

Norton St Philip Neighbourhood Plan

Shadow Habitats Regulations Assessment

Norton St Philip Parish Council

June 2024

Quality information

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1. Introduction

Background to the Project

- 1.1 AECOM Ltd. was appointed to undertake a Habitats Regulations Assessment (HRA) for the Norton St Philip Neighbourhood Plan (NSPNP, or NP). This is to inform the Norton St Philip Neighbourhood Plan Steering Group and Parish Council of the potential effects of the NP on Habitats Sites. Unitary Somerset Council (within which the Parish is located) will then be able to utilise this report to inform their formal Habitats Regulations Assessment decision making regarding the Neighbourhood Plan. The Location of the Norton St Philip Parish is shown in Figure A1 (Appendix A).
- 1.2 The concept of neighbourhood planning derives from the 2011 Localism Act, which gives communities the power to shape their future and make decisions about future development, its design and location. The NP includes policies on housing, green spaces, heritage assets, community facilities, environment and economic activity. While NPs extend a degree of control to Parish Councils, it is important to note that local planning policy represents the overarching tier in the planning framework and the policy content of NPs, therefore, must be in conformity with Local Plans. Guidance on development in small settlements (e.g. Norton St Philip) is provided in Core Policy 1: Mendip Spatial Strategy of the Mendip District Local Plan Part 1: Strategy and Policies 2006 to 2029¹.
- 1.3 On 1st April 2023 the former Mendip District Council (within which Norton St Philip was located) became part of the new Unitary Somerset Council. The geographical area of the former Mendip District Council is now known as Somerset East. Adopted Mendip Local Plan, Parts 1 and 2 (LPP1 and LPP2) remain as the statutory adopted Local Plan documents for the former Mendip District Council area until such time as they are superseded by updated Local Plan(s) prepared by the New Unitary Somerset Council. As such this HRA will be undertaken with the assumption that any policy provided by the Norton St Philip NP will be in accordance with policies set out in any of the Mendip District Council's adopted development plan documents.

Legislative Framework

- 1.4 The UK left the European Union (EU) on 31 January 2020 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 ("the Withdrawal Act"). While the UK is no longer a member of the EU, a requirement for Habitats Regulations Assessment continues as set out in the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019².
- 1.5 The HRA process applies the 'Precautionary Principle'³ to Habitats Sites. Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the Habitat Site(s) in question. To ascertain whether or not site integrity will be affected, an Appropriate Assessment should be undertaken of the Plan or project in question. Figure 1 below sets out the legislative basis for an Appropriate Assessment.
- 1.6 Plans and projects that are associated with potential adverse impacts on Habitat Sites may still be permitted if there are no reasonable alternatives and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.

¹ Available at [SCC - Public - Mendip Adopted Local Plan.pdf - All Documents \(sharepoint.com\)](#) [accessed 27/03/24]

² These don't replace the 2017 Regulations but are just another set of amendments.

³ The Precautionary Principle, which is referenced in Article 191 of the Treaty on the Functioning of the European Union, has been defined by the United Nations Educational, Scientific and Cultural Organisation (UNESCO, 2005) as: "*When human activities may lead to morally unacceptable harm [to the environment] that is scientifically plausible but uncertain, actions shall be taken to avoid or diminish that harm. The judgement of plausibility should be grounded in scientific analysis*".

Conservation of Habitats and Species Regulations 2017 (as amended)

The Regulations state that:

“A competent authority, before deciding to ... give any consent, permission or other authorisation for a plan or project which... is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects) ... must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives ... The authority shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site ”.

Figure 1: The Legislative Basis for Appropriate Assessment

- 1.7 Over time the phrase ‘Habitats Regulations Assessment’ (HRA) has come into wide currency to describe the overall process set out in the Regulations from screening through to IROPI. This has arisen in order to distinguish the process from the individual stage described in the law as an ‘Appropriate Assessment’.
- 1.8 In spring 2018 the ‘Sweetman’ European Court of Justice ruling⁴ clarified that ‘mitigation’ (i.e. measures that are specifically introduced to avoid or reduce a harmful effect on a Habitats Site that would otherwise arise) should **not** be taken into account when forming a view on Likely Significant Effects. Mitigation should instead only be considered at the Appropriate Assessment stage. As this report consists of a test of likely significant effect, mitigation measures are therefore not taken into consideration at this stage.

⁴ People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

2. Methodology

Introduction

- 2.1 This HRA has been carried out with reference to the general EC guidance on HRA (European Commission, 2001), general guidance on HRA published by the UK government in 2021 (Department for Environment, Food & Rural Affairs, 2021).

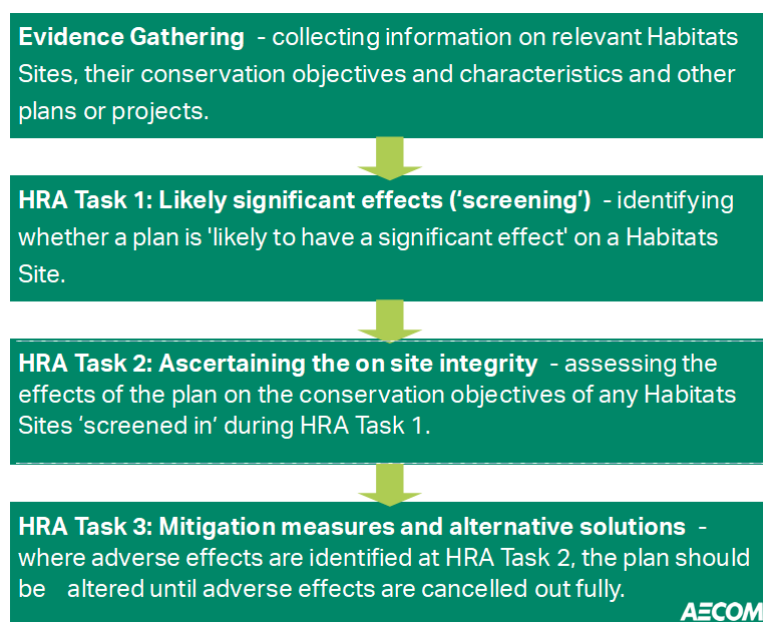


Plate 1. Four Stage Approach to Habitats Regulations Assessment (Department for Environment, Food & Rural Affairs, 2021)

- 2.2 **Plate 1** above outlines the stages of HRA according to current Department for Levelling Up, Housing & Communities (DLUHC) guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations, and any relevant changes to the Plan until no significant adverse effects remain.

HRA Task 1 – Likely Significant Effects (LSE)

- 2.3 Following evidence gathering, the first stage of any Habitats Regulations Assessment is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

"Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"⁵

- 2.4 The objective is to 'screen out' those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon Habitats Sites, usually because there is no mechanism for an adverse interaction. This stage is undertaken in **Chapter 5** of this report.

HRA Task 2: Appropriate Assessment (AA)

- 2.5 Where it is determined that a conclusion of 'no likely significant effect' cannot be drawn, the analysis has proceeded to the next stage of HRA known as Appropriate Assessment. Case law has clarified that 'Appropriate Assessment' is not a technical term. In other words, there are no particular technical analyses,

⁵ Prior to Brexit we use the term European sites to refer to SPA, SAC and Ramsar sites. Post Brexit we now use the term Habitats Sites

- or level of technical analysis, that are classified by law as belonging to Appropriate Assessment rather than determination of likely significant effects.
- 2.6 During July 2019 the Ministry of Housing, Communities and Local Government published guidance for Appropriate Assessment⁶. Paragraph: 001 Reference ID: 65-001-20190722 explains: *'Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site's conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site's integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured'*.
 - 2.7 As this analysis follows on from the screening process, there is a clear implication that the analysis will be more detailed than undertaken at the Screening stage and one of the key considerations during Appropriate Assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the Appropriate Assessment takes any policies or allocations that could not be dismissed following the high-level screening analysis and analyses the potential for an effect in more detail, with a view to concluding whether there would be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the Habitat Site(s)).
 - 2.8 A decision by the European Court of Justice⁷ concluded that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Likely Significant Effects or 'screening' stage of HRA. The UK is no longer part of the European Union. However, as a precaution, it is assumed for the purposes of this HRA that EU case law regarding Habitat Regulations Assessment will still be considered informative jurisprudence by the UK courts. That ruling has therefore been considered in producing this HRA.
 - 2.9 Also, in 2018 the Holohan ruling⁸ was handed down by the European Court of Justice. Among other provisions, paragraph 39 of the ruling states that *'As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area'* [emphasis added]. This has been taken into account in the HRA process.
 - 2.10 Appropriate Assessment is undertaken in **Chapter 6** of this report.

HRA Task 3: Avoidance and Mitigation

- 2.11 Where necessary, measures are recommended for incorporation into the Plan in order to avoid or mitigate adverse effects on Habitats Sites. There is considerable precedent concerning the level of detail that a Neighbourhood Plan document needs to contain regarding mitigation for recreational impacts on Habitats Sites. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.
- 2.12 When discussing 'mitigation' for a Neighbourhood Plan document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the details of the mitigation measures themselves since the Local Development Plan document is a high-level policy document. A Neighbourhood Plan is a lower level constituent of a Local Development Plan.

Confirming Other Plans and Projects That May Act 'In Combination'

- 2.13 It is a requirement of the Regulations that the impacts of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the Habitats Site(s) in question.

⁶<https://www.gov.uk/guidance/appropriate-assessment#what-are-the-implications-of-the-people-over-wind-judgment-for-habitats-regulations-assessments> [Accessed: 07/01/2020].

⁷ People Over Wind and Sweetman v Coillte Teoranta (C-3.23/17).

