

21st August 2014

Economy Development and Planning
County Hall
Bythesea Road
Trowbridge
Wiltshire
BA14 8JN

Re: Malmesbury Neighbourhood Plan Habitats Regulations Assessment Screening

Dear Malmesbury Neighbourhood Steering Group,

Given that the above neighbourhood plan has now been submitted for examination, it is considered prudent for Wiltshire Council, in its role as competent authority, to update the Habitats Regulations Assessment (HRA) screening of the plan. This updated assessment should be presented to the Examiner to inform the examination process and demonstrate that the plan meets statutory requirements with regards to the Habitats Regulations.

Scope of the Assessment

You'll be aware that the previous HRA screenings issued by the Council (dated 4th January and 28th February 2013) both concluded that the Malmesbury Neighbourhood Plan would not have any likely significant effects upon the Natura 2000 network, although that conclusion was subject to inclusion of a policy caveat to address unknown impacts of air pollution from employment, residential and retail sites development beyond the scope of that assessed by the Wiltshire Core Strategy (WCS) HRA. The following updated assessment has been carried out in light of relevant changes since the previous HRA screening was issued, particularly:

- Amendments to the draft Malmesbury Neighbourhood Plan
- Amendments to the draft Wiltshire Core Strategy (WCS)
- Updates to the Wiltshire Core Strategy HRA
- Progress with other relevant plans and projects

The assessment has also be carried out in light of any other relevant evidence which has been made available to the Council since the previous HRA screening was issued e.g. through planning applications submitted, and comments received from statutory consultees and others through the consultation process.

Given that the HRA screening has attracted some interest through the consultation process, this iteration provides greater detail to transparently demonstrate how the screening process has been carried out, which is presented as an appendix to this letter.

Conclusions of the HRA Screening

The Malmesbury Neighbourhood Plan would not have any likely significant effects upon the Natura 2000 network either alone or in combination with other plans or projects. No amendments or additions to the plan (as submitted for Examination in Public) are required and an appropriate assessment of the plan is not required.

The policy caveat previously recommended to address uncertainty over nitrogen deposition is no longer considered necessary, given the detailed transport assessments for the Dyson expansion which are now available, which provide certainty that the increased traffic caused by the plan would

not have any likely significant effects upon the nearby North Meadows SAC, Rodborough Common SAC and Cotswolds Beechwoods SAC.

You'll be aware that Natural England has been consulted on previous iterations of the HRA screening and has not raised any concerns about likely significant effects of the plan. We are not legally required to consult Natural England at the screening stage, however you may still wish to seek their opinion on this iteration of the HRA screening.

It is expected that the Examiner may make recommendations for modifications to the plan as part of the examination process and as such the Council will carry out a further iteration of the HRA prior to making the plan in order to take account of any such modifications.

Yours sincerely,



Jon Taylor
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Landscape and Design Manager

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APPENDIX 1 – HRA SCREENING ASSESSMENT

1. Screening Methodology

Each element of the draft plan has been categorised against the screening criteria developed by Natural England¹. This process is necessary to help provide a clear audit trail for the assessment and, if necessary, identify the need for the wording of policies to be amended or new policies added to be certain that the neighbourhood plan will not have a significant negative effect on a European site.

The criteria used were 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. Wiltshire Core Strategy Habitats Regulations Assessment

The WCS HRA has screened in the following potential effects of development at Malmesbury upon a series of Natura 2000 sites (protected under the Habitats Regulations / Directive)²:

Recreation

- Clattinger Farm SAC

Hydrology / Hydrogeology

- Salisbury Plain SAC / SPA
- Bath and Bradford on Avon Bats SAC
- Pewsey Downs SAC
- Clattinger Farm SAC
- River Avon SAC

Nitrogen Deposition

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

¹ David Tyldesley Associates (2009) *The Habitats Regulations Assessments of Local Development Documents (Revised Draft Guidance)*

² See Appendix A of the Wiltshire Core Strategy HRA (2013)

Policy 13 sets the strategic framework for development in the Malmesbury Community Area until 2026. Following on from the recent amendments to the WCS, this now includes:

- 885 new homes in the town (which are all accounted for in completions and deliverable commitments³)
- 510 new homes in the wider Community Area (of which only 151 remain to be identified)
- 1 ha of employment land North of Tetbury Hill
- 4ha of employment land at the Garden Centre

The WCS HRA⁴ has tested the potential effects of the above development upon the Natura 2000 network and identified no likely significant effects of Core Policy 13, either alone or in combination with projected development in the wider Wiltshire Core Strategy and neighbouring development plans; this conclusion was reached subject to continued site level management of the Natura 2000 sites, ongoing regulation under the environmental permitting regime, and policies elsewhere in the draft WCS such as CP50 and CP55. The conclusions of the WCS HRA have been reviewed by Natural England, which has confirmed that it is satisfied with those conclusions.

