

## TISBURY AND WEST TISBURY NEIGHBOURHOOD DEVELOPMENT PLAN

### HABITATS REGULATIONS ASSESSMENT (HRA)

#### 1 Introduction

- 1.1 This iteration of the HRA relates to the Tisbury and West Tisbury Neighbourhood Plan 2017-2036 Regulation 16 Submission Version December 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 measures<sup>1</sup>, the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European Sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening and any subsequent appropriate assessment, must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3 It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:
- “Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”<sup>2</sup>*
- 1.4 Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan or project provided that it will not adversely affect the integrity of any European sites. Otherwise the plan cannot be authorised unless it meets specific statutory tests.

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

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

- 1.5 Wiltshire Council has conducted the following HRA as competent authority under the Habitats Regulations for the 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 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 2012<sup>3</sup>, March 2013<sup>4</sup>, February 2014<sup>5</sup> and April 2014<sup>6</sup>) 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.

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

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

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

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

*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

*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
- Chilmark Quarries SAC

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 significant development lies immediately adjacent, which will not occur through this NDP. Tisbury lies well outside the 6.4km zone of influence for recreational pressure on Salisbury Plain SPA and risks for Salisbury Plain 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, the NDP area discharges to Tisbury sewage treatment Works which drains into the River Nadder which is within the catchment of the River Avon SAC. Consequently any development within the NDP will be obliged to demonstrate that it will not detract from the ability of the SAC to achieve its conservation objectives within timescales identified in the River Avon Nutrient Management Plan. The Council is working with the Environment Agency and Natural England to ensure appropriate mitigation is in place for development coming forward under the Core Strategy and Local Plan Review. The implications of this for the NDP are considered further in the Appropriate Assessment below.
- 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 level<sup>7</sup> (WCS HRA Update February 2014). The housing allocation in the NDP for up to 60 dwellings at one allocation site 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. However the NDP lies entirely within the 'Core Area' for bats associated with the Chilmark Quarried SAC and the implications of this are considered in the appropriate assessment below.
- 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 Tisbury and West Tisbury Neighbourhood Plan 2017 – 2036 Reg 16 Submission Version December 2018**

- 4.1 The NDP comprises 23 planning policies.
- 4.2 Taking into consideration the location, scale and nature of proposals in the NDP, there is a mechanism for effect on two European Sites, Chilmark Quarries SAC and the River Avon SAC.

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

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. Two policies have the potential to give rise to significant effects and are 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.
- 4.4 This HRA updates that prepared for the Pre-submission version of the plan at the Regulation 14 stage<sup>8</sup>. The current version of the NDP has fully taken on board comments from the previous HRA. This HRA therefore addresses changes made to the plan between Regulation 14 and 16, as well as changes that have arisen in the way assessments under the Habitats Regulations are undertaken following recent case law<sup>9</sup>.
- 4.5 Any changes (other than those recommended here) made to the plan as a result of the examination in public should be rescreened before the Council adopts the plan.

