

# Habitats Regulations Assessment

Report for:

**Kington Area Neighbourhood Area**

**June 2019**



# **Kington Area Neighbourhood Plan HRA**

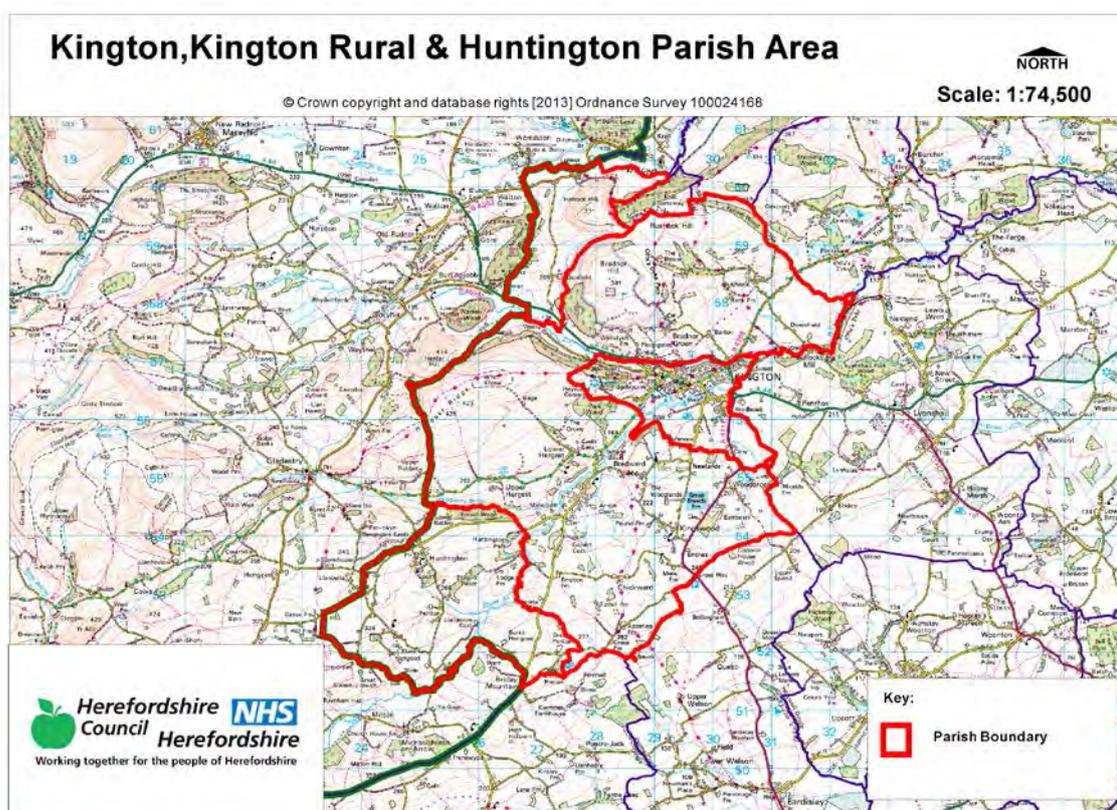
## **HRA Screening Assessment**

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## 1 Introduction

- 1.1 This Screening Assessment relates to a Neighbourhood Development Plan that is considered to be in general conformity with higher level strategic plans, such as the Herefordshire Core Strategy and the National Planning Policy Framework. The screening stage involves assessing broadly whether the submission Neighbourhood Plan is likely to have a significant effect on any European site(s).
- 1.2 Kington Town Council, Kington rural and Lower Harpton Parish Council and Huntington Parish has produced a Neighbourhood Development Plan for Kington Area of parishes, in order to set out the vision, objectives and policies for the development of the Parish up to 2031. This HRA reviews the submission Kington Area Plan (August 2018).
- 1.3 The NDP allocates sites and designates settlement boundaries within the Kington Area. It provides general criteria policies that clarify and given more detail to those within the Herefordshire Core Strategy.
- 1.4 This requires a high level screening assessment to build upon the HRA Screening Assessment Report for the Core Strategy. It should be read in combination with the Core Strategy Habitat Regulations Assessment Report and ensures that there will not be any significant impacts upon Natura 2000 sites.
- 1.5 The map below shows Kington Area Neighbourhood Area to which this assessment related.



## 2 The requirement to undertake Habitats Regulations Assessment of neighbourhood plans

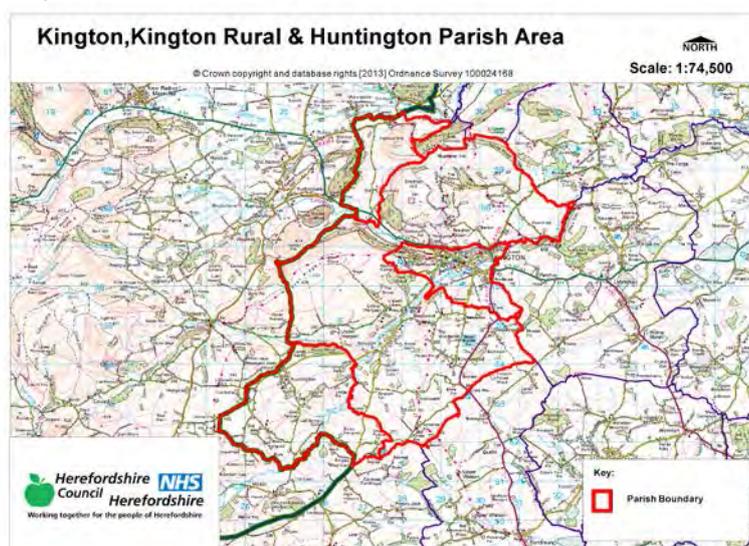
- 2.1 The requirement to undertake HRA of development plans was confirmed by the amendments to the “Habitats Regulations” published for England and Wales in July 2007 and updated in 2013. Therefore, when preparing its NDP, Kington Town Council, Kington rural and Lower Harpton Parish Council and Huntington Parish Council is required by law to carry out an assessment known as “Habitats Regulations Assessment”. It is also a requirement in Regulation 32 schedule 2 of the Neighbourhood Planning Regulations 2012.
- 2.2 Article 6(3) of the EU Habitats Directive provides that:  
*Any plan or project not directly connected with or necessary to the management of the [European] site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public.*
- 2.3 HRA is an impact-led assessment and refers to the assessment of the potential effects of a neighbourhood plan on one or more European sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):
- **SPAs** are classified under the European Council Directive ‘on the conservation of wild birds’ (79/409/EEC; ‘Birds Directive’) for the protection of **wild birds and their habitats** (including particularly rare and vulnerable species listed in Annex 1 of the Birds Directive, and migratory species).
  - **SACs** are designated under the Habitats Directive and target **particular habitats** (Annex 1) and/or species (Annex II) identified as being of European importance.
- 2.4 For ease of reference during HRA, general practice has been that these three designations are collectively referred to as either **Natura 2000** or **European sites**. This means that a Screening Assessment is carried out with regard to the Conservation Objectives of the European Sites and with reference to other plans or projects to identify if any significant effect is likely for any European Site.
- 2.5 Herefordshire Council is aware of the recent judgement (People over Wind, Peter Sweetman vs Coillte). The Court of Justice of the European Union (CJEU) ruled that Article 6(3) of the Habitats Directive must be interpreted as meaning that mitigation measures should be assessed within the framework of an appropriate assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan on a European site at the screening stage. The initial screening undertaken in October 2013 and concluded that a full HRA would be required. Mitigation was not taken into account at this stage.
- 2.6 The purpose of this submission HRA 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 (May 2017) and reviewed in terms of the implications of *Sweetman*.

### 3 Methodology

- 3.1 Although the Kington Area NDP is not directly regarding the management of any European sites, it does include proposals for development which may affect European sites. Therefore, it is necessary under Regulation 102(1)(a) of the Habitats Regulations 2010 to undertake screening for likely significant effects on European sites.
- 3.2 The HRA of neighbourhood plans is undertaken in stages and should conclude whether or not a proposal or policy in a neighbourhood plan would adversely affect the integrity of the site in question. This is judged in terms of the implications of the plan for a site's 'qualifying features' (i.e. those Annex I habitats, Annex II species, and Annex I bird populations for which it has been designated) and are measured with reference to the conservation objectives for those qualifying features as defined by Natural England.
- 3.3 The first process is to undertake an initial screening report to determine the need to undertake the requirement for a HRA, this initial screening identifies whether the Plan could impact upon any European site that could be within the Neighbourhood Area or nearby.
- 3.4 If a European Site is within the Neighbourhood Area or the Neighbourhood Area could impact upon a European site then this will need to be taken into account and a full screening assessment will need to be undertaken.
- 3.5 The full screening stage consists of a description of the plan, identification of potential effects on European Sites, assessing the effects on European Sites. For Neighbourhood Plans the outcome should demonstrate there are no likely effects upon the European sites. If any likely effects occur then there will need to be amendments to the NDP made and be re-screened until all likely effects have been addressed.

