

## Addendum to the Wiltshire Housing Site Allocations Plan Duty to Cooperate Statement June 2017

### 1.0 Introduction

- 1.1 This report is an addendum to the 'Wiltshire Housing Site Allocations Plan Pre-submission draft plan Duty to Cooperate (June 2017) Statement'<sup>1</sup>. The addendum is a statement of how the Council has continued to positively and pragmatically address the duty to cooperate, constructively engaged with relevant organisations as part of the plan preparation process and continued to comply with Section 33A of the Planning and Compulsory Purchase Act 2004 (as amended).
- 1.2 This addendum covers the period from July 2017 to May 2018 and relates to the formal Regulation 19<sup>2</sup> consultation on the Pre-submission draft Wiltshire Housing Site Allocations Plan ('the draft Plan') that was held in the summer 2017<sup>3</sup> and subsequent engagement. It provides an overview of the ongoing cooperation with prescribed bodies<sup>4</sup> and neighbouring authorities and shows how the identified strategic issues have been addressed<sup>5</sup>. The addendum should be read with the main duty to cooperate statement published alongside the draft Plan in June 2017.

### 2.0 Maintaining our commitment to fulfilling the Duty to Cooperate

- 2.1 The sections below set out how the Council has continued to engage constructively and on an on-going basis with prescribed bodies and neighbouring authorities to work on strategic issues identified in the Wiltshire Housing Site Allocations Plan Pre-submission draft plan Duty to Cooperate Statement June 2017.

#### Pre-submission consultation on the draft Plan

- 2.2 A Regulation 19<sup>6</sup> public consultation was held on the draft Plan in the summer 2017. All prescribed bodies and neighbouring authorities were consulted on the Regulation 19 draft Plan. **Appendix 1** of this Addendum outlines a summary of comments received from prescribed bodies and neighbouring authorities to that consultation and our response. All main issues raised had already been identified as strategic issues through the duty to cooperate process and the Council continue to work positively with prescribed bodies and neighbouring authorities on these matters.
- 2.3 An email was also sent to all neighbouring authorities and prescribed bodies during the consultation on the draft Wiltshire Housing Site Allocations Plan inviting them to meet with the Council if considered relevant and necessary within the context of strategic issues (email sent 28th July 2017). In direct response, meetings were held with the Dorset Councils Partnership, Natural England and Historic England. Further detail in respect of these meetings (i.e. the purpose for meeting, matters discussed and outcomes) can be found in **Appendix 2: Liaison with neighbouring**

<sup>1</sup><http://www.wiltshire.gov.uk/planningpolicydocument?directory=Wiltshire%20Housing%20Site%20Allocations%20DPD/Pre-Submission%20Consultation%20July%202017&filerref=14>

<sup>2</sup> Town and Country Planning (Local Planning) (England) Regulations 2012

<sup>3</sup> Regulation 19 Pre-submission consultation held Friday 4<sup>th</sup> July 2017 until Friday 22<sup>nd</sup> September 2017

<sup>4</sup> Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 4

<sup>5</sup> Paragraphs 4.6-4.8, Wiltshire Housing Site Allocations Plan Duty to Cooperate Report June 2017

<sup>6</sup> Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 19

**authorities since July 2017** and **Appendix 3: Liaison with prescribed bodies since July 2017**, alongside other details about the Council's ongoing engagement. These Appendices therefore also include:

- details of ongoing regular meetings with Highways England to discuss the impact of planned development on their assets;
- details of partnership working with those involved in resolving the management of phosphates through the review of commitments set out in the Nutrient Management Plan; and
- general meetings with neighbouring authorities covering updates to plan preparation and consideration of cross-boundary themes.

### 3.0 Relevant Strategic Issues and Current Outcomes

3.1 The 'Wiltshire Housing Site Allocations Pre-submission draft plan Duty to Cooperate Statement June 2017' ('the Duty to Cooperate Report') identified the following strategic issues:

- Flood and surface water drainage considerations for individual sites and the impact of cumulative development are being discussed with the Environment Agency.
- Impact on the Strategic Road Network (SRN) and how that impact can be mitigated is being discussed with the Highways England, particularly for potential site allocations in Salisbury.
- Site specific landscape and biodiversity considerations are being discussed with Natural England.
- Site specific heritage considerations are being discussed with Historic England.
- Any impact on the New Forest National Park by way of potential increased recreational use is being discussed with the New Forest National Park Authority.
- Ensuring that future development helps address and manage phosphate levels in the River Avon, its tributaries and surrounding catchment area. The management of phosphates in the River Avon catchment water system is being discussed with the Environment Agency and Natural England on an ongoing basis.

3.2 No further strategic cross boundary issues were identified through the formal pre-submission consultation on the draft Plan. On-going engagement will, in particular, focus on securing mitigation for protected bat species at Trowbridge; and wider strategic issues associated with addressing the management of phosphates within the catchment of the River Avon Special Area of Conservation (SAC).

3.3 This statement will run through each strategic issue in turn to show how ongoing cooperation with the relevant prescribed bodies and neighbouring authorities has assisted the Council in preparing the draft Plan. Further to this, **Appendix 2** lists relevant correspondence and meetings held with neighbouring authorities and **Appendix 3** lists relevant correspondence and meetings held with prescribed bodies. The purpose for on-going work with these bodies is firmly focussed on resolving issues to ensure outcomes achieve the delivery of planned sustainable development in Wiltshire in conformity with the Wiltshire Core Strategy<sup>7</sup>.

