

## JOINT MELKSHAM NEIGHBOURHOOD PLAN 2 HABITATS REGULATIONS ASSESSMENT (HRA)

### 1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Joint Melksham Neighbourhood Plan 2 2020 – 2038: Pre-Submission Consultation Draft October 2023, hereafter referred to as the NP which was submitted to Wiltshire Council in October 2023. This HRA has been undertaken to inform a Regulation 14 consultation response from Wiltshire Council to the NP. The Joint Melksham NP was made in 2021 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 three new policies and amendments made to several policies within the plan and the requirement for the qualifying body to consult the local planning authority on the proposed modifications to the NP. The housing site allocations in Policies 7.1-7.5 have increased the total number of houses allocated in the NP from 18 to 118.
- 1.2. The HRA has been carried out to comply with Regulation 105 of the Habitats Regulations, 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>*

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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/644447/changes-to-the-habitats-regulations-2017.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

- 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 (AEol)** 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 Joint Melksham NP 2. 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 is 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 SPA / SAC
  - River Avon SAC
  - New Forest SAC / SPA
  - Bath and Bradford on Avon Bats SAC (added post adoption of 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

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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

- 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 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 further 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 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. The North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028 (May 2023) sets out the mitigation strategy for the North Meadow element of the SAC with regards to new residential and tourism accommodation developments within the identified ZoI. The Clattinger Farm element of the SAC is not subject to the strategy. The strategy sets out two ZoI, an Inner Zone of 0km - 4.2km and an Outer Zone of 4.2km – 9.4km. The Inner Zone represents the area within which 75% of local year round users (e.g. dog walkers) originate. The Outer Zone represents the area within which 75% of those people who visit to view the Snake’s-head fritillaries during the main flowering season originate<sup>9</sup>. Mitigation will be achieved through financial contributions to Strategic Access Management Monitoring (SAMM), Infrastructure Mitigation Projects (IMP) and/or Suitable Alternative Natural Greenspace (SANGs). Developments of over 50 units within the Inner Zone will be expected to provide their own SANG unless a financial contribution to the IMP/SANG project system can be robustly justified. The strategy is an interim approach and will be reviewed within 5 years following further monitoring and surveys.

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<sup>9</sup> North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028. Cotswold District Council, Swindon Borough Council and Wiltshire Council in partnership with Natural England. May 2023

- 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>10</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 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.*

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<sup>10</sup> South Wiltshire Proposed Submission Core Strategy HRA Report, Appendix 13. NPA for Wiltshire Council, July 2009

*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 Joint Melksham NP 2 Area**

#### *Recreation*

- 3.11 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. The Salisbury Plain SPA can also be screened out of appropriate assessment with respect of this NP as the plan area lies beyond the 6.4km zone 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 the Council in 2015.
- 3.12 Recreational pressure on the River Avon SAC is recognised to occur in limited circumstances predominately where significant development lies in close proximity to the SAC, and this will not occur as a result of this NP as the plan area lies over 20km from the SAC.
- 3.13 The NP area lies well beyond the 13.8km radius around the New Forest SAC/SPA within which the majority (75%) of day visitors to the New Forest originate<sup>11</sup>, therefore appropriate assessment with regards to the potential for likely significant effects on the New Forest SAC/SPA has been screened out.
- 3.14 The south-easternmost section of the NP area is located within the 2km core area around a lesser horseshoe core roost functionally linked to the Bath and Bradford on Avon Bats SAC. The roost is located within a private building, therefore residential development supported by the NP would not cause recreational pressures on this individual roost and the Bath and Bradford on Avon Bats SAC has been screened out of appropriate assessment with regards to recreational impacts.
- 3.15 The NP area is located approximately 21.5km from the 4.6 - 9.4km outer recreational zone of influence (Zoi) around the North Meadow and Clattinger Farm SAC therefore appropriate assessment with regards to the potential for likely significant effects on the North Meadow and Clattinger Farm SAC has been screened out.

