

Habitats Regulations Assessment

Addendum Report for:

Bishops Frome Neighbourhood Area

December 2017



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1.0 Introduction

- 1.1 To ensure that the requirements of the Habitats Directive and Regulations are met, it is necessary to consider the proposed Main Modifications through the HRA process to the Bishops Frome NDP. The NDP has now been through an Independent Examination by Ann Skipper 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 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 (July 2016 and May 2017).
- 1.4 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 Bishops Frome 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 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 Bishops Frome NDP objectives and policies (July 2016 and Addendum in May 2017) 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 Bishops Frome NDP.
- 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 and safeguard historic environment. These policies have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 There are no site allocations within this plan and most of the development will be within Bishops Frome and Fromes Hill settlement boundaries. Therefore it is unlikely that significant effects was considered unlikely given that none of the settlement boundaries are in close proximity of the European sites. Mitigation and safeguarding measures are included within the criteria of Bishops Frome.
- 2.7 It was also concluded that the Bishops Frome NDP will unlikely have any in-combination effects with any plans from neighbouring parishes.
- 2.8 Therefore it was concluded previously that the **Bishops Frome NDP will not have a likely significant effect on the River Wye SAC.**

- 2.9 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 May 2017. 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. Policy BF3 and BF10 has been rescreened as it was deemed not capable of implementation and not in line with Planning Policy Guidance of a policy being clear and unambiguous.
- 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 Bishops Frome NDP] Herefordshire Local Plan (Core Strategy) and the adopted version of the HRA for the Local Plan (Core Strategy).

4.0 Conclusion

- 4.1 With reference to section 3 above, the change of wording added to the Policies BF3 and BF10. Have been rescreened this have improved certainty in many places providing a more positive effect on the HRA SAC. The deletion of criterion within Policies is not considered to affect the findings of the previous HRA report. Policies BF1, BF4, BF5, BF7 and BF10 had minor wording amendments but changes were not significant enough to require rescreening.
- 4.2 Therefore the earlier conclusion that the **Bishops Frome 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 Bishops Frome NDP and the earlier HRA report and Addendum.

Appendix 1

HRA Re-Screening of Significant Changes (Objectives, Options and Policies) following Draft Plan Consultation and Examination

Parish Council Name: Bishops Frome

NDP Title: Bishops Frome NDP

Date undertaken: December 2017

NDP Redrafted objectives, options, policies, sites following significant changes HRA Screening	HRA Re-Screening Assessment of significant changes (objectives, options and policies) following Draft Plan Consultation				
	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? (Yes/No, with reasons)	European Sites potentially affected (Refer to Initial Screening)	Mitigation measures to be considered to avoid any impacts	If recommendations are implemented, would it be possible that it would result in no likely significant effect?
Policy BF 3	New development for houses Increase in vehicular traffic Increased demand for water abstraction and sewage treatment	No likely significant effect on the River Wye SAC	River Wye (including River Lugg (SAC))	Good practice measures are implemented during and after construction phase ensuring there is minimal noise and vibration. Mitigation measures are covered within the NDP and Core Strategy to eliminate potential impacts on the SAC.	No. Overall the area to be development within the identified settlement boundaries are unlikely to affect the SAC. Changes made to the policy from the examiner clarify and enhance the policy to reflect the NPPF.
<i>Policy BF10-</i>	Development of flood alleviation schemes Improvement of water quality	No significant effect upon the River Wye	River Wye (including River Lugg (SAC))	No this policy is a mitigation measure in itself. Changes to this policy help clarify and take into account national policy guidance especially Core Strategy SD3 and SD4.	No. This policy will help alleviate and mitigate impact from development onto water quality. Wording changes suggested by the Examiner clarify and enhance the policy. This policy ensures new proposals to improve water quality and ensure the parish is protected from flooding.

