

**Local Plan 2016-2036
Issues & Options Consultation
Winter 2017**

**Habitat Regulations Assessment
Approach for B&NES Local Plan
2016-2036**



**Bath & North East
Somerset Council**

Habitat Regulations Assessment Approach for B&NES Local Plan 2016-2036

1.1 The Bath and North East Somerset area includes and is adjacent to a number of Natura 2000 sites. These sites are of European Importance for nature conservation and are protected by the Habitats Directive (92/43/EEC).

1.2 Article 6(3) of the Habitats Directive (92/43/EEC) requires an ‘appropriate assessment’ to be undertaken when a plan or development project is likely to have a significant effect upon a Natura 2000 site. The scale of development associated with the Local Plan, and the location of Natura 2000 sites within and adjacent to the area are such that impacts to Natura 2000 site could potentially occur. Preparation of the plan will therefore be subject to a HRA. This paper sets out the Habitat Regulations Assessment (HRA) approach for the plan making process.

1.3 The area’s high quality natural environment and threats to the environment are critical issues identified within the initial Options document (Winter 2017). The Local Plan will seek to adopt a robust approach and robust measures to protect Natura 2000 sites, and so avoid any significant effects. The ambition is to screen the Local Plan out at stage 1 of the HRA Process.

HRA Process

| Habitat Regulations Assessment – Stage | Purpose |
|---|---|
| 1. Screening | Process for identifying potential impacts of a plan or project on a European site, either individually or in combination, and consideration of whether likely effects will be significant. |
| 2. Appropriate Assessment | Consideration of impacts on integrity of the site, either individually or in combination with other plans and projects, having regard to the site’s structure, function and conservation objectives. Where adverse impacts are identified, assess mitigation options to identify impacts on the integrity of the site. This stage should involve consultation. If mitigation options do not result in avoidance of adverse effects permission can only be granted if the remaining 2 stages are followed. |
| 3. Assessment of alternative solutions | Review and examine alternatives to achieve objectives; would these alternative solutions avoid or have less adverse effects on the European sites? |
| 4. Assessment of any ‘imperative reasons of | Where no suitable alternative solution exists and adverse impacts still remain then assess whether the development is necessary for IROPI. If |

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| overriding public interest' (IROPI) | so then identify potential compensatory measures to maintain integrity and coherence of the protected site. |
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Screening process

1.4 The screening process will be based upon that set out in the Habitats Regulations Assessment Handbook (Tyldesley, D and Chapman, C. (2013).

| Screening categories | Code |
|---|------|
| A general statement of policy | A |
| Policy listing general criteria for testing proposals | B |
| Proposals referred to but not proposed by the plan | C |
| Environmental protection policies | D |
| Steering change away from positive sites | E |
| Do not propose change, but control approach (e.g. design) | F |
| No conceivable effect | G |
| Actual or theoretical effects cannot undermine conservation objectives | H |
| Likely Significant Effect (LSE) on a site alone | I |
| No Likely Significant Effect (LSE) alone but an effect - check in combination | J |
| No Likely Significant Effect (LSE) even in combination | K |
| Likely Significant Effect (LSE) in combination | L |

1.5 Any component of the Local Plan allocated a screening category of I, J or L (highlighted above in yellow) would require an action to be taken or an amendment made to the Plan, and recommendations will be made to the plan authors. Where amendments are suggested, those elements of the plan will be subject to further rounds of screening following redrafting of the plan to determine whether the action taken has achieved its intended outcome.

1.6 If elements of the plan cannot be screened out at stage 1, the HRA process would need to move to stage 2 and an appropriate assessment would be undertaken.

Plan Making process

1.7 The Local Plan will be prepared through a number of stages as set out below, beginning with the Issues and Options Consultation Document. HRA screening will be undertaken during each stage to help guide development and content of the plan. In this way development of the plan will be iterative to allow any issues identified through HRA screening to be addressed. Regular consultation with Natural England will be undertaken, and HRA Reports will be published at key stages of the plan making process.

Plan Making Timetable

| Preparation Stage | Programme | HRA Report |
|---------------------------|--------------------------|-------------------------------|
| Options/Preferred Options | November 2017 – May 2018 | HRA Approach |
| Draft Plan | Autumn 2018 | Screening / assessment Report |
| Examination | Spring 2019 | Screening / assessment Report |
| Adoption | Autumn 2019 | Screening / assessment Report |