

# Habitats Regulations Assessment



## Breinton Neighbourhood Area

Addendum

September 2016

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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 Breinton NDP. The NDP has now been through an Independent Examination by Richard High and within his report he 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 minor word 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 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 (February 2015, July 2015 and February 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 in the Breinton NDP would be likely to have a significant effect on the River Wye SAC which runs through the neighbourhood area.
- 2.2 The findings of the screening matrix can be found in Appendix 1 and the modifications are listed in Appendix 2 of that report.
- 2.3 The screening matrix took the approach of screening each policy which have been modified by the examination, which is consistent with current guidance. The results from the HRA reports for the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 None of the Breinton NDP objectives and policies within the previous HRA assessments (February 2015, July 2015 and February 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 Breinton NDP, the Herefordshire Local Plan (Core Strategy).
- 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. These policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 It was also concluded that the Breinton NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are allocated for development in these.
- 2.7 Therefore it was concluded previously that the **Breinton 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 are screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in February 2015, July 2015 and February 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 which examiner has recommended within the examiner's report and contained with the Decision Document issued by Herefordshire Council on 7 September 2016. 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.
- 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 Breinton 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 modifications to Policy B1, B2, B3, B4, B5, B6, B7, B9, B10, B11, B14 and B16 are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Breinton NDP will not have a likely significant effect on the River Wye SAC** remains valid.

### 5.0 Next steps

- 5.1 This Addendum Report will be published alongside the final Breinton NDP and the earlier HRA report and Addendum.

# Appendix 1

**HRA Re-Screening of Significant Changes (Policies) following Neighbourhood Plan Examination**

| <b>NDP Redrafted policies following significant changes HRA Screening</b> | <b>HRA Re-Screening Assessment of significant changes (objectives, options and policies) following Draft Plan Consultation</b>   |   |  |   |   |
|---|--|---|--|---|---|
|   | Likely activities (operations) to result as a consequence of the redrafted objective, option or policy   | Likely effect if redrafted objective, option or 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 it be possible that it would result in no likely significant effect?  |
| Policy B1   | <p>Policy to support the delivery of market housing to meet the needs of local people in line with Local Plan (Core Strategy) Policy RA2.</p> <p>The settlement boundaries help to provide certainty to the location of new development</p> <p>Some minor word changes have been made following the examination.</p> | <p>Some small scale housing development within or adjacent to the defined settlement boundaries.</p> <p>Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment.</p> | River Wye (including the River Lugg) SAC | <p>Measures set within the relevant Local Plan (Core Strategy) policies and other NDP Policies should help to avoid adverse impacts on the European site.</p> <p>Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new developments.</p> <p>The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) should</p> | <p>No: this policy would allow for small scale housing schemes and supports the Local Plan (Core Strategy) Policy RA2.</p> <p>In particular, criterion h in policy B1 specifically states for development not to have an adverse effect on the river Wye SAC.</p> <p>There are policy criteria in place within both the Local Plan (Core Strategy) and the NDP to avoid or mitigate any likely significant effects.</p> |

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|           |   |  |  | <p>help to avoid adverse impacts in relation to hydrological regimes at the River Wye. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.</p>   |  |
| Policy B2 | <p>Policy to support the delivery of market housing to meet the needs of local people in line with Local Plan (Core Strategy)</p> <p>The settlement boundaries help to provide certainty to the location of new development. Also additional criteria has been added following the examination to prevent ribbon development and substantial incursions into the open countryside</p> | <p>Some small scale housing development within the defined settlement boundary.</p> <p>Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment.</p> | River Wye (including the River Lugg) SAC | <p>Measures set within the relevant Local Plan (Core Strategy) policies and other NDP Policies should help to avoid adverse impacts on the European site.</p> <p>Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new developments.</p> <p>The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) should help to avoid adverse</p> | <p>No: this policy would allow for small scale housing schemes and supports the Local Plan (Core Strategy) Policy RA2.</p> <p>In particular, criterion b in policy B2 specifically states for development not to have an adverse effect on the river Wye SAC.</p> <p>There are additional policy criteria in place within both the Local Plan (Core Strategy) and the NDP to avoid or mitigate any likely significant effects.</p> |