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<sup>7</sup> As outlined in paragraph 4.2 of the Duty to Cooperate Statement (June 2017) the Wiltshire Housing Site Allocations Plan is a subsidiary document to the adopted Wiltshire Core Strategy

**Strategic issue: Flood and surface water drainage considerations for individual sites and the impact of cumulative development**

- 3.4 Through joint working and their response to the Regulation 19<sup>8</sup> consultation the Environment Agency has confirmed that in regard to environmental issues they are satisfied with the Plan provided built development will only occur on flood zone 1 and that only clean surface water is discharged into the ground in Source Protection Zones. These requirements are both met by the draft Plan.
- 3.5 The Environment Agency has provided further detailed comments on each of the proposed allocations. Matters raised included: detailed suggestions for managing surface water; incorporating natural flood management/drainage measures (e.g. wet woodland planting, use of ‘leaky weirs’ etc); consideration of likely effects of climate change and the need to apply appropriate buffer strips adjacent to flood zones 2 or 3. These comments have been discussed with the Environment Agency and appropriate amendments to draft Plan text have been incorporated into the Council’s Schedule of Proposed Changes to the draft Plan. Details of the points raised by the Environment Agency, along with the Council’s response can be found in **Appendix 3**.

**Strategic issue: Impact on the Strategic Road Network (SRN) and how that impact can be mitigated**

- 3.6 The Council meets on a monthly basis with Highways England to engage and work cooperatively on strategic issues relating to the Strategic Highway Network (SRN). For the draft Plan, the potential impact of planned development on the SRN was identified as a strategic issue as the A36 and M4 are considered to be critical routes on a wider network of roads through the County.
- 3.7 The Highways England response to the Regulation 19<sup>9</sup> consultation specifically identified two areas where impact on the SRN required further consideration as discussed below.

*The potential for proposed housing allocations near Chippenham to have an impact on Junction 17 of the M4*

- 3.8 For these sites Highways England stated:

*“The Plan introduces three other allocations in the vicinity of M4 junction 17 which were not included in the Chippenham Site Allocations Plan. These are at Hullavington (50 dwellings), Yatton Keynell (30 dwellings), and Crudwell (50 dwellings). There is no transport evidence to show that these sites would or would not impact on the SRN.”*

- 3.9 Further to discussion at a meeting, Highways England confirmed via email (received 26<sup>th</sup> February 2018) that the intention of the advice about Junction 17 was to suggest it should be made clear in the draft Plan why no further strategic assessment of potential highway impacts, particularly in respect of the SRN, had been carried out to support the allocation of these sites. In this regard, Highways England were not objecting to the proposals *per se*, more that they considered the draft Plan text should be clear what would be expected in terms of transport evidence to support a planning application.

<sup>8</sup> Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 19

<sup>9</sup> Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 19

- 3.10 In this instance the Council consider that the scale of the allocations proposed at the Large Villages of Hullavington, Yatton Keynall and Crudwell are not of a scale that would have a significant impact on the M4 and therefore no further strategic highways assessment has been carried out. Appropriate references are already made in the draft Plan for Transport Assessments to accompany applications.

*The potential for proposed housing allocations in Salisbury to generate impacts on the A36 Trunk Road network.*

- 3.11 There is ongoing collaborative working with Highways England to understand and address the impact of the proposed allocations in Salisbury on the A36. The existing Transport Strategy for Salisbury, including detailed modelling of the network has been reviewed and a report has been produced (Atkins, May 2018). The modelling work and wider Salisbury Transport Strategy Draft Strategy Refresh 2018 identify a package of mitigation to support the proposed allocations in the City. A Statement of Common Ground with Highways England will be presented through the Examination process to reflect the up to date position.

**Strategic issue: Site specific landscape and biodiversity considerations**

- 3.12 Work is ongoing with Natural England to develop and publish the Trowbridge Bat Mitigation Strategy (referred to in the draft Plan as Trowbridge Recreation Management Mitigation Strategy). The preparation of this document is linked to Core Policy 29 ‘Spatial Strategy: Trowbridge Community Area’ of the Wiltshire Core Strategy, which recognises the need to safeguard protected bat species and their habitats associated with the Bath and Bradford on Avon Bats Special Area of Conservation (SAC). It will address issues raised by Natural England through meetings and in their response to the Regulation 19 consultation.
- 3.13 The Trowbridge Bat Mitigation Strategy is being prepared in two phases. The first phase will be completed to support the draft Plan. It will guide the delivery of necessary mitigation measures and thereby help support development of the proposed allocations and protect nationally significant Bechstein’s bats associated with the Bradford-on-Avon and Bath Bats SAC. The second phase of the Strategy will support the Local Plan Review process<sup>10</sup> by guiding development and strategic mitigation measures to support growth at the town over the period up to 2036. A Statement of Common Ground will be presented through the Examination process to reflect the up to date position.
- 3.14 In a meeting held on the 20<sup>th</sup> September 2017 and in their Regulation 19<sup>11</sup> consultation response Natural England has also commented on the need to protect public rights of way and open space and how such matters had been considered through the Plan preparation process. Having reviewed the evidence prepared to date and the commitments in the draft Plan the Council is confident that it has ensured that public rights of way and open space have been treated consistently on all proposed site allocations through the site selection process. Moreover, a review has been carried out on the draft Plan text to ensure relevant open space and public rights of way have been considered and addressed in line with the policies of the Wiltshire Core Strategy and National Planning Policy Framework. Proposed changes have been suggested to improve the clarity of the draft Plan to reflect this..

<sup>10</sup> The review of the Wiltshire Core Strategy.