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<sup>8</sup> Dated 13.09.17

<sup>9</sup> Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

**TABLE: Habitats Regulations Assessment Screening of the Tisbury and West Tisbury Neighbourhood Plan**

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
Section 2. Historic and Natural Assets	HNA.1 Natural Assets and Biodiversity	A2	Development should aim to avoid, minimise or compensate for adverse impact on, and where possible, promote net gains to biodiversity appropriate to the size of the development.	
	HNA.2 The Conservation Area	A3	Proposals for development within or adjoining any of the Conservation Area should conserve and enhances its character and appearance. No 'Core Roosts' associated with the SAC have been identified within the NDP area to date. Wording within policy HNA.1 will be adequate to address any risks that development presents to currently unknown roosts.	
	HNA.3 Managing Water in the Environment	C and D	New development should prevent phosphate from entering the River Avon SAC or exacerbate flood risk. The policy wording lacks clarity in relation to the measures currently required of development and may be required in the future up to 2036.	
	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.	
Section 3. Housing and Buildings	BL.1 Providing a Broad Mix of Housing	A1	The housing mix on development sites should reflect evidence of local need. Opportunities for community led development will be encouraged to provide for lower-cost or affordable housing.	
	BL.2 Affordable Housing	A1	Affordable homes should be prioritised for eligible people with a connection to the area. Financial contributions for affordable housing will be spent within the NDP area and	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
			opportunities for community-led development which guarantees affordable housing for local people will be encouraged on brownfield sites.	
	BL.3 Development on Brownfield Sites	A5	Redevelopment of brownfield land will be welcomed and is expected to be able to meet the local need up to 2036. The plan also supports bringing redundant or vacant historic buildings back in to use. Development on greenfield sites will not be supported. This policy does not make reference to specific brownfield sites.	
	BL.4 Design and Landscape	A3	Great weight will be given to conserving landscape and scenic beauty. Development must achieve high quality design and proposals must demonstrate they will maintain and conserve local character and have no detrimental impact on the skyline.	
	BL.5 Energy	A3	The policy supports new buildings / retrofitting which exceed energy standards provided they do not compromise the character the AONB or historic buildings. New and upgraded lighting should conform with AONB recommendations to preserve dark skies.	This policy will contribute to maintaining bat populations at the Chilmark Quarries SAC.
	BL.6 Infrastructure Provision	A3	Energy and communications infrastructure should minimise impacts on local character and the AONB. All development should provide for high speed communications infrastructure. Development should assess its impact on the capacity of sewage treatment works and promote SUDS and flood water management.	
	BL.7 Site Allocation: Station Works	C and D	Four ha designated for mixed development – maximum 60 dwellings, commercial units and parking. The policy requires that a masterplan is agreed which will be in accordance 14 listed requirements. Item 11 of this policy does not	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
			<p>adequately cover the measures that will be required in order to demonstrate compliance with the Habitats Regulations in relation to Chilmark Quarries SAC.</p> <p>Further consideration is required as to whether this policy can rely on mitigation proposals for the River Avon SAC being developed by the Council as part of the River Avon SAC Working group.</p>	
	BL.8 Site Allocation: Site of the former Sports Centre adjacent to St John's Primary School	B	<p>The policy supports use of this site for community development, including measures to benefit biodiversity, which have been agreed with St John's primary school.</p> <p>The policy wording indicates that housing will not come forward for this site. In addition, the sites geology, topography and inclusion in the policy for measures to benefit biodiversity indicate it will be possible to treat surface water run-off on site. Therefore any further consideration of the effects of this policy on the River Avon SAC is more appropriately addressed at a later stage (e.g. masterplan / application stage). It is unlikely that the hedgerow adjacent to the former sports centre would be a key flight corridor for SAC bats given the wider landscape setting.</p>	The former sports centre lies immediately adjacent to a hedgerow boundary which has potential for dormice and as a bat commuting corridor. This may constrain development of the site as this feature is likely to require at least a 5m buffer.
Section 4 Transport	TR.1 Parking Provision	A1	This policy sets standards for parking provision for residential and non-residential development and for the provision of measures to encourage sustainable modes of transport.	
	TR.2 Tisbury Railway Station	A5 / B	This policy seeks to protect and enhance the train service at Tisbury through parking, a second track, footbridge, sustainable transport measures and new pedestrian access	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
			which will be delivered as part of the Station Works and through safeguarding of land. Effects on habitat used by SAC bat species will be addressed through policy BL.7. Any proposals not delivered through BL.7 are likely to be located very close to the existing railway infrastructure and impacts on bat habitat are therefore likely to be very limited and more appropriately assessed when full details are available at a further stage of authorization.	
	TR.3 Innovative Parking Solutions	A1	New parking provided as part of new development / redevelopment should consider measures to enhance and not be detrimental to the AONB and historic features of the area.	
	TR.4 Traffic Impact, Road Safety and Maintenance	A1	Proposed new development must demonstrate how it will conserve the rural character and mitigate the impact of additional traffic through improvements to passing places, verges, traffic calming and road safety.	
	TR.5 Sustainable Transport	A1	Developers will be expected to promote safe walking and cycling routes to the village centre; facilitate access to schools, the surrounding countryside and the railway station, aiming to minimise the car. Examples are given, none of which suggest footpaths will be illuminated.	Illumination of footpaths in the countryside risks deterring bats if these routes are favoured traditional flight routes or foraging patches. Footpath lighting should be subject to an impact assessment and minimised as far as possible.
Section 5 Employment and Business	EB.1 – Promoting Employment Activity	A1	The policy welcomes proposals for new businesses and employment provision in sustainable locations especially on brownfield sites, provided listed conditions for avoiding impacts and encouraging sustainability are met.	