### 4 Results of the Initial Screening Report and qualifying features of the European Sites

- 4.1 The initial Screening report (October 2013) found that the River Wye (including the River Lugg) SAC. The River Lugg SAC is 3.9km away from the parishes of the Kington Area. However the parishes fall within the hydrological catchment area of the River Arrow which is a tributary of the River Wye. Therefore a full screening assessment is required.



- 4.2 There is also a duty under the Water Framework Directive to ensure that proposals for growth do not adversely affect the river water quality and this included the associated watercourses flowing into the rivers.

### **Site integrity of the River Wye (including the River Lugg) SAC**

- 4.3 The issues associated with maintaining the sites integrity include water levels and flow, water quality, eutrophication (nitrogen enrichment), sedimentation, disturbance and species maintenance.
- 4.4 The River Wye SAC can be sensitive to changes in water quantity and quality. As outlined within the Habitat Regulation Assessment to the Herefordshire Core Strategy, the water supply in this area comes from Dwr Cymru Welsh Water (DCWW) and no likely significant effects on European sites as a result of changes in water quality are expected in relation to the proportional growth outlined with the Herefordshire Core Strategy.
- 4.5 In relation to water quality, Policy SD4 of the Herefordshire Core Strategy indicates that any development should not undermine the achievement of water quality targets within the county's rivers. This should ensure that developments within the area can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC. This position is confirmed within the HRA of the Core Strategy in April 2015.
- 4.6 The addition of the Nutrient Management Plan for the River Wye SAC will support this policy. DCWW states that the Kington Area can potentially accept further growth within the current flow limit. However they recommend any development going forward should liaise with the water company at planning application stage.
- 4.7 For full details of the River Wye's attributes which contribute to and define their integrity and vulnerable data see Appendix 1 of the Kington Area Initial Screening Report. The Initial Screening Report, October 2013, can be found in Appendix 1 of this HRA report.
- 4.8 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 Kington Area Neighbourhood Plan may affect site integrity.
- 4.9 The initial screening assessment indicated that a full screening assessment is required to assessment the likelihood of significant effects on the River Wye (including the River Lugg) SAC of the policies within the Kington Area NDP.

## **5 Description of the Kington Area Neighbourhood Development Plan**

- 5.1 The submission Kington Area NDP presents detailed policies for development in the Neighbourhood Area, which is equivalent to the group parish boundary, up to 2031. The Plan begins by introducing its preparation and highlighting its issues.
- 5.2 The NDP then details the vision statement for the group of parishes over the Plan period. This can be found on p16 of the Kington Area Neighbourhood Plan.

There are fifteen objectives of how this will be achieved. The objectives cover the following topics:

- Protection of the existing natural and built environment
- Sustainable housing growth
- High quality housing design

- Promote Kington as a service centre
  - Alleviate traffic impact in Kington High Street
  - Promote local and rural businesses
  - Effectively manage farm diversification
  - Designate important green space
  - Develop and enhance green infrastructure
  - Improve communications infrastructure
  - Alleviate and manage flood risk in new development
  - Enhance existing community facilities
  - Support small scale renewable energy schemes
- 5.3 The initial options for the NDP (refer to appendix 2) were assessed to determine their environmental impact that could affect the River Wye SAC. Of the eight general options put forward the 'no NDP / do nothing' option was not considered viable for the Parish. All of which indicated towards growth however all the options would be seeking to provide proportional growth in line with the Core strategy and are therefore unlikely to have a significant impact on the SAC.
- 5.4 As Kington Area Neighbourhood Plan progressed from options to draft NDP policies, the Plan needed to identify ways in which the least effect on the River Wye SAC could be achieved, alongside taking forward the preferred option from the consultation from the community. A list of the options assessed can be found in previous HRA assessments, and the Assessment matrix for the options can be found HRA May 2017 version. Kington Town has considered 8 general options on how the Kington Area was expected to shape growth. Kington decided to expand the settlement boundaries and allocate sites and also allocate a site in Hergest.
- 5.5 Kington Town had 20 site options, to allocate proportionate growth housing. 8 sites have been selected to provide housing for up to 140 dwellings, the rest will be delivered from windfall. Hergest is an identified settlement for proportionate growth within the Core Strategy and allocates 1 site to accommodate up to 15 dwellings. This along with windfall figures is in line with the core strategy target of 32 dwellings to be provided in the plan period 2011-2031. All of the sites considered and the eleven selected have been screened and concluded that no sites will have a significant impact on the River Wye SAC.
- 5.5 The NDP also sets out 17 general policies on various topics based on the objective headings above and also for group parish, these include:

**A Valued Natural Environment**

**Dark Skies**

**A Valued Built Environment**

**Settlement Boundaries**

**Housing Delivery Kington Town**

**Housing Delivery Land South of Kington**

**Housing Delivery Hergest**

**Housing Delivery: Rural Areas**

**Housing Design Criteria**

**A Thriving Rural Employment**

**Large Scale employment activities**

**Kington Town Centre**

**Sustainable Tourism**

**Local Infrastructure**

**Local Green Spaces**

**Green Infrastructure**

**Community Facilities**

## 6.0 Assessments undertaken to date of the emerging Kington Area NDP policies

- 6.1 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 Kington Area NDP would be likely to have a significant effect on the River Wye SAC. This has been repeated at each statutory stage of the NDP consultation process.
- 6.2 The findings of those screening matrix can be found within the previous versions of the HRA report and its addendum. This submission report aims to bring together these assessments and review in the implications of the *Sweetman* case.

### Screening of the draft plan (Reg14)

- 6.3 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.
- 6.4 None of the Kington NDP objectives and policies (August 2018) were concluded to be likely to have a significant effect on the European site. This is due to the Kington Area NDP is several km away from the River Wye SAC, but falls within the hydrological catchment area of the Arrow, which forms part of the Wye's tributaries. NDP Policy ENV4 and Core Strategy policy SD3 and SD4 together with the Nutrient Management Plan will ensure that development can only occur if these policy requirements are met.
- 6.5 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development and the SAC itself is not within the parish. In several cases the policies also included measures to help support the natural environment including biodiversity.
- 6.6 It is unlikely that the Kington Area Neighbourhood Plan will have any in-combination effects with any Plans from neighbouring parish council due to the level of growth proposed is of the same that is proposed for the Kington Housing Market Area in the Herefordshire Core Strategy as identified in Core Strategy policy KG1.
- 6.7 Therefore it was concluded that the **Reg14 Kington Area NDP would not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

## 7 Kington Area NDP Screening of modifications to NDP post regulation 14

- 7.1 The Submission NDP (August 2018) incorporates additional policy criteria or wording to add clarity and emphasis throughout the document. In light of the comments received at regulation 14, 2 new policies ENV4 and E2 have been added. These policies have been screened and found that they are unlikely to have a significant impact on the River Wye SAC. ENV4 has added further safeguards to flooding and drainage issues within the neighbourhood area. This policy gives further criteria for future applications to meet to support policy SD4 and ensure that the delivery of the Nutrient Management Plan is not compromised.
- 7.2 Modifications made to the 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 to the most policies. The main changes have occurred to policies SB1, H1, H2, T1, INF1 and LGS1. These have been rescreened and the assessment can be found in appendix 3.

- 7.3 In light of the *Sweetman* case all policies have been reviewed to ensure compliance with the ruling. The finding can be found in appendix 3.
- 7.4 The findings of the screening matrix can be found in the Screening Matrix in the appendix. Colour coding was used to record the likely impacts of the policies on the European site and its qualifying habitats and species as shown in the table 1 below.

Red	There are likely to be significant effects
Green	Significant effects are unlikely

- 7.5 Following the recent *Sweetman* judgement, it is not permissible to take account of measure intended to avoid or reduce the harmful effects of the plan on the River Wye SAC at this submission screening stage. Any likely significant effects would require an Appropriate Assessment to be required.
- 7.6 Following the rescreening of all of the policies the revised NDP policies are unlikely to result in significant effects on the European site. Therefore an Appropriate Assessment will not be required.

### Screening of modifications to NDP Post examination

- 7.7 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. The examiner's recommended changes can be found in appendix 7.
- 7.8 No new policies have been added following the examination, this has not added any new information that but has amalgamated a number of criteria deleted from other policies. Most of the amendments have involved wording changes for clarity rather than emphasis or direction. However there have been some minor word changes to the policies. One policy ENV4 has been deleted as it is regarded as superfluous to existing strategic policy. The main changes have occurred to policies SB1, H2, H3, INF1, LGS1 and G1. These have been rescreened and results have found that none of these policies require an appropriate assessment the re assessment can be found in appendix 6. The changes have clarified and enhance these policies, helping them appropriately align with strategic policy.

