

Habitats Regulations Assessment



Brimfield & Little Hereford Group Neighbourhood Area

Addendum

March 2016

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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 Brimfield and Little Hereford Group NDP. The NDP has now been through an Independent Examination by Ann Skippers 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 (November 2014 and August 2015).
- 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 a NDP. Accordingly, a screening matrix was prepared and this determined the extent to which any of the policies and site allocations in the Brimfield and Little Hereford Group NDP would be likely to have a significant effect on the Downton Gorge 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 the Herefordshire Local Plan (Core Strategy) were also taken into account.
- 2.4 None of the Brimfield and Little Hereford Group NDP objectives and policies (November 2014 and Addendum in August 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 Brimfield and Little Hereford Group NDP, Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy), 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. 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 was considered unlikely given that none of the sites are in close proximity of the European sites. However, it is considered that the inclusion of additional policy wording within the related housing policies of the NDP will, along with other policies, provide adequate safeguarding measures.
- 2.7 It was also concluded that the Brimfield and Little Hereford Group NDP will unlikely have any in-combination effects with any plans from neighbouring parishes, as no sites are currently allocated for development in these.
- 2.8 Therefore it was concluded that the **Brimfield and Little Hereford Group NDP will not have a likely significant effect on the Downton Gorge 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 June 2015 and September 2015. 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.

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 Brimfield and Little Hereford Group NDP, the Herefordshire Local Plan (Core Strategy) and the latest version of the HRA for the Local Plan (Core Strategy), published on the Council's website.

4.0 Conclusion

4.1 With reference to section 3 above, the change of wording to the Policies, and the deletion of criterion within Policies BLH2, BLH7, BLH8, BLH10 and BLH13 are not considered to affect the findings of the previous HRA report. The remainder of the policies BLH3 and BLH6 that have had some modification were very minor in nature and not seen as significantly altering the policy to require re-screening.

4.2 Therefore the earlier conclusion that the **Brimfield and Little Hereford Group NDP will not have a likely significant effect on the Downton Gorge SAC** remains valid.

5.0 Next steps

5.1 This Addendum Report will be published alongside the final Brimfield and Little Hereford Group NDP and the earlier HRA report and Addendum.

Appendix 1

Redrafted Policy	Screening of modified/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 it be possible that it would result in no likely significant effect?
Policy BLH2	Housing development in Brimfield in accordance with Policy RA2 of the Core Strategy. Increased vehicular movements. Increased demand for water abstraction and sewage treatment.	Provision of 58 dwellings throughout the parish, including 20 dwellings on one site that has been allocated for housing, infill development and other small development opportunities.	Downton Gorge SAC.	The policies set out in the Local Plan (Core Strategy), and elsewhere within the NPD should help to avoid adverse impacts upon the European site. This addendum report reveals that none of the changes proposed to the policies from the Examiner's report Improved water efficiency measures, including metering and addressing leakages in supply may help to mitigate any additional pressure placed on the water supply as a result of new development.	No. This policy conforms to Policy RA2 of the Local Plan (Core Strategy).
Policy BLH7-Building design principles.	Provide design briefs to protect character and density of each village. Ensure proposal minimise impact on general amenity and take into consideration to noise, odour and light.	No	N/A	N/A	This would act as mitigation towards all new development as it will be design criteria to reduce the overall impact
Policy BLH8-Landscape design principles.	Retain features of biodiversity, nature conservation or landscape value ensuring new development will not obscure protected views	No	N/A	N/A	This would act as mitigation towards all new development
Policy BLH10-Allotments and open space	Promote allotment sites Protect open space and enhance local biodiversity and habitats	No	N/A	N/A	N/A
Policy BLH13-Development in areas of flood risk	Minimise flood risk in Brimfield and Little Hereford Ensure no development is	No	N/A	N/A	Will be a suitable mitigation technique to offset any impact from other developments

	sited in Flood Zone 1				
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Appendix 2

