

## **HRA of Congresbury Neighbourhood Plan**

### **Introduction**

This report details the findings of the Habitat Regulations Assessment (HRA) process of the Congresbury pre-submission consultation draft [Neighbourhood Plan](#) [hereon referred to as the 'Neighbourhood Plan' or NP].

As the 'competent authority' under the Conservation of Habitats and Species Regulations 2017, Congresbury Parish Council is required to assess the Neighbourhood Plan through the HRA process as policies and site allocations in the plans can potentially affect Natura 2000 sites. The purpose of HRA of land use plans is to ensure that protection of the integrity of such sites is a part of the planning process at a regional and local level.

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 (European Communities (1992) Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.) Also Ramsar sites: wetland sites designated to be of international importance under the Ramsar Convention (The Convention on Wetlands).

### **Summary of what the HRA process entails**

Regulation 63 (1) of the Habitats Regulations (The Conservation of Habitats and Species Regulations 2017) requires a competent authority, before deciding to undertake or give consent for a plan or project which (a) is likely to have a significant effect on a European site (either alone or in combination with other plans or project), and (b) is not directly connected with or necessary to the management of that site, to make an 'appropriate assessment' of the implications of the plan or project for that site in view of its conservation objectives.

The competent authority may proceed with or give consent to the plan or project only after having ascertained that it would not adversely affect the integrity of the European site, (although in exceptionally rare cases, stages 3 and 4 of the process may be passed-see below). Possible adverse effects should be identified early in the plan/project making process and then steps taken to either alter the plan/project to avoid them or introduce mitigation measures to the point where no adverse effects remain.

### **Stage 1 in the HRA process (screening)**

This is the "significance test": the assessment of the likelihood of a plan or project having a significant effect on a European site or its features. This is the trigger for the need for an Appropriate Assessment as set out in Regulation 63(1). If any of the identified pathways of potential effects to the European site from the proposed development either alone or in-combination are considered likely to be significant then a Stage 2 Appropriate Assessment would need to be carried out.

The 'test of significance' needs to consider the following:

1. What potential hazards are likely to affect the interest features? Are the interest features potentially exposed to the hazard?
2. Is the potential scale or magnitude of any effect likely to be significant alone or in combination with other projects or plans?

"Significant" is interpreted as an effect likely to adversely affect a Natura 2000 site's integrity. English Nature (now Natural England) has defined it as: "...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.”*

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 the precautionary principle, so assessment considers whether effects are ‘likely’ and ‘significant’ and not every conceivable effect or 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?

Significant effects are also determined in-combination with other plans or projects and take account of cumulative effects.

### Stage 2 Appropriate Assessment

This is the detailed consideration of the potential effects of the plan or project in relation to the conservation objectives for the European Site to determine if there is likely to be an adverse effect on the integrity of the site (i.e. an effect that would compromise the site meeting its conservation objectives).

“Integrity” is described in ODPM Circular 06/20054: 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).

Providing it can be demonstrated that with appropriate mitigation measures, the plan or project would not give rise to an adverse effect on the integrity of a European site, the plan or project can proceed.

### Stage 3:

Where, however, this cannot be demonstrated, the Assessment would then need to consider if there were any other alternatives to the plan or project that would not give rise to adverse effects on integrity of the European site.