## 8 Conclusions from the Screening Matrix

- 8.1 None of the final Kington Area Neighbourhood Plan (June 2019) policies were concluded to be likely to have a significant effect on the River Wye SAC. None of the parishes making up the Kington Group are in close proximity to the river itself, they fall within the hydrological catchment area of the River Arrow, which is a tributary of the River Wye SAC. Kington is some distance away from any European sites, and therefore direct physical damage or disturbance from construction will not have a likely significant effect.
- 8.2 Policies have been included within the Kington Area NDP with sufficient policy criteria together with the Core Strategy policies LD2, SS4, SS7, KG1, OS1, OS3 SD3 and SD4 to ensure that development can only occur if these criteria are met. These policies safeguard Kington Neighbourhood Area against any
- 8.3 In addition to the safeguards within the Core Strategy, the Kington Area NDP, many of the policies are criteria based plan and therefore the policies themselves would not result in development. In a number of cases the policies also included criteria to support the natural environment (policies ENV1, ENV2, ENV3 and G1), including biodiversity and therefore no significant effect conclusion could be reached.

- 8.4 There are 7 overall allocated sites for development; they will provide Kington and Hergest with proportionate growth in line with Core Strategy policy KG1. Due to the location of these potential sites, i.e. not directly on the river banks or adjacent to a watercourse that feeds into the River Lugg/Wye SAC and at the scale of growth that is required by the Herefordshire Core Strategy, these would not have an appreciable effect on the River Wye SAC, i.e. that they were not likely to be significant.
- 8.5 Dwr Cymru Welsh Water (DCWW) has stated for the Core Strategy that there is existing capacity with regards to permitted headroom in the Sewerage Treatment works serving the Kington area to continue to treat the water from the amount of housing provided for in the Core Strategy policies. Growth can be potentially accepted within the current flow limit. DCWW recommend further contact with the company should be made prior to any development. Policy SD4 of the Core Strategy indicate that development would not be permitted if wastewater treatment and water quality cannot be assured.
- 8.6 In addition, the Nutrient Management Plan for the River Wye SAC should ensure that development within Herefordshire which can be accommodated within existing water discharge permits would not be likely to have a significant effect upon the River Wye SAC.
- 8.7 No mitigation measures have been included within the screening of the policies of the NDP. Policies of the Core Strategy and the NDP will form part of the development plans. A key requirement of the Core Strategy is to meet the Water Framework Directive.
- 8.8 This review and rescreening in addition to the revisions to the policies post regulation 14 and 14, have been found to be unlikely to result in significant effects on the River Wye SAC. ***It is therefore concluded that the Kington Plan will not have a likely significant effect on the River Wye SAC.***

## **9 Identification of other plans and projects which may have 'in-combination' effects**

- 9.1 There are a number of potentially relevant plans and projects which may result in in-combination effects with the Core Strategy across Herefordshire, these plans have been reviewed and can be found in Appendix 2 of the publication of the Herefordshire Local Plan Core Strategy Habitats Regulations Assessment (Oct 2015).
- 9.2 It is seen that as this NDP does not go over and beyond the requirements set out in the Core Strategy.
- 9.3 Adjacent neighbourhood plans include Brillley and Eardisley Group been adopted. Titley and District Group and Lyonshall are currently at the drafting stage of their NDP. These plans have not gone over and beyond the requirements set out within the Core Strategy for their area.
- 9.4 The HRA for the Core Strategy also identifies that both the Water Cycle Study for Herefordshire, which indicates the potential for planned water abstraction requirements combined with pressures on European Sites from the Core Strategy policies, and the work on the Nutrient Management Plan, to ensure the favourable conservation status of the SAC in respect of phosphate levels as soon as possible and at the latest by 2027, have both been considered as part of the in-combination assessment.
- 9.5 It is unlikely that the Kington Area Neighbourhood Plan will have any in-combination effects with any plans from neighbouring parish councils as the level of growth proposed is the same as that proposed for the Kington Housing Market Area in the Herefordshire Core Strategy.

## 10.0 Conclusion

- 10.1 With reference to sections 6 to 9 above, the modifications to the NDP are not considered to affect the findings of the previous HRA report. Equally the review in light of the *Sweetman* case are also not considered to affect the previous findings.
- 10.2 Therefore the earlier conclusions that the **Kington Area NDP will not have a likely significant effect on the River Wye (including River Lugg SAC)** remains valid.

## 11.0 Next steps

- 11.1 This report will be published alongside the final Kington Area NDP and the earlier HRA Report and its addendum. The plan will move to referendum and subject to a successful outcome, final adoption in Kington Area 2019.

# Appendix 1

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**Initial Habitat Regulations Assessment and Strategic Environmental  
Assessment Screening Notification**

**The Neighbourhood Planning (General) Regulation 2012 (Reg. 32)**

**Conservation of Habitats and Species Regulations 2010 (d)**

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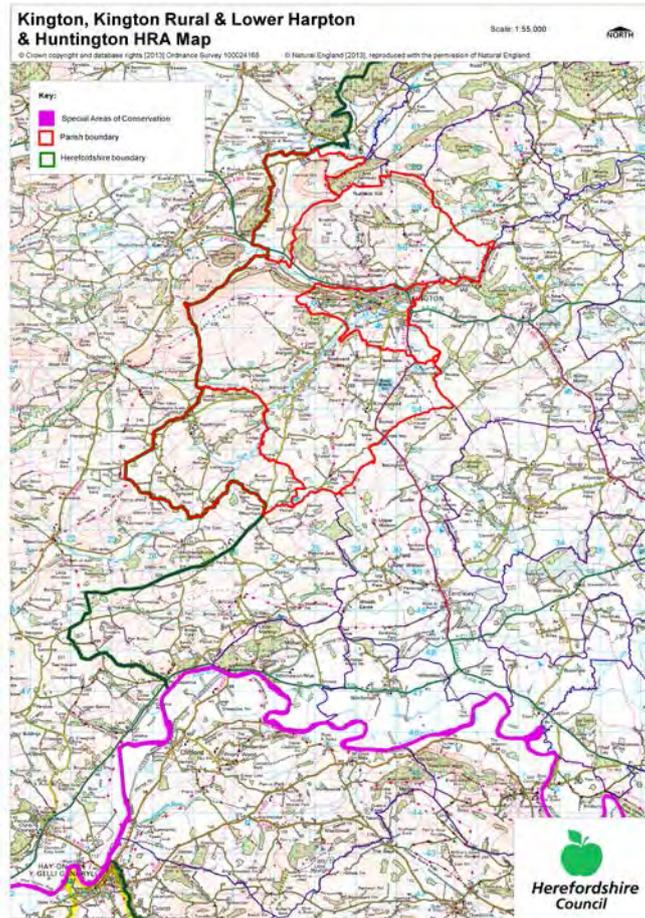
<b>Neighbourhood Area:</b>	Kington, Kington Rural & Huntington Neighbourhood Area
<b>Parish Council:</b>	Kington Town Council, Huntington Parish Council, Kington Rural & Lower Harpton Parish Council
<b>Neighbourhood Area Designation Date:</b>	11/11/2013

### **Introduction**

This Initial Habitat Regulations Assessment (HRA) and Strategic Environmental Assessment (SEA) Screening has been undertaken to assess whether any European Sites exist within or in proximity to the Neighbourhood Area which could be affected by any future proposals or policies.

Through continual engagement the outcomes of any required assessments will help to ensure that proposed developments will not lead to Likely Significant Effects upon a European Site or cause adverse impacts upon other environmental assets, such as the built historic or local natural environment.

**HRA Initial Screening: Map showing relationship of Neighbourhood Area with European Sites  
(not to scale)**



**Initial HRA Screening**

**River Wye (including the River Lugg) SAC:**

Does the Neighbourhood Area have the River Wye (including the River Lugg) in or next to its boundary?	N	The River Lugg SAC is 3.9km away from the Parishes
Is the Neighbourhood Area in the hydrological catchment of the River Wye (including the River Lugg) SAC?	Y	The Parishes are within the hydrological catchment of the River Arrow
If yes above, does the Neighbourhood Area have mains drainage to deal with foul sewage?	Y	There is mains drainage at Kington

**Downton Gorge SAC:**

Is the Neighbourhood Area within 10km of Downton Gorge SAC?	N	Downton Gorge is 18.1km away from the Parishes
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**River Clun SAC:**

Does the Neighbourhood Area include: Border Group Parish Council or Leintwardine Group Parish Council?	N	River Clun does not border the Parishes
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**Usk Bat Sites SAC:**

Is the Neighbourhood Area within 10km of the SAC boundary?	N	Usk Bat Sites are 35.5km away from the Parishes
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**Wye Valley & Forest of Dean Bat Sites SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley & Forest of Dean Bat Sites?	N	The Parishes are 49.6km away from Wye Valley and Forest of Dean Bat Sites
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**Wye Valley Woodlands SAC:**

Is the Neighbourhood Area within 10km of any of the individual sites that make up the Wye Valley Woodlands Site?	N	The Parishes are 46.3km away from the Wye Valley Woodlands
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**HRA Conclusion:**

The assessment above highlights that the following European Sites will need to be taken into account in the future Neighbourhood Development Plan for the Kington, Kington Rural & Lower Harpton Group and Huntington Neighbourhood Area and a Full HRA Screening will be required.

