

# **Backwell Future**

## **Backwell Future Neighbourhood Development Plan**

### **Habitat Regulations Screening Assessment**

**December 2012**

<b>Contents</b>	<b>Page</b>
Introduction	3
Scope of the HRA	3
Relationship of the Backwell Future Plan to the North Somerset Core Strategy and the Replacement Local Plan Policies and the relevance of the HRA of the Core Strategy	4
Scope of Backwell Future Plan	4
Conclusions from the screening exercise and consequential Changes to the Backwell Future Plan that are proposed	6
Conclusion	7
 <b>Appendices</b>	
<b>Appendix 1 Map of European Sites within North Somerset</b>	<b>8</b>
<b>Appendix 2 North Somerset and Mendip Bats SAC</b>	<b>9</b>
<b>Appendix 3 Screening Matrix for Backwell Future Plan</b>	<b>11</b>
<b>Appendix 4 Backwell Future policies</b>	<b>15</b>
<b>Appendix 5 Backwell Future proposed development sites</b>	<b>20</b>
<b>Appendix 6 Village Map</b>	<b>21</b>

## **Backwell Future Neighbourhood Development Plan**

### **Habitat Regulations Screening Assessment**

#### **Introduction**

This report documents the Habitats Regulations Assessment (HRA) work which has been carried out on the draft Backwell Future Neighbourhood Development Plan. The relevant regulations are the Conservation of Habitats and Species Regulations 2010, which relate to Articles 6(3) and (4) of the Habitats Directive. The Backwell Future Plan is available on [Backwell Parish Council's](#) website.

The implications of the regulations (section 102) is that before a local authority can authorise a plan or project which is likely to have a significant effect on the integrity of a European site it must make an appropriate assessment of the implications for that site in view of its conservation objectives. Screening considers whether significant effects are likely, and hence whether an Appropriate Assessment is necessary. "European sites" are Natura 2000 sites. They include Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites, under the EC Birds and Habitats Directives.

The draft Backwell Future Plan has also been the subject of a [separate SA report](#) which also addressed requirements under the Strategic Environmental Assessment regulations (SEA) (European Directive 2001/42/EC).

#### **Scope of the HRA**

The screening exercise considered whether significant effects would be likely regarding one of the four European Sites within North Somerset, namely the North Somerset and Mendip Bats SAC. The other three Sites are the Severn Estuary European Marine Site (SAC, SPA and Ramsar), Mendip Limestone Grasslands SAC and Avon Gorge Woodlands SAC. These were considered too remote from the area affected by the policies within the Backwell Future plan. Natural England also previously indicated<sup>1</sup> that it should be the Mendip Bats SAC which should be the focus of any HRA screening.

There are European Sites outside North Somerset. However it was assessed that there would not be likely significant effects on these due also to the distance involved.

Consistent with the regulations, the screening exercise has taken account of whether significant effects are likely from the Backwell Future Plan alone, and also whether in-combination effects are likely (taking account of other plans and projects in combination with it).

---

<sup>1</sup> Response to SA Scoping Report

A description of the Mendip Bats SAC, its qualifying features and conservation objectives and a map showing the location of all the European Sites is included in Appendix A. The 5km consultation zone around the Bat SAC extends across Backwell Parish including the whole of the parish within it. There is also a maternity roost at Brockley Hall stables which is within 2.2 km of an area of the village which will be affected by proposals within the Backwell Future Plan.

### **Relationship of the Backwell Future Plan to the North Somerset Core Strategy and Replacement Local Plan policies and relevance of the HRA of the Core Strategy**

Backwell Future is a neighbourhood development plan (although this is not the same as a Development Plan Document such as a Core Strategy or Area Action Plan). To meet the basic conditions for a Neighbourhood Development Plan it must comply with the national policy and the strategic policies of the Local Plan. Once adopted, however it will have equal status as adopted development plan documents and where it differs from local planning policies then it is the Neighbourhood Development Plan which will take precedence (at the moment this remains the North Somerset Replacement Local Plan, which is itself being replaced by the emerging Sites and Policies DPD, however this document is lagging behind the Backwell Future Plan and will not undergo consultation until Spring 2013). At the time of producing this screening report the draft Backwell Future Plan was subject to the statutory formal period of consultation.

