
1.0 INTRODUCTION

Background

- 1.1 Wiltshire Council has undertaken a Habitats Regulations Assessment (HRA) of its emerging South Wiltshire Core Strategy Development Plan Document (DPD), in accordance with the Conservation (Natural Habitats &c.) Regulations 1994 (as amended, 2007). The assessment focuses on the possible effects of the plan on designated sites of international nature conservation importance within and close to south Wiltshire (the former district of Salisbury¹). Initial work on the HRA of the Salisbury District Core Strategy was commenced by Salisbury District Council officers in consultation with Natural England and the district Ecologist, and in July 2008 the Council appointed Nicholas Pearson Associates to progress the HRA.
- 1.2 In April 2009, Wiltshire Council was formed from the former districts of Salisbury, Kennet, West Wiltshire and North Wiltshire, and Wiltshire County Council. The Salisbury District Core Strategy is being continued as the South Wiltshire Core Strategy, and will be incorporated into the rest of the Wiltshire Core Strategy in due course. This is the report of the HRA of the Proposed Submission South Wiltshire Core Strategy, as approved by Wiltshire Council on 15 July 2009. This report draws on the previous Screening and Interim HRA report² accompanying the Core Strategy Preferred Options and takes account of consultation comments on it, together with further meetings, consultations and assessment work undertaken. The report includes an updated screening stage and an appropriate assessment of relevant Core Policies.
- 1.3 In order to attempt to tackle the decline in European biodiversity, important sites for nature conservation in England are afforded international protection. The Habitats Directive³ and the Birds Directive⁴ established a network of European protected sites. Special Protection Areas (SPAs) are designated under the Birds Directive in order to protect rare, vulnerable and migratory birds. Special Areas of Conservation (SACs) are designated under the

¹ Excluding the area within the New Forest National Park. Salisbury District Council became part of Wiltshire Council on 1st April 2009 as part of Local Government Reorganisation.

² Salisbury District Council Core Strategy Preferred Options 2006-2026 Habitats Regulations Assessment Screening and Interim Report, August 2008: available at www.wiltshire.gov.uk

³ Council Directive 79/409/EEC of April 1979 on the conservation of wild birds

⁴ Council Directive 92/43/EEC of May 1992 on the conservation of natural habitats and of wild flora and fauna

Habitats Directive and promote the protection of flora, fauna and habitats. Ramsar sites cover important wetlands and were designated under the Ramsar Convention 1971 due to their importance to waterbirds. Within the UK, many Ramsar sites are also SPAs. Government policy states that the Ramsar sites are afforded the same protection as SPAs and SACs for the purpose of considering development proposals that may affect them⁵. These sites combine to create a Europe-wide 'Natura 2000' (N2K) network⁶ of European sites and provide a refuge for wildlife.

Requirement for Habitats Regulation Assessment

- I.4 The requirement for Habitats Regulations Assessment to be undertaken for land use plans in the UK results from the ruling by the European Court of Justice in October 2005 that the UK's transposition of the Habitats Directive, through the Conservation (Natural Habitats &c.) Regulations 1994⁷, failed to correctly implement the Directive as the regulations only required HRA for projects, and not plans or programmes. Subsequently, the regulations have been revised by the Conservation (Natural Habitats &c) (Amendment) Regulations 2007⁸, and now require that proposed Regional Spatial Strategies and Development Plan Documents within the Local Development Framework are subject to a Habitats Regulations Assessment.
- I.5 The HRA is required in order to assess whether the implementation of the plan or project would either, individually, or in combination with other plans or projects, have a significant effect on one or more Natura 2000 sites.
- I.6 The first stage of the HRA is 'screening', in which the implications of the plan or its policies are tested in respect of the sites 'qualifying features', using the precautionary principle, in order to identify whether the plan and its policies are likely to have a significant effect on a Natura 2000 site.

⁵ ODPM, 2005, Planning Policy Statement 9: Biological and Geological Conservation; and ODPM Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their impact within the Planning System

⁶ Ramsar sites are included within the definition of N2K sites for the purposes of this report.

⁷ SI 1994 No. 2716, available at www.opsi.gov.uk

⁸ Regulation 5(55) and Schedule 1 of the 2007 regulations (SI 2007 No. 1843) insert new Part IVA (new regulations 85A-85E) into the 1994 regulations.

-
- I.7 Where the screening stage identifies that the plan or any of its policies are likely to have a significant effect, it must be subject to an ‘*appropriate assessment*’. Under Article 6(3) of the Habitats Directive, and the 2007 Regulations this assessment must determine whether those likely significant effects will or could result in an adverse effect on the integrity of the N2K site/s concerned. Where adverse effects are identified, alternatives to the plan policies, and mitigation measures, should be considered to avoid such effects.
- I.8 Under Article 6(4) of the Habitats Directive, if it is impossible to avoid likely adverse effects on the integrity of N2K sites, to continue with the plan, the plan-making body must demonstrate that there are imperative reasons of overriding public interest and that there are no alternative solutions, and then secure any necessary compensatory measures to protect the integrity of the N2K sites.
- I.9 The aim of the HRA process for the South Wiltshire Core Strategy should therefore be to avoid any adverse effects on the integrity of Natura 2000 sites arising from the implementation of the Core Strategy.