Policy Area	Policy	Screening Categorisation	Summary of policy wording highlighting any conflict with the Habitats Regulations	Other Non HRA comments
	EB.2 Protecting Business and Employment Activity	B	<p>The policy seeks to protect the economic sustainability of the Tisbury area by safeguarding employment sites regardless of their size. The former Magistrates Court and Police Station is one such site. In addition, the Victorian street scene of the High Street should be respected.</p> <p>No changes to bat habitat or sewage discharges which could have implications respectively for the Chilmark quarries SAC and River Avon SAC would occur directly as a consequence of this policy.</p>	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 sites for barn owls, bats, birds.
Section 6 Leisure, Community and Well-being	LCW.1 Local Green Spaces	B	Sites shown on the proposals map will be designated as Local Open Spaces for their recreational, historic and/or environmental significance.	
	LCW.2 Community Assets and Community re-development	B	Development to retain and enhance buildings on the community asset register, or prevent their loss will be welcomed. Such buildings have the potential to support bats, including species associated with the Chilmark Quarries SAC and the advice contained in the supplementary text to policy HNA.1 addresses these risks to a level which is commensurate with the lack of project specific detail in the policy.	
	LCW.3 Amenity Space	A1	Development will be expected to provide or contribute towards provision of new amenity space, including for landscaping, allotments, children’s recreation and access.	
Section 7 Planning Gain	CIL.1 Planning Gain: Potential Use of Community Infrastructure Levy Monies	B	Community priorities for the use of CIL are listed and include: conserving and managing green spaces, enhancement of non-vehicular rights of way, investment in roads network, provision of new footpaths, sustainable energy initiatives,	

<b>Policy Area</b>	<b>Policy</b>	<b>Screening Categorisation</b>	<b>Summary of policy wording highlighting any conflict with the Habitats Regulations</b>	<b>Other Non HRA comments</b>
			community assets, reducing waste and promoting free parking.	

## 5. Appropriate Assessment – River Avon SAC

### Background to the River Avon SAC

- 5.1 The qualifying features of the River Avon Special Area of Conservation are; the river habitat, categorised as a water course of plain to montane levels containing *Ranunculus* vegetation; Desmoulin's whorl snail which occurs on emergent vegetation in the floodplain, and; four species of fish, Atlantic salmon, sea lamprey, brook lamprey and bullhead. The conservation objectives are available at <http://publications.naturalengland.org.uk/publication/6048472272732160>, the current version (V3) is dated 27 November 2018.
- 5.2 In brief these require that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the favourable conservation status of its qualifying features. Draft Supplementary Advice on conserving and restoring site features was published by Natural England on 5 December 2018<sup>10</sup> (available through the weblink above). This discusses the need to restore the natural nutrient regime, by limiting anthropogenic enrichment to levels at which adverse effects on characteristic biodiversity are unlikely. In relation to planning, the main concern is the contribution that development makes to river phosphorus levels through inputs from sewage treatment works and package treatment plants. To this effect, specific targets have been identified for phosphorus for the individual waterbodies which make up the SAC.
- 5.3 Development may also affect the river directly, if works are undertaken on the banks or within the river channel and indirectly through non-sewage related pollution, such as runoff during construction operations. These matters are generally site specific and best considered during the planning application process.

### Plans and projects to be considered in combination

- 5.4 The HRA for the Wiltshire Core Strategy considered the in-combination effect of all development proposed in the River Avon catchment, relying on the River Avon Nutrient Management Plan (NMP)<sup>11</sup> to demonstrate there would be no adverse effect on the SAC.
- 5.5 The principle behind the NMP was that planned increases in development related sewage would be more than offset by the reductions in agricultural phosphate being secured by catchment sensitive farming. For the Core Strategy 2016-2026 this enabled the Council to conclude that, provided development was within the headroom of individual sewage

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<sup>10</sup> Draft Supplementary Advice on Conserving and Restoring Site Features: River Avon Special Area of Conservation (SAC). Site Code UK0013016

<sup>11</sup> River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus (David Tyldesley Associates, 30 April 2015)

treatment works, there would be no likely significant effects of housing allocations proposed within the River Avon catchment.

