

# North Bradley Neighbourhood Plan

Our Community 2018 - 2026



Basic Conditions

Statement

July 2019

# North Bradley Neighbourhood Plan: Basic Conditions Statement

## CONTENTS

1.0	Introduction - What Are the ‘Basic Conditions’?	.....	3
2.0	What the Plan sets out to achieve.	.....	5
3.0	Meeting the Basic Conditions	.....	7
4.0	Human Rights Legislation	.....	14
5.0	Overall Conclusion	.....	17

## Appendices

- Appendix 1 SEA (Conclusion)
- Appendix 2 HRA (Appropriate Assessment)

## Glossary of Terms

Acronym or Phrase	Definition
AA	Appropriate Assessment (Under the Habitat Regulations)
CS	Consultation Statement
HNS	Housing Needs Survey
HRA	Habitat Regulations Assessment
HSAP	Housing Site Allocation Plan (formerly referred to as the Sites DPD)
LPA	Local Planning Authority (Wiltshire Council)
NDP	Neighbourhood Development Plan
NPPF	National Planning Policy Framework - 'The Framework' sets out planning policies for England
Reg. 14 / 15	Regulation 14 of the Neighbourhood Plan (General) Regulations 2012 requires that a formal 6-week Consultation be carried out. Regulation 15 Requires a Consultation Statement to be submitted.
SA	Sustainability Appraisal – Appraisal of the impacts of policy (like this plan) to include socio-economic and environmental factors.
SAC	Special Area of Conservation
SEA	Strategic Environmental Assessment – European legislation requiring all plans to be assessed for environmental effects.
SHLAA/ SHELAA /	Strategic Housing Land Availability Assessment / Strategic Housing and Employment Land Availability Assessment
SR	Scoping Report
SSR	Site Selection Report
WCS	Wiltshire Core Strategy

## 1.0 Introduction: What are the ‘Basic Conditions’?

1.0 Part 5, Paragraph 15, section (d) of the Neighbourhood Planning (General) Regulations 2012) requires a statement to be provided with every neighbourhood plan to demonstrate how it meets the 5 ‘Basic Conditions’ all plans must comply with. The Basic Conditions are to be found in paragraph 8 (2) of Schedule 4B to the 1990 Town and Country Planning Act (as amended) as applied to neighbourhood plans by section 38A of the Planning and Compulsory Purchase Act 2004.

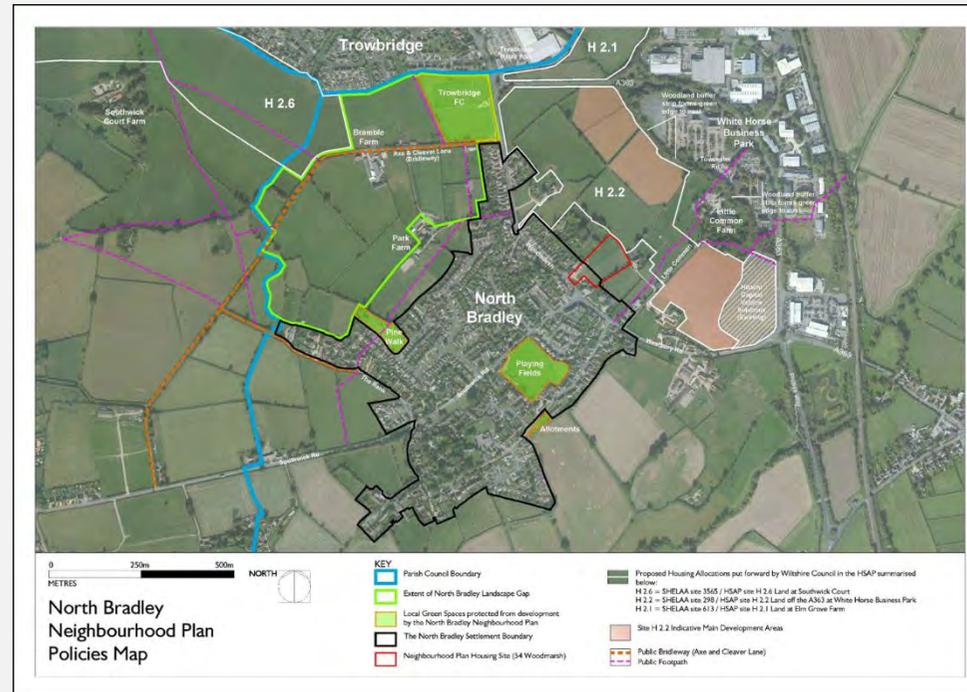
1.1 The Basic Conditions applicable to a Neighbourhood Plan (as distinct from a Neighbourhood Development Order) are:

