

# WILTSHIRE COUNCIL

## Updated Addendum to 'Wiltshire Housing Site Allocations Plan Pre-Submission Draft (June 2017) Assessment under the Habitats Regulations'

### Review Schedule

<b>Date of document</b>	<b>Title of Review</b>	<b>Scope of Review</b>
4 May 2018	Addendum	Original addendum to HRA of June 2017
September 2018	Minor Factual Update	Original Addendum with minor factual changes to support the consultation on the Council's Schedule of Proposed Changes
5 September 2019	Amended Addendum	Minor Factual Update incorporating further changes to support the Council's Further Main Modifications

## **1. INTRODUCTION**

- 1.1 The Habitat Regulations Assessment (HRA) for the Wiltshire Housing Site Allocations Plan was prepared at the time of the pre-submission document<sup>1</sup>. That document is supplemented by an Addendum (see details on front cover for review history) culminating in the current Amended Addendum, which is being issued to inform the consultation on the Further Main Modifications following the Examination in Public in April 2019.
- 1.2 The approach to mitigation for the River Avon Special Area of Conservation (SAC) has been simplified from that anticipated in the HRA 2017 following advice received from the statutory agencies in March 2018. Annex 2 of the Nutrient Management Plan (NMP) remains at the centre of the approach to mitigation which is now being progressed in partnership with other planning authorities in the catchment and the statutory agencies. As of March 2019, this has been developed into an Interim Delivery Plan which identifies those measures necessary to achieve phosphate neutral development. In Wiltshire these will be funded through CIL and are anticipated to be delivered through an online trading platform.
- 1.3 The Draft Trowbridge Bat Mitigation Strategy for the Bath and Bradford on Avon Bats SAC (TBMS) went to public consultation in February 2019. This Amended Addendum expands on what the strategy aims to deliver and considers the implications of the increased housing numbers proposed at four of the six allocations at Trowbridge for this SAC.
- 1.4 Since the pre-submission HRA was prepared, the 'HRA and Mitigation Strategy for Salisbury Plain SPA' has been revised and two site allocations not previously considered have been included due to revised measurements which show they fall within the zone that generates most visitor pressure. The Addendum explains the implications of this in terms of numbers of additional visitors and consequences for the SPA mitigation strategy.
- 1.5 This Amended Addendum document focuses on the Further Main Modifications (FMM) which are likely to have implications, both positive and negative, on the appropriate assessment work already carried out. None of the FMMs require the assessment to be expanded to cover new issues or European sites which have previously been scoped out of the assessment. Where a FMM is not mentioned specifically, then it should be assumed the FMM has no effect on any European protected site.

## **2. FURTHER INFORMATION AVAILABLE SINCE JUNE 2017 AND MAY 2018**

### **2.1 Salisbury Plain SPA**

2.1.1 The following changes have occurred since the pre-submission HRA:

- Closer examination of the allocated sites has identified that two sites not previously included, should be counted towards calculations of residents who will

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<sup>1</sup> Wiltshire Housing Site Allocations Plan Pre-Submission Draft Plan: Habitats Regulations Assessment, June 2017 Wiltshire Council

be living within 6.4km of the SPA. These are: Land off the A363 at White Horse Business Park at Trowbridge (H2.2) and, Barter's Farm Nurseries at Chapmanslade (H2.10). These two sites are therefore screened in for likely significant effects, along with the other ten allocations within 6.4km of the SPA boundary.

- The 'HRA and Mitigation Strategy for Salisbury Plain SPA'<sup>2</sup> has been revised to take account of the implications of the growth proposed in the Wiltshire Housing Site Allocations Plan submission draft and its distribution.

## 2.2 River Avon SAC

- 2.2.1 Since the pre-submission HRA was written, the Council has been advised by the Environment Agency (EA) and Natural England that it cannot rely on the River Avon Special Area of Conservation Nutrient Management Plan (NMP) which was published in April 2015. A joint statement advised:

*"Evidence suggests that the targets in the Hampshire Avon nutrient management plan are unlikely to be delivered by 2021. We are modelling what this means for the Nutrient Management Plan, and will be providing recommendations in March 2019.*

*We know that there will be new development and we advise that the new development within the catchment of the Hampshire Avon needs to be "phosphate neutral". We will work with you to help you demonstrate how that can be best achieved."* (Email from EA to Wiltshire Council, New Forest District Council and East Dorset/Christchurch Council, 9<sup>th</sup> March 2018)

