

# **West Monkton And Cheddon Fitzpaine Neighbourhood Plan**

## **HABITAT REGULATIONS ASSESSMENT**





This report was prepared by Somerset Ecology Services on behalf of West Monkton and Cheddon Fitzpaine Parish Councils, as the 'competent authorities' under the Conservation of Habitats and Species Regulations 2010.

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## 1. Introduction

- 1 This report details the findings of the Habitat Regulations Assessment (HRA) process of the West Monkton and Cheddon Fitzpaine pre-submission consultation draft Neighbourhood Plan [the 'Neighbourhood Plan']. As the 'competent authorities' under the Conservation of Habitats and Species Regulations 2010, the Parish Councils are required to assess the Neighbourhood Plan through the HRA process as policies and site allocations in the plans can potentially affect Natura 2000 sites.
- 2 The Neighbourhood Plan sets out the Parish Councils' vision and objectives which states that: "To successfully accommodate the significant growth planned for the area to ensure a high quality of design and that sustainable places are created with excellent community facilities for local people to enjoy. During this period of growth, the historic settlements and surrounding countryside will be protected to maintain and enhance the locally distinctive characteristics of the area for future generations."
- 3 A neighbourhood plan should support the strategic development needs set out in the Local Plan and plan positively to support local development (as outlined in paragraph 16 of the National Planning Policy Framework).<sup>1</sup> In this case the West Monkton and Cheddon Fitzpaine Neighbourhood Plan should support policy in the Taunton Deane Borough Council Core Strategy and the Site Allocation and Development Management Plans. The Neighbourhood Plan covers the period 2017 to 2028 to be coterminous with the Core Strategy which (subject to review) also covers the period to 2028.
- 4 Natura 2000 sites include European Sites - Special Protection Areas (SPA) classified under the EC Birds Directive 1979 and Special Areas of Conservation (SAC) and Special Areas of Conservation (SAC) designated under the EC Habitats Directive 1992, and, as a matter of Government policy, all Ramsar sites as if they are fully designated European Sites for the purpose of considering development proposals that may affect them.
- 5 The definition of 'Habitat Regulations Assessment' is simply an assessment, which must be appropriate to its purpose under the Habitats Directive and Regulations. According to The Conservation of Habitats and Species Regulations 2010, regulation 61 (1) before authorising a plan, which is likely to have a significant effect on a European site, and is not connected to the management of the site, the Council shall assess the implications for the site in view of its conservation objectives.
- 6 The purpose of HRA of land use plans is to ensure that protection of the integrity of European sites (Natura 2000 sites) is a part of the planning process at a regional and local level. The requirement for Appropriate Assessment of plans or projects is outlined in Article 6(3) and (4) of the European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (known as the 'Habitats Directive').

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<sup>1</sup> <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/what-is-neighbourhood-planning/what-is-a-neighbourhood-plan-and-what-is-its-relationship-to-a-local-plan/>

## 2. Methodology

### Process

- 7 The methodology used in this HRA follows that given in 'Draft Guidance for Plan Making Authorities in Wales: The Appraisal of Plans under the Habitats Directive.' (David Tyldesley and Associates, 2012)<sup>2</sup>
- 8 In the first stage of the assessment, the screening for likely significant effects, the HRA:
- Identifies all European and Ramsar sites potentially affected.
  - States the conservation objectives of each European site potentially affected.
  - Acknowledges the plan is not directly connected with or necessary for site management of European sites
  - Considers any elements of the plan likely to have a significant effect on any interest feature in combination with other projects and plans, directly or indirectly
  - Considers the policies and proposals in the Local Plan and the effects that they may have on the identified European and Ramsar sites, estimating likely magnitude, duration, location and extent of these effects as far as they may reasonably be predicted at this level of plan making.
  - Assesses counter-acting measures that can eliminate uncertainties arising from the test of likely significant effect at this stage.
- 9 If a significant effect cannot be ruled out a Stage 2 Appropriate Assessment needs to be undertaken. This will consider:
- The implications for each affected site in light of its conservation objectives, using the best information, science and technical know-how available
  - Consider whether any possible adverse effect on integrity of any site could be avoided by changes to the plan, such as an alternative policy or proposal whilst still achieving plan's aims and objectives.

### Precautionary Approach

9. When carrying out this screening, it must be viewed as a coarse filter and therefore a 'Precautionary Approach' has been taken in the assessment of significant effect. The EC Guidance sets out a number of principles as to how to approach decision making during the process. The primary one is the 'Precautionary Principle', which requires that the conservation objectives of Natura 2000 sites should prevail where there is uncertainty. In

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<sup>2</sup> <http://www.ccg.gov.uk/landscape--wildlife/managing-land-and-sea/environmental-assessment/habitats-regulations-assessmen.aspx>

other words if the answer is 'don't know' an adverse impact is assumed. This is the case throughout the HRA process.

10. Once potential impacts have been identified, their significance will be considered. A judgement about significance is made in relation to the conservation objectives and targets using the Precautionary Principle.