- a. having regard to national policies and advice contained in guidance issued by the Secretary of State it is appropriate to make the order (or neighbourhood plan).
- d. the making of the order (or neighbourhood plan) contributes to the achievement of sustainable development. Read more details.
- e. the making of the order (or neighbourhood plan) is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area).
- f. the making of the order (or neighbourhood plan) does not breach, and is otherwise compatible with, EU obligations.
- g. prescribed conditions are met in relation to the Order (or plan) and prescribed matters have been complied with in connection with the proposal for the order (or neighbourhood plan).

(The prescribed matters relate to matters including significant effect being caused by the plan to a European site (as defined in the Conservation of Habitats and Species Regulations 2012) or a European offshore marine site (as defined in the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007) (either alone or in combination with other plans or projects). Additionally, the Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 which came into force on 28<sup>th</sup> December 2018, added the requirement that a neighbourhood plan must not ‘*breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017*’. The latter regulations require Appropriate Screening and if necessary, Assessment, usually referred to as HRA or AA.

1.2 This Statement provides evidence that the North Bradley Neighbourhood Plan also referred to below as the ‘NDP’ and ‘The Plan’, complies with all of the above Basic Conditions. Since an Examiner must also consider whether the Plan meets European Human Rights Legislation, the Statement also covers this matter.

1.3 Throughout this document, and indeed the NDP itself, references are made to the National Planning Policy Framework or NPPF. The NPPF was modified on 24<sup>th</sup> July 2018 and again in February 2019. However, the NDP was developed over two years before that, working with the earlier version. Nevertheless, the plan was re-read and checked against the new version prior to submission and is fully compliant. References are to the new version.



The spatial implications of the NDP can be seen on the Comprehensive Policy Map in the Plan.

## 2.0 What the Plan Sets Out to Achieve

2.0 The North Bradley Neighbourhood Plan sets out a Vision of how the community would like the parish to be by 2026, as well as a series of Objectives designed to indicate what would need to be done to achieve this. Delivery of the Vision and Objectives is the job of the polices themselves – the formal planning polices - but also the informal ‘Community Actions; the latter without legal force to guide community action. The overall aim is to deliver sustainable development by ensuring that the community develops in a balanced way that is beneficial for the community and with minimal negative impact on the environment. Where appropriate, environmental improvement is sought.

2.1 The Vision is as follows:

### NDP VISION

By 2026 North Bradley will have retained its landscape setting, including its physical separation from Trowbridge and its own distinct rural character. Local wildlife will have been protected and will be thriving.

The parish will have secured benefits from development, including the Ashton Park Strategic Site and the Elm Grove Farm site proposed in the Housing Sites Allocations DPD, in terms of provision of new and upgraded infrastructure. New sites will have become integrated and functioning parts of the parish.

Necessary housing will have been provided and local facilities, including pubs and shops and recreational and open space will have been preserved or added. The parish will be cleaner and, where possible, provide a better habitat for nature. There will be an improved and better maintained transport network including foot and cycle paths and speeding vehicles will have been reduced and pedestrian safety improved.

2.2 The Vision is in general conformity with Development Plan policy, and indeed reflects and takes forward this quite deliberately. It contains a desire to create sustainable development through balancing necessary growth with environmental protection and necessary infrastructure. The Vision is likely to help deliver sustainable development through these means and by reducing the need to travel.

2.3 The Plan Objectives are:

### NDP OBJECTIVES

1. To preserve the rural setting and identity of North Bradley, in particular the open spaces between the village and Trowbridge, but also existing cherished green open spaces.
2. To allow the community to grow and develop in a sustainable way, with new housing and matching infrastructure.
3. To improve transport for residents including:
  - \* Reducing vehicle speeds
  - \* Improving parking
  - \* Improving sustainable transport including bus services and the creation and maintenance of the network of paths and cycleways.
4. To influence the detailed planning of development, to ensure the parish community benefits in terms of improved infrastructure.
5. To encourage and support community facilities such as shops, pubs, places of entertainment and leisure and new and existing open space.
6. To protect and improve the natural and built environment in terms of habitat for wildlife, including ancient and veteran trees and ancient woodland, but also the public realm for people in terms of litter and cleanliness.
7. To enhance and protect where appropriate community facilities and assets, for example recreation areas, and to provide a site for a new non-denominational burial ground within the parish

2.4 The Plan Objectives aim to guide how the plan delivers the Vision. The Objectives are consistent with Development Plan Policy and the NPPF, and as confirmed by the SEA, are likely to deliver balanced and sustainable development.