⁸ Case C-461/17.

- 2.14 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation; i.e. to ensure that those projects or plans (which in themselves may have minor impacts) are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in-combination assessment is therefore of greatest relevance when the plan or policy would otherwise be screened out because its individual contribution is inconsequential.

Scope of the Project

- 2.15 There is no pre-defined guidance that dictates the physical scope of an HRA of a NP document. Therefore, in considering the physical scope of the assessment, we were guided primarily by the identified impact pathways (called the source-pathway-receptor model).
- 2.16 Briefly defined, impact pathways are routes by which the implementation of a policy within a Neighbourhood Plan document can lead to an effect upon a Habitats Site. An example of this would be new residential development resulting in an increased population and thus increased recreational pressure, which could then affect Habitats Sites by, for example, disturbance of non-breeding or breeding birds. Guidance from the Ministry of Housing, Communities and Local Government (MHCLG, now DLUHC) states that the HRA should be '*proportionate to the geographical scope of the [plan policy]*' and that '*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*' (MHCLG, 2006, p.6).
- 2.17 This basic principle has also been reflected in court rulings. The Court of Appeal⁹ has ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be 'achieved in practice' to satisfy that the proposed development would have no adverse effect, then this would suffice. This ruling has since been applied to a planning permission (rather than a Core Strategy document)¹⁰. In this case the High Court ruled that for '*a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of Reg 61 of the Habitats Regulations*'.

⁹No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015

¹⁰High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015

3. Habitats Sites

Introduction

- 3.1 There is no guidance that dictates the general physical scope of an HRA of a Plan document. Therefore, in considering the physical scope of the assessment, we were guided primarily by the identified impact pathways (called the source-pathway-receptor model) and the HRA undertaken for the overarching Mendip Local Plan, Parts 1 and 2 (LPP1 and LPP2).
- 3.2 Briefly defined, impact pathways are routes by which the implementation of a project can lead to an effect upon a Habitats Site. An example of this would be increased recreational pressure stemming from increased residential development (housing delivery) allocated by a Plan. For some impact pathways (notably air pollution) there is guidance that sets out distance-based zones required for assessment. For others, a professional judgment must be made based on the best available evidence.

Habitats Sites Relevant to the Neighbourhood Plan

- 3.3 Due to the distances and impact pathways involved, the following Habitats Sites have been considered within this HRA:
- Bath and Bradford on Avon Bats SAC (Winsley Mines SSSI), located circa 2.2km north of the NP area;
 - Mendip Woodlands SAC (Asham Wood SSSI), located circa 10.5km south west of the NP area;
 - Salisbury Plain SAC and SPA (Salisbury Plain SSSI), located circa 10.5km south east of the NP area; and,
 - Mells Valley SAC (St Dunstan's Well Catchment SSSI), located circa 11km south west of the NP area.
- 3.4 The following section provides an introduction, the qualifying features, the conservation objectives and the threats / pressures to each of these Habitats Sites. The locations of these Habitats Sites are illustrated in Figure A1.

Bath and Bradford on Avon Bats SAC

Qualifying Features¹¹

- 3.5 The site is designated as an SAC for its:
- 3.6 Annex II species that are a primary reason for selection of this site:
- Greater horseshoe bat *Rhinolophus ferrumequinum* - This site in southern England includes the hibernation sites associated with 15% of the UK greater horseshoe bat population and is selected on the basis of the importance of this exceptionally large overwintering population.
 - Bechstein's bat *Myotis bechsteinii* - Small numbers of Bechstein's bats have been recorded hibernating in abandoned mines in this area, though maternity sites remain unknown.
- 3.7 Annex II species present as a qualifying feature, but not a primary reason for site selection:
- Lesser horseshoe bat *Rhinolophus hipposideros*

¹¹ Available at <https://publications.naturalengland.org.uk/file/6652449532149760> [accessed 18/04/2024]

Conservation Objectives¹²

“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;

Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- *The extent and distribution of the habitats of qualifying species*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site..”*

3.8 Supplementary details of the Conservation Objectives can be found in the accompanying Supplementary Advice on Conservation Objectives¹³ (SACO) document.

Threats and Pressures to Site Integrity

3.9 The Natural England Site Improvement Plan (SIP)¹⁴ and SACO¹⁵ identify the following pressures and threats that could potentially link to a development plan:

- Functionally linked land (planning permission/ change in land management/ offsite habitat availability/ management)
- Recreational pressure (public access/ disturbance)

Mendip Woodlands SAC

Reason for Designation¹⁶

3.10 The site is designated as an SAC for its:

3.11 Annex I habitats:

- *Tilio-Acerion forests of slopes, screes and ravines; Mixed woodland on base-rich soils associated with rocky slopes*
- Caves not open to the public

Conservation Objectives¹⁷

3.12 *“With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;*

3.13 *Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

- *The extent and distribution of qualifying natural habitats*
- *The structure and function (including typical species) of qualifying natural habitats, and*
- *The supporting processes on which qualifying natural habitats rely”*

¹² Available at <https://publications.naturalengland.org.uk/file/6600635269251072> [accessed 18/04/2024]

¹³ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012584.pdf> [accessed 18/04/2024]

¹⁴ Available at <https://publications.naturalengland.org.uk/publication/4564119772463104> [accessed 18/04/2024]

¹⁵ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012584.pdf> [accessed 18/04/2024]

¹⁶ Available at <https://publications.naturalengland.org.uk/file/5707512066080768> [accessed 18/04/2024]

¹⁷ Available at <http://publications.naturalengland.org.uk/file/4576009739567104>
<https://publications.naturalengland.org.uk/file/6219815593443328> [accessed 18/04/2024]

- 3.14 Supplementary details of the Conservation Objectives can be found in the accompanying Supplementary Advice on Conservation Objectives¹⁸ (SACO) document.

Threats and Pressures to Site Integrity

- 3.15 The Natural England Site Improvement Plan (SIP)¹⁹ and SACO²⁰ identify the following pressures and threats that could potentially link to a development plan:

- Atmospheric pollution (Atmospheric nitrogen deposition)

Salisbury Plain SAC and SPA

Reason For Designation

- 3.16 The site is designated as an SAC²¹ for its:

- 3.17 Annex I habitats:

- *Juniperus communis* formations on heaths or calcareous grasslands. (Juniper on heaths or calcareous grasslands)
- Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco Brometalia*). (Dry grasslands and scrublands on chalk or limestone)

- 3.18 Annex II species:

- Marsh fritillary butterfly *Euphydryas* (*Eurodryas*, *Hypodryas*) *aurinia*

- 3.19 The site is designated as an SPA²² for its Annex I species:

- Hen harrier *Circus cyaneus* (non-breeding)
- Eurasian hobby *Falco subbuteo* (breeding)
- Common quail *Coturnix coturnix* (breeding)
- Stone-curlew *Burhinus oediconemus* (breeding)

Conservation Objectives

- 3.20 Conservation Objectives for the SAC²³:

- 3.21 “With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;

- 3.22 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species
- The structure and function (including typical species) of qualifying natural habitats
- The structure and function of the habitats of qualifying species
- The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site”

¹⁸ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0030048.pdf> [accessed 18/04/2024]

¹⁹ Available at <https://publications.naturalengland.org.uk/publication/6568821745778688> [accessed 18/04/2024]

²⁰ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0030048.pdf> [accessed 18/04/2024]

²¹ Available at <https://publications.naturalengland.org.uk/file/5364389880266752> [accessed 18/04/2024]

²² Available at <https://publications.naturalengland.org.uk/file/5643146310451200> [accessed 18/04/2024]

²³ Available at <https://publications.naturalengland.org.uk/file/5639123222396928> [accessed 18/04/2024]

- 3.23 Supplementary details of the Conservation Objectives can be found in the accompanying Supplementary Advice on Conservation Objectives²⁴ (SACO) document.
- 3.24 Conservation Objectives for the SPA²⁵:
- 3.25 *“With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the ‘Qualifying Features’ listed below), and subject to natural change;*
- 3.26 *Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;*
- *The extent and distribution of the habitats of the qualifying features*
 - *The structure and function of the habitats of the qualifying features*
 - *The supporting processes on which the habitats of the qualifying features rely*
 - *The population of each of the qualifying features, and,*
 - *The distribution of the qualifying features within the site”*
- 3.27 Supplementary details of the Conservation Objectives can be found in the accompanying Supplementary Advice on Conservation Objectives²⁶ (SACO) document.

Threats and Pressure to Site Integrity

- 3.28 The Natural England Site Improvement Plan (SIP)²⁷ and SACO²⁸ identify the following pressures and threats that could potentially link to a development plan:
- 3.29 Atmospheric pollution (atmospheric nitrogen deposition) (SAC only); and,
- 3.30 Recreational pressure (SPA only).

Mells Valley SAC

Reason For Designation²⁹

- 3.31 The site is designated as an SAC for its:
- 3.32 Annex I habitats:
- Caves not open to the public
 - Semi-natural dry grasslands and scrubland facies: on calcareous substrates (*Festuco-Brometalia*). (Dry grasslands and scrublands on chalk or limestone)
- 3.33 Annex II species:
- Greater horseshoe

Conservation Objectives³⁰

- 3.34 *With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;*
- 3.35 *Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;*

²⁴ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012683.pdf> [accessed 18/04/2024]

²⁵ Available at <https://publications.naturalengland.org.uk/file/4637058849308672> [accessed 18/04/2024]

²⁶ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK9011102.pdf> [accessed 18/04/2024]

²⁷ Available at <https://publications.naturalengland.org.uk/file/5230260905836544> [accessed 18/04/2024]

²⁸ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012683.pdf> and <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK9011102.pdf> [accessed 18/04/2024]

²⁹ Available at <https://publications.naturalengland.org.uk/file/6301977415778304> [accessed 18/04/2024]

³⁰ Available at <https://publications.naturalengland.org.uk/file/6245401586040832> [accessed 18/04/2024]

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site.”*

3.36 Supplementary details of the Conservation Objectives can be found in the accompanying Supplementary Advice on Conservation Objectives³¹ (SACO) document.