Wiltshire Council is therefore satisfied that development which falls within the scope of CP13 does not require further Habitats Regulations Assessment.

3. Malmesbury Neighbourhood Plan (Consultation Version 2.0, 26-September-13)

The submitted Malmesbury Neighbourhood Plan includes the following policies:

- Policy 1: 170 dwellings plus 5 small workshops @ Sites 3A and 15 Backbridge Site
- Policy 2: Combined Site Development: 50 dwellings @ Site 10 Land NE PCC Site 6 Land E PCC Site 11 Burton Hill Police Station
- Policy 3: Planning applications for new housing, including conversions, must be tested against the current evidence of local demand and supply
- Policy 4: Planning applications for new housing, including conversions, should be assessed against the demand net of cumulative consents given in the period, not the gross demand identified at the beginning of the period
- Policy 5: No further supermarket is required in the Designated Area and Planning Permission should not be given to any further supermarkets, superstores or similar stores
- Policy 6: A Technology Park, 6 hectares, near Dyson Limited is to be developed to allow Dyson Limited expansion space and provide for additional new businesses in the B1 category
- Policy 7: Develop five workshops as per Policy 1 being a mixed housing development
- Policy 8: Allocate land for Malmesbury CE Primary School expansion in conjunction with land proposed for sites 3A and 15 (see Policy 1)
- Policy 9: Primary School expansion must be in step with the demand created by housing development
- Policy 10: The Neighbourhood Plan Design Guide as set out in Volume II of this Plan must be followed in all developments in Malmesbury Town and where relevant in the remainder of the Plan

The above policies have been screened against potential impacts upon each relevant Natura 2000 site as listed in Section 2. The effect of each draft policy has been assessed both individually and in combination i.e. the effects of the plan as a whole. It is worth noting that in addition to the 10 policies the plan also includes 28 'tasks'. While the role and function of these tasks is not clearly

³ See Wiltshire Council [Housing Land Supply Statement](#) (July 2014)

⁴ Including all current updates and revisions

defined, they are not currently considered to be land use policies which would form a statutory part of a land use plan for the purposes Regulation 102 of the Habitats Regulations. The tasks are therefore not assessed individually in the scope of this assessment, nonetheless they do provide some clear intentions of the document and some strong statements about how and where development should occur which communicate the intentions and direction of the plan. The HRA screening has therefore had regard to these tasks in assessing the effects of the plan taken as a whole.

4. Screening assessment of individual policies

A / B (Green) – Screened out

C / D (Red) – Screened in

Policy	Categorisation	Comments and recommendations
Policy 1- Sites 3A and 15	B	Within the scope of CP13
Policy 2 – Sites 6, 10 and 11	B	Within the scope of CP13
Policy 3 – Testing housing demand and supply	A1	
Policy 4 – Assessing housing demand	A1	
Policy 5 – No further supermarkets	A1	
Policy 6 – Dyson Expansion	B	See discussion below.
Policy 7 – Workshops	B	
Policy 8 – Land for primary school expansion	B	
Policy 9 - Primary school expansion	A1	
Policy 10 – Neighbourhood Design Guide	A3	

5. Effects of the plan as a whole

Recreation

The total residential development proposed by the plan is 270 dwellings as follows:

- 170 dwellings allocated under Policy 1
- 50 dwellings allocated under Policy 2
- 50 extra care units at Burnham House, as supported one of the tasks

This volume of housing falls within the scope of CP13 of the WCS. The WCS HRA has concluded that CP13 would have no likely significant effects, therefore it is concluded that the Malmesbury Neighbourhood Plan would not have any likely significant effects through increased recreational pressure on the Clattinger Meadows SAC.

