

## **WEST ASHTON NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)**

### **1. Introduction**

- 1.1. This version of the HRA relates to the West Ashton Neighbourhood Plan 2018-2026 Screening Draft November 2018.
- 1.2. The HRA has been carried out to comply with Regulation 105 of the Habitats Regulations 2017. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation. If the screening exercise demonstrates significant effects are likely, whether or not these are addressed through mitigation measures<sup>1</sup>, the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European Sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening and the full appropriate assessment, must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3. It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:  
  
*“Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”<sup>2</sup>*
- 1.4. Where appropriate assessment is undertaken, the competent authority may only authorise the plan or project having ascertained, in light of the sites’ conservation objectives, that it will not adversely affect the integrity of the European site or sites. Otherwise the plan cannot be authorised unless specific statutory tests are met.
- 1.5. Wiltshire Council has conducted the following HRA as competent authority for the West Ashton Neighbourhood Plan (NDP). Where risks to European Sites are identified, the plan must be amended e.g. by the incorporation of mitigation measures, to remove these before the plan is made. Likewise, if the policies or planning context change after the HRA is

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<sup>1</sup> Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

<sup>2</sup> Commission of the European Communities v UK and NI, opinion of Advocate General KoKott, 9 June 2005, Case C-6/04

completed, the HRA process must be repeated before the final plan is considered by a referendum and adopted.

## 2. Screening Methodology

2.1. Each element of the plan has been categorised against screening criteria developed by Natural England to provide a clear audit trail for the screening assessment.

2.2. The screening criteria used are as follows:

- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
- Category A2: The policy is intended to protect the natural environment;
- Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
- Category A4: The policy would positively steer development away from European sites and associated sensitive areas;
- Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

2.3. The effect of each policy has been considered both individually and in combination with other plans and projects (see table in section 4 below). Where potential for likely significant effects have been identified, an appropriate assessment is undertaken in subsequent sections.

## 3. Higher Level HRAs

3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012<sup>3</sup>, March 2013<sup>4</sup>, and April 2014<sup>5</sup>) identified general parameters to determine the likelihood of potential impact on Natura 2000 (European protected) sites. The following parameters were identified and assessed for the following Natura 2000 sites.

- *Recreation – Natura 2000 sites within 5km of the plan area, or where Salisbury Plain SPA/SAC is within 15km of the plan area:*
  - Salisbury Plain SAC and SPA
  - River Avon SAC
  - New Forest SAC / SPA

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<sup>3</sup> Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

<sup>4</sup> Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

<sup>5</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

- *Hydrology / Hydrogeology - Sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact:*
  - Salisbury Plain SAC / SPA
  - Bath and Bradford on Avon Bats SAC
  - Pewsey Downs SAC
  - North Meadow and Clattinger Farm SAC
  - River Avon SAC
  - River Lambourn SAC
  - Kennet & Lambourn Floodplain SAC
- *Air Pollution / Nitrogen Deposition – Natura 2000 sites within 200m of a main road*
  - Porton Down SPA
  - Salisbury Plain SAC / SPA
  - Southampton Water SPA
  - Clattinger Farm SAC
  - River Avon SAC
  - Rodborough Common SAC
  - Cotswolds Beechwoods SAC
- *Physical Damage / Interruption of Flight Lines / Disturbance*
  - Bath and Bradford on Avon Bats SAC
  - Porton Down SPA
  - Chilmark Quarries SAC (added post adoption of the Core Strategy)

3.2 In terms of recreation impacts, the NDP area lies well beyond the distance from which the majority of day visitors come to the New Forest. Recreational pressure on the River Avon SAC is only recognised to occur in very limited circumstances where significant development lies immediately adjacent, which will not occur through this NDP. In relation to Salisbury Plain, the SAC habitat features were screened out of appropriate assessment for the Core Strategy on the advice of Natural England. However West Ashton lies within the 6.4km zone of influence for recreational pressure on Salisbury Plain SPA and the policies in the plan must therefore be screened for their potential to affect this European site. Since the Core Strategy was adopted, it has been demonstrated that recreational pressure has the potential to affect Bechstein's bat breeding sites which are functionally linked to the Bath and Bradford on Avon Bats SAC. The whole of the NDP area lies within the zone where recreational pressure is expected to contribute to adverse effects and the plan must therefore be screened for impacts on this SAC.