- 2.2.2 The aim of the NMP is to bring phosphate concentrations in the River Avon SAC down to the conservation targets set by Natural England in order to bring the river system into favourable condition as required by the Habitats Regulations. Due to the complex factors influencing phosphate in the Avon, the NMP set interim progress goals which were to be achieved by the end of 2021. The underlying premise of the plan was that increases in sewage derived phosphate would be more than offset by reductions from agricultural sources, such as farming, due to the catchment sensitive farming initiative which is funded through Defra. However, by early 2018, Natural England and the EA reported that catchment sensitive farming was much less effective than projected in the NMP modelling and unlikely to offset increased phosphates from new development.
- 2.2.3 Consequently, the Council has been advised that in order to comply with the Habitats Regulations, it should demonstrate all development is "phosphate neutral" for an interim period until any necessary permanent reductions can be accommodated in the water company's asset management plan. During this period, the availability of permit headroom cannot be taken into consideration. The relevant parties have agreed to work under a Memorandum of Understanding (MoU<sup>3</sup>) signed in March 2018 which sets out a method for calculating and offsetting phosphate generated by

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<sup>2</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreation pressure from residential development). Wiltshire Council May 2018

<sup>3</sup> The MoU was submitted along with the draft Wiltshire Housing Allocations Plan, the Council's Schedule of Proposed Changes and all other evidence in July 2018

each new development approved in the interim period and commits to delivering measures to reduce phosphates in the catchment. It is recognised that the conservation targets will only be met in the long term if measures are taken to reduce runoff from agricultural land and discharges from sewage treatment works (STW). The MoU was based on the supposition that the need for phosphate neutrality would end in 2025 after the next water industry Price Review (PR24) as beyond this time, spatial planning for the catchment would take account of Water Company planning as well as Government policy and legislation.

2.2.4 In an email dated 26 March 2019 Natural England and the Environment Agency updated their advice in light of the CJEU ruling in *Coöperatie Mobilisation*<sup>4</sup>.

*“1) Phosphate-neutrality commitment*

*Measures should be in place to ensure P-neutrality of housing growth until a time when additional mechanisms are in place to ensure that P concentrations in the river do not increase unacceptably as a result of development.*

*2) Temporary impact of phosphorous*

*Phosphate ‘neutralising’ measures should be deployed in an appropriate spatial and temporal way to reduce the local impacts of growth to an acceptable level to protect the integrity of the SAC, based on in-river P concentration downstream of each STW.”*

These statements demonstrate that work to achieve the conservation objectives, and specifically to reduce phosphate to target levels is likely to extend beyond 2025. Until a mechanism is secured to do this for the long term, the pattern and rate of housing growth will continue to be heavily influenced by the spatial and temporal distribution of phosphate mitigation measures.

In March 2019, Local Authorities in the River Avon catchment, Natural England, the Environment Agency and Wessex Water (the Working Group) agreed an Interim Delivery Plan (IDP) which set out projections of growth up to 2025 together with the measures that will be implemented to mitigate the associated increase in phosphate. This document is now the basis on which the Council is considering implications of the Wiltshire Housing Site Allocations Plan for the SAC’s conservation objectives.

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

2.3.1 Changes which have occurred since the pre-submission HRA are as follows:

Natural England responded to the pre-submission consultation in a letter dated 28 September 2017 raising several limitations of the plan. It queried whether bat survey evidence is adequate to support the housing numbers proposed at Trowbridge and asked for clarification on how bat habitat will be mitigated on-site.

These matters are picked up in the discussion below.

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<sup>4</sup> *Coöperatie Mobilisation for the Environment UA and Others v College van gedeputeerde staten van Limburg and Others (C-293/17 & C-294/17)*

2.3.2 In terms of addressing in-combination effects, Natural England agreed that a strategic approach is capable of addressing residual effects. With regard to this, significant progress has been made with the Trowbridge Recreation Management Mitigation Strategy, now confirmed as the **Trowbridge Bat Mitigation Strategy** (TBMS). A draft of the TBMS was published for consultation in February 2019<sup>5</sup> supported by a visitors' survey<sup>6</sup>.

2.3.3 The Draft TBMS references a considerable body of research in relation to greater horseshoe bats, lesser horseshoe bats and Bechstein's bats in order to arrive at an approach for protecting land affected by development which is functionally linked to the SAC. The document presents the following:

- Maps showing zones of high and medium sensitivity where development could impact bat habitat or generate additional recreational pressure.
- Survey requirements for development located within bat sensitivity zones
- Requirements for information to be submitted with planning applications
- Standards for demonstrating that habitats will be protected, buffered and mitigated within greenfield application sites
- Standards for assessing and mitigating impacts from lighting
- Provision for off-site mitigation of in-combination recreational pressure through CIL contributions
- Provision for off-site mitigation of in-combination effects on bat habitats through Section 106 contributions.
- Provision of a project delivery officer funded through S106 contributions.