Threats and Pressure to Site Integrity

3.37 The Natural England Site Improvement Plan (SIP)³² and SACO³³ identify the following pressures and threats that could potentially link to a development plan:

- Recreational pressure (public access/ disturbance)
- Atmospheric pollution (atmospheric nitrogen deposition)
- Loss of Functionally Linked Land

³¹ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012658.pdf> [accessed 18/04/2024]

³² Available at <https://publications.naturalengland.org.uk/publication/4665580590202880> [accessed 18/04/2024]

³³ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012658.pdf> [accessed 18/04/2024]

4. Background to Impact Pathways

- 4.1 In carrying out an HRA it is important to avoid confining oneself to effectively arbitrary boundaries (such as Local Authority or parish boundaries), but to use an understanding of the various ways in which development plans can impact Habitats Sites to evaluate a potential for negative impacts. Briefly defined, impact pathways are routes by which development can lead to negative effects on the qualifying features and, ultimately, the integrity of Habitats Sites. As highlighted earlier, it is also important to bear in mind MHCLG (now DLUHC) guidance which states that the AA should be '*proportionate to the geographical scope of the [plan policy]*' and that '*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*' (CLG, 2006, p.6³⁴, now DLUHC).
- 4.2 It is noted that this HRA is not undertaken in isolation. As previously noted, Norton St Philip Parish is located within the new Unitary Somerset Council (previously Mendip District Council), and as such this HRA will be undertaken with the assumption that any policy provided by the Norton St Philip NP will be in accordance with policies set out in any Mendip District Council's and Unitary Somerset Council's development plan documents.
- 4.3 Based upon Natural England's Site Improvement Plans (SIPs), Supporting Advice on Conservation Objectives (SACO), and professional judgement, the following impact pathways require consideration regarding development proposals within the NP area and the identified Habitats Sites:

Table 4-1. Sensitivity of Habitat Site to Impact Pathways

Habitat Site	Bath and Bradford on Avon Bats SAC	Mendip Woodlands SAC	Salisbury Plain SAC and SPA	Mells Valley SAC
Functionally Linked Land	Sensitive	Not Sensitive	Not Sensitive	Sensitive
Air Pollution	Not Sensitive	Sensitive	Sensitive	Sensitive
Recreational Pressure	Sensitive	Not Sensitive	Sensitive	Sensitive

Background to Functionally Linked Land

- 4.1 While most Habitats Sites are geographically defined to encompass the key features that are necessary for coherence of their structure and function, and the support of their qualifying features, this is not always the case. A diverse array of qualifying species including bats, birds and amphibians are not confined to the boundary of designated sites.
- 4.2 The highly mobile nature of bats implies that areas of habitat of crucial importance to the maintenance of their populations, for example linear features such as hedgerows that are used as flightlines, are located outside the physical limits of Habitats Sites. The same also applies to suitable foraging habitat and loss of seasonal roosts. These can be affected directly by removal, or effectively rendered unsuitable by inappropriate lighting. Despite not being part of the formal designation, these habitats are still integral to the maintenance of the structure and function of the interest feature on the designated site (enabling commuting, foraging and seasonal migration outside of the physical boundary of the Habitats Site) and, therefore, land use plans that may affect such areas should be subject to further assessment.
- 4.3 The following are key evidence sources in relation to functionally linked land at the bat SAC sites:
- Mitigation strategies devised for the Mells Valley SAC, North Somerset and Mendip Bats SAC, and Bath and Bradford on Avon Bats SAC such as that by Mendip District Council, Natural England and Somerset County Council³⁵. The guidance identifies the "Bat Consultation Zone" where horseshoe bats may be found, divided into bands A, B and C, reflecting the likely importance of the habitat for the bats and proximity to maternity and other roosts. Within the Consultation Zone development is likely to be subject to particular requirements, depending on the sensitivity of the site.

³⁴ Department for Communities and Local Government. 2006. *Planning for the Protection of European Sites: Appropriate Assessment*. <http://www.communities.gov.uk/index.asp?id=1502244>

³⁵ Available at https://somersetcc.sharepoint.com/:b/s/SCCPublic/ERbKEy79FdBMgHAvP4j6-eQBowV_axVlIR0JoMbJ55ntOg?e=Qk8OVC [accessed 19/04/2024]

– **Juvenile Sustenance Zones**

The guidance identifies the Juvenile Sustenance Zones of 1 kilometre (km) around the maternity roosts for Greater Horseshoe bats.

New build development on green field sites should be avoided in the Juvenile Sustenance Zones (JSZs) in view of their sensitivity and importance as suitable habitat as foraging areas for young bats, being within 1km of maternity roosts for Greater Horseshoe bats. It is considered that mature woodland within 600 metres (m) of a Lesser Horseshoe bat maternity roost is also sensitive as the habitat is likely to be used by juveniles. New build developments should avoid the loss of such woodland and connecting habitat between the maternity roost and woodland.

– **Need for early consultation**

Within bands A or B of the Consultation Zone, proposals with the potential to affect features important to bats (identified in Section B paragraph 3.2 of the strategy) should be discussed with the local authority and/or Natural England as necessary.

Within band C developers should take advice from their consultant ecologist.

- 4.4 The area of greatest bat activity surrounding a roost is defined as the Core Sustenance Zone (CSZ)³⁶. This term refers to the area surrounding a communal bat roost within which habitat availability and quality will have a significant influence on the resilience and conservation status of the colony using the roost. Horseshoe bat species use commuting corridors along linear landscape features and forage in permanent pasture and woodland. The Bat Conservation Trust identifies a weighted average CSZ of 3km for greater horseshoe bats³⁷ based on weighted averages from four studies. However, confidence in this zone size is described in the guidance as Moderate because the calculation is based on a reasonable sample size from multiple colonies and studies but is rounded down from weighted average. Other radio-tracking research on greater horseshoe bats has shown that they make longer foraging trips foraging from their roost sites than lesser horseshoe bats, up to 9-10km from their roost^{38 39} and other studies⁴⁰ that identify greater horseshoe bats have shown to have a maximum home range of up to 8km from a roost.
- 4.5 Given the somewhat conflicting evidence, on balance an 8km zone would be reasonable to define the area of greatest importance for a greater horseshoe colony, being precautionary (compared to the CSZ approach) but without trying to encapsulate every area that might be visited by greater horseshoe bats associated with a given SAC. The use of such a zone would not mean that greater horseshoe bat habitat more than 8km from the SAC (or from an important satellite roost) did not also need preserving, but more distant habitat could be dealt with as part of the Ecological Impact Assessment process for any planning application since bats are protected species and material considerations in the planning process wherever they are found.
- 4.6 Generally, lesser horseshoe bats forage between 2 and 3km from their roost but they have been observed to range up to 4km in their nightly foraging trips⁴¹. The Bat Conservation Trust identifies a weighted average CSZ of 2km for lesser horseshoe bats. Confidence in this zone size is described in the guidance as good, because the calculation is based on a reasonable sample size from multiple colonies and studies. As a result, 4km is a reasonable precautionary distance. The use of a 4km zone would also identify the area within which positive habitat creation and enhancement should be targeted. The use of such a zone would not mean that lesser horseshoe bat habitat more than 4km from the SAC did not also need preserving, but more distant habitat could be dealt with as part of the Ecological Impact Assessment process for any planning application since bats are protected species and material considerations in the planning process wherever they are found.

³⁶ BCT (2020) Core Sustenance Zones and habitats of importance for designing Biodiversity Net Gain for bats. Bat Conservation Trust, London. <https://www.bats.org.uk/resources/guidance-for-professionals/bat-species-core-sustenance-zones-and-habitats-for-biodiversity-net-gain> [accessed on the 26/04/23]

³⁷ Schofield H.W. 2008. The Lesser Horseshoe Bat Conservation Handbook.

³⁸ Billington G. 2008. Radio-tracking Study of Greater Horseshoe Bats at Dean Hall, Littledean, Cinderford. Natural England Commissioned Report NERR012.

³⁹ Billington G. 2009. Radio Tracking Study of Greater Horseshoe Bats at Dean Hall, Littledean, Cinderford. Natural England Commissioned Report. NECR021.

⁴⁰ Billington, G. 2003. Radio tracking study of Greater Horseshoe bats at Buckfastleigh Caves Site of Special Scientific Interest: English Nature Research Report no. 573. Peterborough: English Nature.

Billington, G. 2001. Radio tracking study of Greater Horseshoe bats at Brockley Hall Stables Site of Special Scientific Interest, May – August 2001. English Nature Research Report No. 442. Peterborough: English Nature

⁴¹ Schofield H.W. 2008. The Lesser Horseshoe Bat Conservation Handbook.

- 4.7 Generally, the identification of an area as functionally linked land is now a relatively straightforward process. However, the importance of non-designated land parcels may not be apparent and could require the analysis of existing data sources to be firmly established. In some instances, data may not be available at all, requiring some further survey work.

Background to Atmospheric Pollution

- 4.8 The main pollutants of concern for Habitats sites are oxides of nitrogen (NO_x), ammonia (NH_3) and sulphur dioxide (SO_2). NO_x can have a directly toxic effect upon vegetation. In addition, greater NO_x or ammonia concentrations within the atmosphere will lead to greater rates of nitrogen deposition to soils. An increase in the deposition of nitrogen from the atmosphere to soils is generally regarded to lead to an increase in soil fertility, which can have a serious deleterious effect on the quality of semi-natural, nitrogen-limited terrestrial habitats.