3.3 In terms of hydrology/hydrogeology, West Ashton is located within the catchment of the Bristol Avon, rather than the Hampshire Avon, and therefore the River Avon SAC is not potentially impacted. No water resource issues have been identified for the Bath and Bradford

on Avon Bats SAC which is the only SAC from the above list to lie fully within the Bristol Avon catchment. The Bristol Avon is also not identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

- 3.4 The Wiltshire Core Strategy identified that increased traffic would lead to potential effects through an increase in atmospheric pollution and nitrogen deposition upon a range of Natura 2000 sites within 200m of a main road. Such effects were considered to be very small and difficult to predict at the strategic level<sup>6</sup> (WCS HRA Update February 2014). The housing which will be delivered through this NDP is considered to be a small number in relation to the total for the county. All of the Natura 2000 sites listed above, except Salisbury Plan SAC/SPA and River Avon SAC are a considerable distance from the NDP area and effects are likely to be negligible. In relation to Salisbury Plan SAC/SPA and the River Avon SAC, the Wiltshire Core Strategy HRA concluded no likely significant effect where the existing approach to mitigation in Core Policy 55 is implemented. It is concluded that the proposals for housing in this NDP would not have an adverse effect on Natura 2000 sites through nitrogen deposition.
- 3.5 In terms of causing physical damage, interrupting flight lines and disturbance, urban development in the NDP area is too remote to have implications for bats at Chilmark Quarries SAC or stone curlews breeding at Porton Down. However most of the NDP lies within the high and medium risk zones for bats associated with the Bath and Bradford on Avon Bats SAC and therefore policies in the plan are screened below for their potential to affect this European site.
- 3.6 Since the Core Strategy was adopted, the Council has published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (HSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A final schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation.
- 3.7 The screening criteria for the HSAP were modified for some European sites from those used for the core strategy following the results of new surveys and in light of advice received from Natural England. The following screening applies the most up to date criteria available from the HSAP.

#### **4. Screening of Policies in West Ashton Neighbourhood Plan 2018 – 2026 Screening Draft November 2018**

- 4.1 The NDP comprises 8 planning policies which need to be screened against two European Sites where there is a mechanism for effect; the Bath and Bradford on Avon Bats SAC and Salisbury Plain SPA. All parts of the draft plan have been screened for potential impacts on these sites. Three policies have the potential to give rise to significant effects and are therefore taken forward to appropriate assessment in subsequent sections below.
- 4.2 Other policies would either not lead directly to development or would have no significant effects due to the scale and nature of the proposals in the plan.

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<sup>6</sup> Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

**TABLE: Habitats Regulations Assessment Screening of the West Ashton Neighbourhood Plan**

A / B (Green) – Screened out
C / D (Red) – Screened in

Policy	Initial screening Category	Summary of policy wording highlighting any conflict with the Habitats Regulations	Comments
Policy 1: Landscape Setting	C and D for Bats SAC	a) “Development other than for agriculture or small scale rural enterprises will not normally be permitted within the Landscape Gap...” Much of the Landscape Gap lies within a zone where development has been identified as being of high risk to the Bath and Bradford on Avon Bats SAC and the remainder lies within a zone of medium risk. This policy does not identify the SAC as a constraint to development for agriculture or small scale rural enterprises and potentially conflicts with policy 8 below.	
	B and A1 For Salisbury Plain SPA		
Policy 2: Sustainable Transport	A1 for Bats SAC	a) “Ashton Park development must deliver sustainable transport connections...All footpaths and crossings must consider the matter of lighting carefully. Low level lighting, in accordance with the Wiltshire Bat Mitigation Strategy should be employed where appropriate. Developers or those responsible for providing paths, crossings and other elements of sustainable transport in the parish are encouraged to consult directly with the county ecologist while working up designs for schemes.”	Note that lighting at the Ashton Park development would be controlled by a condition, the wording of which is provided in the committee report for application 15/04736/OUT dated 25 April 2018. The condition places restrictions for lighting in ecologically sensitive areas. The words “where appropriate” indicate that the condition and this policy should not be in conflict
	A1 For Salisbury Plain SPA		
Policy 3: Design	A1 for Bats SAC and Salisbury Plain SPA	This category applies to all elements of the policy.	

