

MARKET LAVINGTON NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

3 Introduction

- 3.1 This iteration of the HRA relates to the Market Lavington Neighbourhood Plan 2018-2016 Second Regulation 14 Consultation Draft dated September 2018.
- 3.2 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.
- 3.3 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*
- 3.4 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.
- 3.5 Wiltshire Council has conducted the following HRA as competent authority for the Market Lavington Neighbourhood Plan (NDP). Where risks to European Sites are identified, changes are recommended to remove or reduce these 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.

4 Screening Methodology

4.1 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.

4.2 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.

4.3 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.

5 Higher Level HRAs

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 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

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 (SUS/36)

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

⁶ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014 (Exam/89A)

- 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

3.2 In terms of recreation impacts, the NDP area lies well beyond the distance from which the majority of day visitors come to the New Forest. Recreational pressure on the River Avon SAC is only recognised to occur in very limited circumstances where development lies immediately adjacent, which will not occur through this NDP. While recreational pressure is a known risk for the Salisbury Plain SPA, risks for the SAC habitat features were screened out of appropriate assessment for the Core Strategy on the advice of Natural England.

3.3 In terms of hydrology/hydrogeology, Market Lavington is served by Woodbridge Sewage Treatment Works (STW), which drains into the Bristol Avon, rather than the Hampshire Avon, therefore the River Avon SAC is not potentially impacted. No water resource issues have been identified for the Bath and Bradford on Avon Bats SAC which is the only SAC to lie fully within the Bristol Avon catchment. The Bristol Avon is also not identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

3.4 The Wiltshire Core Strategy 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 level⁷ (WCS HRA Update February 2014). The housing site allocations in the Market Lavington NDP allow for a further 50 – 100 dwellings spread over a possible four sites, which is considered to be a small number in relation to the total for the county. All of the Natura 2000 sites listed above, except Salisbury Plan SAC/SPA and River Avon SAC) are a considerable distance from the NDP area and effects are likely to be negligible. In relation to Salisbury Plan SAC/SPA and the River Avon SAC the Wiltshire Core Strategy HRA concluded no likely significant effect where the existing approach to mitigation in Core Policy 55 is implemented. It is concluded that the proposals for housing in this NDP would not have an adverse effect on Natura 2000 sites through nitrogen deposition.

- 3.5 In terms of interruption of flightlines / disturbance, the NDP area is too remote to have implications for bats associated with the Bath and Bradford on Avon Bats SAC or stone curlews breeding at Porton Down.
- 3.6 Since the Core Strategy was adopted, the Council has published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (HSAP) 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 final schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation.
- 3.7 The screening criteria for the HSAP were modified for some European sites from those used in the core strategy following the results of new surveys and in light of advice received from Natural England. The following screening applies the most up to date criteria available from the HSAP.

4. Screening of Policies in Market Lavington Neighbourhood Plan Second Regulation 14 Consultation Draft September 2018

- 4.1 The Market Lavington NDP comprises 5 planning policies and 9 informal non-planning policies.
- 4.2 Taking into consideration the location, scale and nature of proposals in the NDP, there is a mechanism for effect on one European Site, Salisbury Plain SPA. All parts of the draft plan have been screened for potential impacts which may arise from the plan alone or in combination with other plans and projects. Five policies have the potential to give rise to significant effects and are therefore taken forward to appropriate assessment in sections 5 and 6 below.
- 4.3 Other policies would either not lead directly to development or would have no significant effects either alone or in combination with other plans and projects due to the scale and nature of the proposals in the plan.

⁷ Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

TABLE: Habitats Regulations Assessment Screening of the Market Lavington Neighbourhood Development Plan

A / B (Green) – Screened out

C / D (Red) – Screened in

Policy Area	Policy	Categorisation in initial screening	Comments and recommendations	Screening category after changes recommended by appropriate assessment
1.Housing (General)	a. Development of the sites identified in this plan must include a significant proportion of 1, 2 and 3 bedroom homes	A1		
	b. A proportion of homes must be affordable in accordance with Wiltshire Core Strategy Policy, however in meeting this requirement, half of the affordable homes provided can be discounted market or shared ownership housing rather than affordable rent.	A1		
	c. The following will be permitted, either as elements of the sites allocated in Policy 2, or as windfall schemes of infill development subject to compliance with the other policies of the plan. - Affordable Self-Build Homes; sites delivering single units of self-build housing will be permitted within the built-up area of the main village subject to compliance with the policies of this plan and the Wiltshire Core Strategy. Such	A1		

