

# **Wiltshire Housing Site Allocations Plan Examination in Public**

## **Statement of Common Ground**

**between**

**Wiltshire Council**

**and**

**Natural England**

**March 2019**

## **Introduction**

1. Natural England is a Prescribed Body as defined in defined in part 2 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In accordance with the legal duty to cooperate, Wiltshire Council ('the council') and Natural England (NE) have worked constructively, actively and on an on-going basis through the preparation of the Wiltshire Housing Site Allocations Plan ('the Plan'), in particular on matters relating to the Habitats Regulations Assessment and the formulation of mitigation measures including the development of:
  - The draft Trowbridge Bat Mitigation Strategy SPD to address the potential risks associated with development at Trowbridge on the Bath and Bradford-on-Avon Bats Special Area of Conservation; and
  - work to manage nutrients (Phosphorus) entering the Hampshire Avon Special Area of Conservation (SAC).

This work has been conducted through ongoing regular dialogue, working groups and formal consultation.

2. This Statement is structured to provide a summary of the areas of agreement between the Council and NE, and how that agreement was reached, in relation to the Plan. A separate Statement involving both parties has also been prepared specifically in relation to the management of nutrients in the Hampshire Avon Special Area of Conservation. Therefore, this statement focuses on the measures agreed with NE in respect of the avoidance and mitigation necessary to ensure development at Trowbridge leads to no adverse effects on the Bath and Bradford on Avon SAC.
3. NE agrees with the conclusions of the Appropriate Assessment work conducted to date and does not consider the Plan to be unsound.

## **Plan Preparation and Constructive Engagement**

### Wiltshire Housing Site Allocations Plan ('the Plan')

4. The purpose of the Plan is two-fold:
  - Allocate sites for housing to ensure the delivery of homes across the plan period in order to help maintain a five-year land supply in each of Wiltshire's three Housing Market Area's (HMAs) over the period to 2026; and
  - Review and, where necessary, revise settlement boundaries in relation to the Principal Settlements of Salisbury and Trowbridge, Market Towns, Local Service Centres and Large Villages.
5. NE has been fully engaged with the Council in the preparation of the Plan. The Council and NE agree that they have continued to engage on a range of matters that were agreed throughout the preparation of the Wiltshire Core Strategy (WCS). Indeed, collaboration with NE has helped the Council to progress the WCS strategic allocation at Ashton Park; and inform the preparation of the Plan, which is itself also a product of the WCS.
6. As anticipated by the WCS, work on the Plan has deepened through the detailed assessment of land for housing around Trowbridge. The assessment process has paid particular regard to the woodlands to the south-east of the town which have been recognised as 'core roosts' in connection with the SAC. In line with the Council's

commitments set out in Core Policy 29 of the WCS, collaboration between NE and WC has led to the development of an approach for protecting and enhancing habitat for bats around the woodlands. This work has now been encapsulated in a more formal shape with the publication of the draft Trowbridge Bat Mitigation Strategy (TBMS) for consultation. The Council intends to adopt the TBMS as SPD.

#### Wiltshire Housing Site Allocations Plan Pre-submission consultation (Summer 2017)

7. The Council published the draft Plan, along with accompanying evidence, for a formal consultation from 14<sup>th</sup> July to the 22<sup>nd</sup> September 2017.
8. In its response to this formal consultation Natural England set out a number of strategic matters that it was working with the Council on in terms of the Habitats Regulation Assessment of the Plan. At that time Natural England did not consider that these matters were at a stage where they would allow the Plan to be Habitats Regulations Assessment compliant. Comments were also made by Natural England in relation to public rights of way and open space, which have now been resolved.
9. In July 2018 Wiltshire Council submitted the Plan, along with a Schedule of Proposed Changes and supporting evidence to the Secretary of State for independent examination.
10. In response to the focussed consultation undertaken on the Schedule of Proposed Changes Natural England concluded that the changes did not lead them to advise the Plan is unsound but that they would need to be satisfied that the Plan would not have an adverse effect on the integrity of relevant designated sites in terms of the Habitat Regulations Assessment. The parties agree that these matters are being addressed to the satisfaction of NE.
11. The Plan, once adopted, will form part of the Development Plan for Wiltshire. It has been prepared to support the delivery of the Spatial Strategy set out within the Wiltshire Core Strategy (adopted January 2015).

