

HILPERTON NEIGHBOURHOOD DEVELOPMENT PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1. Introduction

- 1.1. This HRA relates to the version of the Hilperton Neighbourhood Development Plan SEA Screening Draft which was current at the time of the assessment on 17.03.17.
- 1.2. The HRA has been carried out to comply with Regulation 102 of the Habitats Regulations 2010 (as amended). 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 to the plan. If the screening exercise demonstrates significant effects are likely, 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. 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. Where appropriate assessment is undertaken, the competent authority may only authorise the plan having ascertained in the 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.
- 1.4. Wiltshire Council has conducted the following HRA as competent authority for the Hilperton Neighbourhood Development Plan SEA Screening Draft. The HRA is iterative; where risks to European Sites are identified amendments must be incorporated into the plan to remove these before the plan is made.
- 1.5. The HRA process should be repeated after any significant changes are made and before the final plan is considered by a referendum.

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, a further appropriate assessment is undertaken in section 5.

3. Wiltshire Core Strategy HRA

3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012¹, March 2013², and April 2014³) 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
- *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

¹ Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

² Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

³ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

4. Screening of Policies in Hilperton Neighbourhood Development Plan

- 4.1. The Hilperton Neighbourhood Development Plan comprises 5 planning policies and 3 informal community action policies.
- 4.2 All parts of the draft plan have been screened for potential impacts on the European sites listed in section 3 above, as set out in the table below. Three policies have the potential to give rise to significant effects on the Bath and Bradford on Avon Bats SAC and are taken forward to appropriate assessment in section 5 below.
- 4.3 Although the plan area falls within 15 km of Salisbury Plain SPA, mitigation for impacts on breeding stone curlew arising from recreational pressure were addressed through the HRA for the Wiltshire Core Strategy. CIL contributions are funding a project to identify, manage and protect breeding sites used by this species for the lifetime of the Core Strategy. The Hilperton HRA can therefore conclude no likely significant effects for this European site.
- 4.4 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.

TABLE: Habitats Regulations Assessment Screening of the Hilperton Neighbourhood Development Plan

A / B (Green) – Screened out

C / D (Red) – Screened in

Policy	Initial screening Category	Issue	Screening category after changes recommended by appropriate assessment
Landscape Setting	C and D	Housing development at the Hilperton Gap could lead to impacts on the Bath and Bradford on Avon SAC alone if on-site habitats used by SAC bat species for foraging, commuting or roosting are adversely affected by development. In-combination with other schemes, development can be expected to contribute to recreational pressure in woodlands in the SE of Trowbridge. Which are used by SAC bats for roosting.	B
Design	A1		
Sustainable Transport	C and D	The provision of new and upgraded paths and crossing points could lead to impacts on the Bath and Bradford on Avon SAC alone if lighting adversely affects habitats used by SAC bat species for foraging, commuting or roosting. Effects could also occur in-combination with other schemes.	B
Infrastructure and developer contributions	A1 / A2		
Local economy, jobs and tourism	C and D	Development to facilitate the local economy could lead to impacts on the Bath and Bradford on Avon SAC alone if development adversely affects habitats used by SAC bat species for foraging, commuting or roosting. Such development could also have effects in-combination with other schemes.	B
Informal policy A – Hedgerows and trees	A2	Restoration of hedgerows and trees could contribute positively by enhancing habitat used by bats which are features of the Bath and Bradford on Avon Bat SAC. Advisory note: felling and management of diseased, dead and dying trees has the potential to affect roosting bats and professional advice should be obtained before undertaking such works.	
Informal Policy B – Ditches and drainage	B		
Informal Policy C – Highway issues	B		

5. Appropriate Assessment

5.1 The screening Assessment found that the Hilperton Neighbourhood Development Plan 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:

- Wiltshire Core Strategy (Adopted January 2015)
- Application 15/04736/OUT Ashton Park, Trowbridge
- Application 16/04468/OUT land South West of Ashton Road, Trowbridge
- Application 16/00547/FUL Drynham Lane, Trowbridge
- Application 15/11267/FUL Parcels P8 and P9B East Trowbridge
- Application 16/01633/OUT The Grange, Hilperton
- Application 16/00672/OUT Land W of Elizabeth Way, SW of Hilperton Marsh, Trowbridge
- Permission 13/06879/OUT Land South of Devizes Road, Hilperton
- Other housing applications in and around Trowbridge which are 2 miles or more beyond Green Lane and Biss Woods
- Permission W/11/01932/REM Land North East of Green Lane Farm, Trowbridge
- Permission W/04/02105/OUTES Land adjacent to scrapyard, Trowbridge
- Emerging Housing Sites DPD

5.2 The Bradford on Avon Bats SAC comprises former stone mines around Bath and Bradford on Avon used by lesser horseshoe, greater horseshoe and Bechstein's bats during the winter for hibernation and in the autumn for swarming. In spring and summer the bats breed in buildings (horseshoes) or woodlands (Bechstein's) within a few kilometres of the SAC. Their survival relies not only on these seasonal roosts but also on connecting habitat which allows them to forage in and move through the surrounding landscape. All three species are highly sensitive to light and have very specific roost and habitat requirements making them susceptible to landscape changes. Hilperton lies between breeding routes to the south and hibernation / swarming sites to the north and therefore the neighbourhood plan could potentially affect the SAC through proposals for land use change in this area.