## Definitions

11. "Significant" is interpreted as an effect likely to adversely affect a Natura 2000 site's integrity. A useful definition of what a significant effect is contained in an English Nature guidance note<sup>3</sup> on the subject: "...any effect that may reasonably be predicted as a consequence of a plan or project that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects."
12. "Integrity" is described in ODPM Circular 06/2005<sup>4</sup>: Biodiversity and Geological Conservation as '*the site's coherence, ecological structure and function across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of species for which it was classified*' (ODPM Circular 06/2005, para. 20).
13. Significance will vary from site to site according to conservation sensitivities and magnitude of the potential impact. Assessment is triggered by likelihood not certainty in line with precautionary principle. (European Communities, 2000) Therefore, the assessment considers whether effects are 'likely' and 'significant' and not every conceivable effect or fanciful possibility. The Waddensee tests are used:
  - Would the effect undermine the conservation objectives for the site?
  - Can significant effects be excluded on the basis of objective information?
14. Significant effects are also determined in-combination with other plans or projects and take account of cumulative effects.

## 3. Characteristics and Description of the Natura 2000 Sites

### Introduction

15. This section identifies which Natura 2000 sites are potentially affected
16. Special Areas of Conservation (SAC) are designated due to the presence or providing ecological support to habitats, listed in Annex I, and species, listed in Annex II of the Habitats Directive (92/43/EEC).
17. Special Protection Areas (SPA) are designated for bird species listed under Article 4 of the Birds Directive (79/409/EEC).

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<sup>3</sup> English Nature. 1999. *Habitats Regulation Guidance Note 3: The Determination of Likely Significant Effect under The Conservation (Natural Habitats &c) Regulations 1994.*

<sup>4</sup> <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

18. Ramsar sites are important wetland sites that have been designated under the Ramsar Convention on Wetlands 1971. Under Government policy, as set out in Planning Policy Statement 9: Biodiversity and Geological Conservation, they are to be treated as Natura 2000 sites.

### Identification of Natura 2000 sites

19. The following Natura 2000 sites have component sites present within the geographic area administered by Cheddon Fitzpaine Parish Council:
  - Hestercombe House SAC

### Ecological Zones of Influence

20. Natura 2000 sites are designated for both species and habitat features. Conservation objectives and targets relate to maintaining the integrity of these features. This section describes how 'Ecological Zones of Influence' (EZI) are arrived at for each of the Natura 2000 sites potentially affected by the implementation of actions within the Neighbourhood Plan. These are areas outside the designated Natura 2000 site, which nonetheless if affected can adversely impact on the integrity of the site's conservation objectives. For example, bat flight lines and feeding areas supporting a designated roost site if lost may affect the viability of the population.
21. Habitats are affected directly from on-site loss due to damage or destruction from land use change. However, they can also be influenced by off-site factors such as hydrology. Where there are no significant off site requirements in maintaining a sites habitat the EZI is the same as the Natura 2000 sites boundary. However, sites affected by air pollution will be assessed by distances set out below. All flora species are affected by airborne pollution, although some, such as lichens and bryophytes are more vulnerable.
22. Unlike habitats, species are not limited by the designated site boundary yet its integrity may depend on habitat several kilometres from the site. For each Natura 2000 site, where a qualifying species is listed as a feature, a description is given, the potential impacts, which are likely to affect that species population's integrity in terms of the site's nature conservation objectives, and the methodology of how the EZI is formed.
23. Finally all the EZI for each of a site's features, i.e. the site itself, its species and habitats, are combined into one EZI per site. A map of the EZI is given in Figure 1 below.

### Hestercombe House SAC

#### Qualifying Features

- *Rhinolophus hipposideros*; Lesser horseshoe bat
- 39 The Hestercombe House lesser horseshoe bat maternity roost consists of two components; one is the roost site in the house, and the other is located in the stable block. The former roost continues to show a decline in numbers of bats and is an 'unfavourable declining' condition. The stable block shows that about the same number of bats is present as at

notification and is in a 'favourable' condition. However, overall numbers of lesser horseshoe bats continue to fall. Another roost outside has been established in West Monkton that may be linked to the SAC ones.

- 40 Hestercombe House hosts a large lesser horseshoe bat maternity site in the vale of Taunton Deane. The bats roost in the roof void of part of a large building. Although only a small proportion of the UK population, this site has been included as representative of the species in South West England.
- 41 At Hestercombe House lesser horseshoe bats were radio tracked in the late summer of 2005 and found to be primarily feeding around tall hedgerows and moving in open pasture, through woodlands, over arable fields, along woodland tracks, field edges, over private allotments, across amenity grasslands (lawns, playing fields, etc.), marshy fields, ditches and lakes. In addition, marshland was being used for foraging. (Billington, 2005<sup>5</sup>)

**Table 1: Hestercombe House Key Environmental Conditions**

Qualifying features	Key environmental conditions to support site integrity
Lesser horseshoe bat	Undisturbed roosts Roost conditions maintained Appropriate management of vegetation at roost entrances Maintenance and connectivity of habitats used as flight lines on and off site Feeding areas