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Policy Area	Policy	Categorisation in initial screening	Comments and recommendations	Screening category after changes recommended by appropriate assessment
	homes must remain owned by the builders or their families for a minimum of 5 years from date of completion as defined by issue of final Building Regulations approval. - Eco-homes: Innovative designs incorporating renewable energy or sustainable construction methods are encouraged subject to compliance with other policies of the NDP, acceptable impacts on neighbours and policies of the Wiltshire Core Strategy.			
	d. Applications for development at Market Lavington must be supported by a drainage strategy to ensure the development can be accommodated with satisfactory drainage to reduce the risk of surface water flooding.	A1		
	e. All sites must consider carefully how their designs respect and avoid harm to both landscape and heritage interests. In particular, subsurface archaeology is present at some sites and this will need to be dealt with through appropriate means such as planning conditions.	A1		
	f. So as not to preclude future development, proposals should consider access needs of potential future development on nearby land.	A1		
2. Housing Sites (Allocations Total 88 new dwellings)	Land North of Spin Hill (non-SHLAA) 30 dwellings	D		B
	The Longfield, The Spring. -SHLAA ref 3268 20 dwellings maximum	D		B
	Lavington School – SHLAA ref 3443 15 dwellings	D		B

Policy Area	Policy	Categorisation in initial screening	Comments and recommendations	Screening category after changes recommended by appropriate assessment
	Southcliffe - SHLAA ref 1089 23 dwellings	D	The site features mature trees along the road which are valuable to wildlife. These must be retained in any scheme.	B
3. Developer Contributions	<p>Infrastructure and Developer Contributions</p> <p>All new housing and employment development proposals in the area will be expected to contribute towards local infrastructure in proportion to their scale and in accordance with National and Wiltshire Core Strategy policy. Local priorities (not in order of importance) are:</p> <ul style="list-style-type: none"> • Expand provision of allotments • Pavement and footpath improvement and upgrade to cycle paths where possible, upgrading of bus service and infrastructure, • Provision of additional car parking to reduce congestion • Provision or upgrade of leisure, recreation and exercise facilities • Landscape / townscape improvement – especially if aimed at improving attractiveness to tourism or enhancing the retail environment • Upgrading, repair or enhancement to existing community facilities 	A1		
4. Retail	<p>Retail Services</p> <p>The provision of new and expanded retail outlets within the area shown edged yellow on the policy map is permitted subject to acceptable impacts on neighbours, other policies of the plan and the Wiltshire Core Strategy</p>	B		

Policy Area	Policy	Categorisation in initial screening	Comments and recommendations	Screening category after changes recommended by appropriate assessment
	through: <ul style="list-style-type: none"> • Conversion or part-conversion of residential properties to retail use, especially those that were once shops • Conversion of business premises to retail units • Extension, alteration or expansion of existing retail or business premises to provide an improved retail offer Mixed-use developments including the conversion of upper floors of shops to residential use are encouraged subject to compliance with other policies of the Plan and the Wiltshire Core Strategy.			
5. Local Green Space	The following will provide local green space: <ol style="list-style-type: none"> 1. The Village Green 2. Broadwell Play Area and near-by grass area 3. Football Field Behind Beechwood 4. Hamilton Drive Play Area 5. The Elisha Field 	A1		
6. Informal, non-planning policies	Nature Care - Market Lavington is blest with an idyllic environment and ecology in its east-west valley. The community will come together to take action to enhance local habitats and protect nature including the maintenance of habitats (e.g. trees and hedgerows) and the improvement of the urban habitat for wildlife (e.g. bat and bird boxes, hedgehog homes etc.).	A1		
	B. Village Maintenance Policy The Parish Council will lead and co-ordinate the	A1		

Policy Area	Policy	Categorisation in initial screening	Comments and recommendations	Screening category after changes recommended by appropriate assessment
	<p>community, property owners and other stakeholders such as Wiltshire Council, local shops and the village schools in action to reduce and remove litter and improve the general cleanliness. The Parish Council will also work together with stakeholders including property owners, volunteers and the environment agency to maintain local watercourses in order to help reduce the risk of flooding. The creation of ponds for flood storage and nature can also be considered.</p>			
	<p>C. Parish Sustainable Travel Plan The Parish Council will consider establishing a committee to create a Sustainable Travel Plan. This will work with the community and other stakeholders such as Wiltshire Council and bus companies to address the following issues: Parking - Traffic Congestion - Public and Sustainable Transport services - Vehicle speeds, signage and safety.</p>	A1		
	<p>D. Village Design Statement The Parish Council will consider establishing a committee to create a Village Design Statement as a Planning SPD to help control development and ensure high design quality in the conservation area and in proximity to listed buildings.</p>	A1		
	<p>E. Tourism Action The Parish Council will consider establishing a working group to promote tourism in the village in order to help protect and increase jobs in tourism. The group will work</p>	A1		

Policy Area	Policy	Categorisation in initial screening	Comments and recommendations	Screening category after changes recommended by appropriate assessment
	<p>with stakeholders such as existing businesses, Wiltshire Council and Visit Britain to promote Market Lavington.</p> <p>F. Allotments The Parish Council will consider working with the community, landowners and other stakeholders such as Wiltshire Council to protect and consider establishing allotments on suitable site(s) around the village. Funding may be available from developer contributions however local action will be needed to ensure that this is taken forward.</p> <p>G. Community Events The Parish Council will encourage volunteers and other stakeholders to organise regular local social and sporting events.</p>	A1		
	<p>H. Leisure Facilities The Parish Council will consider establishing a Working Group to consider options for improving facilities for sport and leisure in the village.</p>	A1		
	<p>I. Flood Planning The Parish Council will assist where possible and appropriate in implementing the Local Flood Plan (Lead Local Flood Agency remains Wiltshire Council). See Appendix 10 for the plan drafted by Wiltshire Council)</p>	A1		