Policy	Initial screening Category	Summary of policy wording highlighting any conflict with the Habitats Regulations	Comments
Policy 4: Economy	C and D for Bats SAC	<p>“A village shop, post office and / or pub will be permitted within the plan period within the built up area of the village either as a conversion or as a new build...”. West Ashton village lies partly within the high risk zone for bats and the remainder lies within a medium risk zone. As a result of the emerging Trowbridge Bat Mitigation Strategy which seeks to mitigate impacts from development on the SAC, restrictions have been placed on development in these zones. This policy does not identify the SAC as a constraint and potentially conflicts with policy 8 below.</p>	
	B For Salisbury Plain SPA		
Policy 5: Local Green Space – Shepherd’s Drove Recreation Area	B for Bats SAC and Salisbury Plain SPA	Designation of this recreation area as green space will not in itself affect the Bath and Bradford on Avon Bats SAC despite its position within a zone of high risk for bats.	
Policy 6: Sustainable Housing	C and D for Bats SAC	<p>a) “Sites delivering single units of self-build housing up to a maximum size of three bedrooms are encouraged within the built-up area of the village...”                      b) Market and affordable housing shall be delivered as infill development within the village as anticipated by Wiltshire Core Strategy policies 1 and 2 and in accordance with the Trowbridge Bat Mitigation Strategy.”                      c) Renewable energy will be delivered in the Ashton Park development. “Innovative schemes will be welcome including those that make use of hydro and solar power, subject to acceptable impacts in terms of landscape and biodiversity including the Bath and Bradford on Avon [Bats] SAC.”                      d) Renewable energy as part of development proposals for housing is welcome in West Ashton, subject to acceptable impacts on neighbours, landscape and biodiversity including the Bath and Bradford on Avon [Bats] SAC.</p> <p>The whole of West Ashton village lies within either the high or medium risk zone for bats identified in the emerging Trowbridge Bats Mitigation Strategy. This places constraints on development which are not reflected in the wording of policy 6a) and gives rise to a potential conflict with policy 8.</p>	

Policy	Initial screening Category	Summary of policy wording highlighting any conflict with the Habitats Regulations	Comments
	D for Salisbury Plain	No sites allocated, the policy supports development coming forward as infill in West Ashton village. Such development is within the overall quantum anticipated by the Core Strategy which relies on the revised Salisbury Plain mitigation strategy. In light of the ‘People over Wind’ ruling, this policy must be considered through an appropriate assessment.	
Policy 7: Developer Contributions	A2 for Bats SAC and Salisbury Plain SPA	Contributions will be sought towards items a) to g). Significant effects on the Bath and Bradford on Avon Bats SAC will be unlikely due to Policy 2 which requires lighting proposals to meet design requirements set out in the Trowbridge comply with	
Policy 8: Bat Conservation	A4 for Bats SAC	“....Proposals for any development within the plan area must conform with the Trowbridge Bat Mitigation Strategy published by the Local planning Authority, Wiltshire Council.” This policy requires compliance with the Trowbridge Bat Mitigation Strategy which has the objective of ensuring that housing allocations and windfall development will not give rise to adverse effects for the Bath and Bradford on Avon Bats SAC.	
	B / A2 for Salisbury Plain		

