

HRA Screening of Stowey Sutton Neighbourhood Plan

ASSESSMENT OF LIKELY SIGNIFICANT EFFECT ON EUROPEAN SITES
Conservation of Habitats and Species Regulations (2010)

PART A: The Proposal

Type of application: Neighbourhood Plan

Application site: Map Attached

Brief description of proposal: The plan has been produced under the Localism Act by a Neighbourhood Planning Steering Group including Parish Council members & community volunteers. Once the Plan has been completed, following a favourable local referendum, the Stowey Sutton Neighbourhood Plan (SSNP) will form part of the Bath & North East Somerset Council's Development Plan. The SSNP includes policies for deciding where development should take place and the type and quality of that development, together with policies influencing social and community growth.

Background

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 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).

HRA is an iterative, two 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.

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 the second stage and an Appropriate Assessment must be undertaken. This represents a more detailed investigation and assessment of possible impacts. 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.

As the competent authority, B&NES is required to carry out this initial assessment and if a likely significant effect is identified, to then continue on with investigating the potential effects more fully

in the form of 'Appropriate Assessment'. Ultimately the plan must be compliant with the legal obligation to maintain in 'favourable condition' the bat conservation objectives of the SACs, and the Special bird assemblage interest of the SPA. An essential attribute to the SAC Conservation objectives are the flight lines and foraging areas for bats in surrounding habitat. Most pertinently, in the case of Greater Horseshoe Bat (*Rhinolophus ferrumequinum*), flight lines must be free of any unnatural night-time illumination, and good foraging habitat should ideally be retained within at least the 5km sustenance zones of each SAC. Essential attributes to these objectives for the SPA is maintaining the water levels & water quality of Chew Valley Lake, and to avoid physical disturbance of the habitat.

This document comprises the initial Habitats Regulations Assessment (HRA) of the draft Stowey Sutton Neighbourhood Plan dated (xxxx), in accordance with Regulation 61 (see table below) of the Habitats Regulations 2010.

European sites to consider :

Map 1 shows the distribution of European Sites and their 5km buffer zones in close proximity to Stowey Sutton Parish. The Parish encompasses almost half of Chew Valley Lake and lies entirely within a 5km buffer zone around the lake. It also falls in-part within the 5km buffer around components of the North Somerset & Mendips Bats SAC.

Given the scale and nature of the Neighbourhood Plan and possible reach of any affects these two sites are identified for consideration of possible impacts:

- North Somerset and Mendip Bats Special Area of Conservation (SAC)
- Chew Valley Lake (SPA)

Part B: The European Sites (Natura 2000) potentially affected

1. North Somerset and Mendip Bats Special Area of Conservation (SAC)

Component Sites of Special Scientific Interest (SSSIs): Banwell Ochre Caves, Brockley Hall Stables, Compton Martin Ochre Mine, King's Wood and Urchin Wood, The Cheddar Complex and Wookey Hole.

Conservation Objectives

The conservation objectives for the European interest on the SSSI are:

to maintain*, in favourable condition, the habitats for the population of:

- Greater horseshoe bat (*Rhinolophus ferrumequinum*)
- Lesser horseshoe bat (*Rhinolophus hipposideros*)

* maintenance implies restoration if the feature is not currently in favourable condition.

At the time of this HRA this site was reported as being in x condition.

2. Chew Valley Lake (SPA)

Component Sites of Special Scientific Interest (SSSIs): Chew Valley Lake

Conservation Objectives

Avoid the deterioration of the habitats of the qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive

At the time of this HRA this site was reported as being in x condition

SENSITIVE INTEREST FEATURES : North Somerset and Mendip Bats SAC

Annex	Primary Reason
<i>Annex I habitats that are a primary reason for selection of this site:</i>	6210 Semi-natural dry grasslands and scrubland facies: on calcareous substrates (<i>Festuco-Brometalia</i>) 9180 <i>Tilio-Acerion</i> forests of slopes, scree and ravines
<i>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site</i>	8310 Caves not open to the public
<i>Annex II species that are a primary reason for selection of this site</i>	1303 Lesser horseshoe bat <i>Rhinolophus hipposideros</i> The limestone caves of the Mendips provide a range of important hibernation sites for lesser horseshoe bat <i>Rhinolophus hipposideros</i> and 1304 greater horseshoe bat <i>Rhinolophus ferrumequinum</i> . This site in south-west England is selected on the basis of the size of population represented (3% of the UK greater horseshoe bat <i>Rhinolophus ferrumequinum</i> population) and its good conservation of structure and function, having both maternity and hibernation sites. This site contains an exceptionally good range of the sites used by the population, comprising two maternity sites in lowland north Somerset and a variety of cave and mine hibernation sites in the Mendip Hills
<i>Annex II species present as a qualifying feature, but not a primary reason for site selection</i>	

Features of note

The bats using the SAC rely on range of features and habitats outside the designated site boundaries. These include permanent grassland, scrub and woodland, linear features such as tree-lines, hedgerows, watercourses and connecting habitats. These are important to bats as foraging areas and commuting routes. Other roost sites are also important.