5. Appropriate Assessment – Salisbury Plain SPA

Background to the Salisbury Plain SPA

- 5.1 Salisbury Plain SPA encompasses a plateau of chalk grassland, which supports the following SPA features: breeding common quail, Eurasian hobby, stone-curlew and non-breeding hen harrier. Details of the conservation objectives are available online <http://publications.naturalengland.org.uk/publication/5745803545018368>. The current version is dated 30 June 2014. More recently Natural England has published Supplementary Advice on conserving and restoring the site features⁸ and this is available from the same weblink. This recognises that often active and ongoing conservation management is needed to protect, maintain and restore the function of supporting habitat both within and outside the SPA in order to sustain the stone curlew population. The MoD estate and other landowners through Environmental Stewardship are actively involved in delivering these measures.
- 5.2 Evidence from research has demonstrated that stone-curlew is particularly susceptible to recreational pressure. Mitigation for the impacts of the Core Strategy was agreed with Natural England in 2012 and comprised Council funding for monitoring breeding bird numbers and working with farm managers to maximise breeding success. As a consequence, the HRA for the Core Strategy which was supported by a strategic HRA for housing development⁹ was able to conclude no adverse effect.

Plans and projects to be considered in combination

- 5.3 The screening assessment in section 4 above found that the Market Lavington NDP would not lead to significant effects on the Salisbury Plain SPA alone. Impacts would only occur in combination with other plans and projects. The following plans and projects have been taken into consideration:
- Wiltshire Core Strategy, adopted January 2015 (WCS)
 - Wiltshire Housing Site Allocations Plan submission document May 2018 with proposed schedule of changes dated September 2018
 - Army basing Programme delivering 917 dwellings at 4 sites in close proximity to the Plain
 - Neighbourhood plans. Those with allocations within 6.4km of Salisbury Plain SPA include the following
 - Chirton and Conock (max 10, all within WCS housing requirement)
 - Devizes (93 within 6.4km, 32 of which are over the WCS housing requirement)
 - Porton (32, proportion within WCS housing requirement unknown)
 - North Bradley (60, proportion within WCS housing requirement unknown)
 - Pewsey (27-43 dwellings over the WCS housing requirement)

⁸ Supplementary Advice on Conserving and Restoring Site Features: Salisbury Plain Special Protection Area (SPA) Site Code UK9011102 dated 27 October 2017

⁹ HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from redevelopment), Wiltshire Council, 30 March 2012

- Potterne (20, proportion within WCS housing requirement unknown)
- Urchfont, Wedhampton and Lydeaway (37, proportion within WCS housing requirement unknown)

HRA for the Wiltshire Housing Site Allocations Plan pre-submission draft

5.4 Evidence from a visitor survey commissioned by the Council in 2015 demonstrated that 75% of visitors accessing the plan lived within 6.4km of the SPA boundary and 1% of the population within that distance would be expected to visit on a regular basis. Using these findings the HSAP HRA¹⁰ calculated that the housing sites plan would increase visitor numbers to the Plain by 1% over the estimates calculated for the Core Strategy. This figure incorporated a number of precautionary assumptions to counteract any constraints of the data used. Taking the favourable condition of the SPA into consideration, it was considered that existing mitigation measures in place for the Core Strategy would continue to provide an effective, timely and reliable means of mitigating any additional effects from the HSAP should they arise.

Analysis of policy 2 in the NDP screened into appropriate assessment

- 5.5 This policy anticipates growth coming forward at four sites on the outskirts of the village of Market Lavington. The furthest site is 2 km from the SPA, the closest is 0.7 km and together they aim to deliver approximately 88 dwellings. The planning policy context, section 4 of the plan, indicates these dwellings are considered to be within the housing requirement identified in the WCS.
- 5.6 Eighty eight dwellings will give rise to 200 people, 1% of which can be expected to visit the Plain on a regular basis. However this quantum of development has already been accounted for in the mitigation measures adopted for the Core Strategy and the HSAP. The distribution of allocation sites, taking into account the quantum proposed at each, 30, 20, 15 and 23 dwellings, would not have any negative implications for the mitigation strategy or impair its delivery outcomes.

Recommendation for Policy 3: Housing NDP Sites. The policy does not give rise to adverse effects. No changes are required to wording of the policy or supporting text.

Conclusion for the Salisbury Plain SPA

5.7 I consider that no changes are required to the NDP in order to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Salisbury Plain SPA, alone or in combination with other plans and projects.

Prepared by [REDACTED] CEnv MCIEEM, Senior Ecologist, Wiltshire Council
17 January 2019

¹⁰ HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from residential development), Wiltshire Council, reviewed in May 2018