**European Site**

*(List only those which are relevant from above)*

River Wye (including the River Lugg) SAC

**Strategic Environmental Assessment Initial Screening for nature conservation landscape and heritage features**

The following environmental features are within or in general proximity to the Kington, Kington Rural & Lower Harpton Group and Huntington Neighbourhood Area and would need to be taken into account within a Strategic Environmental Assessment. In addition, the NDP will also need to consider the other SEA topics set out in Guidance Note 9a to ensure that the plan does not cause adverse impacts.

SEA features	Total	Explanation	SEA required
Air Quality Management Areas	0	There are no AQMAs within the Parishes	N
Ancient Woodland	20	Kennel Wood; Lyonshall Park Wood (border); Piers Grove Wood (border); Penrhos Wood (border); Ox Pasture and Green Wood (border); Park Wood; Yeld Wood; Bradnor Wood; Holywell Wood; Landlords Wood; Forest Wood; Hell Wood; Fernhall Wood (border); Elsdon Wood (border); Birches Coppice (border); Upper Welson Wood (border); 1 x unlabelled east of Vestry Farm; 1 x unlabelled at Navages Wood; 1 x unlabelled at Knill Garraway; 1 x unlabelled at The Bower	Y
Areas of Archaeological Interest	0	There are no AAIs within the Parishes	N
Areas of Outstanding Natural Beauty	0	There are no AONBs within the Parishes	N
Conservation Areas	1	Kington	Y
European Sites	0	There are no SACs within the Parishes	N
Flood Areas		Flood Zones 2 & 3 follow the River Arrow and Gladestry Brook as well as a stream in the very north of Lower Harpton Parish and a stream/brook off the River Arrow which flows through Kington, Kington Rural and Lower Harpton Parishes	Y
Listed Buildings	Numerous	There are numerous Listed Buildings throughout the Parishes	Y
Local Sites (SWS/SINCs/RIGS)	51 (SWS)	Land at Lower Harpton; Herrock Hill; Bradnor Hill & Holywell Wood; Pond at Knill (border); Hindwell Brook (border); Little Brampton & Scar (border); Tinkers Wood; Rushock Common; Land at Rushock Farm; Pools near Titley (border); Pool near Shawl Farm (border); Land near Hunton Bridge (border); Disused railway, Kington to Leominster; Land at Floodgates; Land at Rhue Ville; Hergest Ridge; Park Wood; Lyonshall Park Wood (border); Land at Mill Farm; Piers Grove Wood and adjoining field; Land at Rodds Farm x3; Rodds, Penrhos, Ox Pasture & Green Woods; Land at Millbank Wood x2; Land	Y

		at Breward; Pond near Hergest Court; Castle Twts; land near Lower Way Farm; Land at Lilwall Farm x2; Fields at Pound Farm; Fields at Birches Farm; Land at Chickward x 3; Old Marl Pit; River Arrow; Marsh near Burnt Hengoed; Land at Lodge Farm x2; Hell Wood; Land near Park Stile Mill; Huntington Churchyard and Environs; Gladestry Brook; Land near Bank Farm x4; Land near Lower Rabber	
Long distance footpaths/trails	4	Herefordshire Trail; Offas Dyke; Vaughans Way; Mortimer Trail	Y
Mineral Reserves	0	There are no Mineral Reserve Sites within the Parishes	N
National Nature Reserve	0	There are no NNRs within the Parishes	N
Registered & Unregistered parks and gardens	3 Registered 10 Unregistered	Registered: Hergest Croft; Eywood (border); Nieuport (Newport) (border) Unregistered: Huntington Park, Kington; Huntington Court, Kington; Ridgebourne; Lyonshall Park (border); Titley Court (border); Castle Weir (border); The Whittern (border); Lynhales (border); Elsdon (border); Lomore (border)	Y
Scheduled Ancient Monuments	14	Huntington Castle; Turret Castle; Turret Tump; Mound north of Cwmma Farm; The Camp earthwork; Castle Twts; Mound south of Woodbrook; Churchyard cross in St Mary the Virgin Churchyard; Mound 150yds (140m) north of the church; Offas Dyke: Section south of Riddings brook on Herrock Hill x2; Churchyard Cross in St Michaels Churchyard; Offas Dyke: Rushock Hill section, extending 1630yds (1490m) east of Kennel Wood; Offas Dyke: The section extending 300yds (270m) crossing the railway (border)	Y
Sites of Special Scientific Interest	5	Bradnor Hill Quarry (Favourable); Quebb Meadow (Unfavourable Recovering) (border); Upper Welson Marsh (Unfavourable Recovering) (border); Bushy Hazels & Cwmma Moors (Favourable) (border); Flintsham & Titley Pools (Favourable) (border)	Y

**Decision Notification:**

The initial screening highlights that the Neighbourhood Development Plan for the Kington, Kington Rural & Lower Harpton Group and Huntington Neighbourhood Area:

- a) Will require further environmental assessment for Habitat Regulations Assessment and Strategic Environmental Assessment.

**Assessment date: 15/10/2013**

**Assessed by: James Latham**

## Appendix 1: European Sites

The table below provides the name of each European Site, which has been screened in for the purposes of neighbourhood planning in Herefordshire; includes their site features of integrity; and vulnerability data. This is based on the sites individual features of integrity and their vulnerabilities, which could include distance criteria. This has been used in identifying which parishes are likely to require a full HRA Screening of their future Neighbourhood Development Plan, to establish if their plan might have Likely Significant Effects on a European Site.

<b>Downton Gorge</b>
<b>Site Features:</b> <i>Tilio-Acerion</i> forests of slopes, screes and ravines
<b>Vulnerability data:</b> 10km for air quality associated with poultry units or other intensive agricultural practices.
<b>River Clun</b>
<b>Site Features:</b> Freshwater pearl mussel <i>Margaritifera margaritifera</i>
<b>Vulnerability data:</b> Water quality is important to maintain the site feature. Parishes either side of the River Clun will be affected.
<b>River Wye</b>
<b>Site Features:</b> Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation. Transition mires and quaking bogs. White-clawed (or Atlantic Stream) crayfish <i>Austropotamobius pallipes</i> . Sea lamprey <i>Petromyzon marinus</i> . Brook lamprey <i>Lampetra planeri</i> . River lamprey <i>Lampetra fluviatilis</i> . Twaite shad <i>Alosa fallax</i> . Atlantic salmon <i>Salmo salar</i> . Bullhead <i>Cottus gobio</i> . Otter <i>Lutra lutra</i> . Allis shad <i>Alosa alosa</i>
<b>Vulnerability data:</b> Proximity: Developments should not be within 100m of the designated bank. Some developments beyond 100m may also have impacts based on proximity and these issues should be addressed where possible when developing NDP policy and choosing site allocations. Water Quality: Within the whole catchment of the River Wye, which includes the River Lugg, mains drainage issues with regards to water quality are being resolved through the Core Strategy / Local Plan and development of a Nutrient Management Plan. Welsh Water should be consulted to ensure that the proposed growth will be within the limit of their consents. Otters: "An otter will occupy a 'home range', which on fresh waters usually includes a stretch of river as well as associated tributary streams, ditches, ponds, lakes and woodland. The size of a home range depends largely on the availability of food and shelter, and the presence of neighbouring otters. On rivers, a male's home range may be up to 40km or more of watercourse and associated areas; females have smaller ranges (roughly half the size) and favour quieter locations for breeding, such as tributary streams. Otters without an established home range are known as 'transients'. They are mostly juveniles looking for a territory of their own, or adults that have been pushed out of their territories. Transient otters may use an area for a short while, but they will move on if conditions are not suitable or if they are driven away by resident otters. Transients will have been important in extending the range of otters, but they are very difficult to identify from field signs. Within a home range an otter may use many resting sites. These include above-ground shelters, such as stands of scrub or areas of rank grass, and underground 'holts' – for example, cavities under tree roots and dry drainage pipes." (Source: EA website: <a href="http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf">http://www.environmentagency.gov.uk/static/documents/Business/Otters_the_facts.pdf</a> accessed 09/04/2013)

### Usk Bat Site

**Site Features:** Annex I habitats present as a qualifying feature, but not a primary reason for site selection: European dry heaths, Degraded raised bogs still capable of natural regeneration, Blanket bogs, Calcareous rocky slopes with chasmophytic vegetation, Caves not open to the public, *Tilio-Acerion* forests of slopes, screes and ravines. Annex II species of primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, UK population 5%, although it is suggested this is an underestimate.