The North Somerset Core Strategy was adopted in April 2012 and was subject to a high level HRA assessment. The Backwell Future Plan is in conformity with the strategic policy approach of the Core Strategy, in terms of nature and location of development and therefore broadly complies with the HRA undertaken at that time. Backwell Future looks at a much more local level than the Core Strategy and therefore it is necessary to consider whether any policies or proposals arising from the Plan differ materially from the Core Strategy.

### **Scope of Backwell Future Plan**

The Backwell Future plan does not attempt to wholly replace the Replacement Local Plan or take the place of the emerging Sites and Policies DPD. It seeks to add local context to the existing policy framework. Where silent on an issue it is the existing adopted planning policies which will be used in consideration of development proposals.

Policy CS4 of Core Strategy seeks to protect, connect and enhance important habitats, particularly designated sites, ancient woodlands and veteran trees. Policies ECH/10 ECH/11 and ECH/12 of the Replacement Local Plan provide a comprehensive framework for ensuring that nature conservation implications of development, particularly for protected species and their

habitats, are fully considered and detailed HRA's of sites undertaken as necessary as part of the planning application process. The Backwell Future plan does not seek to replicate these policies

A complete list of Backwell future policies is given in appendix 4. The policies of relevance in the Backwell Future Plan to the HRA screening are as follows:-

**1. Local Green Space (LGS) designation**

The NPPF states that communities can identify LGS to be protected from development (treated as green belt). Two options are put forward in the draft Plan. Each option relates to areas outside the settlement boundary of Backwell which the local community consider are demonstrably special and which would remain protected from development in agricultural use. The preferred option is shown on the Village Map which is reproduced in appendix 6. There would be no adverse impact on the Bat SAC from either policy option, in fact the effect of permanently protecting the land in question would have a positive effect.

**2. Allocating sites to meet modest local housing needs in Backwell (particularly smaller more affordable houses and homes suitable for retirement and down sizing)**

Sites are as follows as shown in appendix 5:

- Site A and B combining to comprise 3 ha of mixed B1 employment and residential (a re allocation of the North Somerset Replacement Local Plan employment allocation E24)
- Site C 0.23 ha Manor Farm, West Town Road
- Sites D and E combined area 0.2ha adjacent to village centre for employment or smaller market housing

Although the first option is only re-allocation of an existing local plan allocation, the site in question is currently undeveloped (although previously partly in use for coach parking). It is also on the edge of Backwell and whilst built up on two sides has a railway line and open fields on the remaining two sides. There is therefore potential that unconstrained development of this site for mixed use may have an adverse effect on the Bat SAC and Brockley Hall Maternity Roost. The re-allocation to mixed use from employment use may also have added implications in terms of light levels and intrusion. It is unlikely that given the location, size and nature of the sites in question that although they may result in effects on the Bat SAC these are unlikely to be significant in the context of the whole of the 5km protection zone. However until

detailed surveys are done this cannot be verified and so a precautionary approach is taken. However the introduction of suitable mitigation measures will minimise any effects.

### **3. Measures to address problems of traffic congestion and rat-running**

Although the main feature of traffic in Backwell is the amount of through traffic about which Backwell Future has no control, the plan seeks to mitigate against adverse effects of increase in traffic growth by restricting levels of development within the village, committing to promoting measures to encourage more sustainable travel within the village and investigating traffic calming measures within the village should these prove necessary.

It is not considered that the policies and proposals relating to transportation will have any adverse effect on the BAT SAC

### **Conclusions from the screening exercise and consequential changes to the Backwell Future Plan that were proposed**

The assessment matrix is shown in Appendix 3. For the reasons stated this only covers the development sites proposed in 2 above.

