. With the addition of the Traditional Orchard Management plan. Overall the addition of the Bishon Farm Site allocation and have no changes the policies</p>

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

	Housing developed on a traditional Orchard where the orchard is damaged and will only impact on a few trees as identified in the management plan. Majority of orchard retained.				impact on the SAC.
Policy H2	<p>Housing development in line with Core Strategy targets.</p> <p>Increase in vehicle traffic.</p> <p>Increase recreation activities.</p> <p>Increased demand for water abstraction and sewage treatment.</p> <p>Development of infill sites</p> <p>Development in the identified settlements</p>	<p>Majority of housing target will be met through windfall and infilling within the settlement boundaries of Byford village, Byford Common.</p> <p>The required number of houses is in line with the Core Strategy and types of new houses will be provided within the relevant constraints appropriate to the character and countryside.</p> <p>Due to size and nature of windfall and infill development it is unlikely that there will be any significant effects on the European Site. Any adverse effects will be mitigated by Core Strategy policies SD1 and LD2.</p>	River Wye (including River Lugg) SAC	<p>This policy sets out a criteria for housing development in Byford.</p> <p>Implementation of Core Strategy policy LD2: Biodiversity and Geodiversity, which aims to avoid adverse impacts on European sites from development including housing. Policy SD1: Sustainable design and Energy efficiency should help to mitigate potential impacts relating to non-physical disturbance.</p>	<p>No. This policy acknowledges that proportional growth will occur across the neighbourhood area in line with the Local Plan (Core Strategy). Scale and extent of such development is unlikely to be significant.</p> <p>Changes to this policy provide further clarity and is more compliant with the Core Strategy. Removal of Home Farm settlement boundary is in line with policy RA2 and RA3 of the Core Strategy. There are no changes the policies impact on the SAC.</p>
Policy H3	<p>Housing development in line with Core Strategy targets.</p> <p>Small increase in vehicle traffic.</p> <p>Small increase recreation activities.</p> <p>Small increase in demand for water abstraction and sewage</p>	<p>The required number of houses is in line with the Core Strategy and types of new houses will be provided within the relevant constraints appropriate to the character and countryside.</p>	River Wye (including River Lugg) SAC	<p>This policy sets out a criteria for housing development in Bridge Sollars, Kenchester and Mansell Gamage.</p> <p>This policy sets out criteria for sites in accordance with rural housing policy RA3, RA4</p>	<p>No. This policy acknowledges that proportional growth will occur across the neighbourhood area in line with the Local Plan (Core Strategy). Scale and extent of such development is unlikely to be significant.</p>

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

	<p>treatment.</p> <p>Development in redundant rural buildings.</p>			and RA5.	Changes to this policy provide further clarity and have no changes the policies impact on the SAC.
Policy G1	<p>Promotion of sustainable housing construction</p> <p>Reuse of materials</p> <p>Sustainable housing design developed</p> <p>Sustainable growth</p> <p>Building conservation</p>	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	In accordance with policy Core Strategy policy SD1, this policy can help mitigate the effects of development through sustainable housing design. This can help minimise adverse impact on the environment and the SAC.	<p>No: development will not directly lead to development and set a design criterion in which development should adhere to. This policy helps to avoid or any unsuitable and unsustainable development within Bishopstone Group.</p> <p>Changes to this policy provide further clarity and have no changes the policies impact on the SAC.</p>
Bishon Farm Site allocation	<p>Housing developed up to 16 dwellings within the identified settlement boundary.</p> <p>Non physical disturbances</p> <p>Increase in vehicular traffic</p> <p>Increase demand in water use and water and waste utilities.</p> <p>Part of site is located within a traditional Orchard.</p>	Unlikely that there will be any significant effects on the European Site.	River Wye (including River Lugg) SAC	<p>Mitigation measures within the NDP and NDP will help mitigate potential impact on the River Wye SAC.</p> <p>Appropriate assessment will need to be completed to ensure impact on the existing part of the orchard is minimal. This has been assessed within the Traditional Orchard Management Plan.</p>	<p>No. this policy allocates development within the identified settlement boundary for Bishopstone Group and in line with their proportionate growth target.</p> <p>Mitigation measures with the NDP particularly G6, G1 and H1 and Core Strategy will help to alleviate impact from development.</p>

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

# Appendix 2

## **HRA Consultation Feedback**

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

**Parish Council Name:** Bishopstone Group Parish Council

**Neighbourhood Development Plan Name:** Bishopstone Group Neighbourhood Plan

**Details of consultation:** Regulation 14

**Consultation date:** 17 October to 17 December 2016

**Consultation title:** Reg 14

Natural England have no specific comments to make on the Bishopstone Regulation 14 HRA, the comments just highlight the importance of HRA screening to determine the impact. But in response to their plan they have raised potential issue of Bishon Farm has potential to impact a priority habitat, in form of traditional orchards. No mention of priority habitat is made and there are no requirements to protect this habitat. We recommend that alternative sites should be considered, particularly if the existing traditional orchard habitat cannot be retained through mitigation.

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

# Appendix 3

Date: 08 December 2016  
Our ref: 199101  
Your ref: Bishopstone NDP



James Latham  
Technical Support Officer  
Neighbourhood Planning and Strategic Planning Teams  
Hereford Council

Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

**BY EMAIL ONLY**

T 0300 060 3900

Dear Mr Latham,

**Planning consultation: Bishopstone Group Neighbourhood Development Plan, HRA Report**

Thank you for your consultation on the above dated 17/10/2015.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**Habitats Regulations Assessment**

Natural England notes the screening process applied to this Neighbourhood plan. We agree with the Council's conclusion of no likely significant effect upon the named European designated sites:

- River Wye SAC

We would be happy to comment further should the need arise but if in the meantime you have any queries please do not hesitate to contact us.

For any queries relating to the specific advice in this letter only please contact Tom Amos on 02080 260961. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service

Yours sincerely

Tom Amos  
Adviser  
South Mercia Team