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|                  |   |  |   |  |  |
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|                  |   |  |   | <p>impacts in relation to hydrological regimes at the River Wye. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.</p>  |  |
| <p>Policy B3</p> | <p>Policy to support the delivery of market housing to meet the needs of local people in line with Local Plan (Core Strategy) policy RA3</p> <p>Minor wording amendments have been made following the examination to add clarity.</p> | <p>Some small scale housing development in line with the countryside policies in the Core Strategy.</p> <p>Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment.</p> | <p>River Wye (including the River Lugg) SAC</p> | <p>Measures set within the relevant Local Plan (Core Strategy) policies and other NDP Policies should help to avoid adverse impacts on the European site.</p> <p>Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new developments.</p> <p>The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) should help to avoid adverse impacts in relation to</p> |  |

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|           |   |   |  | hydrological regimes at the River Wye. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.   |  |
| Policy B4 | Policy to support the delivery of affordable housing in line with Policy H2 of the Core Strategy. | Some small scale housing development.<br><br>Housing, infrastructure development<br><br>Possible increase in recreation activities, vehicular movements and demand for water abstraction and treatment. | River Wye (including the River Lugg) SAC | Criterion 6 of Policy B15 is clear that development proposals should incorporate SUDs and Policy B1 does not allow for housing development that would be at risk of flooding or exacerbate existing problems.<br><br>Measures set within the Local Plan (Core Strategy) should help to avoid adverse impacts upon the European site.<br><br>Improved water efficiency measures, metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a | No, this policy would allow for small affordable housing schemes and supports Policy H2 of the Core Strategy. These would be in areas not normally released for housing. However there are additional policy criteria in place in both the Local Plan (Core Strategy) and the NDP to avoid or mitigate any likely significant effects. |

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|           |   |     |     | <p>result of new developments.</p> <p>The implementation of the Core Strategy policies SD3 and SD4 should help to avoid adverse impacts in relation to hydrological regimes at the River Wye. Water quality in the River Wye SAC is also specifically addressed through the Nutrient Management Plan produced by Natural England and the Environment Agency.</p> |  |
| Policy B5 | <p>Suitable mix of homes provided in response to the spatial and financial requirements of local residents, in accordance with Policy H3 of the Local Plan (Core Strategy).</p> <p>Minor amendments following examination which would not affect the assessment</p> | N/A | N/A | N/A  | <p>No, this policy reiterates the criteria within Policy H3 of the Local Plan (Core Strategy). Additional policy criteria will avoid any likely significant effects.</p> |
| Policy B6 | <p>Promote sustainable development measures for all new development across the parish.</p> <p>Deletion of criteria c following examination.</p>   | N/A | N/A | N/A  | <p>No. This policy will not lead to development; rather it aims to ensure that new development coming forward under the other NDP</p>                                    |

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|            |   |     |  |     | policies contributes to sustainable development.  |
| Policy B7  | Retention of the finest agricultural land and greater levels of protection afforded to the natural environment and landscape character.<br><br>Minor wording amendment following examination which will not affect the assessment | N/A | N/A                                      | N/A | No. This policy will not lead to development; rather it seeks to ensure that the best and most versatile soils will be conserved and protected from inappropriate, alternative forms of use, to the benefit of the natural environment and landscape character. |
| Policy B9  | Conservation of green areas of specific value to the local community.<br><br>Remove 'Wye Valley Walk' and reference to mitigation   | N/A | N/A                                      | N/A | No. This policy will not lead to development; rather it seeks to conserve areas of greenspace and prevent alternative forms of use, to the benefit of the natural environment and landscape character.  |
| Policy B10 | Preservation of specific routes as quiet lanes<br><br>Criteria amended to include reference to design and development of any Western bypass with regards to the River Wye SAC, water quality and                                  | N/A | River Wye (including the River Lugg) SAC | N/A | No, this policy will not lead to development itself; rather it seeks to ensure that development proposals for new roads / access points or those affecting  |