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

### Wye Valley and Forest of Dean Bat Sites

**Site Features:** Annex II species that are a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*. Greater horseshoe bat *Rhinolophus ferrumequinum*

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues.

Greater Horseshoe bats are known to migrate between 20-30km between their summer and winter roosts.

NDPs closest to the European Site will need to consider:  
Woodland habitat buffer.

Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

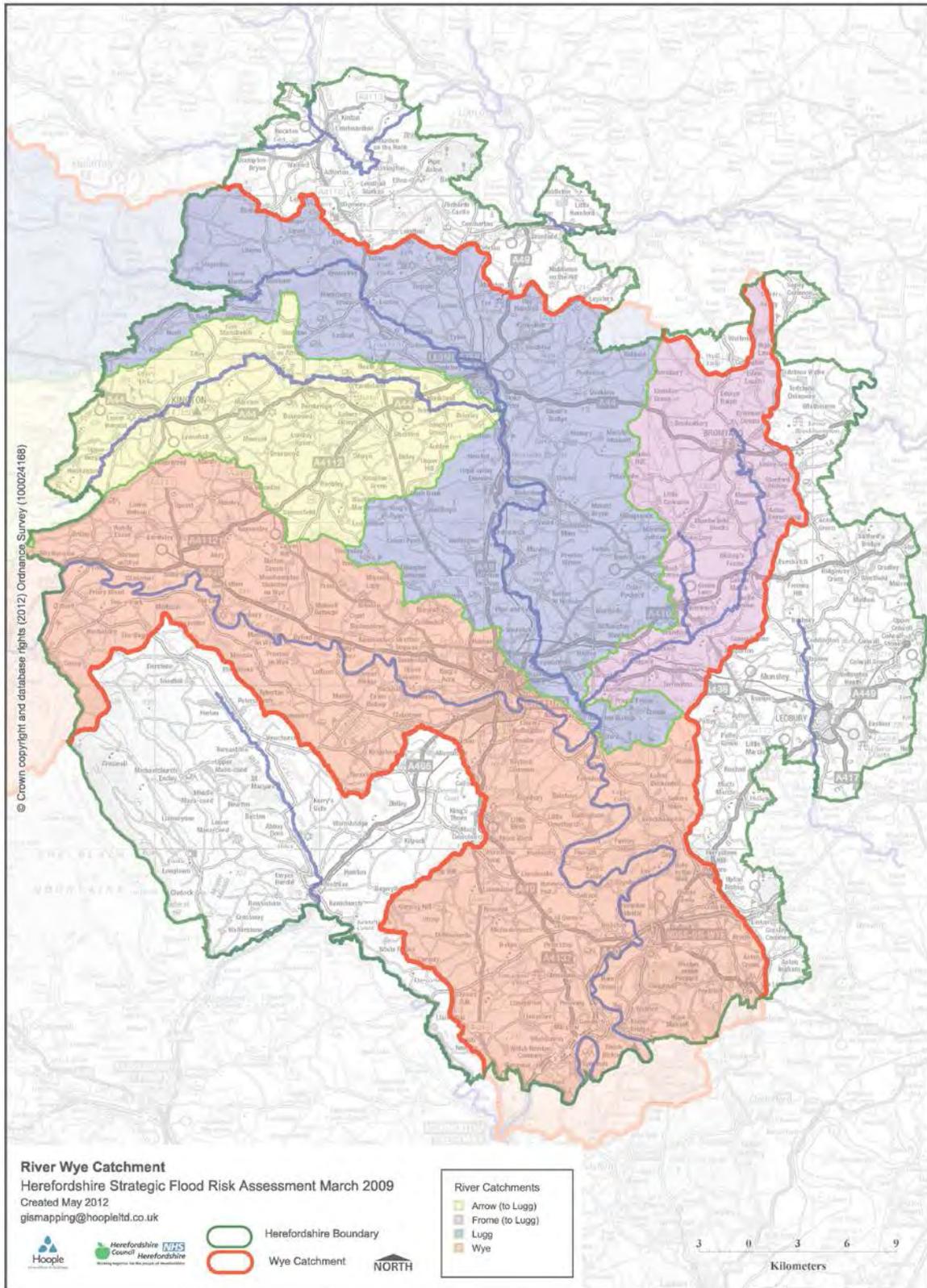
Greater Horseshoe Bat: Large buildings, pasture, edge of mixed deciduous woodland and hedgerows. Mixed land-use especially south-facing slopes, favours beetles, moths and insects they feed on. During the winter they depend on caves, abandoned mines and other underground sites for undisturbed hibernation. A system/series of sites required. Vulnerable to loss of insect food supply, due to insecticide use, changing farming practices and loss of broad-leaved tree-cover and loss / disturbance of underground roosts sites.

### Wye Valley Woodlands

**Site Features:** Annex I habitats that are a primary reason for site selection: Beech forests *Asperulo-Fagetum*, *Tilio-Acerion* forests of slopes, screes and ravines, *Taxus baccata* woods of the British Isles. Annex II species present as a qualifying feature, but not a primary reason for site selection: Lesser horseshoe bat *Rhinolophus hipposideros*, 51-100 residents

**Vulnerability data:** Lesser Horseshoe bats are known to migrate between 5km and 10km between their summer and winter roosts. The Lesser Horseshoe Bat is vulnerable to disturbance; light pollution; and habitat loss. Check with the planning ecologist for other issues. NDPs closest to the European Site will need to consider: Woodland habitat buffer. Lesser Horseshoe Bat: Old buildings; woodland locations; sheltered valleys, extensive deciduous woods or dense scrub, close to roost sites. In areas of fragmented habitats, linear habitats such as hedgerows are important corridors. Vulnerable to loss or disturbance of both summer and winter roosts and removal of linear habitat.

## Appendix 2: Wye Catchment Map



# Appendix 2

## Appendix 5

### Kington Area Plan

**Option 1- Do nothing**

**Option 2- Allocate sites for housing**

**Option 3- Manage future housing using a settlement boundary**

**Option 4 - Allocate sites and identify a settlement boundary**

**Option 5- Manage future housing through a development management policy**

**Option 6- Allocate greenspace in Kington Town**

**Option 7- Use UDP identified settlement boundary as a settlement boundary**

**Option 8- Extend UDP identified settlement boundary**

**K1 Land north of Greenfield Drive (2 dwellings) Selected**

**K2 Land to the west of Greenfield Drive**

**K3 Land at the corner of Llewelin Road and Garden Close (4 dwellings) Selected**

**K4 Land to rear of Oxford Arms**

**K5 Site off Victoria Road (10 dwellings) Selected**

**K6 Land south of Elizabeth Road (20 dwellings) Selected**

**K7 Cattle Market**

**K8 Old Wesleyan Chapel, Crabtree Lane (10 dwellings) Selected**

**K9 Field adjacent to Mill Street (15 dwellings) Selected**

**K10 Land to the north of Headbrook**

**K11 Land south of Newburn Lane**

**K12 Land east of Kingswood Road (1) (K12 and K13 100dwellings) selected**

**K13 Land east of Kingswood Road (2) (K12 and K13 100dwellings) selected**

**K14 Land west of Kingswood Road**

**K15 Land to the rear of properties on the eastern side of Kingswood Road (5 dwellings) Selected**

**K16 Land adjacent to Temple Lane development**

**K17 Land to the rear of properties on the western side of Kingswood Road**

**K18 Land East of Hereford Road, A4111**

**K19 Land West of Hereford Road, A4111**

**K20 Land to the East of Hergest Road (2 dwellings) Selected**

**KR1 Land north of Arrow View, Hergest Selected**

**KR2 Land south of Hergest**

**KR3 Land south of Arrow View, Hergest**

# Appendix 3

**HRA Screening of final Neighbourhood Development Plan Policies**

Date undertaken: August 2018

NDP objectives and policies	HRA Screening of final NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
KANDP ENV1- A Valued Natural Environment	Environment is safeguarded against in appropriate development.	Unlikely that there will be any significant effects on the European Site.  The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.	River Wye SAC (Including Lugg).	No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.	No: this policy itself will not lead to development, instead it relates to criteria based policy to ensure environmental impact caused from development is kept at a minimum.
KANDP ENV2- Dark Skies	Light pollution reduction.	Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within	River Wye SAC (Including Lugg)	No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are	No: this policy itself will not lead to development, instead it relates to criteria based policy that promotes dark skies to help reduce light pollution in Kington area.

