Habitats Regulations Assessment



Breinton Neighbourhood Area

2nd Addendum

February 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 Breinton NDP; the initial Submission NDP was refined by the steering group to reflect feedback from the consultation on the Submission Plan and Environmental and Habitat Regulations Assessment (HRA) Reports as part of the Regulation 16 consultation (4 August 15 September 2015), comments received on the HRA can be seen in Appendix 2.
- 1.2 The purpose of this further HRA Addendum Report is to detail the findings of the screening of the full options considered for the Plan and the proposed changes to Policies B1, B2, B3, B5, B6, B7, B8, B9, B10 and B11 of the Breinton NDP and consider if they significantly affect the conclusions of the earlier HRA Report (February 2015) and HRA Addendum (July 2015).
- 1.3 These refinements are not considered to significantly affect the conclusions of the earlier HRA report, as they do not materially change the overall aims and objectives of the policies, although they have led to the inclusion of new criteria and settlement boundaries which should enhance the ability of the policies to safeguard the River Wye SAC from unacceptable adverse impacts.

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 in the Breinton 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 Appendix 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 report for the Presubmission version of the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 On the basis of assumptions and information contained within the Breinton NDP (February 2015), Herefordshire Local Plan (Core Strategy) and the Pre-submission version of the HRA for the Local Plan (Core Strategy), all of the NDP policies were found to be unlikely to result in significant effects on the River Wye SAC.
- 2.5 This was largely attributed to the fact that 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, conservation of community facilities and heritage, etc, and therefore a no significant effect conclusion was reached. These policies were considered to have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 It was also concluded that the Breinton NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as currently no sites are allocated for development within these either. Therefore, it was concluded that the Breinton NDP will not have a likely significant effect on the River Wye SAC.
- 2.7 The HRA Addendum Report (July 2015) detailed the findings of the screening of the proposed changes to Policies B1, B2, B3 and B18, the Addendum Report also concluded that the Breinton NDP will not have a likely significant effect on the River Wye SAC.
- 2.8 The proposed amendments to the Initial Submission version of the Breinton NDP(August 2015) are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in February 2015, and the Addendum, July 2015, and the main findings are summarised below.

3.0 Summary of main findings

- 3.1 The Re-Submission NDP incorporates suggestions made by consultees during the Regulation 16 consultation, with particular emphasis on ensuring that the growth figures set out in the Core Strategy could be met or be demonstrated ass to why that would not be the case. The changes also included clarification such as changing the titles of some of the policies to ensure they represented the text, settlement boundaries were drawn around the defined settlements and criteria was strengthened to policies to ensure no significant impact upon the environment. Therefore these policies have been strengthened and so the likelihood of there being no significant effect remained high.
- 3.2 No new policies have been introduced into the Re-Submission NDP following the Regulation 16 consultation.
- 3.3 The revised NDP policies were found to be unlikely to result in significant effects on the River Wye SAC, a conclusion of which is based on assumptions and information contained within the Re-Submission version Breinton NDP (February 2016), 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.
- 3.4 As part of the Regulation 16 submission consultation it was identified that not all of the full options considered by the Parish had been screened in the original HRA report, therefore within the HRA re-screening process for the re-submission NDP the full options were also screened, can be viewed in Appendix 1. The options covered housing distribution; settlement boundaries; housing allocation; employment; renewable energy; transport routes; design and type and mix; local heritage and local distinctiveness, community infrastructure and a do nothing and rely on Core Strategy policies.
- 3.5 The full options for the NDP were assessed to determine their environmental impact that could affect the River Wye SAC. Overall the majority of the options proposing any growth appear to depend on location and scale in relation to environmental impact. However the majority of options listed are all on a small scale and are unlikely to have a significant impact on the SAC. The mitigation from these options will help to counter balance the effect of all new development within the Parish, and will help to provide criteria within the Plan's policies to limit any adverse effect.
- 3.6 All of the options considered, were screened to have no likely significant effect on the River Wye SAC

4.0 Conclusion

- 4.1 With reference to section 3 above, the modifications to Policies B1, B2, B3, B5, B6, B7, B8, B9, B10 and B11 of the NDP are not considered to affect the findings of the previous HRA reports.
- 4.2 In addition, the full options that under went screening, demonstrated that none of the options considered were likely to have a significant effect on the River Wye SAC and therefore the policies would not need to be altered or amended any further.
- 4.3 Therefore the earlier conclusion that the **Breinton 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 Re-Submission NDP and earlier HRA Reports for consultation in Spring 2015, before being submitted for examination.