#### *Hydrology / Hydrogeology*

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

3.16 In terms of hydrology/hydrogeology, Melksham is located within the catchment of the Bristol Avon, rather than the Hampshire Avon, and as such there is no potential for a likely significant effect on the River Avon SAC as a result of 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*

3.1 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>12</sup>. Although the NP allocates approximately 118 dwellings, none of the allocated sites lie within 200m or close proximity of any of the European sites listed above, as such, it is concluded that the NP will not result in significant effects on any European sites as a result of nitrogen or particulate matter deposition.

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

3.2 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 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 Chilmark Quarries SAC or the Mottisfont Bats SAC. However, the south-easternmost section of the NP Area falls within the 2km core area around a lesser horseshoe bat core roost functionally linked to the Bath and Bradford on Avon Bats SAC. As it stands, the NP does not put forward any proposals for development within this area and as such appropriate assessment is not triggered. Nonetheless, if any proposals for development within the area that falls within the core area were to come forward, appropriate assessment under the Habitats Regulations at the planning application stage may be required.

3.3 The NP area is beyond the potential zone of influence 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 aforementioned 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 Joint Melksham Neighbourhood Plan 2 2020 – 2038: Pre-Submission Consultation Draft October 2023**

4.1 The Pre-Submission Consultation Draft of the Joint Melksham NP 2 comprises 21 policies (Policy 7 is split into 5 parts); these are detailed and assessed in Table 1 below.

4.2 There are five policies within the NP that would lead directly to development, namely Policies 7.1 – 7.5, and they allocate five sites within the NP area for residential development of approximately 118 dwellings in total. It is deemed that development at these allocated sites would not result in likely significant effects on any European sites, either alone or in-combination with other plans or projects. Furthermore, it is considered that none of the other policies within the NP 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.

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

**TABLE 1: Habitats Regulations Assessment Screening of the Joint Melksham Neighbourhood Plan 2 2020 – 2038 Pre-Submission Consultation Draft October 2023**

A / B (Green) – Screened out			
C / D (Red) – Screened in			
Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
Policy 1: Sustainable Design and Construction	A1	<p>This policy stipulates that new development schemes that demonstrate how carbon emissions are minimised, with the target of zero carbon in operation, and how the impacts of climate change impacts are mitigated and adapted to, will be supported. The policy then sets out criteria to reduce carbon emissions, including <i>'maximising green and blue infrastructure to sequester carbon'</i>, the use of appropriate sustainability assessment tools such as BREEAM and CEEQUAL and the retention of existing buildings where possible and retrofitting measures to improve the energy performance of the existing building.</p> <p>The policy will not result in development itself but instead aims to steer and positively influence development to use low/zero carbon design and sustainable construction techniques, and to be resilient to climate change. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the National Planning Policy Framework 2019 (NPPF).</p>	
Policy 2: Local Renewable and Low Carbon Energy	B	<p>This policy supports proposals for renewable energy, low carbon energy generation projects/developments where they meet the criteria set out in the policy including the proposal will not result in an adverse impact on the local environment and the proposal does not have an unacceptable impact on a feature of heritage, natural or biodiversity importance.</p> <p>The policy goes on to state that schemes where the energy produced can be used on or near the generation site/where energy storage is incorporated will be supported. Proposals for energy storage will be supported where they meet one or more of the criteria listed in point 2 in the policy.</p> <p>The policy itself will not lead directly to development, but it lends support to renewable and low carbon energy production projects. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 3: Flood Risk and Natural	A1	<p>This policy sets out that natural flood management works to conserve and enhance the ecological flood storage value of the water environment, including watercourse corridors and catchments, will be supported particularly</p>	



Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
Flood Management		<p>in the South Brook catchment areas. This policy seeks to ensure that where developments are located in areas with known surface water flooding issues, appropriate mitigation and construction methods are used, including where appropriate contributions to wider catchment projects. All developments will be required to demonstrate how flood risk is managed and this may include provision of SuDs as part of the Natural Flood Management approach and wider Green Infrastructure networking.</p> <p>The policy itself will not lead to development, but instead sets out requirements for any forthcoming development proposals. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy and that there will be acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 4: Ultra Low Emission Vehicle Charging	A1	<p>This policy encourages development proposals for houses with on-plot parking spaces and/or garages to provide appropriately located charging technology for charging low emission vehicles, such as an electric vehicle charging points. The policy goes on to state that <i>where shared or off-plot parking spaces are provided, the charging provision locations should have appropriate regard for pedestrian movement. Proposals for new employment, leisure or retail developments are also encouraged to make provision for charging facilities for staff and/or other users.</i></p> <p>The policy will not result in development itself but instead aims to steer and positively influence development. Furthermore, the policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure it aligns with this policy, and other Development Plan policies and the NPPF.</p>	
Policy 5: Community Engagement	B	<p>This policy encourages applications to demonstrate early, proactive, proportionate and effective engagement with the community in line with National Planning Policy. This pre-application community engagement is expected for reserved matters applications as well as outline and full applications. The policy goes on to state that <i>'Potential applicants are therefore encouraged to follow the approach set out in the Melksham Community Engagement Protocol and the Wiltshire Council Statement of Community Involvement.'</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 6: Housing in Defined Settlements	A1	<p>This policy lends support for sustainable housing development within the settlements of the NP area, where they accord with the Settlement Boundary provisions of Wiltshire Local Plan Policy 1 and adopted site allocations. New houses will be supported where proposals have demonstrated how housing types and tenures have</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>responded positively to meeting local needs. The policy goes on to state that a balanced mix of two, three and four bedroom houses and bungalows will be prioritised in Melksham Town and smaller two and three bedroom dwellings will be prioritised in Shaw and Whitney.</p> <p>The policy goes on to set out other criteria, including:</p> <ul style="list-style-type: none"> <li>• 50% of new housing will meet accessible home standards;</li> <li>• At least 40% of new housing will be provided as affordable housing tenure;</li> <li>• About 55% of affordable housing should be provided at discounted market affordable housing products;</li> <li>• 25% of all affordable housing provision will be First Homes provided at a 40% discount to address local issues of affordability.</li> </ul> <p>The policy will not directly lead to development, but it does set out criteria that sustainable housing developments should meet in order to be acceptable within the NP area. The policy itself will not result in a likely significant effect upon any European sites, however it should be noted that the south-easternmost section of the NP area falls within the 2km lesser horseshoe bat core area around a core roost functionally linked to the Bath and Bradford on Avon Bats SAC. As such, if any proposals for housing development within this area were to come forward, appropriate assessment under the Habitats Regulations at the planning application stage may be required. Moreover, details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 7.1: Land at Cooper Tires Factory Site	B	<p>This policy allocates the 12.88ha former Cooper Tires Factory Site for a comprehensive and exemplary mixed-use conservation and development. The policy stipulates that all development proposal will accord with a comprehensive masterplan to be approved by Wiltshire Council.</p> <p>The supporting text for the policy provides further information, including that development on site should include at least 150 dwellings (including open market and affordable housing), under the following headings:</p> <ul style="list-style-type: none"> <li>• Master Plan Led Approach;</li> <li>• Land Uses;</li> <li>• Flood Risk and Contamination;</li> <li>• Heritage;</li> <li>• Sustainable Design and Construction;</li> <li>• Access and Transport;</li> <li>• Public Realm and Riverside;</li> <li>• Character and Townscape;</li> <li>• Green and Blue Infrastructure and Biodiversity;</li> <li>• Trees;</li> </ul>	It is recommended that this policy is amended to include the criteria included in the supporting text, as with Policies 7.2-7.5, for example the minimum number of dwellings proposed, the need for a contaminated land assessment and the requirement for any proposal on site to achieve a

