

Habitats Regulations Assessment



Dorstone Neighbourhood Area

Addendum

October 2016

Contents

1.0	Introduction	1
2.0	Screening of proposed modifications to the NDP	1
3.0	Summary of main findings	1
4.0	Conclusion	2
5.0	Next steps	2

Appendix 1: Revised screening of policy matrix

Appendix 2: Details of the recommended modifications from the Examiners Report

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 Dorstone NDP. The NDP has now been through an Independent Examination by Christopher Collison and within her report she has recommended a number of minor modifications to ensure the Plan meets the Basic conditions.
- 1.2 Herefordshire Council have accepted these modifications to the Plan, the NDP, therefore, has been updated to reflect the modifications suggested. In the main the changes were wording alterations to ensure the Policies were in line with the Framework and also to add clarity for the decision makers. These modified policies have now been assessed as part of the HRA and the full results can be viewed in Appendix 1.
- 1.3 The purpose of this further HRA Second Addendum Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Reports (October 2015 and April 2016).
- 1.3 The modifications are not considered to significantly affect the conclusions of the earlier HRA report, as they did not involve the introduction of new policies or change the overall aims and objectives of the existing planning policies.

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 and site allocations in the Dorstone NDP would be likely to have a significant effect on the River Wye SAC. It should be noted that the River Wye itself is not within the parish and only a small part of the parish is contained within the hydrological catchment of the River Wye SAC.
- 2.2 The findings of the screening matrix can be found in Appendices 1 and 2 of that report.
- 2.3 The screening matrix took the approach of screening each policy, objective and site allocation individually, which is consistent with current guidance. The results from the HRA reports for Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 None of the Dorstone NDP objectives and policies (October 2015 and April 2016) were concluded to be likely to have a significant effect on the European site. This conclusion is based on assumptions and information contained within the Dorstone NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).
- 2.5 In many cases this is because the policies themselves would not result in development ie they relate instead to criteria for development. In several cases the policies include measures to help support the natural environment including biodiversity.
- 2.6 It was also concluded that the Dorstone NDP will unlikely have any in-combination effects with any plans from neighbouring parishes due to the level of growth proposed overall is of the same as that proposed for the Golden Valley Housing Market Area.
- 2.7 Therefore it was concluded previously that the **Dorstone NDP will not have a likely significant effect on the River Wye SAC.**
- 2.8 The proposed amendments to the final NDP following the examination have been screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in October 2015 and April 2016. A summary of the main findings is provided below. The full findings can be found in Appendix 1 of this report.

3.0 Summary of main findings

- 3.1 The final NDP incorporates the modifications that examiner has recommended within the examiner's report. These changes are to ensure that the Plan meets the Basic Conditions. For full details on the modifications see Appendix 2 of this Addendum.
- 3.2 No new policies have been introduced into the Final NDP following the examination; however there have been some minor word changes and repeated or unnecessary criterion deleted from some of the policies. Some policies have been amalgamated. However none of the modification significant alter the direction or stance of the submission policies which were previously assessed.
- 3.3 The revised NDP policies are therefore unlikely to result in significant effects on the European sites, a conclusion of which is based on assumptions and information contained within the Dorstone NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy).

4.0 Conclusion

- 4.1 With reference to section 3 above, the following policies DNP H1/H2, DNP H3, ENV1, DNP CF1 have been reassessed following modifications. Very minor wording amendments have been made to DNP H4, DNP E1, DNP T1, DNP RE1 and DNP F1 but these are not seen as significant enough to need any assessment. These policy modifications are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Dorstone 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 the final Dorstone NDP and the earlier HRA report and Addendum.

Appendix 1

NDP options/objectives/policies	HRA Screening of NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites?	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/option/policy.	Could the policy have any likely significant effects on European sites (taking mitigation into account)?
Policy DNP H1/H2 Settlement boundary: Dorstone village Modification: Two policies amalgamated for clarity	Small scale proportional growth within the settlement boundary of Dorstone.	No	n/a	n/a	No: this policy will allow for the small scale sustainable growth of Dorstone village in line with Core Strategy policy RA1/RA2.
Policy DNP H3 Housing Design Criteria Modification: flexibility to exceptions for more than 3 bedroom properties.	This will not lead to development but contains the criteria for building	No	n/a	n/a	No; the policy would not itself lead to development; instead it related to the design criteria for development.
Policy DNP ENV1 Conservation, heritage and landscape Modification: rewording of policy to add clarity	Seek to ensure all development protects landscape, heritage and the environment	No	River Wye (including the River Lugg) SAC	n/a	No, policy criteria has been strengthened by the inclusion of reference to the River Wye SAC and rewording to add clarity to the policy.
Policy DNP CF1 Community facilities Modification: Inclusion of community aspirations are a separate annex. Inclusion of the word 'adversely'	Encourage and enhance the use of community facilities	No	n/a	n/a	No: this policy in itself would not result in new development rather it relates to the safeguarding and enhancement of existing community facilities.