The HRA (screening) of the Backwell Future Plan has found that without appropriate mitigation measures there could be possible impacts from artificial lighting on the North Somerset and Mendip Bats SAC. However, appropriate mitigation for this is possible.

Two mitigations options exist, the first is to rely on the comprehensive policies within the Replacement Local Plan which require appropriate HRA assessments, the second is to include within Backwell Future a reference to any development likely to have a significant adverse effect on European sites as follows

**” Backwell Parish forms part of a Greater Horseshoe Bat habitat which covers a wide area beyond. Backwell is an important location the 5km consultation zone around the North Somerset and Mendip Bats Special Area of Conservation because it is relatively close to the Brockley Hall Stables maternity roost. Within this zone development that would adversely affect feeding grounds, structures or landscape features used by Greater and Lesser Horseshoe Bats will need a project level Habitats Regulations Assessment to be undertaken.”**

The latter option is preferred and in relation to Sites A and B the penultimate sentence of para 7.56 will also be amended to read “Retention of dark vegetated corridors, particularly along the margins of the railway line will be required”.

**Conclusion**

It is concluded from the screening exercise that with the above mitigation measures to be referred to in the Plan, there are unlikely to be significant effects on European sites. Therefore no further HRA work such as Appropriate Assessment is considered necessary.

The draft Backwell Future plan is currently the subject of consultation. The response to consultation may generate amendments to the plan. If changes indicate that a further HRA screening is required then a revised version will be undertaken.

Appendix 1 Map of European Sites within North Somerset



## Appendix 2 North Somerset And Mendip Bats Sac

North Somerset and Mendip Bats Special Area of Conservation (SAC) comprises seven component SSSIs located approximately 5km to the north west of the Mendip Hills and immediately south of the Mendip Hills. This SAC (561.19ha) comprises a number of component areas. The Cheddar complex and Wookey Hole areas support a wide range of semi-natural habitats including *Tilio-Acerion* forest and semi-natural dry grasslands, which support a large number of rare plants. Kings and Urchin's Wood has a large block of *Tilio-Acerion* forest which has developed over limestone which out crops in parts of the site and forms a steep scarp to the south-east.

The limestone caves of the Mendips in this area provide a range of hibernation sites for horseshoe bat species. The SAC represents 3% of the UK greater horseshoe bat population, comprising an exceptional range of sites used by the population, including two maternity sites in lowland North Somerset and a variety of cave and mine hibernation sites in the Mendip Hills.

### Qualifying Interests:

North Somerset and Mendip Bats SAC was primarily selected as a SAC for:

1. Its **semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*)** for which this is considered to be one of the best areas in the UK. *Festuco-Brometalia* grasslands are found on thin, well-drained, lime-rich soils associated with chalk and limestone. Often maintained by grazing, a large number of rare plants are associated with this habitat, including the *Annex II* species *Gentiana anglica* (early gentian). The invertebrate fauna is also noteworthy and includes rarities such as the Adonis blue *Lysandra bellargus* and silver-spotted skipper *Hesperia comma*.
2. ***Tilio-Acerion* forests of slopes, screes and ravines** for which this is considered to be one of the best areas in the UK. *Tilio-Acerion* forests are woods of ash *Fraxinus excelsior*, wych elm *Ulmus glabra* and lime (mainly small-leaved lime *Tilia cordata* but more rarely large-leaved lime *T. platyphyllos*). Introduced sycamore *Acer pseudoplatanus* is often present and is a common part of the community in mainland Europe, where it is native.
3. **Natural caves that are not routinely exploited for tourism**, and which host specialist or endemic cave-dwelling species (cavernicoles) or support important populations of *Annex II* species. Cavernicoles in the UK include bacteria, algae, fungi and various groups of invertebrates (e.g. insects, spiders and crustaceans). Some caves are important hibernation sites for bat species, including all four *Annex II* species found in the UK.