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|            | habitats  |     |     |     | quiet lanes integrate sympathetically to landscape character of the area. Specific reference is include to the River Wye SAC and water quality within the policy.  |
| Policy B11 | Greater degree of protection afforded to the parish's green networks.<br><br>Wording amended to add clarity regarding hedgerow network  | N/A | N/A | N/A | No, this policy will not lead to new development; rather it specifically aims to ensure that any development proposed will conserve or enhance local ecological features and networks. As such this policy could help to provide mitigation against the potential of other NDP policies. |
| Policy B14 | Requirement for development proposals to provide a greater level of analysis in terms of their effect on landscape character.<br><br>Clarity added with regards to requirement for landscape impact analysis. | N/A | N/A | N/A | No, as the policy merely emphasises the importance of avoiding urban sprawl and enhancing landscapes which are identified within the evidence base as being sensitive.   |
| Policy B16 | Preservation of specific, locally important views from public   | N/A | N/A | N/A | No, as the policy will not lead to new development; rather it  |

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|  | <p>vantage points within the parish.<br/>Include reference to the views defined within the evidence base.</p> |  |  |  | <p>aims to ensure that all development proposed will not interrupt views towards specific areas of local interest.</p> |
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# Appendix 2

## HRA Appendix 2-Table of Examiner's recommended modifications

| Policy  | Modification recommended   | Justification  |
|---|--|--|
| Modification 1<br>Policy B1                               | Modify the first part of Policy B1 to read<br>"Housing development that will make a proportionate contribution to the provision for new housing in the Hereford Rural Housing Market Area defined in Core Strategy Policy RA1 will be supported within, or adjoining, the defined rural settlements of Breinton Common (Figure 17) and Lower Breinton (Figure 18) when the development:"   | To include reference to the strategic policy background and cross reference to the Core Strategy policy to ensure clarity  |
| Modification 2<br>Policy B1                               | Criteria a: delete 'significant' and insert 'substantial'<br><br>Criteria b: at the beginning insert 'where appropriate'<br><br>Criteria d: at the beginning insert 'maintains or'   | To add clarity to policy meaning<br><br>To add clarity regarding the reuse of previously developed land where appropriate given the potential limited supply within the parish<br><br>Remove unduly onerous requirements   |
| Modification 3<br>Policy B2                               | After 'within' insert 'or adjacent to' in the first line<br><br>Insert new criteria c and d to read;<br><br>'c; it would not allow any further westward expansion of the ribbon development or any substantial incursion into open countryside to the south that would not be sustainable;<br><br>d; it would not significantly constrain options for the route of the Hereford Relief Road;<br><br>e; it would comply with the requirements of Policy RA2 of the Core Strategy' | Policy was more restrictive that Policy RA2 of the Core Strategy will no clear justification for a more restrictive policy at Kings Acre Road. Examiner was not satisfied that the proportionate levels of development envisaged could be met with the submitted wording.<br>Acknowledge the current constraints regarding the Hereford Relief Road corridor |
| Modification 4<br>Background / Justification to Policy B2 | Delete 'Being 'ribbon development' this area is not identified as a settlement under Policy RA2 of the Core Strategy'<br><br>And replace with 'Kings Acre Road was originally regarded as ribbon development related to the Hereford Fringe by Herefordshire Council and was not regarded as a settlement under Policy RA2 of the Core Strategy. However the proportionate figure of 72 dwellings for  | Policy was more restrictive that Policy RA2 of the Core Strategy will no clear justification for a more restrictive policy at Kings Acre Road. Examiner was not satisfied that the proportionate levels of development envisaged could be met with the submitted wording.  |