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		the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.		addressed.	
KANDP ENV3- A Valued Built Environment	Policy to support sustainable development within Kington area.  Promote high standard of building design.	Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.	River Wye SAC (Including Lugg)	No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.	No: this policy itself will not lead to development, instead it relates to criteria based objective. That supports sustainable development within the Kington Neighbourhood area, supporting proportionate growth in line with the Core Strategy.
KANDP SB1- Settlement Boundary	Housing infill promoted  Sustainable development encouraged within the identified settlements.  Increased vehicle traffic  Increased demand for water abstraction and sewage treatment  Sustainable housing growth	Interruption to hydrological regimes. Cumulative impact of an increase air pollution.  Physical damage from erosion/ trampling  Impacts associated with increased air pollution and recreation pressure could potentially affect any European sites in or around Herefordshire. Although the River Wye	River Wye SAC (Including Lugg)  The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.	No. Policy criteria exist within the Core Strategy SD3 and SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.  SS4/ SS7 aim to increase sustainable transport use. Policies OS1 and OS3 relating to open space, sport and	No. This policy identifies out the settlement boundaries for Kington and Hergest. The locations of the settlement boundary are already identified areas for proportionate growth in line with the expected growth in the Core Strategy. The location of these identified areas are unlikely to have a significant impact on the River Wye SAC. However, this can be further assessed on a case by

		SAC is most likely to be affected as it is the closest European site to Kington.		recreation may help to relieve any increase in pressure on European sites	case basis at planning application stage, when further details of each proposed scheme are known.
KANDP H1- Housing Delivery Kington Town	<p>Allocation of sites identified to provide around 168 dwellings.</p> <p>Promotion of achieving housing target.</p> <p>Increased vehicle traffic</p> <p>Increased demand for water abstraction and sewage treatment</p> <p>Sustainable housing growth</p>	<p>Interruption to hydrological regimes. Cumulative impact of an increase air pollution.</p> <p>Physical damage from erosion/ trampling</p> <p>Impacts associated with increased air pollution and recreation pressure could potentially affect any European sites in or around Herefordshire. Although the River Wye SAC is most likely to be affected as it is the closest European site to Kington.</p>	<p>River Wye SAC (Including Lugg)</p> <p>The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	<p>No. Policy criteria exist within the Core Strategy SD3 and SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p> <p>SS4/ SS7 aim to increase sustainable transport use. Policies OS1 and OS3 relating to open space, sport and recreation may help to relieve any increase in pressure on European sites.</p>	<p>No. This policy sets out how Kington town will meet their proportionate growth target of 200 dwellings in the plan period in line with Core Strategy Policy KG1. The development in Kington could contribute to an overall increase in vehicle traffic and recreation pressure in the county, as well as increased demand for water abstraction and treatment. However, DCWW confirmed that there are sufficient water resources to meet the increases in demand from Herefordshire throughout their operating area and the plan period.</p> <p>The locations of the identified sites are within the identified settlement of Kington Town. The location of these identified areas is unlikely to have a significant impact on the</p>

					River Wye SAC. However this can be further assessed on a case by case basis at planning application stage, when further details of the proposed scheme are known.
KANDP H2- Housing Delivery Land South of Kington	<p>Large scale housing sites identified to accommodate 100 dwellings.</p> <p>Promotion of achieving housing target.</p> <p>Increased vehicle traffic</p> <p>Increased demand for water abstraction and sewage treatment</p> <p>Sustainable housing growth</p>	<p>Interruption to hydrological regimes. Cumulative impact of an increase air pollution.</p> <p>Physical damage from erosion/ trampling</p> <p>Impacts associated with increased air pollution and recreation pressure could potentially affect any European sites in or around Herefordshire. Although the River Wye SAC is most likely to be affected as it is the closest European site to Kington.</p>	<p>River Wye SAC (Including Lugg)</p> <p>The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	<p>No. Policy criteria exist within the Core Strategy SD3 and SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p> <p>SS4/ SS7 aim to increase sustainable transport use. Policies OS1 and OS3 relating to open space, sport and recreation may help to relieve any increase in pressure on European sites</p>	<p>No. This policy sets out two large scale sites in Kington town for up to 100 dwellings in the plan period. The scale and proximity of the existing built form are in line with policies within the Core Strategy. The water cycle study addendum states there is currently enough capacity to accommodate more development in Kington within the current flow limit. Capacity and feasibility can be determined at planning application stage, when further details are known.</p> <p>The location of these identified areas is unlikely to have a significant impact on the River Wye</p>

					SAC. However this can be further assessed on a case by case basis at planning application stage, when further details of the proposed scheme are known.
KANDP H3- Housing Delivery Hergest	<p>Housing sites of up to 15 dwellings identified.</p> <p>Promotion of achieving housing target.</p> <p>Increased vehicle traffic</p> <p>Increased demand for water abstraction and sewage treatment</p> <p>Sustainable housing growth</p>	<p>Small scale development proposed (plots of 10 or less) Unlikely that there will be any significant effects on the European Site. All developments are required to meet the criteria of Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: Scale and extent of such development is unlikely to be significant. This policy sets out criteria for housing expectations in Hergest. The scale and location of this development is unlikely to have a significant impact on the SAC. However this can be further assessed on a case by case basis at planning application stage.</p>
KANDP H4- Housing Delivery: Rural Areas	<p>Limited development within the rural area.</p> <p>Small increase in water usage and energy consumption and traffic.</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: this policy itself will not lead to development, instead it relates to criteria based objective. This sets out how housing will be delivered in the rural areas in the Kington Area.</p>

		Lugg. The Lugg is 3.9km away from the parishes.			
KANDP H5- Housing Design Criteria	<p>Policy to support sustainable development within Kington Area.</p> <p>Promote high standard of building design.</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	River Wye SAC (Including Lugg)	No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.	No: this policy itself will not lead to development, instead it relates to design criteria within Kington Area. This policy safeguards natural and built landscape of the Kington Area.
KANDP E1- A Thriving Rural Employment	<p>Job creation within rural areas and on industrial sites.</p> <p>Better use of land at Hatton gardens, Kington and Arrow view industrial estate.</p> <p>Increase in energy use and water abstraction.</p> <p>Promotion of safer non-vehicular modes of transport.</p>	<p>Interruption to hydrological regimes. Cumulative impact of an increase air pollution.</p> <p>Physical damage from erosion/ trampling</p> <p>Impacts associated with increased air pollution and recreation pressure could potentially affect any European sites in or around Herefordshire. Although the River Wye SAC is most likely to be affected as it is the</p>	River Wye SAC (Including Lugg)	No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.	No: Any developments near the River Wye will need to take account of the water quality and flooding issues. Developments of this scale are unlikely to have any significant effects given the requirements within the Core Strategy policy SD3, SD4 and NDP policy ENV4.

		closest European site to Kington..			
KANDP E2-Large scale employment activities	<p>Job creation within rural areas.</p> <p>Business growth</p> <p>Increase in energy use and water abstraction.</p> <p>Promotion of safer non-vehicular modes of transport.</p> <p>Schemes address drainage.</p>	<p>Interruption to hydrological regimes. Cumulative impact of an increase air pollution.</p> <p>Physical damage from erosion/ trampling</p> <p>Impacts associated with increased air pollution and recreation pressure could potentially affect any European sites in or around Herefordshire. Although the River Wye SAC is most likely to be affected as it is the closest European site to Kington.</p>	River Wye SAC (Including Lugg)	No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.	No: Any developments near the River Wye will need to take account of the water quality and flooding issues. Developments of this scale are unlikely to have any significant effects given the requirements within the Core Strategy policy SD3, SD4 and NDP policy ENV4.
KANDP KTC1- Kington Town Centre	<p>Promotion of development within Kington town centre.</p> <p>Increase in energy use and water abstraction.</p> <p>Increase in movement.</p> <p>Potential increase in</p>	Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the	River Wye SAC (Including Lugg)	No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.	No, implementation of Core Strategy policy SD4, LD2, SD1 and Policy ENV4 of the NDP to grant planning permission will ensure water quality issues are addressed. This policy sets out criteria for development within Kington Town centre.

