

Addendum to the Habitats Regulations Assessment of the Wiltshire Core Strategy

The Process Followed

Under Regulation 102 of the Habitats Regulations, the Council is required to undertake an appropriate assessment of any land use plan likely to have a significant effect upon the network of European designated sites known as Natura 2000. A number of likely significant effects were identified at the screening stage and a full appropriate assessment of the plan was carried out in accordance with Regulation 102 and updated as necessary throughout the development of the plan.

Habitats Regulations Assessment (HRA) is an iterative process and a series of HRA documents have been produced by the Council to support the development of the Wiltshire Core Strategy and have helped shape the policies therein. This series of documents starts with the 'Wiltshire Core Strategy – Assessment of the Core Strategy Options under the Habitats Regulations' (October 2009) and continues until the most recent 'Wiltshire Core Strategy: Updated Habitats Regulations Assessment' (April 2014)¹. Taken as a whole, this series of documents sets out the process followed and justification for the assessment of policies in detail, and ultimately concludes that the Wiltshire Core Strategy would not have an adverse effect upon the integrity of the Natura 2000 network, either alone or in combination with other plans or projects.

Natural England has been consulted on all iterations of the HRA, and the Council has had regard to their responses as our statutory nature conservation body, at each stage of developing the plan. The Council has also worked with Natural England and relevant parties in developing strategic mitigation measures to address potential effects of development upon the Natura 2000 network, and has gained Natural England's support for the implementation of those measures as effective mitigation for the plan². The Environment Agency has also been consulted at each stage of the plan, and the Council has also had particular regard to its responses in assessing any potential effects upon aquatic European designations. Both Natural England and the Environment Agency concurred with the conclusion of the April 2014 HRA, subject to provision of modelling evidence confirming that the Army Basing Programme would not have any 'in-combination' effects³⁴, which has now been shared with them (see below).

The Inspector has also carefully interrogated the HRA procedure as part of his examination of the plan, and has confirmed in his report that he is satisfied that this legal requirement has been fulfilled:

'The Council has demonstrated through its HRA and the work with partners how it intends to address the Natura 2000 sites within the county. The evidence does not lead me to find that the proposed approach is legally flawed, inflexible, unclear or will not be effective in implementation.' (paragraph 151)

¹ <http://www.wiltshire.gov.uk/wcs-examination-exam-89a.pdf>

² Statement of Common Ground as Agreed Between Wiltshire Council and Natural England Concerning the Wiltshire Core Strategy <http://www.wiltshire.gov.uk/corestrategypositionstatement?directory=SoCG&fileref=9>

³ Letter from Charles Routh to Wiltshire Council dated 27th May, 2014

⁴ Email from Katherine Burt to Wiltshire Council dated 27th May 2014

Conclusions of the April 2014 HRA

In light of the time which has elapsed between the issue of the April 2014 HRA and the decisions now to be taken by Cabinet and full Council committees, officers have undertaken a review to identify any material considerations which may have arisen during the intervening period that could affect the conclusions of that assessment. These considerations included, but are not limited to:

- (a) The Inspector's report – Having reviewed the main modifications subsequently added or rejected by the Inspector since the April 2014 HRA⁵⁶, officers are confident that none would materially affect the assessment of the relevant policies in the April 2014 HRA (Section 4 / Appendix 1), while minor modifications would also not have any material effect on that assessment.
- (b) In-combination effects – Neighbouring development plans have progressed relatively little since April 2014, and none of the updated plans have changed so significantly as to alter the conclusions of the April 2014 HRA (Section 5 / Appendix 2).
- (c) Allocations – Some strategic allocations within the Wiltshire Core Strategy have now been subject to full project level HRA including the Kingston Farm housing allocation (Bradford on Avon) and the Hawkeridge employment allocation (Westbury). Both of those project level HRA confirm that the allocated sites would not affect the integrity of the Natura 2000 network, supporting the conclusions of the April 2014 HRA.
- (d) Rebasing – no applications have yet been submitted and the masterplan proposals remain largely the same as they were in April 2014. However, further modelling work on the effects of water abstraction on the River Avon Special Area of Conservation (SAC), including in-combination effects with the Wiltshire Core Strategy, has been carried out (as referred to in the statutory consultees' responses to the April 2014 HRA). This modelling demonstrates that the Army Rebasing proposals would result in a small percentage increase in abstraction of water, but that the remaining existing water abstraction from the MoD boreholes may need to incorporate mitigation to minimise potential effects. It also demonstrates that any in-combination effects with the public water abstractions necessary to supply the Wiltshire Core Strategy development are unlikely, and the statutory consultees are satisfied that mitigation measures are available to ensure that there would be no adverse effect upon the River Avon SAC. Therefore the results of the recent modelling work support the conclusions of the in-combination assessment of the April 2014 HRA (Section 5 / Appendix 2).
- (e) Nutrient Management Plan – A draft of the Nutrient Management Plan for the River Avon SAC has now been jointly produced by Environment Agency, Natural England and Wiltshire Council and is currently out for public consultation. This document provides a long-term, credible strategy for reducing phosphate levels in the river in order to achieve favourable conservation status, while also taking the growth projected by the Wiltshire Core Strategy into account. The document is in line with the approach set out in CP69 and supports the conclusions of the April 2014 HRA.

Natural England and the Environment Agency concur that the above points would not materially alter the conclusions of the April 2014 HRA.

⁵Wiltshire Core Strategy: Inspector's Proposed Modifications (EXAM/97A) - <http://www.wiltshire.gov.uk/wcs-examination-exam-97a.pdf>

⁶Wiltshire Core Strategy Inspector's Report - <http://www.wiltshire.gov.uk/wiltshire-core-strateg-01-december2014-inspectors-final-report.pdf>

Conclusions

The Wiltshire Core Strategy has been subject to HRA including appropriate assessment in accordance with the Habitats Regulations to the satisfaction of the Inspector and the statutory consultees. Upon review of the April 2014 HRA, the Council is confident that the conclusions of that assessment remain valid. The HRA process has therefore objectively concluded that the Wiltshire Core Strategy would not have an adverse effect upon the Natura 2000 network, either alone or in combination with other plans or projects.