



# **South Somerset District Council Local Plan:**

## **Habitats Regulations Assessment Addendum Report**

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2014 update)**

*enfusion*



# South Somerset District Council Local Plan: Habitats Regulations Assessment Addendum Report

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# South Somerset District Council Local Plan: HRA Addendum Report

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## 1.0 Introduction

### Purpose of this HRA Addendum Report

- 1.1 The purpose of this Addendum Report is to detail the findings of the screening of the further Main Modifications (MMs) being proposed by the Council. As the 'competent authority' under the Habitats Directive<sup>1</sup> and Regulations<sup>2</sup> the Council have a responsibility to ensure that the changes being proposed to the Local Plan do not have significant effects on European sites<sup>3</sup>. This Addendum Report builds on the previous HRA work and should be read in conjunction with the HRA Report published in June 2012<sup>4</sup> as well as the Further Addendum Reports published in January 2013<sup>5</sup>, November 2013<sup>6</sup> and March 2014<sup>7</sup>.
- 1.2 This Addendum Report will accompany the further MMs on public consultation from 28 August to 10 October 2014.

### Background

- 1.3 South Somerset District Council (SSDC) has been undertaking HRA since 2008 to inform the preparation of the South Somerset Local Plan. The HRA and Local Plan progress to date may be summarised as follows:

**Table 1.1: Local Plan and HRA activities and published documents to date**

Local Plan Documents & Consultation	HRA Documents & Consultation
Core Strategy Issues and Options (March 2008) Public consultation 7 March to 25 April 2008	Screening Report for Bracket's Coppice SAC (Oct 2008) Sent to Natural England who responded stating the study is very thorough and concurred with the conclusions <sup>8</sup>
Area Based Workshops (Members, Town and Parish Councillors and other stakeholders) July 2009, Nov/Dec 2009, Jan 2010 & July 2010	Appropriate Assessment for Somerset Authorities Core Strategies: Somerset Levels and Moors and Severn Estuary (Bridgwater Bay) Natura 2000 sites Scoping Report Volume 1 Main

<sup>1</sup> European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna [the Habitats Directive].

<sup>2</sup> The Conservation of Habitats and Species Regulations 2010 (as amended) [the Habitats Regulations]

<sup>3</sup> Special Areas of Conservation (SAC), Special Protection Areas (SPA) and Ramsar Sites. The NPPF (Para 118) gives the same protection to potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

<sup>4</sup> Core Document 8: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>5</sup> Core Document 8a: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>6</sup> Proposed Main Modification Habitats Regulation Assessment Report (November 2013): [http://consult.southsomerset.gov.uk/consult.ti/Proposed\\_Main\\_Mods/view?objectId=11178501](http://consult.southsomerset.gov.uk/consult.ti/Proposed_Main_Mods/view?objectId=11178501)

<sup>7</sup> Core Document 8b: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>8</sup> Email from Melanie Heath (Natural England) to Larry Burrows (Somerset County Council Ecologist) on 26.03.09

	Report (Oct 2009) Consultation with Natural England and Environment Agency identified a number of key issues <sup>9</sup>
Draft Core Strategy (incorporating Preferred Options) Public consultation 08 October to 03 December 2010	Update Report for Bracket's Coppice SAC (Sept 2010) Sent to Natural England and placed on public consultation from 08 October to 03 December 2010
	HRA for the Somerset Levels and Moors International Sites (Oct 2010) Consultation with Natural England and other key stakeholders <sup>10</sup> , then placed on public consultation from 08 October to 03 December 2010
Proposed Submission Local Plan Public consultation 08 June to 10 August 2012	HRA Report (June 2012) Sent to Natural England and placed on public consultation from 08 June to 10 August 2012
The Local Plan was Submitted to the Secretary of State on 21 January 2013	Appropriate Assessment: HRA of emerging South Somerset Local Plan 2006-2028 Further Addendum (Jan 2013) accompanied the Local Plan on Submission – Natural England submitted Examination hearing statement. <sup>11</sup>
Proposed Main Modifications Consultation Document (Nov 2013) Public consultation 28 November 2013 to 10 January 2014	Proposed Main Modifications HRA (Nov 2013) Public consultation 28 November 2013 to 10 January 2014
Submission of Proposed Main Modifications Submitted to the Secretary of State March 2014	HRA Addendum Report (March 2014) Submitted alongside the Proposed Main Modifications to the Secretary of State March 2014
Main Modifications Consultation Document (August 2014) Public consultation 28 August to 10 October 2014	HRA Addendum Report (August 2014) Public consultation 28 August to 10 October 2014

<sup>9</sup> Section 2.4 of Appropriate Assessment for Somerset Authorities Core Strategies: Somerset Levels and Moors and Severn Estuary (Bridgwater Bay) Natura 2000 sites Scoping Report Volume 1 Main Report (Oct 2009).

<sup>10</sup> Section 2.6 of draft Core Strategy incorporating preferred options HRA for the Somerset Levels and Moors International Sites (Oct 2010).