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	transport usage.	Lugg. The Lugg is 3.9km away from the parishes.			
KANDP T1- Sustainable Tourism	<p>New development for small scale tourist accommodation.</p> <p>Potential increase in transport usage.</p> <p>Small increase in energy use and water abstraction.</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	River Wye SAC (Including Lugg)	<p>No. No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: this policy itself will not lead to development, instead it relates to criteria based objective promoting sustainable tourism within Kington Area.</p> <p>Tourism development and its impact on the SAC, can be further assessed on a case by case basis at planning application stage.</p>
KANDP INF1- Local Infrastructure	<p>Support and strengthen existing broadband and mobile reception provision.</p> <p>Potential development of masts and electrical units.</p> <p>Strengthen Broadband infrastructure</p> <p>Increase in home working, reduction in private car usage.</p> <p>Potential for a small reduction in air pollution</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: this policy itself will not lead to development, instead it relates to criteria based objective supporting local infrastructure development in the Kington Area.</p> <p>Infrastructure development and its impact on the SAC, can be further assessed on a case by case basis at planning application stage.</p>

KANDP ENV4-Flood risk and drainage	<p>Support provision of adequate water treatment provision.</p> <p>Flood prevention</p> <p>Flood alleviation measures</p> <p>Sustainable Urban Drainage schemes used to manage surface water</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy ensures new development will provide comprehensive details that developments will be safe or at low risk from flooding within the buildings lifetime, along with not causing adverse effects to its surrounding environments.</p>
KANDP LGS1- Local Green Spaces	<p>Safeguard of Local Green spaces.</p> <p>Increase in recreation activities use.</p> <p>Increase in outdoor activities.</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy highlights important local greenspace within the Kington Area.</p>
KANDP G1- Green Infrastructure	<p>Protection of Biodiversity. More protection to designated sites, protected sites, locally important habitats and specie and trees,</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and</p>	<p>No: This policy is likely to have a beneficial effect on environment and biodiversity of Kington group. This policy is specific intended to</p>

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	<p>flora and fauna.</p> <p>Safeguard existing landscape against inappropriate development.</p> <p>Encouragement of sustainable Development which preserves and protects the landscape, environment and habitats.</p>	<p>neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>		<p>ensure water quality issues are addressed.</p>	<p>highlight criteria for developments to meet and compliment policy SD4.</p>
<p>KANDP CF1- Community Facilities</p>	<p>Community facility development.</p> <p>Safeguard community facilities.</p> <p>Community benefit.</p> <p>Increase in recreation and community events.</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes. Local community recreation facilities will be protected as community assets. No Likely significant impacts expected.</p>	<p>River Wye SAC (Including Lugg)</p>	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: this policy is seeking to safeguard existing community facilities within Kington Area.</p>

# Appendix 4

## **HRA Consultation Feedback**

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

**Parish Council Name:** Kington Town, Kington Rural and Lower Harpton Group Parish and Huntington Parish

**Neighbourhood Development Plan Name:** Kington Area Neighbourhood Plan

**Details of consultation:** Regulation 14,

**Consultation date:** 6 June to 17 July 2017

**Consultation title:** Regulation 14

No specific comments to the Kington Area NDP HRA at Regulation 14 have been made.

# Appendix 5

## **HRA Consultation Feedback**

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

**Parish Council Name:** Kington Town, Kington Rural and Lower Harpton Group Parish and Huntington Parish

**Neighbourhood Development Plan Name:** Kington Area Neighbourhood Plan

**Details of consultation:** Regulation 16 consultation

**Consultation date:** 3 October 2018 to 14 November 2018

**Consultation title:** Regulation 16

No comments have been received regarding the HRA report.

# Appendix 6

Kington Area Plan Table of Examiner's Modifications

Policy	Modification recommended	Justification
Front page	Recommendation 1: Revise the date of the Plan period to 2019 – 2031.	Interests of accuracy and clarity updating information.
Throughout	Recommendation 2: Apply a consistent form of wording and punctuation to policies where all criteria are to be satisfied.	Interests of accuracy and clarity.
Policy KANP ENV1	Recommendation 3: Revise Policy KANP ENV1 as follows: Revise criterion (ii) to read “.....as identified in the <i>Character Appraisal – Kington (February 2016)</i> and the <i>Kington Area Landscape Sensitivity and Capacity Assessment (October 2015)</i> ”. Delete “the list of Cherished Places (see Appendices 4, 5 and 6.” Revise criterion (iii) to read: “respecting topography and <i>not being visible against the skyline when seen from a distance, whether.....</i> ” Delete the list of Open Spaces in Appendix 4 of the KANP.	Interests of accuracy and clarity. Clarification of the text and to add more detail To explain the policy better.
Policy KANP ENV3	Recommendation 4: Revise paragraph 9.2.5 to read: “....the <i>Character Appraisal – Kington (February 2016)</i> has been prepared ....”	Interests of accuracy and clarity in line with the correct title of the characterisation assessment.
Policy KANP SB1	Recommendation 5: Revise the settlement boundary for Hergest to include only the existing housing and the housing allocation.	Revise settlement boundaries to better reflect settlement and supporting evidence.
Policy KANP H1	Recommendation 6: Revise the justification to Policy KANP H1 as follows: Delete Site K1 Greenfield Drive and paragraph 9.4.9. Renumber the site allocations and revise the Policies Map. Include the site in the table of commitments. Paragraph 9.4.15 delete “dis”. Revise the fourth sentence of paragraph 9.4.18 to read: “A new access road will be required to <i>serve the development which should be taken from Marwick Close; it should be designed to the satisfaction of the County Highway Authority.</i> ” Paragraphs 9.4.20 and 21 delete “strategic”.	Interest of clarity and accuracy.
Policy KANP H2	Recommendation 7: Revise Policy KANP H2 as follows: Delete “to engage and consult with the community and Town and Parish Councils and”. Add the following to the justification: “ <i>Green infrastructure including landscaped amenity open space and children’s play areas should be provided within the development to meet the needs of future residents and to compensate for any amenity land / green space lost to provide access to the site from Eardisley Road.</i> ” Add the following to the justification: “ <i>In view of the significance of the development to the local community, pre-application consultation on the proposed development with the community and Town and Parish Councils will be welcomed.</i> ”	Interest of clarity and accuracy.  Strengthen justification of the policy.  Better conformity with Herefordshire Highways Design Guidance.
Policy KANP H3	Recommendation 8: Revise Policy KANP H3 as follows: Revise criterion (i) of Policy KANP H3 to read; “ <i>A full ecological and tree survey shall be undertaken and submitted as part of any planning application taking account of the advice of the Council’s Ecologist. The proposals for the development of the site shall include proposals to enhance the local habitat and the provision of open space.</i> ” Include a new paragraph in the justification setting out the	Interests of accuracy and clarity.  Strengthen the justification of the

Kington Area Plan Table of Examiner's Modifications

	<p>requirements of the ecological and tree survey: <i>"A full ecological and tree survey should be required including some longer term survey work during optimal times of the year for bats, birds, otters, amphibians and reptiles. Any development would need to demonstrate full mitigation and a high level of enhancements, including but not limited to bird and bat roosting opportunities in/on the new buildings, hedgehog, and pollinator homes and reptile/amphibian refugia in the retained habitat areas; and a long term management strategy for the remaining trees, riverside and flood meadow/grass areas."</i></p> <p>Ensure the reference number for the site at Hergest is consistent with that shown on Plan 2.</p> <p>Correct the typographical error in paragraph 9.4.39 line 5 "remaining".</p>	<p>policy.</p> <p>To be in closer conformity with national and strategic policies.</p>
Policy KANP H5	<p>Recommendation 9: Revise Policy KANP H5 as follows: Delete criteria (iii), (x) and (xi). Delete the second paragraph of criterion (iv) referring to The Greater London Space Standards. Revise criterion (viii) to read: <i>"Provide multi-functional green infrastructure and community amenity space proportionate to the number of dwellings. Contributions to new or improved off site provision nearby may be acceptable only for small housing developments where it is not feasible to provide open space on site."</i></p> <p>Paragraph 9.4.49 should refer to the correct title of the <i>"Character Appraisal – Kington (February 2016)"</i>.</p>	<p>Interests of accuracy and clarity.</p> <p>In accordance with guidance set out in the ministerial statement 2015.</p>
Policy KANP E1	<p>Recommendation 10: Revise Policy KANP E1 as follows: Delete the first paragraph. Show the boundary of the two industrial estates on the Policies Maps. Correct the typographical error in criterion (vii).</p>	<p>Interests of accuracy, consistency and conformity to strategic policies.</p>
Policy KANP KTC1	<p>Recommendation 11: Revise Policy KANP KTC1 as follows: Delete the following from the first paragraph: "and retail development should, where possible, be within the boundary of the primary shopping area as defined in Map 1." Revise criterion (i) to read: "proposed retail developments should, where possible, be located in the Primary Shopping Frontages as defined on the Kington Town Centre Policies Map". Review the use of the phrase "will; need to" in the criteria of the policy.</p>	<p>In conformity with Core Strategy policies.</p> <p>In the interest of accuracy and consistency.</p> <p>Ensure policy is more flexible.</p>
Policy KANP INF1	<p>Recommendation 12: Revise Policy KANP INF1 as follows: Delete the third paragraph. Delete the sixth and seventh paragraphs and paragraph 9.8.5 on developer contributions and CIL together with the five proposals.</p> <p>Place the proposals in a new section under Community Projects with the following text: <i>"The Town and Parish Councils will work with Herefordshire Council, Dwr Cymru Welsh Water etc to deliver the following improvements to the infrastructure: list of pedestrian/ cycleways, school capacity increase, waste water treatment, water supply network and community facilities. Funding for these proposals will be through developer contributions, CIL, grants etc."</i></p> <p>Add the following to the justification: <i>"Dwr Cymru Welsh Water has advised that a hydraulic modelling assessment of the water supply network may be required in order to understand where a connection can be made and if any upsizing is required to serve the proposed housing development on land south of Kington."</i></p>	<p>In conformity with Core Strategy policies.</p> <p>In the interest of accuracy and consistency.</p> <p>In the interests of sustainable development.</p> <p>To improve conformity with Core Strategic and National policies.</p>

