

# WESTBURY NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT

## 1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Westbury Neighbourhood Plan 2022 – 2036 March 2023 – Submission Version hereafter referred to as the NP, submitted to Wiltshire Council in June 2023. This HRA has been undertaken to inform a Regulation 16 consultation response from Wiltshire Council to 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<sup>1</sup>, 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 European sites (formally also referred to as Natura 2000 sites and now known as the national site network<sup>2</sup>) 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>3</sup>, 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 AA 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>4</sup>
- 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. Where an **adverse effect on the integrity (AEoI)** of any European sites cannot be ruled out, and where there are no alternative solutions, the plan can only be authorised and proceed if there are **imperative reasons of over-riding public interest (IROPI)** and if the necessary compensatory measures can be secured.
- 1.5. Wiltshire Council has conducted the following HRA as competent authority for the Westbury NP. Where risks to European sites are identified, changes are recommended to remove or reduce the risks, and these

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<sup>1</sup> On 1<sup>st</sup> January 2021 the Conservation of Habitats and Species Regulations 2017 (as amended) were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change [Changes to the Habitats Regulations 2017 - GOV.UK \(www.gov.uk\)](#)

<sup>2</sup> Due to the Conservation of Habitats and Species Regulations 2017 (as amended) being amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 on 1<sup>st</sup> January 2021.

<sup>3</sup> Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

<sup>4</sup> Commission of the European Communities v UK and NI, opinion of Advocate General KoKott, 9 June 2005, Case C-6/04

should be incorporated into the NP 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 (NE) 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 1 below). Where potential for likely significant effects have been identified, an appropriate assessment has been undertaken in subsequent sections.

## 3. Higher Level HRAs

### Wiltshire Core Strategy

- 3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012<sup>5</sup>, March 2013<sup>6</sup>, February 2014<sup>7</sup> and April 2014<sup>8</sup>) identified general parameters to determine the likelihood of potential impacts on European sites. The following potential impact pathways and associated parameters were identified and assessed for the European sites stipulated below.
  - *Recreation – European sites within 5km of the plan area, or where the New Forest Special Protection Area (SPA)/Special Area of Conservation (SAC) is within 13.8km (extended to 15km where HRA indicates this is necessary) of the plan area or where Salisbury Plain SPA/SAC is within 15km of the plan area (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 Special Area of Conservation (SAC) / Special Protection Area (SPA)
    - River Avon SAC
    - New Forest SAC / SPA

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<sup>5</sup> Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

<sup>6</sup> Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

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

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

- Bath and Bradford on Avon Bats SAC (added post adoption of Wiltshire Core Strategy (WCS))
  - North Meadow and Clattinger Farm SAC (added post adoption of WCS)
- *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 – European sites within 200m of a main road*
  - Porton Down SPA
  - Salisbury Plain SAC / SPA
  - Solent and 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 WCS)
  - Mottisfont Bats SAC (added post adoption of WCS)

### **Wiltshire Housing Site Allocations Plan**

- 3.2 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 25<sup>th</sup> February 2020 and this was accompanied by the final WHSAP Assessment under the Habitats Regulations (Wiltshire Council, February 2020).
- 3.3 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 NE. This includes the zone of influence (Zoi) around the Salisbury Plain SPA used to screen for

likely significant effects as a result of recreational pressure being revised from 15km to 6.4km on the basis of data obtained by means of visitor surveys.

- 3.4 Furthermore, since the Core Strategy was adopted, 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. An interim ZOI of 8km for the North Meadow element of the North Meadow and Clattinger Farm SAC is being used by Wiltshire Council as this is consistent with the approach being applied by Swindon Borough Council. The ZOI will be refined once bespoke visitor surveys have been undertaken.
- 3.5 Impacts of development in Wiltshire on the New Forest SPA were considered in the HRA for the South Wiltshire Core Strategy (SWCS) adopted in 2012<sup>9</sup>. The assessment used data from the Tourism South East PROGRESS survey for 2004/05 and census data from 2001 for the former Salisbury District to examine patterns of visitors to the New Forest from across south Wiltshire. That HRA concluded that the development in south Wiltshire would increase visitor pressure by less than 1% and 89% of this would be through additional local day visits from within 8km of the National Park. The WCS addressed the New Forest's mitigation requirements through Core Policy 50, identifying that a New Forest Mitigation Strategy would be prepared to address recreational impacts. Since the WCS was adopted, the council has joined a partnership of local authorities seeking to develop a strategic approach to address the impacts of recreational pressure on the New Forest SPA. A Government grant through the Planning Delivery Fund enabled visitor surveys to be conducted across the New Forest in 2018/19. This work was recently published, and the Council is now part of a steering group working to agree a common approach to mitigation including the extent of the zone of influence and how to fairly reflect different visit rates within it. This evidence has informed the preparation of an Interim Recreation Mitigation Strategy by Wiltshire Council.
- 3.6 The WCS adopted the 8km zone of influence, however, as discussed in the latest iteration of the council's strategy, from 1<sup>st</sup> September 2021 this has been revised to 13.8km. Before this date, the mitigation scheme only applied to permitted dwellings lying within 8km of the New Forest designated sites whereas thereafter the scheme has been extended to apply to new residential and tourism development within 13.8km of any of the New Forest designated sites and may be extended to include applications within 15km, where demonstrated to be necessary through a bespoke appropriate assessment.
- 3.7 Since the WCS was adopted and on the advice of NE, any plan or project that will lead to development within the catchment of the River Avon SAC must be phosphorus neutral and be subject to appropriate assessment which concludes no adverse effect on the SAC alone or in-combination with other plans or projects in order to be authorised.

#### **Emerging Evidence and Advice from Natural England Subsequent to Adoption of WHSAP**

- 3.8 Similarly, it came to light in spring 2020 that any plan or project that will lead to development within the catchment of the River Test must be nitrogen neutral as the Test drains into the Solent and this region is protected by a number of European and international designations including the Solent Maritime SAC, Chichester and Langstone Harbours SPA, Portsmouth Harbour SPA and Solent and Southampton Water SPA and Ramsar site. In 2018 and 2019 NE undertook a number of condition assessments of the features of these designated sites around the Solent. These assessments identified that high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that nitrogen in

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<sup>9</sup> South Wiltshire Proposed Submission Core Strategy HRA Report, Appendix 13. NPA for Wiltshire Council, July 2009

particular is causing eutrophication at the aforementioned designated sites and that the resulting excessive growth of green algae and plants, which reduces oxygen and light levels, is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. These findings were published by NE in June 2020 in *Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*. This advice also stipulates that:

*“There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities (LPAs) in association with Natural England, Environment Agency and water companies. This strategic work, which updates early studies, is on-going. Until this work is complete, the uncertainty remains and the potential for future housing developments across the Solent region to exacerbate these impacts creates a risk to their potential future conservation status.*

*One way to address this uncertainty is for new development to achieve nutrient neutrality. Nutrient neutrality is a means of ensuring that development does not add to existing nutrient burdens and this provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).*

*This report sets out a practical methodology to calculating how nutrient neutrality can be achieved. This methodology is based on best available scientific knowledge, and will be subject to revision as further evidence is obtained. It is our advice to local planning authorities to take a precautionary approach in line with existing legislation and case-law when addressing uncertainty and calculating nutrient budgets.”*

- 3.9 In accordance with NE’s advice, any plan or project which will lead to development within the catchment of the River Test cannot be approved unless nitrogen neutrality has been demonstrated via quantitative means, and an appropriate assessment conducted by the competent authority has concluded beyond reasonable scientific doubt that there would be no adverse effects on the integrity of any of the Solent region European sites.
- 3.10 In 2022 the River Lambourn SAC and the Somerset Levels and Moors Ramsar site were identified by NE as being in unfavourable condition due to excessive phosphorus inputs. A very small area of both of these sites are located within Wiltshire. Any overnight accommodation development within the catchment of the SAC or Ramsar site are now required to demonstrate phosphorous neutrality and be subject to an appropriate assessment which concludes no adverse effect on the SAC or Ramsar site alone or in-combination with other plans or projects in order to be authorised.

### **Screening of the Westbury NP Area**

#### *Recreation*

- 3.11 The whole of the Westbury NP area is located within the 6.4km Zol for recreational pressure on the Salisbury Plain SPA and a small section of the SPA lies within the south eastern area of the NP area. Therefore, the NP must be subject to an appropriate assessment due to the potential for recreational effects on the Salisbury Plain SPA and the stone-curlew population.
- 3.12 A small area of the Salisbury Plain SAC lies within the south eastern area of the NP area, within restricted access MoD land. The sites allocated for development are located approximately 2.1km from the closest boundary of the SAC and therefore it is not considered likely that the allocations in the NP would have likely significant effects on the SAC, and effects on the SAC were screened out of the appropriate assessment of the Core Strategy on the advice of NE.
- 3.13 The NP area is located approximately 4.5km from the River Avon SAC at its closest point, and a very small area of the Hampshire Avon Catchment is located within the south eastern area of the NP area. No development is allocated or proposed within this location, which is also located on restricted access MoD

land, therefore appropriate assessment with regards to the potential for likely significant effects on the River Avon SAC has been screened out.

- 3.14 The majority of the NP area is located within the 4km core area/buffer around the core roost for a greater horseshoe bat roost in Westbury Leigh. The core roost is functionally linked to the Bath and Bradford on Avon Bats SAC. The roost is located within a private house, therefore the housing allocations proposed in the NP would not cause recreational pressures on this individual roost. A large area of the Westbury NP is also located within the grey hatched zone set out in the Trowbridge Bat Mitigation Strategy (TBMS, February 2021) Supplementary Planning Document (SPD) and a small area in the north of the NP area is located within the yellow zone of the TBMS. The TBMS seeks to reduce the potential for impacts on the woodlands around Trowbridge which are functionally linked to the Bath and Bradford on Avon Bats SAC for Bechstein's bats. There is the potential for likely significant effects on the Bath and Bradford on Avon Bats SAC due to additional recreational pressure on the woodlands and core roosts supported therein that are functionally linked to the SAC as a result of some policies in the NP. Therefore the NP must be subject to an appropriate assessment due to the potential for recreational effects on the Bath and Bradford on Avon Bats SAC.
- 3.15 In terms of recreational pressures on other European sites, the NP area is located well beyond the 13.8km ZoI to the New Forest SAC and SPA and the interim 8km recreational ZoI around the North Meadow element of the North Meadow and Clattinger Farm SAC.