### Vulnerability

- 42 The numbers of Lesser Horseshoe bats using the Hestercombe House SAC are fairly stable and at about the same levels as they were in the late 1980s. However, from 1992 to 2003 there were a great many more with a peak of 264 in 1995. They then declined to about the present level of 120 to 145 total with two exceptions, 169 in 2006 and 90 in 2010. The counts for 2015 and 2016 are:

6/6/15	House 39	Stables 78
16/6/15	House 56	Stables 83
25/6/15	House 52	Stables 73
4/6/16	House 66	Stables 77
17/6/16	House 63	Stables 82
25/6/16	House 74	Stables 68

- 43 A subsidiary roost used by Lesser Horseshoe bats from the maternity colony at Hestercombe is located just outside the parish to the north east of West Monkton (see Figure 1)
- 44 Lesser Horseshoe bats only hibernate at Hestercombe in small numbers (>10 bats). Otherwise hibernation roosts have not been identified and changes to these may have also had an effect on sustaining the population.

<sup>5</sup> Billington, G. 2005. *Radio tracking study of lesser horseshoe bats at Hestercombe House Site of Special Scientific Interest, July 2005*. Peterborough: English Nature



45 The main factors considered to potentially cause loss or decline in Lesser Horseshoe bats from the proposed development include:

- a) Loss or degradation of foraging habitat resulting in a reduction in food availability, particularly through loss of pasture and woodland but also other prey supporting habitats.
- b) Loss, damage or fragmentation of flyways, through removal of habitat structure to facilitate development. Gaps as little as 10 metres could prevent movement of lesser horseshoe bats along a flight line (Schofield et al, 2002; Brinkmann et al, 2003<sup>6</sup>);
- c) Fragmentation of flyways through the introduction of artificial lighting. Lesser Horseshoe bats are sensitive to artificial lighting, such as from street lamps (Outen, 2002; Bat Conservation Trust /Institute of Lighting Engineers, 2008<sup>7</sup>). Stone et al (2009)<sup>8</sup> found that a level of 0.04 Lux is preferred by commuting Lesser Horseshoe bats in normal unlit countryside but avoid areas where levels are above 3.6 Lux. They regularly use dark hedgerows are an average of 0.5 Lux. Stone et al (2009) stated, '*It is unsurprising that few bats flew along the unlit side of the hedge, given that light levels on the unlit side on lit nights (mean 4.17 lux) were significantly higher than those along dark hedges (mean 0.45 lux); even these relatively low light levels may make established routes unsuitable for commuting.*' Stone et al, (2009) has shown that lesser horseshoe bats are disrupted from flying along hedgerows by introduced artificial light levels above 0.5 Lux. It was also found that continued disruption increased the effect, i.e. Lesser Horseshoe bats do not become habituated to the presence of artificial lighting. This would therefore permanently affect their behaviour possibly having a significant effect on use of flight lines accessing feeding areas.
- d) Loss of roost sites. Night roosts are also particularly important, enabling bats to exploit feeding areas, which would not otherwise be possible due to energetic constraints. These roosts are used by horseshoe bats for resting, grooming, eating or sheltering in bad weather. Importantly some bats, especially pregnant females, can extend their foraging range from the maternity roost by using such roosts. Night roosts can be found in a wide range of structures, such as church porches, garden sheds, agricultural buildings and underground sites (Schofield, 2008<sup>9</sup>). Knight & Jones (2009)<sup>10</sup> found that more than 75% of bats used night roosts away from the maternity site and that up to five different night roosts were used by individuals. Night roosts were located closer to core foraging areas than to the maternity roost, with 64% to 86% in the core nuclei.

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<sup>6</sup> Schofield, H., Messenger, J., Birks, J. & Jermyn, D. 2002. *Foraging and Roosting Behaviour of Lesser Horseshoe Bats at Ciliau, Radnor*. Ledbury: The Vincent Wildlife Trust; Brinkmann, R., Bach L, Biedermann, M., Dietz, M., Dense, C., Fiedler, W., Fuhrmann, M., Kiefer, A., Limpens, H., Niermann, I., Schorcht, W., Rahmel, U., Reiter, G., Simon, M., Steck, C. & Zahn, A. 2003. *Crossing Points for Bats – limiting damage in habitat fragmentation by transport projects*. Position Paper of the Wildlife Crossing Points Working Party. [www.buero-brinkmann.de](http://www.buero-brinkmann.de)

<sup>7</sup> Outen, A. R. 2002. The ecological effects of road lighting: in Sherwood, B., Cutler D. & Burton J. (eds.) 2002. *Wildlife and Roads: The Ecological Impact*. 299pp. London: Imperial College Press; Bat Conservation Trust/Institute of Lighting Engineers. n/d. *Bats and Lighting in the UK*.