2.3.4 Thirty seven representations were made on the draft plan, mostly by landowners, developers and the public. The Council will publish a summary of the outcome of the consultation and key matters raised will be addressed in the final version of the TBMS. For the most part comments related to matters of clarity. However Southwick residents and the Friends of Southwick Country Park were concerned that by locating development close to the Country Park and directing more people into it, this would undermine the purpose of the strategy as the park itself is known to be used by small numbers of Bechstein's bats. The final version of the strategy will clarify the importance of the Country Park for bats and that measures will be required to ensure against impacts to SAC features. Planning applications submitted for the allocations will in any case undergo assessment under the Habitats Regulations which will ensure that mitigation measures are secured.

2.3.5 NE has been a key stakeholder in preparation of the TBMS and has commented on the draft as follows:

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

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<sup>5</sup> John's Associates, (February 2019). Trowbridge Bat Mitigation Strategy SPA, Draft for Consultation, Report by John's Associates for Wiltshire Council.

<sup>6</sup> Footprint Ecology. Panter, C., Lake, S & Liley D. (2018). Trowbridge Visitor Survey and recreation Management Strategy. Report by Footprint Ecology for Wiltshire Council

*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. A high level of site survey effort is needed given the importance of the area to the designated bat species, and uncertainty around Bechstein’s bats ecology. We feel the quantum of mitigation is appropriate both in terms of the justification put forward in the Strategy, but also on the basis of our professional judgement.*

*Whilst different developments may have different levels of impact per dwelling, and there will be uncertainties around the levels of impact, this strategy will ensure that there is a high level of certainty that development in aggregate will not cause the area to be a poorer habitat for this bat species. The strategy also mitigates for the wider landscape scale change arising from development in this area.*

*Our primary concern now is that of delivery. In particular, it is important that there is not a long lag between development occurring and mitigation being implemented. Once a project officer is in place it is likely that the project will take on its own momentum, and we urge you to employ a project officer as soon as funding allows. Once in post, we would like the officer to agree with Natural England an appropriate reporting mechanism, so we can understand how the strategy is being implemented.”*

2.3.6 In light of submissions from prospective developers to increase housing density and the government’s ambition to make the best use of development land, the Council has tested the capacity of the allocations to accept further housing. As a result, housing at the following allocations in Trowbridge has been increased.

Table 1: Proposed capacity at site allocations

<b>Site Ref</b>	<b>Site Name</b>	<b>Current proposed capacity</b>	<b>Proposed capacity Approximate number of dwellings</b>
H2.1	Elm Grove Farm, Trowbridge	200	250
H2.2	Land off A363 at White Horse Business Park, Trowbridge	150	175
H2.3	Elizabeth way, Trowbridge	205	355
H2.5	Upper Studley, Trowbridge	20	45

2.3.7 The Council is working with Natural England and other local authorities in the West of England to develop a Local Bat Conservation Plan which will underpin planning guidance for the bat SACs in this area. This would lend weight to the individual approaches each authority is taking, ensure that the same basic principles were

applied throughout and ensure that functional linkages between the SACs are recognised in the HRAs undertaken by these competent authorities. The urgency of this work, which is being driven by Natural England's aim to reduce the burden of regulation for developers and authorities alike, was emphasised by competent authorities at stakeholder workshops in April and September 2018.

- 2.3.8 The Guidance for the North Somerset and Mendip Bats Special Area of Conservation (SAC)<sup>7</sup> was adopted by North Somerset Council in January 2018. This document brings together a considerable body of research in relation to lesser and greater horseshoe bats which are features of this SAC and to that extent is also relevant to the Bath and Bradford on Avon Bats SAC.

### **3. DISCUSSION**

#### **3.1 Salisbury Plain SPA – Recreational Pressure**

##### Effects alone

- 3.1.1 As a consequence of the 2015 visitor survey<sup>8</sup>, the radius for 75% of visitors accessing the plain was revised to 6.4km and the percentage of residents visiting the plain was revised to 1%. Although Land off the A363 at White Horse Business Park at Trowbridge (H2.2) and Barter's Farm Nurseries at Chapmanslade (H2.10) were screened out of the pre-submission appropriate assessment, closer examination shows these sites are within this radius and therefore they are now screened into it.
- 3.1.2 The inclusion of White Horse Business Park and Barters Farm Nurseries increases the number of estimated visits to the plain from 14.4 visits per day to 20.2 visits per day.
- 3.1.3 Within the overall context of the scale of growth proposed by the Core Strategy this small additional increase does not lead to the Plan to causing effects on the SPA alone.

