

Proposed Submission South Somerset Local Plan 2006 –  
2028

Examination Suspension

Proposed Main Modifications Habitats Regulation Assessment

November 2013

## Introduction

- 1.1 The Proposed Submission South Somerset Local Plan 2006 – 2028 is currently the subject of Public Examination by an independent Planning Inspector. Hearing sessions were held from 7<sup>th</sup> May to 18<sup>th</sup> June 2013 and the Inspector's Preliminary Findings letter was received on 3<sup>rd</sup> July.
- 1.2 The Inspector identified further work required to secure a sound plan on the matters of Yeovil Sustainable Urban Extension; Ilminster Direction of Growth and Policy SS3 Delivering New Employment Land. He also sought clarification of the Council's position on a further three issues namely Policy SS5 Delivering New Housing growth; Wincanton – Housing Growth and references to non-statutory documents.
- 1.3 The Council sought a suspension of the Examination to allow it to undertake the further work to address the Inspector's concerns and presented a detailed project plan in a letter of 15<sup>th</sup> July from the Spatial Planning Strategic Portfolio Holder. The Inspector acceded to the suggested Suspension in a letter of 17<sup>th</sup> July. The Council endorsed the Suspension and further work programme on 29<sup>th</sup> July 2013.
- 1.4 As a consequence of this further work Main Modifications are proposed that the Council consider will address the Inspector's concerns and serve to deliver a sound Local Plan. These Main Modifications are  
Ilminster – deletion of direction of growth to South East of town (Shudrick Valley) and replacement with direction of Growth to South West (Canal Way)  
SS3 Delivering New Employment Land – amendments to the additional employment land provision required for Wincanton, the Local Market Towns and Rural Centres  
SS5 Delivering new Housing Growth – introduction of interim guidance on how applications for housing growth are determined in Market Towns and Rural Centres prior to adoption of the proposed Site Allocations Development Plan Document (to follow adoption of this Local Plan).  
SS3 Delivering new Employment Land – introduction of interim guidance on how applications for growth in employment land is determined in Market Towns and Rural Centres prior to adoption of the proposed Site Allocations Development Plan Document (to follow adoption of this Local Plan). – (whilst not raised as a concern by the Inspector it is a logical consequence of his concern expressed in relation to Policy SS5 Delivering new Housing Growth)  
Wincanton Housing Growth – provision for review of housing requirement in the event of early build out of current proposed provision
- 1.5 In addition to the above a minor modification is proposed to remove reference to non statutory plans from Local Plan policies PMT2, HW1 and HG5 and a Main Modification has arisen from the publication of the Gypsy and Traveller Accommodation Needs Assessment Update 2013 which now provides revised pitch (and plots for travelling showpeople) requirements covering the period to 2028.
- 1.6 These Main Modifications require in consequence a series of associated changes to policy wording, supporting text, and in some instances to proposals maps.

- 1.7 The Main Modifications, together with the consequent changes to text and where appropriate the proposals map are presented in the Examination Suspension Proposed Main Modification Consultation Document November 2013.
- 1.8 Each Main Modification has been the subject of sustainability appraisal, habitat regulation assessment and equality analysis as required by statute. This Document presents the Habitat Regulation Assessment and consequent outcome and is published and deposited alongside the Consultation Document.
- 1.9 The need for a Habitat Regulations Assessment arises from the European Commission's Habitats Directive (92/43/EEC) and its implementation in the United Kingdom under The Conservation of Habitats and Species Regulations 2010 – Regulation 61 (1). This assessment needs to be undertaken where a plan or project, either alone or in combination, is likely to have a significant effect on the integrity of an International Site (one that forms part of the Natura 2000 network, plus Ramsar Sites. In South Somerset's case these sites are the Somerset Levels and Moors International sites and the Bracket's Coppice over the County border in Dorset
- 1.10 The Consultation on the Examination Suspension Proposed Main Modifications Consultation Document which this Habitat Regulation Assessment supports runs from 28 November 2013 and ends on 10 January 2014. There are three ways that you can submit comments:  
On line via: [www.southsomerset.gov.uk/local](http://www.southsomerset.gov.uk/local) plan  
visit the web site and fill out the electronic copy of the comment form and email to [planning.policy@southsomerset.gov.uk](mailto:planning.policy@southsomerset.gov.uk)  
fill out a paper copy of the form (available at Council and Community offices and libraries) and post to the address below  
Spatial Policy Team, Council Offices, Brympton Way, Yeovil, Somerset, BA20 2HT
- 1.11 If you have any queries please contact the Spatial Policy Team at the above address or by phone on 01935 462462 or email [planning.policy@southsomerset.gov.uk](mailto:planning.policy@southsomerset.gov.uk)  
Comments will be collated and summarised for the Examination Inspector's consideration and the Inspector may choose to undertake resumed hearing sessions on the subject matter of the Main Modifications. In the event that the Inspector agrees to the Main Modifications in his final report they will be subject to a second and formal round of consultation.

