

# Habitats Regulations Assessment

Addendum Report for:

**Bodenham Neighbourhood Area**

**September 2017**



## 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: Feedback on Habitat Regulation Assessment (HRA) Report consultation

Appendix 2: Revised screening of policy matrix

## 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 amendments through the HRA process to Bodenham NDP; the NDP was refined by the NDP steering group to reflect feedback from consultation on the Draft Plan and Draft Environmental and Habitat Regulations Assessment (HRA) Reports, refer 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 policies and consider if they significantly affect the conclusions of the earlier HRA Report (June 2016).
- 1.3 The majority of refinements are not considered to significantly affect the conclusions of the earlier HRA report as many were points of clarification. Twelve policies have been modified and two new policy added to include reference to dark skies and intensive livestock units. These were as a result of the representations to the draft consultation on the plan itself rather than the response to the HRA report consultation. However there were no changes to the overall vision of the existing planning policies.

## 2.0 Screening of draft 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 within the Bodenham NDP would be likely to have a significant effect on the River Wye 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 and objective individually, 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 Bodenham NDP objectives and policies (June 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 Bodenham NDP, the Herefordshire Local Plan (Core Strategy) and the HRA for the 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 and they all have the potential to mitigate some of the possible adverse effects arising from other policies.
- 2.6 Those policies which relate to settlement boundaries where the growth potential growth could occur and could potentially have some impact upon the River Wye SAC, it was determined that some additional policy criteria may be appropriate to ensure safeguards are in place. This is particularly relevant to Bodenham settlement itself, given the proximity of the settlement boundary to the river banks and the fact that two watercourse which feed into the river run through the settlement itself. However, if these policy safeguards are included then due to the scale of growth that is required by the Local Plan (Core Strategy), their proposed growth and commitments at Bodenham Moor, the NDP would not have an appreciable effect on the River Wye SAC.
- 2.7 It is unlikely that the Bodenham Neighbourhood Plan will have any in-combination effects with any Plans from neighbouring parish councils due to the level of growth proposed being the same that is proposed for the Leominster Housing Market Area in the Herefordshire Core Strategy
- 2.8 Therefore it was concluded that the **Bodenham NDP will not have a likely significant effect on the River Wye (including the River Lugg) SAC.**

2.8 The proposed amendments within the submission NDP have been screened to consider if they are likely to significantly affect the findings of the previous HRA Report, prepared in October 2017. A summary of the main findings is provided below.

### 3.0 Summary of main findings – modifications to NDP

3.1 The Submission NDP (October 2017) incorporates additional policy criteria or wording to add clarity and emphasis throughout the document.

3.2 Twelve policies were refined following the Draft plan consultation which took place from 3 October to 14 November 2016. Two new policies have been added to the plan, these are regarding larger economic activities such as intensive livestock units and a dark skies policies. Nine policies have had amendments which require rescreening.

3.3 Modifications made to 3 other policies of the plan are considered to be minor and would not have a significant effect on the results previously assessed. These were points of clarity and minor word changes.

3.4 The revised NDP policies are therefore unlikely to result in significant effects on the European site, a conclusion of which is based on assumptions and information contained within the Bodenham 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 additional criteria added to a number of policies are not considered to affect the findings of the previous HRA report and strengthen the likelihood of there being no adverse impacts. Moreover, the Local Plan (Core Strategy) is now adopted and will provide further policy safeguards.

4.2 Therefore the earlier conclusion that the **Bodenham 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 both the Submission NDP and earlier HRA Report for consultation. Any changes to the plan that arise from this consultation and the examination will be subject to further screening, in order to consider their impact on protected sites.

# Appendix 1

**Consultation date:** 3 October to 14 November 2016

**Consultation title:** Environmental Report - Bodenham Neighbourhood Plan Regulation 14

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

Consultee	Summary of Comments	Response to Comments
Natural England	Agree with the conclusions of no likely significant effects upon the SAC however require a point of clarification at Policy BNDP5 and the required additional criteria.	noted
English Heritage / Heritage England	No comments received	n/a
Environment Agency	No comments received specifically to the SEA	n/a
Natural Resources Wales	No comments received	n/a

# Appendix 2

NDP objectives	HRA Screening of NDP objectives and policies				
	Likely activities (operations) to result as a consequence of the objective/policy	Likely effect if objective/policy implemented. Could they have Likely Significant Effects on European Sites?	European Sites potentially affected	Mitigation measures to be considered, as necessary, through redraft of objective/option/policy.	Could the policy have any likely significant effects on European sites (taking mitigation into account)?
<b>NDP Policies</b>					
Policy BNDP2 Settlement boundaries	Policy to define settlement boundaries for both Bodenham and Bodenham Moor. This will be the focus for growth.	Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the River Wye SAC dependent on the location of development.  The settlement boundary for Bodenham is relatively close to the River Lugg	River Wye (including the River Lugg) SAC	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.  The implementation of Policies SD3 and SD4 within the Local Plan (Core Strategy) 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.  Reference has now been made to the protection and enhancement of the River Wye SAC and its catchment	No, reference has now been made to the River Wye SAC within the criteria, this is especially important given the close proximity of the River Lugg to the settlement boundary.