Appendix 1

Table 2: HRA Re-Screening of Emerging Redrafted Neighbourhood Development Plan, Options and Policies

Parish Council Name: Breinton Parish

NDP Title: Breinton Parish NDP

Date undertaken: February 2016

NDP Redrafted options/policies	HRA Re-Screening Assessment of Emerging redrafted NDP objectives, options and policies						
	Likely activities (operations) to result as a consequence of the redrafted objective/option/policy	Likely effect if redrafted objective/option/policy implemented. Could they have LSE on European Sites? (Yes/No, with reasons) (If no, progress onto next redrafted objective/option/policy. If yes, progress onto next set of columns in row)	European Sites potentially affected (Refer to Initial Screening)	Mitigation measures to be considered to avoid any impacts	If recommendations are implemented, would it be possible that it would result in no likely significant effect? (Yes/No with reasons)		
Option Do nothing / Rely on Core Strategy policies	No NDP to determine planning applications.	Criteria policies within the Core Strategy would guide further development. Specific policies and proposals for the parish would not exist.	N/A	N/A	N/A		
Option Allocate sites for housing along King's Acre Road	Small scale proportionate growth on specific sites identified	Greater degree of certainty over the impact of future development on the River Wye SAC, as	River Wye (including the River Lugg) SAC	Specific environmental issues could be investigated during the site search and be	No, development in line with the Local Plan (Core Strategy) and the policy		

	on a proposals map.	the location of housing would be pre-determined and not left to market forces.		positively addressed within the policy wording. Policy would need to take account of the proportional growth requirements of the Core Strategy and potential headroom capacity at the local STW.	safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects. Policy criteria should be included within the NDP which reflects this.
Option Managing housing sites using one settlement boundary for the main built up areas	Small scale proportionate growth within a defined settlement boundary area.	Uncertain as to the impact on the River Wye SAC as dependant on the location of the development. The River Wye flows immediately west of Breinton Common.	River Wye (including the River Lugg) SAC	Additional criteria would be required when formulating the accompanying settlement boundary policy to ensure that no likely significant effects could occur. Policy would need to take account of the proportional growth requirements of the Core Strategy and potential headroom capacity at the local STW.	No, development in line with the Local Plan (Core Strategy) and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects. Policy criteria should be included within the NDP which reflects this.
Option Managing housing sites using multiple settlement boundaries for the main built up areas	Small scale proportionate growth within a defined settlement boundary area.	Uncertain as to the impact on the River Wye SAC as dependant on the location of the development. The River Wye flows immediately west of Breinton Common.	River Wye (including the River Lugg) SAC	Additional criteria would be required when formulating the accompanying settlement boundary policy to ensure that no likely significant effects could occur.	No, development in line with the Local Plan (Core Strategy) and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely

				Policy would need to take account of the proportional growth requirements of the Core Strategy and potential headroom capacity at the local STW.	significant effects. Policy criteria should be included within the NDP which reflects this. Further assessments will be undertaken at draft policy stage.
Option Allocate sites and identify a settlement boundary along Kings Acre road	Small scale proportionate growth on specific sites identified on a proposals map and within a defined settlement boundary area.	Greater degree of certainty over the impact of future development on the River Wye SAC, as the location of housing would be pre-determined and the settlement boundary would provide a clear distinction between open countryside and the built environment.	River Wye (including the River Lugg) SAC	Specific environmental issues could be investigated during the site search and be positively addressed within the policy wording. Additional criteria would be required when formulating the accompanying settlement boundary policy to ensure that no likely significant effects could occur. Policy would need to take account of the proportional growth requirements of the Core Strategy and potential headroom capacity at the local STW.	No, development in line with the Local Plan (Core Strategy) and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects. Policy criteria should be included within the NDP which reflects this.
Option	Small scale	Greater degree of	River Wye	Specific environmental	No, development in
Allocate sites and identify	proportionate growth on specific sites identified	certainty over the impact of future development on	(including the	issues could be investigated during the	line with the Local Plan (Core Strategy)