#### *Hydrology / Hydrogeology*

- 3.16 The majority of the NP area drains to the Bristol Avon. There have been no water resource issues identified for the Bath and Bradford on Avon Bats SAC and this is the only SAC from the above list 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.
- 3.17 As stated above, a very small area of the NP area is located within the Hampshire Avon Catchment. Consequently, any proposal for development within that section of the NP area would trigger a HRA and would need to demonstrate phosphate neutrality. None of the policies in the NP allocate sites for development within the catchment of the River Avon SAC, therefore appropriate assessment of the NP is screened out with respect to this SAC.

#### *Air Pollution / Nitrogen Deposition*

- 3.18 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 European sites within 200m of a main road. Such effects were considered to be very small and difficult to predict at the strategic level<sup>10</sup> (WCS HRA Update February 2014). The housing allocation in the NP for up to 95 dwellings at two allocated sites is considered to be a small number in relation to the total for the county. All of the European sites listed above, except Salisbury Plain SAC/SPA and the River Avon SAC are a considerable distance from the NP area. In relation to Salisbury Plain SAC/SPA and the River Avon SAC, there are no main roads within the NP area that run within 200m of either European site. 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 NP would not have an adverse effect on European sites through nitrogen deposition.

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

- 3.19 As noted above most of Westbury is located within the 4km core area of the greater horseshoe core roost located in Westbury Leigh which is affiliated with the Bath and Bradford on Avon Bats SAC. A large area of the NP area is located within the grey hatched zone of the TBMS and a small area of the NP area to the

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<sup>10</sup> Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

north is located within the yellow zone of the TBMS. Neither of the allocated sites is located within the yellow zone. There is the potential for policies within the NP to cause physical damage, the interruption of flight lines and disturbance to both bats and their habitats (including those used for foraging, roosting, and breeding) in relation to this core roost and the core roosts and woodlands associated with the TBMS. Policies in the NP have therefore been screened into appropriate assessment in the table below.

- 3.20 Approximately 0.11ha of the 1.5km buffer of the Bechstein's core roost at Picket and Clanger Wood is located within the NP area. No development is proposed within this 0.11ha and it lies within a field housing a solar farm. It is considered very unlikely that any development supported in the NP would be located within this 0.11ha therefore the buffer to the Bechstein's core roost at Picket and Clanger Wood has not been considered further in this HRA.
- 3.21 The whole of the NP area lies within the 6.4km ZoI for recreational pressure on the Salisbury Plain SPA and as such any residential development within this zone could lead to an increase in visitor pressure on the SPA and physical disturbance to breeding stone-curlew. There are four stone-curlew breeding plots within the NP area, located within the boundary of the Salisbury Plain SPA in the southern area of the NP area, and one approximately 75m from the southern boundary of the NP area. Stone-curlew are susceptible to disturbance from visual stimuli within 1km. Development at the allocated sites would not have an effect on these breeding plots due to the distance between the allocated sites and the nest plots. If the next draft of the NP were to allocate any sites for development in the south of the plan area, there could be a mechanism for a likely significant effect on stone-curlew which is a qualifying feature of the Salisbury Plain SPA, and as such appropriate assessment of the plan could be necessary.
- 3.22 The NP is considered to be too remote from the Chilmark Quarries SAC and the Mottisfont Bats SAC to cause physical damage to features which provide habitat for bats, such as breeding, roosting and foraging habitats or to fragment bat flight lines, or cause damage to such features.
- 3.23 The NP area is beyond the potential zone of influence with respect of stone-curlews breeding at Porton Down SPA and will not result in physical damage to the habitats within the European site, 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.

#### **4. Screening of Policies in the Westbury Neighbourhood Plan 2022 – 2036 March 2023 – Submission Version**

- 4.1 The Westbury NP comprises 19 planning policies, eight of which are recommended to be taken forward to appropriate assessment due to potential likely significant effects on the Salisbury Plain SPA and / or the Bath and Bradford on Avon Bats SAC.
- 4.2 It is considered that none of the other policies within the NP would lead directly to development or result in a likely significant effect on any European sites, either alone or in-combination with other plans or projects.

**TABLE 1: Habitats Regulations Assessment Screening of the Westbury NP**

A / B (Green) – Screened out  
 C / D (Red) – Screened in

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
DDH1: Habitats Regulations Assessment	A2 and A3	<p>This policy seeks to ensure that all new development within the NP area demonstrates compliance with the Habitats Regulations through adherence to the Bat SAC Planning Guidance for Wiltshire and the Trowbridge Bat Mitigation Strategy (TBMS). The Policy goes on to state that developments must also pay regard to the potential for increased recreational pressure on the Salisbury Plain SPA/SAC.</p> <p>This policy seeks to ensure compliance with the Habitats Regulations and will therefore not result in development. The policy will not result in a likely significant effect on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	<p>It is recommended that the policy wording is amended to state that new developments comply with the latest iteration of Wiltshire Council’s TBMS SPD to allow for future updates to this document.</p> <p>It is recommended that this policy is amended to remove reference to Salisbury Plain SAC as the recreational impacts are only relevant to the SPA. It is also recommended that reference to Wiltshire Council’s mitigation strategy for Salisbury Plain SPA – HRA and Mitigation Strategy for Salisbury Plain SPA (2018) – is added. The supporting text refers to the 6.4km buffer around Salisbury Plain but does not explain the origin of this buffer.</p> <p>The Habitats Regulations should be cited in full in the policy wording, as should the Bat SAC Planning Guidance for Wiltshire</p>



Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
			<p>2015 and the Trowbridge Bat Mitigation Strategy 2020 Supplementary Planning Document.</p> <p>It is recommended that the title of the policy is amended to relate to the European sites it is seeking to protect rather than the HRA process.</p> <p>The policy refers to the Habitat Regulations instead of the Habitats Regulations.</p>
DDH2: Sustainable Design and Construction	A1	<p>This policy seeks to reduce carbon emissions from development in response to climate change. New developments should be supported by a Sustainability and Energy Statement to demonstrate how operational net zero development has been delivered. The policy requires developments to demonstrate how they meet the criteria set out in the policy, including:</p> <ul style="list-style-type: none"> <li>• how the proposal performs against the Net Zero Carbon Toolkit (2021),</li> <li>• reduced energy demand through on-site renewable energy sources,</li> <li>• maximised green infrastructure to sequester carbon,</li> <li>• good active travel and public transport connections,</li> <li>• reduced potential for overheating,</li> <li>• conservation of water resources and minimised vulnerability to flooding, and</li> <li>• efficiency in the use of materials.</li> </ul> <p>Major applications are encouraged to use an appropriate sustainability assessment tool such as Building Research Establishment’s Environmental Assessment Method (BREEAM) or CEEQUAL for infrastructure development.</p> <p>This policy will not lead to development, instead it requires developments to be sustainable and to comply with a relevant sustainability assessment tool. The policy will not result in a</p>	

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		likely significant effect on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.	
DDH3: High Quality Design	A1 / A3	<p>This policy supports high quality developments which protect, conserve and enhance the built and natural environment of Westbury and deliver healthy, sustainable and locally distinct places. Where a Design and Access Statement is required, developments will be expected to demonstrate how they have responded positively to the Westbury Character Assessment and where applicable the Westbury Conservation Area Assessment and Management Plan.</p> <p>All major development proposals are to submit a Building for a Healthy Life design assessment and should have regard to national design guidance, Secured by Design standards and any relevant Wiltshire Council documents.</p> <p>This policy will not lead to development but instead aims to ensure that new developments are of a high quality, sustainable and locally distinctive. The policy will not result in likely significant effects on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
DDH4: Allocation of Land off Bitham Park for Housing	C and D Salisbury Plain SPA	<p>This policy allocates Land off Bitham Park to the north east of the town for infill development for approximately 65 dwellings. Development proposals would be expected to conform with the criteria set out in the policy and summarised below:</p> <ul style="list-style-type: none"> <li>a) A minimum of 30% affordable housing;</li> <li>b) Market and affordable housing types to meet local needs;</li> <li>c) Contribution towards community facility provision to meet identified local needs;</li> <li>d) Demonstrate how vehicular access to the site can be achieved to a safe and adoptable standard without harm to existing residential amenity. Financial contribution to off-site works to mitigate impacts may be required;</li> <li>e) Undertake on-site works and make proportionate financial contribution to off-site works to secure delivery of excellent footpath and cycleway provision within the site and beyond;</li> <li>f) a biodiversity strategy to demonstrate how the proposal will deliver a biodiversity net gain at a minimum of 10% including retention and enhancement of existing</li> </ul>	See recommended policy amendments in Section 5

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>features (such as existing hedgerows and trees as part of wider landscaping and green infrastructure requirements). Bat activity surveys must be undertaken and any important bat habitat identified on site must be protected.</p> <ul style="list-style-type: none"> <li>g) Open space provision;</li> <li>h) sensitive and appropriate layout, form, appearance, materials and landscape treatment;</li> <li>i) archaeological investigations will be required where applicable;</li> <li>j) a Flood Risk Assessment including an assessment of the predicted effects of climate change and a drainage strategy to inform site layout and design will be required.</li> </ul> <p>The supporting text states <i>'it is important to think carefully about how any impacts on sensitive local wildlife and environments, such as bats and the Salisbury Plain will be addressed, as set out in DDH1'</i>. The policy, however, does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to consider the potential for recreational impacts on Salisbury Plain SPA/SAC. (*Please see recommendation above to amend the wording of Policy DDH1.)</p> <p>This policy allocates land for approximately 65 dwellings and associated infrastructure. The site lies within the 6.4km buffer of the Salisbury Plain SPA, therefore this policy must be considered through an appropriate assessment as there is the potential for likely significant effects in terms of recreational pressures on the SPA.</p>	
	<p>C and D            Bath and Bradford on Avon Bats SAC</p>	<p>The site lies within the 4km core area around the greater horseshoe core roost in Westbury Leigh and lies within the grey hatched zone of the TBMS. Residential development at this site has the potential to impact functional habitat associated with the Bath and Bradford on Avon Bats SAC and has the potential to increase recreational pressure on the woodlands around Trowbridge that are functionally linked to the SAC.</p> <p>The supporting text states <i>'it is important to think carefully about how any impacts on sensitive local wildlife and environments, such as bats and the Salisbury Plain will be addressed, as set out in DDH1'</i>. The policy, however, does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to adhere to the Bat SAC Planning Guidance for</p>	<p>See recommended policy amendments in Section 6.</p>