<sup>11</sup> Town and Country Planning (Local Planning) (England) Regulations 2012, Regulation 19

**Strategic issue: Site specific heritage considerations**

- 3.15 Collaborative meetings have been held with Historic England and Wiltshire Council to discuss heritage issues relating to the proposed allocations.
- 3.16 In a meeting held with Historic England on the 30<sup>th</sup> August 2017 and in their subsequent consultation response to the pre-submission draft Plan Historic England sought assurances that, in line with legislation and national policy, great weight had been applied to heritage assets. In particular, the consultation response identified heritage concerns on six of the proposed allocations in particular as having heritage sensitivities associated with the significance of certain assets.
- 3.17 Through discussions with Historic England it was agreed that an independent high level Heritage Impact Assessment (HIA) would be commissioned for six of the proposed allocations. Advice was given by Historic England on the type of assessment that would be appropriate for this stage of plan making and to ensure that the brief for the work covered the appropriate specialist heritage requirements.
- 3.18 Land Use Consultants were appointed by Wiltshire Council to carry out the heritage impact assessment and Historic England were involved in a review of the findings.
- 3.19 The HIA assesses the significance of heritage assets and the contribution made by their respective settings. It also assesses the scale of risk associated with development proposals and concludes on the scale of likely harm that would be attributed to the significance of heritage assets. In this sense, the HIA is a useful document as it augments the Council's existing evidence base. The six sites subject to further heritage assessment were:
- H2.2 Land off the A363 at White Horse Business Park, Trowbridge
  - H2.3 Elizabeth Way, Trowbridge
  - H2.4 Church Lane, Trowbridge
  - H2.6 Southwick Court, Trowbridge
  - H2.7 East of the Dene, Warminster
  - H3.3 North of Netherhampton Road, Salisbury
- 3.20 In the case of all six sites, the HIA concluded that less than substantial harm would result from development proceeding. However, the position in respect of four sites (site allocations H2.2, H2.6, H2.7 and H3.3) is more complex, with the findings of the HIA concluding that harm would fall with the higher-end of the less than substantial harm category. In the light of the HIA and representations received through the consultation, proposed changes have been prepared to the draft Plan to clarify, where appropriate, the heritage assets relating to each site and emphasise the special regard that needs to be applied to conserving these in a manner appropriate to their significance. Details of how the Council has sought to address the concerns raised by Historic England can be found in Appendices 1 and 3.

**Strategic issue: Impact on the New Forest National Park by way of potential increased recreational use**

- 3.21 As with all neighbouring authorities, Wiltshire Council works closely with both the New Forest District Council and the New Forest National Park Authority on cross boundary issues. One such issue involves addressing housing need in the constrained New Forest National Park area, a matter that is not relevant to this Plan but a strategic issue for the review of the Wiltshire Core Strategy.

- 3.22 The Duty to Cooperate Statement identified the impact of housing development on the New Forest National Park in terms of increased recreational pressure as a significant issue from an ecological perspective. In their response to the Regulation 19 consultation, the New Forest National Park Authority acknowledges that none of the proposed allocations are within the visitor catchment of the New Forest Special Protection Area (SPA) but that increased recreational pressure is still a wider issue that requires future cross boundary working. The Council acknowledges the importance of this issue, but is considered to be outside the context of this draft Plan and will be addressed through the Local Plan Review. Funding has now been secured through a partnership bid<sup>12</sup> to the Planning Delivery Fund (Joint Working) to develop evidence to understand the impact of recreational pressure on the New Forest arising from new development as a basis for developing an appropriate framework for mitigation.
- 3.23 Another issue shared with the New Forest planning authorities is the response to the strategic issue of managing phosphate levels in the River Avon catchment. This matter is addressed in more detail below.

**Strategic issue: Ensuring that future development helps address and manage phosphate levels in the River Avon, its tributaries and surrounding catchment area**

- 3.24 Following the preparation and adoption of the Wiltshire Core Strategy, regular, ongoing joint working has been undertaken between the Environment Agency, Natural England, Wessex Water, Christchurch Borough Council, New Forest District Council, New Forest National Park Authority and Wiltshire Council about the management of phosphates. A Nutrient Management Plan was prepared alongside the Wiltshire Core Strategy to address this issue with targets set to work towards managing phosphate levels in the Hampshire Avon Special Area of Conservation (SAC).
- 3.25 Since the completion of the Nutrient Management Plan, monitoring has indicated that measures to encourage catchment sensitive farming practices within the River Avon catchment are likely to be less successful in reducing phosphates than envisaged. As a result, the Environment Agency and Natural England have called for more controls to be placed on development to manage, or at least off-set their phosphate load. The Council and all partners have therefore been working together to identify a way forward.
- 3.26 The challenge for all stakeholders lies in ensuring that the draft Plan (and other qualifying development within the catchment area) is unlikely to have adverse effects on the integrity of the SAC due to phosphate loads for it to be Habitats Directive compliant. Regular meetings have been and continue to be held between all partners to reach agreement on the approach to identifying effective and proportionate measures to remove or offset the phosphate load from qualifying developments and how the Council and all parties will work together.
- 3.27 Constructive progress is being made on a Memorandum of Understanding (MoU) between all partners. Agreement will be reached on the approach to identifying measures to ensure that residential development will be 'phosphate neutral', as defined by the MoU. The MoU will provide an interim position to cover the

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<sup>12</sup> Between Wiltshire Council, Test Valley Borough Council, New Forest National Park Authority, New Forest District Council, Southampton City Council, Eastleigh Borough Council and Natural England

implementation of the Core Strategy housing requirement including the allocations proposed in the Wiltshire Housing Site Allocations Plan whilst further joint working and technical work is carried out to develop solutions to reducing phosphate levels in the River Avon in the longer term. A Statement of Common Ground will be presented through the Examination process to reflect the up to date position.

