

WEST LAVINGTON NEIGHBOURHOOD PLAN 2017 - 2026

SUBMISSION PLAN

HABITATS REGULATIONS ASSESSMENT (HRA)

FEBRUARY 2019

WEST LAVINGTON NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1 Introduction

- 1.1 This iteration of the HRA relates to the West Lavington Neighbourhood Plan 2017-2026 Submission Plan April 2018 (NDP).
- 1.2 The HRA has been carried out to comply with Regulation 105 of the Habitats Regulations 2017. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation. If the screening exercise demonstrates significant effects are likely, whether or not these are addressed through mitigation measures¹, the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European Sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening and any subsequent appropriate assessment, must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3 It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:

*“Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”*²
- 1.4 Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan or project provided that it will not adversely affect the integrity of any European sites. Otherwise the plan cannot be authorised unless it meets specific statutory tests.
- 1.5 Wiltshire Council has conducted the following HRA as competent authority for the West Lavington Neighbourhood Plan (NDP). Where risks to European Sites are identified, changes are recommended to remove or reduce these and these should be incorporated into the plan before it is made. Likewise, if the policies or planning context change after the HRA is

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

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

completed, the HRA process must be repeated before the final plan is considered by a referendum and adopted.

2 Screening Methodology

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

2.2 The screening criteria used are as follows:

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

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

3 Higher Level HRAs

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

- *Recreation – Natura 2000 sites within 5km of the plan area, or where Salisbury Plain SPA/SAC is within 15km of the plan area:*
 - Salisbury Plain SAC and SPA
 - River Avon SAC
 - New Forest SAC / SPA

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

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

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

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

- *Hydrology / Hydrogeology - Sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact:*
 - Salisbury Plain SAC / SPA
 - Bath and Bradford on Avon Bats SAC
 - Pewsey Downs SAC
 - North Meadow and Clattinger Farm SAC
 - River Avon SAC
 - River Lambourn SAC
 - Kennet & Lambourn Floodplain SAC
- *Air Pollution / Nitrogen Deposition – Natura 2000 sites within 200m of a main road*
 - Porton Down SPA
 - Salisbury Plain SAC / SPA
 - Southampton Water SPA
 - Clattinger Farm SAC
 - River Avon SAC
 - Rodborough Common SAC
 - Cotswolds Beechwoods SAC
- *Physical Damage / Interruption of Flight Lines / Disturbance*
 - Bath and Bradford on Avon Bats SAC
 - Porton Down SPA

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

3.3 In terms of hydrology/hydrogeology, West Lavington appears to be served by Woodbridge Sewage Treatment Works, which drains into the Bristol Avon via the Semington Brook. Therefore the River Avon SAC, which covers the Hampshire Avon, is not potentially impacted. No water resource issues have been identified for the Bath and Bradford on Avon Bats SAC which is the only SAC to lie fully within the Bristol Avon catchment. The Bristol Avon is also not identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

3.4 The Wiltshire Core Strategy identified that increased traffic would lead to potential effects through an increase in atmospheric pollution and nitrogen deposition upon a range of Natura 2000 sites within 200m of a main road. Such effects were considered to be very small and

difficult to predict at the strategic level⁷ (WCS HRA Update February 2014). The housing site allocations in the NDP allow for a further 50 dwellings at one allocation site, which is considered to be a small number in relation to the total for the county. All of the Natura 2000 sites listed above, except Salisbury Plan SAC/SPA and River Avon SAC are a considerable distance from the NDP area and effects are likely to be negligible. In relation to Salisbury Plan SAC/SPA and the River Avon SAC, the Wiltshire Core Strategy HRA concluded no likely significant effect where the existing approach to mitigation in Core Policy 55 is implemented. It is concluded that the proposals for housing in this NDP would not have an adverse effect on Natura 2000 sites through nitrogen deposition.

- 3.5 In terms of causing physical damage, interrupting flight lines and disturbance, urban development in the NDP area is too remote to have implications for bats at the Bath and Bradford on Avon Bats SAC or stone curlews breeding at Porton Down.
- 3.6 Since the Core Strategy was adopted, the Council has published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (HSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A final schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation.
- 3.7 The screening criteria for the HSAP were modified for some European sites from those used for the core strategy following the results of new surveys and in light of advice received from Natural England. The following screening applies the most up to date criteria available from the HSAP.