##### Effects in-combination

- 3.1.4 The effects of in-combination growth arising from the Core Strategy are dealt with in the 'HRA and Mitigation Strategy for Salisbury Plain SPA'. In 2012<sup>9</sup> this document concluded that the in-combination levels of growth proposed in the Core Strategy had the potential to lead to adverse effects on stone curlew due the fact this ground nesting bird was vulnerable to walkers, particularly dog-walkers. The document went on to provide details of the proposed mitigation strategy to deal with in-combination effects.
- 3.1.5 Since the pre-submission HRA was completed, the 'HRA and Mitigation Strategy for Salisbury Plain SPA' has been revised<sup>10</sup>. The revision examines the effectiveness of

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<sup>7</sup> North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: Supplementary Planning Document. Adopted January 2018. North Somerset Council

<sup>8</sup> Panter, C., & Liley, D. (2015) Salisbury Plain Visitor Survey 2015. Unpublished report by Footprint Ecology for Wiltshire Council

<sup>9</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreation pressure from redevelopment). Wiltshire Council March 2012

<sup>10</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreation pressure from residential development). Wiltshire Council May 2018

mitigation measures to date and assesses the impact of additional housing which is coming forward under the Core Strategy as well as in-combination growth from other plans and projects including the Army Basing Project. A HRA for the latter project concluded no likely significant effect on the basis of a bespoke package of measures agreed with Natural England.

- 3.1.6 The review recognises that since 2002 there has been a steady increase in breeding success of stone curlew, measured as numbers of breeding pairs and young fledged per nest and the period 2012-2017 also reflects this trend. The conservation target for the SPA is to maintain the breeding population at or above 15 pairs. Over the last ten years the number of pairs has remained fairly stable at around 25 and it can therefore be concluded that the SPA is in favourable condition in respect of this target. Although not a target, the productivity figure of 0.61 birds per pair is used as an indication of whether the population is maintaining itself. In 2017 the productivity on the SPA was 0.65 after a period of 5 years when the figure was about 0.55. It appears that breeding on agricultural land outside the SPA where the productivity is higher is helping to support the SPA population and this has been recognised for a number of years. Overall the revised 'HRA and Mitigation Strategy for Salisbury Plain SPA'<sup>11</sup> concludes that the SPA remains in favourable condition and there is no evidence that increased visitor numbers are having an impact.

#### Mitigation

- 3.1.7 The current mitigation strategy funds an ornithologist to survey breeding stone curlew on Salisbury Plain up to a 2km outside the SPA boundary; provide advice to landowners on the timing of land management activities, and; collate data on breeding success. The review demonstrates that following delivery of almost half the growth proposed by the Core Strategy, the stone curlew population remains in favourable condition. The review therefore proposes the mitigation strategy continues to be funded at the same level to ensure the response of the stone curlew population to remaining growth is monitored. This approach is considered acceptable given that conservation measures to restore stone curlew are well understood and therefore the prospect of being able to reverse a decline if this is detected is good.

#### Implications for integrity test

- 3.1.8 The review of the 'HRA and Mitigation Strategy for Salisbury Plain HRA' demonstrates that a total of 17,375 dwellings are currently expected to be delivered within the visitor catchment during the period 2006 and 2026 as a result of planned growth in the core strategy and the Wiltshire Housing Site Allocations Plan. This compares with 16,130 dwellings if the 2012 housing figures are reassessed using the latest visitor survey data. The review estimates that current planned growth will result in an additional 2,826 residents within the visitor catchment over and above those which would have resulted from the 2012 housing figures. Approximately 1% of these residents can be expected to visit the plain regularly, representing an additional 28 visits per day over and above those which would have resulted from the 2012 housing figures. To put this

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<sup>11</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreation pressure from residential development). Wiltshire Council May 2018

in context, planned growth would result in an estimated additional 1% of visitors over the plan period, compared to the 2012 housing figures.

- 3.1.9 The review concludes that planned growth as a result of the Core Strategy, the Wiltshire Housing Site Allocations Plan and Army Basing Project will not have an adverse effect on the integrity of the Salisbury plain SPA, either alone or in-combination there with other plans and projects.

*Recommendation: Salisbury Plain SPA Recreational Pressure*

There are no recommendations for changes to policies or supporting text in the Plan as a result of this addendum. The Council has updated the 'HRA and Mitigations Strategy for Salisbury Plain SPA' to take account of the latest visitor survey results and stone curlew monitoring. Natural England, the RSPB and MoD will be consulted on this revision.

