

24 July 2018

Economic Development and Planning
Wiltshire Council
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Trowbridge
Wiltshire
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Ann Skippers MRTPI
Independent Examiner
Ann Skippers Planning

Dear Ann

Examination of the Corsham Neighbourhood Plan

Thank you for your letter of 10 July 2018 drawing attention to the recent judgement of the Court of Justice of the European Union with regards to the interpretation of mitigation measures in relation to Article 6 (3) of the Habitats Directive.

The Council consider that the HRA Screening Report for the Corsham Neighbourhood Plan continues to be legally compliant in the light of the recent judgement referred to in your letter.

The HRA Screening Report states in its conclusion that:

'The draft policies in the emerging Corsham NP do not allocate any specific sites for residential or employment site development. As such, the policies themselves will not result in any development and therefore will not result in any significant adverse effects on any Natura 2000 sites.'

The purpose of the 'Batscape Mitigation Strategy' and policy CNP E1 (which refers to the Strategy) is to provide guidance to enable avoidance of adverse impact as a result of development that may come forward during the life of the neighbourhood plan in accordance with the Wiltshire Core Strategy or principles established in the neighbourhood plan. It is not mitigation of the plans proposals. Individual development proposals within the zone of likely impact on the SAC will still require HRA in accordance with normal planning practices.

Having reviewed the HRA Screening Report in response to your letter, paragraph 3 (d) confirms the position stated in the conclusion that the neighbourhood plan does not allocate any specific sites for residential or employment development. However, a minor amendment to the fifth sentence (as suggested below) may clarify the relationship of the plan to new development and when mitigation is appropriate.

Delete:

'Mitigation will be required with regard to the retention of key flight lines, landscaping proposals and a sensitive lighting strategy for each development, with emphasis on retaining habitat connectivity for the Annex II bat species for which the SAC is designated.'

Replace with:

'Mitigation will be required where there is likelihood that key flight lines may be adversely affected by new development. These are likely to include landscaping proposals and a sensitive lighting strategy with emphasis on retaining habitat connectivity for the Annex II bat species for which the SAC is designated.'

I hope you find these comments helpful. Please do not hesitate to contact me again for further clarification if it is required.

Yours sincerely



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