

# HRA and Mitigation Strategy for Salisbury Plain SPA

in relation to recreational pressure from  
development



Stone curlew: Andy Hay (rsqb-images.com)

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Annexe 1 – Appropriate assessment of effects on a European site

## Introduction

As part of the planning process, Natural England and the Royal Society for the Protection of Birds (RSPB) have expressed growing concerns over the effects of increasing recreational pressure upon breeding Stone Curlew populations at the Salisbury Plain Special Protection Area (SPA). Recent research on the effects of recreational disturbance on this species and on the visitor profile of Salisbury Plain has also further reinforced those concerns. Natural England now advises that mitigation is necessary for development likely to increase recreational pressure on Salisbury Plain, and to date Wiltshire Council has such secured mitigation measures on a number of major developments to address this issue on a case by case basis.

This piecemeal approach is time consuming for the authority, does not provide certainty for developers and will not provide long-term security for Stone Curlew populations. Given that Wiltshire's communities are projected to grow considerably in the future (as set out in the Wiltshire Core Strategy) it is clear that a long-term, sustainable strategy for growth is required in order to ensure that the infrastructure required to support Wiltshire's growing communities can be delivered in a timely manner that protects our important natural heritage and meets our international obligations under the Habitats Directive. Wiltshire Council has therefore led discussions with Natural England, RSPB and the Ministry of Defence in order to produce the following mitigation strategy.

This strategy is intended to provide a robust evidence to support the Wiltshire Core Strategy Habitats Regulations Assessment (HRA) and Infrastructure Delivery Plan, and any forthcoming CIL charging schedule. It is also intended to significantly reduce the need for project level HRAs for individual planning applications in relation to this specific issue, helping to provide certainty for developers and speed up the planning system.

## Context

### Stone Curlew and Salisbury Plain

Salisbury Plain is a vast chalk plateau covering a large proportion of south and east Wiltshire. Used for military training since the mid 19<sup>th</sup> Century, it is very sparsely populated and has largely escaped intensive post-war arable farming practices. This unique history of land use has resulted in the conservation of the largest remaining area of calcareous grassland in north-west Europe which supports internationally important populations of rare and declining bird species including the Stone Curlew.

Stone Curlews visit the UK to breed in summer (March – October), spending the rest of the year in south west Europe and Africa. It is a ground nesting species requiring open, flat ground with short vegetation in undisturbed locations to breed and invertebrate rich pasture to feed. Given its specific habitat requirements and sensitivities to disturbance it has undergone significant declines across UK largely as a result of changing farming practices, and by the early 1990s the British Stone Curlew population had declined to only 150-160<sup>1</sup>. Salisbury Plain remained as one of the core strongholds, while elsewhere the former species range contracted due to conversion of grasslands to arable and increasing mechanisation, and indeed it is now absent from most of its previously known British range.

The Ministry of Defence (MoD) has worked to protect the bird communities of Salisbury Plain for many years, however further focussed efforts by Natural England and the RSPB have also been required to secure the long term survival of Stone Curlew. The joint “Wessex Stone Curlew Project” (WSCP) was set up with European funding to deliver a plan for Stone Curlew recovery, aiming to consolidate and expand the range of the species across the Wessex Downs area including the establishment of permanent Stone Curlew “nesting plots” on the Salisbury Plain and surrounding areas. Every year these plots are cultivated by the MoD and their tenants/licensees and kept free from vegetation throughout the nest establishment period. Monitoring work carried out by WSCP and MoD is also essential in making best use of land management resources by identifying those plots that require management in any one year, understanding why plots may be unsuccessful and informing decisions over whether to relocate plots. Beyond the military training areas and across the wider project area, the WSCP also works with tenant farmers and private landowners to set up Stone Curlew breeding plots under agri-environment schemes and provides timely monitoring and management advice essential to the success of these plots.

The Stone Curlew population at Salisbury Plain is currently at “favourable conservation status”, primarily as a result of the work of the MoD and WSCP, however it is expected to face additional pressures in the future including: changes to the geographical spread of military training as a result of the Strategic Defence Review; climate change affecting invertebrate food availability; and increased levels of recreational pressure as a result of increased housing numbers near the plains. The positioning and management of plots (as informed by the WSCP) is critical to maintaining the Stone Curlew population in the face of these threats, particularly as the cumulative effect of these pressures could quickly, in a matter of a few years, dramatically reverse the population trends.

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<sup>1</sup> <http://jncc.defra.gov.uk/pdf/UKSPA/UKSPA-A6-58.pdf>

## Habitat Regulations Assessments

During the 20<sup>th</sup> Century negative population trends were recorded across Europe where Stone Curlew is now extinct across much of its former European range and, as a result the European Commission included it on Annex 1 of the Birds Directive (as adopted by the UK government in 1979). This Directive required the UK government to designate Salisbury Plain as a SPA due to its international significance for the conservation of bird species. The SPA designation puts a stringent responsibility upon the UK to protect the notified populations and avoid '*deterioration of habitats or any disturbances affecting the birds*'. The UK is responsible to the European Commission to meet the requirements of the Directive and action may be taken by the European Court of Justice to ensure compliance<sup>2</sup>.