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<ul style="list-style-type: none"> <li>• Wilts &amp; Berks Canal Link Project;</li> <li>• Local Infrastructure Contributions.</li> </ul> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. Nonetheless, the details of any proposal for development of the site at the Cooper Tires Factory will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	<p>minimum of 20% biodiversity net gain.</p>
<p>Policy 7.2: Land at the Former Melksham Library Site</p>	<p>B</p>	<p>This policy allocates land at the former Melksham Library Site for about 50 age restricted or extra care apartments (Class C3) or development of a residential care home (Class C2) to meet the identified local needs for accessible and affordable housing for older and/or disabled people. Residential units will be 100% affordable housing to rent through a registered social provider. Separate commercial (Class E) floorspace will be provided as will parking and private amenity space. Market and any affordable housing provided will be expected to be of a type and size to meet local housing needs identified in the Melksham Housing Needs Assessment (2023).</p> <p>Development will be required to conform with the criteria in the policy under the following headings:</p> <ol style="list-style-type: none"> <li>1. Land use;</li> <li>2. Responding to Climate Change;</li> <li>3. Heritage;</li> <li>4. Character and Design;</li> <li>5. Green and Blue Infrastructure and Biodiversity;</li> <li>6. Transport;</li> <li>7. Contributions to Local Infrastructure.</li> </ol> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. Nonetheless, the details of any proposal for development of the site at the Former Melksham Library Site will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	
<p>Policy 7.3: Land at Whitley Farm, Whitley</p>	<p>B</p>	<p>This policy allocates land at Whitley Farm, Whitley for approximately 10 new dwellings, to include affordable housing in conformity with Wiltshire Council Policy, and potential sensitive conservation and conversion of the listed Whitley Farm barn. Market and any affordable housing provided will be expected to be of a type and size to meet local housing needs identified in the Melksham Housing Needs Assessment (2023).</p>	

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		<p>Development will be required to conform with the criteria in the policy under the following headings:</p> <ol style="list-style-type: none"> <li>1. Land use;</li> <li>2. Responding to Climate Change;</li> <li>3. Heritage;</li> <li>4. Archaeology;</li> <li>5. Character and Design;</li> <li>6. Green Infrastructure and Biodiversity;</li> <li>7. Transport;</li> <li>8. Flooding.</li> </ol> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. Nonetheless, the details of any proposal for development of the site at Whitley Farm will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	
Policy 7.4: Land at Middle Farm Plot A, Corsham Road, Whitley	B	<p>This policy allocates land at Middle Farm Plot A for the development of approximately 18 dwellings including 40% affordable homes, equipped play space, access to Corsham Road and pedestrian crossing facilities and buffer landscape. Market and any affordable housing provided will be expected to be of a type and size to meet local housing needs identified in the Melksham Housing Needs Assessment (2023).</p> <p>Development will be required to conform with the criteria in the policy under the following headings:</p> <ol style="list-style-type: none"> <li>1. Land use;</li> <li>2. Master planning</li> <li>3. Responding to Climate Change;</li> <li>4. Heritage;</li> <li>5. Design and Character;</li> <li>6. Green Infrastructure and Biodiversity;</li> <li>7. Transport;</li> <li>8. Flooding;</li> <li>9. Contributions to Local Infrastructure.</li> </ol> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. Nonetheless, the details of any proposal for development of the site at Middle Farm Plot A will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan</p>	

