

# MALMESBURY NEIGHBOURHOOD PLAN HABITAT REGULATIONS ASSESSMENT

## 1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) has been undertaken to inform a Regulation 14 consultation response from Wiltshire Council to the Malmesbury Neighbourhood Plan Draft Revision April 2022, hereafter referred to as the NP. The Malmesbury NP was made in 2015 and is being re-screened under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>1</sup>, hereafter referred to as the Habitats Regulations, due to amendments made to three policies and the addition of a new policy within the plan and the requirement for the qualifying body to consult the local planning authority on the proposed modifications to the NP.
- 1.2. The HRA has been carried out to comply with Regulation 105 of 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 (formerly 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 appropriate assessment must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3. It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:  
  
*“Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”*<sup>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

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<sup>1</sup> On 1<sup>st</sup> January 2021 the Conservation of Habitats and Species Regulations 2017 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 \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/534447/changes-to-the-habitats-regulations-2017.pdf)

<sup>2</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

<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

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 Malmesbury NP. Where risks to European sites are identified, changes are recommended to remove or reduce the risks, and these 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 (WCS) 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*

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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

*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
- Bath and Bradford on Avon Bats SAC (added post adoption of Wiltshire Core Strategy)
- *Hydrology / Hydrogeology – European 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 Wiltshire Core Strategy)
  - Mottisfont Bats SAC (added post adoption of Wiltshire Core Strategy)

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

- 3.2 Since the WCS 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 WCS subsequent to the acquisition of results from new surveys, and in light of advice from NE. This includes the zone of influence (Zol) 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 Zol of 8km for 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 Zol 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 8 km 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 Zol 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<sup>10</sup>.
- 3.6 The WCS adopted the 8km zone of influence, however, as discussed in the Interim Recreation Mitigation Strategy, from 1<sup>st</sup> September 2021 this has been revised to 13.8 km. 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 13.8 km 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 phosphorous 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,

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

<sup>10</sup> The Interim Recreation Mitigation Strategy has not been reviewed by Natural England at the time of writing.

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 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.

### **Screening of Malmesbury NP Area**

#### *Recreation*

- 3.10 The Clattinger Farm element of the North Meadow and Clattinger Farm SAC is located approximately 6.5km to the north east of the NP area at its closest point. Recreational pressures on the SAC have been identified, as set out in paragraph 3.4, and a mitigation strategy is being developed. An interim ZoI of 8km is being used by Swindon Borough Council and Wiltshire Council until bespoke visitors surveys are undertaken, subsequent to which the ZoI will be refined.
- 3.11 Part of the NP area now falls within the 8km ZoI around the Clattinger Farm element of the SAC. The sites allocated within the NP for housing are not located within the ZoI, however, part of the village of Milbourne does lie within it. As stated in Table 1 below, Policy 3 supports housing developments of less than ten houses on windfall sites in Milbourne, however the policy wording states that infill development within the village would be outside of the 8km ZoI, therefore Policy 3 does not need to be taken forward to appropriate assessment.

- 3.12 In terms of potential for recreational/visitor impacts upon other European sites, the NP area lies well beyond the 13.8km radius around the New Forest SPA/SAC within which the majority of day visitors to the New Forest originate<sup>11</sup>.
- 3.13 Recreational pressure on the River Avon SAC is recognised to occur predominately in circumstances where significant development lies in close proximity to the SAC, and this scenario would not arise as a result of any development put forward within the Malmesbury NP as the SAC is approximately 35km from the plan area at its closest point.
- 3.14 In relation to Salisbury Plain, the SAC habitat features were screened out of appropriate assessment for the Core Strategy on the advice of NE. Recreational/visitor pressure is a known issue for the Salisbury Plain SPA, nonetheless, the NP area lies well beyond the 6.4km zone around the SPA within which the majority (75%) of visitors to the Plain are expected to live. This parameter around the SPA has been derived from data collated by means of a visitor survey commissioned by the Council in 2015. Therefore, appropriate assessment in respect of this SPA is not required.
- 3.15 In terms of potential for recreational pressure on the Bath and Bradford on Avon Bats SAC and associated core roosts, the Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) 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. The Malmesbury NP area lies some distance from the areas within which 75% of visitors to these woodlands originate, and as such the potential for new residential development within the Malmesbury NP area to result in additional recreational pressure upon the woodlands, is deemed to be limited. Therefore, the issue of recreational pressure in relation to the Bath and Bradford on Avon Bats SAC is not considered further within this HRA and is not considered to trigger appropriate assessment.

