



# Habitats Regulations Assessment Statement

Pre-submission version of the Beer  
Neighbourhood Development Plan

Beer Parish Council

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P798/HRA/V1	Final	05/05/2017	D. Scholefield MCIEEM	Dr. M. Cowley CEnv MCIEEM
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EAD Ecology  
 3 Colleton Crescent  
 Exeter  
 EX2 4DG  
 Tel: 01392 260420  
 Fax: 01392 434603  
 Email: [info@eadecology.co.uk](mailto:info@eadecology.co.uk)  
[www.eadecology.co.uk](http://www.eadecology.co.uk)

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# 1 Introduction

## 1.1 Introduction

1.1.1 EAD Ecology has been commissioned by Beer Parish Council to produce a Habitats Regulations Assessment (HRA) Statement to assist East Devon Council (as the competent authority) in undertaking a Habitats Regulations Assessment (HRA) of the Pre-submission version of the Beer Neighbourhood Development Plan (BNDP dated October 2017). The objectives of the assessment are to:

- Identify any aspects of the Neighbourhood Plan that could result in an adverse effect on the integrity of the identified European sites, either in isolation or in combination with other plans and projects.
- Where necessary, propose appropriate mechanisms for delivering avoidance and / or mitigation, including consideration of alternatives where such effects are identified.

1.1.2 The need for HRA is required under Article 6(3) of the EU Habitats Directive (Council Directive 92/43/EEC) for any proposed plan, which may have a significant effect on one or more European-designated sites and which is not necessary for the management of those site(s). The Conservation of Habitats and Species Regulations 2017 (often referred to as the Habitats Regulations) transpose the Habitats Directive into national law in England and Wales and require that HRA is applied to all statutory land use plans.

1.1.3 Regulation 106 of the 2017 Habitat Regulations requires Neighbourhood Development Plans to consider the potential implications on European sites.

1.1.4 Regulation 106: Assessment of implications for European site: neighbourhood development plans

*(1) A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority may reasonably require for the purposes of the assessment under regulation 105 or to enable it to determine whether that assessment is required.*

*(2) In this regulation, “qualifying body” means a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area as a result of section 61F of the TCPA 1990 (authorisation to act in relation to neighbourhood areas) (a), as applied by section 38C of the 2004 Planning Act (supplementary provisions) (b).*

*(3) Where the competent authority decides to revoke or modify a neighbourhood development plan after it has been made, it must for that purpose make an appropriate assessment of the implications for any European site likely to be significantly affected in view of that site’s conservation objectives; and regulation 105 and paragraph (1) apply with the appropriate modifications in relation to such a revocation or modification.*

## 1.2 Background

1.2.1 The Pre-Submission Version of the BNDP (dated October 2017) includes a site allocation for 31 houses at Short Furlong to the west of the village (refer to Figure 1). The ‘*Strategic Environmental Assessment and Habitat Regulations Assessment Screening Report*’ (EDDC, January 2017) for this

version of the BNDP concluded that the proposed allocation at Short Furlong may have an impact on Beer Quarry Caves Special Area of Conservation (SAC):

*“The existing, adopted [East Devon] Local Plan was subject to a HRA and the type of small scale housing referred to in the Beer objectives generally accords with Local Plan policy. The screening opinion and HRA for the Local Plan concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites. There is, however insufficient information available to conclude that the proposed allocation of 31 houses at Short Furlong (which was not taken into account in the HRA for the Local Plan) will not result in an adverse effect on the integrity of the Beer Quarry Caves European Site. An HRA is therefore required for the Neighbourhood Plan.”*

## 2 Methodology

### 2.1 The HRA assessment process

2.1.1 There is no standard methodology nor Government guidance (for England) which specifies the format and content of an HRA report. Table 2.1 below, sets out the HRA process followed in this instance. The methodology was prepared with reference to the following guidance documents;

- European Commission (2001) Assessment of plans and projects significantly affecting Natura 2000 sites methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.
- Scottish Government Habitats Regulations Appraisal - Development plans: Advice sheets.
- Former Department for Communities and Local Government (DCLG) draft guidance (DGLC 2006).

2.1.2 The above guidance has established that each stage or task may need to be considered in an iterative manner with stages revisited as a Plan develops. This HRA Statement presents the results of this process in relation to the BNDP.

**Table 2.1. Stages of HRA**

Stage	Tasks
Consultation and evidence gathering	<ul style="list-style-type: none"> <li>• Determine whether the Neighbourhood Plan should be subject to HRA.</li> <li>• Identify the European sites that should be considered.</li> <li>• Collect information on relevant European sites, their conservation objectives.</li> </ul>
HRA Screening	<ul style="list-style-type: none"> <li>• Identify whether the policies, proposals and projects referred to in the plan are 'likely to have a significant effect' on a European site.</li> </ul>
Ascertaining the effect on site integrity	Assess the effects of the plan on the conservation objectives of any European sites 'screened in' during HRA Screening.
Mitigation measures and alternative solutions	<p>Where any possible 'likely significant effects' arising through Policies within the Neighbourhood Plan are identified;</p> <ul style="list-style-type: none"> <li>• Provide altered or alternative solutions specified to cancel out the adverse effects.</li> <li>• Apply mitigation measures to avoid likely significant effects.</li> <li>• Re-screen the Neighbourhood Plan to determine the requirement for appropriate assessment (full HRA).</li> </ul>

2.1.3 This HRA Screening Report is proportionate to the level of the document. As the Neighbourhood Plan includes a policy for strategic allocation for housing only, the level of detail available for the Allocation Site is not sufficient to enable a detailed assessment of potential adverse effects. Therefore, this HRA statement assumes a precautionary approach, such that where an adverse effect cannot be confidently screened out, avoidance and / or mitigation measures are provided. This is in accordance with the the European Commission's guidance on the application of the test of likely significant effect (2001) which accepts that policies in a plan that are no more than general policy statements or which express the general political will of an authority cannot be likely to have a significant effect on a site.

## 2.2 Consultation and evidence gathering

### *Requirement for HRA*

- 2.2.1 The BNDP is not directly connected with or necessary to the management of a European site for nature conservation purposes. The BNDP also represents a development plan in accordance with Regulation 106 of the 2017 Habitat Regulations. A HRA is therefore required for the Neighbourhood Plan to assess development impact pathways on the identified Designated sites.

### *Consultation*

- 2.2.2 Natural England were consulted as part of the preparation of the *Beer Neighbourhood Plan Strategic Environmental Assessment and Habitat Regulations Assessment* (January 2017). The consultation response (refer to Appendix 1) states that:

*“The Neighbourhood Plan proposes development within the area in which impacts of residential development on the aforementioned sites could arise in the absence of appropriate mitigation. This is not proposed or assessed within the East Devon Local Plan. Therefore, Natural England agrees with the conclusion in paragraph 5.2 of the Screening Report that a full Habitats Regulation Assessment (HRA) is required.*

*Natural England also advises that further consideration is given to the in-combination effect with other plans or projects that may have potential to have an impact on Beer Quarry Caves Special Area of Conservation (SAC).”*

### *Baseline data*

- 2.2.3 A range of information sources have been consulted in the preparation of this report. These comprise:
- The Defra MAGIC website [[www.magic.defra.gov.uk](http://www.magic.defra.gov.uk)].
  - Information on designated sites from the JNCC website [[www.jncc.defra.gov.uk](http://www.jncc.defra.gov.uk)].
  - Historical bat data from Beer Quarry and Caves SAC [Natural England archives].
  - East Devon Local Plan 2013-2031 (adopted 2016). (East Devon District Council 2016).
  - HRA of the East Devon Local Plan (Liley and Underhill- Day 2012).
  - Beer Quarry and Caves website (<http://www.beerquarrycaves.co.uk/bats.html>).
  - Parish Biodiversity Audit for Beer, Consultation draft. Harvey (2010).
  - Radiotracking study of Greater Horseshoe Bats from Beer to Branscombe 2009. East Devon Area of Outstanding Natural Beauty. Mathews, F. (2010).
  - Objection to Land East of Harepath Road, Seaton (13/1641/MOUT and APP/U1105/A/13/2202124). Mathews, F. (2013).
  - Bechstein’s Bat Survey- Final Report, September 2007-2011. Miller (2012).