### Stage 4

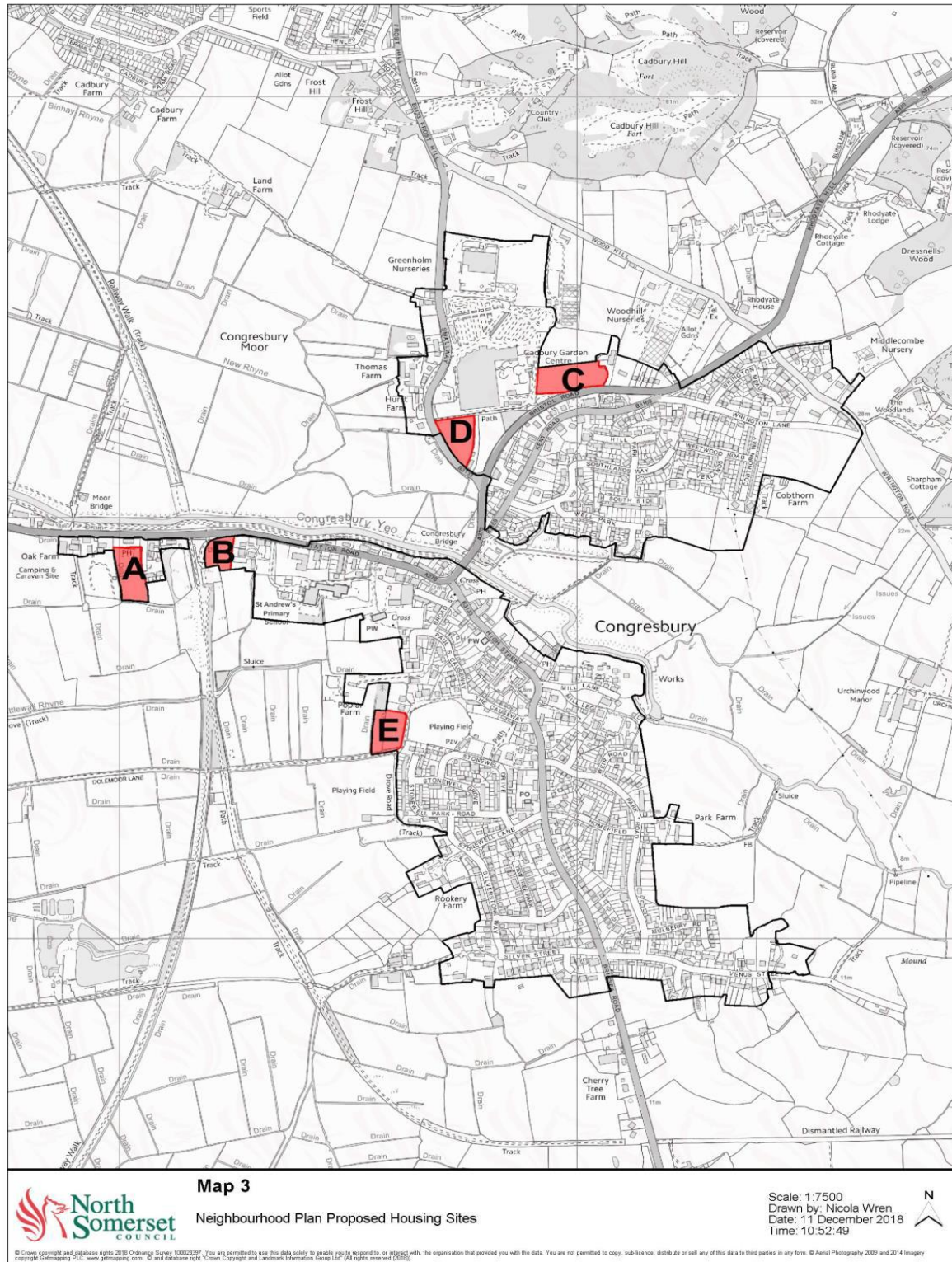
If there are no alternatives, Stage 4 would then, consider if there are any imperative reasons of overriding public interest and whether there were any compensatory measures that might be required.

### Summary of relevant aspects of the Congresbury Neighbourhood Plan

The Congresbury Neighbourhood Plan (NP) covers a Neighbourhood Area equating to Congresbury parish and goes up to 2036. The strategic planning context is provided by the adopted North Somerset Core Strategy (2017) and the emerging Joint Spatial Plan. The NP will need to be in general conformity with the adopted and emerging policies contained within these plans to meet the basic conditions. The NP includes a number of policies, notable examples being H3 Potential housing site allocations, E1 retention of business and employment within the parish, and H4 Affordable housing site (site E).

Policy H3 proposes housing at four sites, A, B C and D, as follows:

A: South of Station Road (A370), adjoining Station Close – 15 dwellings  
 B: South of Station Road (A370), adjoining Church Farm – 20 dwellings  
 C: Bristol Road (A370), opposite Tesco Express store – 25 dwellings  
 D: Smallway (B3133) south of Wyevale Garden Centre –20 dwellings  
 They, together with the affordable housing site E (policy H4) are shown on “Map 3” below:



(This map is an extract from the Neighbourhood Plan).

Significantly the Neighbourhood Plan also has a policy EH4 on landscape and wildlife prevention measures, which reads:

*Policy EH4 – Landscape and Wildlife Preservation Measures*

- a) Development proposals should seek to maintain and enhance the connectivity of all green corridors and not result in the loss or deterioration of irreplaceable habitats, including local wildlife sites, aged or veteran trees and hedges. Planning applications for new dwellings must clearly demonstrate how they have incorporated appropriate measures to ensure the connectivity of any green corridor and the freedom of movement for species on or through the site.*
- b) Development proposals must adopt a ‘dark skies’ policy in relation to light pollution, particularly regarding its effect on nocturnal wildlife such as bats, hedgehogs, moths and frogs. This should include low level shielded lighting in wildlife corridors, and lighting curfews in industrial/commercial areas.*
- c) The provision of associated natural landscaping; using only native species of trees and other plants, incorporation of hedgerows, wetland areas and the retention and encouragement of wildlife should be incorporated wherever feasible.*
- d) Buffer zones to Sites of Special Scientific Interest, local nature reserves and local wildlife sites, especially the Strawberry Line, to be maintained.*
- e) Development proposals should take into consideration and provide where appropriate mitigating measures against the harmful impact of noise pollution on animal life.*

#### **HRA Screenings and correspondence with Natural England**

A draft version of the HRA/SEA Screening on the consultation draft of the plan was shared with the relevant statutory consultees (Natural England, Historic England and the Environment Agency) in August 2018. The draft screening concluded that as two of the proposed housing sites lie within the Horseshoe Bat Zone A an Appropriate Assessment of these policies and sites may be necessary but goes on to state “*North Somerset and Mendip Bats Special Area of Conservation Guidance on Development SPD’ provides guidance on how the development of these sites can mitigate for any adverse impact on SAC bats and therefore application of the guidance would prevent LSE’s from occurring*”.