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Wiltshire and the TBMS. The policy also does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p> <p>The policy has the potential to affect functional habitat for bats within the 4km core area and is located within the grey hatched zone of the TBMS. Therefore the potential for likely significant effects with regards to physical damage, interruption of flight lines, disturbance and an increase in recreational pressure on the Bath and Bradford on Avon Bats SAC as a result of Policy DDH4 cannot be screened out and the policy must be subject to appropriate assessment.</p> <p>As the majority of the NP area lies within the 4km core area around the core roost and a large part is located within the grey hatched zone of the TBMS any development supported by this policy would need to comply with both documents.</p> <p>This policy is considered further in the appropriate assessment in Section 6.</p>	
<p>DDH5: Allocation of Land Between Mill Brook and Coach Road</p>	<p>C and D Salisbury Plain SPA</p>	<p>This policy allocates Land Between Mill Brook and Coach Road to the north east of the town for infill development for approximately 30 dwellings. Development proposals would be expected to conform with the criteria set out in the policy and summarised below:</p> <ul style="list-style-type: none"> <li>a) A minimum of 30% affordable housing;</li> <li>b) Market and affordable housing types to meet local needs;</li> <li>c) Demonstrate how vehicular access to the site can be achieved to a safe and adoptable standard without harm to existing residential amenity. Financial contribution to off-site works to mitigate impacts may be required;</li> <li>d) Undertake on-site works and make proportionate financial contribution to off-site works to secure delivery of excellent footpath and cycleway provision within the site and beyond;</li> <li>e) Contribution to enhanced bus stop and bus service frequencies to key destinations including Westbury town centre and train station;</li> <li>f) a biodiversity strategy to demonstrate how the proposal will deliver a biodiversity net gain at a minimum of 10% including retention and enhancement of existing features (such as existing hedgerows and trees as part of wider landscaping and green infrastructure requirements). Bat activity surveys must be undertaken and any important bat habitat identified on site must be protected.</li> </ul>	<p>See recommended policy amendments in Section 5.</p>

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>g) Open space provision;            h) sensitive and appropriate layout, form, appearance, materials and landscape treatment that protects the amenity of neighbouring residents and protects the setting of the White Horse and Bratton Camp Scheduled Ancient Monument and conserves the rural setting of the site to the east;            i) archaeological investigations will be required where applicable;            j) a Flood Risk Assessment including an assessment of the predicted effects of climate change and a drainage strategy to inform site layout and design will be required.</p> <p>The supporting text states <i>'it is important to think carefully about how any impacts on sensitive local wildlife and environments, such as bats and the Salisbury Plain will be addressed, as set out in DDH1'</i>. The policy, however, does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to consider the potential for recreational impacts on Salisbury Plain SPA/SAC. (*Please see recommendation above to amend the wording of Policy DDH1.)</p> <p>This policy allocates land for approximately 30 dwellings and associated infrastructure. The site lies within the 6.4km buffer of the Salisbury Plain SPA, therefore this policy must be considered through an appropriate assessment as there is the potential for likely significant effects in terms of recreational pressures on the SPA.</p>	
	<p>C and D            Bath and Bradford on Avon Bats SAC</p>	<p>The site lies within the 4km core area around the greater horseshoe core roost in Westbury Leigh and lies within the grey hatched zone of the TBMS. Residential development at this site has the potential to impact functional habitat associated with the Bath and Bradford on Avon Bats SAC and has the potential to increase recreational pressure on the woodlands around Trowbridge that are functionally linked to the SAC.</p> <p>The supporting text states <i>'it is important to think carefully about how any impacts on sensitive local wildlife and environments, such as bats and the Salisbury Plain will be addressed, as set out in DDH1'</i>. The policy, however, does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to adhere to the Bat SAC Planning Guidance for</p>	<p>See recommended policy amendments in Section 6.</p>

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Wiltshire and the TBMS. The policy also does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p> <p>The policy has the potential to affect functional habitat for bats within the 4km core area and is located within the grey hatched zone of the TBMS. Therefore the potential for likely significant effects with regards to physical damage, interruption of flight lines, disturbance and an increase in recreational pressure on the Bath and Bradford on Avon Bats SAC as a result of Policy DDH5 cannot be screened out and the policy must be subject to appropriate assessment.</p> <p>As the majority of the NP area lies within the 4km core area around the core roost and a large part is located within the grey hatched zone of the TBMS any development supported by this policy would need to comply with both documents.</p> <p>This policy is considered further in the appropriate assessment in Section 6.</p>	
DDH6: Housing to Meet Local Needs	C and D Salisbury Plain	<p>This policy supports the development of new homes in Westbury where development proposals meet local housing needs. The policy goes on to list a set of requirements, including:</p> <ul style="list-style-type: none"> <li>• prioritising the delivery of affordable rented discounted market and open market homes,</li> <li>• enable the delivery of affordable and market housing that prioritises the delivery of:               <ul style="list-style-type: none"> <li>- Smaller one, two and three bedroom dwellings,</li> <li>- Accessible and adaptable housing including two and three bed bungalows ad ground floor flats with level access showers/wet rooms,</li> <li>- Supported housing designed to provide a high quality of life for local older people and disabled people.</li> </ul> </li> <li>• meet the Building Regulations Part M4 (Category 2)* Accessible and Adaptable Buildings and the Nationally Described Space Standards set out in the Technical Housing Standards (2015).</li> </ul>	See recommended policy amendments in Section 5.

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>The whole of Westbury lies within the 6.4km buffer of the Salisbury Plain SPA, therefore this policy must be considered through an appropriate assessment as there is the potential for likely significant effects in terms of recreational pressures on the SPA. This policy does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to consider the potential for recreational impacts on Salisbury Plain SPA/SAC. (*Please see recommendation above to amend the wording of Policy DDH1.)</p>	
	<p>C and D            Bath and Bradford on Avon Bats SAC</p>	<p>This policy will not lead directly to development however it does support housing development within Westbury where it meets local housing needs. There is the potential for new residential developments to have impacts on bat species associated with the Bath and Bradford on Avon Bats SAC through physical damage, interruption of flight lines and disturbance.</p> <p>The policy has the potential to affect functional habitat for bats within the 4km core area, the grey hatched zone and the yellow zone of the TBMS. Policy DDH6 does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to adhere to the Bat SAC Planning Guidance for Wiltshire and the TBMS. The potential for likely significant effects with regards to physical damage, interruption of flight lines and disturbance to the Bath and Bradford on Avon Bats SAC as a result of Policy DDH6 cannot be screened out and the policy must be subject to appropriate assessment.</p>	<p>See recommended policy amendments in Section 6.</p>
<p>DDH7: Pre-Application Community Engagement</p>	<p>A1</p>	<p>This policy aims to encourage applicants to undertake early, proactive, proportionate and effective community engagement with Westbury Town Council and the effected community for full, outline and reserved matters applications in accordance with the Westbury Community Pre-Application Engagement Protocol, the Wiltshire Statement of Community Involvement (SCI) and National Policy</p> <p>This policy does not allocate land for development, but it supports developments which engage the community early on in an effective and proportionate way. The policy will not result in a likely significant effect on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the Westbury Community Pre-Application Engagement Protocol, the Wiltshire SCI, the NPPF and other relevant Development Plan policies.</p>	

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
TM1: Active Travel	A1 / C / D Bath and Bradford on Avon Bats SAC	<p>This policy requires all developments to be in line with the Sustainable Transport Hierarchy. All major developments are to demonstrate sustainable travel and proposals will be expected to integrate into and extend Westbury’s pedestrian / cycle network with safe and legible routes that are attractive, inclusive, safe and direct routes connecting with green space, community facilities, public transport and surrounding communities. Improvements to the accessibility and quality of the links between the wider town and Westbury Railway Station will also be supported through this policy.</p> <p>This policy will not lead to development however it does expect developments to provide dedicated pedestrian/cycle only routes. This includes the connection into and extension of the existing network of local off-road routes. There is the potential for these new routes and the potential upgrading of existing routes to have impacts on bat species associated with the Bath and Bradford on Avon Bats SAC through habitat fragmentation and additional lighting.</p> <p>This policy does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to adhere to the Bat SAC Planning Guidance for Wiltshire and the TBMS.</p> <p>The policy has the potential to affect functional habitat for bats within the 4km core area therefore the potential for likely significant effects with regards to physical damage, interruption of flight lines and disturbance to the Bath and Bradford on Avon Bats SAC as a result of Policy TM1 cannot be screened out and the policy must be subject to appropriate assessment.</p>	See recommended policy amendments in Section 6.
TM2: Highways Impact and Improvement	A1 / A2	<p>This policy is split into two sections, Impacts and Improvements. Section 1 Impacts requires all major developments that are likely to have an impact on the local transport network, including any cumulative impacts, particularly along Station Road and the A350, will be required to establish the transport impact of the development on issues including:</p> <ul style="list-style-type: none"> <li>a. air quality;</li> <li>b. safety impacts of the proposed development on the local highway, cycle routes and highway footway network;</li> <li>c. heritage assets; and</li> <li>d. noise levels.</li> </ul>	



Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Developments should have regard to the need to improve air quality and Design and Access Statements should address how the scheme minimises the creation of NO<sub>2</sub> and fine particulate matter, specifically in the Air Quality Management Area (AQMA). Transport assessments and travel plans must address how the impacts of the development, in particular increased HGV movements along the A350, will result in acceptable air quality and will not breach the objectives of the AQMA.</p> <p>Section 2 Improvements states the following <i>‘Development proposals should seek to address the issues listed above... Proposals will be expected to make proportionate contribution to enable safe connections to be achieved for pedestrians, cyclists and all vehicle users to local facilities.</i></p> <p>The policy itself does not promote development but instead stipulates criteria that must be met if development proposals would generate significant additional traffic. The policy does not pertain to new transport infrastructure and will not result in a likely significant effect on any European sites. 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 2021.</p>	
TM2: Ultra Low / Zero Emission Vehicle Charging	A1	<p>This policy requires every new home with one or more dedicated parking space or garage must access electric vehicle charging infrastructure. where off street parking is not provided the design and layout should incorporate infrastructure to enable charging on street without compromising the public realm or mobility of other users. All non-residential developments providing 1 or more parking bays must provide access to electric vehicle charging infrastructure to a level agreed with Wiltshire Council. Where this is not possible off-site mitigation or developer contributions will be required.</p> <p>As this policy does not promote development but requires the ability to charge electric vehicles in residential and non-residential settings, it would not result in a likely significant effect on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
TCE1: Working and Living in Westbury	A1	<p>This policy states: <i>'Insofar as planning permission is required, development proposals that provide working spaces which encourage homeworking and creative small businesses will be supported. In new residential developments, including the allocations within this Plan, the incorporation of studios and workshops will be supported.'</i></p> <p>The policy goes on to state that proposals which maintain the integrity of and support investment in jobs, premises and infrastructure within established employment areas will be supported. The regeneration of existing employment land should seek to generate the same number or more permanent full-time jobs as the existing use.</p> <p>While this policy supports developments which provide working spaces encouraging home working and creative small businesses, it does not allocate land for these purposes and will not lead to development. This policy will not result in a likely significant effect on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
TCE2: Town Centre	C and D Bath and Bradford on Avon Bats SAC	<p>This policy supports developments that will positively contribute to the implementation of the Westbury Town Centre Vision and where the development complies with other relevant policies in the NP. The policy goes on to list developments which would be particularly supported, namely:</p> <ul style="list-style-type: none"> <li>a) The development of a Westbury arts and performance venue;</li> <li>b) Revitalising the Market Square;</li> <li>c) Improving the image and functioning of the High Street;</li> <li>d) Activating the Angel Mill building;</li> <li>e) Enhancing Edward Street with improved active frontage.</li> </ul> <p>Within the boundary of the Town Centre the character, image and functioning of Westbury town centre must be maintained and where possible enhanced. Proposals to redevelop or extend existing convenience goods stores to make them more efficient and competitive will be supported.</p> <p>This policy does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to adhere to the Bat SAC Planning Guidance for Wiltshire and the TBMS.</p>	See recommended policy amendments in Section 6.

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>This policy will not lead to development as it does not allocate sites, however it does support developments in the town centre. The policy has the potential to affect bat roosts within the 4km core area therefore the potential for likely significant effects with regards to physical damage and disturbance to the Bath and Bradford on Avon Bats SAC as a result of Policy TCE2 cannot be screened out and the policy must be subject to appropriate assessment.</p>	
HL1: Valued Landscape and Views	A3	<p>The landscape setting of Westbury will be protected through this policy. It aims to ensure that development proposals which could affect the key characteristics of the Special Landscape Area (as defined in the Westbury Character Statement and Design Guide) must demonstrate how the landscape setting will be protected and enhanced. Development will only be supported through this policy where it demonstrates that it does not distract from the special qualities and the key characteristics of the Special Landscape Area.</p> <p>This policy supports development that protects the landscape setting of Westbury but doesn't itself lead to development. The policy will not result in a likely significant effect on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and relevant Development Plan policies including CP51 Landscape.</p>	
HL2: Local Heritage	A3	<p>This policy sets out how the NP aims to protect the local heritage of Westbury, setting out restrictions and requirements for developments within or adjoining the Conservation Area, the Area of Special Quality, non-designated local heritage assets and historic buildings. The policy requires any proposals which affect heritage assets (including sub-surface archaeological remains) to provide a heritage statement.</p> <p>This policy will not lead to development itself but instead sets out requirements for developments in order to maintain the local heritage of Westbury by conserving and enhancing its character and appearance and ensuring the long term survival of heritage assets. The policy will not result in a likely significant effect on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
HL3: Retrofitting Historic Buildings	C and D	<p>This policy requires proposals for modifications to buildings in the Conservation Area or listed buildings should consider the advice from Historic England (Energy Efficiency and Historic Buildings: How to Improve Energy Efficiency) and should demonstrate that the</p>	See recommended policy amendments in Section 6.

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
	Bath and Bradford on Avon Bats SAC	<p>maximum level of energy efficiency and generation and reduction in CO<sub>2</sub> impacts have been achieved.</p> <p>The policy, however, does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to adhere to the Bat SAC Planning Guidance for Wiltshire and the TBMS. The policy also does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p> <p>This policy will not lead to development but it supports the retrofitting of historic buildings to increase energy efficiency. The policy has the potential to affect bat roosts within the 4km core area therefore the potential for likely significant effects with regards to physical damage and disturbance to the Bath and Bradford on Avon Bats SAC as a result of Policy HL3 cannot be screened out and the policy must be subject to appropriate assessment.</p>	
QL1: Natural Environment	A1/A2/A3	<p>This policy seeks to ensure that development proposals have an overall positive impact on the towns natural environment and resources. This will be achieved through high quality design and proposals will be expected to protect, maintain, and enhance the natural environment by</p> <ul style="list-style-type: none"> <li>• Protecting and enhancing designated sites, including County Wildlife Sites;</li> <li>• Demonstrating compliance with the Habitats Regulations through adherence to the Bat SAC Guidance for Wiltshire or the TBMS;</li> <li>• Providing a minimum 10% biodiversity net gain;</li> <li>• Protecting and enhancing local green and blue infrastructure;</li> <li>• Protecting existing trees, woodland and hedgerows. New tree planting with the aim of increasing the overall Tree Canopy coverage in Westbury will be supported;</li> <li>• Adopting best practice Sustainable Drainage Systems to deliver a whole surface water drainage system integral part of the wider Green and Blue Infrastructure network;</li> <li>• Demonstrating how developments adjacent to existing green spaces or open countryside will provide an appropriate interface/buffer through their layout and/or landscape design to minimise negative impacts and retain ecological integrity and habitat networks;</li> </ul>	<p>The policy states that developments will be expected to demonstrate compliance with the Habitats Regulations through adherence to the Bat SAC Guidance for Wiltshire or the TBMS. It is recommended that this is amended to state that developments will be expected to demonstrate compliance with the Habitats Regulations through compliance with Policy DDH1 and the Bat SAC Guidance <u>and</u> the relevant iteration of the TBMS as the NP area lies within the 4km core area around the core roost and the TBMS grey hatched zone. It is recommended that this policy is amended to state that</p>

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<ul style="list-style-type: none"> <li>Maximising opportunities to support biodiversity within building design, e.g. green roofs, hedges, bat and bird boxes.</li> </ul> <p>The policy supports the development of new buildings, but proposals must be supported by a statement setting out how the proposal will enhance the ecosystem services and have a positive impact on the natural environment and deliver multi-functional landscapes both on and off site. proposals which meet Building with Nature standards will be supported.</p> <p>The policy intends to protect the natural environment and sets out criteria for development. The policy itself will not lead to development and will not result in a likely significant effect upon any European sites. 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, notably CP50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy, and the Bat SAC Planning Guidance for Wiltshire (Wiltshire Council and Natural England, 2015), the Trowbridge Bat Mitigation Strategy, as well as CP52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF 2019.</p>	<p>developments will also be expected to demonstrate compliance with the Habitats Regulations through compliance with Policy DDH1 and adherence to Wiltshire Council’s mitigation strategy for Salisbury Plain – HRA and Mitigation Strategy for Salisbury Plain SPA (2018).</p>
QL2: Westbury’s Green Spaces	A1 / A2 / C / D Bath and Bradford on Avon Bats SAC	<p>This policy aims to protect and enhance Westbury’s green spaces and designates areas as Local Green Spaces. It states that built development will only be allowed in exceptional circumstances and where the proposals enhance the existing use of the space. Development affecting Community Open Space will only be supported where there is an existing building and the works are needed to maintain its viability or where the proposed development will benefit the community and will preserve the particular local significance of the space.</p> <p>The policy goes on to state that any loss of open space will only be permitted where alternative equivalent or better provision will be provided or it has been demonstrated that the space is surplus to requirements.</p> <p>New housing developments should include well designed private and community outdoor space.</p> <p>This policy will not lead to development as it does not allocate sites but seeks to protect Westbury’s green spaces. The policy does however allow for development in exceptional</p>	<p>See recommended policy amendments in Section 6.</p>

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>circumstances as set out above. The policy has the potential to affect functional habitat for bats within the 4km core area and is located within the grey hatched zone of the TBMS.</p> <p>The policy does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to adhere to the Bat SAC Planning Guidance for Wiltshire and the TBMS. The policy also does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p> <p>Therefore the potential for likely significant effects with regards to physical damage, interruption of flight lines, disturbance and an increase in recreational pressure on the Bath and Bradford on Avon Bats SAC as a result of Policy QL2 cannot be screened out and the policy must be subject to appropriate assessment.</p>	
QL3: Community and Sports Facilities	A1/C/D Bath and Bradford on Avon Bats SAC	<p>Proposals for new community and sports facilities will be required through this policy to demonstrate their community health and well-being value. New and replacement facilities will be supported where they are mitigation for the loss of existing facilities. New facilities should be located where there is a choice of travel options and should be accessible to all members of the community. This policy sets out the criteria which must be demonstrated for development proposals that involve the loss of a community facility, including the provision of an accessible alternative and demonstrating that the operation of the facility is no longer economically viable.</p> <p>This policy will not lead to development as it does not allocate sites, however it does support the loss of facilities and the development of new community facilities where appropriate. This may include residential development. The policy has the potential to affect functional habitat for bats within the 4km core area and is located within the grey hatched zone of the TBMS.</p> <p>The policy does not reference the need to comply with the Habitats Regulations through adherence to Policy DDH1 Habitats Regulations Assessment, which requires developments to adhere to the Bat SAC Planning Guidance for Wiltshire and the TBMS. The policy also does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	See recommended policy amendments in Section 6.