<sup>8</sup> Stone, E. L., Jones, G. & Harris, S. 2009. Street Lighting Disturbs Commuting Bats. *Current Biology* 19, 1123–1127, July 14, 2009

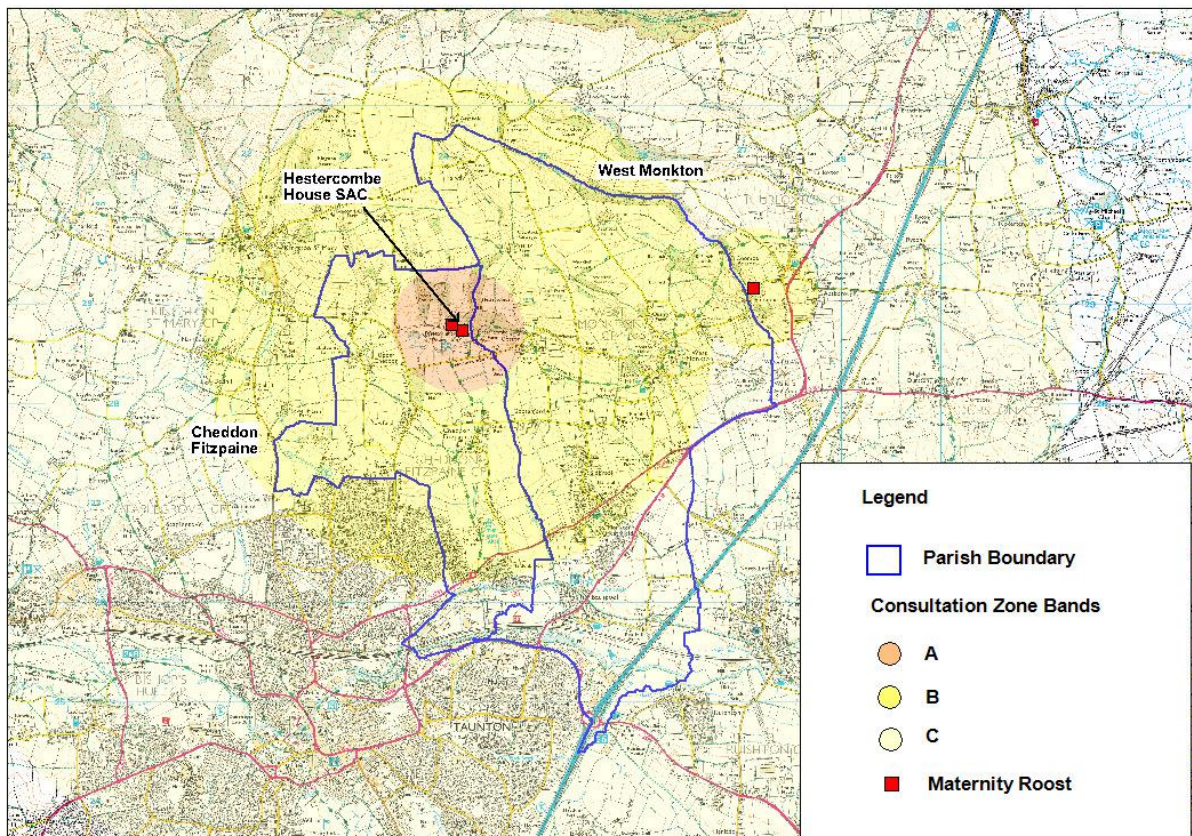
<sup>9</sup> Schofield, H. W. 2008. *The Lesser Horseshoe Bat Conservation Handbook*. Ledbury: The Vincent Wildlife Trust.

<sup>10</sup> Knight, T & Jones, G. 2009. Importance of night roosts for bat conservation: roosting behaviour of the lesser horseshoe bat *Rhinolophus hipposideros*. *Endang Species Res.* 8: 79–86, 2009

### Ecological Zone of Influence

46 The EZI for the Hestercombe House SAC is shown in Figure 1 below. This is based on the method and data set out for Conservation Zones and their density banding in the Species Alert Mapping methodology and the sections on Lesser Horseshoe bats in the Technical Guidance on the North Somerset and Mendip Bats SAC (Burrows, 2017b) commissioned and endorsed by Natural England. It is planned to produce specific technical guidance on Hestercombe House SAC in due course.

**Figure 1: Hestercombe House SAC EZI** showing the Consideration Zone Density Banding (see Technical Guidance on the North Somerset and Mendip Bats SAC for Lesser Horseshoe bats and the Somerset Species Alert Mapping methodology)



## 4. Stage 1: Analysis of Policy in the Neighbourhood Plan

### Introduction

47. The draft Neighbourhood Plan sets out West Monkton and Cheddon Fitzpaine Parish Councils' policies for sustainable development which includes social, economic and

environmental objectives.

48. Each policy will be assessed against each of the qualifying features of the Natura 2000 site's, identified in this report, in terms of 'significant effects' on those features. Many actions are likely to have a neutral or positive effect on each site feature and are therefore are likely to be eliminated at this stage of the HRA process as they would not have any significant effect on a Natura 2000 site.
49. "Significant" is interpreted as an effect likely to adversely affect a Natura 2000 site's integrity. "Integrity" is described in ODPM Circular 06/2005: Biodiversity and Geological Conservation<sup>11</sup> as '*the site's coherence, ecological structure and function across its whole area that enables it to sustain the habitat, complex of habitats and/or the levels of populations of species for which it was classified*' (ODPM Circular 06/2005, para. 20).
50. Significance will vary from site to site according to conservation sensitivities and magnitude of the potential impact. Assessment is triggered by likelihood not certainty in line with precautionary principle<sup>12</sup>. Therefore, the assessment considers whether effects are 'likely' and 'significant' and not every conceivable effect or fanciful possibility. The 'Waddensee' tests are used:
  - Would the effect undermine the conservation objectives for the site?
  - Can significant effects be excluded on the basis of objective information?
51. Significant effects are also determined in-combination with other plans or projects and take account of cumulative effects (see Chapter 5 following).

