

Habitats Regulations Assessment

Addendum Report for:

Kimbolton Neighbourhood Area

February 2018



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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 Kimbolton NDP. The NDP has now been through an Independent Examination by Chris Collison 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 (March 2017 and September 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 Kimbolton 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 adopted Herefordshire Local Plan (Core Strategy).
- 2.4 None of the Kimbolton NDP objectives and policies (March 2017 and Addendum in September 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 Kimbolton 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 Kimbolton settlement boundary. 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 Kimbolton.
- 2.7 It was also concluded that the Kimbolton NDP will unlikely have any in-combination effects with any plans from neighbouring parishes.
- 2.8 Therefore it was concluded previously that the **Kimbolton 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 March and September 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. These were minimal therefore it was not necessary rescreen policies. Policy K15 was deleted and moved into the pre amble of the plan. Policy K5 has been rescreened as the examiner has added further criteria to clarify the policy and to make it in line with Planning Policy Guidance.
- 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 Kimbolton 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 added to the Policy K5 has 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 K1, K2, K3, K4, K7, K8, K9, K10, K11, K12, K13, K14, K16, K17, K18, K21, K22 had minor wording amendments but changes were not significant enough to require rescreening.
- 4.2 Therefore the earlier conclusion that the **Kimbolton 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 Kimbolton 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: Kimbolton

NDP Title: Kimbolton NDP

Date undertaken: February 2018

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 K5	Small scale proportionate growth within the countryside in accordance to policy RA3 and RA4.	Due to scale and location of potential schemes it is unlikely to have a significant effect on the River Wye (including River Lugg) SAC.	River Wye (including River Lugg) (SAC)	The measures set out in the Core Strategy policies and also the NDP policies should help to avoid adverse impacts upon the European site.	This policy remains within the requirements set out in the Core Strategy RA3 and RA4 policy and therefore is not over and above the proposed. Changes made to the policy by adding further criteria from the examiner clarify and enhance the policy to reflect the NPPF.

Appendix 2

Modifications following Examination Kimbolton

Policy	Modification recommended	Justification
Modification 1 Policy K1	Delete the final paragraph	Interests of accuracy and clarity
Modification 2 Policy K2	Delete the second paragraph In provision 1 delete “in accordance with relevant policies set out in this Neighbourhood Plan, including K5” In provision 2 delete “relevant policies in” and insert “Policy RA3 of”; and delete the text after “Strategy”	For clarity, conformity, consistency and accuracy in regards to the NPPF framework.
Modification 3 Policy K3	After “new homes” insert “(including around 35 new dwellings constructed or with planning permission granted between April 2011 and April 2017)” Delete all text after “2031.”	For clarity, consistency and accuracy in regards to the NPPF conformity. For the policy to provide a more practical and clear framework.
Modification 4 Policy K4	Delete “subject to Policy K10”	For clarity, consistency and accuracy.
Modification 5 Policy K5	Delete “listed in Neighbourhood Plan Policy K21” Add additional criterion 6 “Where the amenity of occupants of any new dwellings would not be compromised by existing agricultural or commercial activity;” Add additional criterion 7 “Where a proposed dwelling is of truly exceptional quality or innovative design helping to raise standards of design more generally in rural areas; reflects the highest standards in architecture; significantly enhances its immediate setting; and is sensitive to the defining characteristics of the local area.” Replace the final sentence with “In locations where extension or modification of a permitted dwelling is likely to have an adverse impact on its landscape setting, or on visual amenity, permitted development rights relating to extension and modification of that dwelling will be removed.”	For clarity, conformity, consistency and accuracy in regards to the NPPF framework. For the policy to provide a more practical and clear framework.
Modification 6 Policy K7	Delete the first sentence Delete “Development proposals should” and insert “To be supported development proposals must” Delete “the provision of energy and water conservation measures” Insert “and” before “broadband”	For clarity, conformity, consistency and accuracy in regards to the NPPF framework. For the policy to provide a more practical and clear framework to implement.