<sup>11</sup> [http://www.southsomerset.gov.uk/media/474674/natural\\_england\\_017\\_.pdf](http://www.southsomerset.gov.uk/media/474674/natural_england_017_.pdf)

- 1.4 The Proposed Submission Local Plan was submitted to the Planning Inspectorate on 21 January 2013. As part of the Independent Examination of the Local Plan, a number of Hearing Sessions were held between 07 May and 18 June 2013. Based upon the conclusions reached during these Hearing Sessions and consideration of the evidence base to support the Local Plan, the Inspector issued a Preliminary Findings letter on 03 July 2013.
- 1.5 The Inspector's Preliminary Findings identified six issues of concern - three significant issues of concern relating to soundness, and three points of clarification. The Inspector concluded that further comprehensive work was required in order to enable the Local Plan to be found sound. Based upon these findings the Council requested a six-month suspension to the Independent Examination on 15 July 2013 in order to rectify the issues raised.
- 1.6 The additional work undertaken by the Council to address the Inspector's Preliminary Findings formed the basis for the Proposed Main Modifications (PMMs). The PMMs were placed on public consultation between November 2013 and January 2014. Following the consideration of the consultation responses, the PMMs were submitted to the Planning Inspectorate in March 2014<sup>12</sup>.
- 1.7 As the 'competent authority' under the Habitats Directive and Regulations the Council screened the proposed changes to the Local Plan and found that they were unlikely to have significant effects on European sites or affect the findings of the previous HRA work. The findings of this work were presented in the Proposed Main Modifications HRA Report (Nov 2013), which was published for consultation alongside the PMMs Consultation Document in November 2013. Over 1,000 representations were received on the PMMs Consultation Document (Nov 2013) and these along with updated evidence resulted in some minor further changes to the PMMs.
- 1.8 The final PMMs were then subject to further screening by Enfusion Ltd, with the findings presented in a HRA Addendum Report, which was submitted alongside the PMMs in March 2014. The Report concluded that the Local Plan, as modified by the Council, will not have significant effects either alone or in-combination on European sites, given the mitigation proposed in the HRA Report (June 2012) and through Local Plan Policies.
- 1.9 Examination Hearing Sessions on the PMMs took place from 10 - 13 June 2014. During these sessions the Inspector raised a number of issues where the Local Plan would benefit from additional clarification. The need for further Main Modifications (MMs) was formally confirmed by the Inspector in his letter from 16 July 2014<sup>13</sup>. As a result, the Council is proposing further MMs relating to Policies YV2, YV3, SS3 and SS5.

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<sup>12</sup> South Somerset Local Plan Proposed Main Modifications (March 2014):  
[https://www.southsomerset.gov.uk/media/648229/south\\_somerset\\_local\\_plan\\_proposed\\_main\\_modifications\\_submission\\_to\\_pins.pdf](https://www.southsomerset.gov.uk/media/648229/south_somerset_local_plan_proposed_main_modifications_submission_to_pins.pdf)

<sup>13</sup> Inspector's Preliminary Findings following the Resumed Hearing Sessions letter (July 2014):  
[https://www.southsomerset.gov.uk/media/674198/inspector\\_s\\_preliminary\\_findings\\_post\\_resumed\\_examination\\_hearing.pdf](https://www.southsomerset.gov.uk/media/674198/inspector_s_preliminary_findings_post_resumed_examination_hearing.pdf)

- 1.10 It is important to ensure that the further MMs are screened through the HRA process to determine if they have the potential for likely significant effects and significantly affect the findings of the previous HRA work. The Council commissioned independent consultants Enfusion Ltd in July 2014 to ensure that the implications of all the proposed changes have been sufficiently considered through the HRA process.

**Structure of this HRA Addendum Report**

- 1.11 Following this introductory Section, Section 2 provides a summary of the proposed changes to the Local Plan and the findings of the screening of the further MMs. Section 3 summarises the findings of the further HRA work and sets out the next steps.

## 2.0 Screening of Proposed Main Modifications to the Local Plan

### Introduction

- 2.1 The key changes proposed by the Council through the further MMs are as follows:
- **Policy YV2:** The inclusion of detail on landscape mitigation measures at the North East Yeovil SUE;
  - **Policy YV3:** Deletion of the East Coker and North Coker buffer zone;
  - **Policy SS3:** Deletion of a specific employment land figure for rural settlements, with the inclusion of an explanation of the Council's approach to such proposals in these settlements; and
  - **Policy SS5:** Amendment to improve clarity regarding housing delivery in Crewkerne and Wincanton and reference in an appropriate section of the LP to an early review of housing and employment provision at Wincanton.
- 2.2 Each of these further MMs is considered in turn below.