Appendix 2

Appendix 2 – Modifications to the Dorstone NDP following examination

Policy	Modification recommended	Justification
<p>Modification 1</p> <p>Policy DNP H1 and DNP H2</p>	<p>Replace policy DNP H1 and Policy DNP H2 with;</p> <p>'The development of at least 21 new dwellings within the Dorstone settlement boundary, defined on the village policies map, will be supported over the Plan period so long as proposals;</p> <ul style="list-style-type: none"> • relate to infill sites accommodating one to three dwellings; • are located to offer suitable residential amenity, and not adversely affect residential of existing residents; • are outside flood zone 2 and 3 areas; • conserve and enhance the significance of the Dorstone Conservation Area; • do not substantially harm designated heritage assets, and where proposals will lead to less than substantial harm of designated heritage assets this should be weighed against public benefits; • present a balance judgement of the scale of harm to, and significance of, non-designated heritage assets; • do not have significant adverse impact on the landscape features listed in Appendix E • do not have significant adverse impact on the important views from locations freely accessible by the general public identified in Appendix E and on Map 3; • meet access standards required by the Highway Authority. <p>New homes will only be supported outside the defined settlement boundary where they comply with Herefordshire Core Strategy policies H2 (rural exception sites), RA3 (dwellings in the countryside), RA4 (agriculture, forestry and rural enterprise dwellings), and RA5 (re-use of rural buildings)'</p>	<p>Combine policies so that a synergy is created and provided a practice framework for decision making on planning application as required by paragraph 17 of the NPPF.</p> <p>Revised policy seeks to shape and direct sustainable development for the community.</p> <p>Removal of the term small scale given the criteria indicating infill sites and one to three dwellings.</p> <p>Has greater regard to heritage assets, distinguishing between designated and non-designated assets giving appropriate weigh and balance in considerations</p> <p>Remove reference within the policy to open space, this is covered within Policy ENV1 to ensure clarity and remove overlap.</p>
<p>Modification 2</p>	<p>Renumber Policies DNP H3 and DNP H4 accordingly</p>	<p>To ensure the plan reads logically</p>
<p>Modification 3</p> <p>Policies Map</p>	<p>On the Dorstone Village Policies Map key delete 'Local Green Spaces' and insert 'Important Open Spaces'</p>	<p>To error labelling error on the policies map</p>
<p>Modification 4</p>	<p>Within the Open Space section delete</p>	<p>To ensure consistency with</p>

Appendix E	'main' and insert 'important'	the policy
Modification 5 Map 3	Identify all the important views listed in Appendix E on Map 3	To ensure all views listed in Appendix E are reflected on Map 3
Modification 6 Appendix E	Within the Landscape Features section delete ' and spaces (see above)'	To ensure clarity
Modification 7 Policy DNP H3	Delete 'All new housing proposals will need to' and insert ' To be supported housing proposals must' Replace part 5 with 'include a maximum of 3 bedrooms, unless the latest assessment of housing need in the parish demonstrates such homes are no longer required. Otherwise proposals for new homes with more than 3 bedrooms will only exceptionally be supported to meet particular housing needs of local residents for example, to enable their caring for dependent or elderly relatives, or to cater for a large family' Delete the final sentence	To ensure a practical framework for decision making in line with para 17 of the NPPF. To ensure that the policy is flexibility to changing market conditions during the plan period.
Modification 8 Policy DNP H4	Delete 'allowed' and insert 'supported' Delete 'appropriate'	To ensure a practical framework for decision making in line with para 17 of the NPPF. To ensure certainty in decision making
Modification 9 Policy DNP E1	Delete 'a live/work unit' and insert 'live work units'	To add clarity to the policy
Modification 10 Policy DNP T1	Delete 'which are supported by' and insert 'where they demonstrate' Delete 'bridleways' and insert 'bridleway' Delete 'in the parish'	To add clarity to the policy
Modification 11 Policy DNP RE1	Replace 'All new development will need to' with 'to be supported development proposals must' Commence part 1 with 'incorporate measures to' In part 5 delete 'Avoids' and insert 'and avoids'	To add clarity to the policy
Modification 12 Policy ENV1	Replace DNP ENV1 with 'Development proposals will be supported where they; <ul style="list-style-type: none"> conserve or enhance the character of the Conservation Area, including 	To add clarity to the policy and remove elements not directly relating to the development or use of land. Transfer community

	<p>its listed buildings, archaeological sites, and heritage features; as well as its important open space, main views from locations freely accessible by the general public, and landscape features identified in Appendix E;</p> <ul style="list-style-type: none"> • are of a scale and design which ensures new build will merge seamlessly with the existing landscape, the main features of which are identified in Appendix E • reflect heritage features identified in Appendix B; • protect ancient woodlands, the River Wye SAC, and the Moccas Park SSSI; • improve access through the creation of new pathways and opening of green lanes and tracks; • proposed intensive livestock units that demonstrate no significant adverse landscape, environmental or amenity impact, and with access arrangements that fully satisfy the requirements of the Highway Authority; • propose commercial scale polytunnel developments that demonstrate no significant adverse impact on visual and residential amenity, and do not result in significant adverse environmental or landscape impacts either alone or cumulatively with existing developments' 	<p>aspirations to an annex.</p> <p>Ensure that there is a clear regard to the presumption in favour of sustainable development and the approach to conserving and enhancing the historic environment.</p> <p>Add clarity with regarding to cumulative impact.</p> <p>Clarification that important views are from locations freely accessible for the general public</p>
Modification 13 Policy ENV1	Transfer the reference to planting to a separate community aspiration Appendix to the neighbourhood plan.	Ensure that no development or land use issues are contained within an appendices
Modification 14 Policy DNP F1	Delete 'see also DNP Policy H1xx)	Delete unnecessary cross reference to order policies. The plan should be read as a whole
Modification 15 Policy DNP CF1 Appendix D	<p>Delete 'including' Insert 'adversely' before 'affect'</p> <p>Also transfer 'mobile post office' and 'public transport' from Appendix D to a separate community aspirations Appendix to the neighbourhood plan.</p>	<p>To add clarity to the policy</p> <p>Transfer community aspirations to an annex.</p>
Modification 16 General text	Update where necessary to achieve consistency with modified policies.	Consequential changes to ensure the plan reads logically