### **3.2 River Avon SAC - Phosphate**

#### Effects alone and in-combination

- 3.2.1 The pre-submission HRA identified that the Lower Avon and Upper Wylde (headwaters) sub-catchments were high risk, i.e. development within the headroom of sewage treatment works could compromise the delivery of the interim progress goals as there was a risk that increased growth would not be offset by reductions in diffuse agricultural phosphate.

- 3.2.2 This risk was extended to the whole catchment when the EA and NE issued a joint interim position statement that said:

*“Evidence suggests that the targets in the Hampshire Avon nutrient management plan are unlikely to be delivered by 2021. We are modelling what this means for the Nutrient Management Plan, and will be providing recommendations in March 2019.*

*We know that there will be new development and we advise that the new development within the catchment of the Hampshire Avon needs to be “phosphate neutral”. We will work with you to help you demonstrate how that can be best achieved.” (Email from EA to WC, NFDC and East Dorset/Christchurch Council, 9<sup>th</sup> March 2018).”*

- 3.2.3 As a consequence, any development within the River Avon (Hampshire) catchment has the potential to give rise to impacts alone and in-combination with other developments on the River Avon SAC. Allocations at Warminster, Salisbury and Durrington must therefore demonstrate they will be phosphate neutral in order to ensure there will be no adverse effect from development.

- 3.2.4 The Interim Development Plan (IDP)<sup>12</sup> is now the agreed mechanism by which windfall and allocated growth in the catchment will be mitigated between 2018 and 2025. Wessex Water has undertaken to offset growth for the period 2020 – 2025 by

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<sup>12</sup> River Avon SAC – Phosphate Neutral Development. Interim Delivery Plan, January 2019. Wood Environment and Infrastructure Solutions UK Ltd for Wiltshire Council

including an Outcome Delivery Incentive (ODI) in its proposed Asset Management Plan, PR19. This commits the company to maintaining levels of phosphate discharged from STWs in the River Avon catchment to the average level of the last five years. The PR19 process and acceptability of the ODI will be finalised towards the end of 2019.

3.2.5 If, as seems likely, the ODI is approved, the Council will be responsible for delivering measures from the IDP to cover:

- the load from sewered and unsewered growth permitted in Wiltshire over the period 2018-2020. Even though little of this development will be operational and adding to loads by 2020, these measures are proposed as a precautionary approach;
- any under-delivery by the ODI in Wiltshire over the period 2020-2025, and;
- the load from unsewered growth in Wiltshire between 2020 and 2025 as this is not covered by the ODI.

3.2.6 The IDP identifies a range of capital works and shorter term measures that can be delivered on site, off site within catchment, and within the remit of Water Companies. A combination of the first two approaches is being used.

3.2.7 Firstly, a condition is currently being applied to all permissions granted in the catchment requiring dwellings to comply with the optional Building Regulations Requirement of maximum water use of 110 litres per person per day. The only other time when mitigation measures might need to be secured for individual planning permissions would be in the rare and currently unforeseen circumstances when alternative off site measures are unavailable. These measures may comprise, for example, on site package treatment plants and infiltration systems.

3.2.7 The bulk of the Council's phosphate mitigation is anticipated to be delivered off site within the catchment through an online trading platform being set up by Wessex Water. This will be used by both Wessex Water and the Council to purchase phosphorus reduction interventions with the Council's purchases being funded through CIL. Examples include:

- creation of on-farm silt traps which will reduce diffuse pollution from agricultural yards etc;
- new wetlands at strategic locations alongside the river to intercept flows and treat water through sedimentation / nutrient uptake by plants;
- cessation of agriculture to reduce phosphate inputs permanently e.g. when green field land is developed;
- conversion to less intensive use on a temporary basis where short term reductions are required to bridge a gap before longer term measures come on line.

3.2.8 In order to comply with Natural England and the Environment Agency's advice from 26 March 2019, the Council must ensure the relevant quantum of phosphate reduction is purchased and starts to be delivered before a development becomes occupied. None of the allocations in the catchment are expected to have been occupied before the trading platform is operational and phosphate reduction measures have been purchased. The trading platform will employ a member of staff

to undertake compliance checks so that the trajectory of reduction measures can be matched to housing delivery on an annual basis with any shortfall being made up in the following year.