Further to the Birds Directive, Article 6 of the Habitats Directive (92/43/EEC) requires all Member States to undertake an 'appropriate assessment' of any plan or project requiring authorisation which would be likely to have a significant effect upon an SPA; this is commonly referred to as a Habitats Regulations Assessment (HRA). This assessment must demonstrate that based on the best available scientific information<sup>3</sup>, and in light of any suitable mitigation measures, the plan or project would not adversely affect the integrity of the site either alone or in combination with other plans or projects. A precautionary approach must be adopted in HRA, and where a loss of site integrity cannot be ruled out the plan or project may only be authorised under very exceptional circumstances following consultation with the European Commission.

In the UK the Habitats Directive has been transposed into domestic legislation as the Habitats Regulations (2010), and the provisions of Article 6 are largely satisfied by Regulation 61 and Government Circular 06/2005<sup>4</sup> which establishes the statutory obligations for HRA alongside the European Commission's guidance<sup>5</sup>. The Habitats Regulations confirms the responsibility of all local planning authorities as 'competent authorities', requiring them to carry out HRA of all relevant planning applications and Local Development Documents.

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<sup>2</sup> *R v Secretary of State for the Environment (ex parte Royal Society for the Protection of Birds)* Case C-44/95

<sup>3</sup> *Landelijke Vereniging tot Behoud van de Waddenzee and Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij*. Case C-127/02.

<sup>4</sup> <http://www.communities.gov.uk/documents/planningandbuilding/pdf/147570.pdf>

<sup>5</sup> European Commission (2001) *Assessment of plans and projects significantly affecting Natura 2000 sites – Methodological guidance on the provisions of Article 6(3) and 6(4) of the Habitats Directive 92/43/EC*  
[http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura\\_2000\\_assess\\_en.pdf](http://ec.europa.eu/environment/nature/natura2000/management/docs/art6/natura_2000_assess_en.pdf)

### **Wiltshire Core Strategy**

The pre-submission draft Wiltshire Core Strategy (WCS)<sup>6</sup> has been subject to a HRA which has assessed all potential effects of development proposed by the plan upon all European protected sites within Wiltshire and the surrounding areas<sup>7</sup>. As part of that process, Natural England was consulted and raised concerns that increased housing around Salisbury Plain could significantly increase the number of regular visitors to the plains and therefore increase disturbance effects upon ground nesting Stone Curlews. Among the established 'conservation objectives' for the site Natural England has previously identified recreational disturbance as a threat to the integrity of the SPA, while the effects of recreational disturbance on Stone Curlew have also been well researched and found to be potentially significant on Salisbury Plain, particularly in relation to dog walkers<sup>8</sup>.

The HRA therefore concluded that the housing proposed in the WCS could have 'likely significant effects' upon the integrity of the SPA and that mitigation would be required to avoid adverse effects upon site integrity. The implications of this assessment are very serious, in that Wiltshire Council must further consider the potential impacts of these likely significant effects and where necessary must secure effective mitigation before they may legally permit relevant housing developments or adopt the WCS. A failure to do so could leave the council exposed to legal challenge under Habitats Regulations in relation to individual planning permissions and / or adoption of the WCS.

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<sup>6</sup> Wiltshire Council (2012) *Wiltshire Core Strategy Pre-Submission Document*  
<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/wiltshirecorestrategy.htm>

<sup>7</sup> WSP Environment and Energy (2012) *Wiltshire Core Strategy Pre-Submission Document - Assessment under the Habitats Regulations*  
<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm#core-strategy-hra-feb-2012>

<sup>8</sup> Taylor, E.C. (2007) Stone curlews *Burhinus oedicanus* and human disturbance: effects on behaviour, distribution and breeding success. PhD Thesis. University of Cambridge.

## Habitats Regulations Assessment

Given that the WCS HRA report identified that housing development could potentially affect the integrity of the SPA through additional recreational disturbance, Wiltshire Council has carried out a further assessment to estimate the likely increase in regular visitors to the plains as a result of additional housing in Wiltshire. The approach to estimating the additional recreational pressure is based broadly on that of Liley, Payne and Peat (2007)<sup>9</sup>. This approach has previously been used to carry out HRA of individual major developments close to Salisbury Plains and has been accepted by Natural England for that purpose; however it has been necessary to modify this approach for the purposes of a strategic level assessment. It is not possible to accurately identify the exact location and scale of all proposed housing development, therefore the current assessment approach is based on the housing distributions set out in the Community Area Strategies within the WCS; a similar approach has also been previously applied in the south Wiltshire Core Strategy HRA<sup>10</sup>.

### Estimating the additional number of residents

Research shows that the vast majority of visitors to Salisbury Plain (82%) visit for the purpose of dog walking and that it attracts the majority of visitors (89%) from within 15km. The HRA has therefore adopted this 15km search radius to identify new housing which is likely to increase local populations and contribute towards increased visitor pressure.