No objections were raised by Natural England or the Environment Agency at this point with Natural England commenting “*we consider the Councils conclusion that the Congresbury Neighbourhood Plan is unlikely to have significant environmental effects is reasonable, including with respect to national and European designated sites, and agree that further assessment is not necessary*”.

Historic England did raise concerns on the draft screening in relation to the level of assessment undertaken on the potential impact on heritage assets. Amendments were subsequently made to the plan resulting in further assessment on the potential impact of heritage assets, the subsequent removal of one of the proposed housing allocations from the plan, and additional wording being incorporated into the policy text for each housing allocation in terms of mitigating against future impacts.

A final HRA/SEA Screening Report was then produced to reflect the changes to the plan and submitted to the District Council along with the final plan in December 2018 which was sent to Natural England and other bodies for comment.

Natural England subsequently made further comments on the final Screening Report on 29<sup>th</sup> January 2019, indicating that an Appropriate Assessment (AA) is in fact needed for the Neighbourhood Plan. They stated “*I am sorry to advise that Natural England’s previous comments on the draft HRA screening assessment for Congresbury NP were inconsistent with the Ruling made on 12 April 2018 by the Court of Justice of the European Union (the*

CJEU) on the interpretation of the Habitats Directive in the case of [People Over Wind and Sweetman vs Coillte Teoranta](#) (ref: C-323/17)...The case relates to how mitigation measures are treated at the screening stage of a Habitats Regulations Assessments (HRA) when deciding whether an appropriate assessment of a plan/project is required. The CJEU judgment states that measures intended to avoid or reduce the harmful effects of a plan or project on a European Site can only be considered as part of the appropriate assessment stage of HRA, and not at the preceding screening stage.... In relation to Congresbury NP, moving to appropriate assessment should not be too onerous and more a re-working of existing information and a re-consideration of any proposed measures that can ensure there will be no adverse effect on the site. We would expect the main uncertainties/potential for effects on the SAC relate to Sites D & E, which are proposed by the NP so have not been assessed at the higher tier plan stage.” (Note that those two sites are now called sites C and D in the submitted Neighbourhood Plan Consultation Draft)

This has led to the further HRA work being undertaken, including an AA, documented in this report.

### Revised screening

Although Natural England did not request it, it was considered appropriate to do revised screening which did not take account of “measures intended to avoid or reduce the harmful effects of a plan or project” (as referred to by Natural England), because such mitigation measures can only be considered as part of the AA stage.

As before the screening exercise considered whether the NP would have likely significant effects (LSEs) on the North Somerset and Mendip Bats SAC. Again it was considered unlikely that there would be likely significant effects on the three other European Sites in North Somerset,(the Severn Estuary SAC/SPA/Ramsar, the Mendip Grasslands SAC, and Avon Gorge Woodlands SAC) largely because of the distance of the Neighbourhood Plan area from their component SSSIs and also taking account of the limited scale of the development proposed in the NP, (making recreational impacts unlikely, for example). It was noted that Natural England had not disagreed with the conclusion in the initial screening that the other three European sites were considered too remote from the area affected by the policies within the Congresbury Neighbourhood Plan. It was also noted that HRAs of the North Somerset Core Strategy and Site Allocations Plan (proposing much higher levels of development, for the whole of North Somerset) concluded, (with mitigation measures) no LSEs for those plans.

The revised screening assessment of each policy is shown below in the screening table below (the first table (1) explaining the categorisation methodology for effects).

**Table 1: Category for assessing likely effects - North Somerset and Mendip Bats SAC**

Category	Sub category	Description
1. No negative effect	A	Policy will not lead to development in that it relates to design or other qualitative criteria, or it is not a land-use planning policy.
	B	Policy intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European Site.

	C	Policy is similar to existing Local Plan policy which has been assessed as having no negative effects by a HRA.
2. No significant effect	N/A	No significant effect either alone or in combination with other plans or projects, because effects are trivial or minimal.
3. Likely significant effect alone	N/A	Policy could affect a European Site, because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it, or it may increase disturbance as a result of increased recreational pressure.
4. Likely significant effect in combination	N/A	The policy alone would not be likely to have significant effects but its effects are combined with the effects are combined with the effects of other policies or proposals provided for or coordinated by the relevant plans or projects the cumulative effects would be likely to be significant.