The foraging behaviour of Greater horseshoe bats is quite 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) and they prefer cattle grazed permanent pastures which have a well-developed vegetation structure . Ransome (2009) reports adults generally forage between 3-5km of the main breeding roost in mid-summer ,but much smaller distances in Spring and Autumn, generally less than 1Km. Young greater Horseshoe bats are typically restricted to a 1km radius of their breeding roost (Young sustenance zone) (Duverge 1996). The commuting range of GHB is typically 4km, can be up to 15km, and exceptionally can be much more.

The foraging and commuting 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).

Features that are significant in terms of their contribution to sustaining the bat population of a SAC are also subject to protection under the Habitats Directive.

Is the proposal directly connected with or necessary to the management of the European site for nature conservation?	No
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SENSITIVE INTEREST FEATURES : Chew Valley Lake SPA

This site qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

Over winter;

Shoveler Anas clypeata, 503 individuals representing up to 1.3% of the wintering Northwestern/Central Europe population (5 year peak mean 1991/2 - 1995/6)

Is the proposal directly connected with or necessary to the management of the European site for nature conservation?	No
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PART C: Risk Assessment

C1:Details of the Plan:

The Neighbourhood Plan sets out:

- The Vision and Objectives for the future of Stowey Sutton
- The Neighbourhood Plan Strategy – Sustainable Development for the Whole Community – this sets out the broader aims of the Plan’s approach. Including housing growth to be accommodated in a sensitive way, based on infill development within the housing development boundary; protection of green spaces; promotion of improved cycling and walking connections- including links to Chew Valley Lake.
- The Neighbourhood Plan Policies – Providing the local policy framework for managing new development so that it contributes to the vision, aims and strategy for the District.

These details have been considered in terms of potential impacts to the Special Interest Features of each European site, and in terms of potential impacts on the integrity of each site (see Appendix X)

C2:Discussion and Assessment of likely effects and their significance

NORTH SOMERSET AND MENDIP BATS SAC

Vulnerabilities and potential adverse effects:

Potential for loss of foraging areas due to development allocation pressure; increased disturbance from human presence, noise and visual presence, light pollution; development allocation pressure. Bats need suitable feeding areas within 5km of roosts but will forage 9km+ from roosts at times. This requires permanent pasture grazed by stock, especially cattle, and a network of hedges and other linear features. Any development of planning that results in the loss or disturbance to such habitat features, or which results in a decline of stock grazing is likely to have an adverse effect on the integrity of the SAC.

Possible Impacts of Stowey Sutton Neighbourhood Plan

The SSNP makes provision for some new housing, and for improved recreational and transport & footpath facilities. These provisions could conceivably result in changes that result in the loss or disturbance of foraging habitat, and so there is some scope for negative impacts to result. The likelihood for significant effects to occur are explored below:

Only a small section of the parish lies within the 5km buffer zone of the SAC, and the main village area which forms the focus of development lies just outside of this zone. No direct impacts on the special interest features are likely. However, there remains some, albeit limited, potential for the plan to support development which could impact on foraging / commuting features.

Opportunities for impact avoidance and mitigation

Whilst other higher level development plan policies would be in place to control these effects, a precautionary approach must be adopted and the plan needs to mitigate against these possible impacts. It is recommended therefore that the SSNP should make very clear reference to the proximity of the Parish to the SAC and include an ambition to protect and enhance the conservation interests of the SAC. For clarity it is recommended that the plan states:

“development likely to have a significant effect on a European site either alone or in combination with other plans or projects, and which cannot be adequately mitigated, would not be in accordance with the development plan.”

A lighting policy to protect potential bat flight and foraging corridors is also recommended.

CHEW VALLEY LAKE SPA

Vulnerabilities and potential adverse effects:

Chew Valley Lake supplies drinking water to the city of Bristol and surrounding area. The lake also provides significant recreational opportunities including fishing, sailing and walking. The site is owned and managed by Bristol Water Plc who successfully implement a nature conservation strategy for the site, including a Biodiversity Action Plan. This includes a zoning scheme to minimise / avoid any adverse impacts on the wildlife of the area. It is recognised that there is potential for increases in visitor numbers to the site, including pressure for increased access to previously quiet, refuge areas of the lake. Increased recreational activity could lead to greater disturbance of the Annex 1 bird species for which the lake is designated.

Shoveler numbers, and those of the other ducks, are also sensitive to water levels, and tend to be higher in years when there is significant late summer drawdown of water at Chew Valley Lake. Increase in water use resulting from increase in the number of dwellings could impact upon water quality and water levels.

