



Working towards a core strategy for Wiltshire

Wiltshire Core Strategy

Appendix E – Representations received on Habitats Regulation Assessment

with officer comments

June 2014

Comment ID:	158	Consultee Mr Stephen Davis Wiltshire Wildlife Trust Person ID: 840470	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.	<p>Wiltshire Wildlife Trust does not support the updates to the Habitat Regulations Assessment</p> <p>Wiltshire Wildlife Trust is enormously concerned at the indication provided in the Wiltshire Core Strategy Update (EXAM/89/A) Page 26 that an additional approximately 950 houses will be delivered at Trowbridge Town, and that the additional housing will be directed towards Green/Lane/Biss Woods, with no limit on the Ashton Park extension. The HRA appears to accept that 'this significant uplift in housing numbers for Trowbridge appears to direct them towards Green Lane/Biss Woods. Likely to increase pressure on Bechstein's maternity roosts in this area through habitat loss/fragmentation from housing and infrastructure and recreational pressures on the woods'</p> <p>The Trust believe that imposing this additional pressure on these two woodland nature reserves (and the European protected species they support) is unacceptable and unsustainable. The Trust would like to refer Wiltshire Council to the recently published National Planning Practice Guidance, specifically para's 007, 008, 009, where clear statements are provided regarding the statutory basis for planning to seek to minimise impacts on biodiversity and provide net gains in biodiversity where possible. It is clearly stated in para 007 that; The National Planning Policy Framework is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.</p> <p>This additional allocation should be re-considered and re-evaluated and withdrawn.</p> <p>Ref: http://planningguidance.planningportal.gov.uk/</p>		
Does your representation relate to a previous one you submitted. If so, has the Council satisfied your objection through the proposed changes			
Attached files (Please see Objective)			
Officer Response	<p>This issue is dealt with in more detail in section 4.4 of the Habitats Regulation Assessment (HRA) Update, which makes it clear that the Wiltshire Core Strategy does not define the location of the additional 950 houses. This quantum of housing could be accommodated at the town without adversely affecting the Bechstein's, however the impact will ultimately be dependent upon the location of the development which will be defined through a subsequent Development Plan Document. A policy safeguard has also been inserted, ensuring that the impacts upon bat populations is taken into account in the planning of future strategic growth at Trowbridge, and there is also now greater flexibility in the strategic housing target for the town. It is therefore more appropriate that these impacts are further assessed at a later stage (see Para.4.4.7, HRA Update).</p>		

Comment ID:	182	Consultee Dr Kate Fielden The Avebury Society Person ID: 549769	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.	<p>Water abstraction</p> <p>Para. 1 of the Executive summary states that water authorities confirm that the increased housing numbers can be supplied within licensed abstraction headroom which allows WC to conclude that there will be no adverse effects upon the integrity of the River Avon SAC or the Kennet & Lambourn Floodplain SAC either alone or in combination with other plans or projects. Paras. 4.1.2-6 and 5.1.2-3 of the HRA Update suggest similar conclusions. These assumptions are simplistic and cannot be considered valid for the following reasons in particular:</p> <p>i) A proper Appropriate Assessment of the CS has not been undertaken: in our view this was convincingly stated at the EiP by Mr Hopkins, speaking for the White Horse Alliance, and is further confirmed by the lack of necessary information to substantiate the Council's updated opinion on impacts of the CS on Natura 2000 Sites and species.</p> <p>ii) Adverse effects on an SAC are not necessarily caused by an inadequate water supply in one place or another. Any conclusions about potential adverse effects on SACs reached at this stage cannot be said to be valid since, on its own admission, the 'last full HRA' was carried out by the Council in March 2013 and was based on the pre-submission draft and proposed modifications submitted to the EiP (see para.1.2 of the HRA Updated 2014).</p> <p>iii) We highlighted, in our Further Submission to the EiP on Matter 10 (Water Resources) that, contrary to WC's opinion, the water authorities can guarantee water supplies in some cases only on a lengthy phased basis; and that further funding, not yet clearly identified, will be needed to provide such supplies. Furthermore, the increase in housing numbers will be likely to be accompanied by further demands for water for other developments: again, there is no indication in the Infrastructure Delivery Plan and its conclusions (March 2013; not updated and based on housing figures of 37,000) that there is likely to be any change in the water supply situation.</p> <p>iv) It cannot be assumed by WC that 'applying agreed mitigation where necessary' will meet the requirements of the Habitats Directive which permits 'mitigation' in respect of SACs in certain specific circumstances only. Thus the conclusions reached re mitigation in para. 5.1.2 and 5.1.4 of the HRA Updated are not valid.</p>		
	Does your representation relate to a previous one you submitted. If so, has the Council satisfied your objection through the proposed changes		
Attached files (Please see Objective)			
Officer Response	i) An appropriate assessment has been carried out by the Council. Extensive verbal and written evidence has been provided to the examination to support the Council's position on this matter and has been accepted by Natural England. ii) The Habitat Regulations Assessment (HRA) aims to assess water demands and resources at a strategic level over the plan period. This has been updated in light of proposed modifications and any additional in-combination effects. iii) The relevant resource management plans produced by		

