

Habitats Regulations Assessment



Fownhope Neighbourhood Area

Addendum

August 2015

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Appendix 2: Feedback on Habitat Regulation Assessment (HRA) Report consultation

1.0 Introduction

- 1.1 To ensure that the requirements of the Habitats Directive and Regulations are met, it is necessary to consider the proposed Main Modifications through the HRA process to the Fownhope NDP; the NDP was refined by the NDP steering group to reflect feedback from consultation on the Draft Plan and Draft Environmental and Habitat Regulations Assessment (HRA) Reports, refer to Appendix 2.
- 1.2 The purpose of this further HRA Addendum Report is to detail the findings of the screening of proposed changes to policies and consider if they significantly affect the conclusions of the earlier HRA Report (May 2015).
- 1.3 The vast majority of refinements are not considered to significantly affect the conclusions of the earlier HRA report, as they did not involve the introduction of new policies or change the overall aims and objectives of the existing planning policies, despite the addition of new criteria in certain places. In general, these refinements relate to the composition of certain sentences and phrases, minor points of accuracy in relation to technical information and references to evidence base studies and other documentation. Importantly, the River Wye SAC is now specifically mentioned within biodiversity policy and this negates the likelihood of an adverse impact following the implementation of the plan.

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 Fownhope NDP would be likely to have a significant effect on the River Wye SAC, which is in reasonably close proximity of the boundary of the Fownhope neighbourhood area.
- 2.2 The findings of the screening matrix can be found in Appendices 1 and 2 of that report.
- 2.3 The screening matrix took the approach of screening each policy, objective and site allocation individually, which is consistent with current guidance. The results from the HRA reports for the Pre-submission version of the Herefordshire Local Plan (Core Strategy) and the proposed Main Modifications were also taken into consideration.
- 2.4 None of the Fownhope NDP objectives and policies (May 2015) 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 Fownhope NDP, the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy), updated in April 2015 in light of the said modifications and published on the Council's website.
- 2.5 In many cases this is because the policies themselves would not result in development, i.e. they related instead to criteria for development. In several cases the policies also included measures to help support the natural environment including biodiversity. In addition, to conserve community facilities and heritage, and therefore no significant effect conclusion could be reached. These policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 With regard to site allocations, the possibility of there being likely significant effects could not be ruled out given that the sites were in close proximity of the River Wye SAC. However, it is considered that the inclusion of additional policy wording within the housing section of the NDP would, along with other policies, provide adequate safeguarding measures.
- 2.7 It was also concluded that the Fownhope NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are allocated for development in these.

2.8 Therefore it was concluded that the **Fownhope NDP will not have a likely significant effect on the River Wye SAC.**

2.9 The proposed amendments to the Draft NDP are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in May 2015. A summary of the main findings is provided below.

3.0 Summary of main findings

3.1 The Submission NDP incorporates suggestions made by consultees during the Regulation 14 Draft Plan consultation, by adding clarity and emphasis throughout the document. Of particular importance is that Policy FW5 includes specific reference to the necessity to avoid adverse impacts on the European site and ensure that the delivery of the Nutrient Management Plan is not compromised. Whilst it was recommended that these references be included in the housing section of the NDP, all planning applications will have to satisfy the criteria within Policy FW5 and so it is considered that this proposal is satisfactory.

3.2 No new policies have been introduced into the Submission NDP following the Regulation 14 Draft Plan consultation.

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 Fownhope NDP, the proposed Main Modifications to the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy), updated in April 2015 in light of the said modifications and published on the Council's website.

4.0 Conclusion

4.1 With reference to section 3 above, the additional criteria added to Policy FW5 are not considered to affect the findings of the previous HRA report. On the contrary; they strengthen the likelihood of there being no adverse impacts.

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

5.0 Next steps

5.1 This Addendum Report will be published alongside both the Submission NDP and earlier HRA Report for consultation from September to October 2015. Any changes to the plan that arise from this consultation will be subject to further screening, in order to consider their impact on protected sites.

Appendix 1

Redrafted Policy	HRA Re-Screening Assessment of Emerging redrafted NDP objectives, options and policies				
	Likely activities (operations) to result as a consequence of the redrafted objective/option/policy	Likely effect if redrafted objective/option/policy implemented. Could they have LSE on European Sites?	European Sites potentially affected	Mitigation measures to be considered to avoid any impacts	If recommendations are implemented, would result in no likely significant effect?
Policy FW5 Biodiversity	Policy to preserve or enhance the landscape of the parish's ecological network. Aims to ensure that development contributes positively to the rural character of the area.	No, the policy specifically refers to the need to avoid adverse impacts upon the European sites that are in close proximity of the neighbourhood area and increasing emphasis on ensuring the delivery of the Nutrient Management Plan.	N/A	N/A	No, this policy will not lead to new development; rather it specifically aims to ensure that any development proposed will conserve or enhance local ecological features and networks. As such this policy could help to provide mitigation against the potential of other NDP policies.

Appendix 2

Consultation date: 18/05/15 – 30/06/15

Consultation title: Regulation 14

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

Consultee	Summary of Comments	Response
Natural England	<p>It is unclear from the HRA (especially the text in appendix 2 and para 8.1) whether the NDP is relying on policies in the as yet to be adopted Herefordshire Local Plan to conclude no likely significant effect. Relying on any such policies is not valid until such time as they are adopted. We advise that the HRA is revised to make this matter clear. We also find para 8.3 unclear. 8.3 With regard to site allocations, the possibility of there being likely significant effects cannot be discounted on four of the five sites proposed for allocation at this stage. This can be attributed to the close proximity of sites to the River Wye SAC and in two cases; areas which are liable to flood.</p> <p>However, it is considered that the inclusion of additional policy wording within the related housing policies of the NDP would, along with other policies, provide adequate safeguarding measures. Appendix 3 does appear to discount the possibility of there being likely significant effects on these four sites. In addition it is unclear what the additional policy wording referred to is. If such wording is required, and is not in the version of the NDP being assessed, then likely significant effect cannot be ruled out. Again, we advise that the HRA is revised to make this matter clear. We also note that the column heading in appendix 3 is unclear: "If recommendations are implemented, would it be possible that it would result in no likely significant effect?" The relevant HRA test would be "If recommendations are implemented, would it be possible that it would result in no likely significant effect?" Again, we advise that the HRA is revised to make this matter clear.</p>	Noted.