

LYNEHAM AND BRADENSTOKE NEIGHBOURHOOD DEVELOPMENT PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1. Introduction

- 1.1. This iteration of the HRA relates to the Lyneham and Bradenstoke Neighbourhood Development Plan 2016 to 2026, Draft, June 2020 (Regulation 14 Consultation Draft) submitted to Wiltshire Council inform the Regulation 14 consultation response. Hereafter, the Lyneham and Bradenstoke Neighbourhood Development Plan is referred to as the NDP.
- 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 measures¹, 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 any subsequent 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.”²
- 1.4. Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan or project provided that it will not adversely affect the integrity of any European sites. Otherwise the plan cannot be authorised unless it meets specific statutory tests.
- 1.5. Wiltshire Council has conducted the following HRA as competent authority for the Lyneham and Bradenstoke NDP. Where risks to European Sites are identified, changes are recommended to remove or reduce the risks, and these should be incorporated into the plan

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

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

before it is made. Likewise, if the policies or planning context change after the HRA is 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

Wiltshire Core Strategy

3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012³, March 2013⁴, February 2014⁵ and April 2014⁶) identified general parameters to determine the likelihood of potential impacts on Natura 2000 (European protected) sites. The following potential impact pathways and associated parameters were identified and assessed for the Natura 2000 sites stipulated below.

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

⁴ Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

⁵ Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

⁶ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

- *Recreation – Natura 2000 sites within 5km, or where Salisbury Plain SPA/SAC is within 15km (it should be noted that the relevant parameter for the latter has since been revised on the basis of data obtained by means of visitor surveys and is now 6.4km):*
 - Salisbury Plain SPA / SAC
 - River Avon SAC
 - New Forest SAC / SPA
 - Bath and Bradford on Avon Bats SAC (added post adoption of Wiltshire Core Strategy)
- *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
 - North Meadow and 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 Core Strategy)
 - Mottisfont Bats SAC (added post adoption of Core Strategy)

Recreation

- 3.2 In terms of recreational pressure, the NDP area lies well beyond the 8km radius around the New Forest SAC/SPA within which the majority of day visitors to the New Forest originate⁷.
- 3.3 Recreational pressure on the River Avon SAC is recognised to occur in limited circumstances predominately where significant development lies in close proximity to the SAC, and this will not occur as a result of this NDP.
- 3.4 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. The Salisbury Plain SPA can also be screened out of appropriate assessment with respect of this NDP as the whole plan area is beyond the 6.4km zone around the SPA within which the majority (75%) of visitors to the Plain are expected to live. This is based on the data collated by means of a visitor survey commissioned by the Council in 2015.
- 3.5 In addition, the North Meadow and Clattinger Farm SAC is situated over 10km from the closest point of the NDP area.

Hydrology / Hydrogeology

- 3.6 In terms of hydrology/hydrogeology, the NDP area lies within the catchment of the Bristol Avon, rather than the Hampshire Avon, and as such there is no potential for a likely significant effect on the River Avon SAC as a result of the NDP.
- 3.7 There have been no water resource issues 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. Furthermore, the Bristol Avon has not been identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

Air Pollution / Nitrogen Deposition

- 3.8 The Wiltshire Core Strategy HRA 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 level⁸. The Lyneham and Bradenstoke NDP does not allocate any sites for development or propose any housing allocation that could generate additional traffic; although Policy 1 does support the development of 10 dwellings or less provided that the dwellings would comprise of the types stipulated in the policy and this is considered to be a small number in relation to the total for the county. Furthermore, all of the Natura 2000 sites listed above are a considerable distance from the NDP area and as such it is concluded that the NDP will not result in significant effects on Natura 2000 sites as a result of nitrogen or particulate matter deposition.

Physical Damage / Interruption of Flight Lines / Disturbance

- 3.9 In terms of the potential to cause physical damage to features which provide habitat for bats, such as breeding, roosting and foraging habitat, and the potential to interrupt or fragment bat

⁷ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

⁸ Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

flight lines, or to cause disturbance to such features, it is deemed that the NDP area is too remote to have implications for bats associated with the Bath and Bradford on Avon Bats SAC, Chilmark Quarries SAC or indeed the Mottisfont Bats SAC.