- 5.6 In March 2018, the Environment Agency and Natural England advised the Council that catchment sensitive farming targets were not being achieved and therefore the Nutrient Management Plan could not be relied on for appropriate assessments, even for development within headroom. From that time onwards, all new development in the catchment would need to be “phosphate neutral” if it was to comply with the Habitats Regulations.
- 5.7 Subsequently local authorities in the catchment signed a Memorandum of Understanding (MoU) with Natural England and the Environment Agency<sup>12</sup>. Local authorities have undertaken to deploy a range of measures to reduce phosphate inputs to ensure the overall effect of development between March 2018 and March 2025 will be phosphate neutral. Partners recognise that in the long term the most efficient mechanism to reduce phosphates is through measures delivered by the water company and by reductions in phosphates from agricultural sources. Accordingly, it is anticipated improvements will be delivered by Wessex Water through the next Water Industry Asset Management Plan 2025 – 2030 while mechanisms for reducing agricultural sources will be considered once the EA’s latest modelling is finalised. In due course it is expected that the Nutrient Management Plan for the SAC will be revised to incorporate the agreed changes in approach which are necessary to reduce phosphate and thereby achieve the conservation objectives.
- 5.8 The MoU signatories have formed a Working Party and are currently finalising an Interim Delivery Plan (IDP) which Wiltshire Council will use to support the HRA of its HSAP through examination in early 2019. In Wiltshire mitigation and management measures will be funded through the Community Infrastructure Levy (CIL). Where measures would not come under the definition of ‘relevant infrastructure’ the Council may pool s106 developer contributions for 4 or fewer developments.
- 5.9 The IDP has quantified the additional phosphorus load that will be generated by residential development, (both sewered and unsewered), and non-residential development in the period 2018 to 2025. A proportion of this will be off-set by the land taken out of production for development sites and higher water efficiency conditions for new dwellings. The majority of offsetting for 2018 and 2019 will be achieved through installing wetlands, funding changes from intensive grazing to extensive grass production and collaborating with Wessex Water to bring forward initiatives with private sector funding through the Landscape Enterprise Network.
- 5.10 Offsetting for sewered development during the period 2020-2025 currently relies on Wessex Water being able to deliver an “Outcome Delivery Incentive” which it has put forward for the current Price Review (PR19). This would effectively do all that is needed to offset development throughout the period 2020-2025. The ODI is not mandatory and needs to be approved by Ofwat (approval deadline late 2019). In the absence of the ODI, developer contributions

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<sup>12</sup> Memorandum of Understanding, River Avon Special Area of Conservation, Phosphate Neutral Development – Interim Mitigation, 29 May 2018

would be required to achieve the necessary improvements to the treatment works. The Council is currently engaging a project officer to manage the delivery of the IDP.

#### **Analysis of policy HNA.3 in the NDP screened into appropriate assessment**

- 5.11 The wording of this policy is currently out of step with this evolving subject as the assumptions of the Nutrient Management Plan have now been proven to be unsupported following evidence provided by the EA and Natural England, i.e. catchment sensitive farming will not be adequate to offset increases in phosphate from new development.
- 5.12 I therefore recommend that paragraph 3 of the policy beginning “All new development must...” is replaced with the following:
- 5.13 “All new development must be in line with the latest policy requirements agreed between Wiltshire Council, the EA and Natural England. The current position is that all new development permitted between 2018 and 2025 must be ‘phosphate neutral’ and this will be achieved by delivering the measures contained in the Interim Development Plan (IDP) agreed by the River Avon SAC Working Group. This requires all new residential development to be built to the highest water efficiency standards provided for by the building regulations which are currently a maximum water use of 110 litres per person per day (G2 of the Building Regulations 2010). For most developments additional measures will be required and these will be funded through CIL payments. In exceptional circumstances, it may be necessary for developers to provide for further measures beyond those funded by CIL.”
- 5.14 The necessary measures will be secured by conditions applied to planning permissions and through a new post created within the Council specifically to manage delivery of the IDP as funded through CIL.

#### **Analysis of policy BL.7 in the NDP screened into Appropriate Assessment**

- 5.15 Policy BL.7 identifies that up to 60 new homes will come forward on the Station Works site together with commercial units. Item 13 in the policy requires “Given the scale of the development in relation to the existing settlement and its existing capacity for sewage treatment and associated impact on the River Avon SAC, measures to implement alternative foul water treatment to mitigate overload of Tisbury Sewage Treatment Works should be addressed.” The recommended wording for policy HNA.3 above together with the wording for item 13 of BL.7, provides sufficient reassurance at this early stage of the planning process that applications coming forward will be compliant with the Habitats Regulations either through bespoke off line treatment measures, improved standards of treatment at the existing Tisbury works or offsetting measures provided by Wessex Water or through CIL.