## 3.0 Meeting the Basic Conditions

### 3.0 Paying regard to national policies, advice and guidance by the Secretary of State

The easiest way to demonstrate this seems to be to assess all the main planning policies in a table to demonstrate links between the NPPF \* ('The Framework') and Planning Practice Guidance (PPG), and the policies themselves. A fuller discussion accompanies each policy in the plan document itself. A text box at that point indicates direct links with paragraph references both to the NPPF and the Wiltshire Core Strategy. The links indicated are examples and are not exhaustive.

Policy	NPPF / PPG	Commentary
<b>1. Landscape Gap and HSAP Sites</b>	Paragraphs 8 (c), 28, 97 (e.g. Trowbridge FC), 127 (especially (c) and (d)),170. PPG 001, 004, 011, 043, 044	The NDP seeks to allow necessary strategic development, supporting an emerging strategic plan (HSAP) while balancing this with the preservation of a rural landscape setting for North Bradley village.
<b>2. Housing (General)</b>	NPPF: 28, 59, 61-66, PPG paragraphs 007, 042,043, 044, 070	The NDP supports the NPPF's Objective (NPPF paragraph 59) to significantly boost the supply of homes and also to address the needs of different groups. Based on the HNS, this includes those to meet specific local needs. However, the level of allocations is higher than the minimum to build in flexibility over the whole plan period. Eco homes are encouraged as one sustainable solution, as is housing for older residents.
<b>3. Housing Site</b>	NPPF: 68-69, 70-72, 78, 127, 150, 170 PPG paragraphs 007, 042,043, 044, 070	The NDP allocates one small site delivering up to 25 homes. The level of allocations is sufficient to allow the village to grow sustainably, supporting local facilities and vitality (NPPF paragraph 78), but is not so large that it would conflict with the village's status within the overall spatial strategy of the WCS. The policy avoids allocating development on land subject to significant flood risk (NPPF Paragraph 150) and seeks to minimise heritage, landscape impacts and seeks net gain for biodiversity. (e.g. NPPF paragraphs 7, 127, 170).
<b>4. Local Green Space Designation</b>	NPPF: 91-92, 96, 97, 99-101, 170, 174. PPG Paragraph 029, 030	Local Green Spaces, protected by this policy provide places for informal recreation and ' <i>promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other</i> ' (NPPF Paragraphs 91 and 92). Their designation is consistent with paragraphs 99-101 of the NPPF. These spaces serve a multitude of functions making important contributions in the areas of healthy recreation, biodiversity, climate change and flood control.
<b>5. Bat Conservation</b>	NPPF: 170, 171, 174, 176 PPG 007, 008, 009, 011	This policy takes forward the advice of the County Ecologist and ensures protection of rare species and protected habitat (SAC).
<b>6. Infrastructure Priorities</b>	NPPF: 034, 057, PPG Paragraph 004, 011, 045, 046,	The Plan seeks to ensure that local people have some say over where and on what development contributions are spent – consistent with NPPF paragraph 34. It does not seek to impose additional burdens and has had regard to local viability levels through reference to the Wiltshire Local Plan Viability Study.

\*The plan is compliant with both the current (post July 2018) and earlier version of the NPPF. References are to the current, later version.

### 3.1 Contributing to the achievement of sustainable development

The National Planning Policy Framework (paragraph 8) provides a succinct explanation of what this means for planning.

*‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):*

- a) *an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;*
  - b) *a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and*
  - c) *an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.*
9. *These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*

3.2 Accordingly the North Bradley NDP contains policies that support all three of these objectives:

**Support for the Economic Objective**

Given the availability of the nearby business park and Trowbridge itself, there is no over-riding need for the NDP to allocate employment sites. However, the Plan does support housing development, both locally and in terms of strategic sites, which will create jobs and provide new customers for local businesses. The Plan, including its informal community action elements, is also supportive of infrastructure and the improvement of local facilities including shops and a public house.

**Support for the Social Objective**

The Plan supports new housing, facilities and the preservation of green open spaces, ideal for formal and informal recreation. The aim is to ensure that, as the village grows, facilities and infrastructure keep pace, and if possible, improve to the benefit of the health and social well-being of the community. Better footpath links and the preservation of recreational space will facilitate people meeting and interacting.