### **Analysis of Effects on Natura 2000 Sites**

52. This section will consider the likely direct, indirect or secondary impacts of each action listed against priorities, identified as potentially having a significant effect in the previous chapter on the integrity of the designated site.
53. The determination of 'favourable condition'<sup>13</sup> of a site is separate from the judgement of effect upon integrity. For example, there may be a time-lag between a plan being implemented and a consequent adverse effect upon integrity becoming manifest in the condition assessment. In such cases, a plan may have an adverse effect upon integrity even though the site remains in favourable condition.
54. In addition, and in order to secure the long term presence and stability of Natura 2000 sites and the network, climate change should be a key consideration in the application of Habitat Regulations Assessment (HRA). Consideration should be given as to whether the plan inhibits in any way the potential of species to adapt to climate change.

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<sup>11</sup> <https://www.gov.uk/government/publications/biodiversity-and-geological-conservation-circular-06-2005>

<sup>12</sup> European Communities. 2000. *Managing Natura 2000 Sites: The provisions of the Article 6 of the 'Habitats' Directive 92/43/EEC*. Brussels: Office for Official Publications of the European Communities.

<sup>13</sup> 'Favourable condition' means that the Natura 2000 site's features are being adequately conserved and is meeting the site is meeting its 'conservation objectives', however, there is scope for the enhancement of these sites

## Management for Nature Conservation Purposes

55. The Neighbourhood Plan does not introduce any management measures for nature conservation purposes at this stage.

## Plan Analysis

56. Table 3 analyses the policies in the West Monkton and Cheddon Fitzpaine Neighbourhood Plan and for each of these gives an assessment of its potential impact on Natura 2000 sites. Those policies that have a potential significant effect are highlighted in Orange. Each policy or project is considered individually. Where impacts are identified on a qualifying feature counter-acting measures to avoid significant effects, such as policy presented within the Plan as a whole, are assessed in the following section of this report. No mitigation is put forward at this stage.

**Table 2: Plan Analysis**

Policy	Brief Description	Potential Risk to Lesser Horseshoe Bats	Comment
<b>Housing Policy H1: Housing Suitable for Older People</b>	<p>Subject to a viability assessment new major* residential development of 10 or more net additional dwellings (or if the site area is more than 0.5 hectares if dwelling numbers are yet to be agreed) will provide not less than 10% of dwellings to be sold on the open market, evidenced by local need, suitable for occupation by older people. Such accommodation shall fulfil all the following criteria:-</p> <ul style="list-style-type: none"> <li>● Be single storey and either 1,2 or 3 bed</li> <li>● Be situated as close as possible to either existing or proposed local facilities and services</li> </ul>	None likely	No significant effect likely – the policy concerns criteria for housing only
<b>Housing Policy H2: Housing Suitable for Young People and Families</b>	<p>Subject to a viability assessment new major* residential development of 10 or more net additional dwellings (or if the site area is more than 0.5 hectares if dwelling numbers are yet to be agreed) will provide not less than 10% of dwellings suitable for young people and families to be sold on the open market or as starter homes and such housing shall include the following house types, as evidenced by local need:-</p> <ul style="list-style-type: none"> <li>● 1-2 bed houses</li> <li>● 1-2 bed apartments</li> </ul>	None likely	No significant effect likely – the policy concerns criteria for housing only
<b>Housing Policy H3: External Materials</b>	Residential developments must incorporate the use of appropriate	None likely	No significant effect likely – the policy

Policy	Brief Description	Potential Risk to Lesser Horseshoe Bats	Comment
<b>for Residential Development</b>	local and traditional external building materials, such as red sandstone (or suitable equivalent) and natural slate, as may be agreed through a design statement or code, particularly with respect to the use of traditional materials on prominent entrance and corner buildings		concerns materials used in housing only
<b>Housing Policy H4: Refuse Bin Storage for Residential Development</b>	Where there is no provision for direct access to the rear of a new dwelling other than through the dwelling itself a suitable refuse bin store must be incorporated into the front of the dwelling, or curtilage, so that wheelie bins, or other containers for household refuse and recycling can be stored in a concealed position	None likely	No significant effect likely – the policy concerns refuse bins only
<b>Housing Policy H5: Affordable Housing</b>	Subject to a viability assessment all affordable housing provided in accordance with Core Strategy Policy CP4 must include;- <ul style="list-style-type: none"> <li>• a tenure split of 80% social rented and 20% intermediate housing or Affordable Rented on affordable housing provision of 3 affordable dwellings or more*</li> <li>• a percentage (to meet current local demand as evidenced by the Parishes/ TDBC) of affordable Self-Build housing** which must be retained as affordable housing through appropriate legal agreement</li> </ul>	None likely	No significant effect likely – the policy affordable housing only
<b>Transport Policy T1: Developing high quality bus infrastructure</b>	New residential and employment/commercial developments will be required to provide bus stops to meet bus service requirements and where bus stops are formed bus shelters must also be provided. Other measures which contribute to physical improvements in the quality of bus services and/or support bus infrastructure improvements such as priority bus lanes, seating and litter bins will be strongly supported.	None likely	No significant effect likely – the policy concerns the provision of bus stops and shelters. It is considered that priority bus lanes are unlikely to occur outside the urban area where Lesser Horseshoe bats are unlikely to be affected
<b>Transport Policy</b>	New residential and employment/	Fragmentation of	Uncertain – the policy

