

LDF Project Management Board

Workshop 17: 15th June 2012

Habitats Regulation Assessment (Appropriate Assessment)

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Introduction

Under the requirements of European legislation 'The Habitats Directive' it has been necessary to consider whether the 'South Somerset Local Plan 2006 – 2028' alone or in combination would be likely to have a 'significant effect' on the integrity of any international designated site. An initial scoping report prepared identified two international sites where this could be the case (see below) and a full Habitats Regulation Assessment has been required.

- Somerset Levels and Moors Ramsar / SPA
- Bracket's Coppice Special Area of Conservation (SAC)

Royal Haskoning were appointed to assess the Somerset Levels and Moors SPA and Somerset County Council the Bracketts Coppice SAC.

Reports were prepared to inform and accompany the Draft Core Strategy. These reports have been reviewed to reflect changes to the Draft Core Strategy proposed as a result of representations received, further evidence and new government policy over the last 16 months.

Recommendations

That PMB:

1. Endorse the amendments to policies by Royal Haskoning, Somerset County Council and Natural England to the Proposed Submission Local Plan 2006 – 2028 (as set out in Appendix A)
2. Not endorse proposed amendments to policy EP4 and 7 advocated by Natural England and modify Somerset County Council amendment to policy EQ4 by deleting reference to local wildlife designations
3. Agree the modification of LMT4: Langport / Huish Episcopi that growth to the South East of the town is employment land only as advocated by Natural England and endorsed by Royal Haskoning.

Report

Somerset Levels and Moors Ramsar / SPA

Several outstanding issues have been raised by the RSPB as an objector and these have been specifically addressed by the Council's consultants in their review of the original Appropriate Assessment. These issues relate to the potential for development to increase visitor/recreational pressure at sensitive sites which are constituents of the Somerset Levels and Moors SPA and Ramsar site.

- the overall quantum of growth in the District (and in particular the western half) (Policies; Policy SS1 - Settlement Hierarchy, Policy SS3 - Delivering New

- Employment Land, Policy SS4 - District Wide Housing Provision, Policy SS5 - Delivering New Housing Growth);
- the scale and nature of growth focused on Langport / Huish Episcopi, together with its designation as a Market Town and the expectations that may bring, given its proximity to the SLM (Policies; Policy SS1 - Settlement Hierarchy, Policy SS3 - Delivering New Employment Land, Policy SS5 - Delivering New Housing Growth, Policy LMT2 Langport/Huish Episcopi Direction of Growth); and
 - the potential for specific impacts resulting from enhanced tourism facilities (Policy EP8 New and Enhanced Tourism Facilities).

Royal Haskoning believe that these issues can be addressed within the plan by adopting minor modifications to text in several places together with appropriate management regimes. Recommended amendments have been set out specifically relating to policies; Policy HW1 Provision of open space, outdoor playing space, sports, cultural and community facilities in new development, Policy EQ4 Biodiversity, and Policy EQ5 Green Infrastructure.

Royal Haskoning also strongly recommend additional minor amendment to policies; Policy LMT2 Langport/Huish Episcopi Direction of Growth, Policy HG7 Gypsies, Travellers and Travelling Showpeople and Policy EP8 New and Enhanced Tourism Facilities to reinforce the protection provided to internationally designated sites, and to ensure a high degree of focus on this issue through the implementation of the plan. These policy changes are set out in Appendix A.

Natural England

Natural England has been consulted upon the draft HRA update for the Somerset Levels and Moors Ramsar / SPA report by Royal Haskoning. In general Natural England has supported the suggested amendments to HW1 Provision of open space, outdoor playing space, sports, cultural and community facilities in new development, EQ4 Biodiversity and EQ5 Green Infrastructure which they believe largely respond to the issues raised in a proportionate manner.

They have raised however concerns in respect of the new Market Town status at Langport / Huish Episcopi, its increased housing allocation and proposed directions for growth in particular the South Eastern directions for growth which is located in close proximity to the Wet Moor SSSI, home amongst other things to the Bewick Swan a rare and protected species.

Natural England fears that residential development in this location particularly from increased dog walking and increased visitor numbers could impact on Swan numbers and could result in a likely significant impact. They have proposed a further additional changes to Policy LMT2 Langport/Huish Episcopi Direction of Growth in that the South Eastern Direction for growth (south of the A372) be appropriate for employment land only and that additional open space will be required due to proximity to international designations. These policy changes are set out in Appendix A and endorsed by Royal Haskoning.

Bracket's Coppice Special Area of Conservation (SAC) / Ramsar

A Habitats Regulations Assessment was carried out on the Issues and Options stage of the Core Strategy and its findings reported in a 'Screening Report for Bracket's Coppice SAC, October 2008'. This report was followed in August 2010 by an update report 'Draft Incorporating Preferred Options Update Report for Bracket's Coppice SAC'. The update recommended that certain policies be amended or added to in order that the Core Strategy would conform to the requirements of the Habitats Regulations.

