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SEAGRY NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1 Introduction

- 1.1 This iteration of the HRA relates to the Seagry Parish Neighbourhood Plan Regulation 16 Consultation Draft April 2019 referred to in the document below as the NDP.
- 1.2 The HRA has been carried out to comply with Regulation 105 of the Habitats Regulations 2017. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation. If the screening exercise demonstrates significant effects are likely, whether or not these are addressed through mitigation measures¹, the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European Sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening and any subsequent appropriate assessment, must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3 It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:
- “Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”²*
- 1.4 Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan or project provided that it will not adversely affect the integrity of any European sites. Otherwise the plan cannot be authorised unless it meets specific statutory tests.
- 1.5 Wiltshire Council has conducted the following HRA as competent authority under the Habitats Regulations for the NDP. Where risks to European Sites are identified, changes are recommended to remove or reduce these and these should be incorporated into the plan

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

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

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before it is made. Likewise, if the policies or planning context change after the HRA is completed, the HRA process must be repeated before the final plan is considered by a referendum and adopted.

2 Screening Methodology

2.1 Each element of the plan has been categorised against screening criteria developed by Natural England to provide a clear audit trail for the screening assessment.

2.2 The screening criteria used are as follows:

- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
- Category A2: The policy is intended to protect the natural environment;
- Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
- Category A4: The policy would positively steer development away from European sites and associated sensitive areas;
- Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
- Category B – no significant effect;
- Category C – likely significant effect alone; and
- Category D – Likely significant effects in combination.

2.3 The effect of each policy has been considered both individually and in combination with other plans and projects (see table in section 4 below). Where potential for likely significant effects have been identified, an appropriate assessment is undertaken in subsequent sections.

3 Higher Level HRAs

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

Recreation – Natura 2000 sites within 5km of the plan area, or where Salisbury Plain SPA/SAC is within 15km of the plan area:

- Salisbury Plain SAC and SPA

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

⁴ Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013 (SUS/36)

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

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

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

Hydrology / Hydrogeology - Sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact:

- Salisbury Plain SAC / SPA
- Bath and Bradford on Avon Bats SAC
- Pewsey Downs SAC
- North Meadow and Clattinger Farm SAC
- River Avon SAC
- River Lambourn SAC
- Kennet & Lambourn Floodplain SAC

Air Pollution / Nitrogen Deposition – Natura 2000 sites within 200m of a main road

- Porton Down SPA
- Salisbury Plain SAC / SPA
- Southampton Water SPA
- Clattinger Farm SAC
- River Avon SAC
- Rodborough Common SAC
- Cotswolds Beechwoods SAC

Physical Damage / Interruption of Flight Lines / Disturbance

- Bath and Bradford on Avon Bats SAC
- Porton Down SPA
- Chilmark Quarries SAC (added post adoption of Core Strategy)
- Mottisfont Bats SAC

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

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

- 3.3 In terms of hydrology/hydrogeology, Seagry lies within the catchment of the Bristol Avon, rather than the Hampshire, and therefore the River Avon SAC is not potentially impacted. No water resource issues have been identified for the Bath and Bradford on Avon Bats SAC which is the only SAC from the above list to lie fully within the Bristol Avon catchment.
- 3.4 The Wiltshire Core Strategy identified that increased traffic would lead to potential effects through an increase in atmospheric pollution and nitrogen deposition upon a range of Natura 2000 sites within 200m of a main road. Such effects were considered to be very small and difficult to predict at the strategic level⁷ (WCS HRA Update February 2014). The housing that is to be delivered through this NDP is considered to be small in relation to the total for the county. All of the Natura 2000 sites listed above are a considerable distance from the NDP area and no effects are anticipated.
- 3.5 In terms of causing physical damage to features which provide, for example, foraging and breeding habitat or flightlines, the NDP area is too remote to have any implications for bats at the Bath and Bradford on Avon Bats SAC, Chilmark Quarries SAC or indeed the Mottisfont Bats SAC.
- 3.6 Since the Core Strategy was adopted, the Council has published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (HSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A final schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation.
- 3.7 The screening criteria for the HSAP were modified for some European sites from those used for the Core Strategy following the results of new surveys and in light of advice received from Natural England. The following screening applies the most up to date criteria available from the HSAP.

4. Screening of Policies in the Seagry Neighbourhood Plan Regulation 16 Consultation Draft April 2019

- 4.1 The Seagry Neighbourhood Plan comprises 13 policies – see Table 1 below.
- 4.2 Policies would either not lead directly to development or would have no significant effects either alone or in combination with other plans and projects due to the scale and nature of the proposals in the plan.

