

# Habitats Regulations Assessment



## Orleton & Richards Castle Neighbourhood Area

Addendum

September 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: 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 modifications through the HRA process to the Orleton and Richards Castle NDP; the NDP was refined by the NDP steering group to reflect feedback from consultation on the Draft Plan and the associated Environmental and Habitat Regulations Assessment (HRA) Reports, referred 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 five policies of the Orleton and Richards Castle NDP and consider if they significantly affect the conclusions of the earlier HRA Report (April 2016).
- 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. 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.

## 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 Orleton and Richards Castle NDP would be likely to have a significant effect on the River Wye SAC and the Downton Gorge SAC.
- 2.2 The findings of the screening matrix can be found in Appendix 2 of that report.
- 2.3 The screening matrix took the approach of screening each policy and objective individually, which is consistent with current guidance. The results from the HRA Report for the Herefordshire Local Plan (Core Strategy) were also taken into consideration.
- 2.4 On the basis of assumptions and information contained within the Orleton and Richards Castle NDP, Herefordshire Local Plan (Core Strategy) and the HRA for the Local Plan (Core Strategy), all of the NDP policies were found to be unlikely to result in significant effects on the Downton Gorge SAC or the River Wye SAC.
- 2.5 In many cases this was 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 etc, and therefore no significant effect conclusion could be reached. These policies were considered to have the potential to mitigate some of the possible adverse effects arising from elsewhere within the plan.
- 2.6 For those policies concerning site allocations or that would result in development, it was concluded that there would not be an appreciable effect on the Downton Gorge SAC or the River Wye hydrological catchment. This was largely attributed to the location of the site allocations and the level of growth proposed would not exceed the proportional growth targets outlined in the Local Plan (Core Strategy).
- 2.7 It was also concluded that the Orleton and Richards Castle 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 **Orleton and Richards Castle NDP will not have a likely significant effect on Downton Gorge SAC nor 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 April 2016 and the main findings of this assessment are summarised 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.
- 3.2 No new policies have been introduced into the Submission NDP following the Regulation 14 Draft Plan consultation. However five policies have been amended, ORC1, ORC4, ORC6, ORC8 and ORC10.
- 3.3 The main change has been made to policy ORC8: Housing sites in Orleton, where two sites have been deleted from the policy. This is due to flooding constraints and proportional growth through existing commitments.
- 3.4 The revisions to these policies were found to be unlikely to result in significant effects on Downton Gorge SAC nor the River Wye SAC, a conclusion of which is based on assumptions and information contained within the Orleton and Richards Castle 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 the five policies of the NDP are not considered to affect the findings of the previous HRA report.
- 4.2 Therefore the earlier conclusion that the **Orleton and Richards Castle NDP will not have a likely significant effect on Downton Gorge SAC nor 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. 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

| NDP redrafted objectives and policies          | HRA Screening of the redrafted NDP objectives and policies  |  |                                     |  |  |
|--|---|--|-------------------------------------|--|--|
|  | Likely activities (operations) to result as a consequence of the policy   | Likely effect if policy implemented. Could they have Likely Significant Effects (LSE) on European Sites? | European Sites potentially affected | Mitigation measures to be considered, as necessary, through redraft of policy and to be considered as part of Appropriate Assessment | Could the policy have likely significant effects on European sites (taking mitigation into account?)   |
| Policy ORC1: Promoting Sustainable Development | Encourages sustainable development and communities<br><br>Policy have been amended to include reference to sustainable transport measures | No likely significant effects expected   | N/A                                 | N/A  | No. The policy would itself not lead to development; instead it relates to criteria for encouraging sustainable development and sustainable communities.   |
| Policy ORC4: Protection from flood risk        | Policy have been amended to include reference to the Strategic Flood Assessment 2009.   | No Likely Significant effect on the River Wye (including the River Lugg) SAC                             | N/A                                 | N/A  | No. This policy will not lead to new development; but rather it will ensure that any new development has no or little impact upon surface water flooding or fluvial flooding due to the mitigation methods encouraged. This policy will also ensure that within flood zones 2 and 3 new development should not be permitted. |