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		policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.	
Policy 7.5: Land at Middle Farm Plot B, Corsham Road, Whitley	B	<p>This policy allocates land at Middle Farm Plot B for the development of approximately 40 dwellings including 40% affordable homes, community open space, pedestrian crossing facilities, buffer landscape and enhanced public right of way. Market and any affordable housing provided will be expected to be of a type and size to meet local housing needs identified in the Melksham Housing Needs Assessment (2023).</p> <p>Development will be required to conform with the criteria in the policy under the following headings:</p> <ol style="list-style-type: none"> <li>1. Land use;</li> <li>2. Master planning;</li> <li>3. Responding to Climate Change;</li> <li>4. Heritage;</li> <li>5. Design and Character;</li> <li>6. Landscape, Green Infrastructure and Biodiversity;</li> <li>7. Transport;</li> <li>8. Flooding;</li> <li>9. Contributions to Local Infrastructure.</li> </ol> <p>The development of the site allocated in this policy will not result in a likely significant effect upon any European sites. Nonetheless, the details of any proposal for development of the site at Middle Farm Plot B will need to be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity) of the Wiltshire Core Strategy (Adopted January 2015), and the NPPF.</p>	
Policy 8: Infrastructure Phasing and Priorities	B	<p>This policy stipulates: <i>‘To ensure the sustainability of housing development, proposals must consider, assess and address their necessary infrastructure requirements and, in so far as they relate to matters within the Applicant’s control, plan any related programmes of work in coordination with the housing to ensure that infrastructure keeps pace with the needs of the community. Infrastructure requirements, in proportion to their scale and in accordance with prevailing Wiltshire policies, will be delivered through the Community Infrastructure Levy, planning conditions and section 106 agreements.’</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	

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Policy 9: Town Centre	B	<p>This policy specifies that proposals within the town centre and primary shopping area will be supported where they meet the 7 criteria set out in the policy.</p> <p>The policy goes on to state that <i>‘Development proposals for Main Town Centre Uses outside of the defined town centre will be required to demonstrate that there are no suitable and viable sites or buildings within the defined town centre, in conformity with Core Strategy Policy 38 or Local Plan Policy 67 upon its adoption.’</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 10: Employment Sites	B	<p>This policy supports proposals for the retention, intensification and reuse of previously developed employment land where they will provide space for start-up and small businesses, bringing a range of new employment opportunities. The policy will also require proposals to generate the same number, or more, permanent full time equivalent jobs as the existing or former use.</p> <p>The policy itself will not lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 11: Sustainable Transport and Active Travel	B	<p>This policy seeks to ensure that all developments are planned in accordance with the Sustainable Transport Hierarchy. It specifies: <i>‘Applications for major development must demonstrate through an effective Travel Plan how sustainable transport modes are maximised and that safe and suitable movement can be achieved for all people.’</i></p> <p>In addition, the policy stipulates that further improvements to the accessibility and quality of the links between the wider town and Melksham Railway Station will be supported, as will improvements to the quality of the public realm around the station.</p> <p>The policy itself will not lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 12: Green Infrastructure	A1/A3	<p>This policy seeks to encourage development to create new Green Infrastructure (GI) and/or enhance the GI provision within the NP area. The policy stipulates:</p>	

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		<p><i>'1. Development that will result in the creation of new Green Infrastructure (GI) and/or contribute to the protection, management, enhancement and connectivity of existing GI will be supported; the potential for GI within the Neighbourhood Area is illustrated diagrammatically in Figure 12.</i></p> <p><i>2. Proposals for major developments must:</i></p> <p><i>a. identify the existing GI within and around the development site, and</i></p> <p><i>b. demonstrate how GI has been incorporated into the proposal, and</i></p> <p><i>c. assess and address how the proposal will benefit the function and connectivity of GI through the site and beyond.'</i></p> <p>The policy will not result in development itself but instead sets out criteria that development must meet with the objective of protecting and enhancing the GI network within the NP area. Furthermore, the policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 13: Biodiversity	A1/A3	<p><i>This policy requires proposals for development, including field based solar farms, to 'deliver a measurable biodiversity enhancement within and, where appropriate, beyond the site, in order to deliver tangible benefits for biodiversity, including specific attention for protected species.</i></p> <p><i>Protection and enhancement of statutory and non-statutory nature conservation sites (as shown on Figure 13) is a priority for the Neighbourhood Area and development proposals must demonstrate sensitive responses to these sites where necessary, such as accommodating a buffer zone.'</i></p> <p>The policy will not result in development itself but instead sets out criteria that development must meet with the objective of enhancing ecological networks and providing net gains for biodiversity within the NP area. The policy will not result in a likely significant effect upon any European sites and details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	The policy does not stipulate what percentage BNG would be required for developments within the NP area. The supporting text refers to the 10% minimum required under the Environment Act 2021 and that the Wiltshire Council Local Plan Review aims to seek a minimum of 20% BNG.