#### **4.0 Conclusions**

- 4.1 Wiltshire Council recognises and fully acknowledges the importance of the duty to cooperate and value of collaboration between bodies to address the strategic issues outlined in this report. In this regard, the Council can confidently demonstrate that it continues to fulfill its legal obligations.
- 4.2 Collaborative working will continue leading up to and during the Examination process, in particular with regard to:
- Completion of the Memorandum of Understanding being developed jointly with the Environment Agency, Natural England, Wessex Water, Christchurch Borough Council, New Forest District Council and New Forest National Park Authority to set out the approach to supporting phosphate neutral development in the catchment area of the River Avon Special Area of Conservation.
  - Agreeing Statements of Common Ground; including with Highways England to outline how the findings of the Salisbury Transport Strategy Refresh will ensure the impact on the A36 Strategic Road Network can be mitigated.

**Appendix 1:** Table showing summary of the responses received from prescribed bodies and neighbouring authorities to the consultation in the summer of 2017 (table taken from the Regulation 22 (1) (c)):

### Historic England

#### Summary of main issues raised:

Historic England states that it will be important to clearly demonstrate within the Plan that the approach to development affecting designated and non-designated heritage assets is appropriately justified, that it is consistent with national policy, and likely to be effective in helping to deliver the requirements of the Wiltshire Core Strategy. In accordance with legislation and national policy, great weight must be applied to the conservation of the affected heritage assets. It may therefore be useful to produce a specific heritage topic paper/statement making the case for the spatial strategy and individual allocations from a heritage perspective.

They suggest further evidence is required to inform site suitability and deliverability in accordance with national policy for the following proposed allocations:

- H2.2 Land off the A363 at White Horse Business Park, Trowbridge
- H2.3 Elizabeth Way, Trowbridge
- H2.4 Church Lane, Trowbridge
- H2.6 Southwick Court, Trowbridge
- H2.7 East of the Dene, Warminster
- H3.3 North of Netherhampton Road, Salisbury

#### Action taken by the Council in response:

In consultation with Historic England, further evidence in the form of a high level Heritage Impact Assessment (HIA) was commissioned, to augment the Council's existing evidence base and, where necessary, help refine proposed allocations.

The Heritage Impact Assessment produced for the Council naturally reflects statutory<sup>13</sup> and national planning policy advice and takes a precautionary approach to the assessment of heritage assets and the degree to which their significance would be harmed by development proceeding. However, the assessment nonetheless concludes for all sites that the scale of harm would be less than substantial and for two site allocations (H2.3 Elizabeth Way, Trowbridge; H2.4 Church Lane, Trowbridge) there were low risks associated with development and can proceed as allocations. The report identifies more significant risks with proceeding with the H2.6 Southwick Court (Trowbridge), H2.2 Land off A363 at White Horse Business Park (Trowbridge), H2.7 East of Dene (Warminster) and H3.3 Land North of Netherhampton Road (Salisbury) site allocations that merit further consideration.

As defined by paragraph 134 of the National Planning Policy Framework, where a proposed development would lead to 'less than substantial harm' to the significance of a designated heritage asset (which can be of varying degrees of impact), should be weighed against the public benefits of development proceeding. This important consideration, together with an explanation of less than substantial harm, has been set out in more detail within a 'Heritage Note' (appended to the Cabinet/Council Committee Report) that will be submitted to the Secretary of State to inform the Examination process.

<sup>13</sup> Planning (Listed Buildings and Conservation Areas) Act 1990, Sections 66(1) and 77(1)

Having carefully considered the evidence from all sources and options for how to proceed, it is considered that there is no justification for recommending deletion of the proposed sites on heritage grounds. However, in the light of the HIA and comments by Historic England, a series of Proposed Changes have been prepared to reflect the evidence and comments submitted by Historic England. The Changes emphasise the special regard that needs to be applied to conserving heritage assets in a manner appropriate to their significance (including the contribution made by their settings).

### **Environment Agency**

#### **Summary of main issues raised:**

In response to the consultation, Natural England and the Environment Agency raised concerns about the soundness of the draft Plan and the potential impact of proposed growth on the River Avon Special Area of Conservation (SAC), an internationally important wildlife site. They considered there to be insufficient evidence and certainty that development is unlikely to have an adverse effect on concentrations of phosphates within the River Avon SAC. In this regard, concerns were raised with the Habitats Regulations Assessment accompanying the draft Plan, which is published as a supporting paper to this report. This identified issues with the implementation of the Nutrient Management Plan (NMP) but concluded that with mitigation there are unlikely to be any adverse effects.

Phosphates in relation to the River Avon SAC is a complex and technical issue, as recognised by Core Policy 69 of the Wiltshire Core Strategy that relates to the Protection of the River Avon SAC and refers to the role of the Nutrient Management Plan (NMP) in managing phosphate levels. In simple terms, the reduction in phosphates anticipated through catchment sensitive farming practices has not been achieved. Since making their response to the draft Plan, the Environment Agency have confirmed that they will be reviewing some of the underlying assumptions in the NMP. As such, they have simplified their advice and require that development should be designed to be phosphate neutral.

The Environment Agency is otherwise satisfied with the Plan proposals, provided that built development only occurs within Flood Zone 1. For sites in Groundwater Source Protection Zone 1 the Environment Agency advises that there must be no discharges to ground other than clean, uncontaminated surface water. In addition, it was advised that the predicted effects of climate change must be taken into account by applying buffer zones to flood zones 2 and 3 and water courses within or in the vicinity of proposed sites.

