
**Bath & North East
Somerset Council**

**Habitat Regulation Assessment
for the
Bath & North East Somerset
Draft Placemaking Plan
(Pre-Submission version)**



December 2015

The Habitat Regulations Assessment of the of B&NES Placemaking Plan (Pre-Submission version) December 2015

This document provides a record of the HRA process undertaken for the production of the B&NES Draft Placemaking Plan (Pre-Submission version) 2015 in accordance with the *Conservation of Habitats and Species Regulations 2010*.

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 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).

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.

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 stage where an Appropriate Assessment is 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.

The Bath and North East Somerset Placemaking Plan

The Placemaking Plan represents Part 2 of the B&NES Local Plan. Part 1, the Core Strategy, was adopted in July 2014. The Core Strategy was subject to HRA work at all stages of production using an iterative review process. The final document included policy modifications and design requirements that mitigated any likelihood of adverse effects.

The Core Strategy included the statement,

“For clarity, 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 Placemaking Plan (Part 2 of the Local Plan), must similarly ensure that policies and allocations do not deliver developments that would or could have adverse effects upon the integrity of European sites within or adjacent to the district.

The HRA work for the Core Strategy determined that 3 European sites are of potential concern for planning policy across the District, namely:

- Bath & Bradford-on-Avon Bats SAC
- Chew Valley SPA
- North Somerset and Mendip Bats SAC

Placemaking Plan policies and site allocations have therefore been considered in terms of likely impacts to these sites.

Methodology

The HRA methodology used is based on the guidance and methods set out in The Habitats Regulations Assessment Handbook, (2013). The initial screening and re-screening of policies and site allocations uses the screening process set out in this handbook.

Placemaking Plan Policies

Each policy has been considered for possible impacts to the European sites listed above, or associated species. The Placemaking Plan includes very clear generic policies to protect European sites, and protected species, and also requires the enhancement of ecological interests. In addition the plan includes an approach to protect ecological networks, and key foraging features such as the River Avon Corridor. This is very positive and will contribute to the safeguarding of important habitat and habitat networks of importance to European sites. However, it is recognised that the protection of European sites should not be left to stand alone nature conservation policies, particularly where a policy is directing development to specific sites or features, or the use of land that could clearly have impacts to European sites, or the species associated with them. Within B&NES the presence of SAC bats and the mobility of these species is a key factor to consider.

The first screening of policies for Placemaking Plan Options Document identified a series of recommendations to improve some policies and avoid possible impacts. These recommendations were all taken on board. Subsequent screening of Pre-submission versions made further recommendations that have been taken on board. The results of the final screening of the Pre-submission document are included in **Appendix 1**. The screening has identified that significant effects are unlikely as a result of policies within the Pre-submission Placemaking Plan.

Placemaking Plan Site Allocations.

The principle areas of concern from the site allocations in the Placemaking Plan 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 will trigger potential HRA issues where negative effects are possible.

Within Bath a series of sites are allocated along much of the River Avon corridor through the City. Whilst a full picture of SAC bat activity on and associated with the river has not been completed, it is reasonable to assume that the river is supporting functional habitat for the SAC, providing foraging, a commuting route, roosting opportunities, and a link to other habitat networks. The significance of this use in relation to the SAC is not known, but there is clear and recent evidence to show that the river corridor functions as an ecological corridor for a variety of important species, including 'SAC Bats' amongst others. (The whole of the river corridor through B&NES is designated as an SNCI.)

At Radstock the development sites located around the Cam and the Wellow could raise similar issues.

Whilst development at any individual development site may not result in a significant effect on the SAC it is possible that the cumulative impacts of comprehensive riverside development, with no regard to SAC bat interests, could be significant. For this reason a consistent approach to development along the river corridor, and other key foraging corridors, is required. This must protect and sustain the function of important corridors as ecologically permeable corridors that provide foraging, roosting and flight-paths to other habitat networks.

To achieve this a consistent, sensitive, approach to riverside development has been adopted:

- 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

These measures have been achieved for all relevant site allocations through specific development requirements and design principles.

The first screening of Site Allocations for the Placemaking Plan Options Document identified a series of recommendations to guide development requirements and so avoid possible effects. These recommendations were all taken on board. Subsequent screening of pre-submission version made further recommendations that have been taken on board. The results of the final screening of the pre-submission document are included in **Appendix 1**. The screening has identified that significant effects are unlikely as a result of the site allocations within the Pre-submission Plan.

References:

Tyldesley, D and Chapman, C (2013) *The Habitats Regulations Assessment Handbook*, DTA Publications Limited