[Annex II species present on the site:](#)

Lesser Horseshoe Bat (*Rhinolophus hipposideros*) and Greater Horseshoe Bat (*Rhinolophus ferrumequinum*) are Annex II species present as a qualifying feature here, but not a primary reason for site selection. They still need to be considered however, when assessing the qualifying interests and conservation objectives of the site.

**Conservation Objectives:**

The Conservation Objectives for the North Somerset and Mendip Bats SAC are focussed on the component SSSIs, which within North Somerset are :

- Banwell Caves
- Banwell Ochre Caves
- Brockley Hall Stables
- Kings Wood and Urchin Wood

The conservation objectives are to maintain in favourable condition the *Rhinolophus ferrumequinum* (Greater Horseshoe Bat), for which this is considered one of the best areas in the UK, and the *Rhinolophus hipposideros* (Lesser Horseshoe Bat).

**Additional Information:**

There are significant management problems associated with both the grassland and woodland elements of the SAC. Low levels of grazing have led to scrub invasion and the development of secondary woodland. The woodland has been badly managed in the past and requires a considerable amount of restoration.

**Appendix 3 Screening Matrix for Backwell Future Plan**

The assessment categories referred to in the Natural England guidance, and used in the 3rd and 5<sup>th</sup> columns, include the following:

- A: No negative impact on a European site at all
- B: No significant effect
- C: Likely significant effect alone
- D: Likely significant effect in combination with other elements of the same plan, or other plans and projects
- E: Effects will be more appropriate for lower tier assessments

1.Element/principle of the Backwell Future draft plan	2.Consideration of possible impacts:	3.Assessment Category without mitigation	4.Avoidance/ Mitigation Measures	5.Assessment Category post mitigation
<p>Sites A and B Approx 38 houses and 1 ha employment on 3ha mixed use site at Moor Lane</p>	<p>Core Strategy HRA found air pollution from traffic and water abstraction impacts are unlikely to be significant</p> <p>Proposed development site is within the 5km North Somerset and Mendip Bat Consultation Zone. Potential for impact on bat</p>	C	Retention of dark vegetated corridors, retaining hedgerows or through compensatory planting. These will be particularly important along the railway margins, to permit the continued commuting and foraging of horseshoe bats.	B

	<p>commuting and foraging area, notably impact of increased artificial lighting on bats.</p> <p>Some potential for increase in recreational pressure, as adjacent footpaths across field are part of the Backwell Round</p>			
<p>Site C 5 houses on 0.23 ha Manor Farm, West Town Road</p>	<p>Core Strategy HRA found air pollution from traffic and water abstraction impacts are unlikely to be significant</p> <p>Proposed development site is within the 5km North Somerset and Mendip Bat Consultation Zone. Potential for impact on bat commuting and foraging area, notably impact of increased artificial lighting on bats. However site is within</p>	<p>E</p>	<p>Effects will be more appropriate for lower tier assessments</p>	<p>E</p>

	<p>the settlement boundary and enclosed by existing low density development (generally large residential curtilages) so is already subject to some artificial lighting.</p>			
<p>Sites D and E combined area 0.2ha adjacent to village centre for employment or smaller market housing</p>	<p>Core Strategy HRA found air pollution from traffic and water abstraction impacts are unlikely to be significant</p> <p>Proposed development site is within the 5km North Somerset and Mendip Bat Consultation Zone. Potential for impact on bat commuting and foraging area, notably impact of increased artificial lighting on bats.</p> <p>Site is enclosed by built development adjacent to</p>	<p>B</p>	<p>None proposed or required.</p>	<p>B</p>

	centre of village. Existing uses are Commercial garage and Meeting Hall, so no effect is predicted.			
--	---	--	--	--

## **Appendix 4 Backwell Future Policies**

### **Sustainable Backwell**

#### **Policy 1**

Safeguard Backwell for Future Generations, as an attractive place to live; with a sustainable village feel in close proximity to the countryside.