The Environment Agency recommends that a requirement for drainage strategies is added to the policies relating to all proposed site allocations.

Natural flood management measures (e.g. 'leaky weirs', woodland planting etc), surface water attenuation features and Sustainable Drainage Systems (SuDs) should be incorporated into proposed development to manage surface water.

As a number of the proposed allocations are within groundwater Source Protection Zones, the Agency advises that the Council must ensure all proposed development activities are in line with [groundwater policy](#).

The Environment Agency has also provided individual comments on the site allocations.

#### **Action taken by the Council in response:**

In preparing the draft Plan, the Council undertook the sequential test and built development is only proposed to occur within flood zone 1. Flood risk from all sources will

be addressed through site design and mitigation. In line with Core Policy 67 'Flood Risk' and Core Policy 68 'Water Resources' of the Wiltshire Core Strategy, national policy and Environment Agency guidance, the Council will ensure , where appropriate to circumstance, that buffer strips are provided in the design and layout of schemes to account for the predicted effects of climate change in respect of the areal extent of flood zones 2 and 3. Proposed changes to the draft Plan have been prepared to ensure buffer areas, and comprehensive drainage strategies (including Sustainable Drainage Systems (SuDS) are delivered through subsequent planning applications.

Groundwater protection zones have been considered as part of the site selection process but a series of proposed changes to the draft Plan have been prepared to address the comments received from the Environment Agency.

The Council has been working constructively with all relevant parties: Natural England, Wessex Water, the Environment Agency and neighbouring authorities (e.g. New Forest District Council) on the phosphates issue. Progress is being made on a 'Memorandum of Understanding' ('the MoU'), which has been drafted to set out the approach to identifying effective and proportionate measures to remove or off-set the phosphate load from qualifying developments and how the Council and all parties will work together. This will give greater certainty with respect to nutrient management, sufficient for the Council to conclude that the draft Plan will support phosphate neutral development that is unlikely to have adverse effects upon the integrity of the SAC. This includes a commitment to preparing additional work to identify in more detail the measures that will be required to offset phosphate inputs, in Wiltshire to be paid for by the Community Infrastructure Levy. A proposed change is recommended to the draft Plan to reflect the requirements of the MoU and ensure development proceeds in a compliant way.

#### **Natural England**

##### **Summary of main issues raised:**

Natural England objected to the draft Plan through the consultation in respect of the proposals at Trowbridge on the grounds that a mitigation strategy to protect the integrity of the Bath and Bradford on Avon Bats SAC was not in place. Again, work has been progressed in respect of this matter and constructive dialogue with Natural England has taken place. Natural England welcomed work to date on developing a mitigation strategy to ensure the qualifying features of the Bath and Bradford-on-Avon Bats SAC are appropriately protected from the pressures exerted by development through mitigation measures designed to safeguard protected bat species.

One of the issues at the heart of Natural England's objection relates to Core Policy 29 of the Core Strategy in terms of ensuring the impacts associated with further development at Trowbridge (loss of habitat and increased recreational pressure) are addressed. To this end, the Council commissioned work in July 2017 to investigate the nature of recreational pressure on large, publicly accessible open spaces including important bat habitats around the town. The findings led to a series of recommendations that are now being developed alongside measures for offsetting loss of habitat, to provide a coherent, strategic approach to safeguarding bats associated with the SAC.

Work is progressing on developing the Trowbridge Bat Mitigation Strategy in consultation with Natural England. It is anticipated that this will form part of the submission documents to support the draft Plan. It has been agreed that the Strategy will be delivered in two phases. Phase 1 Phase 2 will follow to provide a longer-term strategy to support the Local Plan Review, which plans for the period 2016 to 2036 will focus on development coming

forward within the timescale of the draft Plan, including both allocated land and windfall sites, identifying the nature of mitigation required mostly within the allocations themselves. It will collate all available evidence on bat habitats at the town and provide recommendations to satisfy the Competent Authority (the Council), in consultation with Natural England, that the proposals in the draft Plan would not put at risk the integrity of the Bath and Bradford on Avon Bats SAC. To this extent, there are proposals already set out within the draft Plan for how development intends to bolster green infrastructure and create 'dark corridors' to provide greater permeability for bats in the urban/rural landscape.

The Addendum to the HRA considers that together with the proposals included in the draft Plan to protect and buffer existing bat habitat, Phase 1 of the Trowbridge Bat Mitigation Strategy will be sufficient to ensure that adverse impacts to the SAC features will be avoided and the integrity of the SAC maintained.

The second main issue relates to the management of phosphates and is discussed in more detail above under the section relating to the Environment Agency.

The approach to considering public rights of way and open space within the draft Plan is recognised as an issue that needs to be clear and equitably represented alongside other factors. Loss of recreation amenity must be properly considered and loss of green infrastructure resulting from the proposed development should be replaced by equivalent or better provision, without an approach to address any loss Natural England considers the Plan to be unsound.

**Action taken by the Council in response:**

A review of the evidence has been carried out to ensure public rights of way and open space were treated equitably in the site selection process and policy requirements. The Council has ensured it has acted equitably and in accordance with national planning policy in the site selection process and proposed modifications have been suggested to policy where appropriate. Core Policy 52 of the Wiltshire Core Strategy requires the creation of replacement green infrastructure if such land is lost through development.

Further work between all partners is ongoing to develop measures to address the phosphates issues in the geographical area covered by the Hampshire Avon Nutrient Management Plan. A memorandum of understanding is being developed to show all partners are in agreement that measures are being finalised that will ensure all new development is phosphate neutral. The action taken by the Council to address the phosphates issues is discussed in more detail above under the section relating to the Environment Agency.