**Table 2 Revised Screening**

<b>Plan policies and proposals</b>	<b>Effect categorisation</b>	<b>Justification</b>
H1: Sustainable Development Location Principles	2	Minimal effects because policy is about setting principles controlling the location of development rather than proposing site allocations.
H2: Sustainable Development Site Principles	2	Minimal effects because policy is about setting principles controlling the scale and sustainability standards of development rather than proposing site allocations.
H3: Potential Housing Site Allocations	3/4	Potential likely significant effect alone or cumulatively, due to housing sites (especially sites C and D) being fairly close to a component SSSI for the Bats SAC, (Kings Wood and Urchin Wood SSSI) and within Bands A or B of Bat Consultation Zone in Bats SPD.
H4: Affordable Housing Site	3/4	As above (potential for likely significant effect alone or cumulatively with the housing sites in H3).
H5: Changes to the Settlement Boundary	2	Minimal effects because change to settlement boundary is consequential only regarding the housing allocations (already considered above) and recent developments.
T1: Strawberry Line	1	No negative effect, provision of walking/cycle routes.
T2: Parking, Walking and Cycling Solutions	1	No negative effect, promotion of walking/cycling /disabled parking provision.
T3: Mitigating Traffic Problems and Enhancing Sustainable Travel	1	No negative effect, promotion of speed controls, traffic calming.
F1: Community Facilities	1	No negative effects: seeks CIL contributions for community facilities
F2: Protecting and Enhancing Community Services	1	No negative effects: promotes protection and enhancement of community facilities
EH1: Enhance the Conservation Area and Protect the Village Cross	1	No negative effects: promotes enhancement and protection of these
EH2: Area of Separation	1	No negative effects, proposes area of separation south of village
EH3: Local Green Space	1	No negative effects, promotes protection of green spaces
EH4: Landscape and Wildlife Preservation Measures	1	No negative effects, promotes measures for landscape and wildlife
EH5: Renewable Energy	1	No negative effects, encouragement for community based groups in seeking funding to establish feasibility of appropriate schemes
E1: Retention of Business and Employment within the Parish	2	Minimal effects; promotes retention of business premises in employment use, and proposes two existing nurseries/garden centres for employment/community uses

The revised screening took account of the location of the component sites for the North Somerset & Mendip Bats SAC, which are:

- Compton Martin Ochre Mine SSSI
- Banwell Caves SSSI
- Banwell Ochre Mine SSSI
- Brockley Hall Stables SSSI
- King's Wood and Urchin Wood SSSI
- The Cheddar Complex SSSI
- Wookey Hole SSSI

As indicated in Table 2, it was considered that there would be LSEs relating to the relative proximity of the housing sites to the King's Wood and Urchin Wood SSSI, (particularly sites C and D, which are within 610 and 920m respectively of the edge of that SSSI) and because the housing sites are "within bands A or B of the Bat Consultation Zone in the Bats SPD". (Further information on the latter is provided below, under Appropriate Assessment).

It was not considered that the housing sites would have LSEs relating to the other component sites of the SAC because they are much further away. For example, the nearest of the housing sites (E) to the Banwell Ochre Mine SSSI is about 4.9km away.

#### Consideration of potential for in-combination effects taking account of other relevant plans or projects

Article 6(3) of the Habitats Directive points to a need for HRA for '*...any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plan or projects*'. It is therefore necessary to identify plans and projects that (together with the NP) may have 'in-combination' effects affecting the Bats SAC.

Only those plans and projects that are considered most relevant should be collected for 'in combination' testing - an exhaustive list could render the assessment exercise unworkable. The plans in Table 3 below were considered to have potential for effects and therefore have been included within the assessment.

The revised screening of the NP policies (see above) has already identified that some policies (e.g. housing allocations) would have potential LSEs alone. However, the consideration of in-combination effects should consider whether, (with particular regard to the other NP policies which did not have predicted LSEs alone), there would be further LSEs due to the added impacts of the other plans or projects.