The 'Proposed Submission Plan - Addendum Report, Brackets Coppice, April 2012 has reviewed whether the previous recommended amendments have been made to policy and assessed the revised policy in the strategy. Following the assessment it was found that the following policies Policy HG7 Gypsies, Travellers and Travelling Showpeople, Policy EP4 Expansion of Existing Businesses in the Countryside, Policy, Policy EP7 New Build Live/Work Units & Policy EP8 New and Enhanced Tourism Facilities would still require amendment to ensure compliance with the Habitats Regulations. Provided these counteracting measures for those policies above are individually amended or incorporated into an additional policy within Policy EQ4 Biodiversity in the submission Core Strategy, Somerset County Council ecologist has concluded that the plan is unlikely to have a significant effect on the conservation. These policy changes are set out in Appendix A.

Natural England

As a statutory consultee Natural England has been consulted upon the draft HRA for the Bracket's Coppice Special Area of Conservation (SAC) report by Somerset County Council. In general Natural England has supported the suggested amendment to Policy EQ4 Biodiversity in order to negate the potential impact arising from Policy HG7 Gypsies, Travellers and Travelling Showpeople, Policy EP4 Expansion of Existing Businesses in the Countryside, Policy EP5 Farm Diversification, Policy EP7 New Build Live/Work Units & Policy EP8 New and Enhanced Tourism Facilities.

In order to tighten up policy wording and ensure further protection to international designations Natural England has also suggested further minor wording amendments to; Policy EQ4 Biodiversity, Policy YV2 Yeovil Sustainable Urban Extension, Policy YV3 East Coker and North Coker Buffer Zone, Policy YV6 Delivering Sustainable Travel at the Yeovil Sustainable Urban Extension. These policy changes are set out in Appendix A.

Conclusion

It is considered that by adopting the changes advocated by our consultants Royal Haskoning, Somerset County Council and consultee Natural England the South Somerset Local Plan 2006 – 2028 is Habitats Regulation compliant.

Whilst most of these proposed changes are already incorporated into the latest version of the Proposed Submission South Somerset local Plan 2006 – 2028 one or two of the later amendments received are not (along with corresponding supporting text). These changes will be made prior to publication of the Local Plan so that consideration of the implications of the Habitats Regulation Assessment is complete.

Habitats Regulation Assessment; Proposed Changes to South Somerset Proposed Submission Local Plan 2006-2028

Proposed amendments by Somerset County Council (Red) – Brackets Coppice SAC, Royal Haskoning (Blue) – Somerset Levels and Moors Ramsar / SPA and Natural England (Green) – a consultee for both designated areas are set out and colour coded.

Policy YV2 Yeovil Sustainable Urban Extension

The Yeovil Sustainable Urban Extension should be located to the south and west of the town and should provide the following:

- 11.0 hectares of 'B' use class employment land;
- 2,500 dwellings, 1,565 of which should be built in the plan period up to 2028, with the remaining 935 dwellings built after 2028;
- Two Primary schools and a Secondary school;
- A health centre;

The Yeovil Sustainable Urban Extension will be developed to the highest sustainability objectives and garden city principles, subject to viability.

Development within the Yeovil Sustainable Urban Extension will be permitted where features supporting bat movement are not severed and that access between feeding areas and roosts is maintained unless it can be proven that there would be no significant effect by the proposal on such features.

Policy YV3 East Coker and North Coker Buffer Zone

An East Coker and North Coker Buffer Zone is identified to the west of the Yeovil Sustainable Urban Extension, within which development that results in coalescence with the settlements of East Coker and North Coker and/or adversely affects the setting of historic assets is precluded. Development (not of a built form) within the Buffer Zone may be acceptable as long as the coalescence of settlements is not caused as a result nor the setting of historic assets adversely affected. Existing development within the buffer zone will require special justification to add built development beyond existing permitted development rights.

The development is compatible with features supporting bat movement; that access between feeding areas and roosts is maintained and any proposed lighting is compatible with the conservation objectives of a Natura 2000 site unless it can be proven that there would be no significant effect by the proposal.

Policy YV6 Delivering Sustainable Travel at the Yeovil Sustainable Urban Extension

In order to deliver at least 50% of travel originating from the Yeovil Sustainable Urban Extension by non-car modes (with the potential to increase this over time to at least 60%), and in addition to the generic policies that support modal shift throughout the district and Yeovil, the Yeovil Sustainable Urban Extension should provide:

- i. Intrinsically linked well-designed infrastructure for footpaths and cycle ways ensuring filtered permeability that delivers journey times that are better or more comparable to those by car.
- ii. Free deliveries for bulk shopping journeys using low emission/electric vans

- iii. Car parking management at the Yeovil Sustainable Urban Extension facilities, employment sites & shopping centre, which gives priority to electric vehicles, low emission and shared vehicles and non car modes and which discourages car use for these short journeys.
- iv. A traffic-free immediate environment with residential parking separated from the residential areas.