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Therefore the potential for likely significant effects with regards to physical damage, interruption of flight lines, disturbance and an increase in recreational pressure on the Bath and Bradford on Avon Bats SAC as a result of Policy QL3 cannot be screened out and the policy must be subject to appropriate assessment.</p>	
<p>QL4: Promoting Public Art in Westbury</p>	<p>A1</p>	<p>This policy seeks to celebrate and enhance Westbury’s distinct character, heritage and culture by encouraging temporary and permanent public art. Proposals should be developed with regard to Wiltshire Council’s Guidance Note Public Art and Design in the Public Realm (2011) and any subsequent public art strategy adopted by Westbury Town Council.</p> <p>This policy supports public art in Westbury and will not lead to development. The policy will not result in a likely significant effect on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	

## 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 21 February 2019. NE has also published Supplementary Advice on conserving and restoring the site features<sup>11</sup> 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. The HRA of the emerging Core Strategy identified that planned development in Wiltshire was likely to increase recreational pressure on the Salisbury Plain SPA, particularly through increased levels of dog walking leading to disturbance of nesting stone-curlew. In 2012 the Council therefore developed a mitigation strategy in consultation with NE, RSPB and Defence Infrastructure Organisation (DIO) and this was updated in 2018. The mitigation strategy comprises three main elements to secure the conservation status of the stone-curlew populations on Salisbury Plain:
1. Annual monitoring of stone-curlew breeding success – Information about the location of active nests is communicated to DIO and tenant farmers to avoid inadvertently damaging / disturbing nests. Monitoring information is compiled in an annual report, which DIO use to inform future management of the training estate, including stone-curlew plots.
  2. Advice to landowners / tenants – nesting opportunities within a 5km functional buffer of the SPA are maintained through collaboration with farmers, ensuring that if breeding birds are disrupted from the plains, alternative opportunities are available nearby.
  3. Visitor monitoring – surveys are carried out every five years to help understand if and where recreational pressure is increasing on the plains, and whether this is likely to conflict with areas of known nesting activity.
- 5.3. The Council currently uses the Community Infrastructure Levy (CIL) to fund annual monitoring and advice to landowners by the RSPB, and to purchase visitor monitoring by a specialist contractor. Information is shared and discussed between all stakeholders (NE/DIO/RSPB/WC), who are in agreement that this is an effective way to monitor and manage the potential effects of residential development on stone-curlew populations. The mitigation strategy was important in allowing NE to agree with the conclusions of the Core Strategy HRA, and the Council also relies on it to demonstrate that planning applications for residential development would not have an adverse effect on the integrity of Salisbury Plain SPA.

### Plans and projects to be considered in combination

- 5.4. The effects of in-combination growth arising from the Core Strategy have been considered within the HRA and Mitigation Strategy for Salisbury Plain SPA. In 2012 this document concluded that the in-combination levels of growth proposed in the Core Strategy had the potential to lead to adverse effects on stone-curlew due the fact this ground nesting bird was vulnerable to walkers, particularly dog-walkers.

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<sup>11</sup> Supplementary Advice on Conserving and Restoring Site Features: Salisbury Plain Special Protection Area (SPA) Site Code UK9011102 dated 27 October 2017



The document went on to provide details of the proposed mitigation strategy to deal with in-combination effects.

- 5.5. The HRA and Mitigation Strategy for Salisbury Plain SPA was revised in 2018. The revision examines the effectiveness of mitigation to date and assesses the impact of additional housing which is coming forward under the Core Strategy as well as in-combination growth from other plans and projects such as the Army Basing Project (ABP). The review recognises that since 2002 there has been a steady increase in breeding success of stone-curlew, measured as numbers of breeding pairs and number of young fledged per breeding pair and the period 2012-2017 also reflects this trend. The conservation target for the SPA is to maintain the breeding population at or above 15 pairs. Over the last ten years the number of pairs has remained fairly stable at around 24 and it can therefore be concluded that the SPA is in favourable condition in respect of this target.
- 5.6. Although not a target, the productivity figure of 0.61 birds per pair is used as an indication of whether the population is maintaining itself. In 2017 the productivity on the SPA was 0.65 after a period of 5 years when the figure was about 0.55. It appears that breeding on agricultural land outside the SPA where the productivity is higher is helping to support the SPA population and this has been recognised for a number of years. Overall the revised HRA and Mitigation Strategy concludes that the SPA remains in favourable condition and there is no evidence that increased visitor numbers are having an impact.
- 5.7. The MoD's ABP was completed in 2020 and included significant improvements to the military training infrastructure, improvements to the main garrisons, and 917 Service Family Accommodation (SFA) units. A masterplan covering the main elements of the ABP was subject to a HRA. One of the main issues considered by the HRA was the additional recreational pressure from the 917 proposed SFA units in close proximity to the SPA. The HRA of the final scheme (18 December 2015), therefore committed the MoD to providing the following mitigation to reduce any residual impacts:
  - i. Revision of the stone-curlew Management Plan to improve the management and number of plots on the plains.
  - ii. Prepare a Recreation Access Action Plan to review existing Public Rights of Way and accessible open spaces and identify opportunities for additional routes for running and dog walking which would reduce potential conflict with stone-curlew plots.
  - iii. Provide information on responsible access for service personnel and families. This would include information on existing access arrangements and suggested local walking/ running routes based on the results of the above study, alongside information about the environmental sensitivity of the Salisbury Plain training Area and the importance of keeping to existing tracks.
- 5.8. The Council and NE agreed with the conclusion of the HRA that additional visits generated by the proposed SFA would not have an adverse effect on the Salisbury Plain SPA in combination with the WCS. The revision of the stone-curlew Management Plan has been completed and the other measures have been secured through planning conditions / obligations and have been implemented by the MoD in tandem with the delivery of the SFA units.
- 5.9. Although the WHSAP does not make any additional allocations for housing development in Westbury, the HRA (2020) for the WHSAP concludes:

*The patterns of planned growth within the visitor catchment of Salisbury Plain SPA are largely in line those proposed in the Core Strategy, as envisaged when the stone-curlew Mitigation Strategy was prepared and agreed with Natural England in 2012. The 2018 review concluded that the general approach of the mitigation strategy is still considered to be an effective and reliable means of mitigating the effects of*

*increasing recreational pressure on Salisbury Plain, despite the potentially larger number of additional visits to be generated by new housing development. The RSPB has continued to give advice to farmers and DIO continue to manage the training area responsibly for the stone-curlew population, and monitoring shows that the population is stable. At the current time therefore, it is considered that continued implementation of the stone-curlew Mitigation Strategy can be relied upon to conclude that the WHSAP would not affect the integrity of the Salisbury Plain SPA either alone or in combination with other plans or projects.*

### **Analysis of policies in the NP screened into appropriate assessment**

#### Policy DDH4 Allocation of Land off Bitham Park for Housing

- 5.6 This policy allocates Land off Bitham Park to the north east of the town for infill development for approximately 65 dwellings and additional community facilities. The site is a greenfield site bound by housing to the north and east, by Bitham Road to the south and the A350 to the west.
- 5.7 This policy does not reference the need to comply with the Habitats Regulations through compliance with new Policy DDH1, therefore, it is recommended that the policy wording is updated.
- 5.8 65 dwellings on this site would give rise to approximately 156 people, 1% of whom can be expected to visit Salisbury Plain on a regular basis. This scale of visitor pressure would not contribute significantly to pressures on Salisbury Plain and it is considered that the HRA and Mitigation Strategy for Salisbury Plain SPA provides sufficient safeguards in relation to potential impacts associated with recreational pressure on the SPA. An appropriate CIL contribution to the Council will be required to support the continued implementation of the HRA and Mitigation Strategy.
- 5.9 The HRA and Mitigation Strategy concluded that the Council can continue to rely on the conclusions of the strategy without the need to carry out project level HRAs of individual planning applications (subject to the advice of NE). Therefore, it is not considered that a project level HRA for this allocated site would be required provided the number of dwellings on site does not change significantly. It is recommended that the policy wording is amended to state that a project level HRA may be required and that a CIL contribution would be required, as calculated by Wiltshire Council, towards the continuation of the measures set out in the HRA and Mitigation Strategy for Salisbury Plain SPA.
- 5.10 The current HRA and Mitigation Strategy, in combination with mitigation implemented for the ABP, is considered to be adequate to support housing numbers up until 2026 even if these are above figures in the Wiltshire Core Strategy and Housing Site Allocations Plan. The Council is therefore able to conclude beyond reasonable scientific doubt that if the recommendations set out above are implemented, the site allocated in Policy DDH4 would not lead to adverse effects on the integrity of the Salisbury Plain SPA.

#### Policy DDH5 Allocation of Land Between Mill Brook and Coach Road

- 5.11 This policy allocates Land between Mill Brook and Coach Road to the north east of the town for infill development for approximately 30 dwellings. The site is a greenfield site bound by housing to the north, west and south and by Coach Road to the east. Coach Road is a narrow and historic route and provides a clear edge to Westbury.
- 5.12 This policy does not reference the need to comply with the Habitats Regulations through compliance with new Policy DDH1, therefore, it is recommended that the policy wording is updated.
- 5.13 30 dwellings on this site would give rise to approximately 72 people, 1% of whom can be expected to visit Salisbury Plain on a regular basis. This scale of visitor pressure would not contribute significantly to pressures on Salisbury Plain and it is considered that and the HRA and Mitigation Strategy for Salisbury

Plain SPA provide sufficient safeguards in relation to potential impacts associated with recreational pressure on the SPA. An appropriate CIL contribution to the Council will be required to support the continued implementation of the HRA and Mitigation Strategy.

- 5.14 The HRA and Mitigation Strategy concluded that the Council can continue to rely on the conclusions of the strategy without the need to carry out project level HRAs of individual planning applications (subject to the advice of NE). Therefore, it is not considered that a project level HRA for this allocated site would be required provided the number of dwellings on site does not change significantly. It is recommended that the policy wording is amended to state that a project level HRA may be required and that a CIL contribution would be required, as calculated by Wiltshire Council, towards the continuation of the measures set out in the HRA and Mitigation Strategy for Salisbury Plain SPA.
- 5.15 The current strategy, in combination with mitigation implemented for the ABP, is considered to be adequate to support housing numbers up until 2026 even if these are above figures in the Wiltshire Core Strategy and Housing Site Allocations Plan. The Council is therefore able to conclude beyond reasonable scientific doubt that if the recommendations sets out above are implemented, the site allocated in Policy DDH5 would not lead to adverse effects on the integrity of the Salisbury Plain SPA.

