

**THE WEST SOMERSET LOCAL PLAN 2012 TO 2032,**

**PROPOSED AMENDMENTS TO THE DRAFT  
PREFERRED STRATEGY IN RESPONSE TO  
THE HABITAT REGULATIONS ASSESSMENT  
OF THE PLAN**



**JANUARY 2012**

Proposed additional policies and amendments to policy recommended by the West Somerset Local Plan to 2032, Preferred Strategy, Habitat Regulations Assessment, December 2011.

1. Introduction:

West Somerset Council is the 'competent authority' under the Conservation of Habitats and Species Regulations 2010. As such, the Council is required to assess its plans and strategies (including the Local Plan to 2032) through the Habitat Regulations Assessment process because the policies in the plan may adversely affect Natura 2000 sites which are protected by the Habitats Directive.

The Natura 2000 sites present within the geographic area administered by West Somerset District Council are:

- o The Exmoor and Quantock Oak Woodlands Special Area of Conservation
- o The Severn Estuary Special Protection Area / Special Area of Conservation / Ramsar Site.

The Council has commissioned a 'Habitat Regulations Assessment' of the Local Plan Preferred Strategy in order to fulfil the requirements of the Habitat Regulations. It has identified a number of likely adverse impacts on these European protected nature conservation sites, and has also made recommendations as to how the plan should be changed in order to avoid these potential impacts. The HRA has been prepared by Somerset County Council, it has been submitted to Natural England for their consideration.

The potential consequence of failing to properly address and counter-act potential harm to Natura 2000 sites in preparing the Local Plan, is that the plan would not be found sound on examination and could therefore leave the Council without a Local Plan at the end of the process.

2. The changes proposed in the Habitat Regulations Assessment

The counter-acting measures proposed to address the likely adverse impacts of the plan's proposed strategy identified in the Habitat Regulations Assessment are as follows:

In respect of the Exmoor and Quantocks Oak Woodlands SAC:

Proposed change HRA1:

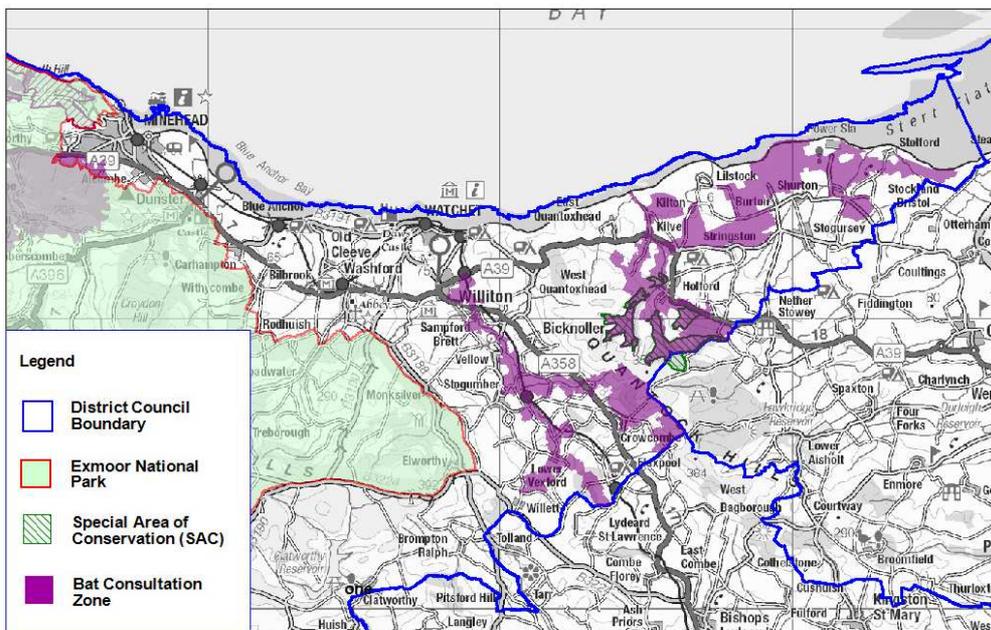
The addition of a new policy adding a Bat Consultation Zone to the Proposals Map, within which planning applications which potentially affect the bat conservation objectives of the Exmoor and Quantocks Oak Woodlands SAC will be subject to a 'test of likely significant effect' under the Species and Habitats Regulations 2010.