Development at the Yeovil Sustainable Urban Extension should also contribute to:

- v. An Electric Car Pool scheme, with provision for on-going management.
- vi. Low emission bus routes that are designed to establish end-to-end journey times that are better or more comparable to those by private car.
- vii. A comprehensive network of real time public transport information for bus and train travel.
- viii. A Quality Bus Partnership to deliver modern desirable bus routes with a frequent service and clean vehicle technology.

Planning obligations will be used to ensure proper phasing of transport provision to maximise provision prior to first occupation of individual elements of the development.

These sustainable links shall be designed to enable easy access from the Yeovil Sustainable Urban Extension to the town centre, main employment sites, transport interchanges, health and educational establishments and other community facilities.

Proposals for infrastructure designed to support these measures will ensure that features supporting bat movement are retained and that access between feeding areas and roosts is not served and any proposed lighting is compatible with the conservation objectives of a Natura 2000 site unless it can be proven that there would be no significant effect.

Policy LMT2 Langport/Huish Episcopi Direction of Growth

The direction of strategic growth will be to the north, east, and south east of the settlement. All development must avoid coalescence with the settlement of Wearne.

Development in the south east is appropriate for employment land only.

Development at Langport/Huish Episcopi will **not come forward until it can be demonstrated that, in total, it will not lead to** impacts on the Somerset Levels and Moors Special Protection Area/Ramsar sites.

Additionally open space will be required due to the proximity to sensitive (internally-designated) conservation areas, so as to alleviate potential development-related pressure on those sites. Appropriate mitigation, in the form of open space or other measures, will be in place in advance of the development and agreed in advance with Natural England.

Note: Alternative wording suggested by Royal Haskoning has been superseded by Natural England changes. Amendment seek to respond to the objective raised by the RSPB.

Policy EP4 Expansion of Existing Businesses in the Countryside

Note: Natural England has suggested policy should reference Natura 2000 sites – SCC advise is that this is not necessary and is covered by EQ3 Biodiversity and this change is not proposed for incorporation into the Local Plan

Policy EP5 Farm Diversification

Proposals for development for the purpose of farm diversification within established agricultural holdings will be permitted if they comply with the following criteria:

- The character, scale and type of proposal is compatible with its location and landscape setting
- A development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impacts to the integrity of [Natura 2000 sites](#) and other national and international wildlife sites and landscape designations,
- They form part of a comprehensive farm diversification scheme and are operated as part of a viable farm holding and contribute to making the holding viable;
- Appropriately located existing buildings should be re-used where possible; and
- Where new or replacement buildings are required, the proposal it is in scale with the surroundings and well related to any existing buildings on the site.

Policy EP7 New Build Live/Work Units

Note: Natural England has suggested policy should reference Natura 2000 sites – SCC advise is that this is not necessary and is covered by EQ3 Biodiversity and this change is not proposed for incorporation into the Local Plan

Policy EP8 New and Enhanced Tourism Facilities

In order to sustain the vitality and viability of tourism in the District, new and enhanced tourist facilities will be supported where:

- They are of a scale appropriate to the size and function of the settlement within which they are to be located;
- The proposal ensures that the District's tourist assets and facilities are accessible through sustainable modes of travel including cycling and walking;
- They do not harm the District's environmental, cultural or heritage assets;
- [They ensure the continued protection and resilience of the District's designated nature conservation features;](#) and
- They benefit the local community through access to facilities and services
- [There is no adverse impact on Natura 2000 and other internationally and nationally designated sites](#)

There must be an identified need for tourist facilities in the open countryside, which is not met by existing facilities.

Policy HG7 Gypsies, Travellers and Travelling Showpeople

The accommodation needs of Gypsies, Travellers and Travelling Showpeople will be met by ensuring that they are accommodated in sustainable locations where essential services are available. The following criteria will guide the location of sites:

- Significantly contaminated land should be avoided;
- Development should not result in an adverse impact on internationally and nationally recognised designations (for example [Natura 2000 sites](#), Sites of Special Scientific Interest and Areas of Outstanding Natural Beauty);
- The development should not have a significant adverse impact on the landscape character and visual amenity of the area;
- The site is reasonably well related to schools and other community facilities
- The health and safety of occupants and visitors will not be at risk through unsafe access to sites, noise pollution or unacceptable flood risk;
- There should be adequate space for on site parking, servicing and turning of vehicles;

- The option of mixed residential and business use on sites will be considered where appropriate.