- 3.2.9 Phosphate reduction measures must also be located upstream of the relevant STWs. Allocations in the Wiltshire Housing Site Allocations Plan will require all the mitigation to be achieved upstream of Petersfinger STW (located on the south side of Salisbury) with a small proportion delivered upstream of Ratfyn STW (located on the south side of Durrington). Figures in the IDP discussed in section 4.4 of that document, show such a distribution can be readily achieved.
- 3.2.10 Phosphate projections for sewered development are around 85 kg P/year in the financial year 2018 / 2019 and 155 kg P/year for 2019 / 2020. Approximately two thirds of this will occur in Wiltshire and there will be a small additional contribution from employment provision over these two years of about 30 kg. The IDP demonstrates these reductions can be readily achieved<sup>13</sup>. Further measures are available<sup>14</sup> should it be necessary for the Council to make up any shortfall if the ODI fails to deliver some of the benefit intended but this will be capped by the sum allocated to the scheme in CIL. Any subsequent shortfall would need to be funded through S106 developer contributions. Sensitivity testing in the IDP demonstrates that the phosphate calculations for 2018-2025 are likely to be an over-estimate as Wessex Water currently discharges water considerably below its permit level. The extent to which bespoke arrangements would be required if the ODI is not approved is therefore unlikely to compromise delivery of the Wiltshire Housing Site Allocations Plan.
- 3.2.11 Unsewered development can be discounted as this will be broadly equivalent to the phosphate reductions from taking green field land out of production.
- 3.2.12 The MoU will be reviewed annually by the Working Group to ensure the housing trajectory matches phosphorus reductions achieved on the ground and to ensure it remains fit for purpose as a result of the growing evidence base.

#### Implications for integrity test

- 3.2.13 The Working Group has a continuing role overseeing the possibility of adverse effects and managing phosphate discharge from new development.
- 3.2.15 An Action Plan lists individual projects and measures to take the IDP forward, including funding, timescales and responsibilities for delivery. The Plan has a formal role in respect of monitoring and reviewing performance, matching information on housing delivery in the catchment against the effectiveness of the ODI and mitigation measures. It clarifies ownership of actions from the IDP in more detail to ensure

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<sup>13</sup> For example at paragraph 5.5.4 of the IDP installing wetlands on 12 dairy farms could yield a reduction in loading of 156 kg P/year and would cost £16,400 equivalent annualised cost. Also para 5.5.5 Changing land use from intensive grazing to extensive grass production on 7 farms would yield a reduction in loading of 161 kg P/year, estimated at £84, 240 per year.

<sup>14</sup> For example at paragraph 5.5.14 of the IDP 5.5.13 Changing land use from intensive grazing to extensive grass production on 24 farms would yield a reduction of 552 kg P/year costing £295,680 per year. Agriculture census data identifies 100 intensive grazing holdings in the Avon, mainly in the upper catchment.

actions are completed appropriately. Action planning therefore provides further certainty for the years ahead.

- 3.2.16 The Working Group is also the avenue for the statutory agencies and Wessex Water to input into the Council's forward planning with new evidence on SAC condition and changes in the wider regulatory framework. Likewise, it is the means for planning authorities to continue to cooperate together and feedback to other Working Group members on cross boundary planning issues.
- 3.2.17 Currently, Wiltshire Council is working with Wessex Water to purchase Phosphate reductions for the 2018/2019 financial year. Future review meetings will consider housing delivery over this period against phosphate purchased and also the implications of PR19 and Wessex Water's ODI.
- 3.2.18 By removing East of the Dene at Warminster for 100 dwellings (FMM 38) and adding Land at The Yard, Hampton Park for 14 dwellings (FMM68), the Further Main Modifications reduce the quantum of development originally proposed in the River SAC catchment by 86 dwellings net. No other changes are proposed to the spatial or temporal distribution of development within the catchment. The effect on delivery of the IDP will be to slightly reduce the quantum of phosphate reduction measures that need to be purchased to mitigate the Wiltshire housing Site Allocations Plan.
- 3.2.19 In view of the fact the Working Group continues to work effectively to deliver the MoU, the Council is able to conclude it is beyond reasonable scientific doubt that the plan thus modified will not have an adverse effect on the SAC.

***Action Taken: River Avon SAC - phosphate***

An agreed form of wording with the EA and NE has been inserted into the Plan that references the role of the MoU in order to provide greater certainty over the need to provide for phosphate neutral development.

No changes are required to policies as a result of the Further Main Modifications. However in light of recent progress, the supporting text for Warminster, Salisbury and Durrington should be amended to note that agreement has been reached on an Interim Delivery Plan which the Working Group will oversee and review on a regular basis.