**Table 3: Consideration of in-combination effects**

Plan or Project	Implications for the Neighbourhood Plan	Are there additional Likely Significant Effects (LSEs) of the NP in combination with this Plan or Project?
North Somerset Council Core Strategy	It is likely that existing Core Strategy policies will be reviewed in preparation of the new Local Plan to 2036, (notably in formulation of strategic policies with which the Neighbourhood Plan should have general conformity). However, until that new Local Plan is eventually adopted, planning applications in Congresbury will be likely to be determined with regard to relevant policies in the Core Strategy and Development Management Policies Plan as well as the NP.	<p>No. The Core Strategy was subject to HRA which concluded that, with identified avoidance/mitigation measures, the Core Strategy would not have LSEs on European sites, alone or in combination. (That is significant because the Core Strategy covers development requirements for the whole district up to 2026.) The avoidance/mitigation measures concerning the Bats SAC included reference to preparation of guidance on development for the SAC, (now adopted as SPD).</p> <p>The Core Strategy includes a policy on maintaining and enhancing biodiversity (CS4). It is possible that the review of such policies may not change them very much, especially as the Core Strategy has only recently been finally adopted, (January 2017).</p>
North Somerset Council Site Allocations Plan (SAP)	The SAP allocates sites for development and specific land uses up to 2036, and includes some housing sites at Congresbury, separate to those in the NP. The SAP includes three housing sites in the north part of Congresbury, but two (at Cobthorn Way and off Wrington Lane) already have planning consent, and are nearer to the Bats SAC (nearest component site of Kings and Urchins Wood SSSI) than any of the housing sites proposed in the NP (including C and D). The third site (south of Cadbury Garden Centre) does not yet have planning consent,	<p>No. The SAP was subject to HRA, which concluded that, with appropriate mitigation identified, including application of guidance on development for the SAC (now adopted as SPD), there would not be LSEs on European sites. Regarding the SAP housing allocations for example, the <u>SAP HRA</u> found that application of the guidance, together with application of relevant policies on nature conservation, such as policy DM8 of the Development Management Policies Plan would ensure there is appropriate mitigation for any adverse impacts on horseshoe bats.</p> <p>Strong regard for such policies has been shown in determining planning applications on the SAP housing allocations sites. For instance the Wrington Lane site (application 16/P/1521/O) has a condition (18) referring to the policies, and requiring that, prior to commencement of development, a 10 year Landscape Ecological Management Plan (LEMP) be</p>

	<p>but is a smaller site (21 dwellings) and is further from the SAC, being next to site D.</p>	<p>submitted for LPA approval, to include measures for establishment, enhancement and management of habitats within the site, including planting schedules, a monitoring schedule for habitats and species, including bat monitoring post completion.</p> <p>Condition 17 similarly requires details of external lighting, including lux levels, to ensure light levels do not exceed 1 lux on foraging habitat and flight lines features important to bats, in particular the northeast and eastern boundary hedgerows and areas of open space.</p>
<p>Joint Spatial Plan (JSP) for West of England (WoE)</p>	<p>The JSP sets out levels of development for the sub region, including housing for North Somerset, up to 2036, with broad strategic development locations (SDL) identified. Covers the same time line as the NP, but does not propose a SDL in the vicinity of Congresbury.</p>	<p>No. The JSP was subject to an <a href="#">HRA (Nov 2018 update)</a> . The screening regarding the Bats SAC concluded a need for further consideration of the potential for adverse effects on integrity from off- site habitat loss or damage and recreation through the AA stage. However, the AA found that it is likely that such adverse effects on integrity can be avoided by mitigation measures.</p> <p>Its para 5.75 includes: “Adverse effects on integrity from <b>off-site habitat loss or damage</b> are uncertain. However, provided that the policy requirements within the JSP are achieved, drawing on the guidance in the North Somerset and Mendip Bats SPD, adverse effects on integrity of this SAC from off-site habitat loss or damage could be avoided.</p> <p>Adverse effects on integrity are uncertain in relation to <b>recreation pressure</b> from the combined level of development within the JSP. However, provided that the green infrastructure network already promoted through the JSP is achieved, adverse effects on integrity of this SAC from recreation pressure could be avoided.</p> <p>Strategic mitigation measures discussed at the end of this chapter will also help to avoid adverse effects on integrity from off-site habitat loss/damage and recreation pressure.”</p>

The above table suggests that there would not be further LSEs of the NP in combination with other plans and projects.

### Conclusions of revised screening

The revised screening suggests that the only potential likely significant effects of the NP on the Bats SAC would be from the proposed housing sites in policies H3 and H4. The LSEs relate to the fact that they contain grassland or fields fairly close to a component SSSI for the Bats SAC, (Kings Wood and Urchin Wood SSSI) within Bands A or B of the Bat Consultation Zone in the Bats SPD. Development could potentially affect SAC bats by affecting foraging and/or commuting habitat, for example.

In view of this, Appropriate Assessment of the NP is needed.

### **Appropriate Assessment**

#### Consideration of features of the SAC

For the detailed consideration of potential effects on the Bats SAC, needed in AA, it is appropriate to consider the qualifying features of the SAC, and its conservation objectives.

The [Conservation Objectives](#) for the Bats SAC, according to the Natural England web site, provide a framework which should inform HRA and can “inform any measures necessary to conserve or restore the European Site and/or to prevent the deterioration or significant disturbance of its qualifying features”.

The objectives include ensuring that the integrity of the site is maintained as appropriate and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring a number of things, including the populations of qualifying species, the extent and distribution of qualifying natural habitats and habitats of qualifying features, and the structure and function of the habitats of qualifying features.

