

SEEND PARISH NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1. Introduction

- 1.1. This iteration of the HRA relates to the Seend Parish Neighbourhood Plan 2020-2030 (Regulation 14 Consultation Draft Version 15th February 2020 – 28th March 2020) submitted to Wiltshire Council inform the Regulation 14 consultation response from the Council. Hereafter, the Seend Parish Neighbourhood Plan is referred to as the NP.
- 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 Seend NP. Where risks to European Sites are identified, changes are recommended to remove or reduce the risks, and these should be incorporated into the plan before it is made. Likewise, if the

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

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

Wiltshire Core Strategy

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 impacts on Natura 2000 (European protected) sites. The following potential impact pathways and associated parameters were identified and assessed for the Natura 2000 sites stipulated below.

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

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

⁶ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

- *Recreation – Natura 2000 sites within 5km, or where Salisbury Plain SPA/SAC is within 15km (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 core strategy)
- *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
 - North Meadow and Clattinger Farm SAC
 - River Avon SAC
 - Rodborough Common SAC
 - Cotswolds Beechwoods SAC
- *Physical Damage / Interruption of Flight Lines / Disturbance*
 - Bath and Bradford on Avon Bats SAC
 - Porton Down SPA
 - Chilmark Quarries SAC (added post adoption of Core Strategy)
 - Mottisfont Bats SAC (added post adoption of Core Strategy)

Recreation

- 3.2 In terms of recreational pressure, the NP area lies well beyond the 8km radius around the New Forest SAC/SPA within which the majority of day visitors to the New Forest originate⁷.
- 3.3 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 on account of this NP as the NP area lies over 15km from the SAC.
- 3.4 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 NP area is 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.

Hydrology / Hydrogeology

- 3.5 In terms of hydrology/hydrogeology, Seend 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.
- 3.6 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

- 3.7 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 Natura 2000 sites within 200m of a main road. Such effects were considered to be very small and difficult to predict at the strategic level⁸. The Seend NP does not allocate any sites for development or propose any housing allocation that could generate additional traffic. Furthermore, all of the Natura 2000 sites listed above are a considerable distance from the NP area and as such it is concluded that the NP will not result in significant effects on Natura 2000 sites as a result of nitrogen or particulate matter deposition.

Physical Damage / Interruption of Flight Lines / Disturbance

- 3.8 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 Bath and Bradford on Avon Bats SAC, Chilmark Quarries SAC or indeed the Mottisfont Bats SAC.
- 3.9 The NP area is also 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 Natura 2000 sites, nor will it result in the interruption of flight lines or

⁷ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

⁸ Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

disturbance to breeding stone curlew, such as by means of the introduction of visual stimuli or noise.

Wiltshire Housing Site Allocations Plan

- 3.10 Since the Core Strategy was adopted, the Council published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (WHSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation. Subsequently, the WHSAP (Council Version, February 2020) was adopted by Full Council on 25th February 2020 and this was accompanied by the final WHSAP Assessment under the Habitats Regulations (Wiltshire Council, February 2020).
- 3.11 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 Natural England. The following screening applies the most up to date criteria available from the WHSAP and HRA.
- 4. Screening of Policies in Seend Parish Neighbourhood Plan 2019 to 2030 (Regulation 14 Consultation Draft Version 15th February 2020 – 28th March 2020)**
- 4.1 The Seend Parish Neighbourhood Plan comprises 14 planning policies; these are detailed and assessed in Table 1 below.
- 4.2 None of the policies within the NP would lead directly to development, nor would any of the policies result in a likely significant effect on any Natura 2000 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 Natura 2000 sites and the absence of a potential pathway for effect.

TABLE 1: Habitats Regulations Assessment Screening of the Seend Parish Neighbourhood Plan