Appendix 8: Examiner's recommended modifications

Policy	Modification recommended	Justification
Modification 1 Throughout the Plan	Update references to the relevant HC level policies (UDP and CS) as necessary on pages 34, 37, 51, 59 and 64	Update to reflect the adoption of the Core Strategy
Modification 2 Executive Summary	Update as necessary	To follow the passage of time
Modification 3 Introduction and Background	Update paragraphs 1.11 and 1.13 as necessary to reflect the adoption of the Core Strategy	To follow the passage of time
Modification 4 Section 2	Check that the right appendices are referred to in paragraphs 2.5, 2.7 and 2.8	Interests of accuracy
Modification 5 Section 4	Ensure that it is clear in key issue three that the preparation of the Plan has resulted in the identification of assets suitable to be put forward as ACV but that the Plan itself cannot identify such assets	Interests of clarity
Modification 6 Section 5	Delete "...and support the local community to...Right to Buy initiatives." From objective 6 Ensure that any other references to objective 6 throughout the Plan are revised in line with the above modification	Cannot be achieved through or by the plan.
Modification 7 Section 6	Update paragraphs 6.1.1 – 6.1.5 and 6.1.9 to reflect that the CS has now been adopted and Policy H4 of the UDP replaced by CS Policy RA2 and consider whether there is any benefit in retaining Map 3 Delete the last sentence in paragraph 6.1.10	
Policy BLH1	No modifications required	Meets the Basic Conditions
Modification 8 Policy BLH2	The following modifications are therefore recommended: <ul style="list-style-type: none"> • Reword the last sentence in the first paragraph of Policy BLH2 to read: <i>"Development of approximately 20 dwellings will be acceptable. The density of any scheme should be consistent and compatible with the existing and prevailing density and reflect the locally distinctive character of the locality in which the new development is proposed so that the village feel is retained."</i> • Delete the sentence "...subject to other policies in the Brimfield...Core Strategy." from paragraph two of Policy BLH2 • Replace the word "will" in the first sentence of paragraph three of Policy BLH2 to "<i>is encouraged to</i>" 	To ensure flexibility and to be in line with the Core Strategy and the NPPF.

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<p>Modification 9 Policy BLH 3</p>	<p>In order to meet the basic conditions, the following modifications are recommended:</p> <ul style="list-style-type: none"> • Update paragraph 6.1.19 to refer to the adopted CS and the relevant figure in the CS (Figure 4.15) • Add "<i>an element of</i>" after "...where it comprises..." and before "...one or a combination of the following types:..." in the policy • Change the words "the elderly" in criterion 3 of the policy to "<i>older people</i>" 	<p>Policy is currently too restrictive; wording will help to provide a balance between the delivery of housing and addressing local needs.</p>
<p>Policy BLH4</p>	<p>No modifications required</p>	<p>Meets the Basic Conditions</p>
<p>Policy BLH5</p>	<p>No modifications required</p>	<p>Meets the Basic Conditions</p>
<p>Modification 10 Policy BLH6</p>	<p>The following modifications are therefore suggested:</p> <ul style="list-style-type: none"> • Delete the words "as community assets" from the first sentence of the policy • Revise criterion B to read: "<i>There is no longer a need for the facility and this is demonstrated to the satisfaction of the Local Planning Authority advised as appropriate by the Parish Council.</i>" 	<p>To ensure it reflects who the decision makers are and that it must be demonstrated to Herefordshire Council.</p>
<p>Modification 11 Policy BLH7</p>	<p>Therefore the following modifications are recommended:</p> <ul style="list-style-type: none"> • Delete the words "Once the local heritage list for Brimfield and Little Hereford has been adopted by Herefordshire Council" from the start of the policy • Add at the end of the first paragraph of the policy "<i>taking account of the significance of the heritage asset.</i>" • Reword the final sentence of the policy so that it reads: "<i>The whole or partial loss of any locally listed building or structure will normally be resisted.</i>" 	<p>Reflects national policy and guidance, and to enhance clarity and precision.</p>
<p>Modification 12 Policy BLH8</p>	<p>The following modifications are therefore recommended:</p> <ul style="list-style-type: none"> • Change "within design and access statements" at the end of criterion 1 to read "<i>through the submission of a design and access statement or similar evidence.</i>" • Change the word "display" in criterion 2 to "<i>demonstrate</i>" • Delete the sentence which begins "Proposals must not feature designs specific to a generic scheme..." from 	<p>To ensure the policy is future proofed.</p> <p>To make sure the policy is positively worded and provides a practical framework for decision making.</p>