Policy	Brief Description	Potential Risk to Lesser Horseshoe Bats	Comment
<b>T2: Developing a comprehensive and high quality cycle and foot path network</b>	<p>commercial development will where practical and viable to do so:-</p> <ul style="list-style-type: none"> <li>● Provide safe and convenient public cycle and foot paths which connect with existing foot and cycle networks within the NP area and which also link into cycle and foot networks adjoining the NP area, particularly with respect to the urban extension and associated green space areas such as the green wedge and country park</li> <li>● Ensure that existing and proposed schools and local centres are provided with safe and convenient cycle and foot path connections from surrounding existing and proposed residential areas</li> </ul>	flyways through the introduction of artificial lighting.	is non-locational and supports foot and cycle networks including in the country park and green wedges which if lit could adversely affect Lesser Horseshoe bat behaviour
<b>Employment Policy E1a: Live/Work Units in New Residential Developments</b>	<p>Subject to a viability assessment, new major* residential development of 10 or more net additional dwellings (or if the site area is more than 0.5 hectares if dwelling numbers are yet to be agreed) will provide an agreed percentage, as evidenced by demand, of live/work units (i.e. a property that combines a dwelling with commercial or use class B1 employment use within a single planning unit). Such units will be supported, provided that the amenities of neighbouring properties can be preserved.</p> <p>Amenity considerations will include:-</p> <ul style="list-style-type: none"> <li>● noise</li> <li>● parking and access arrangements</li> <li>● light pollution</li> <li>● surface water drainage arrangements</li> <li>● overall design and layout to be in keeping with the character of the surrounding area</li> </ul>	None likely	No significant effect likely – the policy is concerned with the provision of live / works within residential developments
<b>Employment Policy E1b: Starter Workshop Units</b>	The construction of starter workshop units* for Class B1b (research and development), Class B1c (light	None likely	No significant effect likely – the policy is concerned with the

Policy	Brief Description	Potential Risk to Lesser Horseshoe Bats	Comment
	<p>industrial), Class B8 (storage and distribution)** and other sui generis uses normally associated with an employment area, will be supported on land with an established or allocated employment use and, or, brownfield land subject to the following:-</p> <ul style="list-style-type: none"> <li>● satisfactory parking and access arrangements (including for cyclists and pedestrians)</li> <li>● a sustainable travel plan*** to encourage workers to walk, cycle and travel by public transport to and from work whenever possible</li> <li>● measures to reduce surface water run-off</li> </ul>		provision of starter workshops within employment areas
<p><b>Employment Policy E2: Sustainable Diversification of Farm Buildings for other Employment Uses</b></p>	<p>The diversification of existing redundant and traditional farm buildings to other employment uses will be supported where these clearly provide additional employment opportunities. Such diversification is supported subject to the criteria listed by Policy E1a and subject to the additional criteria listed below:-</p> <ul style="list-style-type: none"> <li>● The buildings must be traditional Somerset farm buildings constructed in local stone, brick, tile, slate and timber or be of historical or architectural merit</li> <li>● There should be minimal alteration of the building footprint and the existing structure, (re-building should be kept to a minimum)</li> <li>● The buildings have become redundant and impractical for modern farming practices</li> </ul> <p>Alterations are unobtrusive, proportionate and sympathetic to both the original buildings and to the surrounding area</p>	Loss of night roosts	Uncertain – the policy is non-locational and potentially night roosts used by Lesser Horseshoe bats may be lost, reducing the foraging available to individuals, and hence overall fitness
<p><b>Employment Policy E3: Retain Existing</b></p>	<p>Change of use of land or buildings currently used for employment/ commercial uses to non-employment</p>	None likely	No significant effect likely – the policy is concerned with the