	<p>the water companies are based on the best available scientific information and projected income to support delivery of network improvements. They have been subject to considerable scrutiny at public inquiries undertaken by the water companies prior to adoption and their conclusions are considered to be robust. iv) The council has explained the legal mechanism which permits the use of mitigation measures within the HRA in 'Note to Inspector on Habitats Regulations Issues' (EXAM/15).</p>
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Comment ID:	447	Consultee Mr Charles Routh Natural England Person ID: 382216	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.		<p>Updated Habitats Regulation Assessment</p> <p>Whilst the modifications to the Core Strategy do not invalidate the conclusions drawn in earlier iterations of the Core Strategy, we draw your attention, as the competent authority, to the following matters.</p> <p>Water abstraction</p> <p>The Wiltshire Core Strategy Updated Habitats Regulations Assessment April 2014 says (our emphasis):</p> <p><i>5.1.2 The army rebasing plans are understood to require approximately a 20% increase in abstraction at the garrisons (inside the wire) largely due to proposed SLA, which represents a significant increase in abstraction from the River Avon SAC. To date these abstractions have not been licensed or monitored by the EA as they are subject to crown exemption (which is due to end shortly). Modelling work is currently ongoing into the effects of existing and proposed abstraction from these boreholes in order for the masterplan HRA to assess the effects of the rebasing proposals upon the River Avon SAC in combination with other abstractions. Initial modelling results suggest two areas where LSE may arise as a result of those proposals and further model runs will therefore be required to further inform the masterplan HRA. However it is evident from the modelling so far that the MoD will be able to achieve their requirements inside the wire in broad terms by applying agreed mitigation or alternative solutions where necessary. Outside the wire, the additional SFA will also require a significant increase in water abstraction from the public water sources which are licensed by EA and managed by Wessex Water and Veolia. Wessex Water has confirmed that there is sufficient headroom within existing licences for the proposed SFA housing. Although sufficient capacity is available to serve the uplift in demand from SFA requirements at Ludgershall, Wessex Water notes that its supply will be dependent on Veolia's ongoing bulk supply for this area.</i></p> <p>Natural England has yet to see the modelling evidence to support the underlined assertions. We advise that this should be supplied alongside or in the Habitats Regulation Assessment to support this conclusion.</p> <p>Water pollution (Phosphate)</p> <p>Work is in train to produce a Nutrient Management Plan in a partnership between the Environment Agency, Natural England, Wessex Water and Wiltshire Council. The NMP will set out how development can take place without additional phosphorus loads from sewage discharges having an adverse effect on the integrity on the River Avon SAC. The Habitats Regulation Assessment of this plan should draw upon this in making a conclusion.</p>	
Does your representation relate to a previous one you submitted. If so, has the Council satisfied your objection through the proposed changes			

Attached files (Please see Objective)	
Officer Response	<p>Natural England has been involved in detailed discussion about the scope of this modelling from an early stage. The results of the modelling are highly technical and extensive. It is not practical to reproduce them in the Wiltshire Core Strategy Habitat Regulations Assessment (HRA), however they are presented within the overarching environmental appraisal for the army rebasing masterplan, which can be reviewed at http://www.army.mod.uk/structure/34026.aspx. Wiltshire Council is working with Environment Agency and Natural England to progress the Nutrient Management Plan to have a working draft by September 2014.</p> <p>The HRA (rather than the HRA Update) already refers to the role of the Nutrient Management Plan in preparation. However, further clarification could be given in the final HRA against the particular reference referred to.</p>

Comment ID:	595	Consultee Mr Patrick Kinnersly White Horse Alliance Person ID: 487991	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.		<p>Submission from Patrick Kinnersly on behalf of the White Horse Alliance</p> <p>Consultation response</p> <p>Habitats Regulations Assessment update 2014 [Updated HRA (EXAM/89A)]</p> <p>Objection: this document is unsound. It does not contain sufficient evidence to show that its conclusions are justified or that the policy recommendations can be effective in securing conservation of European protected species and preventing adverse impacts on the integrity of European sites of conservation as required by Article 6(3) of the Habitats Directive.</p> <p>The updated HRA concludes that no policy in the core strategy is likely to have significant effects on European conservation sites in and around Wiltshire.</p> <p>This conclusion is the same as the council reached in the HRA of the first draft of the Core Strategy in 2009 and it has been reached in every version of the assessment since then.</p> <p>The conclusion has remained unchanged whatever new burdens are placed on the natural environment and whatever evidence is presented to the council to show that these burdens would harm protected habitats and species and the natural resources on which they depend.</p> <p>This imperviousness to evidence makes us wonder if there is any point in continuing to respond to these consultations. We have now spent the best part of five years looking at a plan which was clearly deficient when first drafted, remained unsound when submitted to the Secretary of State and now appears to be in total disarray. More than ever it resembles a bad architect's drawing covered in notes saying 'detail to be settled on site'.</p> <p>We do not know what developments and infrastructure are planned, where they will go in the plan area or what impacts they might have on the environment. Yet we have assurances that the risks have been assessed and, where likely adverse effects have been found, the policy framework in the core strategy will ensure that they will be mitigated so as to leave no residual impact on European wildlife.</p> <p>In the absence of evidence, the council expects us to rely on the ubiquitous assertion that no law will be breached and no harm will be done to protected species and their habitats.</p> <p>The value of such an assurance is seriously diminished by the fact that it has not changed in the face of awareness of severe</p>	

environmental constraints or increasing environmental burdens. We will consider first the council's response to evidence of increasingly serious environmental constraints on development south east of Trowbridge.