Table 4-2: Main Sources and Effects of Air Pollutants on Habitats and Species

Pollutant	Source	Effects on habitats and species
Acid deposition	SO_2 , NO_x and ammonia all contribute to acid deposition. Although future trends in S emissions and subsequent deposition to terrestrial and aquatic ecosystems will continue to decline, it is likely that increased nitrogen emissions may cancel out any gains produced by reduced sulphur levels.	Can affect habitats and species through both wet (acid rain) and dry deposition. Some sites will be more at risk than others depending on soil type, bed rock geology, weathering rate and buffering capacity.
Ammonia (NH_3)	Ammonia is released following decomposition and volatilisation of animal wastes. It is a naturally occurring trace gas, but levels have increased considerably with expansion in numbers of agricultural livestock. Ammonia reacts with acid pollutants such as the products of SO_2 and NO_x emissions to produce fine ammonium (NH_4^+) containing aerosol which may be transferred much longer distances (can therefore be a significant trans-boundary issue.)	Adverse effects are direct toxicity and as a result of nitrogen deposition leading to eutrophication. As emissions mostly occur at ground level in the rural environment and NH_3 is rapidly deposited, some of the most acute problems of NH_3 deposition are for small relict nature reserves located in intensive agricultural landscapes.
Nitrogen oxides NO_x	Nitrogen oxides are mostly produced in combustion processes. About one quarter of the UK's emissions are from power stations.	Deposition of nitrogen compounds (nitrates (NO_3), nitrogen dioxide (NO_2) and nitric acid (HNO_3)) can lead to both soil and freshwater acidification. In addition, NO_x can cause eutrophication of soils and water. This alters the species composition of plant communities and can eliminate sensitive species.
Nitrogen deposition	(N) The pollutants that contribute to nitrogen deposition derive mainly from NO_x and NH_3 emissions. These pollutants cause acidification (see also acid deposition) as well as eutrophication.	Species-rich plant communities with relatively high proportions of slow-growing perennial species and bryophytes are most at risk from N eutrophication, due to its promotion of competitive and invasive species which can respond readily to elevated levels of N. N deposition can also increase the risk of damage from abiotic factors, e.g., drought and frost.
Ozone (O_3)	A secondary pollutant generated by photochemical reactions from NO_x and volatile organic compounds (VOCs). These are mainly released by the combustion of fossil fuels. The increase in combustion of fossil fuels in the UK has led to a large increase in background ozone concentration, leading to an increased number of days when levels across the region are above 40ppb. Reducing ozone pollution is believed to require action at international	Concentrations of O_3 above 40 ppb can be toxic to humans and wildlife and can affect buildings. Increased ozone concentrations may lead to a reduction in growth of agricultural crops, decreased forest production and altered species composition in semi-natural plant communities.

level to reduce levels of the precursors that form ozone.

Sulphur Dioxide SO ₂	<p>Main sources of SO₂ emissions are electricity generation, industry and domestic fuel combustion. May also arise from shipping and increased atmospheric concentrations in busy ports. Total SO₂ emissions have decreased substantially in the UK since the 1980s.</p> <p>Wet and dry deposition of SO₂ acidifies soils and freshwater and alters the species composition of plant and associated animal communities. The significance of impacts depends on levels of deposition and the buffering capacity of soils.</p>
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- 4.9 Sulphur dioxide emissions are overwhelmingly influenced by the output of power stations and industrial processes that require the combustion of coal and oil. Ammonia emissions are dominated by agriculture, with some chemical processes also making notable contributions. As such, it is unlikely that material increases in SO₂ or NH₃ emissions will be associated with Local Plans. NO_x emissions, however, are dominated by the output of vehicle exhausts. Within a 'typical' housing development, by far the largest contribution to NO_x (92%) will be made by the associated road traffic. Other sources, although relevant, are of minor importance (8%) in comparison⁴². Emissions of NO_x could therefore be reasonably expected to increase as a result of greater vehicle use as an indirect effect of the Local Plan.
- 4.10 According to the World Health Organisation, the critical NO_x concentration (critical threshold) for the protection of vegetation is 30 µgm⁻³; the threshold for sulphur dioxide is 20 µgm⁻³. In addition, ecological studies have determined 'Critical Loads'⁴³ of atmospheric nitrogen deposition (that is, NO_x combined with ammonia NH₃) for key habitats within Habitats sites.
- 4.11 According to the Department of Transport's Transport Analysis Guidance, "Beyond 200 m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant"⁴⁴.

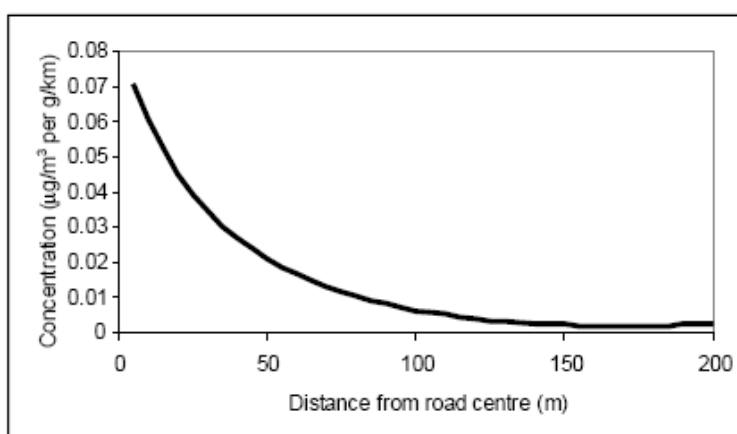


Plate 2. Traffic contribution to concentrations of pollutants at different distances from a road (Source: DfT)

- 4.12 This is therefore the distance that is used throughout the HRA process in order to determine whether a Habitats site is likely to be significantly affected by development under a Plan.

Background to Recreational Pressure

- 4.13 Recreational use of a Habitats site has the potential to:

- Cause disturbance to sensitive species, such as bats and birds (both nesting and wintering) ;
- Cause damage through erosion and fragmentation;
- Cause eutrophication as a result of dog fouling; and

⁴² Proportions calculated based upon data presented in Dore CJ et al. 2005. UK Emissions of Air Pollutants 1970 – 2003. UK National Atmospheric Emissions Inventory. <http://www.airquality.co.uk/archive/index.php>

⁴³ The Critical Load is the rate of deposition beyond which research indicates that adverse effects can reasonably be expected to occur

⁴⁴ www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf

- Prevent appropriate management or exacerbate existing management difficulties.
- 4.14 Different types of Habitats Sites are subject to different types of recreational pressures and have different vulnerabilities. Studies across a range of species have shown that the effects from recreation can be complex.
- 4.15 It should be emphasised that recreational use is not inevitably a problem. Many Habitats sites also contain nature reserves managed for conservation and public appreciation of nature.
- 4.16 HRAs of Plans tend to focus on recreational disturbance as a result of new residents⁴⁵.

Activities Causing Disturbance to Birds

- 4.17 Disturbing activities are on a continuum. The most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. The presence of people and dogs generate a substantial disturbance effect because of the areas accessed and the impact of a potential predator on bird behaviour. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.
- 4.18 The factors that influence a species response to a disturbance are numerous, but the three key factors are species sensitivity, proximity of disturbance sources and timing/duration of the potentially disturbing activity.
- 4.19 The distance at which a species takes flight when approached by a disturbing stimulus is known as the 'tolerance distance' (also called the 'escape flight distance') and differs between species to the same stimulus and within a species to different stimuli.
- 4.20 The potential for apparent disturbance may be less in winter than in summer, in that there are often a smaller number of recreational users. In addition, the consequences of disturbance at a population level may be reduced because birds are not breeding. However, activity outside of the summer months can still cause important disturbance, especially as birds are particularly vulnerable at this time of year due to food shortages. Disturbance which results in abandonment of suitable feeding areas can have severe consequences for those birds involved and their ability to find alternative feeding areas. Several empirical studies have, through correlative analysis, demonstrated that out-of-season (October-March) recreational activity can result in quantifiable disturbance:
- Tuite et al⁴⁶ found that during periods of high recreational activity, bird numbers at Llangorse Lake decreased by 30% as the morning progressed, matching the increase in recreational activity towards midday. During periods of low recreational activity, however, no change in numbers was observed as the morning progressed. In addition, all species were found to spend less time in their 'preferred zones' (the areas of the lake used most in the absence of recreational activity) as recreational intensity increased;
 - Underhill et al⁴⁷ counted waterfowl and all disturbance events on 54 water bodies within the South West London Water Bodies Special Protection Area and clearly correlated disturbance with a decrease in bird numbers at weekends in smaller sites and with the movement of birds within larger sites from disturbed to less disturbed areas.
- 4.21 Human activity can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas etc.) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between

⁴⁵ The RTP1 report 'Planning for an Ageing Population' (2004) which states that 'From being a marginalised group in society, the elderly are now a force to be reckoned with and increasingly seen as a market to be wooed by the leisure and tourist industries. There are more of them and generally they have more time and more money.' It also states that 'Participation in most physical activities shows a significant decline after the age of 50. The exceptions to this are walking, golf, bowls and sailing, where participation rates hold up well into the 70s'.