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	<p>critterion 2 and replace it with <i>"Proposals must be designed in such a way that reflects the locally distinctive character of the area in which they are to be sited and design individuality and innovation are strongly encouraged. Proposals which do not demonstrate a locally distinctive design will be resisted."</i></p> <ul style="list-style-type: none"> • Add at the end of criterion 5 <i>"or any successor guidance."</i> 	
Policy BLH9	No modifications required	Meets the Basic Conditions
Modification 13 Policy BLH10	<p>The following modifications are recommended:</p> <ul style="list-style-type: none"> • Delete "...under paragraphs 76...Framework." from the policy • Add after "...on the openness of these sites" in the final paragraph of the policy <i>"or the attributes for which they were designated will not be acceptable other than in very special circumstances."</i> • Delete area 2 St Michael's Gate amenity area as a Local Green Space • Consequential amendments to the text and the maps, including the separate Policies Map, will be needed 	To ensure that the policy meets the requirements for Local Green space as set out in the NPPF.
Policy BLH11	No modifications required	Meets the Basic Conditions
Modification 14 Paragraph 6.4 Map 2	<p>The suggested modifications are:</p> <ul style="list-style-type: none"> • Add a notation to Map 2 that the flood zone information is correct as at [insert date] but reference should always be made to the most up to date information available from the Environment Agency • Review paragraph 6.4.6 to delete references to the "Technical Guidance to the National Planning Policy Framework" and to ensure the most up to date national policy and guidance is included 	To keep up with the passage of time.
Policy BLH12	No modifications required	Meets the Basic Conditions
Modification 15 Policy BLH13	<p>The only modification recommended is:</p> <ul style="list-style-type: none"> • Add to criterion 2 <i>"wherever possible and take account of the sequential approach to the location of development to avoid flood risk"</i> after <i>"...("low probability")..."</i> and before <i>"...and must not increase flooding issues downstream."</i> 	To reflect the sequential approach set out in national policy and guidance.

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Modification 16 Policy BLH14	Change the final paragraph of Policy BLH14 to remove any specific trade name and use a general term for the type of system sought or delete the paragraph as preferred	To ensure no specific trade names are used
Modification 17 Policy BLH15	In order to meet the basic conditions, the following modifications are recommended: <ul style="list-style-type: none"> • Change the word "must" in paragraph one of the policy to "<i>should</i>" • Change the word "must" in the second paragraph to "<i>could</i>" • Change the first "must" in the third paragraph to "<i>should</i>" • Change the word "must" in the final paragraph to "<i>should</i>" 	To remove the prescriptive and onerous element of the policy.
Modification 18 Policy BLH16	<ul style="list-style-type: none"> • Change both appearances of the word "must" in paragraph one of the policy to "<i>should</i>" • Change the word "must" in the second paragraph to "<i>should</i>" • Change the first "must" in the third paragraph to "<i>should</i>" and add "<i>wherever possible</i>" at the end of the paragraph 	To increase flexibility
Policy BLH17	No modifications required	Meets the Basic Conditions
Policy BLH18	No modifications required	Meets the Basic Conditions
Policy BLH19	No modifications required	Meets the Basic Conditions
Modification 19 Section 7	Consider the need to retain this section or at the very least update it	To keep plan updated
Modification 20 Appendices	<ul style="list-style-type: none"> • Add a date to Appendix II i.e. "listed buildings as at XXXX" and a note to remind readers to obtain the most up to date information, perhaps from HC or Historic England (?) • Remove Appendices III, IV, V and VII as this information is now in the Consultation Statement • Remove Appendix VI • Consequential amendments to the appendices in the Plan may be required 	To be future proofed, and to make it more user friendly and manageable