### *Policy H3 Allocation Site Information*

- 2.2.4 In 2014, ecological surveys of the Policy H3 Allocation Site including manual and static bat activity surveys were undertaken to support a planning application<sup>1</sup>. The results of the bat surveys are summarised in Section 3. Full details are documented in the Ecological Impact Assessment (Richard Green Ecology, 2014) that was submitted with the application.

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<sup>1</sup> 4/2621/MOUT

## **2.3 *In-combination effects***

2.3.1 The Habitats Directive and the Habitats Regulations require competent authorities to include the assessment of effects on European sites in combination with other plans or projects. The following plans were identified as potentially having an in combination effect with the BRDP and were therefore considered by the assessment:

- East Devon Local Plan 2013-2031 (adopted 2016).
- Devon and Torbay Local Transport Plan 2011-2026.
- Devon County Council Waste Local Plan (2014).
- Devon Minerals Plan 2011-2033 (adopted 2017).

### 3 HRA Screening

#### 3.1 European-designated Sites

3.1.1 European-designated Sites within a radius of the 10km have been considered within this HRA. A 10km search area was considered to represent a suitable area of investigation, within which all potential impact pathways could be identified and investigated. The Defra MAGIC website identified three Sites within the 10km search area; refer to Table 3.1 and Figure 2. These are Beer Quarry and Caves SAC; Sidmouth to West Bay SAC and the River Axe SAC.

**Table 3.1 European Sites Designations, Conservation Objectives and Vulnerabilities**

European Sites	Reasons for Designation	Conservation Objectives	Potential Environmental Vulnerabilities
Beer Quarry and Caves SAC	<p>Annex II species that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> <li>• Bechstein's bat</li> </ul> <p>Annex II species present as a qualifying feature, but not a primary reason for site selection</p> <ul style="list-style-type: none"> <li>• Lesser horseshoe bat</li> <li>• Greater horseshoe bat</li> </ul>	<p>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;</p> <ul style="list-style-type: none"> <li>• The extent and distribution of the habitats of qualifying species</li> <li>• The structure and function of the habitats of qualifying species</li> <li>• The supporting processes on which the habitats of qualifying species rely</li> <li>• The populations of qualifying species, and,</li> <li>• The distribution of qualifying species within the site.</li> </ul>	<ul style="list-style-type: none"> <li>• Loss of supporting foraging habitat available to bats.</li> <li>• Severance of habitat connectivity, fragmentation of linear habitats resulting in disruption of flight lines.</li> <li>• Disturbance to bat foraging and commuting habitat (e.g. as a result of increased light levels)</li> <li>• Disturbance of Roosts (internal and at entrances)</li> <li>• Suitability of roost conditions (temperature, light, ventilation, stability etc)</li> </ul>
Sidmouth to West Bay SAC	<p>Annex I habitats that are a primary reason for selection of this site:</p> <ul style="list-style-type: none"> <li>• Vegetated sea cliffs of the Atlantic and Baltic Coasts;</li> <li>• Tilio-Acerion forests of slopes, screes and ravines.</li> </ul> <p>Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:</p>	<p>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:</p> <ul style="list-style-type: none"> <li>• The extent and distribution of qualifying natural habitats;</li> <li>• The structure and function (including typical species) of qualifying natural habitats; and</li> </ul>	<ul style="list-style-type: none"> <li>• Grazing.</li> <li>• Atmospheric pollution.</li> <li>• Pollution to groundwater.</li> <li>• Recreational activities.</li> <li>• Changes in abiotic conditions.</li> </ul>

**Table 3.1 European Sites Designations, Conservation Objectives and Vulnerabilities**

European Sites	Reasons for Designation	Conservation Objectives	Potential Environmental Vulnerabilities
	<ul style="list-style-type: none"> <li>Annual vegetation of drift lines.</li> </ul>	<ul style="list-style-type: none"> <li>The supporting processes on which qualifying natural habitats rely.</li> </ul>	
River Axe SAC	<p>Annex I habitats that are a primary reason for selection of this site</p> <ul style="list-style-type: none"> <li>Watercourses of plain to montane levels with <i>Ranunculion fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation</li> </ul> <p>Annex II species present as a qualifying feature, but not a primary reason for site selection</p> <ul style="list-style-type: none"> <li>Sea lamprey</li> <li>Brook lamprey</li> <li>Bullhead</li> </ul>	<p>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;</p> <ul style="list-style-type: none"> <li>The extent and distribution of qualifying natural habitats and habitats of qualifying species</li> <li>The structure and function (including typical species) of qualifying natural habitats</li> <li>The structure and function of the habitats of qualifying species</li> <li>The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely</li> <li>The populations of qualifying species, and,</li> <li>The distribution of qualifying species within the site.</li> </ul>	<ul style="list-style-type: none"> <li>Water pollution.</li> <li>Recreational pressure.</li> <li>Atmospheric pollution.</li> </ul>

## 4 Likely Significant Effects Test of the Beer Neighbourhood Plan

- 4.1.1 Appendix 2 details the HRA screening assessment of each policy within the BNDP. Where no pathways are identified for potential adverse effects on designated sites alone, the final column is shaded green and the policy is screened out from further consideration (though in combination impacts may still require further consideration). Where a pathway for potential adverse effects on designated sites are identified, the final column is shaded orange. This indicates that the Policy cannot be screened out at this stage and further assessment is required.
- 4.1.2 All of the BNDP policies with the exception of Policy H3: Land at Short Furlong sit within the strategic policy framework of the East Devon Local Plan (2013-2031). This plan was subject to HRA (Liley and Underhill-Day 2012) which concluded that the policies in the East Devon Local Plan relevant to the BNDP were not likely to have a significant effect on any European site<sup>2</sup>.
- 4.1.3 No additional impact pathways for likely significant adverse effects to Sidmouth to West Bay SAC or River Axe SAC have been identified as a result of Policy H3 of the BNDP, therefore, in accordance with the East Devon Local Plan 2013-2031 HRA, no Likely Significant Effect on the Conservation Objectives of these sites has been identified and they have been 'Screened Out' from further assessment.
- 4.1.4 Policy H3: Land at Short Furlong, which provides a strategic allocation for 31 dwellings, is not proposed or assessed within the East Devon Local Plan HRA. As the land is located approximately 0.7 km from Beer Quarry Caves SAC, potential impact pathways on the qualifying features of the SAC have been identified, these are as follows: :
- Loss of bat foraging habitat.
  - Severance of bat habitat connectivity.
  - Disturbance to bat foraging and commuting habitat.
- 4.1.5 Further consideration of Policy H3 is provided below.