A 'new' environmental constraint on development

In December 2004 Jenny Ford, senior ecologist for Wiltshire County Council, wrote to the planning department at West Wiltshire District Council (WWDC) to object to the outline planning application for the 600-house Persimmon estate at Green Lane:

'Green Lane and Biss Wood support a population of Bechstein's bats ... This population was confirmed to be a breeding colony during summer 2004 (one of only five known in the UK). The woods are therefore of international importance for nature conservation and are currently under consideration for designation as a Special Area of Conservation (SAC) ... The Bechstein's bats are known to be utilising the area outside the woods for foraging and roosting (for example, Bechstein's bats were found to be foraging and roosting along the line of the Westbury bypass during radiotracking surveys undertaken in 2004).'

This information did not prevent Wiltshire Council, the unitary authority that replaced both WWDC and the county council, from selecting another large area of land adjacent to these woods for a massive strategic housing allocation in its 2009 draft core strategy, 'Wiltshire 2026'. This was the urban extension now known as Ashton Park.

On 17 December 2009, Charles Routh of Natural England submitted an objection to the draft Wiltshire Core Strategy:

'Trowbridge. The allocated sites are in close proximity to an important maternity roost of Bechstein's bats. There is evidence that these are part of the population which uses the Bath and Bradford on Avon Special Area of Conservation (SAC). There is a risk this roost will be adversely affected by increased recreational pressure. Consequently impacts on these bats will need to be considered under Habitats Regulations Assessment regulations. We draw your attention to the fact that it is possible that this assessment will conclude that the proposed allocation will not be possible under European Law.'

The updated Habitats Regulations Assessment of the 2011 draft of the Core Strategy makes no mention of Green Lane and Biss Woods or Picket and Clanger woods. Indeed, Bechstein's bats are not mentioned anywhere in the document. It did contain proposals for conservation of bat habitats in general, including the production of planning guidance, but there was no acknowledgement of the need to assess the Ashton Park strategic site in the light of the warning from Natural England, let alone consider alternative allocations less likely to endanger protected wildlife.

Instead, the HRA report on the 2011 version of the CS reached the same reassuring conclusions about possible 'likely significant effects' on the integrity of European sites from air or water pollution, recreational pressures and direct damage:

'It is also understood that additional guidance will be provided by the Council in a Supplementary Planning Document on this issue. It can therefore be concluded that the Core Strategy will not give rise to significant adverse effects on European sites.' [emphasis in original]

Nothing changed. The Sustainability Appraisal was not revised: the Ashton Park allocation was not amended to reflect the fact that it

could no longer be rated as the least environmentally damaging option. The allocation was not removed from the plan nor was it moved away from the woods, reduced in size or changed in any significant way whatsoever.

Instead of rethinking its strategic plan, the council responded by changing the wording of policies surrounding its predetermined strategy. In the course of 2013, on the eve of the EiP, it produced a flurry of new and revised documents designed to show that likely significant effects predicted by the White Horse Alliance and other objectors would not be likely in practice because mitigation would prevent harm. Where 'adequate mitigation measures' could not be specified, the council fell back on the assumption that impacts of developments could be assessed at a later stage of the planning process.

The 2011 HRA relied heavily on new planning guidance: 'It is also understood that additional guidance will be provided by the Council in a Supplementary Planning Document on this issue. It can therefore be concluded that the Core Strategy will not give rise to significant adverse effects on European sites.' [emphasis in original]

The 'Wiltshire Bat SACs: Planning Guidance', promised in 2011 did not in fact emerge, in draft form, until the end of March 2013, six weeks before the start of the EiP.

The document correctly identified hazards to bat conservation including changes that could disrupt commuting corridors between woodland roosts and hibernation sites in the SAC. It also laid down two 'consultation zones', the first round the designated hibernation roosts in the SAC, the second round Green Lane and Biss Woods. Within these zones bat surveys will be required and if likely significant effects on bats are identified the local authority will carry out an appropriate assessment.

So far so good. Unfortunately the guidance then proceeds to rely entirely on the assumption that a mitigation strategy can be devised to deal with any likely significant effects. The document does not refer to any strategy other than mitigation. There is no mention of avoidance of potential damage by selecting alternative solutions to meet the objectives of the chosen scheme.

For example, in section, 5 Mitigation Strategies, the guidance says

'If insufficient mitigation measures are provided to demonstrate that the bat populations would be adequately protected, the local authority will have no legal alternative but to refuse the application.'