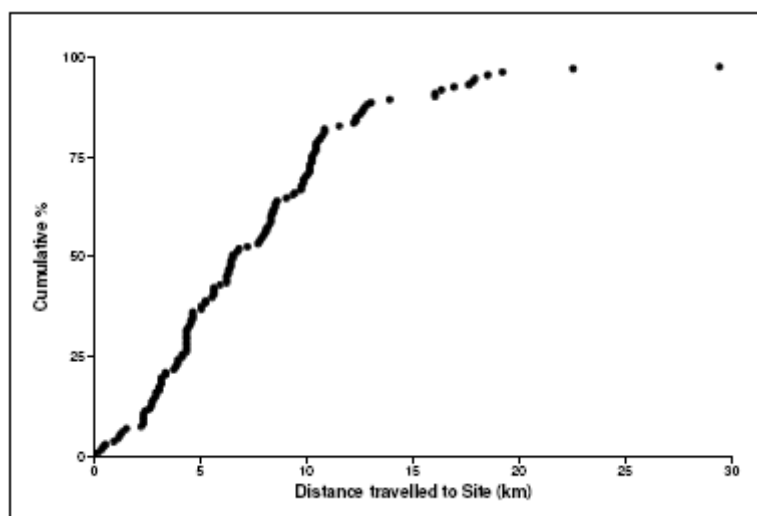


Figure 1 – Percentage of people travelling various distances to be at the Plains

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<sup>9</sup> Liley, D., Payne, K. & Peat, J. (2007). Access patterns on Salisbury Plain. Unpublished report for Enviro Ltd. Footprint Ecology, Wareham, Dorset.

<sup>10</sup> Nicholas Pearson Associates (2009) *South Wiltshire Core Strategy Proposed Core Strategy – HRA Report*

Housing numbers for each Community Area are based on the figures calculated in the Housing Requirement Technical Paper<sup>11</sup>. Those Community Areas which lie entirely within the search area have all been included, while those that are only partially within the search area are only included where the Market Town for that area (defined in the Community Area Strategies) lies within the 15km radius, on the basis that these towns will be focus for the vast majority housing development in each Community Area. This information has been used to calculate the estimated population increase for each Community Area within 15km of the SPA based on national average occupancy rates of 2.36 persons / house.

### **Estimating the additional number of visits to Salisbury Plains**

Liley, Payne and Peat (2007) found that the proportion of the local population using the plains decreased with distance from the plains; decreasing rapidly between 0-4km, but remaining at a relatively constant rate between 4-15km. Mean values have been used to estimate the likely proportion of the additional projected population from each Community Area that would be likely to visit the plain; an average of 0.14% of population within 4km and 0.02% of population between 4-15km of the plains.

### **Constraints and assumptions**

The research by Liley, Payne and Peat (2007) is somewhat constrained in that it was carried out during late September / October rather than during the main Stone Curlew breeding season and therefore may not provide an entirely accurate reflection of recreational pressure during the breeding season. In particular, the analysis may not have recorded potentially higher numbers during the summer breeding season due to school holidays, longer evenings and better weather. The researchers recognised these potential constraints and concluded that the projected visitor levels in fact represented a minimum. While these figures may represent an underestimate of actual numbers visiting the plains during the breeding season, for the purpose of this research they do however provide sound evidence of the distances that people will travel to the plain and the relative proportion of visitors coming from varying distances. The uncertainty of the results must also be recognised as unavoidable to a degree, given the difficulty in accurately predicting human behaviour, particularly in relation to recreational preferences, while the number and location of active Stone Curlew nests on Salisbury Plain also varies from year to year; the data does however represent the best available scientific information, and therefore must be used for the purposes of this assessment.

The European Commission's guidance on application Article 6 of the Habitats Directive requires that a precautionary approach is applied in carrying out a HRA, therefore in order to counteract the above constraints of the data used, a number of precautionary assumptions have been made in the analysis:

- All people which visit the plain would do so every day (the evidence indicates that the majority of visitors do visit daily, and indeed those exercising dogs may visit twice a day);
- All people using the plain are walking their dog (evidence indicates that the actual figure is 82%); and

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<sup>11</sup> Topic Paper 15 – Housing Requirement Technical Paper  
<http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm>



- Where a market town (of part thereof) lies within the visitor catchment, the total housing projection for that Community Area is included in the analysis.

The Liley, Payne and Peat (2007) research was based on access patterns on the eastern plain. Here access is relatively unrestricted access at all times (other than within the Danger Area); people are allowed to roam freely on foot and there is access for bikes and horse riders on tracks. It is therefore the eastern plains that are currently subject to the highest visitor pressures. Indeed it is this vast area of accessible open space which is considered to draw visitors from such a wide catchment area, as this is not available elsewhere.

Public access within the western and central parts of Salisbury Plain SPA is currently restricted to public rights of way around the periphery due the presence of Imber Live Firing Range and Larkhill/ Westdown Artillery Ranges, where access is restricted depending on military operations. Our records confirm that these publicly accessible peripheral areas are used by breeding Stone Curlew and therefore it is also necessary to assess recreational pressures on these parts of the SPA. However, accessible areas of the western and central plains are considerably smaller than those on the east of the plain and as such these areas are likely to draw visitors from a much smaller catchment area, therefore a reasonable visitor catchment of a 4km radius has been applied from these parts of the plain, as the research indicates that this is the distance that the vast majority of people will travel to use the plains for recreation.