*Hydrology / Hydrogeology*

- 3.16 In terms of hydrology/hydrogeology, Malmesbury is located within the catchment of the Bristol Avon, rather than the Hampshire Avon, and as such there is no pathway for a likely significant effect on the River Avon SAC as a result of policies within the NP.
- 3.17 There have been no water resource issues identified for the Bath and Bradford on Avon Bats SAC which is the only SAC from the above list to lie fully within the Bristol Avon catchment. Furthermore, the Bristol Avon has not been identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

*Air Pollution / Nitrogen Deposition*

- 3.18 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>12</sup> (WCS HRA Update February 2014). All of the European sites listed above, except the North Meadow and Clattinger Farm SAC which is located approximately 6.5km north east from the NP area at its closest point, are a considerable distance from the NP area. There are no main roads within the NP area that run within 200m of the SAC. The Wiltshire Core Strategy HRA concluded no likely significant effect where the existing approach to mitigation in Core Policy 55 is implemented. It is concluded that the proposals for housing in this NP would not have an adverse effect on European sites through nitrogen deposition.

*Physical Damage / Interruption of Flight Lines / Disturbance*

- 3.19 The NP area does not coincide with any of the Bath and Bradford on Avon Bats SAC consultation zones around component areas of the SAC or core roosts that are functionally linked to the SAC, and is located

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<sup>11</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

<sup>12</sup> Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

well beyond the Zol for the Chilmark Quarries SAC and the Mottisfont Bats SAC. Therefore, policies within the NP will not result in physical damage to features which provide habitat for bats, such as breeding, roosting and foraging habitats and will not fragment bat flight lines, or cause damage to such features associated with the SACs.

- 3.20 The NP area is beyond the potential Zol with respect of stone curlews breeding at Porton Down SPA and Salisbury Plain SPA and will not result in physical damage to the habitats within the European sites, nor will it result in the interruption of flight lines or disturbance to breeding stone curlew, such as by means of the introduction of visual stimuli or noise.

#### **4. Screening of Policies in Malmesbury Neighbourhood Plan - Draft Revisions April 2022**

- 4.1 The Malmesbury NP comprises 13 policies. Policy 6 which was included in the 2015 'made' plan, has been removed from the modified draft of the plan dated April 2022 as the allocation it relates to has received planning permission and has been developed. Three policies have been modified and Policy 14 has been added since the previous iteration of the NP.
- 4.2 The modifications to Policies 1 and 2 increase the number of dwellings identified in the NP to accurately reflect the number of new homes built in the NP area since the NP was made in 2015. The amendment to Policy 3 acknowledges the Zol around the North Meadow and Clattinger Farm SAC and states that windfall sites will be located outside of the Zol. The new Policy 14 seeks to clarify the position with regards to sites that are not allocated within the NP but which are given planning permission. The NP also includes several tasks which support the objectives of the NP.
- 4.3 Taking into account the location, scale and nature of the proposals in the NP and the absence of a potential pathway for effect, none of the policies would result in a likely significant effect on any European sites, either alone or in combination with other plans and projects.

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

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

Policy	Screening Category	Policy Summary and Assessment under Habitat Regulations	Comments and Recommendations
Policy 1	B	<p>This policy allocates two adjacent sites (sites 3A and 15) for approximately 201 dwellings. The 2015 made plan allocated the same sites for 170 dwellings. The policy sets out criteria that any development must adhere to, including being designed to be in keeping with the character of the historic town, to provide a new bridge for pedestrians and cyclists across the River Avon and that a comprehensive masterplan will be submitted for approval to ensure a fully integrated and co-ordinated development. The Policy goes on to list the requirements of the masterplan and confirms that full planning permission was granted in October 2021.</p> <p>The allocated sites are located to the north west of the town and are greenfield sites. They are bounded to the north by Dyson Limited, to the east by the Malmesbury Tennis Club, the Malmesbury CE Primary School and the Malmesbury Victoria Football Club, by the River Avon and residential properties to the south and by open fields to the west.</p> <p>The allocated sites lie outside the 8km Zol to the North Meadow and Clattinger Farm SAC and there are no other European sites within close proximity. Therefore, the allocations put forward within the policy will not lead to likely significant effects on any European sites. Developments will be considered at the planning application stage to ensure they comply with relevant Development Plan policies and the NPPF (2021).</p>	
Policy 2	B	<p>This policy allocates two sites (sites 6 and 10) for approximately 56 dwellings on land at Burton Hill, to the south east of the town. The 2015 made plan allocated 50 dwellings on sites 6 and 10, and also a third site (site 11) located in-between sites 6 and 10. The policy sets out requirements for the allocation including that a proportion of dwellings will permit independent living by elderly members of the community, safe pedestrian links across the A429, pedestrian safety at the roundabout and adequate parking. The policy clarifies that site 11 is now allocated for dwellings. The supporting text highlights that access issues associated with site 11 are under investigation at the time of writing. The supporting text also highlights that all three sites can come forward individually and the minimum number of dwellings can and are being achieved through detailed planning with only two sites.</p>	