#### DDH6 Housing to Meet Local Needs

- 5.16 This policy supports the development of new homes in Westbury where development proposals meet local housing needs. The policy goes on to list a set of requirements, including:
- prioritising the delivery of affordable rented discounted market and open market homes,
  - enable the delivery of affordable and market housing that prioritises the delivery of:
    - Smaller one, two and three bedroom dwellings,
    - Accessible and adaptable housing including two and three bed bungalows ad ground floor flats with level access showers/wet rooms,
    - Supported housing designed to provide a high quality of life for local older people and disabled people.
  - meet the Building Regulations Part M4 (Category 2)\* Accessible and Adaptable Buildings and the Nationally Described Space Standards set out in the Technical Housing Standards (2015).
- 5.17 The whole of the NP area lies within the 6.4km ZoI for recreational pressure on the Salisbury Plain SPA and as such any residential development within this zone could lead to an increase in visitor pressure on the SPA and physical disturbance to breeding stone-curlew. Given that the policy does not allocate sites for development or propose potential housing numbers it is unknown what residential development may be supported by this policy. A project level HRA may be required to ascertain whether any development supported by this policy would have likely significant effects on the Salisbury Plain SPA.
- 5.18 It is therefore recommended that the policy wording is amended to state that in order to ensure compliance with the Habitats Regulations and Policy DDH1 the developer would be expected to provide sufficient information for the competent authority to assess whether the development would be covered by the HRA and Mitigation Strategy or whether a project level HRA would be required to assess the potential for likely significant effects on the Salisbury Plain SPA.

#### **Conclusion – Salisbury Plain SPA**

- 5.19 The allocations set out in Policies DDH4 and DDH5 would be covered by the HRA and Mitigation Strategy for the Salisbury Plain SPA which has also considered potential in-combination effects. An appropriate CIL contribution would be required from any development at these two sites which would support the

continued implementation of the HRA and Mitigation Strategy. Any development supported by Policy DDH6 may require a project level HRA to ascertain whether there would be likely significant effects on the SPA as a result of developments supported by this policy.

- 5.20 On the basis that the recommendations set out above for the three policies taken forward to appropriate assessment, are incorporated into the NP, it is deemed possible 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 as a result of the Westbury NP.

## 6. Appropriate Assessment – Bath and Bradford on Avon Bats SAC

### Background to the Bath and Bradford on Avon Bats SAC

- 6.1. The following account clarifies the key geographical and ecological relationships between the Bath and Bradford on Avon Bats SAC and the Westbury NP area, as far as these are currently known. Details of the conservation objectives are available online at <http://publications.naturalengland.org.uk/publication/6279810384920576>. The current version is dated 27 November 2018 Version 3.
- 6.2. The SAC designation extends across former stone mines which are hibernation and swarming sites for the three species of bat which are features of this SAC; greater and lesser horseshoe and Bechstein's bats. The nearest component of the SAC is the mine at Winsley approximately 9.5km north west from Westbury. Others occur near Box and Bath. The mines are mainly used by bats during the winter and autumn.
- 6.3. While the SAC lies some distance from Westbury, the bats roost and feed across a much wider area during the spring and summer. Horseshoe bats generally breed in buildings while a significant breeding colony of Bechstein's bats occurs in woodlands to the south of Trowbridge. The Council has prepared guidance to demonstrate how development across the whole bat landscape must take account of the SAC<sup>12</sup>. It identifies a number of core roosts with core areas around them (termed "consultation zones") to show where bat activity is likely to be concentrated and where particular precautions will be required.
- 6.4. Under the above guidance, Green Lane and Biss Woods, and Picket and Clanger Woods are all core roosts for Bechstein's bats. Approximately 0.11ha of the core area around the Picket and Clanger Woods core roost falls within the Westbury NP area, therefore it is likely Bechstein's bats commute in close proximity to or possibly through part of the NP area to swarming and hibernation sites at Box and Bath. Comparatively little is known about this species as it cannot be identified from bat detectors and is therefore generally under-recorded. However, there are several records for Bechstein's in the NP area, including a roost used by a radio tracked bat.
- 6.5. There are a large number of greater and lesser horseshoe records across the NP area, including records of roosts. There are no lesser horseshoe core roosts within the NP area however there is a greater horseshoe core roost in Westbury Leigh towards the western boundary of the NP area. The majority of the NP area therefore falls within the 4km core area around the roost.
- 6.6. It is likely all three Annex II species associated with the SAC fly through open countryside in the NP area to access the SAC.

### Plans and Projects to be considered in-combination

- 6.7 The two allocated sites are located within the grey hatched zone of the TBMS. In this area new residential development is considered likely to result in an increase in recreational pressure on key woodland bat sites around Trowbridge. New residential developments in the grey hatched zone are expected to contribute towards the delivery of mitigation measures to address strategic recreational pressure. This contribution will be paid through CIL to mitigate residual in-combination effects from recreational pressure.

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<sup>12</sup> Bat Special Areas of Conservation, planning guidance for Wiltshire. Issue 3.0, 10 September 2015

6.8 The screening assessment concluded that the NP could lead to significant effects on the Bath and Bradford on Avon Bats SAC in combination with other plans and projects. The following assessment has been conducted taking the following plans and projects into consideration:

- Wiltshire Core Strategy (Adopted January 2015)
- Wiltshire Housing Site Allocations Plan (WHSAP) (Council Version, February 2020) adopted by Full Council on 25<sup>th</sup> February 2020
- Application 17/01643/REM - Land north of Bitham Park, Westbury, Wiltshire, BA13 4LU
- Application 13/03568/OUT - Land at The Mead Westbury Wiltshire
- Application PL/2022/06046 - Land at Bratton Road, Westbury, BA13 3EN
- Application 15/12551/OUT - Land at Westbury Sailing Lake, Station Road, Westbury, Wiltshire
- Application PL/2021/10592 - Land on the west side of Storridge Road, Westbury (Solar Farm)
- Application 19/11459/OUT - Land at Elm Grove, Drynham Lane, Trowbridge
- Application 20/03641/OUT - Land South of White Horse Business Park
- Application 20/05805/OUT - Land South West of White Horse Business Park Trowbridge
- Application 16/00672/OUT - Land West of Elizabeth Way (Land SW of Hilperton Marsh) Trowbridge
- Application PL/2021/08554 - Land off of Elizabeth Way, Hilperton, Wiltshire
- Application 20/09701/FUL - Land at Elizabeth Way, Hilperton, Trowbridge
- Application 20/07751/FUL - Land West of Elizabeth Way and South of Middle Lane, Hilperton, Trowbridge
- Application 18/10035/OUT - Land to the south of Church Lane Upper Studley
- Application 20/09659/FUL - Land off Frome Road Upper Studley Trowbridge
- Application 20/00379/OUT - Land South of Trowbridge, Southwick, Trowbridge

#### **HRA for the Adopted Wiltshire Housing Site Allocations Plan and the TBMS SPD**

6.9. The Council published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (WHSAP) together with a HRA dated 21 June 2017 which included an appropriate assessment of the six allocations proposed for Trowbridge. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. The original Addendum to the HRA incorporating minor factual changes to support the consultation on the Council's Schedule of Proposed Changes was published in September 2018. An Amended Addendum comprising a minor factual update and incorporating further changes to support the Council's Further Main Modification was published in September 2019.

6.10. Subsequently, the adoption of the WHSAP (Council Version, February 2020) was approved by Full Council on 25<sup>th</sup> February 2020 and this was accompanied by the final WHSAP Assessment under the Habitats Regulations (Wiltshire Council, February 2020).

- 6.11. The adoption of the Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) was also approved on the 25<sup>th</sup> February 2020. The overall aim of the TBMS is to provide a clear and detailed approach to considering impacts of development in the Trowbridge area on the Bath and Bradford on Avon Bats SAC in order to help inform strategic planning for the area's future housing needs. The aforementioned version of the TBMS has been prepared to support the WHSAP and Core Policies 2 and 29 of the Wiltshire Core Strategy. The TBMS sets out the mitigation measures required by the HRA of the WHSAP and is designed to ensure no adverse impact on the important bat populations associated with the Trowbridge landscape due to the WHSAP, and therefore no adverse impact on the integrity of the Bath and Bradford on Avon Bats SAC.
- 6.12. The final HRA (February 2020) concluded that with regard to habitat loss/deterioration, the allocations proposed in the WHSAP are likely to have significant effects on the local Bechstein's population associated with the Bath and Bradford on Avon Bats SAC, particularly when the effects of the plan are considered as a whole, as the cluster of sites will coalesce the urban landscape south of Trowbridge, which could sever strategic flight routes between the key roosts to the east of the town and the underground sites west of the town. It specifies that the TBMS provides a scheme of mitigation which addresses impacts from each of the allocations in the plan alone and the in-combination impacts of these in combination with other development coming forward through neighbourhood plans, as rural exception sites and development within the settlement boundary. In view of the uncertainty surrounding bat use of the landscape, the TBMS takes a precautionary approach to allow appropriate assessments for individual applications to be concluded favourably without delay, provided the principles are followed.
- 6.13. The HRA therefore concluded that the WHSAP would not have an adverse effect on the integrity of the Bath and Bradford Bats SAC alone or in combination with other plans or projects, subject to the adoption and delivery of the finalised TBMS and incorporation of the following within the policies for H2.1 – H2.6:
- Development at the allocation site will be subject to an approved masterplan and will meet the following requirements:
    - Core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and the Trowbridge Bat Mitigation Strategy.
    - Appropriate mitigation to protect bats, including financial contributions towards management, monitoring and offsite measures as necessary, as informed by the Trowbridge Bat Mitigation Strategy.
- 6.14. In terms of recreational pressure, the HRA concluded that the WHSAP could have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC both alone and in-combination with other planned development through increased recreational disturbance. The TBMS is supported by NE who consider the strategy to be sufficient but not excessive as a means of protecting the features of the SAC. The HRA states that it has been demonstrated through consultation and the examination in public for the WHSAP, that the TBMS is achievable and deliverable within an appropriate timescale. The HRA then stipulates that on this basis, it is considered that the Council may rely on the TBMS for the purposes of the appropriate assessment, and as such it can be concluded that the WHSAP would not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC alone or in-combination with other plans or projects subject to incorporation within the policy text of wording to ensure that the site allocations will be required to contribute proportionately to the TBMS.
- 6.15. Essentially, the HRA concluded that allocations would not lead to adverse effects alone or in-combination with other plans and projects provided that:
- Sensitive habitat features are retained and buffered by wide, dark, continuous habitat corridors;