### 4.2 *Potential effects of Policy H3 on Beer Quarry Caves SAC*

#### *Background information on qualifying features of Beer Quarry Caves SAC*

- 4.2.1 Eight species of bat including the three qualifying Annex II species have been recorded hibernating within Beer Quarry and Caves SAC. Hibernation roost population estimates for the qualifying species are as follows:
- Bechstein's bat (four recorded during the January 2016 hibernation count)<sup>3</sup>.
  - Greater horseshoe (206 recorded during the January 2016 hibernation count).
  - Lesser horseshoe (101 recorded during the January 2016 hibernation count).
- 4.2.2 The population trend data indicates that Bechstein's bat numbers have remained low, but stable, since they were first recorded in 1966 (annual counts range between zero and five). Greater and

<sup>2</sup> The East Devon Local Plan HRA identifies several Policies which may have significant effect on a European site. These relate to development effects on Exe Estuary and East Devon Pebblebed Heaths European sites which are not of relevance to the BNDP.

<sup>3</sup> Data from Beer Quarry and Caves website and Natural England's historical hibernation count data, Stephen Panks, Natural England; *pers. comm.*

lesser horseshoe bat numbers have steadily increased during the recorded period. Taking only January counts into consideration for consistency, 16 greater horseshoe and 35 lesser horseshoe bats were recorded in 1973 (first year to include a January count), rising to 206 greater horseshoe and 101 lesser horseshoe bats in 2016. It is possible that crevice-dwelling bats, including Bechstein's bat, are under-recorded to some extent during these counts.

- 4.2.3 The site supports an important swarming / mating function for a number of bat species, including Bechstein's bat. Bats utilising the site for mating may not necessarily roost within the caves and therefore larger numbers of bats than those indicated above are likely to utilise the site during autumn.

*Bechstein's bat ecology*

- 4.2.4 Bechstein's bat is a gleaning bat, with most foraging occurring in closed-canopy woodland (Harris and Yalden, 2008). Studies have shown that foraging occurs close to the roosting site, with bats rarely flying more than 1.5km between maternity roosts and feeding sites (Schofield and Morris, 2000, Palmer *et al*, 2013) though distances travelled to access hibernation and swarming sites is likely to be much greater. Information on exact locations of Bechstein's maternity roosts is scarce as individuals switch roost sites often and it is difficult to distinguish the species call from that of other *Myotis* bats. However, it is considered likely that closed-canopy woodland within the vicinity of a roost would be utilised. There are records of this species from surveys at Holyford Woods, approximately 2.5km northeast of the Beer Quarry and Caves SAC (Mathews, 2013) and also at Marsh Wood Copse and Thorn Hill Copse (approximately 10km north of the SAC).

- 4.2.5 In the late summer and autumn, Bechstein's bat exhibit swarming, a mating activity which occurs at underground sites (swarming sites may also be used as hibernation sites). Recorded numbers at Beer Quarry Caves are highest in this period (Marquis and Lord 2018). Bats will travel to swarming sites from the surrounding landscape over a radius of at least several tens of kilometres (Dekeukeleire *et al*. 2016); therefore, the function of the Beer Quarry and Caves SAC as a mating roosts is likely to be important over a wide geographic region.

*Greater Horseshoe bat ecology*

- 4.2.6 Greater horseshoe bat maternity roosts have been identified at Branscombe (approximately 2.0km west of the Allocation site), Southleigh (approximately 4.0km north the Allocation site) and occasionally at Axmouth (approximately 4.0 km east off the Allocation site). The integrity of the SAC for greater horseshoe bats relies on the maintenance of these roosts. Greater horseshoe bats utilise the following habitats for foraging: cattle grazed pasture, semi-natural woodland and other grassland (Duverge and Jones 1994). Due to the rapid attenuation of their high frequency echolocation calls, greater horseshoe bats commute between roosts and foraging habitats by closely following linear features such as hedgerows, stone walls, earth banks and tree lines. Whilst foraging activity is concentrated in a core area within a 3km radius of the roost, as a number of these roosts are coastal, it is likely that the core foraging area represents a larger extent of the surrounding landscape to compensate for the core area encompassed by sea.

- 4.2.7 Greater horseshoe bats are sensitive to artificial lighting. Research (Stone 2014, Stone *et al* 2009) has shown that lesser horseshoe bat activity can be disrupted by artificial light levels above 0.5 lux. Similar effects have been shown for greater horseshoe bats at both hibernation and maternity roosts (Marquis and Lord 2018). As yet, no specific threshold at which lighting begins to exert effects on greater horseshoe bats has been identified, although currently unpublished research cited in Marquis and Lord 2018 (Day *et al*, due for publication in March 2018,) has demonstrated

that lighting from street lights, and also light-spill from houses, is sufficient to disrupt normal activity.

- 4.2.8 During the hibernation period, this species will continue to forage within a reduced area (1-2km around the roost, which includes the Allocation site) with activity generally early in the night, making them particularly vulnerable to disturbance from lighting which would be most prevalent during winter.

*Lesser Horseshoe bat ecology*

- 4.2.9 There are numerous lesser horseshoe bat maternity colonies within East Devon Area of Outstanding Natural Beauty (AONB), including in Beer, Branscombe, Colyton, Musbury and Holyford (Mathews 2014, Marquis and Lord 2018). This species utilises sheltered valleys, woodland edge, pasture and wetlands and, as with greater horseshoe bats, the species commute between roosts and foraging habitats by closely following linear features including hedgerows, stone walls, earth banks and tree lines. Lesser horseshoe bats are sensitive to artificial lighting. Research (Stone 2014, Stone *et al* 2009) has shown that lesser horseshoe bat activity can be disrupted by artificial light levels above 0.5 lux, although a threshold below which activity is not affected has not been determined.

*Information on qualifying features of Beer Quarry Caves SAC from the Allocation Site*

- 4.2.10 The Allocation Site consists of a poor semi-improved/improved grassland field with species-rich and species-poor hedgerow boundaries bounded to the north and east by residential housing with primary school grounds to the south and further grassland fields to the west. During the 2014 bat surveys<sup>4</sup>, the level of use of the site by greater horseshoe bat and lesser horseshoe bat (and potentially Bechstein's bat) was low in all surveyed months, although horseshoe bat activity falls exponentially with the distance from the roost, as the animals have increasing amounts of space into which to disperse. This does not imply that the wider landscape is unimportant, but rather that detecting high levels of activity in any particular location becomes increasingly unlikely. A small number of passes should therefore be considered normal in this context, particularly given the low amplitude and high directionality of the calls. Key findings of the surveys are summarised in Table 3.2 below.

**Table 3.2: Summary of 2014 bat survey results at Allocation Site for Qualifying Features of Beer Quarry Caves SAC (taken from Richard Green Ecology, 2014)**

Beer Quarry Caves SAC Qualifying Species	July 2014	August 2014	September 2014
Greater horseshoe Bat	Manual activity survey: Single pass. Static detector on north boundary hedgerow: Single pass	Manual activity survey: No passes. Static detector on southwest boundary of the site: 36 passes <sup>5</sup>	Manual activity survey: No passes (Evening or dawn). Static detector on northwest boundary recorded no passes.

<sup>4</sup> Four transect surveys in appropriate weather conditions and 9 nights static detector survey between July and September 2014.

<sup>5</sup> 30 of the passes were recorded on a single night within a 15-minute period, this potentially indicates a small number, possibly only one, bat foraging back and forth (Richard Green Ecology 2014).