This approach exposes the fundamental flaw in the council's understanding of the Habitats Directive: Successive HRAs have concluded that there will be no likely significant effects from strategic allocations selected and assessed in the Core Strategy. However developers of allocated sites are then asked to accept that this certainty could be lost in the face of actual evidence of bat roosts, habitats, commuting corridors and other 'sensitive features'.

Reliance on deferral of assessment and on unspecified mitigation of unspecified risks from unspecified developments is clearly in breach of Article 6(3) of the Habitats Directive and contrary to the judgment of the European Court of Justice in the Waddenzee case. (Landelijke Vereniging tot Behoud van de Waddenzee v Staatssecretaris van Landbouw, Natuurbeheer en Visserij (Case C- 127/02)

[2004] ECR-7405).

The Waddenzee judgement made it clear that a development may not proceed in the absence of certainty that it will not harm the integrity of a SAC or SPA. [Text of judgment available if required]

The finding of 'No LSE' arising from the strategic-level plan is invalidated by deferral of the assessment to a later stage of the process. The strategic level plan is self-evidently robbed of the necessary certainty.

Compliance with the Habitats Directive - a test case

Wiltshire Council's recent performance in project-level assessment of a strategic employment site within the area covered by the council's 'Bat SACs: Planning Guidance' does not inspire confidence that its favoured strategic sites will in practice receive the level of scrutiny required by the Habitats Directive.

The White Horse Alliance submitted a detailed objection to the outline planning application for the Hawkeridge business park [Application No 14/03118/OUT - New Business Park on land North of Mill Lane, Hawkeridge] - see attachment.

At no point in the planning process did the developer or the council follow Wiltshire Bat SACs: Planning Guidance, 25 March 2013.

Plan 2 at page 12 of the Planning guidance shows the consultation zone round the 'Bechstein's woods' east of Trowbridge. The extract from this map in our objection (attached), shows clearly that all of the proposed Hawkeridge industrial estate lies within the consultation zone.

Our objection shows that the council did not require the developer to survey the farm buildings that would be virtually surrounded by the business park. Subsequent survey effort on behalf of the owner of the farm revealed the presence of a greater horseshoe bat roost at Hawkeridge Farm. This is one of the species for which the Bath and Bradford SAC is designated.

Our objection to the business park planning application, attached, shows that the council has not followed anything resembling the procedures recommended in its own guidance, and approval of the planning application would clearly lead to a breach of the Habitats Directive.

Likely impacts not assessed

Other key elements of the spatial plan remain unassessed for likely impacts on European Natura 2000 sites. Large areas of extra housing for which sites have not been allocated, as in the case of nearly 1000 homes in the Trowbridge community area. Impacts of new elements of the road network proposed in the CS remain unexamined.

Most important of these are improvements to the A350 between Yarnbrook and West Ashton and the distributor road through the Ashton Park site.

It is not clear that the distributor road is covered by CP63 or CP66 of the draft CS. It is not specifically identified as a potential threat to bat commuting between the woods east of Trowbridge and the hibernation roosts in the SAC. What is known of its alignment and elevation? What mitigation is proposed to ensure that it does not sever commuting routes? Why has the updated HRA not acknowledged the evidence of Prof Altringham that effective mitigation methods are not available?

CP66 says in effect that roads will not be approved if not Habitats Directive compliant. But were Wiltshire Council to refuse itself planning permission for the A350 improvements at Yarnbrook and West Ashton or the distributor road, this would make the roads that are said to be necessary to meet the transport needs of Ashton Park and related developments potentially undeliverable.

In reality there is a risk that the council will reach its usual verdict of 'No LSE' and planning permission will be granted anyway. That has been the normal conclusion of the council's own assessments of risk, as is shown by the extracts from the HRA below.

Roads and mitigation

The HRA makes a show of considering the harmful effects of nitrogen deposition from traffic, for example -'5 Nitrogen deposition - there is potential for the additional housing to result in increased atmospheric pollution from traffic, however it is concluded that this would not have an adverse

effect on any Natura 2000 sites alone or in-combination with other plans or projects.'

Objection: Nowhere in the HRA is any evidence offered to support this assertion. The HRA does not acknowledge that during the inquiry into the A350 Westbury eastern bypass, Wiltshire CC was forced to admit that traffic levels on the A350 past Picket and Clanger woods had been underestimated. Actual traffic levels taking into account the volume of heavy goods vehicles would expose this ancient woodland to harmful levels of nitrogen oxides. The council offered the Woodland Trust, owners of the woods, a payment towards mitigation work on its woods. The Trust rejected the offer and submitted a statement to that effect to the inquiry.

Since the inquiry into the Westbury bypass Wiltshire Council's Core Strategy has proposed locating 6.000 homes in the Trowbridge Community Area, the vast majority of them in the Ashton Park urban extension between Trowbridge and the A350. This total has now been increased by 1,000, the bulk of them to be added to the urban extension. The transport needs of this community and the additional employment area to the south of the site are to be met by improvements to the A350 between Yarnbrook and West Ashton and a new distributor road east of Trowbridge.