#### **Policy 2**

*BACKWELL FUTURE* policy supports the generation of renewable energy provided the aesthetic impact, noise and emissions are environmentally and socially acceptable.

#### **Policy 3**

*BACKWELL FUTURE* policy supports CS2 with the following exception. Current Building Regulations require new dwellings to be constructed to Code Level 3. It would appear that moves towards higher standards are likely to be delayed. *BACKWELL FUTURE* will seek developments to Code Level 4 and will require higher standards as they are introduced in Building Regulations.

Policy 4 New development will therefore need to include sustainable drainage systems to reduce surface water runoff. The environmental infrastructure needs to be integrated into the design of the building and landscaping features, and be easily maintained.

### **Highways and transport**

#### **Policy 5 a)**

The Parish Council will engage with promoters and policy makers to ensure that transport infrastructure is satisfactory within any proposed development.

#### **Policy 5 b)**

Housing development in Backwell must be modest and focussed on local priority needs (see Section 7). Housing development, in excess of that proposed in this Plan, should not be considered until major highway improvements, sufficient to significantly relieve the village of through traffic, have been carried out and shown to be effective in reducing traffic queues and the use of 'rat-runs'. Appropriate business development providing local employment and reducing commuting will however be supported.

#### **Policy 5 c)**

The Parish Council will encourage residents to adopt more sustainable travel as outlined in Section 5 (Sustainability).

#### **Policy 5 d) Station Road**

The Parish Council will keep under review the pavements in Station Road and will, when necessary, prepare plans to have any encroaching banks and

hedgerows removed. This will maximise the usable width of pavements and improve safety for pedestrians. It will liaise with residents and NSC in preparing, executing and enforcing any plan.

**Policy 5 e)**

The need for traffic calming, and other measures to reduce traffic, along Rodney Road, Church Lane and other 'rat-runs', will be monitored. Residents will be consulted before any works are decided.

**New development**

**Policy 6**

BACKWELL FUTURE policy is for no change in the Green Belt consistent with Core Strategy Policy CS6.

**Policy 7**

BACKWELL FUTURE policy is that development, that would harm the purposes of the designated gap, will not be permitted.

**Policy 8 (duplicate to 5b)**

Housing development in Backwell must be modest and focussed on local priority needs. Housing development, in excess of that proposed in this Plan, should not be considered until major highway improvements, sufficient to significantly relieve the village of through traffic, have been carried out and shown to be effective in reducing traffic queues and the use of residential 'rat-runs'. Appropriate business development providing local employment and reducing commuting will however be supported.

**Policy 9**

BACKWELL FUTURE Housing policy is that new development should favour smaller dwellings.

**Policy 10**

BACKWELL FUTURE policy is therefore that priority be given to residents of Backwell and the immediate adjacent parishes, and to those with very close family or employment connections, implemented through local lettings agreements made at the time of development approval.

**Policy 11**

BACKWELL FUTURE policy is that new smaller properties within or near to the Local Centre (see Section 9) should be protected from major extensions in order that they remain smaller properties. This would be achieved by the removal of permitted development rights through an Article 4 Direction, under the Town and Country Planning Act, made by the planning authority.

## **Employment**

### **Policy 12**

*BACKWELL FUTURE* policy is to support the development of existing and new employment sites within the village, provided that the scale, type of business and locations are compatible with the local environment, and provided that supporting infrastructure, for example access and car parking, are appropriate.

## **Village shops and services**

### **Policy 13**

To support future planning proposals for additional retail outlets, provided the locations are suitable for the types of business and nearby parking is adequate or more is provided.

### **Policy 14 (i) Designation of a 'local centre'.**

The map below shows the area that *BACKWELL FUTURE* designates the 'local centre'. Development proposals for suitable shops, businesses and services in this centre will be supported provided that they:

- are of an appropriate size;
- support the creation of a safer, more attractive and accessible shopping and business environment;
- improve the mix of uses in the centre.