multiple settlement boundaries around the areas Kings Acre road, Breinton common and lower Breinton	on a proposals map and within a defined settlement boundary area.	the River Wye SAC, as the location of housing would be pre-determined and the settlement boundary would provide a clear distinction between open countryside and the built environment.	River Lugg) SAC	site search and be positively addressed within the policy wording. Additional criteria would be required when formulating the accompanying settlement boundary policy to ensure that no likely significant effects could occur. Policy would need to take account of the proportional growth requirements of the Core Strategy and potential headroom capacity at the local STW.	and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects. Policy criteria should be included within the NDP which reflects this.
Option Manage future housing through a development management policy plus settlement boundaries	Small scale proportionate growth where the location would be determined by a criteria based policy.	Uncertain as to the impact on the River Wye SAC as dependant on the location of the development. The River Wye flows immediately west of Breinton Common. However the addition of Settlement boundaries would provide more certainty than criteria alone.	River Wye (including the River Lugg) SAC	Criteria based housing policy would require to include reference to mitigation measures to avoid any non- disturbance effects on the River Wye via its catchment. Additional criteria would be required when formulating the accompanying settlement boundary policy to ensure that no likely significant effects	No, development in line with the Local Plan (Core Strategy) and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects. Policy criteria should be included within the NDP which reflects this. Further assessments will be undertaken at draft

				could occur. Policy would need to take account of the proportional growth requirements of the Core Strategy and potential headroom capacity at the local STW.	policy stage.
Option Include specific Design and type / mix policies	Mitigation towards development through the design policies	N/A	River Wye (including River Lugg) SAC	Criteria based design and type/mix policies would require reference to mitigation measures, and would help to provide safeguarding measures to other policies against development.	No, this criteria based policies will help to mitigate against an adverse effect.
Option Include policies on community infrastructure	New community buildings and facilities	Will be of a limited scale therefore unlikely to have a significant impact upon the SAC	River Wye (including River Lugg) SAC	Criteria based policies would require reference to mitigation measures for any community development.	No, criteria based policies within the NDP and the Core Strategy will help to mitigate against an adverse effect.
Option Include Transport / movement policy	New access and roads	Unsure of impact of new access roads however if small scale then should have little impact upon the SAC.	River Wye (including River Lugg) SAC	Criteria based policies would require reference to mitigation measures for new roads and access routes.	No, criteria based policies within the NDP and the Core Strategy will help to mitigate against an adverse effect.
Option Include policy on renewable	Community and individual renewable	If small scale schemes should have little impact	River Wye (including River	Good practice techniques for construction may help to	No; policy criteria can be added to mitigate.

energy schemes	energy schemes	upon the SAC	Lugg) SAC	eliminate disturbance during construction phases. Ensure future policy balances out the scale of promoted schemes and avoid the location to close to the River Wye SAC or its tributaries.	
Option Include policy on employment designation	Small scale employment growth on specific sites identified on a proposals map.	Greater degree of certainty over the impact of future development on the European sites, as the location of employment development would be pre-determined	River Wye (including the River Lugg) SAC	Specific environmental issues could be investigated during the site search and be positively addressed within the policy wording.	No, development in line with the Local Plan (Core Strategy) and the policy safeguards which exist within the Core Strategy should avoid or mitigate any likely significant effects. Policy criteria should be included within the NDP which reflects this.
Option Include policies on Local Heritage and local distinctiveness	Protection towards heritage in the parish Mitigation towards development through the design policies identifying the local distinctiveness	N/A	River Wye (including River Lugg) SAC	Criteria based design and heritage policies would require reference to mitigation measures, and would help to provide safeguarding measures to other policies against development.	No, this criteria based policies will help to mitigate against an adverse effect.
Policy B1 – housing	Policy to support the	Some small scale	River Wye	Measures set within the	No: this policy would

