

# OAKSEY NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT

## 1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Oaksey Neighbourhood Plan (First Review) 2018 – 2036 Draft April 2023, hereafter referred to as the NP, submitted to Wiltshire Council in May 2023. This HRA has been undertaken to inform a Regulation 14 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 Oaksey 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 \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/644442/changes-to-the-habitats-regulations-2017-gov-uk-2019-01-01.pdf)

<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 Oaksey NP Area**

#### *Recreation*

- 3.11 A small area of the eastern part of the NP area is located within the interim 8km recreational ZoI for the North Meadow element of the North Meadow and Clattinger Farm SAC. The Clattinger Farm element of the SAC lies wholly within the NP area, however, this element of the SAC has not been identified by Natural England as being under significant recreational pressure and does not have a ZoI. The NP does not allocate any sites for development and only supports small scale infill development within the settlement boundary. No development is proposed within the interim 8km recreational ZoI or within close proximity to the Clattinger Farm element of the SAC which is approximately 1.2km east of the settlement boundary. The NP does not promote or support major residential or tourism development within the plan area. As such the NP will not give rise to a likely significant effect on the North Meadow and Clattinger Farm SAC, and the SAC can therefore be scoped out of appropriate assessment.
- 3.12 In relation to Salisbury Plain, the SAC habitat features were screened out of appropriate assessment for the WCS on the advice of NE. The Salisbury Plain SPA can also be screened out of appropriate assessment

in respect of this NP as the NP area is well beyond the 6.4km Zol around the SPA within which the majority (75%) of visitors to the Plain are expected to live. This is based on the data collated by means of a visitor survey commissioned by Wiltshire Council in 2015.

- 3.13 Recreational pressure on the River Avon SAC is recognised to occur in limited circumstances predominately where significant development lies immediately adjacent or in close proximity to the river, which will not occur as a result of this NP as the closest component of the River Avon SAC lies approximately 35.1km south east of the NP area at its closest point and has therefore been screened out of appropriate assessment.
- 3.14 The NP area lies approximately 75.8km from the New Forest SPA/SAC, at its closest point, and is therefore a substantial distance beyond the 13.8km Zol around the SPA/SAC within which the majority of day visitors to the New Forest originate<sup>10</sup>. Appropriate assessment with respect to the New Forest SPA/SAC has therefore been screened out.
- 3.15 The NP area lies approximately 27km from the nearest component of the Bath and Bradford on Avon Bats SAC and is not located within any core areas associated with core roosts functionally linked to the SAC.

#### *Hydrology / Hydrogeology*

- 3.16 In terms of hydrology/hydrogeology, the NP area lies within the catchment of the Upper Thames and as such there is no pathway for a likely significant effect on the River Avon SAC as a result of the NP.
- 3.17 The North Meadow and Clattinger Farm SAC is the only SAC to lie within the Upper Thames catchment. The 2013 HRA for the Wiltshire Core Strategy identified that additional housing or employment development within the Malmesbury Community Area (CA) had the potential to alter the hydrological regime of the SAC through increased abstraction. The HRA goes on to state that the site *'lies within the Wessex Water Northern Resource Zone and additional water consumption is planned for within the Water Resource Management Plan, which has itself been subjected to Habitats Regulations Assessment and concluded that additional housing would have no likely effects upon the site'*. Other potential hydrological/hydrogeological impacts have been screened out at the plan level.
- 3.18 The NP does not allocate any sites for residential or employment development and only supports small scale infill residential development within the settlement boundary which is approximately 1.2km from the boundary of the Clattinger Farm element of the SAC. A project level HRA may be required for developments coming forward within the settlement boundary and this would be considered at the planning application stage. Developments are likely to be required to provide pollution prevention and attainment measures implemented through a Construction Environmental Management Plan (CEMP).
- 3.19 The North Meadow and Clattinger Farm SAC can therefore be screened out of appropriate assessment with regards to hydrological/hydrogeological impacts due to the proposed scale of residential development supported by the NP.