The above assumptions have been made based on the work of Liley, Payne and Peat (2007), and based on the professional opinion of Natural England, RSPB, Wiltshire Council, and Defence Infrastructure Organisation staff following extensive discussions on this issue.

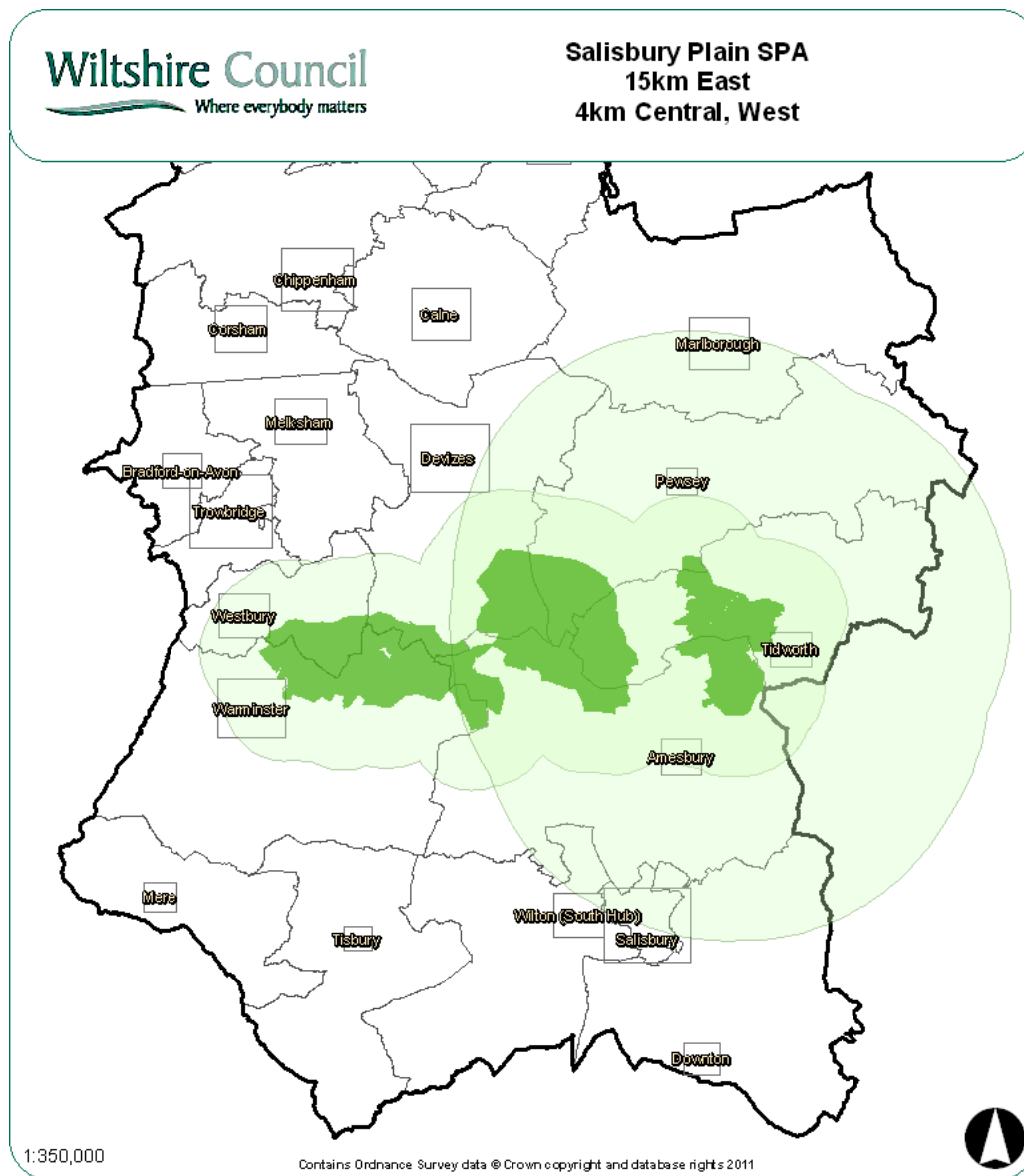


Figure 2 – Plan showing the visitor catchment of Salisbury Plain SPA

## Results and Implications for development

The calculations indicate that the in-combination effect of the Wiltshire and Test Valley Core Strategies would increase visitor pressure on Salisbury Plain by at least 30.5 visits per day, of which 93% would be due to additional housing proposed by the Wiltshire Core Strategy. While it is difficult to establish the actual effects of these visits upon the integrity of the SPA designation, significant effects upon breeding Stone Curlew clearly cannot be discounted based on the best available scientific information and the conservation objectives for the site which specifically includes an objective relating to the disturbance or displacement of birds<sup>12</sup>. The European Court of Justice has confirmed that where the effects upon a Natura 2000 site remain uncertain, the competent authority must apply the precautionary approach of Article 174(2) EEC<sup>13</sup>:

*'In the light of the conclusions of the assessment of the implications of a plan or project for the site concerned, to approve the plan or project only after having made sure that it will not adversely affect the integrity of that site...where doubt remains as to the absence of adverse effects on the integrity of the site linked to the plan or project being considered, the competent authority will have to refuse authorisation.'*

It is therefore necessary for Wiltshire Council (as competent authority) to ensure that appropriate mitigation measures are secured for all residential permissions in this area, in order to demonstrate that any likely impacts are avoided or reduced to levels as to avoid adverse impacts upon the SPA. In its capacity as a statutory consultee of the planning process and appropriate assessments, Natural England has confirmed that mitigation will be required in order for residential development within the visitor catchment to be permitted legally in compliance with the Habitats Regulations. If such mitigation is not secured applications for housing in this area would not pass a HRA and could not legally be permitted; this would have a critical implication for economic growth and the sustainable development of the communities involved.