Policy	Brief Description	Potential Risk to Lesser Horseshoe Bats	Comment
<b>Employment Land/Buildings for Employment Usage</b>	uses,(which include for the purposes of this policy main town centre uses such as retail and leisure), will not normally be supported unless considerable efforts have been made to market the land/buildings for employment purposes for at least two years and it has been justified by a viability assessment and marketing strategy which demonstrates that the existing/previous employment use is no longer viable.		change of use within existing employment areas
<b>Employment Policy E4: Social Care Employment Opportunities</b>	Proposals which meet demand for residential and nursing home accommodation for older people and thereby provide local employment opportunities within the NP area will be supported, provided the highway authority is satisfied with the access and parking arrangements, particularly for the emergency services.	Loss or degradation of habitat  Fragmentation of flyways through the introduction of artificial lighting.  Loss of night roosts	Uncertain – the location and scale of the residential and nursing homes is not specified
<b>Employment Policy E5: Wider Roll-out of Broadband Connectivity</b>	Open access broadband infrastructure will be supported throughout the NP area. All new development, be it residential or employment/commercial, must demonstrate how it supports this objective.	None likely	No significant effect likely – the policy is concerned with broadband provision only
<b>Policy R1: Dark Skies</b>	Development proposals which include measures to maintain and enhance dark skies within the NP area will be supported. Applications for new development requiring a lighting scheme should show how dark skies will be protected, and must seek to minimise additional light pollution. Schemes such as dimming technology, running part-time lighting schemes (in consultation with the local community) or replacing street lighting with less light polluting fixtures and fittings will be supported, subject to meeting health and safety and crime prevention standards.	None likely	No significant effect likely – the policy is concerned with dark night skies and has the potential to benefit Lesser Horseshoe bats
<b>Policy R2: Green</b>	Subject to a viability assessment new	Potential	Uncertain – although



Policy	Brief Description	Potential Risk to Lesser Horseshoe Bats	Comment
<b>Space and Wildlife</b>	<p>major* residential development of 10 or more net additional dwellings (or if the site area is more than 0.5 hectares if dwelling numbers are yet to be agreed) will only be supported if proposals for new green space and, or, wildlife areas are included to meet demonstrated local needs and, or to improve local biodiversity. Specifically, developments which include the following will be supported;-</p> <ul style="list-style-type: none"> <li>● proposals to create new, and to protect existing, wildlife habitats/networks and which enhance and protect local watercourses for wildlife and flood attenuation purposes</li> <li>● new residential and commercial buildings which incorporate bird and bat boxes</li> <li>● proposals for public open space areas which include, where appropriate, new seating and litter/dog waste bins</li> <li>● proposals to protect and create hedgerows, woodlands, individual specimen trees and orchards.</li> </ul> <p>Linked to Policy R3 new flood attenuation ponds and areas of recreational green space will be expected to be designed to encourage nature conservation and biodiversity.</p>	interspecific competition for prey resources from incorporation of bat boxes in the policy	the policy is mainly beneficial the provision for bat boxes is likely to benefit pipistrelle species which hunt the same prey as Lesser Horseshoe bats (Arlettaz et al, 2000; Bontadina et al, 2008 <sup>14</sup> )
<b>Policy R3: Flood Attenuation</b>	<p>New residential and commercial developments will only be supported if they include measures to reduce flooding. Specifically, developments which include the following will be supported;-</p> <ul style="list-style-type: none"> <li>● proposals which include Swales, water butts and other rain water capture features such as ponds</li> </ul>	None likely	No significant effect likely – the policy concerns flood attenuation measures that are unlikely to affect Lesser Horseshoe bats

<sup>14</sup> Arlettaz, R., Godat, S. & Meyer, H. 2000. Competition for food by expanding pipistrelle bat populations (*Pipistrellus pipistrellus*) might contribute to the decline of lesser horseshoe bats (*Rhinolophus hipposideros*). *Biological Conservation* 93 (2000) 55-60; Bontadina, F., Schmied, S.F., Beck, A. & Arlettaz, R. 2008. Changes in prey abundance unlikely to explain the demography of a critically endangered Central European bat. *Journal of Applied Ecology*, 2008, 45, 641–648

Policy	Brief Description	Potential Risk to Lesser Horseshoe Bats	Comment
	<p>and wetland areas.</p> <ul style="list-style-type: none"> <li>● up-stream flood attenuation measures (both on and off-site) such as “weezy dams”, hedge and tree planting to “slow the flow” of water run-off to be co-ordinated with local partners.</li> </ul>		
<p><b>Policy R4: Recreation and Community Facilities</b></p>	<p>Subject to a viability assessment new major* residential development of 10 or more net additional dwellings (or if the site area is more than 0.5 hectares if dwelling numbers are yet to be agreed) will only be supported if proposals for new recreation and, or, community facilities are included to meet demonstrated local needs. Specifically, developments which include the following will be supported;-</p> <ul style="list-style-type: none"> <li>● proposals which include the provision of new play areas and playing fields, baseball park, skate and bmx parks, tennis courts and all weather 5 a-side pitches</li> <li>● proposals for new allotments in accordance with the TDBC Allotments Strategy and support food production that meets the needs of local people and markets.</li> <li>● proposals for improvements along the line of the Bridgwater and Taunton canal, and within the NP area, such as a meeting places (e.g. community cafe), toilets and new moorings in accordance with SADMP Policy ENV5 (A) opportunities taken to create linkages between sites and address gaps in existing networks by the creation of new rights of way.</li> <li>● improved rights of way networks to encourage walking, cycling and riding through and between green space areas and including foot/cycle bridges, exercise and nature trails along with community facilities such as a cafes and toilets.</li> </ul>	<p>Fragmentation of flyways through the introduction of artificial lighting.</p>	<p>Uncertain – the policy is non-locational and supports foot and cycle networks between green space areas which if lit could adversely affect Lesser Horseshoe bat behaviour</p>

