

**Summary of the Habitat Regulations  
Assessment process for the Bath &  
North East Somerset Council  
Placemaking Plan (Local Plan Part 2)  
November 2014 to June 2017**

**July 2017**

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## 1. Purpose of this report

- 1.1. This document provides a record of the Habitat Regulations Assessment (HRA) process for the production of the B&NES Placemaking Plan in accordance with the *Conservation of Habitats and Species Regulations 2010*<sup>1</sup>.

## 2. Background

- 2.1. Under Regulations 102-105 of the Conservation of Habitats and Species Regulations 2010 (the Habitat Regulations) all strategic and local development plans must be assessed for their impacts upon a network of European wildlife sites (European Sites). These regulations transpose the requirements of the EC Habitats Directives into to UK law and are designed to protect the integrity of European Sites. They require the assessment of impacts and avoidance of harm to the Conservation Objectives of European sites. The process is generally referred to as a Habitats Regulation Assessment (HRA).
- 2.2. HRA is an iterative, multi-staged process, which should be applied at points throughout the plan making process. It should be used to help shape, form, and refine the Development Plan so that adopted policies and site allocations do not result in adverse impacts to the integrity of European sites.
- 2.3. The first stage of the process involves an assessment or screening of whether the plan is likely to have a significant effect on one or more European sites either alone or in combination. A precautionary approach should be used when assessing likely significant effect, and all opportunities should be taken to avoid or mitigate impacts, to prevent any likelihood of a significant effect. Where the likelihood of a significant effect cannot be excluded the process moves to a second stage and an Appropriate Assessment must be undertaken. This represents a more detailed investigation and assessment of possible effects. Except in exceptional circumstances, where there are no alternative solutions and where there are imperative reasons of overriding public interest, Development Plans should only be adopted if the Appropriate Assessment ascertains that the plan will not adversely affect the integrity of any European Site.

## 3. Methodology

- 3.1. The HRA methodology used is based on the guidance and methods set out in The Habitats Regulations Assessment Handbook<sup>2</sup>. The initial screening and re-screening of policies and site allocations uses the screening process set out in this handbook.

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<sup>1</sup> [http://www.legislation.gov.uk/ukxi/2010/490/pdfs/ukxi\\_20100490\\_en.pdf](http://www.legislation.gov.uk/ukxi/2010/490/pdfs/ukxi_20100490_en.pdf)

#### **4. The HRA of the B&NES Placemaking Plan – overview of approach**

- 4.1. An iterative and pre-cautionary approach to assessing the impacts of plan proposals upon European Sites was adopted for the B&NES Placemaking Plan (PMP). Assessments have been undertaken at each stage of plan production, beginning with the initial PMP Options document, and ending with consideration of the Main Modifications proposed for the final PMP. Possible individual and cumulative effects were considered at each stage.
- 4.2. At each stage, where necessary and appropriate, policy wording and site development requirements were modified or changed to avoid and/or reduce any potential negative impacts identified by the HRA process. This included addressing the results of consultation with Natural England. This process successfully enabled any likelihood of significant effects to be avoided.

##### **Context and issues for the iterative HRA process**

- 4.3. The B&NES Placemaking Plan forms Part 2 of the B&NES Local Plan, with the B&NES Core Strategy forming Part 1. The Core Strategy sets the strategic policy context and allocates strategic housing sites. The Placemaking Plan allocates specific sites for development and outlines a district-wide suite of planning policies. It complements and seeks to deliver the strategic framework set out in the Adopted Core Strategy.
- 4.4. The Core Strategy was subject to a lengthy HRA process. The final document included policy modifications and design requirements that mitigated any likelihood of adverse effects.
- 4.5. The HRA work for the Core Strategy determined that 3 European sites are of main concern for planning policy across the district, namely:
  - Bath & Bradford-on-Avon Bats SAC
  - Chew Valley SPA
  - North Somerset and Mendip Bats SAC
- 4.6. Placemaking Plan policies and site allocations must therefore be considered in terms of likely impacts to these sites.