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<sup>12</sup> English Nature (2002) *Salisbury Plain SPA Conservation Objectives*

<sup>13</sup> *Landelijke Vereniging tot Behoud van de Waddenzee, Nederlandse Vereniging tot Bescherming van Vogels v Staatssecretaris van Landbouw, Natuurbeheer en Visserij, Coöperatieve Producentenorganisatie van de Nederlandse Kokkelvisserij UA*, Case C-127/02

## **Mitigation Strategy**

### **Developing a solution**

Wiltshire Council has explored several options for delivering strategic mitigation for residential development across the large area of the visitor catchment in the most effective and efficient manner. The use of Suitable Alternative Natural Green Space (SANGS) has been employed to reduce recreational pressures on heathland sites in southern England by providing alternative locations for recreational activities. However such sites are generally much smaller than Salisbury Plain and have much smaller visitor catchments (approximately 5km). As a result, the general consensus among experts at Natural England, RSPB, Defence Infrastructure Organisation (DIO) and Wiltshire Council is that SANGS would need to be very large to attract people away from Salisbury Plain and even then they could not recreate the vast open experience of the plains which draws people from such a large area. It would be very difficult and expensive to identify, purchase, create and maintain such large publicly accessible sites in the long-term, and this approach is generally considered unlikely to be an effective or efficient use of resources for this purpose.

The principle of controlling access on those parts of Salisbury Plain used by Stone Curlew has also been discussed, however this would be subject to the Ministry of Defence's review of access rights which is not due in the immediate future and therefore cannot be relied upon for delivery of the Core Strategy development.

The following mitigation option (described below) has therefore been developed in association with RSPB, DIO, Natural England and Wiltshire Council, and is considered to represent the most efficient and effective strategic approach to mitigation in order to deliver the required growth and development in Wiltshire; without it, development in this area could be paralysed by negative HRAs.

### **Monitoring and management advice**

Funding for the WSCP is due to expire, and the project wound up in the next 12 months. Without the monitoring work carried out by the project it will become increasingly difficult to establish whether Stone Curlew populations on Salisbury Plain are being affected by the increased recreational pressure during the plan period, and for DIO to respond to any such changes through the management or location of their plots. Without the advice provided by the project, tenant farmers would also be unaware of active Stone Curlew nests on their land, and therefore may not manage these appropriately as a result; this is likely to reduce breeding success on tenanted land, and further increase the Stone Curlew's reliance on the plots in the training areas. Therefore loss of this project would have a detrimental effect upon the breeding success of the Stone Curlew population for which the SPA has been designated.

The proposed solution to deliver the additional housing without any likely significant effects upon the SPA is therefore to carry out certain elements of the work currently enabled by the WSCP throughout the plan period. This would involve a greatly reduced project area focussed on the SPA and a 5km functional buffer, while the activities would be focussed on identifying impacts in this area as a result of recreational disturbance and addressing these through responsive management and landowner liaison. A project officer would therefore deliver two main functions in order to safeguard Stone Curlew populations from the potential effects of recreational pressure:

1. Monitoring Stone Curlew breeding success on Salisbury Plain – Informing DIO and tenants about the location of active nests. Compiling monitoring information in an annual report, which DIO would use to inform future management of Stone Curlew plots.
2. Advice to landowners / tenants – nesting opportunities within the functional buffer would be maintained through collaboration with farmers, ensuring that if breeding birds are disrupted from the plains, alternative opportunities are available nearby.

A single project officer will monitor the Salisbury Plain SPA and the surrounding 5km functional buffer during the main breeding period (May – August), recording all breeding attempts and successful broods. Information on the location of breeding birds will be fed back to the DIO and local landowners as it is gathered in order to inform management and training activities. Each year a monitoring report will also be compiled to look at Stone Curlew breeding behaviour across the plains, and compare this to existing patterns from previous years. This report should identify any negative impacts upon breeding Stone Curlew on Salisbury Plain as a result of increased recreational pressure and include recommendations for the DIO to respond by amending management or relocating plots where necessary. Annual reports will also be made available to Natural England, DIO and Wiltshire Council. A summary would be published on Natural England's website, however the location of individual nest sites would remain confidential.

This work would be funded for the plan period plus five years in order to identify any delayed or slowly emerging negative trends as a result of the Core Strategy development (till 2031). The data gathered would also be used to inform future revisions of the Core Strategy and associated HRAs of those documents. Where significant negative trends are identified, it may be necessary to amend growth strategies or provide alternative or additional mitigation within future Core Strategy revisions.