A / B (Green) – Screened out		
C / D (Red) – Screened in		
Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
Policy SP1: Locally Distinctive, High Quality Design	A1	<p>This policy states: <i>‘All new development within Seend Parish should demonstrate locally distinctive, high quality design. This means responding to and integrating with the positive characteristics of the natural and built environment. Any development requiring planning permission within the Neighbourhood Plan area should demonstrate how it has responded to the character area within which it is located, and taken account of the guidance contained in the Seend Parish Character Statement.’</i></p> <p>Details of any development within the Parish would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies including Core Policy 51, 57 and 58 of the Wiltshire Core Strategy and the NPPF.</p>
Policy SP2: Seend Conservation Area	A1 and A3	<p>The policy stipulates that: <i>‘Development within the Seend Conservation Area, as shown on Figure 6, and its setting, including alterations and extensions to existing buildings must demonstrate that it has had regard to the Seend Conservation Area Statement and the Seend Parish Character Statement.’</i></p> <p>The policy then stipulates three key principles that are considered key to achieving high quality that respects the character and appearance of the Conservation Area.</p> <p>This policy will augment Core Policies 51, 57 and 58 of the Wiltshire Core Strategy, and details of any proposed development within the Seend Conservation Area would be considered at the planning application stage with due regard to this policy as well as the aforementioned Core Policies, along with the NPPF.</p>
Policy SP3: Locally Valued Unlisted Heritage Assets	A3	<p>This policy aims to protect locally valued unlisted heritage assets. The policy requires: <i>‘Any development proposals that would affect the character, setting or integrity of the identified Locally Valued Heritage Asset(s) should:</i></p> <ul style="list-style-type: none"> <i>• be accompanied by a description of its significance in sufficient detail to allow the potential impacts to be adequately assessed;</i> <i>• be sympathetic to the building or structure concerned and propose its creative reuse and adaptation; and</i> <i>• ensure that recording and interpretation is undertaken to document and understand the asset’s archaeological, architectural, artistic or historic significance.’</i> <p>Locally valued unlisted heritage assets are specified as the following:</p> <ul style="list-style-type: none"> <i>• ‘All 26 of the Significant Unlisted Heritage Assets identified in the Conservation Area Statement 2005;</i>

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
		<p>and,</p> <ul style="list-style-type: none"> • <i>Parish wide Locally Valued Undesignated Heritage Assets.</i> <p>The policy then lists seventeen specific locally valued undesignated heritage assets by name.</p> <p>This policy will augment Core Policies 57 and 58 of the Wiltshire Core Strategy, and details of any proposed development that could affect locally valued heritage assets would be considered at the planning application stage with due regard to this policy as well as the aforementioned Core Policies, along with the NPPF.</p>
<p>Policy SP4: Landscape and Local Key Views</p>	<p>A1 and A3</p>	<p>The policy states: <i>'Planning applications proposing development which is of a scale that could impact on the Parish landscape should demonstrate how the proposal responds sensitively to the landscape character including key features identified on Figure 8.</i></p> <p><i>Development proposals that are likely to affect any of the local key views shown on Figure 9, and described in the Seend Local Key Views report, should assess the effect of the proposals on the view(s) and demonstrate how any adverse effects have been addressed.'</i></p> <p>This policy seeks to protect the landscape character and locally valued viewing points and landscapes of the Parish and will augment Core Policy 51 of the Wiltshire Core Strategy. It is noted that SP9 currently omits the list of 'valued views' referenced in the policy and stipulates that the list it <i>'to come'</i>.</p> <p>Details of any proposed development that could affect locally valued views and the landscape of the Parish would be considered at the planning application stage with due regard to this policy as well as Core Policies 51 and 57 of the Wiltshire Core Strategy, together with the NPPF.</p>
<p>Policy SP5: Parish Green Infrastructure</p>	<p>A1 and A3</p>	<p>The policy refers to 'green infrastructure elements' within the Parish that are to be protected, and where possible restored and enhanced. The policy goes on to state: <i>'Planning proposals affecting this Green Infrastructure network, where relevant, should:</i></p> <ol style="list-style-type: none"> <i>i. protect and enhance existing habitats and secure net gains in biodiversity;</i> <i>ii. identify opportunities for creating new areas and connections to augment the existing network of Green Infrastructure; and,</i> <i>iii. maintain and, where it is appropriate, create links to the Public Rights of Way as shown on Figure 10.'</i> <p>Details of any development within the Parish would be considered at the planning application stage to ensure compliance with Core Policies 50, 51, 52 and 53 of the Wiltshire Core Strategy, and the NPPF.</p>

HRA of Seend Parish Neighbourhood Plan, 2019-2030
(EF V2 18.03.2020)