⁴⁶ Tuite, C. H., Owen, M. & Paynter, D. 1983. Interaction between wildfowl and recreation at Llangorse Lake and Talybont Reservoir, South Wales. *Wildfowl* 34: 48-63

⁴⁷ Underhill, M.C. et al. 1993. Use of Waterbodies in South West London by Waterfowl. An Investigation of the Factors Affecting Distribution, Abundance and Community Structure. Report to Thames Water Utilities Ltd. and English Nature. Wetlands Advisory Service, Slimbridge

immigration/birth and emigration/death⁴⁸. The impact of disturbance on birds changes during the seasons in relation to a number of very specific factors, for example the winter below freezing temperature, the birds fat resource levels and the need to remain watchful for predators rather than feeding. These considerations lead to birds apparently showing different behavioural responses at different times of the year.

- 4.22 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e., 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage, they also found that the density generally was lower along busier roads than quieter roads⁴⁹.

Activities Causing Disturbance to Bats

- 4.23 Anti-social activities related to recreational pressure are relevant for the Bath & Bradford on Avon Bats SAC and Mells Valley SAC. The qualifying bat species are sensitive to illegal recreation pressures (e.g. one-off events such as: fire juggling near to the maternity colony; use of aerosol spray paints underground; use of fuel of any type underground, and bonfires at the mine entrances). The Site Improvement Plan⁵⁰ for the Bath and Bradford on Avon Bats SAC notes that it is very difficult to close the sites to public access rights. However, the sites are managed in such a way that visitor disturbance does not present a significant pressure unless the volume and frequency of visitors were to increase. The disturbance of grazing animals caused by recreational activity (particularly dog walking) was also highlighted as potentially impacting on the availability of greater horseshoe bat foraging habitats, due to this species' reliance on the insects that rely on grasslands and animal dung. However, Natural England commented to LUC when undertaking their recreational pressure study for Combined Authority following the withdrawal of the JSP have confirmed that there is little evidence of this being a significant issue for the qualifying features of the SAC. Therefore, it was advised that consideration of recreational pressure within this report should focus only on direct impacts to the bat roosts. The SACO⁵¹ for the Mells Valley SAC identifies that the Old Ironstone Works portion of the SAC once supported an outstanding breeding colony and a hibernation site of the greater horseshoe bat. The maternity roost was damaged by a fire and bats have since moved to a nearby location outside of the SAC.

Mechanical/Abrasive Damage and Nutrient Enrichment

- 4.24 Most types of aquatic or terrestrial Habitat site can be affected by trampling, which in turn causes soil compaction and erosion:
- Wilson & Seney (1994)⁵² examined the degree of track erosion caused by hikers, motorcycles, horses and cyclists from 108 plots along tracks in the Gallatin National Forest, Montana. Although the results proved difficult to interpret, it was concluded that horses and hikers disturbed more sediment on wet tracks, and therefore caused more erosion, than motorcycles and bicycles.
 - Cole et al (1995a, b)⁵³ conducted experimental off-track trampling in 18 closed forest, dwarf scrub and meadow & grassland communities (each tramped between 0 – 500 times) over five mountain regions in the US. Vegetation cover was assessed two weeks and one year after trampling, and an inverse relationship with trampling intensity was discovered, although this relationship was weaker after one year than two weeks indicating some recovery of the vegetation. Differences in plant morphological characteristics were found to explain more variation in response between different vegetation types than soil and topographic factors. Low-growing, mat-forming grasses regained their cover best after two weeks and were considered most resistant to trampling, while tall forbs (non-woody vascular plants other than grasses, sedges, rushes and ferns) were

⁴⁸ Riley, J. 2003. Review of Recreational Disturbance Research on Selected Wildlife in Scotland. Scottish Natural Heritage.

⁴⁹ Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32: 187-202

⁵⁰ Available at <https://publications.naturalengland.org.uk/publication/4564119772463104> [accessed 26/04/2024]

⁵¹ Available at [UK0012658 Mells Valley SAC Published 28 Mar 2024 \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/4564119772463104) [accessed 26/04/2024]

⁵² Wilson, J.P. & J.P. Seney. 1994. Erosional impact of hikers, horses, motorcycles and off road bicycles on mountain trails in Montana. *Mountain Research and Development* 14:77-88

⁵³ Cole, D.N. 1995a. Experimental trampling of vegetation. I. Relationship between trampling intensity and vegetation response. *Journal of Applied Ecology* 32: 203-214

Cole, D.N. 1995b. Experimental trampling of vegetation. II. Predictors of resistance and resilience. *Journal of Applied Ecology* 32: 215-224

considered least resistant. Cover of hemicryptophytes and geophytes (plants with buds below the soil surface) was heavily reduced after two weeks but had recovered well after one year and as such these were considered most resilient to trampling. Chamaephytes (plants with buds above the soil surface) were least resilient to trampling. It was concluded that these would be the least tolerant of a regular cycle of disturbance.

- Cole (1995c)⁵⁴ conducted a follow-up study (in 4 vegetation types) in which shoe type (trainers or walking boots) and trampler weight were varied. Although immediate damage was greater with walking boots, there was no significant difference after one year. Heavier trampers caused a greater reduction in vegetation height than lighter trampers, but there was no difference in effect on cover.
- Cole & Spildie (1998)⁵⁵ experimentally compared the effects of off-track trampling by hiker and horse (at two intensities – 25 and 150 passes) in two woodland vegetation types (one with an erect forb understorey and one with a low shrub understorey). Horse traffic was found to cause the largest reduction in vegetation cover. The forb-dominated vegetation suffered greatest disturbance but recovered rapidly. Higher trampling intensities caused more disturbance.

- 4.25 Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also cause greater disturbance to fauna as dogs are less likely to keep to marked footpaths and also tend to move in a more erratic manner. Sites being managed by nature conservation bodies and local authorities frequently resort to hardening eroded paths to restrict erosion but at the same time they are losing the habitats formerly used by sand lizards and burrowing invertebrates. Motorcycle scrambling and off-road vehicle use can cause more serious erosion, as well as disturbance to sensitive species. Boats can also cause some mechanical damage to intertidal habitats through grounding as well as anchor and anchor line damage.

⁵⁴ Cole, D.N. 1995c. Recreational trampling experiments: effects of trampler weight and shoe type. Research Note INT-RN-425. U.S. Forest Service, Intermountain Research Station, Utah.

⁵⁵ Cole, D.N., Spildie, D.R. 1998. Hiker, horse and llama trampling effects on native vegetation in Montana, USA. *Journal of Environmental Management* 53: 61-71

5. Test of Likely Significant Effects

Introduction

- 5.1 When seeking to identify relevant Habitats Sites, consideration has been given primarily to identified impact pathways and the source-pathway-receptor approach, rather than adopting purely a 'zones'-based approach. The source-pathway-receptor approach is a standard tool in environmental assessment. For an effect to occur, all three elements of this mechanism must be in place, whereas the absence of one or more of the elements means there is no potential for an effect. Furthermore, even where an impact may occur, it may not result in significant effects (i.e., those which undermine the Conservation Objectives of a Habitat Site).
- 5.2 The likely zone of impact (also referred to as Zone of Influence, Zol) of a plan or project is the geographic extent over which significant ecological effects are likely to occur. The Zol of a plan or project will vary depending on the specifics of a particular proposal and must be determined on a case-by-case basis with reference to a variety of criteria, including:
- the nature, size / scale and location of the plan;
 - the connectivity between the plan and Habitats Sites, for example through hydrological connections or because of the natural movement of qualifying species;
 - the sensitivity of ecological features under consideration; and,
 - the potential for in-combination effects.

Alone Assessment

- 5.3 Due to the small size of the parish and the fact only a single allocation for 15 dwellings is provided, the Neighbourhood Plan in isolation is unlikely to result in a significant effect on any Habitats Site's or qualifying features alone, as the resulting recreational pressure, air quality or impacts on functionally linked habitat would be too small by themselves to affect the ability of any Habitats sites to achieve their conservation objectives. Therefore, all assessments undertaken within the remainder of this HRA are 'in combination' with other projects and plans.

Bath and Bradford on Avon Bats SAC

Functionally Linked Land

- 5.4 Bath and Bradford on Avon Bats SAC is designated for its hibernating greater horseshoe bats, Bechstein's bats and lesser horseshoe bats. The SACO⁵⁶ identifies that the bats frequently commute between the fragmented components of the SAC and to surrounding supporting habitats such as broadleaved woodlands and species rich calcareous grassland. The SACO also identifies evidence that greater horseshoe bats commute up to 40km from the SAC (the NP area is around 2.2km from the SAC). The SACO states that *"Successful breeding, hibernation, swarming and dispersal are all critical in sustaining the bat populations; these rely on an interconnected landscape for ease of movement, and linked sites for mixing of genepools. Features of significance within the wider landscape are watercourses, woodland, grazed pasture, parkland, hay meadows, hedgerows, linear trees, scrub and individual feature trees"*. This highlights the need for the maintenance and restoration of the structure and the function of the habitats that support the qualifying features (Conservation Objective) to enable the SAC bats to be able to move through the landscape between their roosts and their foraging areas in order to maintain 'Favourable Conservation Status'. The zones around the SACs are specifically intended to capture protection of important features outside the

⁵⁶ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012584.pdf>
<https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0030331.pdf> [accessed 19/04/2024]

SAC boundaries including commuting routes, foraging areas and ancillary roost sites. All of these can be deemed functionally-linked land.