**Table 3.2: Summary of 2014 bat survey results at Allocation Site for Qualifying Features of Beer Quarry Caves SAC (taken from Richard Green Ecology, 2014)**

Beer Quarry Caves SAC Qualifying Species	July 2014	August 2014	September 2014
Lesser horseshoe Bat	Manual activity survey: No passes. Static detector on north boundary hedgerow: No passes.	Manual activity survey: No passes. Static detector on southwest boundary of the site: Five passes.	Manual activity survey: Two passes (Evening). No passes (dawn). Static detector on northwest boundary: Three passes.
<i>Myotis</i> species <sup>6</sup>	Manual activity survey: Three passes. Static detector on north boundary hedgerow: Four passes.	Manual activity survey: Three passes. Static detector on southwest boundary of the site: Eight passes.	Manual activity survey: Two passes (Evening). Two passes (Dawn). Static detector on northwest boundary: Two passes.

### 4.3 Potential effects of Policy H3 on bats associated with the SAC

- 4.3.1 The 2014 surveys of the H3 Allocation Site identified greater and lesser horseshoe bat and *Myotis* species bat activity along the northern, north western and south western boundaries. Any development resulting in the loss of grassland habitat and/or hedgerows could have an adverse effect on bats foraging and commuting in the wider landscape. In addition, the introduction of artificial light in proximity to habitat features used by commuting or foraging bats could result in disruption of flight lines which would result in an adverse effect.
- 4.3.2 As detailed in Paragraph **Error! Reference source not found.**, future development of the H3 Allocation Site will require a project level HRA to determine whether the integrity of the SAC is likely to be adversely affected by the project specific proposals. To provide the certainty necessary to satisfy the requirements of the HRA process for the strategic allocation of the site within the BNDP, in-principle avoidance and mitigation measures for bats should be incorporated in to the draft Policy H3 to support the SAC Conservation Objectives.

### 4.4 Risk or probability of a Likely Significant Effect on Beery Quarry Caves SAC

- 4.4.1 Bat survey in 2014 found the H3 Allocation Site to be used by qualifying species of bat associated with Beer Quarry Caves SAC. Proposed development resulting from the allocation of the site could therefore have a risk or probability of a Likely Significant Effect on the qualifying features of the SAC. Depending on the design and layout of any future development, development could therefore result in adverse effects on the bats associated with the SAC in isolation and/or in-combination with other plans or development coming forward. Potential development impact pathways on the SAC comprise:

- Loss of bat foraging habitat.
- Severance of bat habitat connectivity.

<sup>6</sup> Accurate determination of *Myotis* species from echolocation calls is not always feasible. Whilst the open grassland habitat is not considered to be optimal for Bechstein's bat, the recorded *Myotis* genus passes could represent this species.

- Disturbance to bat foraging and commuting habitat.

4.4.2 Consideration of potential measures to address these effects is provided in the following section.

## 5 Mitigation measures and alternative solutions

### 5.1 *Proposed avoidance and mitigation measures (impacts alone)*

5.1.1 To prevent a Likely Significant Effect on the qualifying features of Beer Quarry Caves SAC, appropriate avoidance and mitigation measures to support the SAC Conservation Objectives should be developed in conjunction with master-planning process for the site.

5.1.2 Development should be informed by adequate, up-to-date bat survey and associated ecological impact assessment in line with current best practice guidance. The survey should be used to determine the detail of mitigation measures which should be incorporated as integral elements of the development and implemented in full. Such measures should include:

- Consideration of design constraints to avoid or minimise adverse effects on bats by maintaining and enhancing the connectivity of key commuting habitat through and around the site. This should include design of a development layout that maintains sufficiently wide and dark corridors along key hedgerows and/ or creates alternative dark corridors through additional planting and landscaping.
- Avoidance of introduction of artificial light into areas that are considered important to maintaining the ecological function of the site for bats. This should be determined through an iterative assessment of the lighting implications of the development, including modelling of predicted light-levels from all sources including light spill from dwellings and external security lighting to demonstrate that suitable dark corridors would be retained during construction and operation.
- Inclusion of native planting within or on the boundaries of the development such as native hedgerow, native trees and native shrub planting.
- Implementation of suitable long-term management of retained and created habitats, including measures targeted at bats. This management should be secured through conditions requiring the preparation, approval and implementation of a suitable Landscape and Ecological Management Plan (LEMP).
- Design and implementation of appropriate and proportionate monitoring of the bat population to establish the effectiveness of the mitigation measures.

5.1.3 Mitigation measures should be implemented at an appropriate stage of the development to ensure that measures are in place and functioning in advance of identified impacts.

### 5.2 *Potential in-combination effects*

5.2.1 With the exception of Policy H3, the draft BNDP conforms with the approved East Devon Local Plan and there is thus no scope for in-combination effects beyond those already identified in the HRA of the East Devon Local Plan. No other in-combination impacts with the Plans (specified in paragraph 2.3.1) have been identified.

5.2.2 Due to the unknown timeframe for possible development of the Allocation Site, it is not possible to consider individual projects within this assessment however, there is potential that the proposed development at Short Furlong (Policy H3) could act 'in combination' with other projects in the vicinity to result a Likely Significant Effect on the qualifying features of Beer Quarry and Caves SAC through cumulative:

- Loss of bat foraging habitat.
- Severance of bat habitat connectivity.

- Disturbance to bat foraging and commuting habitat.

### **5.3 Proposed mitigation measures (impacts in-combination)**

5.3.1 Where projects with the potential to contribute to in-combination effects are identified at the development stage, the Allocation Site proposals could provide proportionate contribution to, or provision of green infrastructure to facilitate the protection and enhancement of wider bat foraging and commuting habitats. Such measures could include additional hedgerow planting, managed grazing of alternative areas, screening of off-site habitat from light pollution, the removal of existing street lights and the provision of bespoke bat roosts to provide 'stepping stones' between the SAC and wider landscape.

5.3.2 It is reasonable to assume that all projects that come forward through the Plans specified in paragraph 2.3.1 would be subject to HRA (to ensure a lawful planning decision) and would therefore be required to provide avoidance/mitigation measures to ensure that no Likely Significant Effect on the Beer Quarry Caves SAC would occur. The measures set out in Sections 1.1 and 5.2 would ensure that development of the Allocation Site (Policy H3) would not act together with other projects or plans to impact on the integrity of the Beer Quarry Caves SAC.

### **5.4 Recommended Amendments to Policy H3 to address HRA**

5.4.1 In light of the above HRA assessment and to ensure that the Policy H3 does not result in a Likely Significant Effect on Beer Quarry Caves SAC, it is recommended that the Policy is re-worded to incorporate requirements for appropriate mitigation as follows.

#### **Policy H3 – Site allocation**

The land at Short Furling identified in figure 11 is allocated for up to 31 dwellings; a minimum of 43% affordable houses will be needed to be provided on-site as part of the development.

Proposals should be informed by detailed landscape assessment (noting the sensitivity of the site and Beer in general) and demonstrate that they will minimise potential adverse impacts upon the landscape character of the area and skyline. Proposals must provide for adequate drainage and provide safe and satisfactory access arrangements. High quality design reflecting local building styles and materials will be required and existing vegetation surrounding the site should be retained with new tree and hedgerow planting incorporated into any scheme, to encourage biodiversity and reduce harm to the Area of Outstanding Natural Beauty.