<b>Contents</b>	<b>Page</b>
 <b>Habitat Regulation Assessments of:-</b>	
Soundness issue 1 Policy YV1, YV2 (consequent modification to Policy SS3, SS5 and YV6; Urban Framework and Greenfield Housing Requirement for Yeovil and Yeovil Sustainable Urban Extension proposed Main Modification	5
Soundness issue 2 Policy PMT3; Ilminster Direction of Growth proposed Main Modification	5
Soundness issue 3 Policy SS3; Delivering New Employment Land proposed Main Modification	6
Point for Clarification 1 Policy SS5; Delivering New Housing Growth proposed Main Modification	7
Point for Clarification 1 (consequent modification requirement) Policy SS3; Delivering New Employment Land – proposed Main Modification	7
Point for Clarification 2 Wincanton Housing Growth - proposed Main Modification	7
Point for Clarification 3 Reference to non statutory documents – proposed minor modification	8
Gypsy and Traveller Needs Assessment Update – Policy HG7; Gypsies, Travellers and Travelling Showpeople – proposed Main Modification	8
Overall Conclusion	9

**Soundness issue 1 Policy YV1, YV2 (consequent modification to Policy SS3, SS5 and YV6); Urban Framework and Greenfield Housing Requirement for Yeovil and Yeovil Sustainable Urban Extension proposed Main Modification**

- 1.1 In complying with the methodology on Habitat Regulation Assessment (HRA) adopted by the Council to date (see core Documents 66,67 and 8 )and according with statutory requirements the Council needs first to establish whether a policy or in this case a proposed Main Modification to policy has the potential to have a likely significant effect on designated sites (either alone or in combination with others).
- 1.2 A Habitat Regulation Assessment has been undertaken by the Council to assess the impact of policies and proposals in the Local Plan on internationally designated nature conservation designations namely the Somerset Levels and Moors and the Bracket's Coppice Special Area of Conservation.
- 1.3 The proposed Main Modifications only refer to employment and housing development requirement in the plan period in the urban extension i.e. 5 ha of 'B use' employment land and 1,565 dwellings. It is also proposed to locate the urban extension in two areas to the south and west, and north east, with 2.5 ha of employment land in each and approximately 800 dwellings in the south and south west, and 765 dwellings in the north east.
- 1.4 Given there is no overall change to the employment and housing figures in the plan period, it is considered that the previous findings of the Somerset Levels and Moors HRA remain valid in relation to the scale of growth. The key impact identified in the original HRA was the population increase from additional development as set out in policies SS4 and SS5 (rather than the location of the urban extension) – therefore it is considered the proposed main amendment to the location remains compliant with the original HRA and no further effects are identified.
- 1.5 The text on ensuring that features that support bat movement are not severed will remain as recommended by the Brackett's Coppice Habitats Regulations Assessment, and it is therefore considered the proposed amendments remain in compliance with this.