Work is ongoing to deliver the Trowbridge Bat Mitigation Strategy. Phase I of this work will be submitted with the Plan to satisfy the immediate HRA compliance requirements. Phase II will be prepared alongside the emerging Local Plan (Core Strategy) Review process to inform longer-term plans for housing growth at the Trowbridge and potentially other locations too (e.g. Corsham).

**Network Rail**

**Summary of main issues raised:**

Network Rail commented that developer contributions would be required to fund necessary rail infrastructure improvements and this should be a consideration in viability

testing.

Specific comments are raised in relation to proposed allocation H1.1 at Ludgershall. Network Rail requires that proposals for the site are supported by evidence to demonstrate that any increase of footfall across the existing pedestrian rail crossing would not compromise rail safety. It is recommended that the policy identifies either a need to close the crossing and divert the public right of way, or to improve the crossing - i.e. provision of a bridge.

**Action taken by the Council in response:**

The proposed amendment to the policy text for site allocation H1.1 would need to be discussed and agreed with the site promoter and Network Rail prior to the Examination hearings. At this stage, there is no evidence to justify a need to alter the existing rail crossing point.

**Highways England**

**Summary of main issues raised:**

Highways England comments that the Plan needs to be supported by an assessment of infrastructure necessary to ensure that traffic impacts are not severe. Highways England would be content if the identified infrastructure satisfies requirements of Para 9 of Circular 02/2013 <https://www.sabre-roads.org.uk/forum/viewtopic.php?t=31861>.

Assessment of infrastructure requirements for the Strategic Road Network is currently ongoing, led by Wiltshire Council in consultation with Highways England. It is envisaged that infrastructure requirements will have been assessed by the time of examination and Highways England will be willing to assist the Inspector to report on any residual implications for the Strategic Road Network.

The Highways Agency raise issues related to geographical areas, rather than specific sites as follows:

- Salisbury Sites – impact on A36.
- Chippenham sites - impact on M4 junction 17.

Highways England state that in Salisbury, Policy H3.1 requires ‘transport network improvements’ to be made and that the same should be the case for site allocation H3.3.

**Action taken by the Council in response:**

There is ongoing joint working with Highways England to understand and address these issues. Modelling work is being carried out for Trowbridge and Salisbury to provide a package of mitigation measures to support the proposed allocations in these settlements. Highways England is also reviewed reviewing their own TEMPRO modelling work. It is considered unlikely that the proposals would lead to severe impacts on Junction 17 of the M4 and it has been agreed with Highways England that the response was looking for justification of why further assessment has not been carried out, in this case it is due to the small scale of the proposed allocations in the Chippenham Community Area. An agreed position will be presented through the Examination process as a Statement of Common Ground. Appropriate proposed changes have been suggested for site allocation H3.3.

**New Forest District Council**

**Summary of main issues raised:**

New Forest District Council welcomes reference in the duty to cooperate statement to the implications of housing requirements for the parts of the wider South Wiltshire Housing Market Area that are within the New Forest National Park. There is housing need in the New Forest District area that New Forest District Council cannot accommodate. Wiltshire Council should take account of unmet housing need in these areas.

In terms of recreation impacts on the New Forest European sites, the Council recognises that the draft Plan does not propose to allocate sites in proximity to the New Forest SPA/SAC (outside the visitor catchment area) and that the Habitat Regulations Assessment concludes no likely significant effects; but identifies that consideration should be given to impacts from neighbourhood plans. .

The Core Strategy Habitats Regulations Assessment did not identify adverse effects from development on the integrity of any European sites (including the New Forest SAC) from nitrogen deposition. This conclusion remains as little or no further growth has occurred in the visitor catchment area. However, following a High Court Judgement relating to the need to assess in combination air quality impacts, the Wiltshire Habitats Regulations Assessment may need to be reconsidered.

There are potential in-combination effects related to phosphate issues that need to be addressed on a catchment-wide basis, in the catchment area of the River Avon.

**Action taken by the Council:**

Work will be carried out through duty to cooperate to identify and address the specific issues raised. Where appropriate, mitigation measures will be incorporated into policy to ensure the integrity of the Natura 2000 network is not adversely affected by housing development although this may be through the Local Plan review process where appropriate.

Further work between all partners is ongoing to develop measure to address the phosphates issues in the geographical area covered by the Hampshire Avon Nutrient Management Plan. A memorandum of understanding is being developed to show all partners are in agreement that measures are being finalised that will ensure all new development is phosphate neutral. The phosphates issues are discussed in more detail above under the section relating to engagement with the Environment Agency.

Consideration of cross boundary strategic issues in relation to addressing unmet housing need will fall within the ambit of the Wiltshire Local Plan Review.

Funding has now been secured through a partnership bid<sup>14</sup> to the Planning Delivery Fund (Joint Working) to develop evidence to understand the impact of recreational pressure on the New Forest arising from new development as basis for developing an appropriate framework for mitigation. This will inform the Wiltshire Local Plan Review. In the interim, in assessing the effects of neighbourhood plan proposals on the New Forest SPA, in line with paragraph 6.77 of the Wiltshire Core Strategy, *“planning applications will be subject to individual HRAs and bespoke mitigation secured as necessary.”*

**New Forest National Park Authority**

<sup>14</sup> Between Wiltshire Council, Test Valley Borough Council, New Forest National Park Authority, New Forest District Council, Southampton City Council, Eastleigh Borough Council and Natural England

**Summary of main issues raised:**

The New Forest National Park Authority recognises that none of the housing site allocations in this current consultation fall within the visitor catchment of the New Forest SPA and the requirements of the adopted Core Strategy (paragraph 6.77) to mitigate the impact of the plan in relation to the New Forest SPA and increased recreational pressure may not apply. The Authority would like to emphasise that Wiltshire Council isn't currently meeting its requirements in relation to other housing allocations identified within the adopted Core Strategy. As such, the impacts on the New Forest SPA are not currently being mitigated – an issue that was identified in the HRA of the Council's adopted Core Strategy some years ago.