**Any housing development will be required to undertake a project-level Habitat Regulations Assessment.**

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## 6 Conclusions

- 6.1.1 This HRA Statement identifies potential impact pathways by which Policy (H3) within the pre-submission BNDP could result in an adverse effect on the integrity of the identified European sites, either in isolation or in-combination with other plans and projects. Potential impacts of the proposed allocation on Beer Quarry and Caves SAC are as follows:
- Loss of foraging habitat for qualifying bat species.
  - Severance of bat habitat connectivity.
  - Disturbance to bat foraging and commuting habitat.
- 6.1.2 The Screening Assessment of Policy (H3) determined that, as a result of these potential impacts and in the absence of mitigation, the proposals could result in a Likely Significant Effect on the Beer Quarry Caves SAC either alone or in-combination with other projects.
- 6.1.3 Where the proposed amendments to the wording of Policy H3 are adopted within the Neighbourhood Plan, it will ensure that any planning application for future development of the allocation site will be required to provide sufficient information to inform a Project level HRA.
- 6.1.4 This would enable East Devon Council as the Competent Authority to assess the Habitat Regulations compliance of the proposals. If suitable mitigation is provided it will enable East Devon District Council to 'Screen Out', with a sufficient level of certainty, Likely Significant Effects on the integrity of all European Sites resulting from the Beer Neighbourhood Development Plan.

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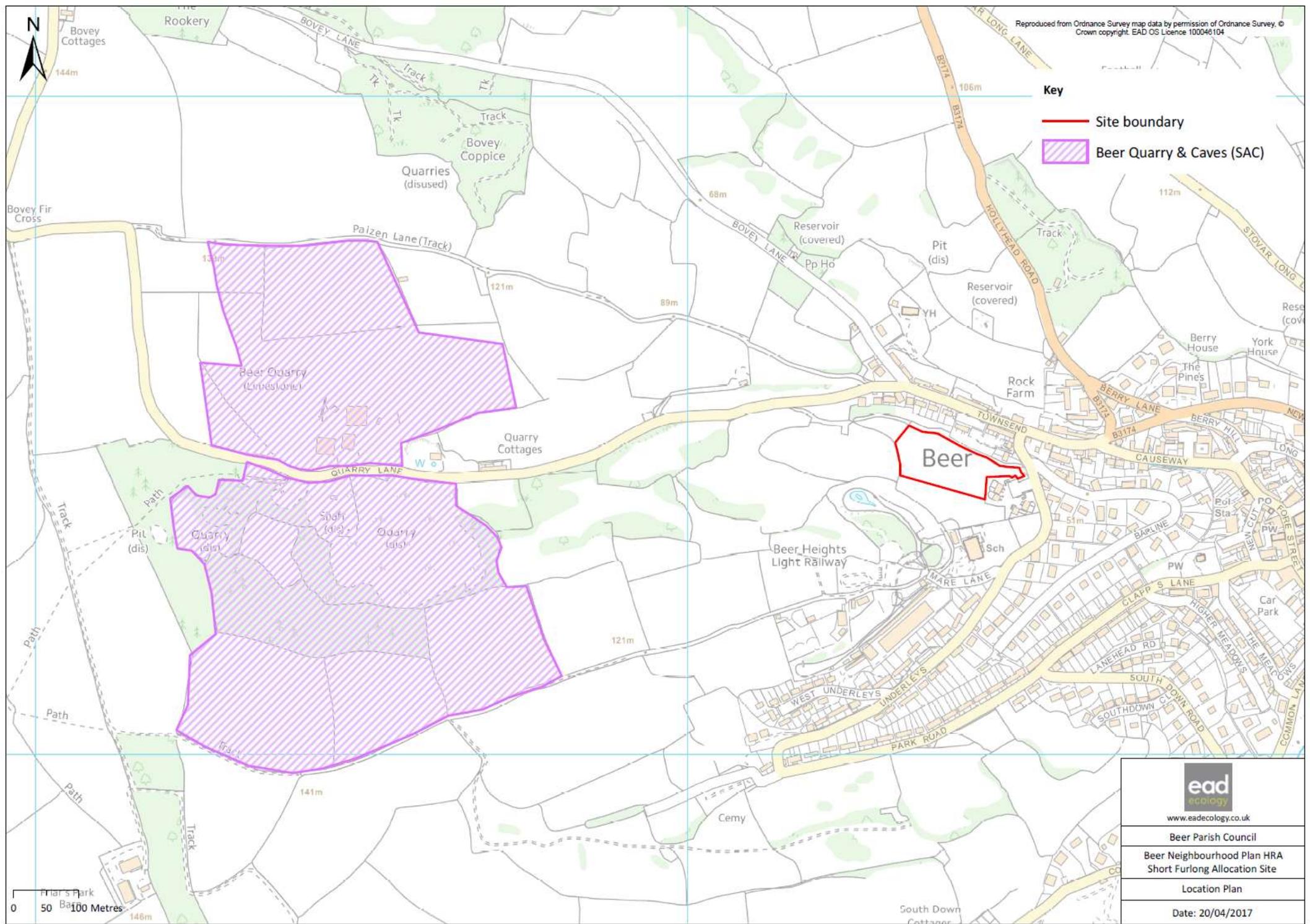
<http://www.beerquarrycaves.co.uk/bats.html>

## **Figure 1: Proposed development location plan**



**Key**

- Site boundary
- Beer Quarry & Caves (SAC)



www.eadecology.co.uk

Beer Parish Council

Beer Neighbourhood Plan HRA  
Short Furlong Allocation Site

Location Plan

Date: 20/04/2017

## **Figure 2: Location of European Sites within 15km of the proposed development**

(Data from Defra MAGIC website, OS licence 100046104)

# MAGIC European Designated Sites within 10km of Allocation Site



## Legend

- Special Areas of Conservation (England)
- Special Protection Areas (England)

Projection = OSGB36  
 xmin = 300200  
 ymin = 77990  
 xmax = 345600  
 ymax = 100100

Map produced by MAGIC on 20 April, 2017.  
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## **Appendix 1:**

**Natural England Response to Screening scoping  
consultation: SEA Scoping and Screening Report - Beer  
Neighbourhood Plan, East Devon**

Date: 07 March 2017  
Our ref: 206673  
Your ref: Beer Neighbourhood Plan SEA / HRA Screening

Tim Spurway  
Neighbourhood Planning Officer  
Planning Policy Section,  
East Devon District Council,  
Station Road,  
SIDMOUTH  
EX10 8HL



Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way

Crewe

Cheshire  
CW1 6GJ

BY EMAIL ONLY

T 0300 060 3900

Dear Mr Spurway

Screening scoping consultation: SEA Scoping and Screening Report - Beer Neighbourhood Plan, East Devon

Thank you for your consultation on the above dated 23<sup>rd</sup> January 2017 which was received by Natural England on the same date.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

WILDLIFE AND COUNTRYSIDE ACT 1981 (AS AMENDED)

**ENVIRONMENTAL ASSESSMENT OF PLANS AND PROGRAMMES REGULATIONS 2004  
CONSERVATION OF HABITATS AND SPECIES REGULATIONS 2010 (AS AMENDED) THE  
NEIGHBOURHOOD PLANNING (GENERAL) REGULATIONS 2012**

### **Strategic Environmental Assessment (SEA) – Screening**

The following designated sites have the potential to be affected by development proposals in Beer:

- Sidmouth to Beer Coast Site of Special scientific Interest (SSSI)
- Sidmouth to West Bay Special Area of Conservation (SAC)
- Beer Quarry Caves Site of Special scientific Interest (SSSI)
- Beer Quarry Caves Special Area of Conservation (SAC)
- East Devon AONB

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance. The guidance highlights three triggers that may require the



production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

As the Beer Neighbourhood plan now contains an allocation for housing not included in the Local Plan, Natural England agrees with the conclusion that an SEA is required as detailed in paragraph 3.10 of the Screening report.