## 5. Appropriate Assessment – Bath and Bradford on Avon Bats SAC

### Background to the Bath and Bradford on Avon SAC

- 5.1 The following account clarifies the key geographical and ecological relationships between the Bath and Bradford on Avon Bats SAC and the West Ashton NDP area, as far as these are currently known. Details of the conservation objectives are available online. The current version is dated 27 November 2018 and can be accessed on line together with Natural England’s Supplementary Advice dated 10 February 2019 through the following link, <http://publications.naturalengland.org.uk/publication/6279810384920576>
- 5.2 The SAC designation extends across former stone mines which are hibernation and swarming sites for the three species of bat which are features of this SAC; greater horseshoe, lesser horseshoe and Bechstein’s bats. The nearest mine is at Winsley approximately 8km from West Ashton. Others occur near Box and Bath. The mines are mainly used by bats during the winter and autumn.
- 5.3 While the SAC lies some distance from West Ashton, the bats roost and feed across a much wider area during the spring and summer. Horseshoe bats generally breed in buildings while a significant breeding colony of Bechstein’s bats occurs in woodlands to the south of Trowbridge. The Council has prepared guidance to demonstrate how development across the whole bat landscape must take account of the SAC<sup>7</sup>. It identifies a number of core roosts with core areas around them (termed “consultation zones”) to show where bat activity is likely to be concentrated and where particular precautions will be required.
- 5.4 Under the above guidance, Green Lane and Biss Woods, and Picket and Clanger Woods are all core roosts for Bechstein’s bats and the core areas around them extend across the majority of the West Ashton NDP area. Comparatively little is known about this species as it cannot be identified from bat detectors and is therefore generally under-recorded. However, in the Trowbridge area, extensive radio-tracking studies have been undertaken for the Castlemead and Ashton Park developments and these demonstrate that the West Ashton NDP area is exceptionally well used by this species commuting and foraging within and between the various ancient and more recently planted woodlands to the south of Trowbridge.
- 5.5 Comparatively few horseshoe bat roosts have been recorded in the NDP area but suitable older buildings with flying access occur here and there are many records of commuting and foraging bats to suggest that roosts occur locally.
- 5.6 It is likely that all three SAC species fly through open countryside in the NDP area to access the SAC.

### Plans and Projects to be considered in-combination

- 5.7 The screening Assessment found that the West Ashton NDP could lead to significant effects on the Bath and Bradford on Avon Bats SAC in combination with other plans and projects. The following assessment has been conducted taking the following plans and projects into consideration:

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<sup>7</sup> Bat Special Areas of Conservation, planning guidance for Wiltshire. Issue 3.0, 10 September 2015

- Wiltshire Core Strategy (Adopted January 2015)
- Wiltshire Housing Site Allocations Plan submission document May 2018 with proposed schedule of changes dated September 2018
- North Bradley Neighbourhood Development Plan SEA and HRA Screening Draft May 2018
- Corsham Neighbourhood Development plan 2016-2026 Submission Draft February 2018
- Southwick Neighbourhood Plan 2018-2026 Screening Draft August 2018
- Application 15/04736/OUT Ashton Park, Trowbridge
- Application 16/04468/OUT land South West of Ashton Road, Trowbridge
- Application 16/00547/FUL Land SE of Southview Park, Trowbridge
- Application 17/12509/FUL Land SE of Southview Park, Trowbridge
- Application 18/00985/OUT The Grange, Hilperton
- Application 16/00672/OUT Land W of Elizabeth Way, SW of Hilperton Marsh, Trowbridge
- Application 17/09961/OUT Land West Of Biss Farm, West Ashton Road, Trowbridge
- Permission 13/06879/OUT Land South of Devizes Road, Hilperton
- Permission W/11/01932/REM Land North East of Green Lane Farm, Trowbridge (completed)
- Permission W/04/02105/OUTES Land adjacent to scrapyard, Trowbridge (completed)
- Application 18/02671/FUL Sunnyside Yarnbrook Road