### **Policy 14 (ii)**

Proposals resulting in the loss of shop, business or service outlets in the local centre will need to demonstrate that:

- the vitality and viability of the centre is not adversely affected;
- adequate provision remains to meet local needs.

### **Policy 14 (iii)**

When shops, business and service premises are re-developed, or a change of use is proposed from an existing residential property, in the local centre, the opportunity will be taken to secure, within the premises, customer parking for the benefit of the local centre.

Note: Adequate customer parking is essential to the viability of a local centre. Section 10 describes the current deficiencies and makes proposals for improving parking near to the village shops.

## **Car parking**

### **Policy 15**

*BACKWELL FUTURE* policy is that, having regard for the likely availability of financial resources, a parking strategy is implemented in the following order:

1. The Parish Council, with assistance from Sustainable Backwell, promote initiatives to reduce car travel and the need for car parking spaces. An example would be the provision of more cycle racks.

2. Local businesses are encouraged to review arrangements for the parking of staff cars away from the lay-bys near shops.
3. The Parish Council consults residents and businesses about proposed parking restrictions, and funds the cost of traffic regulation orders.
4. The Parish Council seek to secure public car spaces on the Ettrick Garage frontage should a planning application be received to redevelop that site.
5. The Parish Council develops a scheme to widen layby parking in Rodney Road in conjunction with North Somerset Council.

## **Local Green Space**

### ***Policy 16***

*BACKWELL FUTURE* policy is for no change of use, or land management, for the LGS areas. The land should continue to be farmed and the traditional pattern of recreational use, by the community, safeguarded to secure a sustainable co-existence.

## **Recreation, sport and community facilities**

### ***Policy 17***

Backwell Parish Council will continue to provide financial support for community and recreational facilities when appropriate and within the capacity of residents to pay

### ***Policy 18***

Backwell Parish Council will set up a Working Party to manage a feasibility study of upgrading Backwell Leisure Centre to provide multi-use community facilities

### ***Policy 19***

Backwell Parish Council will safeguard, by designation on the *BACKWELL FUTURE* village map, areas of the village that are reserved for recreational, sport, community or spiritual use and, in particular:

- Backwell Playing Fields;
- the Moor Lane open space and children's play area;
- the Downside children's play area;
- the extension to St Andrew's Church graveyard;
- the Green by Backwell Village Club;
- Local Green Spaces (see Section 11);
- Conservation areas.

## **Downside**

### ***Policy 20***

*BACKWELL FUTURE* policy is to:

- a) Press for the A38 highway improvements to be made at an early stage of the planned airport expansion;
- b) Press for improvements to be made at the Hyatt's Wood Road and Downside Road junction;
- c) Make an appropriate input to any regional or district review of the Green Belt whenever this occurs with a view to establishing a settlement boundary;
- d) Promote initiatives to achieve greater community cohesiveness of Downside and Backwell main village.

### **Additional policy considerations- development sites**

The draft Backwell Future Map identifies sites for development, however there is no policy relating to these site allocations, rather an explanation in the text. The HRA assessment addresses the site allocations.

The criteria for assessing the suitability of sites was based on sustainability considerations. These criteria were as follows

Not in the green belt  
Not in a strategic gap  
Within the settlement boundary  
Not on land with an environmental designation  
Within an area of acceptably low flood risk  
Not on land designated Local Green Space  
Site is available with the prospect of delivery  
Not containing the best and most versatile agricultural land.

Sites are as follows as shown in appendix 5:

- Site A and B combining to comprise 3 ha of mixed B1 employment and residential
- Site C 0.23 ha Manor Farm, West Town Road
- Sites D and E combined area 0.2ha adjacent to village centre for employment or smaller market housing

Appendix 5 Backwell future proposed development sites