### Policy YV2

- 2.3 The Council is proposing additional text to Policy YV2 to ensure that appropriate landscape mitigation is forthcoming through the development management process for the North East Yeovil Sustainable Urban Extension. The HRA Report published in June 2012 and subsequent Addendum Reports (Jan 2013, Nov 2013 & March 2014) found that this Policy is not likely to have significant effects on European sites.
- 2.4 The proposed MM does not change the location or scale of proposed development; it is therefore concluded that the proposed change to this Policy will not have significant effects on European sites and the findings of the previous HRA work are still valid.

### Policy YV3

- 2.5 The Inspector raised concerns regarding the continued justification for the buffer zone in light of the reduced scale and extent of the South Yeovil Sustainable Urban Extension. In response to this the Council is proposing to delete the East Coker and North Coker Buffer Zone from the Local Plan.
- 2.6 The HRA Report published in June 2012 found that this Policy is not likely to have significant effects on European sites as no development is being proposed. It is considered that the removal of the buffer zone will not have significant effects on European sites and the findings of the previous HRA work are still valid.

### Policy SS3

- 2.7 The proposed changes to this Policy seek to clarify the Council's approach to delivering new employment land across the District. The Council is proposing



the removal of a specific employment hectarage figure for the rural settlements along with additional text to provide further clarification as to how employment land will be delivered in Rural Centres and Rural Settlements.

- 2.8 The HRA Report published in June 2012 found that this Policy has the potential for likely significant effects on European sites as a result of the location and overall quantum of proposed employment growth. The HRA concluded that there is appropriate mitigation available through Local Plan policies and available at the project level to ensure that there will be no adverse effects on the integrity of European sites. As there are no changes being proposed to the location or scale of employment growth; it is considered that that the further modifications to this Policy will not have significant effects on European sites and the findings of the previous HRA work are still valid.

### **Policy SS5**

- 2.9 The proposed changes seek to provide greater clarity on how applications for residential development and overall housing growth will be managed in the Market Towns of Crewkerne and Wincanton. The modification seeks to provide further clarification and there are no changes proposed to the location or scale of housing growth.
- 2.10 The HRA Report published in June 2012 found that this Policy has the potential for likely significant effects on European sites as a result of the location and overall quantum of proposed housing growth. The HRA concluded that there is appropriate mitigation available through Local Plan policies and available at the project level to ensure that there will be no adverse effects on the integrity of European sites. As there are no changes being proposed to the location or scale of employment growth; it is considered that that the further modifications to this Policy will not have significant effects on European sites and the findings of the previous HRA work are still valid.

### 3.0 Summary and Next Steps

- 3.1 The Council has proposed a number of further Main Modifications to the Local Plan as a result of discussions during the Hearing Sessions in June 2014 and the Inspector's Preliminary Findings (July 2014). These changes have been considered to determine if they are likely to have significant effects on European sites and therefore affect the findings of the HRA Report published in June 2012<sup>14</sup> and the Addendums published in January 2013<sup>15</sup>, November 2013<sup>16</sup> and March 2014<sup>17</sup>.
- 3.2 A screening of the key changes concluded that the Local Plan, as modified by the Council, will not have significant effects either alone or in-combination on European sites, given the mitigation proposed in the HRA Report (June 2012) and through Local Plan Policies. South Somerset District Council has been undertaking HRA iteratively since 2008, with HRA recommendations and consultation advice from Natural England influencing the development of the Local Plan. Given this approach, Natural England has stated that they are satisfied that the Local Plan is in compliance with the Habitats Directive and Regulations<sup>18</sup>.
- 3.3 This Addendum Report will accompany the further Main Modifications on public consultation from 28 August to 10 October 2014. Any further changes to the Local Plan that arise as a result of the consultation or any further hearing sessions should be considered through the HRA to ensure that there are no likely significant effects on European sites.

#### **Update – November 2014**

- 3.4 One consultation response on the HRA Addendum Report was received from Natural England, supporting the HRA findings. However, in response to comments received on the Main Modifications themselves, minor amendments are being proposed to Policies YV2 and SS5. These relate to simplifying the landscape mitigation text for the NE Yeovil SUE (YV2), and amending the early review at Wincanton to be complete within three years, rather than five (SS5). As there are no changes being proposed to the location or scale of employment growth; it is considered that that the further modifications to this Policy will not have significant effects on European sites and the findings of the previous HRA work are still valid.

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<sup>14</sup> Core Document 8: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>15</sup> Core Document 8a: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>16</sup> Proposed Main Modification Habitats Regulation Assessment Report (November 2013):

[http://consult.southsomerset.gov.uk/consult.ti/Proposed\\_Main\\_Mods/view?objectId=11178501](http://consult.southsomerset.gov.uk/consult.ti/Proposed_Main_Mods/view?objectId=11178501)

<sup>17</sup> Core Document 8b: <https://www.southsomerset.gov.uk/planning-and-building-control/planning-policy/local-plan-2006-2028/submission-local-plan/statutory-documents/>

<sup>18</sup> Letter (10 August 2012) from NE (Laura Horner) to SSDC (Andy Foyne).