New Policy:           BAT CONSULTATION ZONE  
                              PLANNING APPLICATIONS FOR DEVELOPMENT ON SITES  
                              WITHIN THE BAT CONSULTATION ZONE MAY 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.

- |  |   |
|--|---|
| Purpose                                | <ul style="list-style-type: none"> <li>○ To secure the conservation objectives of the barbastelle bat feature of the Exmoor and Quantocks Oak Woodlands SAC from effects outside of its designated boundaries</li> </ul>  |
| Assumptions                            | <ul style="list-style-type: none"> <li>○ Barbastelle bat populations are affected by changes to land use up to and beyond 9 kilometres from the designated site's boundaries. These effects will not necessarily be detected or be considered in the planning process.</li> </ul>   |
| Justification including any references | <ul style="list-style-type: none"> <li>○ As 'competent authority' under the Conservation of Species and Habitats Regulations 2010 [the 'Habitats Regulations'] West Somerset District Council is required to carry out a 'test of likely significant effect' on planning applications that potentially affect the conservation objectives of the site. The District Council is also responsible for ensuring that populations and distribution of European Protected Species are maintained at a 'Favourable Conservation Status' as defined in Article 1 of the Habitats Directive.</li> <li>○ Outcome of the Habitats Regulations Assessment of the draft Local Plan. December 2011.</li> </ul> |

Fig. 1 - Proposed West Somerset Bat Consultation Zone



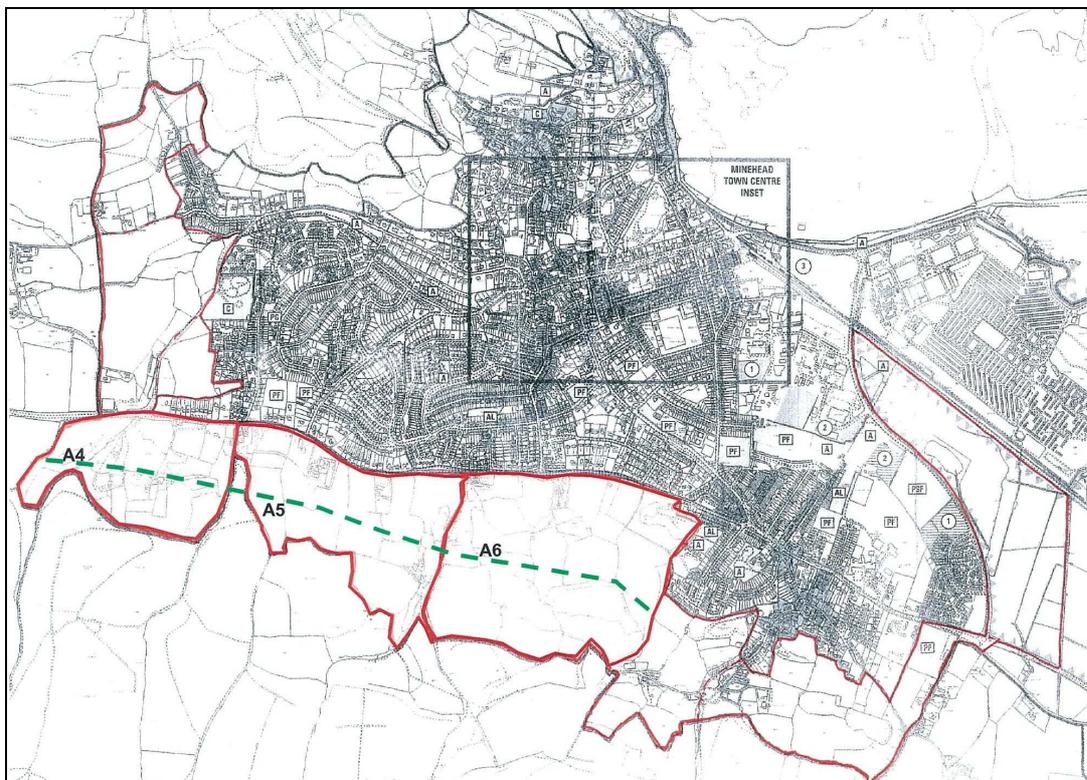
## Proposed change HRA2: amendments to the wording of policy MD2

