

## JOINT MELKSHAM NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

### 1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Draft Joint Melksham Neighbourhood Plan 2020 – 2030: Submission Draft October 2020, hereafter referred to as the NP. This is the third iteration of the HRA and has been undertaken to inform the Regulation 16 response from Wiltshire Council to the Submission Draft of the NP.
- 1.2. The HRA has been carried out to comply with Regulation 105 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019, hereafter referred to as the Habitats Regulations. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any sites that form part of the national site network 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 measures<sup>1</sup>, the competent authority must undertake an appropriate assessment to examine the effects of the plan on the network objectives of the national site 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.”*<sup>2</sup>
- 1.4. Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan or project provided it will not adversely affect the integrity of any sites that form part of the national site network. Otherwise the plan cannot be authorised unless it meets specific statutory tests.

---

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

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

- 1.5. Wiltshire Council has conducted the following HRA as competent authority for the Joint Melksham NP. Where risks to network sites are identified, changes are recommended to remove or reduce the risks, and these should be incorporated into the plan 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 sites that are part of the national site network 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 be subject to assessment for their effects on sites that are part of the national site network 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 1 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 2012<sup>3</sup>, March 2013<sup>4</sup>, February 2014<sup>5</sup> and April 2014<sup>6</sup>) identified general parameters to determine the likelihood of potential impacts on Natura 2000 (European protected) sites (now known as the national site

---

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

<sup>4</sup> Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

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

<sup>6</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

network<sup>7</sup>). The following potential impact pathways and associated parameters were identified and assessed for the Natura 2000 sites stipulated below.

- *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 Wiltshire Core Strategy)
  - Mottisfont Bats SAC (added post adoption of Wiltshire Core Strategy)

---

<sup>7</sup> On 1<sup>st</sup> January 2021 the Conservation of Habitats and Species Regulations 2017 (as amended) was amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

#### *Recreation*

- 3.2 In terms of recreational pressure, the NP area lies well beyond the 8km radius around the New Forest SAC/SPA within which the majority (75%) of day visitors to the New Forest originate<sup>8</sup>.
- 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 NP as the plan area lies over 20km from the SAC.
- 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 NP as the plan area lies 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.

#### *Hydrology / Hydrogeology*

- 3.5 In terms of hydrology/hydrogeology, Melksham is located 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 NP.
- 3.6 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*

- 3.7 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 level<sup>9</sup>. The allocation in the NP for approximately 18 dwellings is considered to be a small number in relation to the total for the county. The site allocation put forward in the Melksham NP would not generate a significant volume of additional traffic. Furthermore, all of the national site network sites listed above are a considerable distance from the NP area and as such it is concluded that the NP will not result in significant effects on any network sites as a result of nitrogen or particulate matter deposition.

#### *Physical Damage / Interruption of Flight Lines / Disturbance*

- 3.8 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 flight lines, or to cause disturbance to such features, it is deemed that the NP area is too remote to have implications for bats at the Chilmark Quarries SAC or indeed the Mottisfont

---

<sup>8</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

<sup>9</sup> Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

Bats SAC. However, the south-easternmost section of the NP Area falls within the 2km consultation zone around a core lesser horseshoe bat roost associated with the Bath and Bradford on Avon Bats SAC. As it stands, the NP does not put forward any proposals for development within this area and as such appropriate assessment is not triggered, nonetheless, if any proposals for development within the area that falls within the core roost consultation zone area were to come forward, appropriate assessment under the Habitats Regulations at the planning application stage may be required.

- 3.9 The NP area is 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 aforementioned 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**

- 3.10 Since the Core Strategy was adopted, the Council has 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 25<sup>th</sup> February 2020 and this was accompanied by the final WHSAP Assessment under the Conservation of Habitats and Species Regulations 2017 (as amended) (Wiltshire Council, February 2020). (On 1<sup>st</sup> January 2021 the 2017 Regulations were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019).
- 3.11 The screening criteria for the adopted WHSAP and final HRA were modified for some European sites (term since amended to national sites network by aforementioned 2019 Regulations) 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.
- 3.12 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 Draft Joint Melksham Neighbourhood Plan 2020 – 2030: Submission Draft October 2020**

- 4.1 The Submission Draft of the Joint Melksham NP comprises 19 draft policies; these are detailed and assessed in Table 1 below.