#### **5. European Sites**

- 5.1. The sites identified for further scrutiny of likely significant effects are:

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<sup>2</sup> <https://www.dtapublications.co.uk/handbooks>

- Chew Valley Lake SPA
- Bath & Bradford on Avon Bat SAC
- Mendip Hills Bat SAC

5.2. Two of these sites relate to the protection and conservation of both Greater and Lesser Horseshoe bats. The Bath & Bradford on Avon Bat SAC is also designated for Bechstein's bats. The issues and approach to assessing the likelihood of significant effects on these sites is therefore similar, and common details are set out below. The other site, Chew Valley SPA, is a man-made lake that supports internationally important populations of Shoveler duck. The issues and approach for this site are set out below.

#### **Chew Valley Lake – issues and approach**

- 5.3. Chew Valley Lake is a large artificial lake that provides an important wintering site for Shoveler duck. The following types of impact were considered for this site.
- Damage to habitat through reduction of water levels
  - Damage to habitat through changes to water quality
  - Disturbance to birds
  - Disruption/ fragmentation of flight lines

#### **Bat sites – issues and approach**

##### ***Greater Horseshoe Bats -***

- 5.4. The foraging behaviour of Greater horseshoe bats is relatively well understood. Greater Horseshoe bats forage on a range of insects depending upon their availability and accessibility. Different insect prey are available at different times of year and from different habitat types, and a bats ability to forage depends upon its age and experience. Studies suggest that they prefer to forage within broadleaved woodland and adjacent pastures in spring, and then move further afield to meadows and pastures in the summer. They seek the best feeding opportunities to achieve greatest foraging efficiency. Most adult foraging occurs within 4km of the main breeding roost (Roost Sustenance Zone). Ransome (2009)<sup>3</sup> reports adults generally forage between 3-5km of the main breeding roost in mid-summer and much smaller distances in Spring and Autumn, generally less than 1Km. Greater Horseshoe bats prefer cattle grazed permanent pastures which have a well-

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<sup>3</sup> [http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/Environment/batpro\\_final\\_bat\\_surveys\\_report\\_2009.pdf](http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Evidence-Base/Environment/batpro_final_bat_surveys_report_2009.pdf)

developed vegetation structure. Young bats are typically restricted to a 1km radius of their breeding roost (Young sustenance zone) (Duverge 1996)<sup>4</sup>.

**Lesser Horseshoe Bats –**

- 5.5. The foraging behaviour of Lesser Horseshoe bats is less well understood but they do have quite similar requirements to Greater Horseshoe Bats. Studies indicate they prefer to forage within broadleaved woodland in close proximity to their roost (<2km) (Knight 2006).

**Bechstein’s Bats –**

- 5.6. The Bechstein’s bat is a rare tree-dwelling bat, mostly associated with old growth broadleaved woodland. A few individuals are found in underground sites during hibernation, but it is likely that most individuals roost in trees all year (Bat Conservation Trust, 2011). The Bath & Bradford on Avon Bat SAC is used by small numbers of these bats for hibernation but no maternity roosts are known locally.
- 5.7. A recent study of the foraging range of Bechstein’s bats in Grafton wood SSSI, Worcestershire concluded “Irrespective of season, all but one of the bats tracked stayed within 1.5km of their day roosting sites”.
- 5.8. These bats are all light sensitive species and require unlit habitats for roosting; commuting and foraging

**Potential effects to Bat sites**

- 5.9. For the bat sites screened in for detailed review and scrutiny of likely significant effect, a range of shared potential issues and effects were identified as summarised below:

<b>Potential Issues</b>
Increased recreational pressures (including dog walking)
Increased noise and light pollution
Traffic generated air pollution
Increased urban-fringe pressures (dog walking; domestic cats; noise; disturbance – potentially reducing agricultural viability)
Reduced viability and potential loss of existing agricultural landuse
<b>Potential Effects</b>
Reduction of habitat quality and function close to some sites (including function as foraging grounds or access ways)
Habitat loss close to some sites
Habitat fragmentation

- 5.10. These issues were considered through the assessment process.

<sup>4</sup> Duvergé, L. 1996 quoted in Roger Ransome. 2009. *Bath Urban Surveys: Dusk Bat Surveys for horseshoe bats around south-western Bath. Assessments Summer 2008 & Spring 2009.* Bat Pro Ltd.