#### *Air Pollution / Nitrogen Deposition*

- 3.20 The Wiltshire Core Strategy HRA identified that increased traffic would lead to potential effects through an increase in atmospheric pollution and nitrogen deposition upon a range of 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>11</sup>. The Oaksey NP does not allocate any sites for development but supports small scale infill development within the settlement boundary. The settlement boundary is not within close proximity to any main/A roads that lie within 200m of the North Meadow and Clattinger Farm SAC. All of the other European sites listed above are a considerable distance from the NP area. As such it is concluded that the NP will not result in significant effects on European sites as a result of nitrogen or particulate matter deposition.

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<sup>10</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

<sup>11</sup> Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

*Physical Damage / Interruption of Flight Lines / Disturbance*

- 3.21 The NP area is located approximately 36.9km from Salisbury Plain SPA and 57.7km from Porton Down SPA, from its closest point. Therefore, it is considered that the plan area is sufficiently distant from the two SPAs and known functionally linked habitat, for any development within the plan area to cause direct physical damage to, or fragmentation of, breeding and foraging habitat for the Annex I species stone-curlew. The plan area is also considered too remote for development within the plan area to result in anthropogenic disturbance or visual stimuli that could have an adverse effect on stone-curlew breeding at either SPA.
- 3.22 In terms of the potential to cause physical damage to features which provide habitat for bats, such as breeding, roosting and foraging habitat, and the potential to interrupt or fragment/sever bat flight lines, or to cause disturbance to such features, it is deemed that the NP area is too remote to have implications for bats at the Bath and Bradford on Avon Bats SAC, the Mottisfont Bats SAC or the Chilmark Quarries SAC.

**4. Screening of Policies in the Oaksey Neighbourhood Plan (First Review) 2018 - 2036, Draft April 2023**

- 4.1 The Oaksey NP comprises 19 planning policies, these are detailed and assessed in Table 1 below.
- 4.2 All parts of the NP have been screened for potential impacts which may arise from the plan alone or in combination with other plans and projects. None of the policies allocate sites for development or would lead directly to development, nor would they result in a likely significant effect on any European sites, either alone or in-combination with other plans or projects. This is due to the nature, scope and scale of the proposals set out in the NP, and on account of the distance of the NP area from any European sites and the absence of a potential pathway for effect.
- 4.3 Any further drafts of the NP and/or changes made to the NP as a result of the examination in public should be subject to a rescreening assessment before the plan is adopted.

**TABLE 1: Habitats Regulations Assessment Screening of the Oaksey 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
Policy 1 - Settlement Boundary	A1	<p>This policy defines the settlement boundary for Oaksey village. The policy supports development within the settlement boundary for small scale development on sites not allocated for development and which do not adversely affect the structure and form of the existing settlement, and which respect the landscape setting and the undeveloped nature of the surrounding rural areas.</p> <p>This policy seeks to restrict development to the Oaksey settlement boundary and will not lead to a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 2 - Development in the Open Countryside	A1	<p>This policy aims to strictly control development outside of the settlement boundary to those which require a countryside location, such as agriculture, horticulture or forestry, or are related to community, leisure or recreation. Residential development will only be permitted where it meets one of the exceptions policies within the WCS or the NPPF.</p> <p>This policy seeks to restrict development outside of the Oaksey settlement boundary and will not lead to a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 3 - Holiday Accommodation, Leisure and Recreation	A1 / A3	<p>This policy supports proposals for holiday accommodation, leisure and recreation uses designed to meet the needs of visitors and tourists within the area of the Cotswold Water Park located within the Parish. Proposals within the Cotswold Water Park will also be required to comply with Core Policy 54 of the WCS and Policy 7 of the NP. Proposals to extend the Cotswold Water Park westwards are not supported by the NP.</p>	



Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>The policy goes on to state that the removal of occupancy restrictions on holiday accommodation to allow their use as a permanent dwelling will be supported within the settlement boundary but not outside of the settlement boundary. The change of use of a residential dwelling to holiday accommodation will also be resisted.</p> <p>The policy seeks to improve pedestrian and cycle linkages between Oaksey and Oaksey Park to the east.</p> <p>This policy seeks to control the location of holiday accommodation and proposals for leisure and recreation associated with the Cotswold Water Park. The policy will not lead to development and therefore will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 4 - Design of New Development/Local Distinctiveness	A1 / A3	<p>This policy seeks to ensure all new developments demonstrate good quality design that reinforces local distinctiveness and complements the fabric of the existing built-up area, uses good quality harmonious materials and respects views around the village with reference to the height, scale, density, layout, siting, and orientation of new buildings.</p> <p>The policy then goes on to set out several criteria which new developments are expected to demonstrate, including:</p> <ul style="list-style-type: none"> <li>• New developments should have regard to the design guidelines set out in the Character Appraisal in the NP;</li> <li>• Development must be integrated into the street scene and landscape;</li> <li>• Development should not introduce a harsh urban edge on the important road gateways to the village;</li> <li>• Development should not result in the loss of gaps and spaces between buildings which make a positive contribution to the character and appearance of the streetscene;</li> <li>• Proposals for backland residential development will not be supported where the existing character and linear form of the settlement is adversely affected;</li> <li>• Residential extensions; extensions to other buildings; and outbuildings will be supported where they:               <ul style="list-style-type: none"> <li>○ are subordinate to the original building;</li> </ul> </li> </ul>	

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<ul style="list-style-type: none"> <li>○ are constructed of materials which reflect the materials of the original building or those found in the surrounding area;</li> <li>○ do not result in the loss of existing boundary features;</li> <li>○ make a positive contribution to the streetscene; and</li> <li>○ do not adversely affect the inter-relationship between the front of the original building and the public realm.</li> </ul> <p>This policy seeks to ensure that new development proposals demonstrate good quality design and protect the local distinctiveness of the village. The policy will not lead to development and therefore will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 5 - Views and Vistas	A1 / A3	<p>This policy seeks to avoid the loss of the important public views and vistas listed in the policy.</p> <p>The policy will not lead to development and will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 6 - Boundary Treatment, Trees and Public Realm	A1 / A3	<p>This policy seeks to resist developments which would impact negatively on the boundary treatment, landscaping or trees which make a positive contribution to the public realm. New developments will be expected to demonstrate how they contribute to the public realm. Important boundaries in the form of stone walls and hedges are illustrated in the Character Appraisal.</p> <p>This policy seeks to protect the public realm of the village and therefore will not lead to development and will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 7 - Trees	A1 / A3	<p>This policy provides a list of the trees within the village considered to be important because of their contribution to the character and appearance of the village and their importance is illustrated on the character profile maps in the Character Appraisal.</p>	

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>This policy will not lead to development but seeks to afford additional protection to that offered by the Conservation Area designation to trees considered important within the village. The policy will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 8 - Open Spaces	A1 / A3	<p>This policy states that development proposals which fail to preserve or enhance the areas listed as open areas which make an important contribution to the character and appearance of the Conservation Area or village as a whole will not be supported.</p> <p>This policy will not lead to development but seeks to protect the identified areas of open space. The policy will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 9 - Opportunities for Enhancement	A1 / A3	<p>This policy states that proposals which deliver opportunities for enhancement of the built and historic environment in the following areas will be supported subject to compliance with other development plan policies:</p> <ul style="list-style-type: none"> <li>• Earls Corner;</li> <li>• Buildings adjacent to the junction of The Street and Eastcourt Road;</li> <li>• The South Barn at Street Farm adjacent to The Street.</li> </ul> <p>This policy will not lead to development but seeks to enhance the built and historic environment. The policy will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 10 - Highways and Travel	A1 / A3	<p><u>Highway Impact</u></p> <p>This policy requires developments which negatively impact the highway network to appropriately mitigate these impacts or provide a contribution towards their mitigation. Major developments will be required to provide a Transport Assessment.</p> <p>Proposals for commercial, industrial or other forms of HGV generating development which would result in additional HGV movement through the centre of the village will only be supported where the HGVs could be rerouted away from the centre of the village.</p> <p><u>Parking</u></p>	