- 4.2 There is only one policy within the NP that would lead directly to development, namely Policy 7, and this allocates land at Middle Farm in Whitley for approximately 18 dwellings. It is deemed that development at this allocated site would not result in a likely significant effect on any sites that are part of the national site network, either alone or in-combination with other plans or projects. Furthermore, it is considered that none of the other draft policies within the NP would lead directly to development, nor would they result in a likely significant effect on any network sites, either alone or in-combination with other plans or 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 network sites and the absence of a potential pathway for effect.

**TABLE 1: Habitats Regulations Assessment Screening of the Submission Draft Joint Melksham Neighbourhood Plan**

A / B (Green) – Screened out		
C / D (Red) – Screened in		
Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
Draft Policy 1: Sustainable Design and Construction	A1	<p>This policy stipulates that development and infrastructure proposals that will contribute to Wiltshire Council’s aim of becoming carbon neutral by 2030 will be supported. It then sets out criteria which all new development should fulfil, including <i>‘maximising green infrastructure to sequester carbon.’</i> The policy goes on to specify that applicants are encouraged to use appropriate sustainability assessment tools for infrastructure development.</p> <p>The policy will not result in development itself but instead aims to steer and positively influence development to use low/zero carbon design and sustainable construction techniques, and to be resilient to climate change. The policy will not result in a likely significant effect upon any protected sites that are part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the National Planning Policy Framework 2019 (NPPF).</p>
Draft Policy 2: Local Renewable and Low Carbon Energy Generation	B	<p>This policy specifies: <i>‘Renewable and low carbon energy generation projects that are led by or benefit local communities will be supported subject to the following criteria:</i></p> <ul style="list-style-type: none"> <li><i>i. the siting and scale of the proposal is appropriate to its setting;</i></li> <li><i>ii. the proposal does not create an unacceptable impact on the amenities of local residents, and</i></li> <li><i>iii. the proposal does not have an unacceptable degree of impact on a feature of natural or biodiversity importance.</i></li> </ul> <p><i>Schemes where the energy produced can be used on or near the generation site/where energy storage is incorporated will be strongly supported.’</i></p> <p>The policy itself will not lead directly to development, but it lends support to renewable and low carbon energy production projects. The policy will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>
Draft Policy 3: Flood Risk and Natural Flood Management	A1	<p>This policy requires all new development to include measures to reduce the rate of rainwater run-off in order to mitigate flood risk. The policy stipulates that development proposals will be supported providing they meet the five criteria specified in the policy. It also states: <i>‘All major development proposals must include provision of Sustainable Drainage Systems (SuDS) as part of the Natural Flood Management approach and wider Green Infrastructure network delivering multiple benefits, such as improving water quality and water quantity, recreation and biodiversity.’</i></p>

HRA of Draft Joint Melksham Neighbourhood Plan 2020 – 2030: Submission Draft October 2020  
(EF V3 11.01.2021)

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
		<p>The policy itself will not lead to development, but instead sets out requirements for any forthcoming development proposals. The policy will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>
Draft Policy 4: Ultra Low Emission Vehicle Charging	A1	<p>This policy states: <i>‘All new houses with on-plot parking spaces and/or garages should provide appropriately located charging technology for charging low emission vehicles, such as an electric vehicle charging points (sic).</i></p> <p><i>Where shared or off-plot parking spaces are provided, provision must be made for charging vehicles in locations that do not create unsafe pedestrian movement.</i></p> <p><i>Planning applications that propose new employment, leisure or retail developments are also encouraged to provide charging facilities for staff and / or other users.’</i></p> <p>The policy will not result in development itself but instead aims to steer and positively influence development. Furthermore, the policy will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy, and other Development Plan policies and the NPPF.</p>
Draft Policy 5: Community Engagement	B	<p>This policy specifies: <i>‘In order that development proposals for outline or detailed planning applications, together with reserved matters applications can demonstrate ‘early, proactive and effective engagement’ with the community, applicants are strongly encouraged to follow the Community Engagement Protocol (as included in Appendix 1) to facilitate constructive and proportional engagement of the Town and Parish Council together with the local community.’</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>
Draft Policy 6: Housing in Defined Settlements	A1	<p>This policy lends support for sustainable housing development within the settlements of the Plan area, where they accord with the limits of development as set out in Core Policy 2 of the Wiltshire Core Strategy; include a suitable mix of house types, sizes and tenures; and have regard to the character and quality of the surrounding area.</p> <p>The policy also states that <i>‘development will not be permitted outside the settlement boundaries other than in circumstances as permitted by other policies within the Core Strategy. At the small villages, development will be limited to infill within the existing built area, or where appropriate outside the built area, but well connected to it, as a rural exception site to provide affordable housing to meet identified local needs.’</i></p>



