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TOCKENHAM NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1 Introduction

1.1 This iteration of the HRA relates to the Tockenham Parish Neighbourhood Plan Regulation 16 Consultation Draft April 2019 referred to in the document below 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 under the Habitats Regulations for the NDP. Where risks to European Sites are identified, changes are recommended to remove or reduce these risks and the changes should be incorporated into

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

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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 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

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 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

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)

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- River Avon SAC
- New Forest SAC / SPA
- Bath and Bradford on Avon Bats SAC (added post adoption of 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
- 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

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 significant development lies immediately adjacent to it, which will not occur through this NDP. 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 and the SPA can also be screened out for this NDP due to the

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distance outside the 6.4km zone within which the majority of visitors to the plain are expected to live.

- 3.3 In terms of hydrology/hydrogeology, Tockenham lies within the catchment of the Bristol Avon, rather than the Hampshire, and 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 from the above list to lie fully within the Bristol Avon catchment.
- 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 that is likely to be delivered through this NDP is considered to be small in relation to the total for the county. All of the Natura 2000 sites listed above are a considerable distance from the NDP area and no effects are anticipated.
- 3.5 In terms of causing physical damage to features which provide, for example, foraging and breeding habitat or flightlines, the NDP area is too remote to have any implications for bats at the Bath and Bradford on Avon Bats SAC, Chilmark Quarries SAC or indeed the Mottisfont Bats SAC.
- 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 for 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 the Tockenham Neighbourhood Plan Regulation 16 Consultation Draft April 2019

- 4.1 The Tockenham Neighbourhood Plan comprises 8 policies – see Table 1 below.
- 4.2 The policies would either not lead directly to development or would have no significant effects on N2K sites, 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)

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TABLE 1: Habitats Regulations Assessment Screening of the Seagry Neighbourhood Plan

A / B (Green) – Screened out

C / D (Red) – Screened in

| Policy | Screening Categorisation | Summary of Policy wording highlighting any conflict with the Habitats Regulations/Comments |
|---|--------------------------|---|
| Policy 1: New and Existing Employment | A1 | Proposals for new employment land, or the conversion and change of use of existing buildings or land to provide new local trade or employment opportunities will be supported provided they meet a set of criteria including impacts on local road networks and highway safety, are proportional and in keeping with the existing character of the village and surrounding area and do not result in adverse impacts to nearby buildings, residential amenity, cause nuisance to neighbours, harm to landscape visual or ecology and do not alter the character or appearance of the village. |
| Policy 2: Farm and Equestrian Diversification | A3 | Proposals which introduce new employment uses to diversify and support the continued use of a farm or equestrian business will be supported provided they do not result in unmitigated impacts to the local road network or highway safety, are appropriate and in keeping with the surroundings and the single, combined and cumulative effect of employment does not generate unacceptable levels of noise, pollution or nuisance to neighbours. |
| Policy 3: Transport | A1 | All new development proposals should demonstrate availability of sufficient off-street parking in line with WCS policies, contributions towards suitable areas for public parking, provision of travel plans where significant movement of vehicles are likely and demonstrate how they link to existing rights of way , together with mitigation for adverse impacts. |
| Policy 4: Public Rights of Way | A1 | To improve public rights of way, to encourage more people to walk and cycle safely, both between village amenities and other villages and towns. |
| Policy 5: Facilities | A3 | The village hall, church, play area and allotments (identified on Map D) are important community resources to be protected from development, unless a proposal of equivalent or greater community value is forthcoming. Where receipts from CIL are generated from development within the village, they will be utilised for ongoing maintenance of these features. |

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| Policy | Screening Categorisation | Summary of Policy wording highlighting any conflict with the Habitats Regulations/Comments |
|---|--------------------------|---|
| Policy 6: Settlement Identity | A3 | Development proposals should be sensitive to the defining rural characteristics of the village and demonstrate how they maintain the character, natural environment and landscape settings within the parish, protecting the separate identities of each area of the village, assist in safeguarding from encroachment into the countryside and be cognisant of the Wiltshire Farmstead Project. |
| Policy 7: Specific Areas for Protection | A3 | Development should not compromise the essential character of areas of land and features that contribute to the sense of place, character and community within Tockenham, namely the openness of the field that lies central to the built-up area in the village core (Map F), the view of open countryside that surround Tockenham (e.g. Clyffe Hanging – Map F) and listed buildings of historic value including the Church, Queen’s Court, Tockenham Manor, Meadow Court and Manor Farm (Map B) |
| Policy 8: Development and Housing | A3 | Limited additional new dwellings and building conversions will be supported if they meet the locally identified housing needs of the demands for “affordable housing” under the Wiltshire Core Strategy, particularly regarding the needs of young families or older people. They will be in or adjacent to the existing core of the village or other pockets of existing development, be in the form of infill/co-located developments or on brownfield sites. There will be restrictions on site density, quality and building materials and demonstrate sufficient on-site parking. All will preserve and enhance the rural character of that part of the village. |

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CONCLUSION

Given the location, small scale and nature of the proposals put forward within the NDP, no mechanism for impact exists, therefore all policies have been screened out and a conclusion of “no likely significant effects” on European Sites or their qualifying features as a result of the NDP can be recorded.

Any changes made to the NDP, subsequent to the date of this assessment, should be rescreened before the Council adopts the plan.

Assessment of Reg 16 document completed by [REDACTED] Senior Ecologist, Wiltshire Council,
18/10/2019 (V1)