4. Screening of Policies in West Lavington Neighbourhood Plan Submission Plan April 2018

- 4.1 The West Lavington NDP comprises 11 planning policies.
- 4.2 Taking into consideration the location, scale and nature of proposals in the NDP, there is a mechanism for effect on one European Site, Salisbury Plain SPA. All parts of the draft plan have been screened for potential impacts which may arise from the plan alone or in combination with other plans and projects. One policy has the potential to give rise to significant effects and is therefore taken forward to appropriate assessment in section 5 below.
- 4.3 Other policies would either not lead directly to development or would have no significant effects either alone or in combination with other plans and projects due to the scale and nature of the proposals in the plan.

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

TABLE: Habitats Regulations Assessment Policy Screening of the West Lavington Neighbourhood Plan

The only European site screened into the assessment is Salisbury Plain SPA

Policy Area	Policy	Screening Categorisation	Comments	Non HRA related recommendations
Built Environment	BE1 – Settlement Boundary	A1/A3	The policy does not promote development but has the effect of restricting development to within the settlement boundary.	
	BE2 – Design of New Development and Local Distinctiveness	A1/A3	The policy promotes good quality design and will not directly lead to development.	
	BE3 – Highway Impact	A1/B	The policy requires development to mitigate for impacts on highway infrastructure and to adhere to set parking standards.	
	BE4 – Heritage Assets	A3	The policy requires development affecting listed buildings or the conservation area to demonstrate it will be compatible with the fabric, setting and significance of the heritage asset.	
Housing	H1 New Housing	D	Iterative development of the Neighbourhood Plan has resulted in the number of allocated housing sites within the plan being reduced to one site for up to 50 dwellings. In addition, other non-allocated sites may be accepted for small scale development as long as they are within the settlement boundary and meet the objectives of the other NP Policies as well as all over-arching policies. The whole of the NDP area is within 6.4 km of the Salisbury Plain SPA therefore has the	

Policy Area	Policy	Screening Categorisation	Comments	Non HRA related recommendations
			potential to lead to impacts on breeding stone curlew through recreational disturbance and pressure.	
Economy	E1 – Retention of Existing Employment Land and Buildings	A1	The policy seeks to protect existing employment sites from being converted to non-employment uses.	
	E2 Employment Development	B	The policy encourages intensification, refurbishment or redevelopment of existing commercial or agricultural buildings for the purpose of new business development. The policy seeks to make use of existing sites rather than greenfield land and will not lead to an increased number of residents and therefore increased recreational pressure. Potentially the policy could lead to small scale tourism business which could affect the SPA but as the policy does not specifically seek to do this, it is more appropriate to assess such development through HRA at the planning application stage.	Note: Redevelopment of agricultural buildings should be carefully assessed within planning, in terms of the protected species they may support and their potential function for biodiversity within the wider landscape e.g. nesting/roosting site for barn owls, bats, birds.
Community Facilities	CF1 – Community Facilities	B	The policy supports improvement, expansion and provision of new community facilities and resists the loss of existing facilities. Specific reference is made to developing the village hall to provide a more effective “hub” for community activities. Such development would not lead directly to an increased number of residents and therefore increased recreational pressure.	

Policy Area	Policy	Screening Categorisation	Comments	Non HRA related recommendations
	CF2 – Educational Facilities	B	Land at the Dauntsey's schools is safeguarded for educational use. Expansion of educational facilities will be supported subject to several conditions.	Note: Efforts should be made to increase connectivity for wildlife around and throughout these sites when adding new facilities.
Natural Environment	NE1 - Local Green space	A1/A2	Designation of these local green spaces will not lead to increased recreational pressure on the SPA and will help to retain areas of natural habitat.	
	NE2 – Setting of West Lavington Parish	A1/A2/A3	The policy seeks to support proposals that protect and enhance the natural environment and landscape character and will resist development which affects sites of ecological importance beyond the settlement including the SPA.	Note: It would be of benefit to local wildlife if a programme of enhancements for biodiversity, focusing on connectivity of habitat could be implemented to increase the permeability of the landscape, throughout the local area. Development of a Green Infrastructure Plan for the Parish would help protect the green areas even further.