The council has not modelled the implications for traffic growth and the consequential impacts on bat populations from emissions of nitrogen oxides causing damage to woodland habitats, as at Picket and Clanger woods, or from road-kill.

Appendix 1 at p33 deals with likely impacts of CP63

Bath and Bradford-on-Avon Bats SAC - Council has prepared a guidance document for prospective developers 'Bat Special Areas of

Conservation Planning Guidance for Wiltshire Issue 1.0 which identifies consultation zones around core roosts where developments may lead to impacts on the SAC. Council is entering a Memorandum of Understanding with Natural England to review this document once a year and revise practice as necessary to ensure the SAC remains in favourable condition. The Core Strategy should explain this process by referring to it in CP50: Biodiversity and Geodiversity. Lower tier plans covering Corsham, Trowbridge and Bradford on-Avon * will need to include measures to protect and secure habitats beyond the SAC and contribute to its favourable condition. The A350 improvements planning application will only be approved following assessment under the Habitats Regs (informed by a new survey) and this will ensure that all necessary mitigation measures are included to maintain favourable condition of the SAC.

'CP63 has also now been updated to confirm that emerging transport strategies will not take forward transport options which might adversely affect a Natura 2000 site.'

The 'post-modification screening assessment' concludes that 'As a result it can be concluded that there will be no residual adverse effect on site integrity.'

At no point does the HRA acknowledge the evidence of Professor Altringham presented to the examination in public of the core strategy last year that there are no known mitigation measures to prevent roads severing bats' habitats and causing death by vehicle impacts. What is the point of the EiP process when the evidence of the country's leading expert on this subject and adviser to the government simply vanishes from the record? The same question applies to all submissions from the White Horse Alliance and its member groups. The CS appears to be totally impervious to evidence questioning the soundness of its development plan.

CP66 contains essentially the same copy and typographical errors as the text for CP63. The additional text

'The A350 improvements planning application will only be approved following assessment under the Habitats Regs (informed by a new survey) and this will ensure that all necessary mitigation measures are included to maintain favourable condition of the SAC. CP66 has also now been updated to require upgrades to the A350 to incorporate appropriate mitigation measures to maintain flight routes for Annex II bat species. [my emphasis]

* Note 'Lower tier plans covering Corsham, Trowbridge and Bradford on-Avon' should include Westbury because the community area policy for Westbury requires potential impacts of development on the SAC to be considered and prevented.

Extra Housing allocation. The HRA says 'This significant uplift in housing numbers for Trowbridge [950] appears to direct them towards Green Lane / Biss Woods. Likely to increase pressures on Bechstein's maternity roosts in this area through habitat loss / fragmentation from housing and infrastructure and recreational pressures on the woods. Housing allocations would be made through DPD and subject to further HRA. See Section 4.4 above.'

The above procedure does not comply with the Habitats Directive. The HRA has acknowledged what amounts to 'likely significant effects' at the strategic planning level but has deferred assessment of effects on the SAC to a lower tier of planning - at which point the allocations and their infrastructure will be detached from the cumulative and in-combination effects of the plan as a whole.

The HRA does not acknowledge the evidence Prof Altringham presented to the EiP that recreational pressures on the woods would be

likely to lead to the extinction of the breeding colonies of Bechstein's bats in these woods. We have seen no proposals to address this threat. A further increase in adjacent human populations can only lead to further recreational pressure on Green Lane and Biss woods.

However, under 'Methodology' at para 3.1 we find this assertion that shows no influence of the research done by Prof Altringham and colleagues or of the evidence he gave to the EiP: 'In particular, the effectiveness of any mitigation measures has been reviewed to ensure that they would continue to address relevant LSE and ensure no residual adverse effects upon the integrity of a Natura 2000 site.'

Increased nitrogen deposition from increased traffic and enlarged road network

'5 Nitrogen deposition - there is potential for the additional housing to result in increased atmospheric pollution from traffic, however it is concluded that this would not have an adverse effect on any Natura 2000 sites alone or in-combination with other plans or projects.' This can remain true only as long as the woods to the east of Trowbridge remain on the waiting list for designation as SSSIs and can subsequently be incorporated in the Bath and Bradford SAC. Evidence at the Westbury bypass inquiry quoted above makes it clear that these woods will be at risk of extra nitrogen deposition.'

This complacency continues in the extracts from the HRA below:

'4.5 Nitrogen deposition

'4.5.1 The WCS identified potential LSE upon a range of Natura 2000 sites through increased traffic which would in turn increase atmospheric pollution and nitrogen deposition on sites within 200m of a main road, albeit such effects are considered to be very small and difficult to predict at a strategic level. The increased housing numbers through the proposed modifications would further increase traffic levels and therefore atmospheric pollution, however it is considered that the existing approach to mitigation as set out in CP55 remains valid and effects. It is therefore concluded that the WCS as amended through the proposed modifications would not have an adverse effect upon the Natura 2000 network through nitrogen deposition.'