The project has been costed on the basis of a project officer being employed for 14 weeks during the breeding season in order to undertake monitoring, data management, landowner liaison and reporting. It is currently intended that the project would be delivered by the RSPB, however the project has been costed in a manner that would allow flexibility in the event that RSPB did not intend to act as the main delivery partner, in which case the council could employ a project officer on a temporary contract each year, or use a local ecological consultant.

The projected annual cost of running this project is £23,000 including staff salary and on-costs, overheads and expenses (travel etc), which would be index linked. Project costs would be kept under review and in the unlikely event that the monitoring data reveals the need to relocate plots within the plains, the level of developer contributions may need to be reviewed to fund capital works to be undertaken by the MoD, however any such increase is likely to be very modest.

### **Visitor monitoring**

In addition to monitoring the distribution of Stone Curlew nests across the plains, it will be necessary to monitor the effects of additional housing on visitor activity, particularly in order to understand whether changes in breeding activity are related to recreational pressures or other factors. The visitor survey would largely follow the methodology carried out by Liley, Peat and Payne (2007), involving the use of beam counters, questionnaires and driving transects, although this would be carried out during the Stone Curlew breeding season to provide a more accurate evaluation of

visitor pressure during sensitive periods. The 2007 survey was restricted to the eastern plain therefore the survey area would also be extended to include the periphery of the western and central plains. Visitor surveys would be carried out and reported on a quinquennial basis.

The estimated cost of carrying out each visitor survey would be £25,000 including fieldwork, analysis, expenses and reporting. A total of five surveys are anticipated to be required during the monitoring period (2013, 2018, 2023, 2028 and 2033)

### **Interim arrangements**

It is unlikely that Wiltshire Council will become a Community Infrastructure Levy (CIL) charging authority earlier than spring 2013. In the interim it will be necessary to secure mitigation for residential development permitted within the visitor catchment through S106 agreements. These developments will be charged at the following rates depending on their location relative to the SPA and the number of units involved:

- <4km of the SPA (including all development at Amesbury) - £109.82/dwelling
- 4-15km of the SPA (including all development at Salisbury, Wilton and Marlborough) - £13.87/dwelling

During this interim period only 'major development'<sup>14</sup> of ten or more houses would be charged due to the disproportionate administrative burden of gathering such small sums of money through legal agreements. Natural England has agreed to this pragmatic approach that would allow the most significant impacts to be mitigated while the effects of very small developments would be accepted as *de minimis* for this interim period. Rates would be recalculated prior to a CIL charging schedule being adopted to ensure that the overall cost of the mitigation measures would be secured.

### **Community Infrastructure Levy**

Once Wiltshire Council becomes a CIL charging authority it will no longer be able to pool contributions gathered through S106 agreements, and it will therefore be necessary to list the mitigation strategy costs on the CIL charging schedule. The charge will then be applied to all residential developments resulting in one or more additional dwellings.

The Localism Act (2011) has broadened the definition of infrastructure within Section 216 of the CIL Regulations to include 'supporting development by funding the provision, improvement, replacement, operation or maintenance of infrastructure'; it is considered that this broader definition would allow funding of the monitoring and management of Salisbury Plain as described above in order to support development, as the additional residents would use the area for the purpose of recreation. Indeed a similar approach has recently been successfully adopted by Poole Borough Council in relation to the monitoring of recreational pressures on the Poole Harbour SPA.

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<sup>14</sup> As defined in the The Town and Country Planning (Development Management Procedure) (England) Order 2010

The CIL Regulations exempt affordable housing from all CIL charges<sup>15</sup>, however once listed on the CIL charging schedule Regulation 123 would prevent any S106 payments from being charged for delivery of the mitigation strategy. The Habitats Regulations require that all development likely to have a significant effect upon a Natura 2000 site will require mitigation and this will apply equally to affordable units, which will have the same potential impact as open market units. In order to overcome this issue and ensure that sufficient funds are secured it will therefore be necessary to pool contributions from open market units to deliver mitigation for potential impacts from all new housing (including affordable units). In response to this issue the Planning Inspectorate has confirmed that CIL payments may be charged on all open market units, and pooled to fund mitigation for all net new housing<sup>16</sup>. This approach would also be adopted in Wiltshire in order to overcome this issue.

Natural England has expressed some concerns over the use of CIL as a mechanism to secure delivery of HRA mitigation, as the money collected cannot be ring fenced for a specific purpose and hence there is no absolute guarantee that money collected for that purpose will be spend for that purpose. HRA mitigation measures are listed as 'essential infrastructure' in Core Policy 3 of the Core Strategy (Infrastructure Requirements), and is therefore afforded the highest level of priority. Wiltshire Council acknowledges the potential risks of not delivering the strategy, as a failure to do so may leave its planning decisions exposed to legal challenge from Natural England or others. It will therefore regularly share the results of its monitoring work with Natural England and publish these on its website to demonstrate that the required strategy is being delivered, and would be willing to enter into a Memorandum of Understanding with Natural England to provide further assurances that the mitigation strategy will be delivered.