#### **HRA for the Wiltshire Housing Site Allocations Plan pre-submission draft**

- 5.8 The HRA for the Wiltshire Housing Site Allocations Plan pre-submission draft included an appropriate assessment of the six allocations proposed for Trowbridge and this has now been supplemented by an Addendum HRA (September 2018).
- 5.9 The HRA and its addendum concluded that allocations would not lead to an adverse effect on site integrity alone or in-combination with other plans and projects provided that:
- Sensitive habitat features on / adjacent to allocation sites are retained and buffered from development (including residential gardens) by wide, dark (<1 lux), continuous corridors of native landscaping which will allow for their long-term protection and favourable management in order to secure continued or future use by SAC bats ;
  - Development delivers new habitats to offset in-combination habitat losses due to the effect of ongoing urbanisation at a landscape scale, and;
  - Development delivers measures to offset in-combination increases in recreational pressure which are likely to occur at publicly accessible woodlands used by breeding Bechstein's bats.
- 5.10 These measures have now been addressed through the Trowbridge Bat Mitigation Strategy (TBMS) which was published as a Draft for Consultation on 21 February 2019. This strategy has been prepared by the Council to address the impacts from new development at Trowbridge arising through the Wiltshire Housing Site Allocations Plan, emerging neighbourhood plans and windfall development. The risks arise from recreational pressure from the new residents who will occupy proposed new dwellings and through loss / degradation of the habitat that SAC bats require for foraging, commuting and roosting. The strategy seeks to ensure that the local landscape can continue to support the SAC bats and that there will be sufficient alternative green spaces for recreation to encourage the growing residential population away from the sensitive woodland habitat.

- 5.11 The TBMS document sets out at a strategic level the mitigation that will be required in association with development to be confident that significant adverse effects to the SAC will be prevented. In summary the it proposes the following zones:
1. A high risk zone extending to 600m from woodlands identified as core roosting sites for Bechstein’s bats. It is anticipated that new build development within this zone would be unable to adequately mitigate for increases in recreational pressure and loss / degradation of habitat and therefore is unlikely to satisfy the requirements of the Habitats Regulations.
  2. A medium risk zone for habitat loss and degradation where green field development will be required to provide 100% mitigation for habitat loss and contribute to a Council scheme for mitigation of residual and in-combination effects.
  3. A medium risk zone for recreational impact where new residential development will contribute to new offsite recreational provision through the Community Infrastructure Levy (CIL).
- 5.12 The Council is currently applying these zones when conducting appropriate assessments of neighbourhood plans in order to demonstrate that the Habitats Regulations can be complied with. The confidence that can be attached to the strategy will increase as it progresses through the Examination in Public for the Wiltshire Housing Site Allocations Plan programmed for April 2019 and thereafter it is intended the plan will be adopted as SPD.

#### **Analysis of policies in the NDP screened into appropriate assessment**

##### Policy 1 Landscape Setting

- 5.13 This policy has been screened into appropriate assessment due to the following wording in part a), *“Development other than for agriculture or small scale rural enterprises will not normally be permitted within the landscape gap...”*
- 5.14 The entire landscape gap lies within zones identified as being of either high or medium risk to the Bath and Bradford on Avon Bats SAC. Within the high risk areas, little green field development is expected to be able to come forward due to the unavoidable loss and degradation of habitat which would necessarily occur due to this zone being of high importance to the breeding population of Bechstein’s bats. Depending on design, it is possible that brownfield development could come forward in the high risk zone but development which by its nature could lead to increased use of the woodlands is not expected to be able to comply with the Habitats Regulations. This would include housing or development of small scale rural enterprise which, depending on its nature may lead to increased recreational pressure.
- 5.15 Green field development may however come forward for medium risk zones, including the zone for habitat loss and the zone for recreational impact (bullet points 2 and 3 above), provided the mitigation requirements described in the TBMS are complied with.
- 5.16 I consider that if the implications of these zones were more fully brought out in policy 8 and its supporting text, it would be possible to broadly accept the wording of part a) of this policy.

- 5.17 I therefore recommend that in relation to agricultural development and small scale rural enterprises specific attention is drawn to the need to comply with policy 8.

*Recommendation 1*

The wording of Policy 1a) should be deleted and replaced with the following:

“Development other than for agricultural or small scale rural enterprises (provided they fully comply with the Trowbridge Bat Mitigation Strategy identified in policy 8) will not normally be permitted within the landscape gap area identified by a solid green line on the policy diagram below.”

The wording of Policy 8 should be revised to clarify the constraints that the SAC places on for development in the neighbourhood plan area.