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Policy BNDP3 Mix, type and tenure of new housing development	Policy to provide small scale affordable housing in appropriate locations	<p>Housing, infrastructure development and possible increase in recreational activities, vehicular movements and demand for water abstraction and treatment. Uncertain as to the impacts upon the River Wye SAC dependent on the location of development.</p> <p>The settlement boundary for Bodenham is relatively close to the River Lugg</p>	River Wye (including the River Lugg) SAC	<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 hydrological regimes at the River Wye.</p> <p>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>	No, with the addition of criteria in the other policies of the plan. This policy supports the principle of policy H2 of the Core Strategy. Policy safeguards exist within other policies of the plan.
Policy BNDP4 Flood risk and drainage	Policy to indicate the requirements relations to flood management in development proposals.	No, this will not lead to development indicates the details required for applications	River Wye (including the River Lugg) SAC	n/a	No, this policy will not lead to development but indicates the details required for development proposals. This will result in managed flood risk for the parish Additional criteria has been added to ensure capacity within the sewerage system which will assist the Nutrient Management Plan.

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Policy BNDP5 Employment	Small scale employment facilities including live work and working from home	Employment and infrastructure development.  Possible vehicular movements and demand for water abstraction and treatment.	River Wye (including the River Lugg) SAC	<p>The Core Strategy policy LD2 will aim to help avoid any adverse impacts on the River Wye SAC for new employment or businesses uses.</p> <p>Improved water efficiency measures, metering and addressing leakages in the supply may help to mitigate any additional pressures on the water supply as a result of new development.</p> <p>Measures within Core Strategy policy SD1 should help to mitigate potential impacts relating to non-physical disturbances.</p> <p>The implementation of Core Strategy policies SD3 and SD4 should also help to avoid any adverse impacts in relation to the hydrological regimes at the River Wye. Water Quality in the River Wye is also being specifically addressed through the Nutrient Management Plan.</p> <p>This NDP policy should help to reducing the extent to which people need to travel to work especially in connection with policies to improve network connections.</p>	

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Policy BNDP6 Large scale economic activities	Larger scale farming activity	Depending on type and location of infrastructure;  Physical damage or disturbance  Non-physical disturbance such as noise, dust	River Wye (including the River Lugg) SAC	Criteria is included within the policy to reflect ecological and biodiversity issues. Policy SD4 and the Nutrient Management Plan are also in place to assist with mitigation. Some proposals would also be subject to Environmental Impact Assessment	No this policy itself would not lead to development, it is intended to mitigate the impacts of these proposals on the local environment.
Policy BNDP 9 Landscape design principles	Elements of landscape feature which should be considered in development proposals	none	River Wye (including the River Lugg) SAC	none	No this policy will not lead to development, it is intended to protect landscape character and setting and ensure these are addressed in development proposals
Policy BNDP10 Protection of local character	Elements of local character which should be considered in development proposals	none	River Wye (including the River Lugg) SAC	none	No this policy will not lead to development, it is intended to protect the local character and setting and ensure these are addressed in development proposals.
Policy BNDP11 Dark Skies	Lessen the impact of artificial lighting on the environment	Lessen physical disturbance	River Wye (including the River Lugg) SAC	none	No this policy is seeking to reduce the amount of artificial lighting within the environment.
Policy BNDP 13 Renewable energy	Promotion of small scale renewable energy schemes	Depending on type and location of infrastructure;  Physical damage or disturbance  Non-physical disturbance such as noise	River Wye (including the River Lugg) SAC	Measures included within policy SD2 of the Core Strategy should help to mitigate potential impacts relating to non-physical disturbances.  Good practice construction techniques including noise suppression measures, hours of operation may help to mitigate potential adverse effects during construction.	No; this policy could result in the development of renewable energy infrastructure which depending on location could have potential effect on the River Wye SAC. However, sufficient policy safeguards are in place within the Core Strategy and with the inclusion of additional wording within the Bodenham NDP policy to avoid or mitigate any likely significant effects on the River Wye