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Appendix 2

Modifications following Examination Bishops Frome

Policy	Modification recommended	Justification
Recommended Modification 1 Objective 2	Modify the second sentence of Objective 2 to read: " <i>New housing development should be appropriate in terms of size, scale, design and sustainability and the ability of services and facilities to support them</i> "	Interests of accuracy and clarity
Recommended Modification 2 Policy BF1	Add the words " <i>where possible</i> " after "Protect the existing ecological biodiversity of sites and..." in criterion (b) Add the words ", <i>and where possible enhance</i> ," after the "Protect..." in criterion (c)	For clarity, consistency and accuracy.
Recommended Modification 3 Policy BF3	Delete the words "...and that the amenity of all new residential development is not adversely affected by existing industrial or commercial uses." from criterion (d) of the policy Change criterion (e) of the policy to read: " <i>Where it is demonstrably viable and desirable, developments should provide a mix of dwelling types.</i> " Add the words " <i>the significance of</i> " after "...have an adverse impact on..." in criterion (g) of the policy	Clarification of the text and to add more detail/certainty Strengthen policy For the policy to offer greater flexibility Conformity with NPPF.
Recommended Modification 4 Policy BF4	Add the words " <i>or respect</i> " after "Properties and extensions reflect..." in criterion (a) of the policy	For clarity, consistency and accuracy.
Recommended Modification 5 Policy BF5	Replace the word "farm" in the first sentence of the policy with " <i>rural</i> " Replace the word "farm" in the supporting text on page 34 of the Plan with " <i>rural</i> "	Clarification of the text
Recommended Modification 6 Policy BF6	Add to the end of paragraph two: " <i>or the facility is no longer required.</i> " Delete the third paragraph from the policy	Policy unlikely to be implementable. Lack of evidence and framework provision.
Recommended Modification 7 Policy BF7	Change the notation on Map 4 from "Protected Open Space (BF7)" to " <i>Local Green Space (BF7)</i> " Change the notation on Map 5 from "Protected Open Space (BF7)" to " <i>Area of Search for new recreational open space (BF7)</i> " Make any necessary consequential changes to other maps including the Policies Maps	Strengthen and clarification of policy. Interests of consistency and accuracy.

Modifications following Examination Bishops Frome

<p>Recommended modification 8</p> <p>Policy BF9</p>	<p>Delete the words “and reduce obstructions caused by on-street parking” from the first paragraph of the policy</p> <p>Delete the fourth paragraph of the policy which begins “Proposals to restrict traffic speeds...” in its entirety</p> <p>Correct “throuhout” to “<i>throughout</i>” and “Bisops” to “<i>Bishops</i>” in paragraph three of the policy</p>	<p>To ensure it fully reflects the thrust of national policy and guidance, along with the Core Strategy.</p> <p>Interests of consistency and accuracy.</p>
<p>Recommended modification 9</p> <p>Policy BF10</p>	<p>Reword the first paragraph of the policy to read:</p> <p><i>“Development should embrace the principles of sustainable water management. Proposals must address flood risk appropriately and will be subject to the sequential test and, where needed, the exceptions test in line with national policy and Core Strategy Policy SD3 and have regard to the latest Strategic Flood Risk Assessment and local information on flooding.”</i></p>	<p>For clarity, consistency and accuracy.</p> <p>Should be modified to reflect national policy and guidance.</p>
<p>Recommended modification 10</p> <p>Appendix 1</p>	<p>Add a paragraph at the start of the appendix that reads:</p> <p><i>“All of the policies in the Core Strategy should be considered. However, the following policies are considered to be of particular relevance to this neighbourhood plan.”</i></p>	<p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy</p>
<p>Recommended modification 11</p> <p>Glossary</p>	<p>Affordable Housing – remove the references to gross earnings and mortgages</p> <p>Brownfield Land – add at the end: <i>“This term refers to both land or premises. It excludes land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time.”</i></p> <p>Flood Risk Zones – delete the word “Risk” as the correct term is “Flood Zone” and add the word “<i>river</i>” to the definition of Flood Zone 3</p> <p>Village Envelope – delete the words “limited infilling” and replace with “<i>development</i>”</p>	<p>Interests of accuracy and clarity.</p> <p>Encourage flexibility within the policy.</p>

Appendix 3

Appendix 3: HRA Consultation Feedback reg 16

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

Parish Council Name: Bishops Frome Parish Council

Neighbourhood Development Plan Name: Bishops Frome Neighbourhood Plan

Details of consultation: *this could include how the consultation was advertised and what information was provided*

Consultation date: 24 May to 12 July 2017

Consultation title: Regulation 16 Consultation

No comments have been made regarding the reg 16 HRA assessments.