'5.5 Nitrogen deposition

'5.5.1 Local Plan HRAs identified potential LSEs associated with nitrogen deposition upon numerous sites including Cotswold Beechwoods SAC, North Meadows and Clattinger Farm SAC, River Avon SAC / SPA and the Solent and Southampton Water SPA; the WCS HRA also identified similar LSE associated with these sites. These effects are to be addressed through a series of transport strategies and policies within the plans themselves, taking a similar approach to the WCS. It is considered that these plans would not have an in-combination effect on any one of these Natura 2000 sites through nitrogen deposition.'

But when we examine CP55 this is all we find -

'Policy 55 identifies the role of Low Emission Strategies (defra 2010) as a way of tackling transport related emissions and the need to consider the potential for air quality impacts on European sites, this is consistent with CP25 of the South Wiltshire Core Strategy. Core Policy 55 has been amended to state that assessment will be required for new industrial processes located within 10km of a European

Site.'

Note: The updated HRA does not mention Picket and Clanger Woods as ancient woodland supporting a breeding colony of Bechstein's bats where the previous Westbury bypass plan would have led to excessive nitrogen deposition, as described above.

Once again, inconvenient facts have been replaced by mere assertion that proposed developments are unlikely to have significant effects on key habitats and species.

Patrick Kinnersly

Secretary

White Horse Alliance

Appendix 1

European Site Conservation Objectives for Bath and Bradford-on-Avon Bats Special Area of Conservation

Site code: UK0012584

With regard to the natural habitats and/or species for which the site has been designated („the Qualifying Features“ listed below);

Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.

Subject to natural change, to maintain or restore:

Ø The extent and distribution of qualifying natural habitats and habitats of qualifying species;

Ø The structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species;

Ø The supporting processes on which qualifying natural habitats and habitats of qualifying species rely;

Ø The populations of qualifying species;

Ø The distribution of qualifying species within the site.

Qualifying Features:

	<p>S1303. Rhinolophus hipposideros; Lesser horseshoe bat</p> <p>S1304. Rhinolophus ferrumequinum; Greater horseshoe bat</p> <p>S1323. Myotis bechsteinii; Bechstein`s bat</p> <p>Appendix 2</p> <p>See attached objection, 'Hawkeridge bats-f.doc', to the outline planning application for a business park at Hawkeridge. All documents quoted in the objection are available on request.</p>
<p>Does your representation relate to a previous one you submitted. If so, has the Council satisfied your objection through the proposed changes</p>	
<p>Attached files (Please see Objective)</p>	
<p>Officer Response</p>	<p>The Council's approach to strategic Habitats Regulations Assessment (HRA), use of mitigation measures and deferment to lower level assessments is clearly set out in its note to the inspector on these issues (Note to Inspector on Habitats Regulation Issues, EXAM/15). The Hawkridge application has yet to be determined, however the Council is working closely with the developers and their consultants to clearly identify and avoid / mitigate any potential impacts upon Annex II species. The Council is aware of representations made by the White Horse Alliance and will take them into account in determining the application, which will be subject to a HRA.</p> <p>The primary purpose of the current update to the HRA (EXAM/89) was to assess the effects of the proposed modifications to the plan as set out in the proposed modifications. The assessment has been made in light of all relevant information available to the Council at the time, which includes information in the examination document library of which Professor Altringham's evidence forms part thereof. The effects of traffic growth upon the Bath and Bradford Bats SAC through nitrogen deposition were screened out at an early stage in the HRA process, which has been agreed by Natural England; the proposed modifications do not significantly alter the potential effects of the plan in this regard.</p>

Comment ID:	664	Consultee Miss Katherine Burt Environment Agency (Wessex Area) Person ID: 395940	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.		<p>We are pleased to note that the HRA in-combination assessment took into account Likely Significant Effect (LSE) from recent Local Plan documents and the Salisbury Plain Army Basing Masterplan.</p> <p>We also note that the Executive Summary for the updated HRA includes the following statements:</p> <p><i>'Water abstraction - Wessex Water and Thames Water have confirmed that the increased housing numbers can be supplied within licensed abstraction headroom, therefore it can be concluded that there will be no adverse effects upon the integrity of the River Avon SAC or the Kennet and Lambourn Floodplain SAC either alone or in combination with other plans or projects.'</i></p> <p><i>'Water pollution (Phosphate) -Wessex Water has confirmed that sewage discharges from the increased housing numbers can be accommodated within licensed discharged consents at their Sewage Treatment Works. It can therefore be concluded that the WCS modifications will not adversely affect the River Avon SAC either alone or in - combination with other plans or projects.'</i></p> <p>Section 5.1 Incombination Assessment - Water Abstraction</p> <p>We are aware of the Salisbury Plain Army Basing Masterplan proposals and we have been liaising with the Army Basing team at the Defence Infrastructure Organisation (DIO), along with Natural England and other organisations. This includes discussing the water supply and waste water requirements for this project. We are aware that some water modelling work has been carried out, as mentioned in the Updated HRA, however at the current time we are awaiting the final results of this modelling.</p> <p>We support the view of Natural England that the modelling evidence for the army basing project should be supplied alongside or in the HRA to support the HRA conclusions.</p> <p>We welcome continued liaison with Wiltshire Council, Natural England and others regarding the Army Basing Masterplan.</p> <p>5.2 Water pollution (phosphate)</p> <p>We note that the relevant water companies have confirmed there is capacity in consent headroom to take the proposed Core Strategy Growth.</p>	
Does your representation relate to a previous one you submitted. If so, has the Council satisfied your objection through the proposed changes			
Attached files (Please see Objective)			