**Support for the Environmental Objective**

The Plan seeks to enhance biodiversity and to preserve a rural landscape setting for the village, separating it from Trowbridge. This will not only preserve the separate village identity of North Bradley but will create an open space to the benefit of agriculture and wildlife. The planting of further trees and hedgerows, under community actions, will help absorb CO2 and mitigate some of the effects of climate change (for example by providing shade and absorbing flash flooding from storms). The encouragement of eco-homes is intended to reduce the carbon footprint of the village and act as exemplars to existing homes. The provision of ULEV charging points in new developments, the encouragement of eco-homes and provision of green infrastructure will all support the overall Environmental aspect of sustainability.

3.3 In addition it can be said that the North Bradley NDP is likely to deliver sustainable development for the following reasons:

- The NDP was subjected to SEA and HRA (AA), in its final form it was found unlikely to cause significant negative environmental effects. Indeed, positive effects were to be expected. These reports are given as separate documents.
- Policies are designed to reflect and take forward the planning policy context including the Wiltshire Core Strategy (WCS). The WCS (adopted 2015) of course underwent SA itself before adoption. The overall strategy of the WCS is to direct development in such a way that sustainable settlements can be achieved where the need to travel is minimised.
- The Plan also supports sites proposed in the emerging Wiltshire Housing Site Allocations Plan (HSAP) – again this plan and its policies were subject to SA. Additional homes for local needs are also allocated. This is to ensure local needs are met, to provide flexibility throughout the plan period and also to help support existing facilities and services through a larger catchment population.
- The Plan aims to balance development with infrastructure and environmental enhancement in an attempt to mitigate negative environmental effects and also to improve self-containment and reduce the need to travel – a central principle of spatial sustainability.
- The Plan ‘plans positively’ by taking forward the overall housing strategy of the Wiltshire Core Strategy, a process that will result in more people being able to access affordable homes. The Plan directly allocates a site but also establishes a positive planning context necessary to deliver necessary homes where these come forward as windfalls.
- The Plan seeks a balance between preserving what the community values (such as heritage, landscape and biodiversity) and the necessary development to preserve services and facilities, prevent the village from stagnating and improve infrastructure.

#### 3.4 **Being in general conformity with the policies of the Development Plan**

The NDP document discusses links with higher level policy at numerous points, and indeed every policy is accompanied by a table indicating links between the policy and both NPPF and the Wiltshire Core Strategy. The plan making process in fact began with an analysis of existing higher level policy as is clearly evidenced in the Scoping Report, and the NDP is specifically aimed at taking forward and helping to deliver the strategic aims of the Wiltshire Core Strategy (WCS) and Housing Site Allocations Plan (HSAP). The NDP’s strategy is essentially the same as the overarching planning strategy for the area; a spatial sustainability approach that seeks to balance development with environmental protection; locating land uses in such a way that the need to travel is reduced (see WCS Policies 1, 2).

3.5 To add to the above indications of how the NDP is in general conformity with the Development Plan, as expanded on more fully in the Plan documents itself, the following table aims to demonstrate this by examining each of the Strategic Objectives of the Wiltshire Core Strategy and showing how these are taken forward in the NDP.

<b>WCS Strategic Objective</b>	<b>Relevant NDP Policy</b>	<b>Commentary</b>
<b>Delivering a thriving economy</b>	Policy 1 Policies 2/3 Informal Policy	The NDP supports strategic sites. Construction will encourage jobs and new residents will bring increased income to local businesses. The NDP encourages new housing of appropriate scale in the village, again increasing customer base of residents and improving viability of businesses. Informal policy aims to support new local facilities (e.g. post office, shop etc)
<b>Addressing climate change</b>	Policy 2 Policy 4 Policy 6 Informal Policies	Policy 2 encourages more sustainable types of housing Policy 3 will preserve Local Green Spaces (reducing heat island effects of rising temps and preserving natural drainage for storm water. Policy 6 encourages zero or low-carbon transport. Informal policy encourages tree and hedgerow planting and maintenance of drainage ditches.
<b>Providing everyone with the opportunity to reside in a decent, affordable home</b>	Policy 1 Policy 2 Policy 3	Policies 1 and 2 and 3 provide for necessary homes, including one allocated site and encouragement of appropriate scale and type of new homes.
<b>Helping to build resilient communities</b>	Policy 4 Policy 6 Policy 7 Informal Policies	Policy 4 preserves Local Green Space, important for Health and well-being. Policy 6 aims to ensure appropriate infrastructure is provided to support all of the community Policy 7 supports provision of local ground so that loved ones can be buried close to relatives. Informal policies are aimed at enhancing community co-operation and action over a range of non-planning issues.
<b>Protecting and enhancing the natural, historic and built environment</b>	Policies 1, 2, 3 Policy 4 Policy 5 Policy 6 Policy 7	Policy 1 aims to create a large landscape gap. Site selection for Policy 2 seeks enhancement for biodiversity, Policy 3 seeks to protect heritage and biodiversity in creating the Housing Site Policy 4 seeks to preserve Local Green Space Policies 5 and 6 aim to conserve protected habitat and species. Policy 7 seeks to create a burial ground – an excellent habitat for wildlife
<b>Ensuring that adequate infrastructure is in place to support our communities</b>	Policy 3 Policy 4 Policy 6 Policy 7	Policy 3 requires ULEV charging points Policy 4 aims to provide Local Green Spaces for healthy recreation and social interaction. Policy 6 aims to help provide needed infrastructure relevant to local needs Policy 7 seeks to support provision of a burial ground Informal community action will improve Green Infrastructure such as hedges and trees..