5.3 The policy on Landscape Setting identifies that development could come forward for the Hilperton Gap if it was in accordance with Wiltshire Council Core policy 44 for Rural Exception Sites. It is possible that habitat within The Gap is used by SAC bat species for foraging, commuting and roosting. There is a risk therefore that development could adversely affect bat habitat by, for example, direct habitat loss, degradation through light spill or deterioration due to change in management.

5.4 Residential development in The Gap also has the potential to lead to increased recreational use of Green Lane and Biss Woods and potentially Pickett and Clanger Woods, all of which are known to support maternity colonies of Bechsteins bats. Recent development at Castlemead demonstrates recreational pressure could be having an adverse impact on this sensitive bat species through damage to roosts and foraging habitat as well as through increased activity such as the presence of dogs and people, noise, informal fires etc. While recreational pressure from any single development is unlikely to trigger impacts, there is a significant risk that the combined pressure from proposed development around Trowbridge would cause a gradual reduction in both breeding success and use of the woodlands by this bat species. There is an added concern that, as The Gap is already used by local people for recreation, particularly dog-walking, development within it could cause current users to go elsewhere, including to woodlands on the SE edge of Trowbridge.

5.5 New development could therefore potentially lead to impacts both alone and in-combination with other schemes. For new development to be able to come forward it would be necessary to be able to

demonstrate, beyond reasonable scientific doubt, that there would be no adverse effects on the SAC. Any loss in recreational area would need to be accompanied by a scheme which demonstrated an appropriate increase in the recreational carrying capacity of the Trowbridge area which at the same time did not increase use of the SE woodlands.

- 5.6 Recommendation 1 - In order to guard against any risk of this policy conflicting with the objectives of the Habitats Regulations, it is recommended that following wording is inserted into the policy:

Any scheme coming forward as a result of the rural exemption granted by Core Policy 44 must satisfy the following criteria;

- **“The scheme must demonstrate no adverse impact on woodlands in the south east of Trowbridge which are functionally linked to the Bath and Bradford on Avon SAC, either alone or in-combination with other plans and projects”**

- 5.7 The policy on Sustainable Transport requires new development proposals to be connected into the existing footpath and cycle network by the provision of new routes where possible and otherwise through upgrading of the overall local system. Footpaths are often located adjacent to hedgerows and other linear landscape features which are the routes preferred by bats for commuting and foraging in otherwise open landscapes. Where hedgerows could be affected by creation of new paths or upgrading of existing ones e.g. through removal or reduction in hedgerow size, change in hedgerow management or installation of artificial lighting there is a significant risk of effects due to habitat severance and reduction in foraging habitat. Impacts may occur alone or in-combination with other schemes. Green Lane for example, which extends from Green Lane Wood into Trowbridge, is used as a footpath and cycleway and is partially lit. Proposals to extend lighting would need to be able to demonstrate no loss in bat use of the lane and ideally bring an improvement on the current conditions which can be expected to have reduced bat activity since lighting was installed. A carefully designed scheme making use of modern techniques and equipment may bring improvements for people using the path and for bats.

- 5.8 Recommendation 2 - In order to guard against any risk of this policy conflicting with the objectives of the Habitats Regulations, it is recommended that following wording is inserted into the policy:

“Due to the importance of the Hilperton area for conserving Britain’s rarest bats, proposals for creating and improving footpaths and cycleways will be subject to an assessment under the Habitats Regulations 2010 (as amended). Proposals will only be implemented where it can be demonstrated there will be no deterioration of bat habitat as a result of lighting or changes to hedgerows and trees along proposed and existing paths.”

- 5.9 The policy on Local Economy, Jobs and Tourism promotes small-scale tourism and employment of specified types. Although the scope for such development to impact on the Bath and Bradford on Avon Bats SAC is less than for the above two policies, there remains some potential for adverse effects through changes to hedgerows and trees especially in-combination with other schemes.

- 5.10 Recommendation 3 - In order to guard against any risk of this policy conflicting with the objectives of the Habitats Regulations, it is recommended that following wording is inserted under point 1 of the policy:

“Subject to acceptable impacts on neighbouring properties, landscape, biodiversity, provision of sufficient parking and compliance with **the Habitats Regulations 2010 (as amended)** and other policies of the neighbourhood plan...”

6 Conclusions

- 6.1 Three policies in the neighbourhood plan have the potential to give rise to significant effects on one European site alone and in combination with other plans and projects. These policies have been considered through an appropriate assessment in section 5 above to determine whether they could lead to loss of site integrity of the Bath and Bradford on Avon Bats SAC. In all cases, additional wording can be added to the policies to ensure adverse impacts are avoided or offset. Provided this wording is added to the appropriate sections of the plan, I can conclude it would not lead to loss of site integrity of the SAC.
- 6.2 This HRA should be reviewed if the plan is altered significantly and before it is considered by a referendum.

Addendum

Please note, under Biodiversity at para 5.15, I recommend wording is modified to more closely reflect the current situation. My suggestion is as follows:

“...The Wiltshire Biodiversity Action Plan and the Wiltshire and Swindon Landscape Conservation Framework provide the local context for biodiversity policy which is contained under Core Policy 50, “Biodiversity and Geodiversity” and Core Policy 52, “Green Infrastructure”. In addition much of the Hilperton Neighbourhood Development Plan area falls within the core area⁴ of habitat used by bats which roost in woodlands to the south east of Trowbridge, including Green Lane and Biss Woods. The particular bats concerned are associated with the Bath and Bradford on Avon Bats SAC (Special Area of Conservation). Development in the plan which could adversely affect these populations must be subject to an assessment process prescribed in the Habitats Regulations 2010 (as amended). “

⁴ Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire 2015