**3.3 Bath and Bradford on Avon Bats SAC - habitat loss / deterioration**

Effects alone

- 3.3.1 The TBMS identifies a high risk zone where developments within approximately 600m of the core Bechstein's breeding sites are likely to lead to impacts on the SAC both alone and in-combination as a result of habitat loss. None of the allocation sites lie within this zone.
- 3.3.2 Increasing the housing numbers at four allocations in Trowbridge would take the number of dwellings proposed at Trowbridge from 800 to 1050 on greenfield sites. The implications of increases at each site are as follows:

- a. At Elm Grove (H2.1) the allocation boundary has been extended to include open space adjacent to Elm Grove Farm resulting in greater green field land take to accommodate the additional 50 dwellings proposed.
- b. Land off the A363 at White Horse Business Park (H2.2) has potential significance as a strategic link for bats moving east-west between woodland breeding sites in the south and the SAC to the north. For a strategic link to be maintained, it is likely that hedgerows would need to be maintained within a field matrix rather than an urbanised development. This may reduce the scope to increase the urban footprint to some degree, but provided an appropriate level of mitigation measures form the cornerstone of any subsequent design solution (as directed by the draft Plan), it is considered that the housing quantum could be increased from 150 to 175 dwellings.
- c. The allocation at Elizabeth Way (H2.3) has been increased from 205 to 355 dwellings. Below Middle Lane the allocation lies within the consultation area for Bechstein's bats and it seems that an increase of this scale could require this area to become urbanised to some degree. Any subsequent design solution to support development would need to ensure the provision of low lux lighting, dark corridors, open space and protection of existing habitat. Such measures have been incorporated into the draft Plan.
- d. At Upper Studley (H2.4) the increase from 20 to 45 dwellings could bring dwellings closer to the mature trees along the Lambrok stream. The wooded stream is likely to be a historical commuting and foraging route and could be of potential strategic importance for SAC bats. Increased development could extend the effects of urban lighting towards this habitat and in due course, retaining the habitat could conflict with the amenity and health and safety concerns of future residents. Again, any subsequent design solution to support development would need to ensure the provision of low lux lighting, dark corridors and protection of existing habitat along the Lambrok Stream. Such measures have been incorporated into the draft Plan.

### Effects in-combination

3.3.3 All of the allocations lie within the zone of medium risk for the SAC where impacts may arise as a result of the effects of combined habitat loss across cumulative application sites. The TBMS sets out what is required from developers in terms of survey, development design, provision of mitigation at allocation sites and the contributions that will be required to offset residual in-combination effects. The key requirements are:

- A single masterplan will be required for each allocation to demonstrate that sufficient land will be available for mitigation after the footprint of the proposed quantum of development is accounted for. This will ensure mitigation is not "squeezed out" by phased reserved matters applications.
- Surveys are to be carried out in accordance with the criteria in the TBMS to address the specific needs of the SAC bat species.
- Applications must be submitted with an Ecological Mitigation Plan meeting the criteria specified in the TBMS in order to demonstrate how habitats will be protected, buffered and mitigated. A substantial proportion of each allocation site

will need to be assigned to mitigation in order to offset the footprint of development and meet minimum buffer widths.

- Lighting design must inform the layout of development from the earliest stages of a scheme.

3.3.4 Residual, combined impacts on bat habitat will be mitigated through a Council led scheme funded by Section 106 contributions to create new woodland and hedgerow habitats in strategic locations for the SAC bats.

#### Implications for the Integrity Test

3.3.5 The capacity of housing allocations has been calculated on the basis of 30 dph and excludes parts of the sites that are undevelopable due to environmental and heritage constraints. In principle, the density of development at each site could be increased without leading to impacts alone, as it has been demonstrated that:

- The principles in the TBMS for protecting key bat habitat on site can be met; and consequently,
- The landscape remains porous to bat movements to the same extent after development as it was prior to development

3.3.6 As outlined above, adverse effects may arise from increasing scales of development envisaged on each allocation. However, these have each been reviewed in the light of the possible effects that have been identified and it has been concluded that likely individual effects can be mitigated. Original estimates in the pre-submission draft Plan were based on a low density and there will be only marginal, or no change to the footprint of development and the extent to which it may impinge upon habitat areas.

3.3.7 As a result of the Further Main Modifications<sup>15</sup> compliance with the TBMS has been incorporated into the policy of all allocations lying within the zone of potential impact to the SAC. This will guide design and layout so that effects are fully mitigated, if necessary offsite and therefore no additional safeguards need to be incorporated into the Plan.

3.3.8 In view of the fact that the bats response to development is likely to be delayed and difficult to ascertain with confidence, this could suggest a need for phasing further development that might arise from the Local Plan Review. Otherwise there would be a risk that the capacity of the area to support the internationally important population of Bechstein's bats may be exceeded and as a result have significant adverse effects on the integrity of the SAC. However, this would be a matter for the Review to resolve and is not necessary to progress this Plan.