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
Policy SP6: Local Green Space Designations	A3	<p>The policy lists eight sites within the Parish to be designated as Local Green Spaces in accordance with the provision of paragraph 99 of the NPPF 2019. The sites listed vary in type and character and include allotments, a picnic area and recreational/play areas.</p> <p>This policy serves to augment Core Policy 52 of the Wiltshire Core Strategy.</p>
Policy SP7: Kennet and Avon Canal	A1 and A3	<p>This policy sets criteria for proposed development along the route of the Kennet and Avon Canal and its setting, and specifies that such development would only be supported where it:</p> <ul style="list-style-type: none"> <i>i. protects and enhances the Canal's setting, character, biodiversity and historic value;</i> <i>ii. maintains or improves access to and along the Canal which encourages use for sport, leisure and recreational purposes; and,</i> <i>iii. does not result in the loss of any buildings, locks or other structures originally associated with the Canal.'</i> <p>This policy will augment Core Policies 50, 51, 52, 53 and 58 of the Wiltshire Core Strategy. Details of any proposed development along the route of the Kennet and Avon Canal or within 'its setting' would be considered at the planning application stage with due regard to this NP policy as well as the aforementioned Core Policies from the Wiltshire Core Strategy, together with the NPPF.</p>
Policy SP8: Community Facilities	A1	<p>This policy aims to protect existing Parish amenities and facilities and support their future enhancement. The policy lists twenty existing community facilities and stipulates that any proposals that could result in the loss of any of these facilities <i>'will only be supported where it can be demonstrated that the facility is no longer fit for purpose or viable, or where an equivalent facility is available in the Parish.'</i></p> <p>In terms of proposals for new community facilities, the policy specifies that these <i>'will only be supported where the applicant can demonstrate the need and benefits of the proposed facility, or where a replacement or enhanced facilities are proposed as mitigation against the loss of any the facilities listed in this policy.'</i></p> <p>It is intended that this policy will augment Core Policy 49 of the Wiltshire Core Strategy. Details of any proposed development that could affect existing community facilities, or which proposes the provision of new facilities within the Parish, shall be considered at the planning application stage with due regard to this NP policy, together with Core Policy 49 and the NPPF.</p>
Policy SP9: Community Engagement	A1	<p>The policy seeks early, proactive and effective engagement with the community with respect of planning applications and encourages potential applicants to follow the procedure set out in the Seend Parish Community Engagement Protocol and Wiltshire Council's Statement of Community Involvement.</p> <p>Details of any potential development within the Parish would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies and the NPPF.</p>

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
Policy SP10: Community Led Affordable Housing Delivery	A1	<p>The policy sets out that applications for residential development in Seend Parish that are proposed in accordance with the Rural Exception Sites policy of Wiltshire Local Plan will be supported in principle in a number of circumstances which are then listed in the policy. These circumstances relate to the need for development to be evidence based and community led; to be within, adjoining or well related to settlements in the Parish; to demonstrate a sensitive settlement edge where a site is located at the edge of a settlement; to support sustainable modes of travel and enable links into the existing footpath network; and to take account of other environmental constraints including biodiversity and archaeology.</p> <p>Details of any such development would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF.</p>
Policy SP11: Small and Infill Development	A1 and A3	<p>The policy details that proposals for improved local employment opportunities, ‘small’ or ‘very modest’ numbers of housing and/or new services and facilities will be supported in principle providing that any such development:</p> <p><i>‘i. accords with the limits of development provisions of Wiltshire Core Strategy Core Policy 2;</i> <i>ii. is to be delivered as a rural exceptions site in line with Neighbourhood Plan policy SP10 and Wiltshire Core Policy 44; or,</i> <i>iii. is a re-use of suitable brownfield land within the rest of the Parish area.</i></p> <p><i>In addition, proposals should reflect the Seend Parish Character Statement and must:</i></p> <p><i>iv. demonstrate a positive contribution to enhance the existing character areas of Seend Parish, in particular features of historic interest and the form and grain of the settlements; and,</i> <i>v. not be located in the open spaces and large gardens identified which would detract from the distinct open grain in Seend Village.’</i></p> <p>The policy will not result in a likely significant effect to any Natura 2000 sites and, and details of any development would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the National Planning Policy Framework 2019 (NPPF).</p>
Policy SP12: Custom and Self-build Housing	A1	<p>This policy states: <i>‘In principle support will be given to proposals for custom or self-build projects in locations where new residential development is acceptable.’</i></p> <p>Details of any potential custom and/or self-build housing within the Parish would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies such as Core Policy 50, 51, 52 and 57 of the Wiltshire Core Strategy and the NPPF.</p>

Policy	Screening Category	Policy Summary and Assessment under Habitats Regulations
Policy SP13: Climate Change and Sustainable Design	A1	<p>This policy states: <i>'Seend Parish encourages developers to positively address environmental issues affecting the climate.</i></p> <p><i>Innovative proposals that demonstrate a site specific response in the sustainable use of resources and high energy efficiency levels will be supported in principle.'</i></p> <p>Details of any potential development within the Parish would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies such as Core Policies 50, 51 and 52 of the Wiltshire Core Strategy (Adopted January 2015) and the NPPF.</p>
Policy SP14: Impact of Development on Highways and Traffic	A1	<p>The policy requires that where appropriate, development proposals should be supported by a Transport Statement or Assessment.</p> <p>Details of any potential development within the Parish would be considered at the planning application stage to ensure acceptability in terms of other Development Plan policies and the NPPF.</p>

5. Conclusion

- 5.1 The HRA screening exercise presented in this document has concluded that the Seend Parish NP 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 Regulations 2017.
- 5.2 It should be noted that if any changes are made to the NP or the policies contained therein, it will be necessary for the amended NP to be subject to a repeat HRA screening exercise before the NP can be 'made.'

Prepared by Emma Fisher, Ecologist, Wiltshire Council, 18th March 2020