Officer Response	<p>Support and comments noted.</p> <p>The Environment Agency has been involved in detailed discussion about the scope of this modelling from an early stage. The results of the modelling are highly technical and extensive. It is not practical to reproduce them in the Wiltshire Core Strategy Habitats Regulations Assessment, however they are presented within the overarching environmental appraisal for the army rebasing masterplan, which can be reviewed at http://www.army.mod.uk/structure/34026.aspx</p>
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Comment ID:	679	Consultee Mr George McDonic CPRE Wiltshire Person ID: 700158	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.		<p>Water abstraction</p> <p>Para. 1 of the Executive summary states that water authorities confirm that the increased housing numbers can be supplied within licensed abstraction headroom which allows WC to conclude that there will be no adverse effects upon the integrity of the River Avon SAC or the Kennet & Lambourn Floodplain SAC either alone or in combination with other plans or projects.</p> <p>Paras. 4.1.2-6 and 5.1.2-3 of the HRA Update suggest similar conclusions. These assumptions are simplistic and cannot be considered valid for the following reasons in particular:</p> <p>i) A proper Appropriate Assessment of the CS has not been undertaken: in our view this was convincingly stated at the EiP by Mr Hopkins, speaking for the White Horse Alliance, and is further confirmed by the lack of necessary information to substantiate the Council's updated opinion on impacts of the CS on Natura 2000 Sites and species.</p> <p>ii) Adverse effects on an SAC are not necessarily caused by an inadequate water supply in one place or another. Any conclusions about potential adverse effects on SACs reached at this stage cannot be said to be valid since, on its own admission, the 'last full HRA' was carried out by the Council in March 2013 and was based on the presubmission draft and proposed modifications submitted to the EiP (see para.1.2 of the HRA Updated 2014).</p> <p>iii) We highlighted, in our Further Submission to the EiP on Matter 10 (Water Resources) that, contrary to WC's opinion, the water authorities can guarantee water supplies in some cases only on a lengthy phased basis; and that further funding, not yet clearly identified, will be needed to provide such supplies. Furthermore, the increase in housing numbers will be likely to be accompanied by further demands for water for other developments: again, there is no indication in the Infrastructure Delivery Plan and its conclusions (March 2013; not updated and based on housing figures of 37,000) that there is likely to be any change in the water supply situation. Para. 5.1.2 of the HRA</p> <p>Updated 2014 demonstrates, in the last sentence, uncertainty re water supply to proposed SFA housing.</p> <p>iv) It cannot be assumed by WC that 'applying agreed mitigation where necessary' will meet the requirements of the Habitats Directive which permits 'mitigation' in respect of SACs in certain specific circumstances only. Thus the conclusions reached re mitigation in para. 5.1.2 and 5.1.4 of the HRA Updated are not valid.</p>	
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Officer Response	<p>i) An appropriate assessment has been carried out by the Council. Extensive verbal and written evidence has been provided to the examination to support the Council's position on this matter and has been accepted by Natural England. ii) The Habitat Regulations Assessment (HRA) aims to assess water demands and resources at a strategic level over the plan period. This has been updated in light of proposed modifications and any additional in-combination effects. iii) The relevant resource management plans produced by the water companies are based on the best available scientific information and projected income to support delivery of network improvements. They have been subject to considerable scrutiny at public inquiries undertaken by the water companies prior to adoption and their conclusions are considered to be robust. iv) The council has explained the legal mechanism which permits the use of mitigation measures within the HRA in the 'Note to Inspector on Habitats Regulations Issues' (EXAM/15).</p>
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Comment ID:	688	Consultee Mr George McDonic CPRE Wiltshire Person ID: 700158	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.	<p>We do not support the HRA Updated (2014) for the following reasons.</p> <p>Habitat disturbance</p> <p>Paragraphs 4.4.2 and 4.4.9 of the HRA Updated 2014, in particular, demonstrate that the Council cannot be certain of the impacts of development on the habitats of protected bats either in the Bath and Bradford on Avon Bats SAC or at Biss / Green Lane Woods. Such statements as:</p> <p>"the effects [of increased housing] are very difficult to predict at a strategic level, as they will be dependent upon the specific location and design of individual developments" (para.4.4.2) and</p> <p>"windfall development would typically be small and confined to within settlement boundaries, and therefore unlikely to have an adverse impact upon bat populations through habitat loss, although it is still very difficult to accurately predict the effects of such development as even a small development e.g. barn conversion could destroy a bat roost used by the designated bat populations" (para .4.4.9), give little confidence in the HRA's assurance that no adverse effects would result from development. In para 4.4.9 of the HRA Updated, the Council again refers to 'mitigation' in relation to avoidance of impacts which, we believe has already been established, is not an appropriate action in terms of the Habitats Directive.</p> <p>Thus it cannot be assumed with any certainty at all, even with the implementation of the Wiltshire Bats SAC guidance, that no adverse effects would result from increased housing development of the scale proposed.</p>		
Does your representation relate to a previous one you submitted. If so, has the Council satisfied your objection through the proposed changes			
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Officer Response	The Council's position on dealing with uncertainty and the use of mitigation in strategic level Habitat Regulation Assessments, are clearly set out in 'Note to Inspector on Habitats Regulations Issues' EXAM/15, and these issues have been discussed at length during the examination hearings.		