Policy 4 Economy

- 5.18 This policy states “A village shop, post office and / or pub will be permitted within the plan period within the built up area of the village either as a conversion or as a new build...”
- 5.19 The northern part of West Ashton village lies within the high risk zone identified in the TBMS. As discussed for policy 1 above, little green field development is expected to be able to come forward for the high risk zone, due to the unavoidable loss and degradation of habitat which would necessarily occur here. Commercial / community development of the nature proposed by this policy would however be possible in the high risk zone if it was a proposed conversion or was located on brownfield land. This is because it would not by its nature lead to an increase in recreational pressure.
- 5.20 The remainder of the village lies within the medium risk zone for habitat loss and recreational impact. Commercial / community development for a shop, post office or pub could therefore come forward in this part of the village either as a conversion or a new build provided the mitigation requirements described in the TBMS were complied with.
- 5.21 I consider that if the implications of these zones were more fully brought out in policy 8 and its’ supporting text, it would be possible to conclude the policy would not lead to adverse effects on the SAC.

*Recommendation 2*

The wording of Policy 8 should be revised to clarify the constraints that the SAC places on for development in the neighbourhood plan area.

Policy 6 – Sustainable Housing

- 5.22 Parts a) and b) of policy 6 direct infill housing and self-build housing to West Ashton village, part of which lies within a high risk zone for SAC bats. While such development could come forward within the medium risk zone, i.e. the southern part of the village, it is not anticipated that it would be able to comply with the Habitats Regulations where it is proposed in the high risk zone, i.e. the north. I consider that if the implications of these zones were more fully brought out in policy 8 and its' supporting text, it would be possible to conclude the policy would not lead to adverse effects on the SAC.
- 5.23 Parts c) and d) relate to renewable energy projects which may relate to a wide variety of sources of energy. While not listed as an example, it is worth noting that wind turbines are unlikely to acceptable in this highly sensitive bat landscape. Other projects however may be acceptable and I note the provision in the policy wording requiring that schemes should be acceptable in terms of their impacts on the Bath and Bradford on Avon Bats SAC. These parts of the policy do not appear to be in conflict with the Habitats Regulations.

*Recommendation 3*

The wording of Policy 8 should be revised to clarify the constraints that the SAC places on for development in the neighbourhood plan area.

Policy 8 – Bat Conservation

- 5.24 The supporting text for this policy recognises that policy background for this SAC has moved on since the Core Strategy was adopted and seeks to provide an update which I welcome.
- 5.25 The wording of the policy does not conflict with the Habitats Regulations, rather it is category A4 under the Natural England classification scheme i.e. the policy would positively steer development away from European sites and associated sensitive areas. The first sentence of the policy is a statement relevant to all bat species which is helpful for their conservation generally. However on its own, this would not provide the level of certainty that is required for determining applications that potentially affect bats associated with the SAC. The test for such development established through case law is 'no adverse effects beyond reasonable scientific doubt'.
- 5.26 The second sentence in policy 8 aims to deal with the SAC. However taken together with the above policies which are in conflict with the Regulations, this wording does not provide enough of a steer to potential developers to demonstrate that development within the high risk zone should largely be avoided. I consider that the following revised wording for policy 8 would enable the Council to conclude that the plan offered the best possible security against adverse effects arising from policies 1, 4 and 6.

#### Recommendation 4

Every effort must be made to avoid harm to bats and their habitat, and indeed habitat enhancement, if practical, should be attempted where this is possible as part of any development that is permitted.

Depending on its location, all development proposed within the plan area will present either a high or medium risk for bats associated with the Bath and Bradford on Avon Bats SAC. Wiltshire Council advises that all development proposed in the neighbourhood plan area will be expected to demonstrate compliance with the specific requirements for high or medium risk areas described in the Trowbridge Bat Mitigation Strategy published by the Council. Compliance thresholds for development in high risk zones are particularly onerous and applicants may wish to seek professional advice prior to submitting planning applications.

#### **Conclusion for the Bath and Bradford on Avon Bats SAC**

- 5.27 Provided that the recommendations above are applied, I consider that it is possible to conclude, beyond reasonable scientific doubt that the West Ashton Neighbourhood Plan 2018 – 2026, Screening Draft November 2018 would not lead to adverse effects on the Bath and Bradford on Avon Bats SAC, alone or in- combination with other plans and projects.