- 5.5 To ensure that no adverse effects on the integrity of Bat SACs within the Mendip District Council (within which the Parish is located) area result, a guidance document compiled and agreed by Natural England, Mendip District Council, and Somerset County Council was published⁵⁷. The guidance identifies evidence based 'Consultation Zones', within which a developer is required to be subject to particular requirements depending on the supporting bat features that are located within and surrounding the proposed development site. Much of the parish of Norton St Philip (including part of the village itself) is located within the Bath and Bradford on Avon Bats SAC Greater Horseshoe Bat Consultation Zone B, with the remaining part of the Parish located within Bath and Bradford on Avon Bats SAC Greater Horseshoe Bat Consultation Zone C. The site allocation Policy 4: Housing Site Allocation, Bell Hill Garage is located within the Bath and Bradford on Avon Bats SAC Greater Horseshoe Bat Consultation Zone B. **This policy has the potential to result in a likely significant effect on the Bath and Bradford on Avon Bat SAC in combination with other projects and plans, and as such is subject to Appropriate Assessment in Chapter 6.**

Recreational Pressure

- 5.6 Bath and Bradford on Avon Bat SAC is sensitive to recreational pressure. The SIP⁵⁸ identifies that the SAC sites are managed in such a way that continuous long term recreational pressure does not represent a threat/ pressure to the SAC. However, the threat to the site comes from illegal one-off events such as: fire juggling near to the maternity colony; use of aerosol spray paints underground; use of fuel of any type underground, and bonfires at the mine entrances.
- 5.7 NP Policy 4: Housing Site Allocation, Bell Hill Garage (for 15 new dwellings) is located circa 5.2km from the Winsley Mines component of the SAC. It is unlikely that the increased population stemming from the 15 new dwellings within the NP would significantly increase the one-off illegal events near to or within the SAC at Winsley Mines SSSI. **It can be concluded that no likely significant effects will result, either alone or in combination. As such, this impact pathway is not discussed further within this HRA.**

Mendips Woodlands SAC

Atmospheric Pollution

- 5.8 Mendips Woodlands is located circa 10.5km from the NP area. The SIP⁵⁹ identifies that the mixed woodland on base-rich soils associated with rocky slopes for which the site is designated is in exceedance of the site relevant critical loads for nitrogen deposition. Impacts of exceedance could result in changes to ground vegetation. It is also noted that at present there are no noticeable effects on the site the SSSI component (Asham Wood SSSI). Asham Wood SSSI is currently in Unfavourable- recovering condition⁶⁰. The SAC is not located within 200m of any main commuter routes to / from Norton St Philip. Due to this, because of the distances involved, and the small quantum of housing to be provided, it is unlikely that the 15 net new dwellings proposed by the NP will result in a likely significant effect on the SAC, and it is not considered to be a realistic linking impact pathway. **It can be concluded that no likely significant effects will result, either alone or in combination. As such, this impact pathway is not discussed further within this HRA**

Salisbury Plain SAC and SPA

Atmospheric Pollution

- 5.9 Salisbury Plain Habitats site is located 10.5 km from the NP area. As detailed in **Table 4-1 Chapter 4**, the only potentially linking impact pathway to the Salisbury Plain Habitats Sites is atmospheric pollution. The SIP⁶¹ identifies that the juniper on heaths or calcareous grasslands, marsh fritillary butterfly features are potentially sensitive to increased atmospheric nitrogen deposition. The SPA is not noted to be sensitive to

⁵⁷ Available at https://somersecc.sharepoint.com/:b/s/SCCPublic/ERbKEy79FdBMgHAvP4j6-eQBowV_axVlIR0JoMbJ55ntOg?e=Qk8OVC [accessed 19/04/2024]

⁵⁸ Available at <https://publications.naturalengland.org.uk/file/5753272461688832> [accessed 19/04/2024]

⁵⁹ Available at <https://publications.naturalengland.org.uk/publication/6568821745778688> [accessed 19/04/2024]

⁶⁰ Available at [Designated Sites View \(naturalengland.org.uk\)](https://designatedsites.view.naturalengland.org.uk) [accessed 19/04/2024]

⁶¹ Available at <https://publications.naturalengland.org.uk/file/5230260905836544> [accessed 19/04/2024]

changes in atmospheric nitrogen deposition and as such the SPA is not discussed further regarding this impact pathway. The SIP identifies that within the SAC nitrogen deposition exceeds the critical load for the juniper plant communities. This has the potential to alter the community over time, with a shift towards a coarse grassland dominated landscape and a decline in lichens, changes to plant chemistry and an increased sensitivity to abiotic stress. Nitrogen deposition also exceeds the critical load for the supporting habitat of the marsh fritillary butterfly. The SACO⁶² identifies that the marsh fritillary butterfly's larval food plant is devil's-bit scabious (*Succisa pratensis*). It is essentially a grassland butterfly, with colonies predominantly occurring in damp acidic or dry calcareous grasslands. The grassland habitat upon which the marsh fritillary butterfly depends is sensitive to changes in air quality and elevated levels of atmospheric nitrogen deposition. Exceedance of these critical values can modify the chemical status of its substrate, accelerating or damaging plant growth, altering the vegetation structure and composition and causing the loss of sensitive typical species associated with it.

- 5.10 The Wiltshire Local Plan (Regulation 19) HRA⁶³ (Salisbury Plain is located within the county of Wiltshire) identified that increased traffic could lead to likely significant effects through an increase in atmospheric pollution and nitrogen deposition upon a range of European sites within 200m of major commuter roads. Associated traffic modelling and the resulting Air Quality Assessment concluded that effects stemming from the Wiltshire Local Plan were shown to be not significant alone or in combination. As such, with this conclusion combined with the distances involved (i.e. that the parish is located more than 10km from the SAC), and the small quantum of development provided by the NP, **it can be concluded that no adverse effect on the integrity of the SAC will result alone or in combination.**

Recreational Pressure

- 5.11 The SACO for Salisbury Plain SPA⁶⁴ identified that bird features (stone curlew) are sensitive to disturbances, stemming from recreational pressure. To ensure that the no likely significant effects to the SPA occur from increased recreational pressure stemming from new residential development, Wiltshire Council (in consultation with Natural England) published an 'HRA and Mitigation Strategy for Salisbury Plain' (in relation to recreational pressure from residential development). The strategy was updated in 2018⁶⁵. This strategy details a visitor catchment zone of 6.4km. Within this core visitor catchment zone, any net new development is subject to Community Infrastructure Levy (CIL) charges per net new development. This funds monitoring (both stone curlew monitoring and visitor monitoring) and appropriate management to inform adaptive land management both within and around the SPA. However, due to the distances involved (the Parish is located 10.5km from the SPA), recreational impacts are not considered to be a realistic linking impact pathway, **no likely significant effects will result. This impact pathway is not discussed further within this HRA.**

Mells Valley SAC

Atmospheric Pollution

- 5.12 Mells Valley SAC is located circa 11km from the NP area. The SIP⁶⁶ and SACO⁶⁷ identify that the semi-natural dry grasslands and scrubland for which the site is designated is in exceedance of the site relevant critical loads for nitrogen deposition. Impacts of exceedance could modify the chemical status of the substrate, damaging plant growth and altering plant communities present. The SAC is not located within 200m of any main commuter routes to / from Norton St Philip. Due to this and because of the large distances involved, and the small quantum of housing to be provided, it is unlikely that the 15 net new dwellings proposed by the NP will result in a likely significant effect on the SAC, and it is not considered to be a realistic linking impact pathway. **It can be concluded that no likely significant effects will result, either alone or in combination. As such, this impact pathway is not discussed further within this HRA.**

⁶² Available at [UK0012683 Salisbury Plain SAC Published 28 Mar 2024 \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/6568821745778688) [accessed 19/04/2024]

⁶³ Available at https://www.wiltshire.gov.uk/media/11984/wlpr19-habitats-regulation-assessment-appropriate-assessment-sept-2023/pdf/wlpr19_habitats_regulation_assessment_appropriate_assessment_sept_2023.pdf?m=1695734045237 [accessed 23/04/2024]

⁶⁴ Available at <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK9011102.pdf> [accessed 26/04/2024]

⁶⁵ Available at [Evidence Base for Developer Contributions to Deliver Mitigation Measures for Development around Salisbury Plain SPA \(wiltshire.gov.uk\)](https://publications.naturalengland.org.uk/publication/6568821745778688) [accessed 26/04/2024]

⁶⁶ Available at <https://publications.naturalengland.org.uk/publication/6568821745778688> [accessed 19/04/2024]

⁶⁷ Available at [UK0012658 Mells Valley SAC Published 28 Mar 2024 \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/6568821745778688) [accessed 23/04/2024]

Recreational Pressure

- 5.13 As previously detailed, Mells Valley SAC (the closest land parcel being St Dunstan's Well Catchment SSSI) is located circa 11km from the parish boundary. Mells Valley SAC is sensitive to recreational pressure. The SIP⁶⁸ identifies that the Old Ironstone Work Mell is frequently accessed by the public and subject to disturbance of the hibernaculum. The SACO⁶⁹ identifies that the site was previously an exceptional breeding colony (approximately 12% of the UK population) for greater horseshoe bats, however the maternity feature was damaged by fire and the bats moved elsewhere to breed. The site remains an important hibernation roost for greater horseshoe bats. A Target within the SACO is to "*control and minimise unauthorised public access to roost sites*". This Target was updated in 2019, and it is expected that since this time, the action to secure the caves has been implemented.
- 5.14 NP Policy 4: Housing Site Allocation, Bell Hill Garage (for 15 new dwellings) is located more than 11km from the SAC. It is unlikely that the increased population stemming from the 15 new dwellings within the NP would significantly increase recreational activities within the SAC. **It can be concluded that no likely significant effects will result, either alone or in combination. As such, this impact pathway is not discussed further within this HRA.**