5. Appropriate Assessment – Salisbury Plain SPA

Background to the Salisbury Plain SPA

- 5.1 Salisbury Plain SPA encompasses a plateau of chalk grassland, which supports the following SPA features: breeding common quail, Eurasian hobby, stone-curlew and non-breeding hen harrier. Details of the conservation objectives are available online <http://publications.naturalengland.org.uk/publication/5745803545018368>. The current version is dated 30 June 2014. More recently Natural England has published Supplementary Advice on conserving and restoring the site features⁸ and this is available from the same weblink. This recognises that often active and ongoing conservation management is needed to protect, maintain and restore the function of supporting habitat both within and outside the SPA in order to sustain the stone curlew population. The MoD estate and other landowners through Environmental Stewardship are actively involved in delivering these measures.
- 5.2 Evidence from research has demonstrated that stone-curlew is particularly susceptible to recreational pressure. Mitigation for the impacts of the Core Strategy was agreed with Natural England in 2012 and comprised Council funding for monitoring breeding bird numbers and working with farm managers to maximise breeding success. As a consequence, the HRA for the Core Strategy which was supported by a strategic HRA for housing development⁹ was able to conclude no adverse effect.

Plans and projects to be considered in combination

- 5.3 The screening assessment in section 4 above found that the West Lavington NDP would not lead to significant effects on the Salisbury Plain SPA alone. Impacts would only occur in combination with other plans and projects. The following plans and projects have been taken into consideration:
- Wiltshire Core Strategy, adopted January 2015 (WCS)
 - Wiltshire Housing Site Allocations Plan submission document May 2018 with proposed schedule of changes dated September 2018
 - Army basing Programme delivering 917 dwellings at 4 sites in close proximity to the Plain
 - Neighbourhood plans. Those with allocations within 6.4km of Salisbury Plain SPA include the following
 - Chirton and Conock (max 10, all within WCS housing requirement)
 - Devizes (93 within 6.4km, 32 of which are over the WCS housing requirement)
 - Porton (32, proportion within WCS housing requirement unknown)
 - North Bradley (60, proportion within WCS housing requirement unknown)
 - Pewsey (27-43 dwellings over the WCS housing requirement)
 - Potterne (20, proportion within WCS housing requirement unknown)

⁸ Supplementary Advice on Conserving and Restoring Site Features: Salisbury Plain Special Protection Area (SPA) Site Code UK9011102 dated 27 October 2017

⁹ HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from redevelopment), Wiltshire Council, 30 March 2012

- Urchfont, Wedhampton and Lydeaway (37, proportion within WCS housing requirement unknown)
- Market Lavington (88 dwellings, within WCS housing requirement)

HRA for the Wiltshire Housing Site Allocations Plan pre-submission draft

5.4 Evidence from a visitor survey commissioned by the Council in 2015 demonstrated that 75% of visitors accessing the plain lived within 6.4km of the SPA boundary and 1% of the population within that distance would be expected to visit on a regular basis. Using these findings the HSAP HRA¹⁰ calculated that the housing sites plan would increase visitor numbers to the Plain by 1% over the estimates calculated for the Core Strategy. This figure incorporated a number of precautionary assumptions to counteract any constraints of the data used. Taking the favourable condition of the SPA into consideration, it was considered that existing mitigation measures in place for the Core Strategy would continue to provide an effective, timely and reliable means of mitigating any additional effects from the HSAP should they arise.