## **6 Appropriate Assessment – Salisbury Plain SPA**

### **Background to the Salisbury Plain SPA**

- 6.1 Salisbury Plain SPA encompasses a plateau of chalk grassland, which supports the following SPA features: breeding common quail, Eurasian hobby, stone-curlew and non-breeding hen harrier. Details of the conservation objectives are available online <http://publications.naturalengland.org.uk/publication/5745803545018368>. The current version is dated 21 February 2019. Natural England has also published Supplementary Advice on conserving and restoring the site features<sup>8</sup> and this is available from the same weblink. This recognises that often active and ongoing conservation management is needed to protect, maintain and restore the function of supporting habitat both within and outside the SPA in order to sustain the stone-curlew population. The MoD estate and other landowners through Environmental Stewardship are actively involved in delivering these measures.
- 6.2 Evidence from research has demonstrated that stone-curlew is particularly susceptible to recreational pressure. Mitigation for the impacts of the Core Strategy was agreed with Natural England in 2012 and comprised Council funding for monitoring breeding bird numbers and working with farm managers to maximise breeding success. As a consequence, the HRA for the Core Strategy which was supported by a strategic HRA for housing development<sup>9</sup> was able to

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<sup>8</sup> Supplementary Advice on Conserving and Restoring Site Features: Salisbury Plain Special Protection Area (SPA) Site Code UK9011102 dated 27 October 2017

<sup>9</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from redevelopment), Wiltshire Council, 30 March 2012

conclude no adverse effect. This has been updated to support the HSAP<sup>10</sup> and these documents should be referred to for the background details for this European site.

- 6.3 In consultation with Natural England, the other features are not considered to be vulnerable to recreational pressure.

#### **Plans and projects to be considered in combination**

- 6.4 The screening Assessment found that the West Ashton NDP would not lead to significant effects on the Salisbury Plain SPA alone. Impacts would only occur in combination with other plans and projects. The following plans and projects have been taken into consideration:

- Wiltshire Core Strategy (Adopted January 2015)
- Wiltshire Housing Site Allocations Plan submission document May 2018 with proposed schedule of changes dated September 2018
- Army basing Programme delivering 917 dwellings at 4 sites in close proximity to the Plain
- Neighbourhood plans. Those with allocations within 6.4km of Salisbury Plain SPA include the following
  - Chirton and Conock (max 10, all within WCS housing requirement)
  - Devizes (93 within 6.4km, 32 of which are over the WCS housing requirement)
  - Porton (32, proportion within WCS housing requirement unknown)
  - North Bradley (60, proportion within WCS housing requirement unknown)
  - Pewsey (27-43 dwellings over the WCS housing requirement)
  - Potterne (20, proportion within WCS housing requirement unknown )
  - Urchfont, Wedhampton and Lydeway (37, proportion within WCS housing requirement unknown)
  - Market Lavington (88 dwellings, within WCS housing requirement)

#### **HRA for the Wiltshire Housing Site Allocations Plan pre-submission draft**

- 6.5 Evidence from a visitor survey commissioned by the Council in 2015 demonstrated that 75% of visitors accessing the plan lived within 6.4km of the SPA boundary and 1% of the population within that distance would be expected to visit on a regular basis. Using these findings the HSAP HRA calculated that the housing sites plan would increase visitor numbers to the Plain by 1% over the estimates calculated for the Core Strategy. This figure incorporated a number of precautionary assumptions to counteract any constraints of the data used. Taking the favourable condition of the SPA into consideration, it was considered that existing mitigation measures in place for the Core Strategy would continue to provide an effective, timely and reliable means of mitigating any additional effects from the HSAP should they arise.