Amended Policy MD2:	STRATEGIC DEVELOPMENT AROUND MINEHEAD  PROVISION WILL BE MADE IN THE ENVIRONS OF MINEHEAD FOR A MIXED DEVELOPMENT INCLUDING A TOTAL OF ABOUT 1000 DWELLINGS WITHIN THE AREA TO THE SOUTH OF THE A39, MINEHEAD, AND TO THE NORTH EAST OF SEAWARD WAY, AND IN THE LONGER TERM, POST 2022 TO THE WEST OF DUNSTER MARSH, AS INDICATED ON THE KEY DIAGRAM.
Purpose	<ul style="list-style-type: none"><li>○ To provide for an appropriate additional amount of housing, commercial and community land uses in the most sustainable location available at Minehead.</li></ul>
Assumptions	<ul style="list-style-type: none"><li>○ That the provision of a significant amount of housing development at Minehead will serve to maintain and strengthen Minehead's role and function as a main service centre for the wider area and minimise the level of travel out of the local area to access facilities in more distant centres.</li><li>○ The provision of strategic development in these general locations will:<ul style="list-style-type: none"><li>▪ Help to minimise the risk from flooding</li><li>▪ minimise the walking time from the new development into the town centre and to other local facilities.</li></ul></li></ul>
Justification including any references	<p>The SHMAs confirm the need for at least the level of housing provision which was included in the last version of the emerging RSS – namely 2500 dwellings over the period to mid 2026. In order to meet this level of provision in the most sustainable way – i.e.:</p> <ul style="list-style-type: none"><li>○ so that additional transport demand is minimised and access to non-private car transport modes is maximised (notwithstanding the recognised limitations of public transport in the area), it is essential to locate the largest part of it where the best range of services are available. Also Minehead is the main focus for public transport services in West Somerset.</li><li>○ so that flood risk within the area is appropriately managed, and especially that the potential for flood risk in the area to the north east of Seaward Way is addressed as part of any development.</li><li>○ so that impact on the landscape is managed appropriately. The land identified by this policy is unconstrained by flooding, landscape or nature conservation designations. Detailed design of schemes can address this issue. <b>However, there are potentially impacts on the barbastelle bat feature of the outside of designated boundary the Exmoor and Quantocks Oak Woodlands SAC which nonetheless ecologically support its conservation objectives.</b></li><li>○ so that any impacts on the barbastelle bat feature of the Exmoor and Quantocks Oak Woodlands SAC can be offset within the Areas of Search (A4, A5 and A6). Biodiversity offsetting is likely to be required as a result of the assessment under the Habitats Regulations 2010 at a project level for these sites.</li><li>○ so that impact upon the natural and historic heritage is managed in an</li></ul>

appropriate way

- to avoid the provision of large amounts of new residential development in less well serviced parts of the District.
- In the latter part of the plan period land to the west of Dunster Marsh can contribute to the development needs of the town following on from the implementation of development sites adjacent to the existing Minehead urban area.