Strategies have been in place for planning permissions granted by the National Park Authority and New Forest District Council since 2012 and 2015 respectively. It is suggested that these measures could provide a useful starting point for any discussions on the production of a mitigation strategy in line with Wiltshire Council's obligations under the habitats regulations.

Mitigation strategies have been in place for planning permissions granted by the National Park Authority and New Forest District Council since 2012 and 2015 respectively and could provide a useful starting point to any discussions on the production of a mitigation strategy in line with Wiltshire Council's obligations under the habitats regulations.

**Action taken by the Council:**

The proposed allocations do not fall within the visitor catchment of the New Forest SPA and therefore mitigation is not needed. Notwithstanding this, as paragraph 6.77 of the Wiltshire Core Strategy recognises prior to a New Forest Mitigation Strategy being developed, "*planning applications will be subject to individual HRAs and bespoke mitigation secured as necessary.*" This is the approach being implemented by the Council.

Funding has now been secured through a partnership bid<sup>15</sup> to the Planning Delivery Fund (Joint Working) to develop evidence to understand the impact of recreational pressure on the New Forest arising from new development as basis for developing an appropriate framework for mitigation. This will inform the review of the Wiltshire Core Strategy.

**Bath and North East Somerset Council**

Bath and North East Somerset have no comments to make on the Plan.

**Gloucestershire County Council**

Gloucestershire County Council acknowledges sites in Oaksey and Crudwell are near the Gloucestershire boarder and they agree with the SA and HRA finding.

**Hampshire County Council**

Hampshire County Council draws attention to the importance of safeguarding two minerals and waste sites (Brickworth Quarry and Pound Bottom Landfill) on the Wiltshire/Hampshire border.

**North Dorset District Council**

North Dorset District Council has no objection to the draft Plan as there are no strategic impacts on North Dorset District. The expansion of Shaftesbury into Wiltshire is identified

<sup>15</sup> Between Wiltshire Council, Test Valley Borough Council, New Forest National Park Authority, New Forest District Council, Southampton City Council, Eastleigh Borough Council and Natural England

as a strategic issue in the duty to cooperate statement. However, this is an option to pursue through the review of the Wiltshire Core Strategy rather than this plan.

**Test Valley Borough Council**

Test Valley Borough Council support the draft Plan and would like to continue working on cross boundary on housing, transport and infrastructure issues that may arise from future development.

In regard to proposed site allocation H1.1 land at Empress Way, Ludgershall Test Valley Borough Council welcome the requirement for screening to the southern and eastern boundaries of the site which will protect middle and long-distance views from Test Valley.



## Appendix 2: Liaison with neighbouring authorities since July 2017

An email was sent to all neighbouring authorities during the consultation on the draft Housing Site Allocations Plan to invite neighbouring authorities to meet if relevant (email sent 28th July 2017).

**Table 2:** Evidence showing how duty to cooperate has been implemented with neighbouring authorities since July 2017

<b>Strategic Issue</b>	<b>Stakeholder</b>	<b>Why engaged</b>	<b>How engaged</b>	<b>When engaged</b>	<b>Key outcomes</b>
Potential for housing development for Shaftesbury in Dorset on land adjoining the town but within Wiltshire County administrative area.	Dorset Councils Partnership	To discuss development at Shaftesbury.	Meeting	31 <sup>st</sup> August 2017	The potential to identify land adjoining Shaftesbury but within Wiltshire Council's administrative area is outside the ambit of the Wiltshire Housing Site Allocations Plan and will be addressed through the Local Plan Review process. Ongoing engagement on this matter will relate to the Councils' respective Local Plan reviews.
Potential for housing development in Wiltshire to meet unmet needs in the New Forest.	New Forest District Council and New Forest National Park Authority	To discuss unmet housing need in the New Forest and approaches to habitat mitigation	Meeting	18 <sup>th</sup> July 2017	Potentially identifying land within Wiltshire to meet needs in the New Forest administrative area is outside the context of the Wiltshire Housing Site Allocations Plan and will be addressed through the review of the Local Plan (2016 to 2036). Ongoing engagement on this matter will relate to the authorities' respective Local Plan reviews.
Cross boundary issues.	Bath and North East Somerset Council (BANES)	A wider meeting to discuss cross boundary	Meeting	20 <sup>th</sup> September 2017	BANES confirmed they had no comments on the draft Plan.

**APPENDIX 9**

		issues			
Cross boundary issues.	Swindon Borough Council	As part of joint working arrangements to address cross boundary strategic issues ,focused on preparation of Joint Spatial Framework and aligned Local Plan Reviews.	Meetings/ engagement	Regular meetings	Ongoing joint working arrangements generally focused on the aligned Local Plan reviews (2016 to 2036). No issues have arisen related to the Housing Site Allocations Plan as there are no current cross boundary issues directly related to it.

### Appendix 3: Liaison with prescribed bodies since July 2017

An email was sent to all prescribed bodies during the consultation on the draft Housing Site Allocations Plan to invite neighbouring authorities to meet if relevant (email sent 28th July 2017).