- 3.10 The NDP area is also beyond the potential zone of influence with respect of stone curlews breeding at Porton Down SPA and Salisbury Plain SPA and will not result in physical damage to the habitats within the Natura 2000 sites, nor will it result in the interruption of flight lines or disturbance to breeding stone curlew, such as by means of the introduction of visual stimuli or noise.

Wiltshire Housing Site Allocations Plan

- 3.11 Since the Core Strategy was adopted, the Council published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (WHSAP) 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 schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation. Subsequently, the WHSAP (Council Version, February 2020) was adopted by Full Council on 25th February 2020 and this was accompanied by the final WHSAP Assessment under the Habitats Regulations (Wiltshire Council, February 2020).
- 3.12 The screening criteria for the adopted WHSAP and final HRA were modified for some European sites from those used for the Core Strategy subsequent to the acquisition of results from new surveys, and in light of advice from Natural England. The following screening applies the most up to date criteria available from the WHSAP and HRA.
- 3.13 Furthermore, since the Core Strategy was adopted, Natural England (NE) has advised Wiltshire Council of its concerns regarding the growing number of visitors to the North Meadow and Clattinger Farm SAC in recent years which has led to an increase in trampling. NE has advised that this is particularly evident at North Meadow (which is also a National Nature Reserve (NNR)) during April and May when visitors come to see the Snake's-head fritillaries in flower. NE considers that the increase in recreational pressure upon the SAC is primarily as a result of increases in the local population, and that major new housing developments within a short travel distance of North Meadow are likely to add to the existing visitor pressure and trampling effects.

4. Screening of Policies in Lyneham and Bradenstoke Neighbourhood Development Plan 2016 to 2026, Draft, June 2020

- 4.1 The Lyneham and Bradenstoke NDP comprises eight planning policies; these are detailed and assessed in Table 1 below.
- 4.2 One of the policies (Policy 1) within the NDP would support the development of 10 dwellings or less provided that the dwellings would comprise of the types stipulated in the policy; however, the policy would not itself directly lead to development nor does the policy select a preferred/allocated site(s) for new residential development. Policy 8 proposes a new footpath/cycle route between Lyneham and Bradenstoke, however this development will not result in a likely significant effect upon any Natura 2000 sites.

- 4.3 The other policies within the NDP would either not lead directly to development or would have no significant effects either alone or in combination with other plans and projects. This is due to the nature, scope and scale of the proposals set out in the NP, and on account of the distance of the NP area from any Natura 2000 sites and the absence of a potential pathway for effect.
- 4.4 Any changes made to the plan as a result of the examination in public should be rescreened before the Council adopts the plan.

TABLE 1: Habitats Regulations Assessment Screening of the Lyneham and Bradenstoke NDP