Possible Impacts of Stowey Sutton Neighbourhood Plan

The SSNP makes provision for some new housing and improved recreational facilities in close proximity to the lake. These provisions could result in increased water usage and increased recreational pressures, and so there is some scope for negative impacts to result. The likelihood for significant effects to occur are explored below:

Water supply

Whilst the level of new housing proposed / supported by the SSNP is limited, any new residential development will result in some increased water usage. This will combine with increased demands from the new housing promoted by the South Gloucestershire Core Strategy and within the Bristol City Core Strategy. Such increased demand for water, if unmanaged, could result in increased drawdown of the water levels at Chew Valley Lake. Whilst this could be beneficial at certain times of year, untimely, and unmanaged water level fluctuations could have adverse effects on the species for which the site is designated as a SPA. This effect could be compounded if summer droughts and decreased rainfall become more prevalent as a result of climate change.

New abstraction of water from Chew valley Lake is controlled under licence by the Environment Agency and the Catchment Abstraction Management Strategy covering the Chew Valley locus - this provides for sustainable management of water supplies and levels. Any increased drawdown should not therefore radically alter the levels of fluctuations, with licenses only being granted when water levels and flows are high. Bristol Water has other supply sources and any increase in demand would be monitored and managed to avoid levels falling to unacceptably low levels. This approach is considered adequate to manage water supply issues arising from the significant new housing proposed through the Bristol City Core Strategy and the South Gloucestershire Core Strategy.

The scale of development supported by the SSNP is by comparison very limited and so unlikely to any significant effect on the SPA through increased water usage.

Recreation

Chew Valley Lake is already used by significant numbers of people for a variety of recreational activities, including fishing, sailing and walking. These activities are closely monitored and managed by Bristol Water.

Increased population/dwellings at Stowey Sutton could conceivably result in an increase recreational activity at the lake, leading to greater disturbance of the Annex 1 bird species for which the lake is designated.

However, a number of plans and processes are in place to deal with potential increases in recreational pressure on the existing recreational facilities. These measures includes the zoning of the lake for different activities at different times, and maintaining quiet undisturbed areas; a system of permits for access which restrict public access to the more sensitive parts of the site; and implementation of a Biodiversity Action plan to protect and enhance the conservation interests of the Lake. Given the limited proposals for residential development within the SSNP, and the active implementation of the BAP/ management plan, no significant effects from the increased population levels supported are considered likely.

However, a significant concern relates to the SSNP aspiration to increase recreational opportunities at the Lake. The SSNP includes an ambition to optimise the leisure opportunities offered by Chew Valley lake by the provision of an cycle & footpath that provides access around the entire lake. There is no reference to the Conservation status of the Lake and no supporting ambition to protect and enhance the SPA. Such a proposal has therefore potential to cause greater disturbance of the Annex 1 bird species for which the lake is designated. The Chew valley lake Biodiversity Action Plan clarifies that construction of a cyclepath around the southern end of the lake, could have a significant adverse impact depending on the route chosen.

Opportunities for impact avoidance and mitigation

The levels of new development proposed / supported by the SSVP plan are very limited and with one exception, not likely to cause any significant impacts, either alone or in combination, on the SPA. The exception relates to the stated ambition to provide cycle and footpath access around the entire lake. There is no reference to the Conservation status of the Lake and no supporting ambition to protect and enhance the SPA. Such a proposal therefore has clear potential to cause increased disturbance to the Annex 1 bird species for which the lake is designated. This conclusion is supported by the Chew Valley BAP which notes a cyclepath around the southern end of the lake, could have a significant adverse impact depending on the route chosen.

As it stands this draft of the SSNP therefore raises significant concerns under the Habitat Regulations, and if left unchanged, would trigger a full Appropriate Assessment under the Habitats Regulations. There are however clear opportunities to address this issue and improve the plan such that the likelihood of significant impacts can be avoided. This would require the following additions to the plan:

- clear reference to the conservation status and designation of Chew Valley Lake SPA and North Somerset & Mendips Bat SAC, and their proximity and relevance to the Plan.

- a commitment to protect and enhance the special interests and key features of these European sites

(suggest as above: “development likely to have a significant effect on a European site either alone or in combination with other plans or projects, and which cannot be adequately mitigated, would not be in accordance with the development plan.”)

- clarification that any provision for cycling and walking access around the entire lake will only be supported and promoted by the SSNP where the route has been designed in partnership with Natural and England and Bristol Water and where it adopts a sensitive route that will avoid any detrimental impacts of the special interests of the SAC.