The SEA is the means of auditing development and testing the policies and proposals against the plans objectives (which should be sustainable.) The SEA should on the basis of the scoping of the document, focus on the main issues and conflicts. A brief explanation of the scoping would be helpful. The SA should set out a simple narrative that explains why key choices were made (considering only real alternatives). Where the conflicts between objectives are capable of local resolution, the plan / SEA needs to indicate how this was done.

#### Habitats Regulations Assessment - Screening

Where a neighbourhood plan could potentially affect a European protected site, it will be necessary to screen the plan in relation to the Conservation of Habitats and Species Regulations (2010), as amended (the 'Habitats Regulations'). One of the basic conditions that will be tested at Examination is whether the making of the plan is compatible with European obligations and this includes requirements relating to the Habitats Directive, which is transposed into the Habitats Regulations.

**In accordance with Schedule 2 of The Neighbourhood Planning (General) Regulations 2012, a neighbourhood plan cannot be made if the likelihood of significant effects on any European Site, either alone (or in combination with other plans and projects) cannot be ruled out.**

Therefore, measures may need to be incorporated into the neighbourhood plan to ensure that any likely significant effects are avoided in order to secure compliance with the Regulations. A screening exercise should be undertaken if there is any doubt about the possible effects of the plan on European protected sites.

This will be particularly important if a neighbourhood plan is to progress before a local plan has been adopted and/or the neighbourhood plan proposes development which has not been assessed and/or included in the Habitats Regulations Assessment for the local plan.

European Designated Sites:

- Sidmouth to West Bay Special Area of Conservation (SAC)
- Beer Quarry Caves Special Area of Conservation (SAC)

The Neighbourhood Plan proposes development within the area in which impacts of residential development on the aforementioned sites could arise in the absence of **appropriate mitigation. This is not proposed or assessed within the East Devon Local Plan. Therefore Natural England agrees with the conclusion in paragraph 5.2 of the Screening Report that a full Habitats Regulation Assessment (HRA) is required.**

**Natural England also advises that further consideration is given to the in combination effect with other plans or projects that may have potential to have an impact on Beer Quarry Caves Special Area of Conservation (SAC).**

It is noted that paragraph 1.3 in the introduction to the Scoping Report concludes that an SEA/HRA is not required. This is not consistent with the conclusions within and this needs to be addressed.

Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre,

recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact me on 0300 060 0275. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours Sincerely

S. Panks

Steve

Panks

Lead Adviser – Devon Sustainable Development

Team Tel: 0300 060 0275

Email: [stephen.panks@naturalengland.org.uk](mailto:stephen.panks@naturalengland.org.uk)