This document is copyright of Herefordshire Council, please contact the Neighbourhood Planning team if you wish to reuse it in whole or part.

|                                       |  |  |   |  |   |
|---------------------------------------|--|--|---|--|---|
|                                       |  |  |   |  | Additional reference has now been included to highlight the Strategic Flood Risk Assessment.  |
| Policy ORC6: Sustainable Design       | <p>Policy that imposes the need for new housing to conform to high standards of sustainable design and architecture that includes maximum carbon reductions and an integrated package of identified design measures.</p> <p>Policy has been amended to include reference to the need to assess for any contaminated land</p> | No likely significant effects expected   | N/A   | N/A  | N/A   |
| Policy ORC8: Housing Sites in Orleton | <p>Housing Development</p> <p>Increased in vehicle traffic.</p> <p>The policy has been amended to only refer to one site. Two sites have been deleted as proposals.</p>  | <p>This policy now proposes one site to the north east of the village for approx. 2.8 hectares north of Kings Road.</p> <p>This site is not directly adjacent to either of the SACs.</p> | No likely significant effect on the River Wye (Including the River Lugg) SAC or Downton Gorge SAC | <p>Within this policy there are mitigation methods to help reduce the potential impacts arising from this development.</p> <p>Ensure during development phase that there are mitigation methods in place to reduce any adverse impact that could occur during the development.</p> | No. Although this policy is identifying a site for housing development within the village, it does include mitigation methods as well as the additional policies within the NDP and Core Strategy that have measures to mitigate against the impact of the development. In addition, the development is not over and above the Core |

|  |  |   |  |  |  |
|--|--|---|--|--|--|
|  |  |   |  |  | Strategy requirement which has been identified as not having a significant effect on the River Wye (including River Lugg) SAC and Downton Gorge SAC.   |
| Policy ORC10: Housing Sites in Richards Castle | <p>Housing Development</p> <p>Increased in vehicle traffic</p> <p>Amended has been made to the policy to reflect the updated planning status of one of the proposed sites.</p> | <p>This policy does propose two sites to the north of the village for approx. 0.55 hectares at Spout House Field; and 0.44 hectares to the north of Westbrook House this is still within the threshold of the Core Strategy. These sites are not directly adjacent to either of the SACs.</p> | <p>No likely significant effect on the River Clun SAC or Downton Gorge SAC</p> | <p>Within this policy there are mitigation methods to help reduce the potential impacts arising from this development.</p> <p>Ensure during development phase that there are mitigation methods in place to reduce any adverse impact that could occur during the development.</p> | <p>No. Although this policy is identifying two sites for housing development within the village, it does include mitigation methods as well as the additional policies within the NDP and Core Strategy that have measures to mitigate against the impact of the development. In addition, the development is not over and above the Core Strategy requirement which has been identified as not having a significant effect on the River Clun SAC and Downton Gorge SAC.</p> |

# Appendix 2

**Consultation date: 7 May to 20 June 2016**

**Consultation title:** Habitat Regulations Orleton and Richards Castle Neighbourhood Plan Regulation 14

*N.B. This consultation feedback is **only** for comments received on the HRA of the draft Neighbourhood Development Plan (April 2016)*

| Consultee                              | Summary of Comments  | Response to Comments |
|--|--|----------------------|
| Natural England                        | Agree with the conclusions that the Orleton and Richards Castle NDP is unlikely to have a significant effect on the River Wye SAC. | n/a                  |
| English Heritage /<br>Heritage England | No comments received   | n/a                  |
| Environment<br>Agency                  | No comments received specifically to the HRA   | n/a                  |
| Natural Resources<br>Wales             | No comments received   | n/a                  |