development in the defined Breinton settlements	delivery of market housing to meet the needs of local people in line with Local Plan (Core Strategy) Policy RA2. The addition of settlement boundaries help to provide certainty to the location of new development.	housing development within or adjacent to the defined settlement boundaries. 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, however the policy would result in small scale growth.	(including the River Lugg) SAC	relevant Local Plan (Core Strategy) policies and other NDP Policies should help to avoid adverse impacts on the European site. 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.	allow for small scale housing schemes and supports the Local Plan (Core Strategy) Policy RA2. In particular, criterion h in policy B1 specifically states for development not to have an adverse effect on the river Wye SAC. There are additional policy criteria in place within both the Local Plan (Core Strategy) and the NDP to avoid or mitigate any likely significant effects.
Policy B2 – Kings acre road	Policy to support the delivery of market housing to meet the needs of local people in	Some small scale housing development within the defined	River Wye (including the River Lugg) SAC	Measures set within the relevant Local Plan (Core Strategy) policies and other NDP Policies	No: this policy would allow for small scale housing schemes and supports the

	line with Local Plan (Core Strategy) The addition of settlement boundaries help to provide certainty to the location of new development.	settlement boundary. 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, however the policy would result in small scale growth.		should help to avoid adverse impacts on the European site. 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.	Local Plan (Core Strategy) Policy RA2. In particular, criterion b in policy B2 specifically states for development not to have an adverse effect on the river Wye SAC. There are additional policy criteria in place within both the Local Plan (Core Strategy) and the NDP to avoid or mitigate any likely significant effects.
Policy B3 – Housing in the countryside and rural exception sites	Policy to support the delivery of market housing to meet the needs of local people in line with Local Plan (Core Strategy) policy	Some small scale housing development in line with the countryside policies in the Core Strategy. Housing, infrastructure	River Wye (including the River Lugg) SAC	Measures set within the relevant Local Plan (Core Strategy) policies and other NDP Policies should help to avoid adverse impacts on the	No: this policy would allow for small scale housing schemes and supports the Local Plan (Core Strategy) Policy RA3.

	RA3	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, however the policy would result in small scale growth.		European site. 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.	In particular, criterion e in policy B3 specifically states for development not to have an adverse effect on the river Wye SAC. There are additional policy criteria in place within both the Local Plan (Core Strategy) and the NDP to avoid or mitigate any likely significant effects.
Policy B5 – Ensuring an appropriate range of tenures, type and sizes of houses	Suitable mix of homes provided in response to the spatial and financial requirements of local residents, in accordance with Policy H3 of the Local Plan (Core Strategy).	Uncertain as to the impacts upon the River Wye SAC dependent on the location of development.	N/A	N/A	No, this policy reiterates the criteria within Policy H3 of the Local Plan (Core Strategy). Additional policy criteria will avoid any likely significant effects.

Policy B6 – sustainable design and energy efficiency	Promote sustainable development measures for all new development across the parish.	N/A	N/A	N/A	No. This policy will not lead to development; rather it aims to ensure that new development coming forward under the other NDP policies contributes to sustainable development.
Policy B7 – Protecting the best and most versatile agricultural land	Retention of the finest agricultural land and greater levels of protection afforded to the natural environment and landscape character.	N/A	N/A	N/A	No. This policy will not lead to development; rather it seeks to ensure that the best and most versatile soils will be conserved and protected from inappropriate, alternative forms of use, to the benefit of the natural environment and landscape character.
Policy B8 – Protecting and developing existing community assets and infrastructure	Encourage and enhance the use of community facilities, as well as facilitating new provision.	New community facilities. Possible vehicular movements and demand for water abstraction and treatment.	Rive Wye (including the River Lugg) SAC	Policy LD2 of the Local Plan (Core Strategy) will aim to help avoid any adverse impacts on the River Wye for new community uses. The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) should	No, although this policy could result in the development of new community facilities or the loss of existing provision to new uses, which depending on location could have potential effect on the

				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.	River Wye, sufficient policy safeguards are in place within both the Local Plan (Core Strategy) and NDP policy to avoid or mitigate any likely significant effects on the River Wye.
Policy B9 – Protecting Local Green Space	Conservation of green areas of specific value to the local community.	N/A	N/A	N/A	No. This policy will not lead to development; rather it seeks to conserve areas of greenspace and prevent alternative forms of use, to the benefit of the natural environment and landscape character.
Policy B10 – Moving around Breinton	Preservation of specific routes as quiet lanes Specific design criteria for the proposed western relief road (proposed in the Core Strategy)	N/A	N/A	N/A	No, this policy will not lead to development itself; rather it seeks to ensure that development proposals for new roads / access points or those affecting quiet lanes integrate sympathetically to landscape character of the area.