HRA of Draft Joint Melksham Neighbourhood Plan 2020 – 2030: Submission Draft October 2020  
(EF V3 11.01.2021)

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
		<p>The policy will not directly lead to development, but it does set out criteria that sustainable housing developments should meet in order to be acceptable within the NP area. The policy itself will not result in a likely significant effect upon any protected sites that form part of the national site network, however it should be noted that the south-easternmost section of the NP Area falls within the 2km lesser horseshoe bat consultation zone around a core roost associated with the Bath and Bradford on Avon Bats SAC. As such, if any proposals for housing development within this area were to come forward, appropriate assessment under the Habitats Regulations at the planning application stage may be required. Moreover, details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>
Draft Policy 7: Allocation of Land at Middle Farm, Corsham Road, Whitley	B	<p>This policy allocates land at Middle Farm for the development of approximately 18 dwellings. The policy stipulates that proposals will be expected to conform with relevant policies within the Development Plan as well as nine criteria listed within the policy.</p> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any protected sites that form part of the national site network. Nonetheless, the details of any proposal(s) for development of the site at Middle Farm will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>
Draft Policy 8: Infrastructure Phasing and Priorities	B	<p>This policy stipulates: <i>‘To ensure the sustainability of housing development, proposals must consider, assess and address their necessary infrastructure requirements and plan any related programmes of work in parallel with the housing to ensure that infrastructure keeps pace with the needs of the community.</i></p> <p><i>Infrastructure requirements in proportion to their scale and in accordance with Wiltshire Core Strategy Core Policy 3 and the Wiltshire Planning Obligations SPD will be charged through the Community Infrastructure Levy (in addition to those to be delivered through planning conditions or section 106 agreements).’</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>
Draft Policy 9: Town Centre	B	<p>This policy specifies that proposals within the town centre Commercial Area will be supported provided the use will sustain or enhance the range or quality of shopping provision and will not harm the vitality and viability of the town centre; and provided the use is in keeping with the scale and character of the centre and will conserve or enhance the Conservation Area.</p> <p>The policy goes on to stipulate criteria for when development in the town centre will be supported, as well as criteria for edge of town centre retail development. It states: <i>‘Proposals which fail the sequential test or are likely to have a significant adverse</i></p>