#### **Analysis of policies in the NDP screened into appropriate assessment**

##### Policy 6 Sustainable Housing

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<sup>10</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from residential development), Wiltshire Council, reviewed in May 2018

- 6.6 This policy does not allocate housing but seeks to steer windfall development in terms of its location and design. Housing is steered towards West Ashton village which lies within about 5 km of Salisbury Plain SPA. The quantum of development in the WCS and the HSAP has been accounted for in the mitigation measures set out in the document “HRA and Mitigation Strategy for Salisbury Plain SPA”<sup>11</sup>. If in due course windfall development exceeds the quantum in these plans then consideration needs to be given to the effects of this further recreational pressure and whether the current strategy is likely to be effective in dealing with it
- 6.7 The strategy makes provision for an annual survey of stone-curlew during the breeding season across the whole of the SPA extending out to include a 5km buffer.
- 6.8 Five years of data have been collected since the strategy was funded, 2013 – 2018, and this can be compared against data collected from previous surveys funded by the EU Life project since 2002. The general trend is one of increasing numbers of pairs of birds, breeding attempts and young fledged. 2013 was one of the worst years on record attributable to a cold spring and therefore lack of food. However, productivity quickly recovered to a peak in 2017 and the productivity in 2018, although lower than 2017, was still well above that required to keep the population stable. In 2018 productivity on the SPA was 0.71 and across the whole of the study area was 0.75 compared with the rate of 0.61 chicks per pair which is required to keep the population stable.
- 6.9 Natural England’s supplementary advice for stone-curlew identifies a target for maintaining the breeding population at or above a mean of 15 pairs for the SPA, whilst avoiding deterioration from the current level as indicated by the latest mean peak count or equivalent. The peak mean count is currently 23.2 for the SPA indicating this target is being met.
- 6.10 The effects of weather on breeding success have already been alluded to. Predation is another particular risk for stone-curlew. Photographic evidence has been gathered at Porton Down showing badgers taking eggs and foxes taking chicks of stone-curlew and even trampling by deer can be a cause of next failure. However corvids seem to account for fewer losses than their numbers would suggest. The monitoring reports also identify various causes of human disturbance and the 2018 report<sup>12</sup> states “*Although it is difficult to quantify the effects of any recorded disturbance, we continued to observe disturbance events within the CIL monitoring area. Some of these were caused by increased military training, others by photographers getting too close to breeding birds, but most involve individual or commercial dog walkers*”.
- 6.11 In addition to monitoring, the strategy allows for specialists to liaise with farmers regarding in-season plot management. In most years, plots have become unsuitable for nesting by May due to vegetation growth and this can be managed back to support second nesting attempts. Surveyors monitoring the birds help to target such management to best effect and to avoid harming sitting birds. The 2018 monitoring report notes however that the new Countryside Stewardship scheme and changes to the regulations regarding Ecological Focus Areas are

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<sup>11</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from residential development), Wiltshire Council, reviewed in May 2018

<sup>12</sup> Stone-curlew CIL Monitoring Area Report 2018, Rob Blackler and Nick Tomalin, RSPB December 2018

making it more difficult to achieve the best in-plot management for stone-curlews and this is something that may affect breeding success in the future.

- 6.12 Military training is the other main influence on stone-curlew at Salisbury Plain. The MoD has its own bespoke management plan to control training levels and to provide mitigation in the form of managed breeding plots. Mitigation has been reviewed in light of the Army Basing Programme which necessitates increased use of the Plain for training and the effectiveness of this is being monitored by the MoD.
- 6.13 For the time being at least, despite the various factors that can combine to reduce breeding success, stone-curlew appear to be responding well to the habitat interventions started in the late 1990's which have brought this species "back from the brink" of extinction on the Plain.
- 6.14 The current findings suggest that the few hundred dwellings that could come forward as windfall development in addition to those anticipated in the WCS are unlikely to lead to a level of recreational pressure that is unsustainable for stone-curlew. However it is recognised that the pressures on this species at Salisbury Plain are changing and in the future further mitigation may be necessary. Experience has demonstrated landowners are willing to take up conservation measures and that interventions can be effective at reviving the population. Where such measures may be insufficient, future housing plans may need to refocus housing delivery. For the time being the current strategy appears to be adequate to support housing numbers above WCS and HSAP figures as monitoring will ensure that any necessary review of mitigation measures will be timely.

#### **Conclusion for the Salisbury Plain SPA**

- 6.15 I consider that no changes are required to the West Ashton NDP in order to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Salisbury Plain SPA in- combination with other plans and projects.

Prepared by Louisa Kilgallen CEnv MCIEEM, Senior Ecologist, Wiltshire Council

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