**Appendix 2: HRA Screening of Beer Neighbourhood Plan  
Policies**

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
Policy NE1 Development and the Natural Environment	The quality of Beer’s landscape and setting should not be compromised and valued features will be protected.	No HRA implications.  This policy relates to the protection of the Natural Environment
Policy NE2 Locally Important Wildlife Sites	Locally Important Wildlife Sites (LIWS) will be protected from development to maintain and enhance their biodiversity and habitats they support.	No HRA implications.  This policy relates to the protection of the Natural Environment
Policy NE3 Protecting Historic Natural Features	Development proposals should ensure that they have no negative impacts on important Devon banks, hedges and trees.	No HRA implications.  This policy relates to the protection of the Historic Natural Features
Policy NE4 Improving Access to the Natural Environment	Development proposals outside of and on the edge of the Beer built-up area boundary that seek to improve public access to and enjoyment of the countryside (including publicly accessible cliff-top areas) will be supported, where they are in accordance with the other policies in this plan.	No HRA implications.  This policy relates to public access. It does not identify any location, type or quantum of Development  The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
<p>Policy NE5 Rights of Way and Other Access (footpaths, pavements, bridleways and cycleways)</p>	<p>Proposals for development of, or affecting, rights of way and other access ways will be supported where:</p> <ul style="list-style-type: none"> <li>i. they have no negative impact on the natural environment (landscape, biodiversity and habitats);</li> <li>ii. they promote, protect, maintain and enhance the existing public rights of way network and other access ways;</li> <li>iii. they improve and enhance the existing network of access through the provision of upgraded, new or extended routes; and,</li> <li>iv. iv) they prevent motorised vehicles (except those specifically designed for the disabled) from inappropriate use of public rights of way and other access ways through design measures and access gates.</li> </ul>	<p>No HRA implications.</p> <p>This policy relates to public access. It does not identify any location, type or quantum of Development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy MS1 – Beer Beach</p>	<p>Development proposals on or adjacent to the Beach at Beer will be supported only if:</p> <ul style="list-style-type: none"> <li>i. they meet a proven need for community or visitor facilities; or</li> <li>ii. support marine-related activities in accordance with policy MS7; and</li> <li>iii. are of an appropriate scale and contribute positively to the special character of the local environment.</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy MS2 – Coastal Erosion</p>	<p>Development proposals which are deemed necessary to prevent coastal erosion at Beer in the interest of protecting local property and businesses will be supported.</p>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
Policy MS3 – Groyne	Development proposals that are necessary to maintain the concrete groyne will be supported.	No HRA implications.
Policy MS4 – Marine Conservation	Development proposals that facilitate and enhance marine conservation will be supported where they do not have a significant harmful impact on the Beach and the surrounding environmental features and assets.	<p>No HRA implications.</p> <p>This policy relates to the protection of the Natural Marine Environment.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy MS5 – High Quality Visitor Facilities and Amenities	<p>Development proposals to provide visitor-related facilities or amenities should demonstrate how they:</p> <ul style="list-style-type: none"> <li>i. have taken the Beer Design Statement into account; and,</li> <li>ii. comply with the requirements set in Policy HBE1</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
<p>Policy MS6 – Access to the Beach and Connected Public Areas</p>	<p>Development proposals aimed at making access easier and safer to the Beach and its facilities, or the public areas shown in Figures 6 (which includes Jubilee and Sea Hill) will be supported.</p>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy MS7 – Marine-related Activities</p>	<p>The development of facilities which support marine-related activities, which demonstrate benefits to the local economy, on or adjacent to the Beach will be supported provided that the development would not have significant harmful impacts on:</p> <ul style="list-style-type: none"> <li>i) the Beach and surrounding environmental features and assets;</li> <li>ii) the visitor experience;</li> <li>iii) the amenities of residents and other neighbouring uses; and,</li> <li>iv) existing commercial fishing operations.</li> </ul>	<p>No HRA implications.</p> <p>The Policy offers support only to development of facilities would not have significant harmful impacts on the Beach and surrounding environmental features and assets.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
Policy HBE1 – Beer Local Gap	ensure that Beer maintains its separate identity, setting in the landscape and local built character and extent, the designated Built-up Area Boundary will be reinforced to the east and north-east (as identified on Figure 6) to prevent coalescence between Beer and Seaton and maintain a local green gap.	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy HBE2 – High Quality Design	To ensure that new development is sympathetic to the traditional and historic built character and landscape of the parish, development proposals will be supported where they are of high quality design, enhance visual amenity of the setting and minimise any adverse visual impact on locally valued character, and on neighbouring properties to the proposed development site.	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy HBE3 – Sharing use of Pavements for Business and the Social Economy	Development proposals for the shared use of pavements for business purposes, such as tables and chairs for food and drink establishments or advertisements / signs, will be supported where satisfactory arrangements can be made to allow the safe movement past the area by pedestrians, people with impaired mobility and people with mobility vehicles.	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
<p>Policy HBE4 – Renewable and Low Carbon Energy</p>	<p>Development proposals for large scale renewable and low carbon technologies are not supported</p>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy H1 – Meeting the Demand for Local Needs Housing in Beer Village</p>	<p>Proposals for new dwellings will be supported where the proposed dwelling or mix of dwellings:</p> <ul style="list-style-type: none"> <li>i. help to meet a demonstrable local need for affordable housing based on an up-to-date assessment of need and comprise an appropriate mix of dwellings to respond to this need for specific tenures including: <ul style="list-style-type: none"> <li>a. affordable rented; and / or,</li> <li>b. shared equity;</li> </ul> </li> <li>ii. are of the appropriate house type (detached, semi-detached, terraced, flatted, bungalows, etc.) to respond to local needs;</li> <li>iii. are of the appropriate size (in terms of number of bedrooms) to accommodate local needs;</li> <li>iv. are for people with a local connection (as defined in the adopted Local Plan);</li> <li>v. are of a size, scale and design appropriate to the built character and setting; and,</li> <li>vi. satisfy the requirements in the adopted East Devon Local Plan.</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
Policy H2 – Community Housing	Proposals for new housing development brought forward to meet a demonstrable local market or affordability need which seek to retain the dwellings as community assets in perpetuity (for example through Community Land Trusts) are supported.	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy H3 – Site Allocation: Land at Short Furlong	Land at Short Furlong is allocated for up to 31 dwellings with a minimum amount of affordable housing to be provided on-site in accordance with policy H1.	<p>Potential HRA implications. Beer Quarry Caves SAC</p> <p>The site allocation for 31 dwellings is located approximately 0.7 km from the SAC. Potential impact pathways comprise</p> <ul style="list-style-type: none"> <li>• Loss of foraging habitat.</li> <li>• Severance of habitat connectivity.</li> <li>• Disturbance to bat foraging and commuting habitat.</li> </ul> <p>The development of this allocation site was not considered within the East Devon Local Plan.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
<p>Policy H4 – Change of Use from Commercial to Residential Use in the Village Centre</p>	<p>Within the village centre, to ensure that the mix of retail and commercial premises and uses is retained, development proposals for the conversion of retail, commercial and business premises to residential dwellings (which require planning permission) which will not contribute to the vitality of the village centre will only be supported where:</p> <ul style="list-style-type: none"> <li>i. it is demonstrated that the premises are surplus to local economic need and demand and commercial use is no longer viable. Evidence will be required to show that the building and / or site has been actively marketed for at least 12 months (ideally over two summer seasons) at a sound, realistic and viable price for the existing or similar uses. A vigorous economic assessment will be undertaken to establish the potential and viability of any specific concern and marketing of any property or business will need to include an offer to the local community for their acquisition or operation; and,</li> <li>ii. the proposal does not adversely change the character of the building and its setting in the built environment and meets the requirements of the Beer Design Statement.</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy TP1 – Protecting Car Parking Capacity</p>	<p>The following car parks (see Figure 13) are important assets to the local community and essential to the functionality of Beer as a tourist destination:</p> <ul style="list-style-type: none"> <li>i. Central Car Park</li> <li>ii. Beach Court Car Park</li> <li>iii. Cliff Top Car Park</li> <li>iv. Townsend Coach &amp; Car Park</li> <li>v. Designated residential parking:</li> <li>vi. Underleys</li> <li>vii. The Meadows parking bays</li> </ul> <p>Their use as car parking areas will be safeguarded and their capacity maintained.</p>	<p>No HRA implications.</p> <p>This policy safeguards existing carparks.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
Policy TP2 – Car Parking	<p>Development proposals which result in a loss of vehicle parking spaces of any type in the following locations will only be supported:</p> <ul style="list-style-type: none"> <li>i. at on-street and public car parks, if the equivalent or increased capacity is provided elsewhere in Beer; and,</li> <li>ii. at private car parks, if the equivalent or increased capacity is provided elsewhere or the need for the private parking capacity can be shown to be reduced as a result of the development proposals.</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy TP3 – Off-street Parking	<p>Where planning permission is required, development proposals to provide additional off-road parking spaces/areas will be supported as long as they do not have an adverse impact on:</p> <ul style="list-style-type: none"> <li>i. the character of our local built environment;</li> <li>ii. the quality of the surrounding natural environment;</li> <li>iii. the visual amenity of the area; and,</li> <li>iv. flood risk (including local surface water flooding).</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development..</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy TP4 – Accessibility	<p>Development proposals must, where practicable, facilitate safe and appropriate pedestrian and cycle access and links to the village, countryside and community facilities and spaces. This includes providing sufficiently wide pavements for use by mobility vehicles</p>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development..</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
Policy B1 – Existing Employment Land and Buildings	Development proposals that result in the loss of existing employment land and buildings (which require planning permission) will only be supported where they demonstrate that: <ol style="list-style-type: none"> <li>i. the existing use is no longer viable;</li> <li>ii. they will have no adverse effect on residential amenity (such as noise, trading hours, light pollution, anti-social behaviour and so on) in nearby areas; and,</li> <li>iii. there will be no adverse impact on the natural environment (landscape, biodiversity and habitats) or that negative impacts will be satisfactorily mitigated.</li> </ol>	No HRA implications.  This policy does not identify any location, type or quantum of development.  The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.
Policy B2 – Development of New and Converted Employment and Retail Premises in Beer Village Centre	Development proposals within the village centre (as defined in Figure 12) for new employment and retail premises, including the conversion of existing premises (which require planning permission) will be supported where they: <ol style="list-style-type: none"> <li>i. do not lead to a net loss of retail units (shops) or retail floor-space;</li> <li>ii. do not lead to the loss of community facilities;</li> <li>iii. have no adverse effect on residential and village centre amenity in nearby areas (through noise, trading hours, light pollution, anti-social behaviour and so on);</li> <li>iv. have no adverse impact on the built character of the village centre;</li> <li>v. do not adversely impact upon road safety;</li> <li>vi. do not lead to an oversupply of the same use in the village centre; and,</li> <li>vii. conform to the requirements of the Beer Design Statement.</li> </ol>	No HRA implications.  This policy does not identify any location, type or quantum of development.  The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
Policy B3 – Improving Internet Connectivity	The development of a super-fast broadband infrastructure to serve the Parish will be supported where it is sensitively sited and sympathetically designed.	<p>No HRA implications.</p> <p>This policy relates to internet services and does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy B4 – Shopfronts	<p>Development proposals for new or renovated shop fronts will be supported where they:</p> <ul style="list-style-type: none"> <li>i. are of high quality design and preserve the traditional appearance as set out in the Beer Design Statement; and,</li> <li>ii. comply with Policy HBE1.</li> </ul>	<p>No HRA implications.</p> <p>This policy relates to shop fronts and does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
CFS1 – Loss of Community Assets and Facilities	<p>Development proposals that result in the loss of local retail, service provision, community facilities or a ‘community asset’ (listed by East Devon District Council) will only be supported where:</p> <ul style="list-style-type: none"> <li>i. it is to be replaced with community space of an equal or higher quality on the same site or another site within the area;</li> <li>ii. the proposed alternative use would, overall, provide equal or greater benefits to the local community; and</li> <li>iii. it is demonstrated, through local community consultation, that it is no longer required by the community for the current use it serves.</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
Policy CFS2 – Access to Public Areas and Facilities	Development proposals that make access to public areas and facilities easier and safer will be supported.	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy SR1 – Protecting our Existing Sports and Recreation Facilities and Pitches and Preventing their Loss	<p>Proposals which result in a loss of existing sports and recreation facilities and pitches and / or their capacity and / or community accessibility (availability for community use) will only be supported where:</p> <ul style="list-style-type: none"> <li>i. An assessment has been undertaken which clearly shows that facilities are surplus to local and strategic need and demand; or</li> <li>ii. The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity, quality and community accessibility in a suitable location and demonstrate community benefit; or</li> <li>iii. The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.</li> </ul>	<p>No HRA implications.</p> <p>This policy protects existing playing fields and does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
Policy SR2 – Improved, new and additional sports and recreation facilities and pitches	<p>Proposals for improved, new and / or additional play, sports and recreation facilities and pitches will be supported where they:</p> <ul style="list-style-type: none"> <li>i. respond to a demonstrable need and demand for the proposed facility;</li> <li>ii. provide community access;</li> <li>iii. demonstrate how they will be effectively managed and maintained in perpetuity; and,</li> <li>iv. meet up-to-date standards of design set by the appropriate agency or governing body</li> </ul>	<p>No HRA implications.</p> <p>This policy protects existing sports and recreation facilities and pitches and does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
<p>Policy SR3 – Facilities for Children and Young People</p>	<p>Proposals for improved, new and / or additional facilities to meet the needs of children and young people will be supported where:</p> <ul style="list-style-type: none"> <li>i. they demonstrate that they meet the needs of the age groups to which they relate;</li> <li>ii. they demonstrate how they will be effectively managed and maintained in perpetuity;</li> <li>iii. they demonstrate that local young people or children and their parents / guardians have been consulted and involved in developing the proposal; and,</li> <li>iv. they demonstrate that local residents have been consulted and positive measures have been taken to ensure that there are no adverse impacts on local amenity.</li> </ul>	<p>No HRA implications.</p> <p>This policy protects existing playing fields and does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy T1 – Temporary and Alternative Use of Private and Community Assets to Support Tourism</p>	<p>Where the temporary change of use of buildings and open spaces for organised community events and tourist-related activity requires planning permission, proposals will be supported where:</p> <ul style="list-style-type: none"> <li>i. the temporary use would not have significant harmful impacts on the wider visitor experience;</li> <li>ii. the temporary use will cause no permanent damage to the fabric and structure of any building it occupies; and,</li> <li>iii. iii) the temporary use would not have significant harmful impacts on the amenities of neighbouring residents.</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy T2 – New Developments for Tourism</p>	<p>Sustainable tourism development proposals and/or extensions to or expansion of existing tourism uses will be supported in principle provided they do not harm the existing natural and historic environment or detract from the established character of Beer.</p>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