Qualifying features of the Bats SAC include

- H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*); Dry grasslands and scrublands on chalk or limestone
- H8310. Caves not open to the public
- H9180. *Tilio-Acerion* forests of slopes, screes and ravines; Mixed woodland on base-rich soils associated with rocky slopes\*
- S1303. *Rhinolophus hipposideros*; Lesser horseshoe bat
- S1304. *Rhinolophus ferrumequinum*; Greater horseshoe bat

#### Consideration of potential effects of housing sites on the Bats SAC

The adopted [Bats SPD](#) (referred to in numerous cases above) is a useful document to consider for this (in addition to the conservation objectives above) because it contains guidance explaining how development activities can impact the SAC and the steps required to avoid or mitigate any impacts.

It was produced by the Council in association with Somerset County Council and Natural England in response to concerns from Natural England that proposed developments in emerging local plans and planning applications in North Somerset could adversely affect SAC bats, and in response to Natural England's [Site Improvement Plan \(SIP\)](#) for the SAC. (The SIP states: “development on the land between the sites that make up the North Somerset and Mendip SAC could have an impact on bats through loss of foraging habitat,

loss of minor roost sites, and disruption of flightpaths (the latter particularly through light pollution)". However, the SIP includes the following action to address this: "Produce and promote advice and guidance on development control and strategic planning".

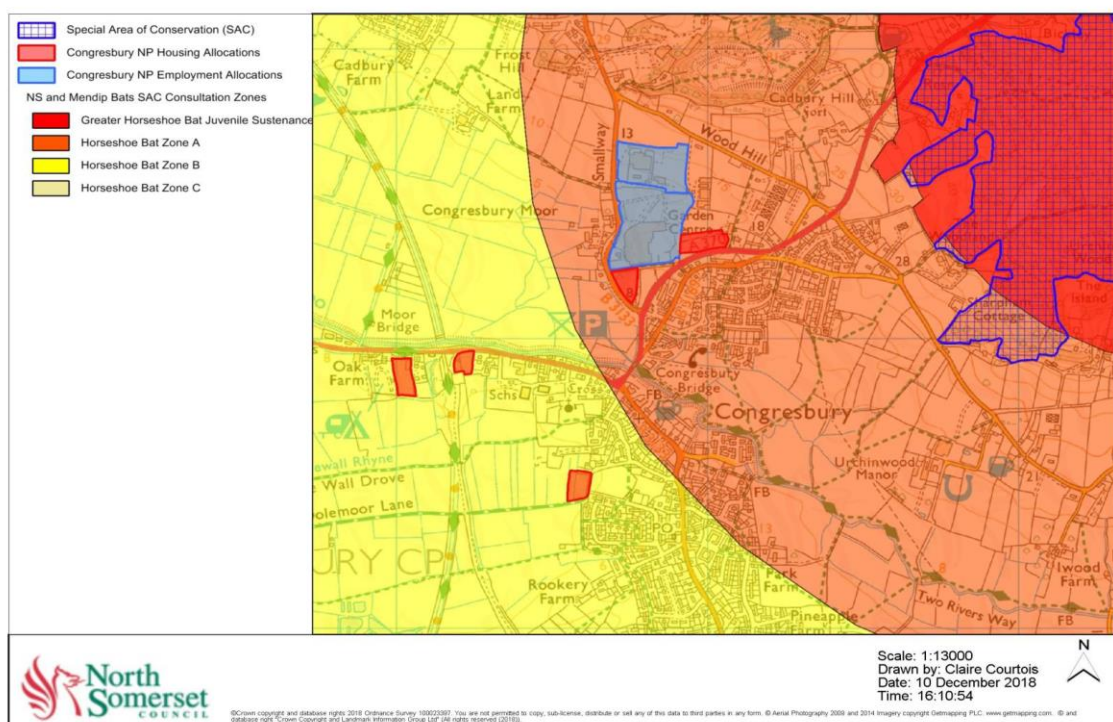
The SPD helps to identify potential for impacts on SAC bats by identifying particularly sensitive areas for them, notably Juvenile Sustenance Zones (JSZs) of 1km around maternity roosts, within which development on green field sites should be avoided in view of their sensitivity and importance as suitable habitat as foraging areas for young bats.

The SPD includes a "Plan 3" showing JSZs around the Brockley Hall Stables SSSI and also the King's Wood and Urchin Wood SSSI (which are both components of the SAC and contain important maternity roosts). The King's Wood and Urchin Wood SSSI is nearest to Congresbury, and shown hatched dark blue on Plan A below (an extract from Plan 3), with its associated JSV in very deep red.

The housing sites in the NP are shown in pinky red. Sites C and D are the nearest to the King's Wood and Urchin Wood SSSI and its JSV, with C (the north western-most) being the nearer; (they are located either side of the pale blue allocation which is for employment retention).

Sites C and D lie outside the SSSI and JSV. While they are fairly close to them, being about 840m and 530m from the JSV boundary at their nearest points, there is much existing housing at Congresbury which is significantly closer, (such as at Wrington Road, about 120m away) and sites C and D are unlikely to affect the qualifying natural habitat there; (e.g. Tilio-Acerion forest).