Fig 2. – Areas of Search A4, A5 and A6 showing development Limit dashed green



Proposed Change HRA3:

The addition of a new policy In respect of the surrounding area of the Severn Estuary SPA / Ramsar site with the relevant area being added to the proposals map:

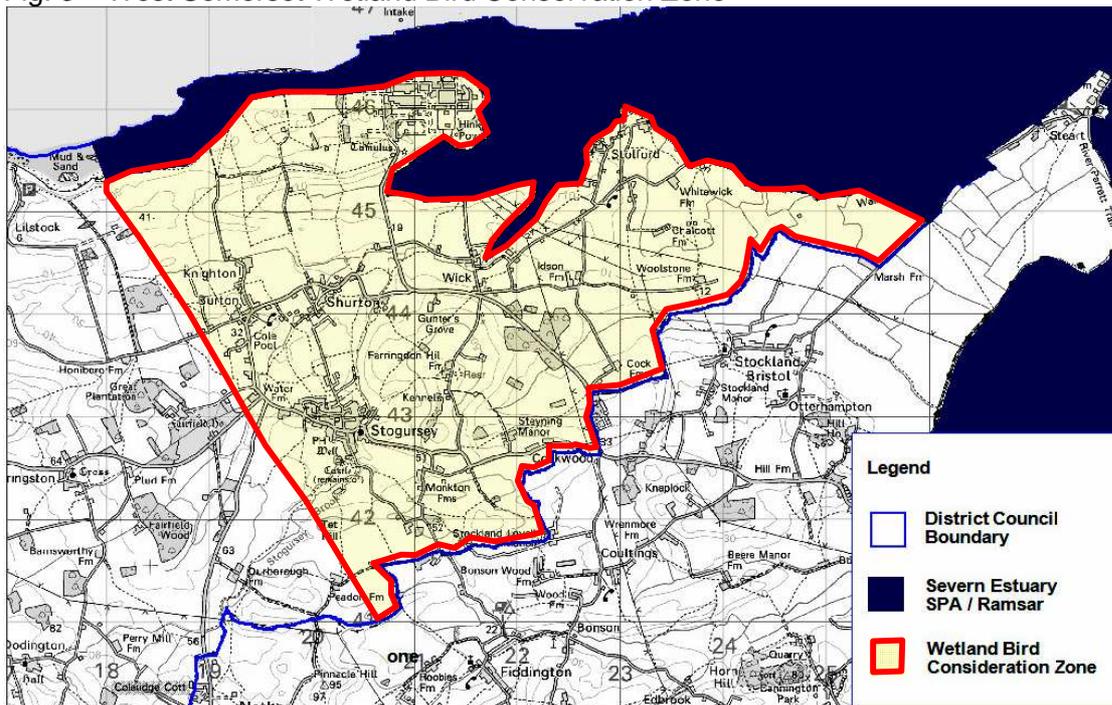
New Policy: WATERFOWL CONSULTATION ZONE

PLANNING APPLICATIONS FOR WIND ENERGY DEVELOPMENT ON SITES WITHIN THE CONSULTATION ZONE MAY REQUIRE A 'TEST OF SIGNIFICANCE' UNDER THE HABITATS 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.

- Purpose
- To secure the conservation objectives for wintering and migratory bird populations and waterfowl assemblage of the Severn Estuary SPA / Ramsar from effects outside of its designated boundaries.
- Assumptions
- Some species of commuting birds including swans, geese, ducks and waders are vulnerable to collision with wind turbines.
- Justification including any references
- As 'competent authority' under the Conservation of Species and Habitats Regulations 2010 [the 'Habitats Regulations'] West Somerset District Council is required to carry out a 'test of likely significant effect' on planning applications that potentially affect the conservation objectives of the site.
  - Outcome of the Habitats Regulations Assessment of the draft Local Plan. December 2011.

Fig. 3 – West Somerset Wetland Bird Conservation Zone



### 3. Conclusion:

It is proposed that the above amendmentS arising from the Habitat Regulations Assessment be subject to public consultation together with the Local Plan Preferred Strategy, with a view to incorporating them into the Publication Draft Local Plan, subject to the consideration of any representations made and the decision making process of the Council.