#### **Bath and Bradford on Avon SAC**

12. In relation to the Bath and Bradford on Avon Bats Special Area of Conservation (SAC) and Habitats Regulations Assessment (HRA) NE and WC agree there are two main areas of concern which are set out below:
  - a. loss / deterioration of supporting habitat from development itself and;
  - b. disturbance from recreational pressures resulting from development.

#### Supporting habitat

13. Both parties recognised a need to continue to supplement the evidence base in order to better understand the nature and scope of possible adverse effects on the SAC. Although all of the Plan's proposals avoid land within the designation, land outside the SAC is critical to achieving the conservation objectives of all three species of bat which are features of the SAC. Most notable for the assessment of the Plan are woodlands and trees/hedgerows to the south of Trowbridge which provide breeding roosts for Bechstein's bats. The wider landscape around Trowbridge comprising arable fields, hedgerows, trees, tree belts, water bodies etc is of significance for all three SAC bat species providing other roosts, foraging areas and commuting routes.

14. Given the possible extent of habitat features that support the SAC, NE recognises the need for a proportionate evidence base upon which to base sound decisions regarding the nature and extent of likely effects on the qualifying features of the nearby SAC.
15. NE is satisfied that the plan preparation process has used sufficient evidence to minimise any loss of habitat that may support the SAC and identify proposals that provide an adequate buffer from such habitats where this may be necessary.
16. NE has been fully involved in this process. For instance, NE proposed an extension to the site at Church Lane in order to improve the developer's ability to provide robust mitigation along the edge of the Lambrook Stream. NE also recognises that more detailed work will take place in the context of individual planning applications to which the TBMS will apply. The conclusion to this work is that total bat habitat resource will be maintained through a combination of safeguarding the most important features and creating habitat of higher quality for bats over significant areas within development sites themselves, thus avoiding adverse effects upon the SAC itself.

#### Disturbance from recreational pressures

17. NE supports the work commissioned by the Council to better understand the effect of new residential development on habitats and species and how adverse effects can best be avoided. NE consider the work robust and helpful.
18. A set of visitor studies and recommendations for managing recreational pressures has been a main influence underpinning the TBMS. NE supports the approach that has been developed to provide SANGs to divert recreational pressure from vulnerable habitat. NE also recognises the Council has an identified set of measures to augment habitat outside site allocations themselves. These measures identify and safeguard the roles played by interconnecting landscape features in providing roost and foraging areas as well as commuting corridors linking back to the SAC itself.

#### The TBMS

19. The TBMS provides supplementary planning guidance to support Core Policies 29 and 50 of the WCS. NE is a main stakeholder in its preparation and has commented on a draft for consultation as follows:

*"Natural England has been involved with the development of this strategy and welcome it a significant step forward in enabling development whilst protecting the designated bat populations in the area.*

*Given the link to the Bradford on Avon and Bath bat SAC, uncertainties associated with Bechstein's bat ecology and the precautionary principle embedded in the Habitats Regulations, we believe this plan is proportionate in terms of the level of site-based survey required, the approach to onsite mitigation and the quanta of off-site mitigation required to address risks of residual impacts."*

20. The TBMS is therefore a formal precautionary approach to managing the effects of development and future population growth. NE will continue to support the preparation of the TBMS through to adoption as SPD, as its implementation will provide certainty to developer and biodiversity interests alike.
21. The TBMS will be monitored and reviewed as necessary. It will also help underpin the evidence being prepared as part of the Local Plan Review process. The parties therefore agree that the TBMS provides a robust strategy that can deliver sufficient

mitigation to remove any reasonable scientific doubt that there will be no adverse effects upon the SAC.

**Conclusion**

- 22. The parties agree that there has been on-going and effective dialogue throughout the preparation of the WHSAP.
- 23. Throughout the preparation of the WHSAP, the Council has worked constructively on matters relating to the HRA, including the issue of phosphates (see separate statement) and mitigation for bats at Trowbridge (covered above). The proposals set out in the WHSAP are therefore premised on a credible and robust evidence base that provides NE with sufficient confidence that appropriate mitigation measures will be imposed to address environmental effects.
- 24. The parties agree that the WHSAP, as proposed to be amended by the Council's Schedule of Proposed Changes, is therefore considered to be soundly based.

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Date: 29 March 2019

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