| A / B (Green) – Screened out | | |
|---|--------------------|--|
| C / D (Red) – Screened in | | |
| Policy | Screening Category | Policy Summary and Assessment under Habitats Regulations |
| Policy 1: Small Scale Residential Development | B | <p>This policy specifies that: <i>‘Proposals for residential development of 10 dwellings or less within Lyneham and Bradenstoke will be supported subject to other policies of the development plan.’</i> The policy then sets out the types of dwelling that would be supported, for example sheltered housing.</p> <p>The policy will not result in a likely significant effect to any Natura 2000 sites. Details of any development(s) would be considered at the planning application stage to ensure acceptability in respect of other Development Plan policies of the Wiltshire Core Strategy and the NPPF, especially given that the policy does not propose a preferred or allocated site(s) for any such development(s).</p> |
| Policy 2: Design | A1 | <p>This policy stipulates: <i>‘All new development must demonstrate a high quality of design.’</i> The policy then sets out several measures which are deemed to constitute high quality design.</p> <p>Details of any development within the NDP area would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies including Core Policy 51, 57 and 58 of the Wiltshire Core Strategy and the NPPF.</p> |
| Policy 3: Brownfield Employment Development | A1 | <p>This policy sets out that: <i>‘The re-use of previously developed land and conversion of buildings for retail or employment uses will be supported,’</i> subject to several criteria listed in the policy. It goes on to stipulate: <i>‘Development for small scale business incubator units and office accommodation would be particularly encouraged.’</i></p> <p>The policy will not result in a likely significant effect to any Natura 2000 sites. Details of any development(s) would be considered at the planning application stage to ensure acceptability in respect of other Development Plan policies of the Wiltshire Core Strategy and the NPPF.</p> |
| Policy 4: Social and Medical Facilities | A1 | <p>This policy encourages the development of social, leisure and medical facilities to complement the existing, and specifies that <i>‘Preference will be given to the conversion of existing buildings and the re-use of previously developed land.’</i></p> <p>Opportunities for partnerships between local councils, developers, the Ministry of Defence and/or local schools and others in providing facilities will be welcomed.</p> |

HRA of Lyneham and Bradenstoke Neighbourhood Development Plan 2016 to 2026
(EF V2 28.08.2020)

| Policy | Screening Category | Policy Summary and Assessment under Habitats Regulations |
|--|--------------------|---|
| | | Details of any such potential development within the NDP area would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies and the NPPF. |
| Policy 5: Sports Facilities | A1 | <p>This policy stipulates: <i>‘Development for sports facilities will be supported subject to sufficient provision for parking and safe access to the site. Developer contributions toward such facilities will be sought.’</i></p> <p>Details of any such potential development within the NDP area would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies and the NPPF.</p> |
| Policy 6: Local Green Spaces | A1 and A3 | <p>This policy lists ten areas within the NDP area that it designates as Local Green Spaces, and these are also shown on the proposals map within the plan. The policy then goes on to list two locally important spaces and specify that these are protected in accordance with Core Policy 52. The policy then states: <i>‘Opportunities will be sought to carry out the appropriate enhancement of each; including, as appropriate, planting, wetland environments, rights of way, play improvement, to improve the enjoyment of these spaces and to improve wildlife habitats.’</i></p> <p>Details of any development within the NDP area would be considered at the planning application stage to ensure compliance with Core Policies 50, 51, 52 and 53 of the Wiltshire Core Strategy, and the NPPF. Moreover, this policy serves to augment Core Policy 52 (Green Infrastructure) of the Wiltshire Core Strategy.</p> |
| Policy 7: Safe and sustainable travel | A1 | <p>This policy states: <i>‘The design of new development should encourage walking and cycling, including where appropriate provision for safe pedestrian road crossings and new footpaths and cycleways.’</i></p> <p>Details of any potential development within the Parish would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies and the NPPF.</p> |
| Policy 8: Dedicated footpath / cycle route | B | <p>This policy proposes a new footpath/cycle route and specifies: <i>‘A new dedicated footpath/cycle route linking Lyneham and Bradenstoke will be provided, as shown on the proposals map.’</i></p> <p>The policy will not result in a likely significant effect to any Natura 2000 sites. Details of any new footpath/cycle route would be considered at the planning application stage to ensure acceptability in respect of other Development Plan policies of the Wiltshire Core Strategy and the NPPF.</p> |

5. Conclusion

- 5.1 The HRA screening exercise presented in this document has concluded that the Lyneham and Bradenstoke NDP will not result in a likely significant effect on any European Sites or their qualifying features either alone or in-combination with other plans and projects. Therefore, it has not been necessary for the NDP to be subject to an appropriate assessment under the Conservation of Habitats and Species Regulations 2017.
- 5.2 It should be noted that if any changes are made to the NDP or the policies contained therein, it will be necessary for the amended NDP to be subject to a repeat HRA screening exercise before the NDP can be 'made.'

Prepared by [REDACTED] Ecologist, Wiltshire Council, 28th August 2020