## 6. Plan Stages subject to HRA

- 6.1. Preparation of the Placemaking Plan involved 3 key stages which require a HRA – production of an Options Document; production of a Pre-submission Draft Plan; and, post-Examination Hearings, Main Modifications to the Submitted PMP. At each stage where major changes and modifications were made an HRA was undertaken as part of the iterative process. The key points for each stage of the process are summarised below:

### **HRA Scoping of the Placemaking Plan Options Document, November 2014 (CD/PMP/G22)**

- 6.2. The PMP Options Document provided a series of site allocation and policy options to consider for inclusion within the formal Placemaking Plan (Part 2 of the B&NES Local Plan). The HRA work at this stage considered the possible outcomes from the policy and allocation options, and judged whether these options, if translated into formal planning policies and site allocations, would be likely to have a significant effect on any European Site.
- 6.3. The HRA work concluded that, subject to some policy approach amendments, and a consistent approach to development along river corridor, a robust approach to avoiding significant effects upon the SACs should be achieved.

#### **Link to CD/PMP/G22**

[http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/pmp\\_options\\_hra\\_scoping.pdf](http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/pmp_options_hra_scoping.pdf)

### **HRA for the Draft Placemaking Plan (Pre-Submission version) December 2015 (CD/PMP/G10)**

- 6.4. The recommendations and requirements of the Options Document HRA were taken on board during drafting of the Pre-submission PMP. This included the addition of new clauses to policies identified as being of concern at the Options stage, and inclusion of specific development requirements within Site allocations.
- 6.5. The principle areas of concern arising from the site allocations in the PMP Options Document were the river corridor based allocations in Bath, and at Radstock. Both river systems are known to be used by SAC bats, and so could trigger potential HRA issues where negative effects are possible. To address this, a consistent approach to planning for development along river corridor was identified as a clear development requirement. This approach was based on:
- The presumption that riverside development will protect and enhance SAC bat interests

- Retention and enhancement of valuable bankside habitat
- Minimisation of light spill from new buildings, including from internal and external lighting solutions.
- The continued provision of viable dark corridors for bats

6.6. These requirements are addressed for all relevant site allocations through specific site development requirements and design principles.

6.7. The final screening of the Pre-submission PMP identified that significant effects are unlikely. This conclusion was supported by Natural England who confirmed *“We are satisfied that the screening process has demonstrated that the Placemaking Plan will not result in significant effects on European Sites, including the Chew Valley Lake Special Protection Area (SPA), the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and the North Somerset and Mendip Bats SAC which are the Natura 2000 sites of most relevance to the plan.”* (CD/PMP/G11)

Link to **CD/PMP/G10**

[http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/draft\\_pmp\\_hra.pdf](http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/draft_pmp_hra.pdf) and Appendix

#### **HRA of the Main Mods to the Placemaking Plan (CD/PMP/MM4)**

6.8. The Draft PMP was submitted to the Secretary of State to be examined by an independent Planning Inspector in April 2016. The Examination hearings took place in September/October 2016. In January 2017 the Inspector invited comments on a number of Main Modifications to the Submitted Placemaking Plan, those which she considered necessary to make the plan sound/and or legally compliant. These resulted principally from issues raised through the preliminary comments and questions from the Inspector (ID/1) appointed to conduct the PMP Examination. The changes were slight in the context of HRA issues but were nonetheless subject to the HRA screening approach. In all cases the screening category was assessed to be the same as the policy in the Pre-Submission version of the Plan. The Main Modifications are therefore, considered not to give rise to likely significant effects.

Link to **CD/PMP/MM4**

[http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/hra\\_of\\_main\\_mods.pdf](http://www.bathnes.gov.uk/sites/default/files/sitedocuments/Planning-and-Building-Control/Planning-Policy/Placemaking-Plan/hra_of_main_mods.pdf)

## **7. Summary and Conclusions**

- 7.1. The HRA process has been iterative, precautionary and robust, and has involved regular consultation and liaison with Natural England. Plan amendments and modifications were made as appropriate to avoid likely significant effects to European Sites within or adjacent to the District.
- 7.2. Using a precautionary approach and taking into account all mitigation measures proposed it is concluded that no significant effects are likely to occur.