- 3.6 **The making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations**  
The Conservation of Habitats and Species and Planning (Various Amendments) (England and Wales) Regulations 2018 came into force on 28 December 2018. These Regulations amend the basic condition prescribed in Regulation 32 and Schedule 2 (Habitats) of the Neighbourhood Planning (General) Regulations 2012 (as amended). It now states, *‘The making of the neighbourhood development plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.’*
- 3.7 The Conservation of Habitats and Species Regulations 2017 include regulations on the assessment of plans (including neighbourhood plans) and projects on European sites or European offshore marine sites. The first stage is to screen the plan to see whether it is likely to have a significant effect on any European sites. If the plan is ‘screened in’ because significant effects cannot be ruled out, the next stage is for an appropriate assessment to be carried out considering the impact on the European site’s conservation objectives. Consent for the plan to proceed can only be given if it is ‘screened out’ at the first stage or the appropriate assessment concludes the integrity of the European site will not be adversely affected.
- 3.8 Due to the proximity of North Bradley to the Bath and Bradford on Avon SAC, this meant that it required an appropriate assessment to be carried out (rather than the result of the original screenings which showed no need for an AA. The HRA (AA) on the submission version of the Plan was completed on 22<sup>nd</sup> May 2019 and indicated that no adverse effects would be caused (See Appendix 2).
- 3.9 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which *‘in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)).’* Planning Practice Guidance (PPG) para 047 states that *‘if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive then it will normally also require a Strategic Environmental Assessment.’*
- 3.10 Accordingly, an SEA was completed by specialist consultants AECOM in July 2019. This found no evidence for significant negative impacts and a strong likelihood of a number of positive impacts from the NDP. The SEA Environmental Report concluded:  
  
*‘Overall it is considered that the NBNP takes a proactive approach to delivering new development whilst protecting key aspects of the natural and built environment that contribute to the overall quality of place and living in this area. The NBNP seeks to proactively address the cumulative effects arising from implementation of the HSAP alongside the NBNP and seeks to reduce the potential for negative effects in this respect, whilst maximising the potential for positive effects arising.’*
- 3.11 The SEA and HRA documents are available separately accompanying the NDP, and the process is also described in detail in the Consultation Statement

3.12 The Plan was found to comply with the Human Rights (European Convention on Human Rights (ECHR) and Equalities Act 2010 Assessment) – see Section 4 for detailed assessment.

3.13 **Prescribed conditions are met in relation to the neighbourhood development plan and prescribed matters have been complied with in connection with the proposal for the plan**

The North Bradley Neighbourhood Development Plan (also known as the NDP and also below as ‘The Plan’) has been prepared in accordance with the statutory regulations required by Paragraph 8 (2) of Schedule 4B to the Town and Country Planning Act 1990 (as applied by Section 38A of the Town and Country Planning Act 2004, the Localism Act 2011, the Neighbourhood Planning Act 2017 and as embodied in the Neighbourhood Planning Regulations 2012, 2015 and 2016). It meets the basic legal requirements for a Neighbourhood Plan in the following respects:

3.14 **The plan is being submitted by a qualifying body.**

The designated Neighbourhood Area approved by Wiltshire Council in their decision dated 4<sup>th</sup> January 2017, and covers the entire parish of North Bradley, and the plan is being submitted by the Parish Council as the appropriate Qualifying Body for that area.