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			<p>The allocated sites policies in the NP require developments to achieve a minimum of 20% biodiversity net gain.</p> <p>It is recommended that this policy is updated to include a minimum BNG requirement for all relevant developments within in the NP area.</p>
Policy 14: Open Spaces	A1	<p>This policy sets out that new development that will result in the whole or partial loss of existing open space, apart from those designated as Local Green Spaces, must demonstrate:</p> <p><i>‘a. from an assessment of open space provision, using the quantity and access standards for open space as set out by Wiltshire Council, that there is a surplus in the catchment area of open space beyond that required to meet both current and forecast need, and full consideration has been given to all functions that the open space performs; or</i></p> <p><i>b. that a replacement open space (or enhancement of the remainder of the existing site) provides a net benefit to the community in terms of the quantity, quality and accessibility of the open space including by walking and cycling.’</i></p> <p>The policy itself will not lead to development and will not result in a likely significant effect any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policies 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 15: Community Facilities	A1/A3	<p>This policy stipulates: <i>‘1. Development proposals that involve the loss, in whole or part, of a community facility (as identified in Figure 14a, b &amp; c, and detailed in the Community Facilities Report) must demonstrate that:</i></p> <p><i>a. adequate alternative provision exists or will be provided in an equally accessible or more accessible location, including by walking and cycling, within the catchment area of the facility; or</i></p>	



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		<p><i>b. it would not be economically viable, feasible or practicable to retain the building or site for use as a community facility; redevelopment for non-community use will only be considered as a last resort and where all other options have been exhausted.</i></p> <p><i>2. Proposals for new community facilities in the Plan area will be supported where the applicant can demonstrate the need and benefits of the proposed facility, or where replacement or enhanced facilities are proposed as mitigation against the loss of any community facilities within the Plan area.</i></p> <p><i>3. New or replacement community facilities should be located where there is a choice of travel options and should be accessible to all members of the community.'</i></p> <p>This policy seeks to retain existing community facilities and to ensure that proposals for new development are accompanied by details of provision for new community facilities where there will be a need. The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	
Policy 16: Designation of Local Green Spaces	A1 / A2	<p>This policy designates the Local Green Spaces shown on Figure 15 of the NP. The policy states that the spaces will be protected from inappropriate development in a manner consistent with the protection of land within the Green Belt. These spaces will be protected from built development expect is very special circumstances and where the proposal enhances the existing use of the space particularly regarding the characteristics that underpin designation as Local Green Space.</p> <p>The main objective of this policy is to designate and protect Local Green Spaces and not to support development. The south-easternmost section of the NP area falls within the 2km lesser horseshoe bat core area around a core roost functionally linked to the Bath and Bradford on Avon Bats SAC and there are four Local Green Spaces designated within the core area. It is considered, based on the main objective of this policy, i.e. to designate and protect Local Green Spaces, that it would be too onerous to take this policy forward to appropriate assessment as the policy would only support development on these Local Green Spaces in 'very special circumstances'. Therefore, it is not considered that this policy would lead to likely significant effects on the Bath and Bradford on Avon Bats SAC. If proposals for development on designated Local Green Spaces within the core area were to come forward, appropriate assessment under the Habitats Regulations at the planning application stage may be required. Moreover, details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
Policy 17: Trees and Hedgerows	A2	<p>This policy sets out that development will be supported where proposals ensure that there will be no loss or deterioration of ancient woodlands, and ancient or veteran trees unless the need for, and benefits of, the development in that location clearly outweigh the loss.</p> <p>The policy also specifies that to be supported, development proposals should ensure that there is no damage to or loss of trees of good arboricultural and amenity value. It states: <i>‘Existing trees and hedgerows on development sites should be retained where possible and incorporated as placemaking features in new development. Where there is an unavoidable loss of trees on site, the number and type of replacement trees should be informed by the quality and size of trees lost. Integration of existing hedgerows into private curtilage must be avoided where possible.’</i></p> <p>The policy also states that new tree planting in development proposals and throughout the built and natural environments of the NP area will be supported in principle. The policy seeks to encourage development proposals to aim for 20% tree canopy coverage on site where possible.</p> <p>The policy aims to protect ancient woodland, veteran trees and hedgerows and to promote tree planting, although it does detail expectations if development were to be permitted and there were to be an unavoidable loss of trees as a result. The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
Policy 18: Landscape Character	A1	<p>This policy stipulates that development will be expected to:</p> <p><i>‘a. integrate natural features such as trees, hedgerows and the local river systems that contribute to both the landscape character and setting of the development;</i></p> <p><i>b. demonstrate that the whole scheme, including hard landscape and planting proposals, draws on local landscape characteristics and features through reference to relevant existing landscape and historic landscape assessments, supplemented by any additional site specific assessments; and,</i></p> <p><i>c. respond sensitively to the transition between settlement edge and countryside and maintain the separate identity of settlements.’</i></p> <p>The policy will not itself lead to development and will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to</p>	