Plan A: Proposed development sites in the Congresbury NP in relation to the nearest component SSSI (Kings Wood and Urchin Wood) and associated JSV, and to bands of the Bat Consultation Zone, as identified in the North Somerset and Mendip Bat SAC



However, there is potential for the housing sites to impact on the SAC bats themselves, (qualifying features of the SAC), which can forage or commute well beyond the SSSI and JSZ.

Housing sites C and D both lie within the orange band shown as “Horseshoe Bat Zone A” on the plan; the other housing sites lie within the yellow band (B). These bands are part of a “Bat Consultation Zone” identified in the SPD, around the maternity roosts (in this case that at King’s Wood and Urchin Wood SSSI). The SPD identifies three such bands, A B and C around such maternity roosts, reflecting the density at which horseshoe species may be found at a distance from a roost site

According to the SPD (para 2.2) band A extends 2,200m from Greater Horseshoe Bat maternity roosts, band B 4000m, and band C 8000m, (based on the distances recorded through radio tracking studies at Brockley Hall Stables and Cheddar Caves, and research into densities of occurrence throughout the species range). The SPD has slightly different requirements regarding consultation and surveys for development proposals in bands A and B as opposed to C. The bands also affect calculation of replacement habitat required, in the methodology set out in the SPD.

All the NP’s housing sites include grassland, with C and D for example being undeveloped fields. All the sites, being within bands A and b, could potentially provide foraging habitat for horseshoe bats. Paragraph 2.2 of the SPD states: “Greater Horseshoe bats mostly forage within 2.2km of a maternity roost, i.e. within Band A; they can also make regular use of key foraging habitat within 4km, i.e. within Band B”.

The SPD includes information on the value of grassland for SAC bats (greater (GHBs) and lesser (LHBs) horseshoe bats). It refers to the value of grazed pasture in particular for both species. Para A4.7 states (for GHBs: “Cattle are preferred to smaller grazers, since they create the ideal structural conditions for perch-hunting bats in hedgerows and woodland edge. Within 1 kilometre of the roost the presence of permanent grazed pasture is critical for juvenile Greater Horseshoe bats”. The latter point relates to the presence of *Aphodius* beetles in cow, sheep and horse dung on which young bats feed.

However, we have seen that the housing sites in the NP are all outside the JSV (1km radius) of the maternity roost at King’s Wood and Urchin Wood SSSI.

However, paragraph A4.9 of the SPD indicates that for Greater Horseshoe Bats other prey species are found in a wider range of habitats than cattle grazed pasture, which the proposed housing sites might possibly provide. For example, Large Yellow Underwing Moths are found on “agricultural land, gardens, waste ground”...”Small Yellow Underwing are found on flower-rich grassland, including meadows, roadside verges, open woodland and grassy embankments”....”Heart and Dart are found in agricultural land, meadows, waste land, gardens and places where their food plants grow”.

This suggests that the fields/grassland proposed for housing sites could be of value for foraging SAC bats whether they are grazed or not, if they harbour such other prey species. (It is unknown whether the grass is grazed or managed by some other means, such as mowing).

The fields/grassland could also be used by bats for commuting between roosts and foraging grounds, particularly as they are bounded by hedgerows. The SPD indicates that “hedgerow acts as commuting structure and provides feeding perches for Greater Horseshoe bats” (para A6.5). Also “commuting corridors, such as tall bushy hedgerows, are important

features for Lesser Horseshoe bats as they avoid crossing open areas and are vulnerable to the loss of these corridors”; (para A4.32).

Development on the housing sites could also potentially affect SPD through impact of artificial lighting. The SPD (para 4.13) indicates that “*Horseshoe bats are known to be a very light sensitive species*” and (para 4.14): “*many night flying species of insect such as moths, a key prey species for horseshoe bats, are attracted to light, especially those lamps that emit a ultra-violet component and particularly if it is a single light source in a dark area. It is also considered that insects are attracted to illuminated areas from further afield resulting in adjacent habitats supporting reduced numbers of insects. This is likely to further impact on the ability of the horseshoe bats to be able to feed*”.

However, the presence or otherwise of SPD bats on the housing sites could only be definitively determined by surveys. Annex 3 of the SPD gives detailed guidance on survey requirements, including for those for development proposals in Bands A and B of the Consultation Zone.

Potential mitigation

The above section indicates that the proposed housing sites (and particularly C and D, which are nearest to the Kings Wood and Urchin Wood SSSI and associated JSV, and within band A of the Consultation zone) have potential to affect SAC bats.