3.3.9 In conclusion, increasing the quantum of development from 800 to 1050 dwellings can be accommodated within the mitigation approach proposed in the TBMS and in view of the fact that compliance with the TBMS has been elevated to policy, the

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<sup>15</sup> The specific FMM's relevant here are: FMM 8, FMM 10, FMM 11, FMM 14, FMM 15, FMM 16, FMM 19, FMM 20, FMM 21, FMM 23, FMM 26, FMM 27, FMM 28, FMM 29, FMM 31, FMM 32, FMM 33, FMM 35, FMM 36, FMM 37.

Council is able to conclude beyond reasonable scientific doubt that there will be no loss of integrity to the SAC.

### **3.4 Bath and Bradford on Avon Bats SAC – Recreational Pressure**

#### Effects Alone

3.4.1 The TBMS identifies a high risk zone where developments within approximately 600m of the core Bechstein's breeding sites are likely to lead to impacts on the SAC both alone and in-combination as a result of increased recreational pressure. None of the allocation sites lie within this zone.

#### Effects in-combination

3.4.2 Each of the allocations will lead to a small amount of additional recreational pressure at the Woodlands that Bechstein's bats use for breeding. None of the allocations would lead to impacts alone. However they would contribute to effects in-combination with:

- Ashton Park. This is the main project to have in-combination effects with the Wiltshire Housing Site Allocations Plan. It was resolved to approve this application at committee in April 2018. The development will deliver 2500 new homes over the next 15 years and is required to implement a complex and wide-reaching mitigation strategy which focuses on intensive wardening at the woodlands and extensive provision of new habitats to provide an alternative to visiting the woodlands and offset bat habitat loss. The application went through a lengthy HRA process which concluded there would be no adverse effects. Nevertheless, the potential for residual effects could not be discounted.
- Sites allocated in Neighbourhood plans
- Land outside the Ashton Park development which was part of the strategic allocation for Trowbridge in the Wiltshire Core Strategy (i.e. Land at Drynham Lane)
- Windfall development on brownfield sites
- Rural exception sites

3.4.3 Phase 1 of the TBMS will address in-combination recreational effects arising from the above.

3.4.4 In relation to recreational pressure, Phase 1 of the TBMS:

- Uses data from the 2017 visitor survey of open spaces in Trowbridge<sup>16</sup> to identify zones of potential recreational impact. A high-risk zone has been identified where recreational impacts may lead to impacts alone, or in-combination and only development of a very minor nature would be permitted. A medium risk zone

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<sup>16</sup> Panter, C., Lake, S. & Liley, D. (2107). Trowbridge Visitor Survey and Recreation Management Strategy. Unpublished report by Footprint Ecology for Wiltshire Council

has also been identified where CIL contributions will be used to secure new recreation sites and /or improve existing offsite recreational facilities

- Provides a costed plan for establishing a new Suitable Area of Natural Greenspace (SANG). This is based on the ratio of 8 ha per 1000 new residents in order to calculate Section 106 contributions for new development within the medium risk zone.
- Identifies a wide range of other measures that will reduce public pressure and its impact at the bat woodlands. The final solution to mitigating recreational pressure could be a combination of a smaller SANG and enhancement to existing recreation sites.
- Commits to employing a project officer to deliver the mitigation project.

### Implications for integrity Test

3.4.5 The increased housing numbers at four sites in combination with anticipated windfall applications will have some effect on the extent to which recreational pressure can be absorbed. As demonstrated through the TBMS, these increases are unlikely to have significant additional effects due to the comprehensive package of measures which will be secured through CIL receipts and delivered by the Council through a dedicated project officer. By including the TBMS within the policies for all allocations in the zone of medium recreational pressure, the Further Main Modifications<sup>17</sup> provide greater certainty that the measures will be secured through planning permissions.

3.4.6 The development of Ashton Park generates a specific in-combination effect. Phase two of the TBMS will explore how further phases of development beyond 2026 will not lead to adverse effects on the SAC in-combination. Detailed delivery of further housing will need to be preceded by a review of the effectiveness of the TBMS Phase 1 and the Ashton Park mitigation strategy.

3.4.7 In conclusion, the amendments to the plan can be accommodated by the TBMS and the Council therefore concludes it is beyond reasonable scientific doubt there will be no loss of integrity to this SAC.

*Recommendation: Bath and Bradford on Avon Bat SAC – Habitat loss / deterioration and Recreational Pressure*

There are no recommendations for changes to policies or supporting text in the Plan as a result of this addendum and the Further Main Modifications.

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<sup>17</sup> The specific FMM's relevant here are: FMM 8, FMM 10, FMM 11, FMM 14, FMM 15, FMM 16, FMM 19, FMM 20, FMM 21, FMM 23, FMM 26, FMM 27, FMM 28, FMM 29, FMM 31, FMM 32, FMM 33, FMM 35, FMM 36, FMM 37.