C3: Possible In combination effects

Major projects or plans that are active or which may come forward during the lifetime of this policy change, and which are relevant in terms of potential impacts and proximity to Natura 2000 sites are assessed as :

South Gloucestershire Core Strategy
 Bristol City Core Strategy
 Bath & North East Somerset Core Strategy
 Clutton Neighbourhood Plan

None of these plans have been identified as having a significant effect upon the integrity of the European Sites considered here. The nature and scale of development proposed by the SSNP plan, together with the changes to the plan recommended here, will mean no in combination effects are likely to occur.

PART D: Conclusions and final recommendations

The first draft of the SSNP does raise concerns in the context of the Habitat Regulations. There is a clear likelihood that the access and recreational improvements identified for Chew Valley could cause disturbance to Annex 1 bird species for which the lake is designated, and so effect the integrity of the SPA. There is also some scope for transport & communication, Business & Employment and Community & Recreational policies to impact on foraging and flightline features of the Bat SAC.

To avoid or mitigate against these issues the following recommendations are made:

- the SSNP should include clear reference to the conservation status and designation of Chew Valley Lake SPA and North Somerset & Mendips Bat SAC, and their proximity and relevance to the Plan.
- the SSNP should include a commitment to protect and enhance the special interests and key features of these European sites

(suggested wording: “development likely to have a significant effect on a European site either alone or in combination with other plans or projects, and which cannot be adequately mitigated, would not be in accordance with the development plan.”)

- the SSNP should include clarification that any provision for cycling and walking access around the entire lake will only be supported and promoted by the SSNP where the route has been designed in partnership with Natural and England and Bristol Water and where it

adopts a sensitive route that will avoid any detrimental impacts of the special interests of the SAC.

- the SSNP should include a lighting policy to protect potential bat flight and foraging corridors

This process was informed by discussions with Natural England and the Council ecologist.

Is the potential scale or magnitude of any effect likely to be significant?

a) Alone? No subject to recommendations being implemented in full.

b) In combination with other plans or projects? No subject to recommendations being implemented in full.

DRAFT

Appendix 1: Responses from the National England and English Heritage

From: Howell, Alison (NE) [mailto:Alison.Howell@naturalengland.org.uk]
Sent: 08 December 2014 14:01
To: Julie O'Rourke
Subject: Stowey Sutton Neighbourhood Plan SEA Screening

Dear Julie

Thank you for your email dated 3 November. I have reviewed the draft SEA Screening report and, provided the recommendations in the HRA screening are followed, the conclusion that no SEA or AA is needed appears reasonable. The reference in the HRA screening to working with Natural England is welcome because of the sensitivity of Chew Valley Lake Special Protection Area and the need to balance this with recreational opportunities.

Yours sincerely

Alison Howell

Lead Advisor

Sustainable Development (Somerset, Avon, Wiltshire)

(Part time - Monday, Tuesday and Wednesday 09.30-14.30)

Tel: 0300 060 4428 Mobile: 07867 900 281

Natural England, Temple Quay House, 2 The Square, Bristol BS1 6EB.

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From: Stuart, David [mailto:David.Stuart@english-heritage.org.uk]
Sent: 05 December 2014 16:21
To: Julie O'Rourke
Subject: Stowey Sutton Neighbourhood Plan SEA Screening
Importance: High

Dear Julie

Many thanks for your consultation on this SEA Screening.

To confirm that we have no objection to the conclusion that an SEA is not required.

As an aside, I did attempt to look at the Neighbourhood Plan on the website indicated but although the schedule of proposed policies was listed there was no detail as to what each might contain. This might have made it difficult to affirm the position offered but as I note that development will be restricted to infill sites only I am happy that the assessment of such proposals and their potential for impact on the Plan area's historic environment will be covered by parent policies in the Core Strategy and the National Planning Policy Framework.

Kind regards

David

David Stuart | Historic Places Adviser
Direct line: 0117 975 0680
Mobile phone: 0797 924 0316
English Heritage | 29 Queen Square
Bristol | BS1 4ND
www.english-heritage.org.uk

From: Julie O'Rourke [mailto:julie_orourke@bathnes.gov.uk]
Sent: 03 November 2014 14:46
To: Torkildsen, Rohan
Subject: Stowey Sutton Neighbourhood Plan SEA Screening
Importance: High

Dear Consultee,

Please find attached a Draft SEA Screening Report for Stowey Sutton Neighbourhood Plan Area. This SEA Report has been prepared on behalf of Stowey Sutton Parish Council by Bath and North east Somerset.

I would greatly appreciate your comments on this Draft SEA by 5pm on Monday 8th December 2014. If you are unable to make this deadline or if you have no comments please can you let me know by email or on the telephone number below.

The Stowey Sutton neighbourhood Plan can be found at: <http://sspcnp.org/>

Kindest wishes,

Julie

Julie O'Rourke,
Planning Officer
Bath & North East Somerset Council
Telephone: 01225 477684

Email: Julie_O'Rourke@bathnes.gov.uk
www.bathnes.gov.uk
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