However it is considered that likely significant effects on the integrity of the SAC could be prevented by appropriate mitigation, notably by following guidance in the SPD, and also through application of relevant policies in Local Plans, notably policy DM8 of the adopted [Development Management Policies Plan](#), in determining planning applications. (Policy DM8 includes “**Development which would have an adverse impact on identified sites of international importance (which include Special Areas of Conservation (SACs), Special Protection Areas (SPA) and Ramsar sites) will not be permitted.**)

Section 4 of the SPD on “mitigation within the Consultation Zone” is relevant. Paragraph 4.1 states: “*Within the Bat Consultation Zone, where SAC bats would be affected or potentially affected by development appropriate mitigation will be required. The aim should be to retain and enhance habitat and features of value to horseshoe bats, such as those listed in paragraph 3.2 of Part B of this guidance. Where this is not possible replacement habitat may be needed. The council’s ecologist will have regard to relevant considerations in determining the mitigation requirements, including survey results and calculations relating to replacement habitat. (See the methodology and metric in Annex 5.) The developer’s ecologist should carry out the calculations when requested by the council’s ecologist. Replacement habitat should always aim to be the optimal for the species affected*”.

The table below indicates potential impacts of policies H3 and H4 of the NP and how they could be mitigated.

Policies causing potential impact: H3 and H4 (housing sites and affordable housing site)

Potential Impact	Counter-acting measure	Outcome
1. Potential loss of foraging (feeding) habitat, including impact of lighting	1.a Guidance in the Bats SPD would be followed including carrying out of surveys to the appropriate standard for sites in bands A and B of the Consultation Zone.	No significant adverse effect on integrity of Bats SAC likely

	<p>If surveys suggest that SAC bats are present and are likely to be significantly adversely affected by the development, guidance on provision of appropriate mitigation would be followed. This could require provision of replacement habitat. Para 4.1 of Part B of the SPD states: <i>“The council’s ecologist will have regard to relevant considerations in determining the mitigation requirements, including survey results and calculations relating to replacement habitat. (See the methodology and metric in Annex 5.) The developer’s ecologist should carry out the calculations when requested by the council’s ecologist. Replacement habitat should always aim to be the optimal for the species affected”</i>.</p> <p>Para 4.4 of Part B of the SPD covers mitigation measures regarding impact of artificial lighting on SAC bats. It states for example that <i>“a development proposal will be expected to demonstrate that bats will not be prevented from using features by the introduction of new lighting or a change in lighting levels. Reference to specific lux levels will be expected”. ..” Applicants will similarly be expected to demonstrate use of the latest techniques to avoid or reduce light spill from within buildings”</i>.</p> <p>However, project level HRA is likely to be required which would help to determine precisely what mitigation is necessary.</p> <p>1b. Until such time as they are superseded by adoption of the emerging new Local Plan for North Somerset to 2036 (which is only at an early stage of preparation), relevant policies in the North Somerset Core Strategy and Development Management Policies Plan would be likely to be considered (alongside NP policies) in determining any planning applications for development on the proposed housing sites. They include policy CS4 on maintaining and enhancing biodiversity, and policy DM8 which prevents development which would have an adverse impact on identified sites of international importance, including SACs.</p>	
2. Potential loss of or reduction commuting habitat, such as hedgerows	2a Guidance in the Bats SPD would be followed including carrying out of surveys to the appropriate standard for sites in bands A and B of the Consultation Zone.	No significant adverse effect on integrity of Bats SAC likely

	<p>If surveys suggest that SAC bats are present and are likely to be significantly adversely affected by the development, guidance on provision of appropriate mitigation would be followed. This may include requirements for retention of hedgerows, or replacement provision if they would be lost or damaged. For example, para 4.7 of Part B of the SPD refers to "<i>hedgerows with trees</i>" as an example of a habitat of value which may be "<i>created or enhanced as the replacement provision</i>". The para states that "<i>Planting will be expected to consist of native species that produce an abundance of invertebrates, particularly moth species</i>".</p> <p>However, project level HRA is likely to be required which would help to determine precisely what mitigation is necessary.</p> <p>2b. As 1b above.</p>	
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This suggests that, with appropriate mitigation, such as following the SPD guidance, policies H3 and H4 of the NP would not have significant adverse impacts on integrity of the SAC.

Therefore, North Somerset Council are suggesting, in their proposed modifications to the examiner for the NP examination, that additional wording is also written into policies H3 and H4 which refer specifically to the North Somerset and Mendip Bats SAC SPD and how any development of these sites must be in accordance with the guidance in the SPD.

The following wording is proposed to be added to both those policies:

**Development proposals must not adversely affect the integrity of Natura 2000 sites. Where necessary, appropriate mitigation measures should be incorporated in accordance with the guidance set out in the North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD, or any future document that supersedes it.**

#### Conclusion

It is considered by Congresbury Parish Council that, particularly with the identified avoidance/mitigation measures, including the above addition to wording of policies H3 and H4, its Neighbourhood Plan is unlikely to have a significant effect on the conservation objectives of Natura 2000 sites.

It is therefore considered that a further assessment (Stage 3) will not be required.