- Other bat habitat e.g. grazing/arable land, is fully offset by creating new high quality bat habitat within the application boundary;
  - Developments contribute to strategic mitigation offsite, to be delivered by Wiltshire Council, to address residual in-combination habitat impacts, and;
  - Developments contribute to measures to offset in-combination increases in recreational pressure at publicly accessible woodlands used by breeding Bechstein's bats.
- 6.16 Mitigation criteria for retaining and buffering habitat within green field sites is detailed in the TBMS. Specific mitigation measures to address in-combination effects on habitats are also detailed in the TBMS and these will be secured with appropriate developer contributions and implemented through a scheme run by the Council.
- 6.17 The TBMS is supported by a study investigating recreational use of publicly accessible open spaces including the woodlands south of Trowbridge used by roosting Bechstein's bats. A large area of the Westbury NP area lies within the area within which 75% of visitors to Picket and Clanger Wood originate and as such there is the potential for new residential development within the Westbury NP area to result in additional recreational pressure upon the woodlands south of Trowbridge that support Bechstein's roosts.
- 6.18 The TBMS is intended to address impacts arising from the quantum of development coming forward from three categories of development: (i) allocations in the WHSAP, (ii) allocations in Neighbourhood Plans and (iii) windfall development within existing settlement boundaries. It identifies zones of sensitivity for a) bat habitat and b) generation of recreational pressure at woodlands used by Bechstein's bats.
- 6.19 The TBMS sets out at a strategic level the mitigation that will be required to be confident that significant adverse effects to the SAC will be prevented. Provision of mitigation is dependent on a development's location in respect of three zones:
- A high risk zone (red zone) extending to 600m from woodlands identified as core roosting sites for Bechstein's bats. It is anticipated new build development within this zone would be unable to adequately mitigate for increases in recreational pressure and loss / degradation of habitat and therefore is unlikely to satisfy the requirements of the Habitats Regulations.
  - A medium risk zone (yellow zone) for habitat loss and degradation where green field development will be required to provide 100% mitigation for habitat loss and also contribute to a Council scheme for mitigation of residual and in-combination effects on bat habitat.
  - A medium risk zone (grey hatched zone) for recreational impact where new residential development will contribute to new offsite recreational provision through the Community Infrastructure Levy (CIL).

### **Analysis of policies in the NP screened into appropriate assessment**

#### Policy DDH4 Allocation of Land off Bitham Park for Housing

- 6.20 This policy allocates Land off Bitham Park to the north east of the town for infill development for approximately 65 dwellings. The site is greenfield made up of two fields bound by housing to the north and east, by Bitham Road to the south and the A350 to the west. The road boundaries are bound by post and rail fencing. The other boundaries consist of mature hedgerows with trees.



- 6.21 There are no records of bats at this site however, this may be due to a lack of surveys or records not being submitted to the record centre. There are few records of Bechstein's, lesser and greater horseshoe bats within close proximity of the site. The closest records are for a lesser horseshoe bat roost in a barn at Coach Road Farm, within approximately 360m to the north east of the site. Myotis sp. Have also been recorded as roosting at Coach Road Farm. There is a greater horseshoe bat roost in Westbury Cemetery approximately 440m to the south of the site.
- 6.22 The site is split into two fields, which appear to be grazed pasture. The larger eastern field is bounded by mature hedgerows with trees along its eastern, northern and western boundaries. It is considered likely that the grazed pasture and mature hedgerows provide some suitability for foraging horseshoe bats. The site is bounded by development and there are limited linear habitat features providing connectivity to the wider landscape to the north and east and any suitable habitat features that are present to the north and east are lit by street lighting. There is still some connectivity to the wider landscape via the south-eastern corner of the site along a hedgerow which leads to the site allocated in Policy DDH5, however it is unlikely that the site would be used as a commuting corridor due to the lack of onward connectivity.
- 6.23 The site is also located within the grey hatched medium recreational risk zone of the TBMS which represents the area within which new residential development is expected to result in increased recreational pressure on key woodland bat sites on the edge of Trowbridge, including Picket and Clanger Wood and Green Lane Wood. The TBMS requires that all new residential development proposals within the grey hatched zone contribute towards the delivery of mitigation to address strategic recreational pressure. An appropriate contribution will be calculated by Wiltshire Council and paid by the developer through CIL.
- 6.24 This policy lists several criteria that a development on this site would be required to conform to. One of the criteria in the Regulation 14 version of this policy required proposals to ensure compliance with the Bat SAC Guidance or the TBMS<sup>13</sup>.
- 6.25 This Submission Version (March 2023) of the policy no longer refers to the need to comply with the Habitats Regulations through adherence to the Bat SAC Guidance and the TBMS and does not require compliance with new Policy DDH1 Habitat Regulations Assessment. These requirements should be listed as criteria in the policy and it should be made clear that compliance with these documents would specifically avoid likely significant effects on the Bath and Bradford on Avon Bats SAC. In addition, the policy does not include the need for a project level HRA for any development at this site. It is therefore recommended that the policy wording is amended.
- 6.26 On the basis that the above recommendations are implemented it is considered that the policy would not result in a significant effect on the SAC.

#### Policy DDH5 Allocation of Land Between Mill Brook and Coach Road

- 6.27 This policy allocates Land between Mill Brook and Coach Road to the north east of the town for infill development for approximately 30 dwellings. The site is a greenfield site bound by housing to the north, west and south and by Coach Road to the east. Coach Road is a narrow and historic route and provides a clear edge to Westbury. It is proposed that Coach Road would be retained to maintain access to existing properties and would be principally used for biodiversity and recreation.
- 6.28 There are no records of bats at this site however, this may be due to a lack of surveys or records not being submitted to the record centre. There are few records of Bechstein's, lesser and greater horseshoe bats

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<sup>13</sup> It was recommended in the Regulation 14 HRA appropriate assessment that the policy wording was amended to ensure compliance with the Bat SAC Guidance and the TBMS, not or the TBMS.

with close proximity of the site. The closest records are for a lesser horseshoe bat roost in a barn at Coach Road Farm, within approximately 170m to the north east of the site. *Myotis* sp. Have also be recorded as roosting at Coach Road Farm. There is a greater horseshoe bat roost in Westbury Cemetery approximately 440m to the south of the site.

- 6.29 The site is a single field which appears to be grazed pasture. It is bounded by mature hedgerows and trees along the eastern, northern and western boundaries. It is unlikely that the site would be priority habitat. It is likely that the grazed pasture and mature hedgerows would provide suitable habitat for foraging horseshoe bats, including greater horseshoe bats associated with the roost in Westbury Cemetery and lesser horseshoe bats associated with the roost at Coach Road Farm.
- 6.30 There is some connectivity between this site and the grazed pasture of the site allocated in DDH4 to the west via a hedgerow in the south western corner. As discussed above, the site allocated in Policy DDH4 has the potential to be suitable for foraging horseshoe bats however there is limited connectivity beyond the site.
- 6.31 To the east the site is well connected to the wider landscape and the woodlands to the east and south of Trowbridge, providing good commuting routes for bats, including from the greater horseshoe roost at Westbury Cemetery and the lesser horseshoe roost at Coach Road Farm. The woodlands to the south and east of Trowbridge are important habitat for Bechstein's bats which are known to roost in several of them, the closest being Picket and Clanger Woods approximately 1.8km to the north. It is therefore possible that Bechstein's bats could commute along the site boundaries.
- 6.32 The site is also located within the grey hatched medium recreational risk zone of the TBMS which represents the area within which new residential development is expected to result in increased recreational pressure on key woodland bat sites on the edge of Trowbridge, including Picket and Clanger Wood and Green Lane Wood. The TBMS requires that all new residential development proposals within the grey hatched zone contribute towards the delivery of mitigation to address strategic recreational pressure. An appropriate contribution will be calculated by Wiltshire Council and paid by the developer through CIL.
- 6.33 It was recommended in the Regulation 14 HRA appropriate assessment that a reduction in the net developable area, and likely a reduction in the number of houses proposed on site, would be required in order for the appropriate assessment to be able to conclude that the policy allocating this site would not result in a significant adverse effect on the SAC. The number of dwellings on site has therefore been reduced from 40 to 30 in order to retain a green infrastructure buffer on the hedgerow boundaries to deliver biodiversity protection and to protect the residential amenity.
- 6.34 This policy lists several criteria that a development on this site would be required to conform to. One of the criteria in the Regulation 14 version of this policy required proposals to ensure compliance with the Bat SAC Guidance or the TBMS<sup>13</sup>.
- 6.35 This Submission Version (March 2023) of the policy no longer refers to the need to comply with the Habitats Regulations through adherence to the Bat SAC Guidance and the TBMS and does not require compliance with new Policy DDH1 Habitat Regulations Assessment. These requirements should be listed as criteria in the policy and it should be made clear that compliance with these documents would specifically avoid likely significant effects on the Bath and Bradford on Avon Bats SAC. In addition, the policy does not include the need for a project level HRA for any development at this site. It is therefore recommended that the policy wording is amended.

- 6.36 On the basis that the policy has been updated to reduce the number of dwellings proposed on site and that the other recommendations set out above are implemented, it is considered that the policy would not result in a significant effect on the SAC.