		<p>The allocated sites are greenfield sites enfolding the Malmesbury Primary Care Centre. The northern part is bounded by back gardens, open fields bound the site to the east and south and the A429 bounds the site to the west.</p> <p>The allocated sites lie outside of the 8km ZoI to the North Meadow and Clattinger Farm SAC and there are no other European sites within close proximity. Therefore, the policy will not lead to likely significant effects on any European sites. Developments will be considered at the planning application stage to ensure they comply with relevant Development Plan policies and the NPPF.</p>	
Policy 3	B	<p>This policy supports developments within the villages of Corston and Milbourne on windfall sites outside the ZoI around the North Meadow and Clattinger Farm SAC for housing developments ideally not exceeding single figures of dwellings at a time. The supporting text for the policy identifies that the additional 151 houses required by the WCS in the Malmesbury Community Area (CA) up to 2026 has been achieved and exceeded. The Strategic Housing Land Availability Assessment identified opportunities for approximately 182 dwellings within ‘small’ and ‘large’ villages in the CA, principally within Corston and Milbourne. The supporting text confirms that this has occurred.</p> <p>This policy doesn’t allocate sites for development, however it supports infill development within the villages of Corston and Milbourne. Developments coming forward under Policy 3 will be located outside of the 8km ZoI to the North Meadow and Clattinger Farm SAC. Therefore, this policy will not lead to likely significant effects on any European sites. Developments will be considered at the planning application stage to ensure they comply with relevant Development Plan policies and the NPPF.</p>	
Policy 4	A1	<p>This policy seeks to ensure that any planning applications for housing developments, including conversions, are tested against the current evidence of local demand and supply from various sources including Wiltshire Council population forecasts, the Social Housing Register and the most recent Neighbourhood Survey.</p> <p>While this policy doesn’t allocate sites for development it does support development by seeking to ensure that new developments are appropriate to the NP Area and identified need/demand. The policy will not lead to likely significant effects on any European site. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 5	A1	<p>This policy states that planning applications for new housing <i>‘should be assessed against the demand net of cumulative consents given in the period, not the gross demand identified at the beginning of the period’</i>. This includes conversions.</p>	

		<p>This policy will not itself lead to development but requires planning applications for new housing and conversions to be considered against the quantity of housing already approved within the Malmesbury NP area. The policy will not lead to likely significant effects on 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 and the NPPF.</p>	
Policy 14	A1	<p>This policy sets out the ways housing needs in the Malmesbury NPA will be met:</p> <ul style="list-style-type: none"> <li>• Existing planning permissions and plan allocations that have not yet been implemented;</li> <li>• Small sites and infill within settlement boundaries;</li> <li>• Exception and Community-led Schemes accordance with Core Policy 44;</li> <li>• Site allocations in the development plan;</li> <li>• There is general presumption against all other housing proposals outside the settlement boundary that would not represent sustainable development.</li> </ul> <p>While this policy doesn't allocate sites for development it does support the development of housing in the NP area but sets out criteria designed to control and limit ad hoc unplanned growth. The policy will not lead to likely significant effects on any European site. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 7	B	<p>Through this policy planning permission will be granted for the development of dementia-specific accommodation on suitable new sites, or through the extension of an existing care home or site of older people's housing.</p> <p>This policy does not allocate a specific site for development of dementia-specific accommodation or recommend which existing care home facility should be extended but it does support development to accommodate the current and forecast demand. Although the policy doesn't state where these developments may be located, Policy 8 requires all new accommodation for older people to be well connected to Malmesbury town centre. Therefore, development is likely to be outside of the 8km Zol to the SAC and the policy will not lead to likely significant effects on this or any other European sites. Any proposals will be considered at the planning application stage and will be required to comply with this policy, Policy 8, other Development Plan policies and the NPPF.</p>	
Policy 8	A1	<p>This policy requires all new accommodation for older people to be well connected with the town to ensure they feel integrated with the existing community and can play an active role in community life.</p> <p>This policy will not itself lead to development but supports the development of accommodation for older people provided it is well connected to Malmesbury town centre. The policy will not lead to likely significant effects on any European sites. Details of any development that comes forward would be</p>	

		considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.	
Policy 9	A1	<p>This policy seeks to ensure that all new housing for older people is sustainable, achieving Sustainable Homes Codes Level 4 and Lifetime Homes Standards, increasing to Code Level 6 by 2016 in accordance with Wiltshire Council Policy.</p> <p>This policy will not lead to development and instead aims to ensure that all new housing for older people is sustainable and achieves certain standards. The policy will therefore not result in a likely significant effect upon any European sites. Developments will be considered at the planning stage to ensure they comply with this policy and any other relevant Development Plan policies and the NPPF.</p>	
Policy 10	B	<p>This policy supports planning permission for a new supermarket provided the four economic conditions set out in the policy are met. These include not damaging the economic vitality of the town centre and consumer choice, not negatively impacting existing, committed and planned investment in the NP Area, and that S106 contributions from the development will be agreed with local organisations and or the Malmesbury Neighbourhood Steering Group. The supporting text identifies further issues which should be considered for any additional supermarket development.</p> <p>While this policy does not allocate a specific site for a new supermarket it does support the development of one within the NP Area. The policy will not however result in a likely significant effect upon any European sites as it is proposed that the new supermarket would be located within or around Malmesbury Town Centre, therefore the location would likely be outside the 8km ZoI to the SAC. Any proposals will be considered at the planning application stage to ensure compliance with this policy, any other relevant Development Plan policies and the NPPF.</p>	
Policy 11	B / A5	<p>This policy allocates land for the expansion of the Malmesbury CE Primary School. As the school can only expand to the west, the allocation has been integrated into the allocation for housing on sites 3A and 15 in Policy 1. Further information is provided in Policy 1 above.</p> <p>The allocated site lies outside of the 8km ZoI to the North Meadow and Clattinger Farm SAC and there are no other European sites within close proximity. Therefore, the policy will not lead to 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 it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 12	A1	This policy states that ' <i>primary school expansion must be in step with the demand created by housing development</i> '. This policy aims to ensure that additional demand for primary school places can be met by synchronising the phasing of new development with the potential expansion of the Malmesbury CE Primary School.	

		<p>This policy will not itself lead directly to development, however it does support Policy 11 and the expansion of the Malmesbury CE School and the development of additional housing in the NP Area. The policy will not lead to likely significant effects on 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 and the NPPF.</p>	
Policy 13	A1	<p>This policy requires the Neighbourhood Plan Design Guide set out in Volume II of the NP to be considered by all developments to ensure a high quality of design that respects the character of the town centre and surrounding area.</p> <p>The policy itself will not lead to development but seeks to ensure that any development in the town centre or Plan Area follows the design guide, is of a high quality and respects existing character. This policy also compliments the Wiltshire Core Strategy core policy 57 which aims to enhance local distinctiveness. The policy will not result in a likely significant effect on a European site. Any proposals will be considered at the planning application stage to ensure compliance with this policy, other relevant Development Plan policies and the NPPF.</p>	

## **5. Conclusion**

- 5.1. The HRA screening exercise presented in this document has concluded that the Regulation 14 consultation draft of the Malmesbury NP (Draft Revisions April 2022) will not result in a likely significant effect on any European sites or their qualifying features either alone or in-combination with other plans and projects. Therefore, it has not been necessary to subject the NP to an appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- 5.2. It should be noted that if any changes are made to the NP or the policies contained therein, it will be necessary for the amended NP to be subject to a repeat HRA screening exercise before it can be 'made'.

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