Analysis of policy H1 in the NDP screened into appropriate assessment

- 5.5 This policy anticipates growth of up to 50 dwellings coming forward at one green field site adjacent to Dauntsey Academy Primary School. The planning policy context provided in section 7 is unclear as to whether this will exceed the quantum allocated for the Community Area in the WCS.
- 5.6 Fifty dwellings will give rise to about 114 people, 1% of which can be expected to visit the Plain on a regular basis. The quantum of development in the WCS and the HSAP has been accounted for in the mitigation measures set out in the document “HRA and Mitigation Strategy for Salisbury Plain SPA”¹¹. If the 50 dwellings allocated in the current plan are additional to that in the WCS and HSAP then consideration needs to be given to the effects of this further recreational pressure and whether the current strategy is likely to be effective in dealing with it.
- 5.7 The strategy makes provision for an annual survey of stone curlew during the breeding season across the whole of the SPA extending out to include a 5km buffer.
- 5.8 Five years of data have been collected since the strategy was funded, 2013 – 2018, and this can be compared against data collected from previous surveys funded by the EU Life project since 2002. The general trend is one of increasing numbers of pairs of birds, breeding attempts and young fledged. 2013 was one of the worst years on record attributable to a cold spring and therefore lack of food. However, productivity quickly recovered to a peak in 2017 and the productivity in 2018, although lower than 2017, was still well above that required to keep the population stable. In 2018 productivity on the SPA was 0.71 and across the whole of the study area was 0.75 compared with the rate of 0.61 chicks per pair which is required to keep the population stable.

¹⁰ HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from residential development), Wiltshire Council, reviewed in May 2018

¹¹ HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from residential development), Wiltshire Council, reviewed in May 2018

- 5.9 Natural England's supplementary advice for stone curlew identifies a target for maintaining the breeding population at or above a mean of 15 pairs for the SPA, whilst avoiding deterioration from the current level as indicated by the latest mean peak count or equivalent. The peak mean count is currently 23.2 for the SPA indicating this target is being met.
- 5.10 The effects of weather on breeding success have already been alluded to. Predation is another particular risk for stone curlew. Photographic evidence has been gathered at Porton Down showing badgers taking eggs and foxes taking chicks of stone curlew and even trampling by deer can be a cause of next failure. However corvids seem to account for fewer losses than their numbers would suggest. The monitoring reports also identify various causes of human disturbance and the 2018 report¹² states *"Although it is difficult to quantify the effects of any recorded disturbance, we continued to observe disturbance events within the CIL monitoring area. Some of these were caused by increased military training, others by photographers getting too close to breeding birds, but most involve individual or commercial dog walkers"*.
- 5.11 In addition to monitoring, the strategy allows for specialists to liaise with farmers regarding in-season plot management. In most years, plots have become unsuitable for nesting by May due to vegetation growth and this can be managed back to support second nesting attempts. Surveyors monitoring the birds help to target such management to best effect and to avoid harming sitting birds. The 2018 monitoring report notes however that the new Countryside Stewardship scheme and changes to the regulations regarding Ecological Focus Areas are making it more difficult to achieve the best in-plot management for stone curlews and this is something that may affect breeding success in the future.
- 5.12 Military training is the other main influence on stone curlew at Salisbury Plain. The MoD has its own bespoke management plan to control training levels and to provide mitigation in the form of managed breeding plots. Mitigation has been reviewed in light of the Army Basing Programme which necessitates increased use of the Plain for training and the effectiveness of this is being monitored by the MoD.
- 5.13 For the time being at least, despite the various factors that can combine to reduce breeding success, stone curlew appear to be responding well to the habitat interventions started in the late 1990's which have brought this species "back from the brink" of extinction on the Plain.
- 5.14 The current findings suggest that the few hundred dwellings that could come forward as windfall development in addition to those anticipated in the WCS are unlikely to lead to a level of recreational pressure that is unsustainable for stone curlew. However it is recognised that the pressures on this species at Salisbury Plain are changing and in the future further mitigation may be necessary. Experience has demonstrated landowners are willing to take up conservation measures and that interventions can be effective at reviving the population. Where such measures may be insufficient, future housing plans may need to refocus housing delivery. For the time being the current strategy appears to be adequate to support housing numbers above WCS and HSAP figures as monitoring will ensure that any necessary review of mitigation measures will be timely.

¹² Stone-curlew CIL Monitoring Area Report 2018, Rob Blackler and Nick Tomalin, RSPB December 2018

Conclusion for the Salisbury Plain SPA

- 5.15 I consider that no changes are required to the West Lavington NDP in order to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Salisbury Plain SPA, alone or in- combination with other plans and projects.

Recommendation for Policy H1: New Housing. The policy does not give rise to adverse effects. No changes are required to wording of the policy or supporting text.

Prepared by Louisa Kilgallen, CEnv MCIEEM, Senior Ecologist, Wiltshire Council
1 February 2019