**Table A2.1. HRA Screening of Plan Policies**

Policy	Description	Potential for Likely Significant Effect
<p>Policy T3 – New Holiday Accommodation</p>	<p>Development proposals to provide visitor accommodation will be supported where they demonstrate that:</p> <ul style="list-style-type: none"> <li>i. they are primarily for holiday purposes;</li> <li>ii. it is demonstrated that there is demand and need for additional accommodation of the type proposed within Beer; and,</li> <li>iii. they will not be occupied for residential purposes, including as a second home, unless ancillary to the business</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy T4 – Loss of Tourism Facilities</p>	<p>The loss of tourist facilities to other uses will only be supported where:</p> <ul style="list-style-type: none"> <li>i. it can be demonstrated that the tourist facility is no longer viable; or,</li> <li>ii. the proposed alternative use would provide equal or greater benefits for the local economy and community than the current use.</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>
<p>Policy T5 – Improving the Quality and Diversity of the Tourism Offer</p>	<p>Development proposals that improve the quality and diversity of existing tourist facilities, attractions and accommodation will be supported providing that the development:</p> <ul style="list-style-type: none"> <li>i. does not have a detrimental effect on the distinct character of Beer;</li> <li>ii. does not adversely affect the surrounding infrastructure, particularly local road networks and water supply and sewerage; and,</li> <li>iii. iii) benefits the local community through, for instance, provision of local employment opportunities and improvements to local service provision.</li> </ul>	<p>No HRA implications.</p> <p>This policy does not identify any location, type or quantum of development.</p> <p>The policy is in accordance with the East Devon Local Plan for which the associated HRA concluded it would have sufficient policy provisions to enable the subsequent delivery of necessary measures to avoid and mitigate adverse effects on the integrity of European Sites.</p>

## Explanatory Notes: European Site Conservation Objectives

These Conservation Objectives are those referred to in the Conservation of Habitats and Species Regulations 2010 (the “Habitats Regulations”) and Article 6(3) of the Habitats Directive. They must be considered when a competent authority is required to make a ‘Habitats Regulations Assessment’, including an Appropriate Assessment, under the relevant parts of this legislation.

These Conservation Objectives and the accompanying Supplementary Advice (where available) will also provide a framework to inform the measures needed to conserve or restore the European Site and the prevention of deterioration or significant disturbance of its qualifying features as required by the provisions of Article 6(1) and 6(2) of the Directive.

These Conservation Objectives are set for each habitat or species of a [Special Area of Conservation \(SAC\)](#). Where the objectives are met, the site will be considered to exhibit a high degree of integrity and to be contributing to achieving Favourable Conservation Status for that species or habitat type at a UK level. The term ‘favourable conservation status’ is defined in Article 1 of the Habitats Directive.

**Publication date:** 30 June 2014 – version 2. This document updates and replaces an earlier version dated 29 May 2012 to reflect Natural England’s Strategic Standard on European Site Conservation Objectives 2014.

## **Appendix 3:**

**Outline Requirements for Lighting Assessment of H3 to  
inform Project level HRA of Allocation Site development**

To inform the project level HRA of the Allocation Site, a lighting assessment should be prepared and submitted with any planning application.

### *Baseline*

The Lighting Assessment should involve a pre-development survey of the site to record light characteristics including point measurements at pre-determined locations. All potentially sensitive locations should be determined in combination with the results of baseline bat surveys and development layouts to identify areas of value for bats. This should include areas adjacent to the development where appropriate.

The assessment should then identify all relevant sources of light that may result from the proposed development. This may include (but is not limited to) :

- Buildings (internal and external lighting).
- Highways / street lighting.
- Public areas such as car parking and public amenity spaces.
- Security / Construction lighting.
- Car headlights.

### *Lighting Design*

A Lighting Strategy should then be prepared based on specified lamps / luminaires and column heights and include details of all proposed lighting controls including PIRs and Dimmers.

### *Submitted Lighting Assessment*

The final Lighting Assessment should include details of the scope, methodology and specification of all lighting. It should be accompanied by referenced drawings at an appropriate scale to illustrate the key identified habitat features and the proposed development layout.

Drawings should include Lux contour plans overlaid on development layout plans with isolines indicating 0.5 lux, 1 lux, 3 lux, 5 lux, 15 lux and 20 lux.

Illuminance should also be indicated for vertical planes with vertical levels illustrated by way of transects/ cross-sections on drawings. Measurements in the vertical plane should be provided on a grid between 0.5m and 5m height at the position of all features identified to be sensitive to increased levels of light.



3 Colleton Crescent Exeter EX2 4DG  
t: 01392 260420 e: [info@eadecology.co.uk](mailto:info@eadecology.co.uk)  
[www.eadecology.co.uk](http://www.eadecology.co.uk)