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Proposals for new development will only be supported where they provide adequate on site provision of parking. Proposals which move parking from off-street to on-street would not be supported.</p> <p><u>Refuse Provision</u>            Proposals for new development will only be supported where there is adequate on site provision for refuse bins which should be screened but easily accessible.</p> <p><u>Active Travel</u>            This policy supports proposals to promote active travel opportunities across Oaksey including improvements to sustainable transport infrastructure and extending footways, paths and cycleways.</p> <p><u>Rural Lane Character</u>            Proposals which would harm the distinctive characteristic of the rural informal lane, for example through the introduction of footways, will not be supported.</p> <p>This policy seeks to improve the highway and active travel network in the village and will not lead to development. The policy will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 11 - Heritage Assets	A1 / A3	<p>This policy requires all developments affecting designated and non-designated heritage assets and their settings to comply with the requirements of the NPPF and the development plan.</p> <p>The policy will not lead to development and will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 12 - Oaksey Conservation Area	A1 / A3	<p>This policy seeks to ensure all development preserves or enhances the character and appearance of the Conservation Area in accordance with national policy and the development plan.</p> <p>The policy will not lead to development and will not have a likely significant effect on any European sites. Developments will be considered at the planning application 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
Policy 13 - Non-Designated heritage Assets	A3	<p>This policy provides a list of buildings and designates them as ‘Locally Important Buildings’ as non-designated heritage assets:</p> <ul style="list-style-type: none"> <li>• Old Chapel, The Street;</li> <li>• Village Shop and Adjacent Building (Former Butchery and Abattoir), The Street;</li> <li>• National School Building, The Street;</li> <li>• Street Farm, The Street;</li> <li>• Spring Cottage, 17 The Street;</li> <li>• 3 The Street;</li> <li>• Wisteria Cottage, The Street;</li> <li>• The Wheatsheaf Public House, Wheatsheaf Lane;</li> <li>• Skittle Alley, Wheatsheaf Lane;</li> <li>• Oaksey Court, Somerford Keynes Road.</li> </ul> <p>The policy will not lead to development but seeks to protect the identified non-designated heritage assets and therefore will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Policy 14 - Housing Delivery	B	<p>This policy states: <i>For the period 2016 to 2036 the Neighbourhood Plan will look to deliver a total of 35 dwellings to meet the baseline indicative housing requirement.</i></p> <p>The supporting text states that this figure includes:</p> <ul style="list-style-type: none"> <li>• the 12 additional houses built as part of the Bendy Bow development on land allocated in the previous iteration of the NP;</li> <li>• a further 14 committed developments as of April 2022; and</li> <li>• a windfall estimate of 9 dwellings.</li> </ul> <p>The policy will not lead to development but sets out the number of houses the NP seeks to deliver up to 2036 and therefore will not have a likely significant effect on any European sites. Developments will be considered at the planning application 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
Policy 15 - New Housing	B	<p>This policy supports small scale infill residential development within the settlement boundary that does not impact adversely on the character and appearance of the surrounding area or the living conditions of future occupiers or neighbours. Proposals should respect the characteristics and local distinctiveness of the relevant Character Area and where possible should have a direct highway frontage. The policy sets out that the design of new housing should have regard to WCS CP57 Ensuring High Quality Design and Place Shaping.</p> <p>A small area of the eastern part of the NP area is located within the interim 8km recreational Zol around the North Meadow element of the North Meadow and Clattinger Farm SAC.</p> <p>The Clattinger Farm element of the SAC is located within the eastern extent of the NP area approximately 1.2km from the settlement boundary, however this element of the SAC has not been identified by NE as being at risk from increased recreational pressure. There is no recreational Zol around the Clattinger Farm element of the SAC.</p> <p>This policy does not propose residential development within the interim 8km recreational Zol nor within close proximity to the Clattinger Farm element of the SAC, as such this policy will not give rise to a likely significant effect on the North Meadow and Clattinger Farm SAC and can therefore be scoped out of appropriate assessment.</p> <p>In terms of potential hydrological/hydrogeological impacts, the NP area lies within the Upper Thames catchment. The North Meadow and Clattinger Farm SAC is the only SAC to lie within this catchment. The 2013 HRA to the WCS identified the potential for impacts on the hydrological regime of the SAC through increased water abstraction in the Malmesbury CA. The Wessex Water Water Resource Management Plan HRA concluded that additional housing within the CA would have no significant effects on the SAC. Due to the proposed scale of residential development supported by this policy, small scale infill development in the settlement boundary, this policy can be screened out of appropriate assessment with regards to the hydrological/hydrogeological impacts on the North Meadow and Clattinger Farm SAC. A project level HRA may be required at the planning application stage to assess the potential impacts of development within the settlement boundary on the hydrological regime of the SAC.</p>	

Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Developments supported by this policy will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>Policy - 16 Community Facilities</p>	<p>A1</p>	<p>This policy supports development proposals which improve and expand existing community facilities or provide new facilities where they meet the criteria set out in the policy. The policy does not support development proposals that would result in the loss of community facilities unless it can be shown that they are poorly used, no longer viable and that adequate provision is provided elsewhere nearby. Proposals would also need to demonstrate a lack of economic viability as set out in CP49.</p> <p>The policy will not lead to development but seeks to protect the community facilities within the NP area. The policy will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>Policy 17 - Setting of Oaksey Village</p>	<p>A2 / A3</p>	<p>This policy supports developments that will protect and enhance the natural features that are a key component of the landscape and for Oaksey's diverse wildlife. This includes:</p> <ul style="list-style-type: none"> <li>a) Measures to protect &amp; enhance our natural environment &amp; landscape character and to maintain tree cover &amp; hedgerows will be promoted wherever possible;</li> <li>b) Proposals that provide favourable conditions for biodiversity including maintenance and enhancement of habitat connectivity and landscape scale conservation. Mitigation measures will be sought where any loss will be unavoidable and cause significant harm.</li> </ul> <p>The policy lists the features considered to be important to the setting of Oaksey Parish.</p> <p>The policy goes on to state that development proposals which would adversely impact the character, appearance, setting and tranquillity of the Swill Brook and Flagham Brook river corridors will not be supported. Developments affecting international, national or local nature conservation designations will be determined in accordance with national policy and the development plan. Proposals to enhance the village and surrounding areas will be encouraged.</p> <p>The policy will not lead to development but seeks to protect the setting of the village and to protect and enhance the NP area for wildlife. The policy will not have a likely significant effect</p>	

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		<p>on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>Policy 18 - Climate Change Mitigation</p>	<p>A1 / A2 / A3</p>	<p>This policy supports developments which encourage and include the use of renewable energy generation and low carbon modes of transport. The installation of domestic renewables must not compromise the visual quality of the village or the character or appearance of the Conservation Area.</p> <p>The policy provides a list of criteria which must be met in order for the NP to support community led renewable energy generation.</p> <p>The installation of electric vehicle charging points is supported by this policy.</p> <p>Development proposals are expected to incorporate a suitable and integrated approach to the management of surface water including run off that allows for the impacts of climate change.</p> <p>The policy goes on to state that all developments involving the loss of permeable surfaces, trees, soft landscaping or other features that reduce flood risk must include mitigation measures to prevent flood risk on site or elsewhere.</p> <p>The policy will not lead to development but supports the use of renewable energy technologies and seeks to reduce the impacts of climate change. The policy will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>Policy 19 - Energy Efficiency</p>	<p>A1 / A3</p>	<p>This policy seeks to ensure that the design and standard of any new development meets a high level of sustainable design and construction and be optimised for energy efficiency, targeting zero carbon emissions, including:</p> <ul style="list-style-type: none"> <li>• Siting and orientation to optimise passive solar gain;</li> <li>• The use of high quality, thermally efficient building materials;</li> <li>• Installation of energy efficiency measures such as loft and wall insulation and double glazing;</li> <li>• The retrofit of existing properties is encouraged to reduce energy demand and to generate renewable energy where appropriate, providing it safeguards the historic characteristics of the Conservation Area and respects the traditional building material palette; and</li> </ul>	



Policy	Initial screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<ul style="list-style-type: none"> <li>Alterations to existing buildings must be designed with energy reduction in mind and comply with sustainable design and construction standards.</li> </ul> <p>This policy seeks to ensure that new developments are built to a high level of sustainable design and energy efficiency and will not lead to development. The policy will not have a likely significant effect on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	

## **5. Conclusion**

- 5.1 The HRA screening exercise presented in this document has concluded that the Oaksey Neighbourhood Plan (First Review) 2018 - 2036 Draft April 2023 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'.

Prepared by [REDACTED] Ecologist, Wiltshire Council, 31<sup>st</sup> May 2023

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