**Table 3:** Evidence showing how duty to cooperate has been implemented with prescribed bodies since July 2017

Strategic Issue	Stakeholder	Why engaged	How engaged	When engaged	Key outcomes
To ensure special regard has been given to the consideration of heritage assets	Historic England	To ensure that great weight has been given to heritage in the site selection process.	Ongoing meetings and correspondence	30 <sup>th</sup> August 2017	It was agreed that Wiltshire Council would commission consultants to carry out a heritage impact assessment for identified sensitive sites to ensure that great weight has been given to relevant heritage assets. This work has been carried out and proposed changes have been suggested accordingly. The Schedule of Proposed Changes can be found in Appendix R of the Regulation 22 (1) (c).
To ensure special regard has been given to the consideration of heritage assets	Historic England	To ensure that great weight has been given to heritage in the site selection process.	Meeting	1 <sup>st</sup> March 2018	Review of commissioned heritage impact assessment and how the Council could respond to the findings. In essence, Historic England advised the Council to explore all options and arrive at a position on how it wishes to proceed to the risks presented in heritage terms to developing the proposed site allocations. The Schedule of proposed Changes can be found in Appendix R of the Regulation 22 (1) (c).
Ensuring that open space and public rights of way (PROW) have	Natural England	To address issues related to the treatment of PROW and	Meetings and correspondence	20 <sup>th</sup> September 2017 23 <sup>rd</sup> February 2018	It was agreed that a review would be carried out of site allocations to ensure the Council has taken a consistent approach to public rights of way, open space and recreation use, and to ensure any

<p>been treated equitably throughout the site selection process and the draft Plan</p>		<p>open space.</p>			<p>opportunities for protecting open space and making sustainable links are made.</p> <p>A review of the site selection process for each area has been carried out and open space and public rights of way have been treated equitably across all sites. A review has also been carried out to ensure that requirements for open space and public rights of way are consistent across allocations in policy and the supporting text. The Schedule of proposed Changes can be found in Appendix R of the Regulation 22 (1) (c).</p>
<p>Impact on integrity of Bradford and Bath Bats SAC</p>	<p>Natural England</p>	<p>Ongoing joint working to ensure that the Bechstein's bats and Bradford and Bath SAC is sufficiently protected.</p>	<p>Meetings and correspondence</p>	<p>20<sup>th</sup> September 2017 23<sup>rd</sup> February 2018</p>	<p>To consider the scope and development of the Trowbridge Bat Mitigation Strategy; building on the work commissioned to consider the nature of recreational pressure on publicly accessible open space including important bat habitats at the town. Phase I of the Mitigation Strategy will focus on development coming forward through the timescale within the draft Plan (including allocations and windfall development), with Phase II focusing on longer term growth to support the review of the Wiltshire Core Strategy. Phase I would satisfy the immediate Habitats Directive compliance requirements.</p> <p>It was agreed in the meeting to reword the title of the study from 'Trowbridge Recreation Management Mitigation Strategy' to 'Trowbridge Recreation Management and Bat Mitigation Strategy'</p>

					<p>and this change has been proposed to the Plan. Natural England has informed the content of the strategy.</p> <p>It was also agreed that the site boundary of proposed allocation H2.4 has been amended to follow the river and enable land to be included for bat mitigation.</p> <p>The Schedule of proposed Changes can be found in Appendix R of the Regulation 22 (1) (c).</p>
Ongoing joint working to address impacts on the strategic road network.	Highways England	Ongoing joint working to address impact on the A36	Meetings and correspondence	Bi-monthly meeting	<p>Work has been carried out to develop the Trowbridge and Salisbury Transport Strategies including agreement of timetables and cumulative impact on the A36.</p> <p>Highways England noted that draft policy H3.1 required “transport network improvements necessary to accommodate the scale of development envisaged” but site allocation H3.3 did not. A change is proposed to ensure that the phrase is also included for draft policy H3.3.</p> <p>The Schedule of proposed Changes can be found in Appendix R of the Regulation 22 (1) (c).</p>
Ongoing joint working to address impacts on the strategic road network.	Highways England	Impact on junction 17 of the M4 by the following allocations: Hullavington	Meetings and email	26 <sup>th</sup> February 2018	<p>Following further discussion at the meeting Highways England confirmed that they did not object to the proposed development at Hullavington, Yatton Keynall and Crudwell. It was confirmed in and email from Highway England (received 26<sup>th</sup> February 2018) that</p>

APPENDIX 9

		(50 dwellings), Yatton Keynell (30 dwellings), and Crudwell (50 dwellings)			the intention of the advice relating to impact on Junction 17 of the M4 was to suggest it should be made clear why no further assessment has been carried out for these sites on potential impact on the SRN, as opposed to necessarily requiring further assessment to be carried out.
Ensuring that future development helps address and manage phosphate levels in the River Avon, its tributaries and surrounding catchment area.	Natural England, Environment Agency, Wessex Water, Christchurch Borough Council, New Forest District Council, New Forest National Park Authority	Ongoing joint working to manage and address the phosphates levels in the River Avon catchment area.	Ongoing meetings and correspondence	20 <sup>th</sup> September 2017 14 <sup>th</sup> November 2017 17 <sup>th</sup> January 2018 23 <sup>rd</sup> February 2018 14 <sup>th</sup> March 2018 20 <sup>th</sup> April 2018 (meeting on the 20 <sup>th</sup> April was between the Environment Agency and Wiltshire Council) All partners may not have been present at all meetings but notes and outcomes were shared and agreed.	Work is ongoing with partners to sustain the effectiveness of the Nutrient Management Plan and address phosphates issues in the River Avon SAC. Constructive progress is being made on a Memorandum of Understanding that will be agreed prior to Submission.