**Soundness issue 2 Policy PMT3; Ilminster Direction of Growth proposed Main Modification**

- 2.1 In complying with the methodology on Habitat Regulation Assessment adopted by the Council to date (see core Documents 66,67 and 8 )and according with statutory requirements the Council needs first to establish whether a policy or in this case a proposed Main Modification to policy has the potential to have a likely significant effect on designated sites (either alone or in combination with others).
- 2.2 A Habitat Regulation Assessment has been undertaken by the Council to assess the impact of policies and proposals in the Local Plan on internationally designated nature conservation designations namely the Somerset Levels and Moors and the Bracket's Coppice Special Area of Conservation.

- 2.3 Policy SS4 Delivering new Housing Growth of the draft Core Strategy published in October 2010 and including a provision of 531 dwellings for Ilminster and 16,600 dwellings for the District overall with a preferred direction of growth identified at that time at South West Ilminster (Canal Way) was assessed directly at that time. The conclusion of the Assessment was that policy SS4 “will not result in an adverse impact on the integrity of the Somerset Levels and Moors Special Protection Area or Ramsar designated sites” (Core Document No 66 section 6.1 pp42)
- 2.4 A separate and specific appropriate assessment was undertaken for Bracket’s Coppice Special Area for Conservation (important for a Bechstein bat colony) close to the South Somerset Border some 6km to the east of Crewkerne . This Assessment similarly concluded that Policy SS4 would have “no significant likely effect”. (Core Document 67 para 5.11 pp17).
- 2.5 These Assessment conclusions remain unchanged by the Proposed Submission South Somerset Local Plan 2006 – 2028 and the now proposed Main Modification and retain their validity.

### **Soundness issue 3 Policy SS3; Delivering New Employment Land proposed Main Modification 6**

- 3.1 Policy SS3 of the Proposed Submission Local Plan 2006 – 2028 was assessed to ensure compliance with the Habitats Regulation Assessment. (Core Document No8). The assessment concluded that on the basis of an increase in employment land in Langport/Huish Episcopi (1.5 to 3 hectares) there was likely to be a significant effect on the Levels and Moors designation but it was uncertain until more precise locations for development are proposed. The policy did not have a likely significant effect in any other regard, including on Bracket’s Coppice Special Area of Conservation. A wording mitigation to the Policy for the Direction of Growth for Langport was suggested that would serve to remove the potential for significant impact on designated sites. The policy is subject to a change of text proposed by the Council to ensure no significant effect as a Minor Modification No 131 set out in Core Document 3b.
- 3.2 This proposed Main Modification puts forward a slight increase in employment land in Langport/Huish Episcopi (by 0.67 hectares). It is considered that the overall effects of the revised policy on the Levels and Moors designation is not sufficiently large to have a significant effect on the Levels and Moors. This is particularly the case given the policy wording, as a result of the Habitat Regulation Assessment of the Proposed Submission South Somerset Local Plan 2006- 2028 is such to ensure that there will be no significant effect. The policy as amended will require “development at Langport/Huish Episcopi....be the subject to a project level habitats Regulations Assessment of potential impacts on ....ramsar sites”
- 3.3 The overall employment land growth for the District is suggested to be revised upwards by 1.65 hectares (1% above earlier total) and therefore it is considered that the overall effects of the revised policy on the Levels and Moors designation are not dissimilar to those set out in the Proposed Submission South Somerset Local Plan i.e that Policy SS3 as proposed for

Modification by this proposed Main Modification will have no significant effect on any designated sites.

#### **Point for Clarification 1 Policy SS5; Delivering New Housing Growth proposed Main Modification**

- 4.1 In complying with the methodology on Habitat Regulation Assessment adopted by the Council to date (see core Documents 66,67 and 8) and according with statutory requirements the Council needs first to establish whether a policy or in this case a proposed Main Modification to policy has the potential to have a likely significant effect on designated sites (either alone or in combination with others).
- 4.2 The policy SS5 Delivering new Housing Growth was considered not to have a significant effect on the Levels and Moors and Bracket's Coppice in the Assessment on the Proposed Submission South Somerset Local plan 2006 – 2028. The proposed Main Modification does not change the requirements of the policy but indicates how it might be delivered in early years prior to a further Development Plan Document for growth allocations provides further clarity on specific location. The proposed Main Modification is therefore considered not to have a likely significant effect on the Designated sites.