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
<p>Policy 19: Green Wedges</p>		<p>This policy sets out that development within designated Green Wedges will only be supported where it:</p> <ul style="list-style-type: none"> <li><i>a. does not individually or cumulatively result in coalescence or loss of separate identity or character of individual settlements;</i></li> <li><i>b. maintains the generally open character of the countryside;</i></li> <li><i>c. minimises urbanising effects, such as artificial lighting and traffic movements;</i></li> <li><i>d. retains important elements of the rural landscape such as trees and hedgerows; and</i></li> <li><i>e. does not adversely impact the existing landscape and recreational value of the countryside.'</i></li> </ul> <p>The policy supports development within designated Green Wedges where it meets the criteria within the policy and therefore will not directly lead to development. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF.</p>	
<p>Policy 20: Locally Distinctive, High Quality Design</p>	<p>A1</p>	<p>This policy stipulates that development that will contribute positively to the conservation, enhancement and extension of Melksham and Melksham Without's quality and local distinctiveness will be supported. It requires that proposals for development must demonstrate how they have been informed by the adopted Melksham Design Guidelines and Codes (2023) and therefore how they have responded positively to the history and character of the area in which the site is located.</p> <p>Lastly, it requires proposals for major development to demonstrate by means of a masterplan, how the proposed development layout, density, access proposals and building design approach complement and extend the positive characteristics of Melksham and Melksham Without's settlements and landscape, both historic and topographic.</p> <p>The policy itself will not lead to development but aims to steer and positively influence the design and quality of any new development coming forward. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 57 (Ensuring High Quality Design and Place Shaping) and 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy and the NPPF.</p>	

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Policy 21: Local Heritage	A1/A3	<p>This policy specifies that proposals for development within the Melksham Conservation Area and those that may affect listed buildings or structures within the NP area, must demonstrate how they preserve or enhance the setting, characteristics and special qualities that make up the architectural and historic character. It also requires that development proposals in other areas of local heritage importance, including archaeological importance, and buildings or structures identified as non-designated heritage assets, should demonstrate that appropriate consideration has been given to the four criteria stipulated in the policy.</p> <p>The policy itself will not lead to development but aims to protect the historic environment and stipulates criteria to be met for any new development within the Melksham Conservation Area. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 57 (Ensuring High Quality Design and Place Shaping) and 58 (Ensuring the Conservation of the Historic Environment) of the Wiltshire Core Strategy and the NPPF.</p>	

## **5. Conclusion**

- 5.1 The HRA screening exercise presented in this document has concluded that the Pre-Submission Consultation Draft of the Joint Melksham NP 2, October 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 for the NP to be subject 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 plan to be subject to a repeat HRA screening exercise before it can be 'made.'

Prepared by Naomi Harvey, Ecologist, Wiltshire Council, 16/11/2023