Functionally Linked Land

- 5.15 Mells Valley SAC is designated for its maternity roost of greater horseshoe bats. The SACO⁷⁰ identifies the bats frequently use the surrounding supporting habitats. It identifies that non-breeding greater horseshoe adults can forage up to 4km from roost sites. For breeding females and juveniles, the distance tends to be half this i.e. 2km. Greater horseshoe bats will commute and forage along linear features, over grazed pasture and in woodland. Permanent pasture and ancient woodland linked with an abundance of tall bushy hedgerows is ideal supporting habitat for this species. The bats will also utilise habitats beyond these core zones to disperse and commute between supporting sites. This highlights the need for the maintenance and restoration of the structure and the function of the habitats that support the qualifying features (Conservation Objective) to enable the SAC bats to be able to move through the landscape between their roosts and their foraging areas.
- 5.16 As previously detailed with regards to the Bath and Bradford on Avon Bats SAC, to ensure that no adverse effects on the integrity of Bat SACs within the Mendip District Council area result, a guidance document compiled and agreed by Natural England, Mendip District Council, and Somerset County Council was published⁷¹. The guidance identifies evidence based 'Consultation Zones', within which a developer is required to be subject to particular requirements depending on the supporting bat features that are located within and surrounding the proposed development site. Much of the parish of Norton St Philip (including part of the village itself) is located within Mells Valley SAC Greater Horseshoe Bat Consultation Zone C. The site allocation Policy 4: Housing Site Allocation, Bell Hill Garage is located within the Mells Valley SAC Greater Horseshoe Bat Consultation Zone C. **This policy has the potential to result in a likely significant effect on the Mells Valley SAC in combination with other projects and plans, and as such is subject to Appropriate Assessment in Chapter 6.**

Conclusion of the Test of Likely Significant Effects

- 5.17 The Test of LSE undertaken in **Appendix B**, highlights that a single Norton St Philip NP policy provides for development (Policy 4 Housing Site Allocation, Bell Hill Garage – provides for 15 net new dwellings) which has the potential to result in likely significant effects in combination with other plans and/ or projects. The remaining NP policies provide development management policies and do not provide any linking impact pathways to Habitats Sites, either alone or in combination.
- 5.18 Potential linking impact pathways linked to residential development are:
- Functionally linked land – including severance of flightlines (either through vegetation removal and/ or unsuitable lighting), loss of suitable foraging habitat and seasonal roosts;

⁶⁸ Available at <https://publications.naturalengland.org.uk/file/4896385117716480> [accessed 23/04/2024]

⁶⁹ Available at [UK0012658 Mells Valley SAC Published 28 Mar 2024 \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/5117716480) [accessed 23/04/2024]

⁷⁰ Available at [UK0012658 Mells Valley SAC Published 28 Mar 2024 \(naturalengland.org.uk\)](https://publications.naturalengland.org.uk/publication/5117716480)
<https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0030331.pdf> [accessed 23/04/2024]

⁷¹ Available at https://somersetcc.sharepoint.com/:b:/s/SCCPublic/ERbKEy79FdBMgHAvP4j6-eQBowV_axVlIR0JoMbJ55ntOg?e=Qk8OVC [accessed 19/04/2024]

- Atmospheric pollution; and,
- Recreational pressure.

5.19 Following the Test of Likely Significant Effects, Appropriate Assessment is required of functionally linked land in relation to the Bath and Bradford on Avon Bat SAC and the Mells Valley SAC. This is undertaken in **Chapter 6**.

6. Appropriate Assessment

Bat SACs (Bath and Bradford on Avon SAC, and Mells Valley SAC)

Functionally Linked Land

- 6.1 As detailed within the Test of Likely Significant Effects chapter (**Chapter 5**), NP Policy 4: Housing Site Allocation, Bell Hill Garage is located within the Bath and Bradford on Avon Bats SAC Greater Horseshoe Bat Consultation Zone B and the Mells Valley SAC Greater Horseshoe Bat Consultation Zone C. This NP policy has the potential to result in a likely significant effect on these bat SACs in combination with other projects and plans, and as such is now subject to Appropriate Assessment.
- 6.2 The Site Improvement Plan (SIP011)⁷² for Bath and Bradford on Avon SAC states *“The surrounding landscape provides feeding and commuting opportunities between the component SSSIs, other SAC sites and other undesignated roosts which is vital in supporting the bats throughout their life cycle. Features of significance within the wider landscape are watercourses, woodland, grazed pasture, hay meadows, hedgerows, linear trees and scrub.”* It then goes on to specify *“Planning permission: general”* as a pressure/ threat to site integrity and recommends the production of advice and guidance to inform strategic planning and enable developers to take full account of the SAC at the outset.
- 6.3 To support development within the Mendip region, the Council (in conjunction with Natural England) published guidance on development in relation to the Bath and Bradford on Avon Bat SAC⁷³ to ensure that development in combination would not result in adverse effects on the integrity of the SAC and its bat features, as they use habitats outside of the SACs to maintain the populations.
- 6.4 The overarching adopted Mendip District Local Plan Part 1 Policy DP6: Bat Protection states that *“Planning Applications for development on sites within the Bat Consultation Zone will require a ‘test of significance’ under the Habitats Regulations to be carried out. Applicants must provide, with their application, all necessary information to enable compliance with the Habitats Regulations (or their successor), including any necessary survey work, reports and avoidance / mitigation measures.”*
- 6.5 Although the Site Improvement Plan (SIP135)⁷⁴ for Mells Valley SAC does not specifically mention planning permission as a pressure/ threat to site integrity, the Supplementary advice on conserving and restoring site features for Mells Valley Special Area of Conservation (SAC)⁷⁵ specifies the need to *“Maintain the presence, structure and quality of any linear landscape features which function as flightlines. Flightlines should remain unlit, functioning as dark corridors.”* It also recognises the need for supporting offsite foraging habitat and states *“Maintain any core areas of feeding habitat outside of the SAC boundary that are critical to greater horseshoe bats during their breeding and hibernation periods.”*
- 6.6 Consultation with Natural England regarding this NP identified that the housing allocation NP Policy 4: Housing Site Allocation, Bell Hill Garage appears to include suitable habitats, such as vegetated boundaries, to support SAC bat species. These could be impacted through physical removal, or introduction of artificial lighting as a result of residential development on this site resulting in disturbance of foraging and commuting bats and thus affecting the targets in the Supplementary Advice on Conservation Objectives and the specific objectives regarding maintaining or restoring ‘The extent and distribution of qualifying natural habitats and habitats of qualifying species’ and ‘the populations of qualifying species’.
- 6.7 Furthermore, in the absence of surveys it cannot be ruled out that buildings on site support roosts of SAC bat species. Bat surveys conducted in 2021 for a previous application on the allocated site (2021/2928/FUL) recorded low numbers of both species of horseshoe bat (qualifying features of the Mells Valley SAC and the Bath and Bradford on Avon Bats SAC) using the site, predominantly the green linear features along the

⁷² Available at: <https://publications.naturalengland.org.uk/publication/4564119772463104> [accessed 26/06/2024]

⁷³ Available at [SCC - Public - Technical Guidance Mendip District SAC Bats v2.1.pdf \(sharepoint.com\)](https://publications.naturalengland.org.uk/publication/4665580590202880) [accessed 19/04/2024]

⁷⁴ Available at: <https://publications.naturalengland.org.uk/publication/4665580590202880> [accessed 26/06/2024]

⁷⁵ Available at: <https://designatedsites.naturalengland.org.uk/TerrestrialAdvicePDFs/UK0012658.pdf> [accessed 26/06/2024]

western site boundary and line of trees⁷⁶ i.e., for foraging and commuting. No roosts were detected. Therefore, planners and prospective developers need to be aware that the habitats and features which support the populations of foraging and commuting SAC bats outside the designated site are a material consideration in ensuring the integrity of the designated site⁷⁷. This may need updated survey for any planning application and will need identification of specific mitigation measures and consideration of matters such as ability to retain key features and careful lighting design. Along with lux plans and landscape plans these are details that are relevant to a specific planning application for the site. For a Neighbourhood Plan policy, what is necessary to conclude no adverse effect on integrity is for a sufficient policy framework to exist to require the necessary analyses and measures to protect the Habitats sites.

- 6.8 All development within the consultation zones around Mells Valley SAC and Bath and Bradford on Avon Bats SAC could act 'in combination' with the allocation in the Norton St Philip Neighbourhood Plan, and with each other, if they resulted in the loss of habitat or effective loss through inappropriate lighting. This would therefore involve in combination effects arising from growth within the zone throughout Somerset, Bath & North East Somerset, and Wiltshire and The purpose of the consultation zones is to capture such 'in combination' effects.
- 6.9 With this in mind, the Norton St Philip NP is in accordance with the overarching Mendip Local Plan policy, in that any new development that is located within any Bat Consultation Zones will be subject to appropriate avoidance measures set out in the Mendip District Council, Mells Valley SAC, North Somerset and Mendip Bats SAC and the Bath and Bradford on Avon Bats SAC Guidance on Development⁷⁸ prior to any planning permission being approved. It can therefore be concluded that no adverse effects on the integrity of this bat SAC will result, either alone or in combination.

Recommendation

- 6.10 However, for robustness, it is recommended that supporting text is included within NP Policy 4: Housing Site Allocation, Bell Hill Garage, or elsewhere within the Neighbourhood Plan that refers to the location of the allocation and the Parish in relation to the Bath and Bradford on Avon Bats SAC Greater Horseshoe Bat Consultation Zone B and C and the Mells Valley SAC Greater Horseshoe Bat Consultation Zone C and thus the requirement for development to accord with the Mendip District Council Bath and Bradford on Avon Bats SAC Guidance for Developers⁷⁹.