#### **Point for Clarification 1 (consequent modification requirement) Policy SS3; Delivering New Employment Land – proposed Main Modification**

- 5.1 In complying with the methodology on Habitat Regulation Assessment adopted by the Council to date (see core Documents 66,67 and 8) and according with statutory requirements the Council needs first to establish whether a policy or in this case a proposed Main Modification to policy has the potential to have a likely significant effect on designated sites (either alone or in combination with others).
- 5.2 The policy SS3 Delivering new Housing Growth was considered not to have a significant effect on the Levels and Moors and Bracket's Coppice in the Assessment on the Proposed Submission South Somerset Local plan 2006 – 2028 (with the exception of points dealt with under Soundness issue 3 Policy SS3; Delivering New Employment Land proposed Main Modification above.) This proposed Main Modification does not change the requirements of the policy but indicates how it might be delivered in early years prior to a further Development Plan Document for growth allocations provides further clarity on specific location. The proposed Main Modification is therefore considered not to have a likely significant effect on the Designated sites.

#### **Point for Clarification 2 Wincanton Housing Growth - proposed Main Modification**

- 6.1 In complying with the methodology on Habitat Regulation Assessment adopted by the Council to date (see core Documents 66,67 and 8) and according with statutory requirements the Council needs first to establish whether a policy or in this case a proposed Main Modification to policy has the potential to have a likely significant effect on designated sites (either alone or in combination with others).

- 6.2 The changes proposed to the supporting text in paragraph 6.94 of the Proposed Submission South Somerset Local Plan 2006 – 2028 provide the promise of a review of housing provision for Wincanton if development proceeds apace and the town’s housing provision is fully used up well before the end of the Plan period. This is not a policy statement rather a promise of action. A Habitat Regulation Assessment will be required if and when this prospective action is taken up.

### **Point for Clarification 3 Reference to non statutory documents proposed minor modification**

- 7.1 In complying with the methodology on Habitat Regulation Assessment adopted by the Council to date (see core Documents 66,67 and 8) and according with statutory requirements the Council needs first to establish whether a policy or in this case a proposed Main Modification to policy has the potential to have a likely significant effect on designated sites (either alone or in combination with others).
- 7.2 The current assessment has indicated that none of these policies have a significant effect on designated sites (after a mitigating change to policy text on Policy HW1 which has been included in the Plan) The removal of reference to non statutory documents in policies PMT2, HW1 and HG5 but their retention in the Proposed Submission South Somerset Local Plan 2006 – 2028 supporting text therefore is not considered to have a likely significant impact on designated sites.

### **Gypsy and Traveller Needs Assessment Update – Policy HG7; Gypsies, Travellers and Travelling Showpeople – proposed Main Modification**

- 8.1 In complying with the methodology on Habitat Regulation Assessment adopted by the Council to date (see core Documents 66,67 and 8) and according with statutory requirements the Council needs first to establish whether a policy or in this case a proposed Main Modification to policy has the potential to have a likely significant effect on designated sites (either alone or in combination with others).
- 8.2 Policy HG 7 was found, with the incorporation of mitigating wording relating to “consideration of Natura 2000 sites” in the list of criteria guiding the location of sites to have no significant adverse effect on designated sites. With this proviso in the text the introduction of targets for pitches and plots to 2028 is not considered to have a likely significant effect on designated sites. The travelling pitch requirement presented represents a continuation of the same level of need identified in the period 2010 – 2020 in the Local Plan’s supporting text up to the Plan end date of 2028. The transit requirement is unchanged from that in the Local Plan’s supporting text and the increase in show people’s plots by two over that in the supporting text is not significant.

### **Overall Conclusion**

- 9.1 The proposed Main Modifications (and minor modifications relating to non statutory references in the Local plan) have been assessed in accordance

with the Conservation of Habitats and Species Regulations 2010 – Regulation 61 (1) and found not likely to have significant negative effect on the Somerset Levels and Moors and the Bracket's Coppice designated sites.