Comment ID:	689	Consultee Mr George McDonic CPRE Wiltshire Person ID: 700158	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.	<p>We do not support the HRA Updated (2014) for the following reasons.</p> <p>Water Pollution</p> <p>Para.2 of the Executive summary and part 4.2 of the text of the HRA Updated conclude that, since Wessex Water says that sewage discharges from increased housing can be accommodated within licensed discharge consents at their sewage treatment works, the WCS modifications will not adversely affect the River Avon SAC either alone or in combination with other plans. We cannot agree with this assumption which appears to us to be simplistic and inadequately supported by other considerations, such as precise locations of new housing, and is therefore not valid. Our reasons are as follows:</p> <p>Para . 4.2.2. of the HRA Updated indicates that phosphate discharge levels are "understood to be exceeding their current conservation targets in some stretches". At the same time and in the same paragraph, it is said: "The impact of these policies [presumably with particular relevance to increased housing allocations] is therefore dependent not only upon the housing numbers but also the environmental capacity at each of the relevant STW discharge points" . Neither of these statements convinces us that it can be safely assumed that phosphate levels will be satisfactorily controlled, especially in the event of increased housing numbers, which leads us to conclude that adverse effects on the SAC are a possibility. Under the Habitats Directive adverse effects may only be mitigated under certain specific circumstances and not, as suggested in para 4.2.3, following "a bespoke assessment" which "may require additional mitigation measures".</p>		
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Officer Response	<p>The approach to assessing this issue for Habitats Regulations Assessment purposes has been agreed with Natural England and Environment Agency as statutory consultees (see STA/01). Further details on the phosphate issue are also set out in the Council's note to the inspector ('Note to the Inspector Regarding Phosphates and the River Avon SAC', (EXAM/42).</p>		

Comment ID:	690	Consultee Mr George McDonic CPRE Wiltshire Person ID: 700158	Agent Person ID:
Please give details of why you support or do not support the updates to the Habitat Regulations Assessment.	<p>Recreation</p> <p>Para. 3 of the Executive Summary and Section 4 of the text of the HRA Updated 2014 admit that there would be increases in recreational pressure on the Salisbury Plain and New Forest SPAs from increased housing numbers and, in both instances, state that effective 'mitigation' will ensure that there would be no adverse effects on the SPAs. We do not support this conclusion for the following reasons:</p> <p>We understand that there are no agreed 'existing mitigation strategies' for the Salisbury Plain and New Forest SPAs as stated in para .3 of the Exec Summary of the HRA Updated. A draft "HRA and Mitigation Strategy for Salisbury Plain SPA" was produced in March 2013 but has not been agreed, nor does it take Army re-basing into account. It refers repeatedly to 'mitigation', as does the HRA Updated which we believe has been established at the EiP not to be an appropriate measure to be employed in terms of the requirements of the Habitats Directive unless certain circumstance apply following Appropriate Assessment of a proposed scheme.</p> <p>We understand that it is intended to draw up a "Stone Curlew Management Strategy" for the Salisbury Plain SPA in due course: this document is referred to in the SOCG/33 between WC and CPRE and is likely to be the one mentioned in the Executive Summary of the HRA Update, para.3; it may also be the document referred to as the 'Salisbury Plain Mitigation Strategy' at para. 5.3.2 of the HRA Updated 2014: we suggest that consistency and accuracy in titling would be helpful.</p> <p>A "Recreational Management Strategy" for the New Forest SPA is in preparation (HRA Updated, para. 4.3.4). Since neither of the "Recreational Management Strategies" for the SPAs has been finalised, it cannot be assumed at this stage that no adverse effects will result from increased Army housing: we simply don't have enough information or a secure management strategy framework to work within.</p>		
	Does your representation relate to a previous one you submitted. If so, has the Council satisfied your objection through the proposed changes		
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Officer Response	A stone curlew management strategy has been prepared. Natural England has agreed that this is an effective mechanism to address recreational impacts upon Salisbury Plain SPA (see SOCG/05) and it is currently in operation. The Council is aware that the army rebasing programme will increase recreational pressure to the SPA and is currently working with Natural England and Defence Infrastructure Organisation to revise the mitigation strategy to address this prior to any Service Family Accommodation sites being permitted. Potential effects upon the New Forest SPA are predicted to be minimal nonetheless the Council is committed to making a proportionate contribution to address recreational disturbance in the SPA and is currently working with Natural England, New Forest National Park Authority and Test Valley Council to progress this.		