South Wiltshire Core Strategy

- I.10 The Wiltshire Local Development Scheme (April 2009) includes for the continuation of the former Salisbury District Core Strategy as the South Wiltshire Core Strategy. The Core Strategy will guide ‘lower tier’ Development Plan Documents which will include a Site Specific Allocations DPD, and Supplementary Planning Documents (SPD, including a Wildlife Management Plan for Porton Down).
- I.11 The former Salisbury District Council consulted on the Issues and Options Stage of the Core Strategy up to October 2007, and undertook formal public consultation on the Core Strategy Preferred Options document between February and April 2008, and on a modified version of the Preferred Options between September and October 2008. Wiltshire Council will conduct a further public consultation on the Proposed Submission Draft Core Strategy commencing in July 2009. During the consultation period, parties are also welcome to comment on this HRA report.

HRA of the Core Strategy

-
- I.12 The HRA of the Core Strategy is the responsibility of the 'Competent Authority', now Wiltshire Council. As the HRA requires ecological expertise in order to make judgements about the implications for sites' integrity, the Council has worked from the outset with the District Ecologist and Natural England in order to obtain baseline information and agree the process for assessment.
- I.13 The Council initially prepared an Interim Appropriate Assessment Statement (July 2007) for the Issues and Options Stage of the Core Strategy. In light of the need for the Preferred Options to undergo HRA, the Council commenced the 'screening' stage of the HRA in consultation with Natural England in May/June 2008. In July 2008, the Council appointed Nicholas Pearson Associates to progress the HRA of its policies and proposals within the Core Strategy Preferred Options through to finalisation of the strategy.
- I.14 In July 2008, a Steering Group was formed to guide the HRA work through to finalisation and enable informal consultation with key stakeholders. The group has included representatives of Salisbury District Council (Senior Planning Officer and Planning Officer, both now of Wiltshire Council) and Wiltshire County Council (Policy Planner, and District and County Ecologists, now of Wiltshire Council), Natural England, and the Environment Agency. The group has met on 31 July 2008, 10 December 2008, and 17 June 2009, and has provided useful inputs that have assisted the preparation of this report. A number of topic-specific HRA meetings have also been held with key stakeholders during the appropriate assessment stage (see section 2). Minutes of all meetings, where available, are included in **Appendix I**.
- I.15 The Interim Report of the HRA of the Core Strategy Preferred Options, including of the Screening stage and initial work on the Appropriate Assessment stage, was prepared in August 2008 and subject to consultation in September-October 2008.
- I.16 In April 2009, a Pre-Submission Draft Core Strategy ('version 3') was prepared by Wiltshire Council. This was subject to internal review and editing by Wiltshire Council, review by the Government Office of the South West (GOSW) and Planning Inspectorate National Service (PINS), and review as part of the HRA process. The HRA Report of the Pre-submission Draft Core Strategy was prepared in May 2009 to assess the implications of the then-current Core Strategy policies, provide a review of the screening stage, and a full draft appropriate assessment stage which worked through issues more comprehensively. It also

took account of the responses arising from the previous consultation on the Preferred Options HRA in 2008 (consultation responses are included in **Appendix 2**).

- I.17 Subsequently, a number of substantial revisions were made to the Core Strategy by Wiltshire Council in response to recommendations from the GOSW and PINS, and internal Wiltshire Council reviews, including to attempt to avoid repetition with central and Government policy, which resulted in structural changes and the removal of a number of policies. Some key changes to policies were also made by Wiltshire Council as a result of the recommendations of the May 2009 draft HRA report and those of the draft Sustainability Appraisal/ Strategic Environmental Assessment report. The HRA report was then updated to take account of changes to draft policies (version 8 of the Core Strategy) and reissued to Wiltshire Council in June 2009.
- I.18 A meeting of the HRA Steering Group was held on 17 June 2009 to discuss the recommendations of the June 2009 draft HRA report and the latest draft Core Strategy policies with representatives of Wiltshire Council (Senior Planning Officer, Planning Officer and District Ecologist), Natural England and the Environment Agency. At this meeting further revisions to draft policies and the re-insertion of previously deleted draft policies were agreed with Council officers (see **Appendix 1**) and further discussions were subsequently held with Natural England and the Environment Agency on detailed policy wording. Additional revisions were also made to Core Strategy policies as a result of further review by GOSW and Wiltshire Council officers.
- I.19 The recent revisions to the Core Strategy are noted in this report where relevant to the HRA process. This HRA report has been fully updated to assess the latest available draft Core Strategy policies (included in Proposed Submission Draft Core Strategy, version 12, July 2009), and respond to informal consultation comments on the May and June 2009 HRA Reports.
- I.20 Section 2 of the report below sets out the methodology for the assessment. Sections 3 and 4 set out the findings of the Screening and Appropriate Assessment stages.