Hydrology / Hydrogeology

Although the plan could feasibly result in an increased use of water resources through abstraction there are no hydrological or hydrogeological connections between Malmesbury and any of the Natura 2000 sites identified by the WCS HRA other than the Bath and Bradford on Avon Bats SAC (see Section 2 above), however that site is designated for its populations of hibernating horseshoe and Bechstein's bats which would not be adversely affected by anticipated levels of water abstraction.

Nitrogen Deposition

The previous iteration of the HRA screening highlighted a potential issue of increased nitrogen deposition as a result of the expansion of the Dyson factory (Policy 6), which was not within the scope of the WCS HRA and while the impacts on the volume and distribution of traffic movements were also unknown. Most of the Natura 2000 sites identified by the WCS HRA are considered too distant from Malmesbury as to have significant effect, however there was feasibly potential for increased traffic movements close to North Meadows SAC, Rodborough Common SAC and Cotswolds Beechwoods SAC.

Since that iteration was carried out Wiltshire Council has received and approved various planning applications for the expansion of the Dyson facility. Those applications have been supported by a detailed transport assessment⁵ which sets out the predicted changes in trip generation and distribution as a result of the proposed expansion. The transport assessment demonstrated that the proposed development is likely to generate approximately 874 additional two-way vehicle movements in the AM highway peak hour and 854 additional two-way vehicle movements in the PM highway peak hour. Of those trips generated, the vast majority would also go south on the A429, away from the relevant Natura 2000 sites, with the following distribution predicted:

- B4014 Tetbury Road North West 12%
- Tetbury Hill South 8%
- A429 Crudwell Road North 7%
- A429 Crudwell Road South 70%
- B4040 Charlton Road East 3%

The Design Manual for Roads and Bridges (DMRB) guidance states that in order to trigger a likely significant effect, it is necessary to increase traffic substantially, where daily traffic flows will change by 1,000 AADT or more. Given that the development would only generate up to 874 vehicle movements and the vast majority of those vehicle movements would not come in close proximity to the relevant SACs, the potential effects of Policy 6 can now be screened out.

The proposed residential development (270 dwellings) could also generate additional trips on the highway network, however based on the typical transport assessments for residential development, it is considered that this quantum of development would not trigger the DMRB criteria for likely significant effects either alone or in combination with the Dyson expansion proposals.

6. Assessment of the effects of the plan in combination with other plans and projects

Plans

Other relevant plans which have been considered in-combination include:

- Wiltshire Core Strategy (as amended April 2014)
- Cotswold District Local Plan Consultation Paper: Preferred Development Strategy (May 2013)
- South Gloucestershire Core Strategy (adopted (2011))

The HRA of these plans have been reviewed for potential in-combination effects with the Malmesbury Neighbourhood Plan, however none were considered to be significant.

⁵ FMW Consultancy (2013) Transport Assessment for Dyson Site, Tetbury Hill, Malmesbury

Projects

In addition to the 270 dwellings identified in the Malmesbury Neighbourhood Plan permission has been granted or is pending for further sites in Malmesbury as follows (anticipated to deliver 574 homes in total):

- Current developable permissions - 227⁶
- Pending applications / appeals – 77⁷

When the number of completions is also taken into account (483), the total number of dwellings to be delivered in Malmesbury until 2026 as assessed by the WCS HRA (CP13) would be exceeded (potentially by 172 dwellings if the Park Road appeal is allowed).

A supermarket has also been permitted at land off Avon Mills in Malmesbury⁸. This was originally included as an allocation in the Malmesbury Neighbourhood Plan, however it was removed from the plan following grant of full planning permission, therefore it is now more appropriate to include it in the in-combination assessment.

No significant in-combination effects from these projects were identified, paying particular attention to increases in recreational disturbance and nitrogen deposition.

7. Conclusion

The Malmesbury Neighbourhood Plan would not have any likely significant effects upon the Natura 2000 network either alone or in combination with other plans or projects. No amendments or additions to the plan (as submitted for Examination in Public) are required and an appropriate assessment of the plan is not required.

⁶ Based on current Housing Land Supply Statement (Wiltshire Council, 2014)

⁷ 12/03564/OUT Land off Park Road, Malmesbury. Currently awaiting appeal decision.

⁸ 12/00165 Land to the Rear of Avon Mills.