⁷⁶ Available at https://publicaccess.mendip.gov.uk/onlineapplications/files/7B47B7033EFAE852163390DDE11D877B/pdf/2021_2928_FUL-ECOLOGICAL_IMPACT_PLAN-1253042.pdf

⁷⁷ Available at [SCC - Public - Technical Guidance Mendip District SAC Bats v2.1.pdf \(sharepoint.com\)](#) [accessed 24/04/2024]

⁷⁸ Available at [SCC - Public - Technical Guidance Mendip District SAC Bats v2.1.pdf \(sharepoint.com\)](#) [accessed 24/04/2024]

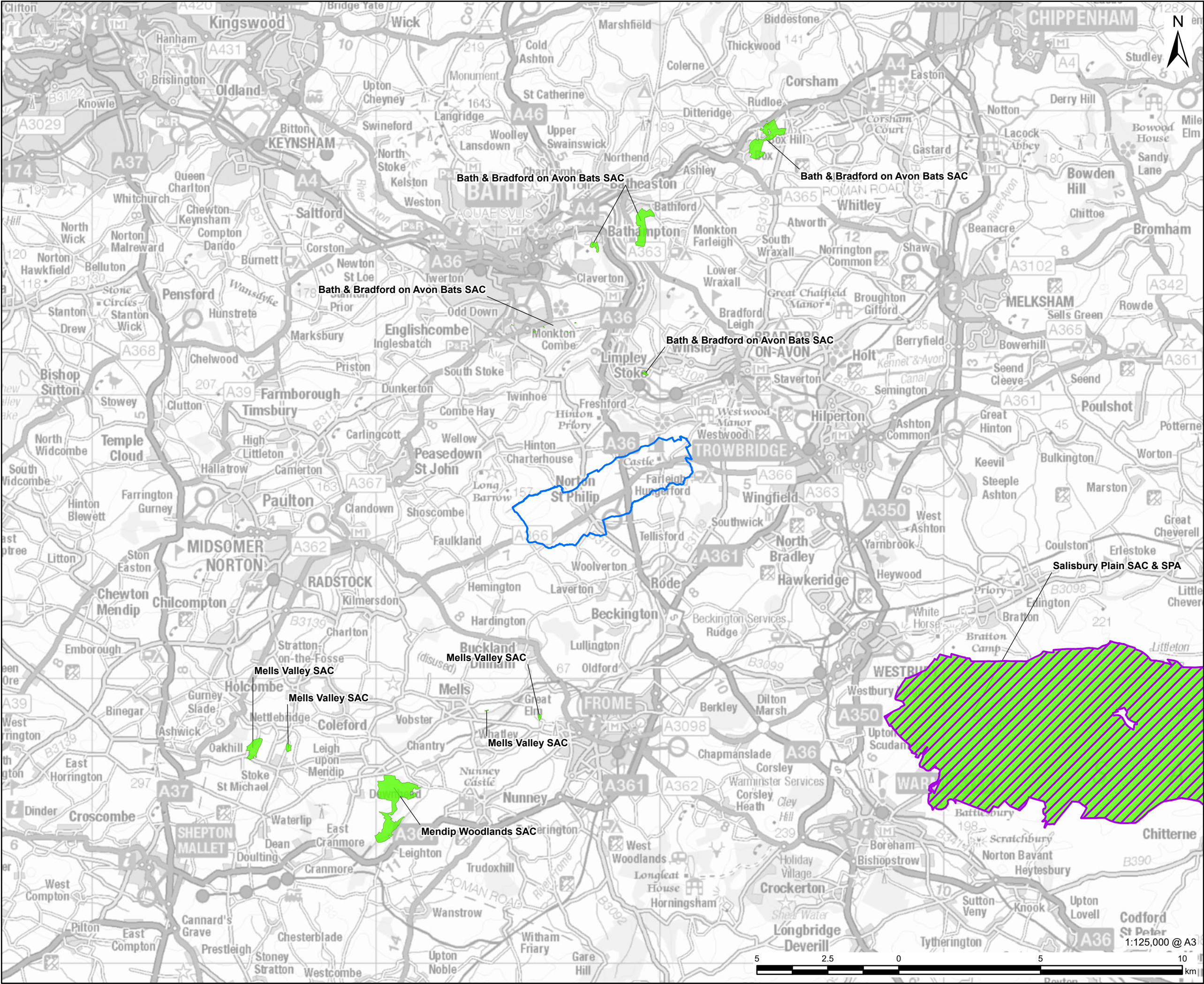
⁷⁹ Available at https://somersetcc.sharepoint.com/:b:/s/SCCPublic/ERbKEy79FdBMgHAvP4j6-eQBowV_axVlIR0JoMbJ55ntOg?e=Qk8OVC [accessed 19/04/2024]

7. Conclusions

- 7.1 Due to the distances and impact pathways involved, the following Habitats Sites have been considered within this HRA:
- Bath and Bradford on Avon Bats SAC;
 - Mendip Woodlands SAC;
 - Salisbury Plain SAC and SPA; and,
 - Mells Valley SAC.
- 7.2 Based on an analysis of the threats and pressures that are relevant to these Habitats Sites, as specified in their respective SIPs, SACOs, and professional judgement, the following potential impacts pathways were considered in relation to the NP:
- Functionally linked land;
 - Atmospheric pollution; and,
 - Recreational pressure.
- 7.3 The Test of LSE undertaken of the Norton St Philip NP policies (see **Appendix B**), identifies that a single NP policy (Policy 4: Housing Site Allocation, Bell Hill Garage) allocates 15 net new dwellings. All other NP policies relate to development management and are not associated with potential linking impact pathways to Habitats Sites.
- 7.4 The Test of Likely Significant Effects concluded that a single impact pathway (loss of functionally linked land) could potentially result in a Likely Significant Effect upon the two bat SACs (Bath and Bradford on Avon Bats SAC and Mells Valley SAC) and as such Appropriate Assessment was undertaken.
- 7.5 The Appropriate Assessment concluded that, because the Norton St Philip NP is in accordance with the overarching Mendip Local Plan policy (including adopted Mendip District Local Plan Part 1 Policy DP6: Bat Protection states that “*Planning Applications for development on sites within the Bat Consultation Zone will require a ‘test of significance’ under the Habitats Regulations to be carried out. Applicants must provide, with their application, all necessary information to enable compliance with the Habitats Regulations (or their successor), including any necessary survey work, reports and avoidance / mitigation measures.*”) it was concluded that no adverse effects on the integrity of this bat SAC will result. None the less, a recommendation was made as follows:
- 7.6 **For robustness, it is recommended that supporting text is included within NP Policy 4: Housing Site Allocation, Bell Hill Garage, or elsewhere within the Neighbourhood Plan that refers to the location of the allocation and neighbourhood in relation to the Bath and Bradford on Avon Bat SAC Greater Horseshoe Bat Consultation Zone B and the Mells Valley SAC Greater Horseshoe Bat Consultation Zone C and thus development will need to accord with the Mendip District Council Bath and Bradford on Avon Bats SAC Guidance for Developers⁸⁰.**
- 7.7 With this recommendation, it is concluded that the Norton St Philip NP will not result in a Likely Significant Effect on any Habitat site, either alone or ‘in-combination’ with other projects or plans.

⁸⁰ Available at Policy 4: Housing Site Allocation, Bell Hill Garage [accessed 24/04/2024]

Appendix A Map of Habitats Sites Relevant to the Norton St Philip NP



Appendix B Test of Likely Significant Effects Table

Table 7-1: Test of Likely Significant Effects (LSE) of policies included within the Norton St Philip NP, providing a brief description of policy content and the HRA outcome. Where the column 'HRA Outcome' is coloured green in the table below, this indicates that the policy will not result in LSE on a Habitats Site.

Policy Name	Policy Description	HRA Outcome
Policy 1 Development within the Defined Settlement Boundary of Norton St. Philip	A development management policy that supports development within the settlement boundary that accords with policy criteria	No HRA implications. This is a development management policy. There are no linking impact pathways present.
Policy 2 Rural Areas/ Green Belt.	A development management policy relating to site within the rural areas beyond the settlement boundary.	No HRA implications. This is a development management policy. There are no linking impact pathways present.
Policy 3 Housing Development	A development management policy that supports residential development that comply with the Neighbourhood Plan and the Mendips Local Plan	No HRA implications. This is a development management policy that does not allocate any development. There are no linking impact pathways present.
Policy 4 Housing Site Allocation, Bell Hill Garage	A residential allocation for 15 dwellings on previously developed land	Potential HRA implications. Potential linking impact pathways: - Loss of functionally linked land - Atmospheric pollution - Recreational pressure
Policy 5 Rural Exception Sites	A development management policy relating to rural exception sites. No quantum or location of development is allocated.	No HRA implications. This is a development management policy that does not allocate any development. There are no linking impact pathways present.
Policy 6 High Quality Design	A development management policy relating to the high quality design	No HRA implications. This is a development management policy. There are no linking impact pathways present.
Policy 7 Important Green Spaces.	A development management policy that safeguards Important Green Spaces	No HRA implications. This is a development management policy. There are no linking impact pathways present.
Policy 8 Promoting Biodiversity and Addressing Climate Change.	A development management policy relating to promoting biodiversity and addressing climate change. It provides to "safeguard all assets of wildlife and ecological value", requires 10% BNG provision, energy efficiency measures, EV charging points, water runoff management - amongst other positive ecological provision.	No HRA implications. This is a development management policy. There are no linking impact pathways present.
Policy 9 Monitoring and Review.	A development management policy relating to monitoring and reviewing the Plan. .	No HRA implications. This is a development management policy. There are no linking impact pathways present.