Modifications following Examination Kimbolton

	<p>Delete “and energy renewable infrastructure such as discreetly sited photovoltaic panels”</p> <p>Delete “in accordance with Policy K 12”</p>	
<p>Modification 7</p> <p>Policy K8</p>	<p>Replace the second sentence with “In order to even out the size range of dwellings available in the Parish and meet identified needs, proposals must be for smaller dwellings of two or three bedrooms, unless it can be demonstrated this is not appropriate.”</p> <p>Delete the second paragraph</p>	<p>Strengthen and clarification of policy.</p> <p>Make the policy implementable.</p> <p>Interests of consistency and accuracy.</p>
<p>Modification 8</p> <p>Policy K9</p>	<p>Delete “consistent with Neighbourhood Plan Policy K5”</p>	<p>Interests of consistency and accuracy.</p> <p>Should be modified to reflect national policy and guidance.</p>
<p>Modification 9</p> <p>Policy K10</p>	<p>Delete “Developments of up to three dwellings are the optimum size”</p> <p>Delete “Protect” and insert “Not significantly adversely affect”</p> <p>Transfer principle 1vi to the Implementation and Monitoring section of the Neighbourhood Plan.</p>	<p>For clarity, consistency and accuracy.</p> <p>Should be modified to reflect national policy and guidance.</p> <p>Lack of justification</p> <p>Provide a practical framework to implement.</p>
<p>Modification 10</p> <p>Policy K11</p>	<p>In line 1 delete i after assets</p> <p>Delete “consider” and insert “demonstrate consideration”</p> <p>Delete “should take” and insert “must demonstrate they have taken”</p> <p>The policy title as it appears in the list of policies presented on page 4 of the Neighbourhood Plan should be changed to the title “Heritage Assets” to correspond with the title of the policy presented on page 28 of the Plan.</p>	<p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy</p> <p>For the policy to provide a more practical and clear framework to implement.</p>
<p>Modification 11</p> <p>Policy K12</p>	<p>Delete “or the general enjoyment of the night sky”</p>	<p>Interests of accuracy and clarity.</p> <p>Encourage flexibility within the policy.</p>
<p>Modification 12</p> <p>Policy K13</p>	<p>Delete “where it is practicable to do so” and insert “unless it is demonstrated that provision is not practicable”</p>	<p>Interests of accuracy and clarity.</p>
<p>Modification 13</p> <p>Policy K14</p>	<p>In the first paragraph delete “also” and delete “and their scale reflects the community’s needs”</p> <p>In the second paragraph after “impact on” insert “visual amenity or”</p> <p>Delete the third paragraph</p>	<p>Interests of accuracy and clarity.</p> <p>Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy</p>

Modifications following Examination Kimbolton

Modification 14 Policy K15	Delete Policy K15 and transfer the text to the Implementation and Monitoring section of the Neighbourhood Plan	Interests of accuracy and clarity.
Modification 15 Policy K16	In point 2 continue “having regard for parking standards in the Local Transport Plan in accordance with Core Strategy Policy MT1” In point 5 delete “and in accordance with Policy K12” Transfer the final sentence to the Monitoring and Implementation Section of the Neighbourhood Plan	Interests of accuracy and clarity. Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy Particularly policy MT1.
Modification 16 Policy K17	Delete “encouraged and insert “supported” Delete “with priority being given to” and insert “in particular” Delete “small scale” Delete the final sentence	Interests of accuracy and clarity. Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy. For the policy to provide a more practical and clear framework to implement.
Modification 17 Policy K18	In Policy K18 delete the first sentence	Interests of accuracy and clarity. For the policy to provide a more practical and clear framework to implement.
Modification 18 Policy K21	After “re-use” insert “for other purposes” Delete “Such sites should meet the requirements of Policy K20”	Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy particularly policy SC1 For the policy to provide a more practical and clear framework to implement.
Modification 19 Policy K22	Replace the second sentence with “New development on these sites is ruled out other than in very special circumstances.”	Interests of accuracy and clarity. Ensure the policy has a better reflection of relevant legislation in the NPPF and Core Strategy.

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: Kimbolton Parish Council

Neighbourhood Development Plan Name: Kimbolton Neighbourhood Plan

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

Consultation date: 11 October to 22 November 2017

Consultation title: Regulation 16 Consultation

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