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

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

A / B (Green) – Screened out

C / D (Red) – Screened in

Policy	Screening Categorisation	Summary of Policy wording highlighting any conflict with the Habitats Regulations/Comments
Policy SNP1: Valued Views.	A1	The policy states that any application which might impact on a valued view should demonstrate how the development will be seen in relation to that view.
Policy SNP2: Local Heritage Assets	A3	The policy states that any development proposals affecting the character, setting or integrity of the identified local heritage asset(s) should: <ul style="list-style-type: none"> • be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed; • be sympathetic to the building or structure concerned and propose its creative reuse and adaptation; and • ensure that recording and interpretation is undertaken to document and understand the asset’s archaeological, architectural, artistic or historic significance.
Policy SNP3: Natural Environment and Biodiversity	A2	The Parish of Seagry is rich in biodiversity; the land to the west of Upper Seagry is characterised by ancient woodlands. The land to the east of the settlement’s slopes gently down to the River Avon together with the ancient woodlands form important natural habitats for flora/fauna (Local Wildlife Sites – LWS). This policy states that any development proposals must demonstrate proper attention has been paid to on-site and local features of the natural environment and biodiversity. This policy reinforces the protection of the natural environment provided under CP50 (Wiltshire Core Strategy).

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Policy	Screening Categorisation	Summary of Policy wording highlighting any conflict with the Habitats Regulations/Comments
Policy SNP4: Footpaths and Bridleways	A1	This policy states that applications for developments which Public Rights of Way or informal local paths and bridleways must demonstrate how they will affect those paths and bridleways and offer any appropriate improvement and/or mitigation.
Policy SNP5: Local Green Space	A2	This policy proposes that the green spaces be designated as Local Green Spaces in accordance with the provision of paragraph 99 of the National Planning Policy Framework. The Local Green spaces are: <ul style="list-style-type: none"> • The Allotments; • Broadleaze; • Seales Court entrance.
Policy SNP6: Character and Design	A1	This policy states that proposal for new development must show, by reference to the Seagry Community Design Statement, that it has been planned positively to achieve high quality design that conserves the local distinctiveness of its specific context and the overall qualities of Upper and Lower Seagry.
Policy SNP7: Small and Infill Development	A3	In the Core Strategy Upper Seagry is regarded as a small village. Lower Seagry is not mentioned and must therefore be considered as ‘open countryside’. Early work in the preparation of the plan highlighted some potential locations for development larger than ‘infill’ as defined in the Core Strategy. It is the view of Seagry Parish Council that future proposals, in both settlements, for such sites should be considered on their merits and compliance with the Neighbourhood Plan. The policy states that proposals for development larger than those considered infill may be considered on their merits
Policy SNP8: Custom and Self-Build Housing	A1	This policy supports the delivery of self-build and custom build to encourage means of provision of new homes.
Policy SNP9: Permeable Surfacing of Drives and Parking Areas	A1	This policy promotes permeable surface paving of house drives. Hardstanding and parking will be supported where it is in keeping with the local character and where boundary features such as hedges and walls can be retained and enhanced.

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Policy	Screening Categorisation	Summary of Policy wording highlighting any conflict with the Habitats Regulations/Comments
Policy SNP10: Electric Charging Points	A2	All new houses with on-plot parking spaces and/or garages are required to provide an appropriately located charging point..
Policy SNP11: Telecommunications Infrastructure	A1	At present Lower Seagry tends to have a low speed of broadband connection. This policy proposes to enhance and create additional telecommunications infrastructure to support those working from home, and all new development is expected to include provision for high speed broadband.
Policy SNP12: Community Involvement	A1	This policy promotes positive and structured pre-application community development.
Policy SNP13: Retention of Facilities	C5	<p>This policy promotes safeguarding and protection of locally valued community amenity and facilities, including</p> <ul style="list-style-type: none"> a) Goss Croft Hall and its overall site; b) Recreation Ground, pavilion and play area; c) New Inn public house (registered as a Community Asset); d) Seagry CE Primary School (a Diocese of Bristol Academies Trust school); e) St Mary's C of E Church; f) Seagry Cricket Ground; and g) Seagry Allotments.

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CONCLUSION

Given the location, small scale and nature of the proposals put forward within the NDP all policies have been screened out and no likely significant effects on European Sites or their qualifying features as a result of the NDP have been identified.

Any changes made to the NDP should be rescreened before the Council adopts the plan.

Assessment of Reg 14 document completed by Mary Holmes, Ecologist, Wiltshire Council
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Assessment of Reg 16 document completed by Fiona Elphick, Senior Ecologist, Wiltshire Council,
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