### **Habitats Regulations Assessments**

The strategy would avoid the need for project level HRAs of individual permissions on this specific issue, avoiding the need for developers to provide detailed surveys and mitigation plans for every residential development in the visitor catchment, and avoiding the requirement for the Local Planning Authority to carry out a full appropriate assessment in every such case. A generic appropriate assessment has been prepared (see Annex 1) and would be applicable to all such developments.

This assessment is only relevant to the specific recreational impacts of residential development on Stone Curlew associated with the Salisbury Plain SPA. This would not negate the requirement for the Local Planning Authority to screen applications for all other potential impacts on Natura 2000 sites, including other impacts upon other receptors within Salisbury SPA e.g. impacts upon hen harrier, or direct damage / destruction of Stone Curlew habitat. Where any other such impacts are screened, a full appropriate assessment would address all potential impacts upon the SPA (including recreation) in combination.

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<sup>15</sup> CIL Regulations 49 - 54

<sup>16</sup> *Report on the Examination into Delivering Poole's Infrastructure Development Plan Document* (File Ref: Q1255/429/7)

## **Conclusions**

While it is difficult to accurately predict the effects of additional housing upon Stone Curlew, this assessment has used best available scientific information and established methods, and adopted a precautionary approach in line with European guidelines. The proposed mitigation measures have been identified by Wiltshire Council, Natural England, DIO and RSPB as the most effective and efficient means of delivering a robust mitigation strategy and there is consensus among local experts within these organisations that the proposed mitigation measures would be sufficient to sustainably deliver growth and without having an adverse effect upon the integrity of Salisbury Plain SPA, while also providing certainty for developers.



## Annexe 1 – Appropriate assessment of effects on a European site

This is a record of the appropriate assessment of Wiltshire Council required by Regulation 61 of the Habitats Regulations 2010. The project has been assessed as likely to have significant effects upon one or more European protected sites and is not directly connected to or required for the management of such sites. This assessment is made in accordance with the relevant guidance documents<sup>17</sup>.

<b>Part A: Information reviewed</b>	
<b>Information about the plan or project</b>	Residential development within the visitor catchment of Salisbury Plain
<b>Other relevant plans or projects</b>	All other residential development within the visitor catchment of Salisbury Plain
<b>Natura 2000 site(s)</b>	Salisbury Plain SPA
<b>List of European Site interest features</b>	<ol style="list-style-type: none"> <li>1. Stone Curlew</li> <li>2. Hen Harrier</li> <li>3. Quail</li> <li>4. Hobby</li> </ol>
<b>Information about the site</b>	<p>Salisbury Plain SPA conservation objectives (English Nature, 2002)</p> <p>Nicholas Pearson Associates (2009) <i>South Wiltshire Core Strategy Proposed Core Strategy – HRA Report</i></p> <p>Topic Paper 15 – Housing Requirement Technical Paper  <a href="http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm">http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm</a></p> <p>Liley, D., Payne, K. &amp; Peat, J. (2007). Access patterns on Salisbury Plain. Unpublished report for Enviros Ltd. Footprint Ecology, Wareham, Dorset.</p> <p>Taylor, E.C. (2007) Stone Curlews <i>Burhinus oedicephalus</i> and human disturbance: effects on behaviour, distribution and breeding success. PhD Thesis. University of Cambridge</p> <p>WSP Environment and Energy (2012) <i>Wiltshire Core Strategy Pre-Submission Document - Assessment under the Habitats Regulations</i>  <a href="http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm#core-strategy-hra-feb-2012">http://www.wiltshire.gov.uk/planninganddevelopment/planningpolicy/planningpolicyevidencebase.htm#core-strategy-hra-feb-2012</a></p> <p>White, M (2011) <i>Stone Curlew in Central Southern England 2011</i> (unpublished)</p> <p>JNCC (undated) <i>UK Conservation Status of Stone Curlew</i></p>

<sup>17</sup> European Commission (2001) *Assessment of Plans and Projects Significantly Affecting Natura 2000 Sites: Methodological Guidance on the Provisions of Article 6(3) and 6(4) of the Habitats Directive*

**Part B: Impact prediction**

<b>Likely Significant Impact(s)</b>	<b>Predicted effect of impact(s)</b>
Increased recreational disturbance on ground nesting Stone Curlew.	Stone Curlew breeding success is known to be sensitive to human disturbance, particularly dog walkers. Salisbury Plain is a population location for recreation, including dog walking. The eastern plain is most accessible and population, and it is known to attract visitors from approximately a 15km radius. Additional housing within the visitor catchment of Salisbury Plain is likely to increase the recreational pressure on the plain. Core Strategy projections indicate that this could increase daily visits by up over 30 visits per day by 2026. Impacts upon nesting Stone Curlew as a result of this additional visitor pressure are difficult to predict, but cannot be discounted.