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Policy KANP ENV4	Recommendation 13: Delete Policy KANP ENV4	Policy is superfluous to existing Core Strategy polices SD3 and SD4.
Policy KANP LGS1	Recommendation 14: Revise Policy KANP LGS1 as follows: Revise the wording of the first paragraph to read: "The following areas are designated as Local Green Spaces. <i>Development that would result in the loss of the green space will not be supported in these areas except in very special circumstances.</i> " Delete the following areas: GS02, GS03, GS06, GS07, GS10, GS11, GS13, GS18, GS19, GS23, GS32, GS34, GSH01, GSH02 and the westernmost part of GS05 not forming part of the school grounds. Identify the following areas of amenity land within housing estates as "Valued Local Amenity Areas": GS09, GS27, GS30, GS33 and small areas of GS17. Include the following policy wording: " <i>The following sites shall be safeguarded as Valued Local Amenity Areas and shall be retained and enhanced for amenity and children's play: GS09, GS27, GS30, GS33 and small areas of GS17.</i> " Revise the title of the policy to "Green Spaces". Revise the Policies Maps to delete the sites that are not to be designated and to differentiate between the Local Green Spaces and Valued Local Amenity Areas.	To improve conformity with Core Strategic and National policies.  Lack of evidence to support accessible greenspace on some of the sites.  Interests of clarity and accuracy.
Policy KANP GI1	Recommendation 15: Revise Policy KANP GI1 as follows: Revise the first paragraph as follows: "The Green Infrastructure network <i>along the river corridors within and around Kington shall be safeguarded, where possible,</i> and enhanced. Add the following to paragraph 9.11.1: "The Strategic Corridors and Enhancement Zones are shown on Map X." Include Map 5-5 from the Green Infrastructure Strategy 2010 in the justification to the policy. Revise paragraph 9.11.7 as follows: line 2 delete "as Green Spaces". Revise the second sentence to read: "The river corridors on the western side of the town identified as <i>important</i> during the consultations are included..."	Interests of clarity and accuracy.  To improve conformity with Core Strategy policy LD3.
Policy KANP CF1	Recommendation 16: Revise the justification to Policy KANP CF1 as follows: Delete "the Public House" from paragraph 9.12.2. Delete paragraphs 9.12.4-5 and place in a new section of the Plan on Community Projects. This section should include text to explain that the projects are not planning policies. Revise Appendix 4 line 1 and the first sub-heading to "Community Facilities".	Interests of clarity and consistency.

# Appendix 7

**HRA Screening of final Neighbourhood Development Plan Policies**

Date undertaken: June 2019

NDP objectives and policies	HRA Screening of final NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/option/policy	Likely effect if option implemented. Could they have Likely Significant Effects (LSE) on European Sites?	European Sites potentially affected	Would it be possible that it would result in any LSE?	Requirement for an Appropriate Assessment
KANP SB1	<p>Housing infill promoted</p> <p>Sustainable development encouraged within the identified settlements.</p> <p>Increased vehicle traffic</p> <p>Increased demand for water abstraction and sewage treatment</p> <p>Sustainable housing growth</p>	<p>Interruption to hydrological regimes. Cumulative impact of an increase air pollution.</p> <p>Physical damage from erosion/ trampling</p> <p>Impacts associated with increased air pollution and recreation pressure could potentially affect any European sites in or around Herefordshire. Although the River Wye SAC is most likely to be affected as it is the closest European site to Kington.</p>	<p>River Wye SAC (Including Lugg)</p> <p>The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	<p>No. Policy criteria exist within the Core Strategy SD3 and SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p> <p>SS4/ SS7 aim to increase sustainable transport use. Policies OS1 and OS3 relating to open space, sport and recreation may help to relieve any increase in pressure on European sites</p>	<p>No. This policy identifies out the settlement boundaries for Kington and Hergest. Changes to this policy post examination clarify settlement boundaries including only the dwellings and excluding the industrial units. Overall this change does not require an aa as the sb has decreased and is still unlikely to have a significant effect.</p>

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KANP H2	<p>Large scale housing sites identified to accommodate 100 dwellings.</p> <p>Promotion of achieving housing target.</p> <p>Increased vehicle traffic</p> <p>Increased demand for water abstraction and sewage treatment</p> <p>Sustainable housing growth</p>	<p>Interruption to hydrological regimes. Cumulative impact of an increase air pollution.</p> <p>Physical damage from erosion/ trampling</p> <p>Impacts associated with increased air pollution and recreation pressure could potentially affect any European sites in or around Herefordshire. Although the River Wye SAC is most likely to be affected as it is the closest European site to Kington.</p>	<p>River Wye SAC (Including Lugg)</p> <p>The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	<p>No. Policy criteria exist within the Core Strategy SD3 and SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p> <p>SS4/ SS7 aim to increase sustainable transport use. Policies OS1 and OS3 relating to open space, sport and recreation may help to relieve any increase in pressure on European sites</p>	<p>No. Changes to this policy post examination strengthen and add further justification to support the policy.</p> <p>This policy sets out two large scale sites in Kington town for up to 100 dwellings in the plan period. The scale and proximity of the existing built form are in line with policies within the Core Strategy. The water cycle study addendum states there is currently enough capacity to accommodate more development in Kington within the current flow limit. Capacity and feasibility can be determined at planning application stage, when further details are known.</p>
KANP H3	<p>Housing sites of up to 15 dwellings identified.</p> <p>Promotion of achieving housing target.</p> <p>Increased vehicle traffic</p>	<p>Small scale development proposed (plots of 10 or less) Unlikely that there will be any significant effects on the European Site. All developments are required to meet the</p>	<p>River Wye SAC (Including Lugg)</p>	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues</p>	<p>No. Changes to this policy post examination add more criteria to safeguard against ecological damage. This adds a requirement to ensure development has a</p>

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	<p>Increased demand for water abstraction and sewage treatment</p> <p>Sustainable housing growth</p> <p>Tree survey and</p>	<p>criteria of Policy SD4 which seeks to ensure water quality of the SAC is not detrimentally effected.</p>		<p>are addressed.</p>	<p>requirement and tree survey.</p> <p>Scale and extent of such development is unlikely to be significant. This policy sets out criteria for housing expectations in Hergest. The scale and location of this development is unlikely to have a significant impact on the SAC. However this can be further assessed on a case by case basis at planning application stage.</p>
KANP INF1	<p>Support and strengthen existing broadband and mobile reception provision.</p> <p>Potential development of masts and electrical units.</p> <p>Strengthen Broadband infrastructure</p> <p>Increase in home working, reduction in private car usage.</p> <p>Potential for a small reduction in air pollution</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No. This policy itself will not lead to development, instead it relates to criteria based objective supporting local infrastructure development in the Kington Area.</p> <p>Infrastructure development and its impact on the SAC, can be further assessed on a case by case basis at planning application stage.</p> <p>Changes to this policy</p>

					post examination add further criteria as advised by Welsh Water.
KANP LGS1	<p>Safeguard of Local Green spaces.</p> <p>Increase in recreation activities use.</p> <p>Increase in outdoor activities.</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: this policy itself will not lead to development, instead it relates to criteria based objective. This policy highlights important local greenspace within the Kington Area.</p> <p>Changes post examination remove several greenspaces that does not accord to para 77 of the nppf this helps to clarify the policy and improve conformity to the nppf and Core Strategy.</p>
KANP G1	<p>Protection of Biodiversity. More protection to designated sites, protected sites, locally important habitats and specie and trees, flora and fauna.</p> <p>Safeguard existing landscape against inappropriate development.</p> <p>Encouragement of sustainable Development which preserves and protects the landscape, environment and habitats.</p>	<p>Unlikely that there will be any significant effects on the European Site. The River Wye and River Lugg are not within the neighbourhood area itself, but the parishes fall within the hydrological catchment area of the Lugg. The Lugg is 3.9km away from the parishes.</p>	River Wye SAC (Including Lugg)	<p>No. Policy criteria exist within the Core Strategy SD4 and Policy ENV4 to safeguard and ensure water quality issues are addressed.</p>	<p>No: This policy is likely to have a beneficial effect on environment and biodiversity of Kington group. This policy is specific intended to highlight criteria for developments to meet and compliment policy SD4.</p> <p>Changes post examination reflect the changes in policy LGS1. The changes help to clarify the policy and what parts of the green infrastructure network are</p>

					safeguarded.
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