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
		<p><i>impact on the town centre will not be supported.</i> It also states: <i>‘Proposals for the redevelopment of existing employment uses within edge of centre locations must be considered on the basis of their relationship to the existing town centre and the potential to expand the town centre.’</i> The policy specifies that Melksham Town Council will produce a masterplan for the town centre.</p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>
Draft Policy 10: Employment Sites	B	<p>This policy supports proposals for employment development subject to compliance with all relevant development plan policies. It particularly encourages proposals for the retention, regeneration and intensification of previously developed employment land. It supports the appropriate redevelopment of brownfield sites within business park areas for employment uses falling within Classes B1, B2, and B8 of the Use Classes Order providing the proposed development will generate the same number, or more, permanent full time equivalent jobs than could be expected from the existing, or any potential employment use. It also supports the appropriate redevelopment of brownfield sites within the town centre areas or edge of centre locations, involving change of use to retail, commercial and other main town centre uses falling within Classes A1, A2, A3, A4, B1, D1, and D2 of the Use Classes Order where the proposed development will generate the same number, or more, permanent full time equivalent jobs than could be expected from the existing, or any potential employment use. It also specifies that proposals for start-up and small businesses are particularly encouraged.</p> <p>The policy itself will not lead to development and will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>
Draft Policy 11: Sustainable Transport and Active Travel	B	<p>This policy seeks to ensure that all developments are planned in accordance with the Sustainable Transport Hierarchy. It specifies: <i>‘Applications for major development must demonstrate through an effective travel plan how sustainable transport modes in the Plan area are maximised and that safe and suitable access can be achieved for all people.’</i></p> <p>In addition, the policy stipulates that further improvements to the accessibility and quality of the links between the wider town and Melksham Railway Station will be strongly supported, as will improvements to the quality of the public realm around the station.</p> <p>The policy itself will not lead to development and will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
Draft Policy 12: Green Infrastructure	A1/A3	<p>This policy aims to protect, enhance, manage and connect the GI network in the Plan area. It indicates that development that will make a positive contribution to the GI network of the Plan Area will be supported. The policy stipulates: <i>‘Development that will result in the creation of new Green Infrastructure (GI) and/or contribute to the protection, management, enhancement and connecting of existing GI and individual GI assets and priorities as shown on figure 9 will be supported.</i></p> <p><i>Proposals for major developments must be accompanied by:</i></p> <ul style="list-style-type: none"> <li><i>i. a plan of the existing GI within and around the development site, and</i></li> <li><i>ii. information demonstrating how GI has been incorporated into the scheme in order to increase function and improve connectivity of GI through the site and beyond to identified priorities and assets.’</i> <p>The policy will not result in development itself but instead sets out criteria that development must meet with the objective of protecting and enhancing the GI network within the NP area. Furthermore, the policy will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p> </li></ul>
Draft Policy 13: Biodiversity	A1/A3	<p>This policy requires proposals for development, including field based solar farms, to include submission of <i>‘a Biodiversity Net Gain Plan to demonstrate at least a 15% improvement in “biodiversity value” within and, where appropriate, beyond the site in order to deliver tangible benefits for biodiversity in the Plan area.</i></p> <p><i>To ensure that there are no residual adverse impacts resulting from a proposed development, where in exceptional circumstances the reasons for the proposed development clearly outweigh the value of the ecological feature adversely affected and there are no appropriate alternatives, the adverse impacts of the development must be proportionately addressed in accordance with the hierarchy of: mitigation, compensation and finally offsetting.</i></p> <p><i>Protection and enhancement of statutory and non-statutory nature conservation sites is a priority for the Plan area and development proposals must demonstrate sensitive responses to these sites where necessary, such as a buffer zone.’</i></p> <p>The policy will not result in development itself but instead sets out criteria that development must meet with the objective of enhancing ecological networks and providing net gains in biodiversity within the NP area. The policy will not result in a likely significant effect upon any protected sites that form part of the national site network and details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
Draft Policy 14: Open Spaces	A1	<p>This policy sets out that new development that will result in the whole or partial loss of existing open space, as shown on the accompanying Figure 11 and detailed in the Green Infrastructure Report, will only be supported where:</p> <ul style="list-style-type: none"> <li><i>i. an assessment of open space provision, using the quantity and access standards for open space as set out by Wiltshire Council, has identified a surplus in the catchment area to meet both current and future needs, and full consideration has been given to all functions that open space can perform, and</i></li> <li><i>ii. any replacement facility (or enhancement of the remainder of the existing site) provides a net benefit to the community in terms of the quality and accessibility of the open space by walking or cycling.'</i></li> </ul> <p>The policy itself will not lead to development and will not result in a likely significant effect any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policies 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>
Draft Policy 15: Community Facilities	A1/A3	<p>This policy stipulates: <i>'Proposals involving the loss of community facilities as identified in the Community Facilities Report will not be supported unless it is clearly demonstrated that:</i></p> <ul style="list-style-type: none"> <li><i>i. adequate alternative provision exists within walking distance, or will be provided in an equally accessible or more accessible location within a walking distance of 800 metres; or</i></li> <li><i>ii. it has been demonstrated that it would not be economically viable, feasible or practicable to retain the building or site for its existing use. In such cases evidence must be provided to confirm that the property or site has been effectively marketed for a period of at least six months.'</i></li> </ul> <p>The policy goes on to specify: <i>'Proposals for new community facilities in the Plan area will be supported where the applicant can demonstrate the need and benefits of the proposed facility, or where replacement or enhanced facilities are proposed as mitigation against the loss of any of any (sic) community facilities within the Plan area.'</i></p> <p>The policy also requires that any new community facilities be located <i>'where there is a choice of travel options and should be accessible to all members of the community.'</i></p> <p>This policy seeks to retain existing community facilities and to ensure that proposals for new development are accompanied by details of provision for new community facilities where there will be a need. The policy will not itself lead to development and will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>
Draft Policy 16: Trees and Hedgerows	A2	<p>This policy sets out that development that will result in the loss or deterioration of ancient woodlands, and ancient or veteran trees will not be permitted unless the need for, and benefits of, the development in that location clearly outweigh the loss.</p>