Policy B11 – Green Infrastructure	Greater degree of protection afforded to the parish's green networks.	N/A	N/A	N/A	No, this policy will not lead to new development; rather it specifically aims to ensure that any development proposed will conserve or enhance local ecological features and networks. As such this policy could help to provide mitigation against the potential of other NDP policies.
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Appendix 2

Template 2: HRA Consultation Feedback

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

Parish Council Name: Breinton Parish

Details of consultation: Initial Regulation 16 Consultation

Consultation date: 4 August 2015 – 15 September 2015

Response Date	Consultee	Summary of Comments
9 Sept 2015	Natural England	Acknowledge that the Plan considered previous comments and this is demonstrated within the HRA report for the Initial Submission draft. Natural England therefore agrees that it is unlikely that the Breinton Neighbourhood Plan, with the inclusion of the additional safeguards outlined in the HRA Addendum Report, will have a significant effect on European Sites, either alone or in-combination.

Date: 09 September 2015 Our ref: 161811 Your ref: Breinton Neighbourhood Development Plan

Mr J Latham Neighbourhood Planning, Strategic Planning & Conservation teams Herefordshire Council Planning Services PO Box 230 Blueschool House Blueschool Street Hereford HR1 2ZB



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BY EMAIL ONLY

Dear Mr Latham

Planning consultation: Breinton Regulation 16 Neighbourhood Development Plan

Thank you for your consultation on the above dated and received by Natural England on 05 August 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.

The Wildlife and Countryside Act 1981 (as amended) The Conservation of Habitats and Species Regulations 2010 (as amended)

Natural England is pleased to see the advice from our previous response to Breinton Parish Council (reference 144957, dated 27 March 2015) at Regulation 14, has been incorporated into Breinton Neighbourhood Development Plan. We previously had concerns that the following policies could have adverse impacts on the River Wye SAC:

- Policy B1- Housing Development in Breinton
- Policy B4 Rural Exception Sites
- Policy B5 King's Acre
- Policy B18 Veldifer

This is because the NDP was progressing ahead of the Herefordshire Local plan, and therefore relying on the draft Local Plan and its HRA to avoid or mitigate for any potential impacts which was not considered sufficient to be certain of avoiding impacts. We advised that wording should be added to the above policies to ensure that development could only proceed where any adverse likely significant effects on the River Wye SAC could be avoided or mitigated. Development would therefore only be permitted when it did not compromise the ability of the nutrient management plan to deliver the necessary overall nutrient reductions along those stretches of the River Wye SAC which are already exceeding water quality targets or are at risk of doing so.

We welcome the below updated policies which now include the above advice:

- Policy B1 Housing Development in Rural Breinton
- Policy B2 Rural Exception Sites
- Policy B3 Kings Acre Road to Swainshill and the A480 to Veldifer



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• B18 - Veldifer

We also welcome the additions to other policies following our previous advice, within Policy B9 – Protecting Local Greenspaces and Policy B11 – Green Infrastructure.

Habitats Regulations Assessment (HRA) Report

Natural England welcomes the opportunity to provide comments on the Habitats Regulations Assessment Addendum report as a statutory consultee and specialist adviser on the application of the Conservation of Habitats and Species Regulations 2010, the "Habitats Regulations".

We note that the HRA addendum has considered the updates to the Neighbourhood Plan policies (B1, B2, B3 & B18) which have now been strengthened with the inclusion of additional wording to protect the River Wye Special Area of Conservation (SAC) and the ability of the Nutrient Management Plan to deliver the necessary water quality targets.

Natural England therefore agrees that it is unlikely that the Breinton Neighbourhood Plan, with the inclusion of the additional safeguards outlined in the HRA Addendum Report, will have a significant effect on European Sites, either alone or in-combination.

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 <u>only</u> please contact Kayleigh Cheese on 0300 060 1411. For any new consultations, or to provide further information on this consultation please send your correspondences to <u>consultations@naturalengland.org.uk</u>.

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

Miss Kayleigh Cheese Sustainable Development Team South Mercia Area



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