DDH6 Housing to Meet Local Needs

- 6.37 This policy will not lead directly to development, however it supports the development of new homes in Westbury where development proposals meet local housing needs. The policy goes on to list a set of requirements, including:
- prioritising the delivery of affordable rented discounted market and open market homes,
  - enable the delivery of affordable and market housing that prioritises the delivery of:
    - Smaller one, two and three bedroom dwellings,
    - Accessible and adaptable housing including two and three bed bungalows and ground floor flats with level access showers/wet rooms,
    - Supported housing designed to provide a high quality of life for local older people and disabled people.
  - meet the Building Regulations Part M4 (Category 2)\* Accessible and Adaptable Buildings and the Nationally Described Space Standards set out in the Technical Housing Standards (2015).
- 6.38 The majority of the Westbury NP area is located within the 4km core area associated with the greater horseshoe roost located in Westbury Leigh. A large portion of the NP area is located within the grey hatched zone of the TBMS and a smaller area is located within the yellow zone. As such, development supported by this policy is likely to be located within one or more of these zones.
- 6.39 Policy DDH6 does not make reference to the need to comply with new Policy DDH1 Habitats Regulations Assessment which states that all new development must demonstrate compliance with the Habitats Regulations through adherence to the Bat SAC Guidance and the TBMS. In not referring to the need to adhere to the aforementioned policy and guidance, residential development supported by this policy could lead to effects on bat habitat used by Annex II bats associated with the Bath and Bradford on Avon Bats SAC for foraging, commuting and roosting.
- 6.40 It is therefore recommended that the wording of Policy DDH6 is revised to state that developments supported by this policy should comply with Policy DDH1 of the NP. This will give greater certainty for the purposes of this HRA and provide steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance, and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. Any residential development supported by this policy in the grey hatched zone of the TBMS would be required to pay an appropriate CIL contribution towards the delivery of mitigation set out in the TBMS to address strategic recreational pressure. If residential development on a greenfield site were to come forward in the yellow zone of the TBMS, it would need to adhere to the mitigation requirements set out in the TBMS.
- 6.41 It should be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 6.42 No further recommendations are proposed. It is considered that, based on the recommended policy wording amendments being made, the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

#### Policy TM1 Active Travel

- 6.43 This policy seeks to ensure that all major developments within the Westbury NP area demonstrate sustainable travel and integrate into and extend Westbury's pedestrian and cycle network. Improvements to the accessibility and quality of the links between the town and the railway station are supported by this policy.
- 6.44 This policy will not lead directly to development, however it does support the development of new and improved pedestrian / cycle only routes. Given that new and improvements routes could lead to loss, degradation and/or disturbance to bat habitat, and would also likely necessitate the installation of artificial lighting, such schemes have the potential to lead to likely significant effects on the SAC if not suitably mitigated.
- 6.45 The majority of the Westbury NP area is located within the 4km core area associated with the greater horseshoe roost located in Westbury Leigh. As such, development supported by this policy is likely to be located within this zone and could lead to effects on bat habitat used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC for foraging, commuting and roosting.
- 6.46 Policy TM1 does not make reference to the need to comply with new Policy DDH1 Habitats Regulations Assessment which states that all new developments must demonstrate compliance with the Habitats Regulations through adherence to the Bat SAC Guidance and the TBMS. In not referring to the need to adhere to the aforementioned policy and guidance, development supported by this policy could lead to effects on bat habitat used by Annex II bats associated with the Bath and Bradford on Avon Bats SAC for foraging, commuting and roosting. It is therefore recommended that the wording of Policy TM1 is revised to state that developments supported by this policy should comply with Policy DDH1 of the NP. This will give greater certainty for the purposes of this HRA and provide steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance, and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary.
- 6.47 It should be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 6.48 On the basis that the above recommendations are implemented it is considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

#### Policy TCE2 Town Centre

- 6.49 This policy supports developments that will positively contribute to the implementation of the Westbury Town Centre Vision and maintain and enhance the town centre. The policy lists developments which would be particularly supported, namely:
- The development of a Westbury arts and performance venue;
  - Revitalising the Market Square;
  - Improving the image and functioning of the High Street;
  - Activating the Angel Mill building;
  - Enhancing Edward Street with improved active frontage.

- 6.50 This policy will not lead to development as it does not allocate sites, however it does support development within the town centre. The town centre, and the majority of the NP area is located within the 4km core area around the Westbury Leigh greater horseshoe bat core roost. As such, development supported by this policy would be located within this zone and could lead to physical damage or disturbance to bat roosts used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC.
- 6.51 Policy TCE2 does not make reference to the need to comply with new Policy DDH1 Habitats Regulations Assessment which states that all new development must demonstrate compliance with the Habitats Regulations through adherence to the Bat SAC Guidance and the TBMS. In not referring to the need to adhere to the aforementioned policy and guidance, development supported by this policy could lead to effects on bat habitat used by Annex II bats associated with the Bath and Bradford on Avon Bats SAC for roosting. If residential development is supported by this policy it would be located within the grey hatched zone of the TBMS and an appropriate CIL contribution towards the delivery of mitigation set out in the TBMS would be required to address strategic recreational pressure.
- 6.52 It is therefore recommended that the wording of Policy TCE2 is revised to state that developments supported by this policy should comply with Policy DDH1 of the NP. This will give greater certainty for the purposes of this HRA and provide steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance, and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary.
- 6.62 It should be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 6.63 On the basis that the above recommendations are implemented it is considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

#### Policy HL3 Retrofitting Historic Buildings

- 6.64 This policy allows for the modification of buildings in the Conservation Area and listed buildings to maximise the energy efficiency and generation and to reduce CO<sub>2</sub> impacts whilst conserving the historical significance of the building and / or its setting
- 6.65 This policy will not lead to development but it supports the retrofitting of historic buildings to reduce carbon emissions and generate renewable energy. The majority of the Westbury NP area is located within the 4km core area associated with the greater horseshoe roost located in Westbury Leigh. As such, development supported by this policy is likely to be located within this zone and could therefore lead to physical damage or disturbance to bat roosts used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC.
- 6.66 Policy HL3 does not make reference to the need to comply with new Policy DDH1 Habitats Regulations Assessment which states that all new development must demonstrate compliance with the Habitats Regulations through adherence to the Bat SAC Guidance and the TBMS. In not referring to the need to adhere to the aforementioned policy and guidance, development supported by this policy could lead to effects on bat habitat used by Annex II bats associated with the Bath and Bradford on Avon Bats SAC for roosting.

- 6.67 It is therefore recommended that the wording of Policy HL3 is revised to state that developments supported by this policy should comply with Policy DDH1 of the NP. This will give greater certainty for the purposes of this HRA and provide steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance, and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary.
- 6.68 It should be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 6.69 On the basis that the above recommendations are implemented it is considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

#### Policy QL2 Westbury's Green Spaces

- 6.70 This policy aims to protect and enhance Westbury's green spaces and designated areas as Local Green Spaces. It states that built development will only be allowed in exceptional circumstances and where the proposals enhance the existing use of the space. Development affecting Community Open Space will only be supported where there is an existing building and the works are needed to maintain its viability or where the proposed development will benefit the community and will preserve the particular local significant of the space. The policy goes on to state that any loss of open space will only be permitted where alternative equivalent or better provision will be provided or it has been demonstrated that the space is surplus to requirements.
- 6.71 New housing developments are required to include well designed private and community outdoor space.
- 6.72 This policy seeks to protect Westbury's green and community open spaces and will not lead directly to development. The policy does however allow for development in exceptional circumstances. The majority of the Westbury NP area is located within the 4km core area associated with the greater horseshoe roost located in Westbury Leigh. The majority of the identified green and community open spaces are located within the grey hatched zone of the TBMS and two are partly located within the yellow zone. As such, development supported by this policy is likely to be located within one or more of these zones and could lead to effects on bat habitat used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC for foraging, commuting and roosting.
- 6.73 Policy QL2 does not make reference to the need to comply with new Policy DDH1 Habitats Regulations Assessment which states that all new development must demonstrate compliance with the Habitats Regulations through adherence to the Bat SAC Guidance and the TBMS. In not referring to the need to adhere to the aforementioned policy and guidance, development supported by this policy could lead to effects on bat habitat used by Annex II bats associated with the Bath and Bradford on Avon Bats SAC for foraging, commuting and roosting.
- 6.74 Any residential development supported by this policy in the grey hatched zone of the TBMS would be required to pay an appropriate CIL contribution towards the delivery of mitigation set out in the TBMS to address strategic recreational pressure. If residential development on a greenfield site were to come forward in the yellow zone of the TBMS, it would need to adhere to the mitigation requirements set out in the TBMS.

- 6.75 It should be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 6.76 It is therefore recommended that the wording of Policy QL2 is revised to state that developments supported by this policy should comply with Policy DDH1 of the NP. This will give greater certainty for the purposes of this HRA and provide steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance, and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary.
- 6.77 On the basis that the above recommendations are implemented it is considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

#### Policy QL3 Community Facilities

- 6.78 This policy will not lead directly to development but seeks to reduce the loss of community facilities by requiring proposals to demonstrate adequate alternative provision exists within walking distance or that a new facility will be provided in an equally or more accessible location within the catchment area. Redevelopment for non-community uses would only be considered as a last resort. The policy also supports proposals for new community facilities providing that proposals demonstrate the need and benefits of the facility, that the facility is accessible to all members of the community and that the facility would be located in an area where there is a choice of travel options.
- 6.79 Therefore, proposals for development of new community facilities or the redevelopment of existing facilities may come forward as a result of the inclusion of this policy within the NP. The majority of the Westbury NP area is located within the 4km core area associated with the greater horseshoe roost located in Westbury Leigh. A large portion is also located within the grey hatched zone of the TBMS and the policy does not rule out the possibility that proposals which may result in the loss of community facilities may be residential. As such, development supported by this policy is likely to be located within one or more of these zones and could lead to effects on bat habitat used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC.
- 6.80 Policy QL3 does not make reference to the need to comply with new Policy DDH1 Habitats Regulations Assessment which states that all new development must demonstrate compliance with the Habitats Regulations through adherence to the Bat SAC Guidance and the TBMS. In not referring to the need to adhere to the aforementioned policy and guidance, development supported by this policy could lead to effects on bat habitat used by Annex II bats associated with the Bath and Bradford on Avon Bats SAC for foraging, commuting and roosting.
- 6.81 It should be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 6.82 It is therefore recommended that the wording of Policy QL2 is revised to state that developments supported by this policy should comply with Policy DDH1 of the NP. This will give greater certainty for the purposes of this HRA and provide steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance, and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary.

- 6.83 On the basis that the above recommendations are implemented it is considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

**Conclusion – Bath and Bradford on Avon Bats SAC**

- 6.84 There is the potential for the above policies to result in an adverse impact on the Bath and Bradford on Avon Bats SAC through physical damage, interruption of flight lines and disturbance to bats and habitat functionally linked to the SAC and through recreational impact on the woods around Trowbridge that are also functionally linked to the SAC.
- 6.85 On the basis that the recommendations set out above for the eight policies taken forward to appropriate assessment, are incorporated into the NP, it is deemed possible to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Bath and Bradford on Avon Bats SAC, alone or in-combination with other plans and projects as a result of the Westbury NP.

Prepared by [REDACTED] Ecologist, Wiltshire Council, 22<sup>nd</sup> June 2023

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