## Counteracting Measures

57. 'During the screening stage, or other early stages, the plan making authority may be able to introduce counter-acting measures that would obviously avoid the possibility of a significant effect on a European site. This speeds the appraisal process in its early stages and enables the assessors to concentrate on those aspects of the plan that could have significant effects on European sites that are not easily eliminated. It narrows the scope of the appraisal and reduces the time and cost of undertaking it.' (Tyldesley et al, 2012<sup>15</sup>)
58. 'Measures to avoid, cancel or reduce the effects of a plan on a European site (here referred to as **avoidance measures**, **cancellation measures** and **reduction measures** respectively) should be proposed as part of the plan and the plan making authority will take these into account in the appraisal, often collectively referred to as 'mitigation measures' (Tyldesley et al, 2012)
59. 'Avoidance measures eliminate the likelihood of any effects on the European site. Cancellation measures have the effect of cancelling out potentially adverse effects on the European site before their effects are felt. Reduction measures are designed to reduce likely significant effects, perhaps to a level that is insignificant or in a way that makes them unlikely to occur.' (Tyldesley et al, 2012)
60. Policies and projects that have been identified above as having uncertainty with regard to significant effects on the European site and are listed in Table 3 along with any counter-acting measures that will eliminate that effect. These could include adjustment to policy text. The policies in the Neighbourhood Plan should be read as a whole and as part of the adopted Taunton Dean Borough Council Core Strategy and the Site Allocations and Development Policies Plan.
61. Policies where counter-acting measures, at this stage, do not negate the potential for a significant effect will require a Stage 2 'Appropriate Assessment'.

**Table 3: Counter-acting Measures**

Potential Impact	Policies Causing Potential Impact	Counter-acting Measure	Outcome
a) and b) Loss of feeding habitat and severance of flight lines preventing access to feeding areas	Policy E4: Social Care Employment Opportunities  Policy R4: Recreation and Community Facilities	The Neighbourhood Plan needs to be read in conjunction with Policy in the Taunton Deane Core Strategy <b>Policy CP8 Environment</b> which states ' <i>Planning applications for development on sites within the Bat Consultation Zone will require a 'test of significance' under the Habitat Regulations to be carried out. Applicants must provide all necessary information to enable such a test to be conducted, including any necessary survey work, reports and avoidance/mitigation measures with the application</i> '	No significant effect likely if the Neighbourhood Plan is read with the Taunton Deane Core Strategy as a whole.
c) Lighting affecting summer roosts, commuting routes	T2: Developing a comprehensive and high quality cycle		

<sup>15</sup> David Tyldesley and Associates, 2012. *Draft Guidance for Plan Making Authorities in Wales: The Appraisal of Plans under the Habitats Directive*. <http://www.ccgc.gov.uk/landscape-wildlife/managing-land-and-sea/environmental-assessment/habitats-regulations-assessmen.aspx>

Potential Impact	Policies Causing Potential Impact	Counter-acting Measure	Outcome
and feeding areas  d) Loss, damage or disturbance of night roosts	and foot path network  Policy E4: Social Care Employment Opportunities  Policy E2: Sustainable Diversification of Farm Buildings for other Employment Uses  Policy E4: Social Care Employment Opportunities		
Potential interspecific competition for prey resources from incorporation of bat boxes in the policy	Policy R2: Green Space and Wildlife	Remove the wording ‘... and bat...’ from the policy ‘ new residential and commercial buildings which incorporate bird and bat boxes’	No significant effect likely if wording removed from policy

## 5. Other Relevant Plans or Projects

62. Article 6(3) of the Habitats Directive requires a HRA of ‘...any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect there on, either individually or in combination with other plan or projects’. Therefore it may be necessary to identify plans and projects that may have ‘in-combination’ affecting the Nature 2000 sites, which are the focus of this assessment. However, in this assessment because all potentially significant effects have been eliminated, providing the counter-acting measures are adopted in full as set out in Table 3 above and Chapter 6, an in combination assessment is not required.

## 6. Recommendations

63. It is recommended that the following amendments and/or additions be made to policies in the Neighbourhood Plan. Adoption of these measures should eliminate the need to make any further assessment necessary in the HRA process and would ensure that the plan is compliant with the requirements of the Habitats Regulations with regard to European sites.

64. The amendments and / or additional wording are as follows:

**Table 4: Recommendations**

<b>Policy</b>	<b>Counter-acting Measure</b>
Policy R2: Green Space and Wildlife	Remove the wording ‘... <b>and bat</b> ...’ from the policy ‘ new residential and commercial buildings which incorporate bird and bat boxes’

## **7. Conclusion**

65. It is considered by Cheddon Fitzpaine and West Monkton Parish Councils that its Neighbourhood Plan is unlikely to have a significant effect on the conservation objectives of the European site assessed.

66. It is considered that a Stage 2 Appropriate Assessment will not be required.