#### **Conclusion for the River Avon SAC**

- 5.16 Growth of the magnitude anticipated by policy BL.7 will have no adverse effects on the integrity of the River Avon SAC either alone or in-combination with other plans and projects.

## **6 Appropriate Assessment – Chilmark Quarries SAC**

### **Background to the Chilmark Quarries SAC**

- 6.1 This site lies about 500m outside the Tisbury parish boundary and is designated as a hibernation site for four species of bats; Bechstein's, barbastelle, lesser horseshoe and greater horseshoe. Details of the conservation objectives are available online <http://publications.naturalengland.org.uk/publication/4553200514367488>. The current version is dated 27 November 2018 Version 3. In brief these require that the integrity of the site is maintained or restored as appropriate and that the site contributes to achieving the favourable conservation status of its qualifying features. Draft Supplementary Advice on conserving and restoring site features was published by Natural England on 21 January December 2019<sup>13</sup> (available through the weblink above).
- 6.2 The bats rely on habitat outside the quarries for most of their needs including foraging, maternity roosts and a variety of other roost types as well as vegetated flight corridors which they use to commute between these areas. Unlike other bats, the SAC bats species are largely intolerant of urban lighting and therefore tend to be restricted to rural areas including rural settlements such as Tisbury. The Council has prepared guidance to demonstrate how development across the whole bat landscape must take account of the SAC<sup>14</sup>. It identifies a number of 'Core Roosts' with 'Core Areas' around them (termed "consultation zones") to show where bat activity is likely to be concentrated and where particular precautions will be required.
- 6.3 Under the above guidance, the mines at Chilmark and Fonthill Grottoes are identified as 'Core Roosts'. The 'Core Areas' which extend to a radius of 6 km around them, cover the entire NDP area
- 6.4 Development can potentially lead to the loss of roosts as well as loss of hedgerows and other vegetation which bats use to commute through the landscape. Greater and Lesser horseshoes prefer to have maternity roosts in large enclosed spaces which they can fly directly into and therefore can often occur in older commercial and historic buildings, especially if they have fallen into disrepair.
- 6.5 Where a development site is shown to contain habitat or roosts used by SAC bats, the planning authority is obliged to consider the effect of the proposed development not just on the bats present but also on the integrity of the whole SAC. The bar for the latter assessment is high and needs to be taken into consideration at the earliest stages of planning a development if it is to be successful.

### **Analysis of policy BL.7 in the NDP screened into Appropriate Assessment**

- 6.6 The station Works site comprises brownfield land lying within the rural corridor of the River Nadder and could therefore potentially support SAC bat species. Development may lead to the loss or modification of buildings which the bats use for roosting, and disrupt

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<sup>13</sup> Draft Supplementary Advice on Conserving and Restoring Site Features: Chilmark Quarries Special Area of Conservation (SAC). Site Code UK0016373

<sup>14</sup> Bat Special Areas of Conservation, planning guidance for Wiltshire. Issue 3.0, 10 September 2015

flight routes or remove foraging habitat through removal of vegetation or installation of new lighting.

- 6.7 Supporting text for policy HNA.1 identifies that “A number of bat surveys spread throughout the year may be required and developers will need to seek advice from a professional ecologist before embarking on a scheme in a sensitive area”.
- 6.8 Policy BL.7 identifies that up to 60 new homes will come forward on the Station Works site together with commercial units. Item 11 in the policy requires “A habitats survey must be carried out to determine whether the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impact if these species are present”. The wording of this item is slightly confusing, especially given the supporting text noted at HNA. 1 above. In addition, these species are difficult to detect during bat surveys and therefore mitigation needs to take into account that these species are likely to be foraging and commuting across suitable habitat even if they are undetected in activity surveys.
- 6.9 I therefore recommend that the wording at item 11 of policy BL.7 is replaced as follows:  
“All necessary species and habitat surveys must be carried out to determine the extent to which the development would affect the bat species that are features of the Chilmark Quarries SAC and appropriate measures taken to avoid and mitigate impacts to roosts, foraging and commuting habitats”

#### **Conclusion for Chilmark Quarries SAC**

- 6.10 Development of the Station Works anticipated by policy BL.7 will have no adverse effects on the integrity of Chilmark Quarries SAC either alone or in-combination with other plans and projects.