The number of pitches provided should be appropriate to the size of the site and availability of infrastructure, services and facilities in accordance with the general principles set out in the settlement hierarchy.

Policy EQ4 Biodiversity

All proposals for development, including those which would affect sites of regional and local biodiversity, nationally and internationally protected sites and geological interest, will:

- Protect the biodiversity value of land and buildings and minimise fragmentation of habitats;
- Maximise opportunities for restoration, enhancement and connection of natural habitats;
- Incorporate beneficial biodiversity conservation features where appropriate;
- Protect and assist recovery of identified priority species; and
- Ensure that habitat features, Priority Habitats and Geological Features that are used by bats and other wildlife are maintained and that the design including proposals for lighting does not cause severance or is a barrier to movement

Development will not be allowed to proceed unless it can be demonstrated that it will not result in any adverse impact to the integrity of local, national and international wildlife and landscape designations, including features outside the site boundaries that ecologically support the conservation objectives of the designated sites.

Note: Wording change endorsed by Royal Haskoning & Natural England although Royal Haskoning queried if the policy change (in red) should apply to local sites. In view of the statement in para 113 of the NPPF that “distinctions should be made between the hierarchy of international, national and local designated sites so that protection is commensurate with their status and gives appropriate weight to their importance” reference to local should be dropped in the amendment.

Where there is a reasonable likelihood of the presence of protected species, applications should be accompanied by a survey and impact assessment assessing their presence and if present, the proposal must be sensitive to and make provision for their needs and provide appropriate mitigation.

Note: New monitoring indicator introduced ‘changes in areas of biodiversity importance’.

Policy EQ5 Green Infrastructure

The Council will promote the provision of Green Infrastructure throughout the District, based upon the enhancement of existing areas including public open space, accessible woodland, and river corridors, and by ensuring that development provides open spaces and green corridor links between new and existing green spaces.

The overall aim will be to provide a network of connected and multi-functional open spaces that:

- Create new habitats and connects existing wildlife areas to enrich biodiversity & promote ecological coherence

- Provide an accessible network of green spaces and improve recreational opportunities, including environmental education, local food production and support physical health and mental wellbeing
- Ensure that all children and young people have reasonable access to a range of play and leisure opportunities
- Provide opportunities for enhanced, attractive walking and cycling routes linking urban areas and the wider countryside
- Enhance the character and local distinctiveness of the landscape

- Contribute to local identity and sense of place
- Increase the District's tree cover Help mitigate the consequences of climate change (sustainable drainage systems, shade etc.)
- [Alleviate current and future potential visitor and recreation pressure / disturbance to internationally-designated conservation areas](#)

Existing Green Infrastructure will be protected against any adverse impact of development proposals. If loss of existing green infrastructure assets is unavoidable in order to accommodate necessary development, appropriate mitigation for the loss will be required. All residential [development](#) should be [designed to at least meet](#) Natural England 'Accessible Natural Greenspace Standards' (ANGSt) or otherwise appropriately contribute to improving access to natural greenspace [such that the overall aims are met](#).

Note: The reference to (ANGST) standard is endorsed by Royal Haskoning who believe this responds to the objections raised by RSPB.

Policy HW1 Provision of open space, outdoor playing space, sports, cultural and community facilities in new development

Where new housing development generates a need for additional open space, outdoor playing space, local and strategic sports, cultural and community facilities, provision/contributions will be made in accordance with the standards set out in South Somerset District Council's published adopted assessments and needs strategies. [The need for additional open space may be required due to the proximity to sensitive \(internationally-designated\) conservation areas, so as to alleviate potential development-related pressure on those sites.](#)

Housing provision consisting of sheltered housing, rest and nursing homes, special needs housing will be exempt from these standards with exception of informal recreational open space.

Developments of one bedroom dwellings will not be required to provide equipped play provision and youth facilities but will be required to provide for other open space and outdoor playing space.

Dependent upon the size and layout of the development, the provision of open space, outdoor playing space, local and strategic sports, cultural and community facilities, may be required on site or may form part of contribution towards off site provision of either new or improved facilities. In such circumstances off-site provision towards local facilities should be made in a location, which adequately services the new development and a planning obligation may be used to secure this.

Provision should be made for future maintenance to ensure the continued availability of the facilities.

Green Corridors, Public Rights of Way, Civic Spaces, Cemeteries, Private Open Space and Community Allotments are other aspects of Green Infrastructure, which need to be given full consideration.

Open space is defined as informal recreational open space, formal parks and gardens, country parks, natural open space and woodlands.

Outdoor Playing Space is defined as playing pitches, equipped play areas and youth facilities.