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
		<p>The policy also specifies that development that will damage or result in the loss of trees of good arboricultural and amenity value will not normally be permitted. It states: <i>‘Existing trees and hedgerows on development sites should be retained where possible and incorporated as placemaking features in new development. Where there is an unavoidable loss of trees on site, the number and type of replacement trees should be informed by the quality and size of trees lost. Integration of existing hedgerows into private curtilage must be avoided where possible.’</i></p> <p>The policy also states that tree planting in development proposals and throughout the built and natural environments of the Plan area will be supported.</p> <p>The policy aims to protect ancient woodland, veteran trees and hedgerows and to promote tree planting, although it does detail expectations if development were to be permitted and there were to be an unavoidable loss of trees as a result. The policy will not itself lead to development and will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>
Draft Policy 17: Landscape Character	A1	<p>This policy stipulates that development will be expected to:</p> <ul style="list-style-type: none"> <li><i>i. integrate natural features such as trees, hedgerows and the local river systems that contribute to both the landscape character and setting of the development;</i></li> <li><i>ii. demonstrate that the whole scheme, including hard landscape and planting proposals, draws on local landscape characteristics and features through reference to relevant existing landscape assessments, supplemented by any additional site specific assessments, and</i></li> <li><i>iii. responds sensitively to the transition between settlement edge and countryside and maintains the separate identity of the settlements in the Plan area.’</i></li> </ul> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>
Draft Policy 18: Locally Distinctive, High Quality Design	A1	<p>This policy stipulates that development that will contribute positively to the conservation, enhancement and extension of Melksham’s quality of place and local distinctiveness will be supported. It requires that proposals for development must demonstrate how they have been informed by the Rapid Community Character and Distinctiveness Statement which will be used to inform assessment of scheme design proposals. It also requires that applicants submit a design compliance statement to demonstrate how a proposal has responded positively to the character of the area in which it is located.</p>

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
		<p>The policy goes on to specify that proposals for development within settlements must conserve the positive character and contribute to enhancing the quality and distinctiveness of the host neighbourhood area or village. Lastly, it requires that proposals for major development demonstrate by means of a masterplan, how the proposed development layout, building designs, materials and detailing will complement and extend the positive characteristics of Melksham and Melksham Without's settlements and landscape.</p> <p>The policy itself will not lead to development but aims to steer and positively influence the design and quality of any new development coming forward. The policy will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 57 (Ensuring High Quality Design and Place Shaping) and 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy and the NPPF.</p>
Draft Policy 19: Local Heritage	A1/A3	<p>This policy specifies that proposals for development within the Melksham Conservation Area must demonstrate how they will enhance and protect the characteristics and special qualities that make up the architectural and historic character. It also requires that development proposals in other areas of local heritage importance, together with buildings or structures that comprise unlisted local heritage assets illustrated in the Rapid Community Character and Distinctiveness Statement, must demonstrate what consideration has been given to the four criteria stipulated in the policy.</p> <p>The policy itself will not lead to development but aims to protect the historic environment and stipulates criteria to be met for any new development within the Melksham Conservation Area. The policy will not result in a likely significant effect upon any protected sites that form part of the national site network. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 57 (Ensuring High Quality Design and Place Shaping) and 58 (Ensuring the Conservation of the Historic Environment) 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 Submission Draft of the Joint Melksham NP will not result in a likely significant effect on any protected sites that for part of the national sites network or their qualifying features either alone or in-combination with other plans and projects. Therefore, it has not been necessary for the NP to be subject to an appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- 5.2 It should be noted that if any changes are made to the NP or the policies contained therein, it will be necessary for the amended plan to be subject to a repeat HRA screening exercise before it can be 'made.'

Prepared by [REDACTED] Ecologist, Wiltshire Council, 11/01/2021