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|  | <p>Breinton related to the whole of the existing housing stock of Breinton including Kings Acre Road and a settlement boundary has been define for Kings Acre Road'</p> <p>Insert a new paragraph after the second paragraph to read:</p> <p>'The corridor being protected for the proposed Hereford Relief Road covers a large part of the existing settlement of Kings Acre Road and the adjoining countryside and this represents a substantial constraint on potential development until decisions have been taken on whether the road is to be built and if so its preferred route'</p> | Acknowledge the current constraints regarding the Hereford Relief Road corridor   |
| Modification 5<br>Policy B3                    | <p>In the third line after 'of the Core Strategy' start a new paragraph with a space separating it from the preceding text</p> <p>In criteria B after 'The proposal' insert 'is closely related to existing housing and..'</p> <p>Delete criteria d</p>  | <p>To clearly separate the two parts of the policy regarding housing in the countryside and exception sites.</p> <p>To be in conformity with para 55 of NPPF</p> <p>To add clarity to the policy regarding as the term 'reasonable access' is not clear</p> |
| Modification 6<br>Policy B4                    | <p>Delete criteria a</p> <p>Add 'and community assets' after 'housing' within the policy header</p>  | To ensure conformity with para 51 of the NPPF and the presumption in favour of development  |
| Modification 7<br>Policy B5                    | Insert a full stop after 'the parish' and delete 'including Lifetime Homes'  | To comply with the Ministerial Statement (25 March 2015) regarding the setting of local technical standards for construction, internal layout or performance'   |
| Modification 8<br>Supporting text to Policy B5 | Delete 'Developers should also meet the Lifetime Homes standard, and produce homes that meet or exceed the prevailing standard for sustainable homes'  | To comply with the Ministerial Statement (25 March 2015) regarding the setting of local technical standards for construction, internal layout or performance'   |
| Modification 9<br>Policy B6                    | Delete criteria c  | To comply with the Ministerial Statement (25 March 2015) regarding the setting of local technical standards for construction, internal layout or performance'   |
| Modification 10<br>Policy B7                   | Criteria a; insert 'in a suitable location' after '...that development'  | Clarify the definitions within the policy and ensure compatibility with the presumption in favour of  |

|                               |   |  |
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|                               |   | development  |
| Modification 11<br>Fig 20a    | Increase the scale sufficiently to show the space that is designed in Green Lane ie the boundaries on both sides  | Ensure the area is clearly defined   |
| Modification 12<br>Policy B9  | Delete the 6 <sup>th</sup> bullet 'Wye Valley Walk'<br><br>In the last paragraph amend the wording after 'or include' to read 'appropriate mitigation to offset, any adverse impact'  | Does not meet the requirements of para 77 of the NPPF<br><br>To ensure clarity within the policy wording   |
| Modification 13<br>Policy B10 | Reword the first sentence to read 'The quiet and rural character of the existing routes shown of Figure 1, excluding the A438 will be protected'<br><br>Reword criteria o to read 'Any road should be designed and developed to minimise adverse impacts or physical damage to habitats, water quality in the River Wye SAC, residential amenity, business interests, the significance and setting of heritage assets and the historic character of the wider landscape as a result of noise pollution and vibration, light pollution, air pollution or flood risk. Where harmful effects cannot be entirely avoided proposal should include measures to mitigate the harm within the parish. | To avoid ambiguity with the legal status of Quiet Lanes.<br><br>To ensure clarity in phraseology   |
| Modification 14<br>Policy B11 | In the second para delete 'biodiversity poor habitat (such as species poor hedge)' and insert in its place 'the network (for example a limited stretch of hedgerow)'  | To ensure compatibility with the presumption in favour of development  |
| Modification 15<br>Policy B14 | Reword the beginning of Policy B14 to read 'All development proposals will be expected to provide landscape impact analysis proportionate to the scale of the development and its impact, which will demonstrate..'<br><br>In the second part of the Policy delete 'and should not break the skyline'   | To remove over onerous requirement on all development proposals with regards to para 193 of the NPPF<br><br>Remove unduly prescriptive text in accordance with para 60 of the NPPF |
| Modification 16<br>Policy B16 | Delete Figure 15 and replace with Figure 1 from the NDP 'Identification of important public views'<br><br>Modify the first line of Policy B16 to read 'Development which detracts significantly from the qualities of the following views as defined in Breinton Neighbourhood Development Plan 2011-2031 Identification of Important Public Views will not be permitted'   | To ensure the plan is at a scale which the numbers can be read.<br><br>To ensure policy wording is clear and does not preclude development   |
| Modification 17<br>Policy B17 | Delete Policy B17<br><br>Retain the heading 'Local Heritage Assets' and the first and second sentences of the supporting text and modify the third  | To remove oversimplified policy which does not reflect section 12 of the NPPF or comply with PPG guidance on locally   |

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|  | sentence to read 'national policies set out in the NPPF will be applied to conserve and enhance these assets, thereby retaining the historical richness of the area for future generations' | distinctive policies. |
|--|---|-----------------------|