<b>PART C: CONSERVATION OBJECTIVES (See Appendix A for Conservation Objectives)</b>	
<b>Does the project or plan have the potential to:</b>	
Cause delays in progress towards achieving the conservation objectives of the site?	NA. Site is in favourable condition
Interrupt progress towards achieving the conservation objectives of the site?	NA. Site is in favourable condition
Disrupt those factors that help to maintain the favourable conditions of the site?	The relatively low levels of disturbance on the Salisbury Plains are one of the reasons why the site has continued to support breeding Stone Curlew while it has gone extinct elsewhere across much of its range.
Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site?	Changes to recreational pressure could cause certain nesting plots to become unviable. Such nesting sites are limited within the SPA and this could reduce the overall carrying capacity.
Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem?	Increased recreational pressure could remove the relatively undisturbed conditions from areas of the site which Stone Curlew require to breed successfully.
Change the dynamics of the relationships that define the structure and/or function of the site?	As above
Interfere with predicted or expected natural changes to the site	NA
Reduce the area of key habitats?	NA
Reduce the population of key species?	The carrying capacity of the site could be reduced as nesting plots become too disturbed to successfully support breeding.

**PART C: CONSERVATION OBJECTIVES (See Appendix A for Conservation Objectives)**

**Does the project or plan have the potential to:**

Change the balance between key species?	Unlikely.
Reduce diversity of the site?	Unlikely.
Result in disturbance that could affect population size or density or the balance between key species?	The carrying capacity of the site could be reduced as nesting plots become too disturbed to successfully support breeding.
Result in fragmentation?	NA
Result in loss or reduction of key features?	NA

<b>Part D: Mitigation</b>	
<b>Mitigation proposed</b>	<b>How will these measures avoid or reduce impacts upon site integrity?</b>
Annual monitoring of Stone Curlew distributions	The Wessex Stone Curlew Project will gather monitoring data on the distribution and breeding success of Stone Curlew within the SPA and a 5km functional buffer. This information will be fed back to Defence Infrastructure Organisation to adjust the management of their plots if specific locations become unviable. Management advise to tenanted farmers will provide a safe buffer for any birds temporarily displaced from the SPA.
Monitor visitor access on Salisbury Plain (quinquennial)	There is some uncertainty as to which areas of the plains the increased recreational pressure is likely to be focussed. Information gathered on changing distribution of visitor pressure will allow DIO to make proactive choices about plot management, allow relationships to be drawn between visitor and Stone Curlew distributions, and inform future local development plans.

<b>Part E: Conclusion</b>	
<b>Is the project likely to affect site integrity?</b>	
<b>a) Alone?</b>	
No. No single development is likely to be large enough to cause such a significant increase in recreational pressure as to affect Stone Curlew breeding success, unless located very close to a nesting area.	
<b>b) In combination with other plans or projects?</b>	
No. Although the combined projected housing numbers within the visitor catchment could increase daily visits by over 30 visits per day, Salisbury Plain is so large that it is considered that recreation activities can be accommodated along with the Stone Curlew populations, provided that the area is managed in an informed and sensitive manner as secured by the proposed monitoring and management advice.	

<b>Name of officer(s) making the assessment</b>	Jon Taylor Principal Ecologist
<b>Date</b>	30 March, 2012
<b>Natural England Comment</b>	
<b>Name of Natural England officer</b>	
<b>Date</b>	

**Appendix A: Conservation Objectives for Salisbury Plain SPA**

Site-specific standards defining favourable condition					
Criteria feature	Attribute term in guidance	Measure	Site-specific Targets	Comments	Use for CA?
Internationally important Stone Curlew population.	Food availability	Abundance of invertebrates from soil and grazing animals' dung	<i>Maintain area of semi-natural grassland with variety of structures (as mapped 1996-7 NVC survey) to support invertebrate food source</i>	Including beetles, flies, grasshoppers, earthworms, snails, slugs.	Yes

Site-specific standards defining favourable condition

Criteria feature	Attribute term in guidance	Measure	Site-specific Targets	Comments	Use for CA?
	Habitat availability	Open stony ground, with sparse vegetation and bare soil (nesting and feeding)	<p>Breeding habitat supported by plot and scrape creation (35 plots in 2002) and ground disturbance by military training activity; aiming for a surplus of breeding plots over breeding pairs, meeting UK SAP targets.</p> <p>Unrestricted views over 200m, wherever possible.</p> <p>Areas of short vegetation available within 1 km of breeding sites e.g. recently grazed or short track edges.</p>	Refer to Stone Curlew Management Plan and UK Species Action Plan.	
	Disturbance	Reduction in or displacement of birds.	Excessive disturbance may result in reduced breeding success.	See study carried out for 'Environmental Appraisal of post Strategic Defence Review	



Site-specific standards defining favourable condition

Criteria feature	Attribute term in guidance	Measure	Site-specific Targets	Comments	Use for CA?
			Unfavourable condition applies if the number of breeding pairs declines by > 25% over a 3-5 year period or productivity drops below 0.7 chicks per breeding pair, subject to natural change.	Training on ATE Salisbury Plain' 2002.	
Internationally important Hen Harrier population.	Food availability	Abundance of small-medium sized mammals and birds	<i>Maintain area of semi-natural grassland with variety of structures (as mapped 1996-7 NVC survey) to support food source</i>	Including voles, rabbits, pipits, larks, starling, waders, game birds.	
	Vegetation height	Tall, with tussocks as rest sites	<i>Maintain area of semi-natural grassland with variety of structures (as mapped 1996-7 NVC survey). Ungrazed / unburnt grassland within roosting areas.</i>		