3.15 The Plan **sets out policies in relation to the development and use of land** in the neighbourhood area.

3.16 The Plan **states the time period in which it is to have effect**. This is from 2018 until 2026 – the same timeframe as the Wiltshire Core Strategy.

3.17 The North Bradley NDP **does not deal with excluded development**, namely county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

3.18 The proposed neighbourhood plan **does not relate to more than one neighbourhood area**. There is no other Neighbourhood Development Plan proposed or in place within this neighbourhood area.

3.19 As noted above, The Neighbourhood Plan has been Screened for potential impacts on a European wildlife site or a European offshore marine site either alone or in combination with other plans or projects, and also to ensure that it does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.

## 4.0 Human Rights (European Convention on Human Rights (ECHR) and Equalities Act 2010 Assessment)

### 4.0 **European Convention on Human Rights (ECHR)**

The Human Rights Act (which brings into force the above convention) contains a number of articles which are potentially relevant to neighbourhood planning such as:

- the right to respect for private and family life
- freedom of expression
- prohibition of discrimination

4.1 In relation to the North Bradley NDP therefore, all sections of the community should be given the opportunity to get involved in preparing the plan and express their views on it. These views should be reflected in the final plan to their benefit.

4.2 The Parish Council confirm that the non-statutory and statutory consultations have been carried out in such a way that all sections of the local community have been given the opportunity to express their views. The Steering Group were constantly mindful of the need to engage all sections of the local community and applied different consultation techniques accordingly. Details of this are given in the accompanying Consultation Statement (CS).

4.3 The Parish Council also wish to confirm that the neighbourhood plan has been prepared to represent the views of the whole community, with everyone having a chance to express their views and, crucially, these views being reflected in eventual policy. This is evidenced by the additional rounds of consultation (such as for sites) engaged in above and beyond those strictly required by the Regulations, and by the decision to make significant changes to the Plan following Regulation 14 consultation. Sections 6 and 7 of the NDP itself indicate how views from the community helped create policy. More detail is given in the Consultation Statement with every comment being responded to.

4.4 It is therefore believed that the North Bradley Neighbourhood Development Plan has had appropriate regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act 1998.

#### 4.5 **Equalities Act 2010**

The North Bradley Neighbourhood Development Plan (NDP) will be in general conformity with the Wiltshire Core Strategy (WCS). An Equality Impact Assessment (EIA) for the Wiltshire Submission Document was published on January 2012 and regard has been had to this. The preparation of the neighbourhood plan has had due regard to the provisions of Section 149(1) of the Equalities Act 2010 and the Parish Council is not aware of discrimination, harassment, victimisation or any conduct that is prohibited by or under this Act.

4.6 The aspirations of the North Bradley NDP are positive for all sections of the community:

- Selecting housing sites of the size and overall capacity in accordance with community wishes and sufficient to meet local needs, including for affordable, starter and family housing
- Balancing development with environmental protection (Heritage, landscape and wildlife were identified as important issues by the community)
- Providing infrastructure including community facilities for recreation, new allotments, cycle and footpaths
- Aiming to improve sustainable transport
- Preservation of Local Green Spaces valued by the community. These are places where people meet and socialise, facilitating community cohesion and communication as well as informal and healthy exercise.
- Establishing a set of informal actions to facilitate the coming together of the community to solve shared problems

4.7 These aims are entirely consistent with the overall aim of the Parish Council which is to serve the needs of all of the local community regardless of race, colour or creed. The NDP will provide for a diverse society and will help reduce housing inequality. Ongoing monitoring will ensure that housing sites continue to be found to meet local needs, especially for affordable housing.

4.8 The plan will have a significant positive overall impact on the community. It will:

- help improve access for all to a decent and affordable home
- protect and enhance sport and recreational facilities for all
- encourage and enhance sustainable transport
- encourage and enhance opportunities for mixing socially
- Preserve the local countryside, protect and boost biodiversity and enhance well-being.

4.9 The aspirations of the community are at the heart of the Neighbourhood Plan and great efforts have been made to ensure that all have had an opportunity to participate throughout the plan-making process. This meaningful input from the community has continually shaped the plan and the objectives within it. The Consultation Statement shows how input from different sources led directly to policies.

#### 4.10 Reaching all Groups

North Bradley is a relatively homogenous village. However, efforts were made to engage disparate groups including the young and the elderly. These efforts are set out in the Consultation Statement.

#### 4.11 Independent, objective research

Decisions regarding plan policies were based on factual evidence as well as expressed community views. This ensures elimination of any prejudice and concentration on the facts. For example, a site selection report was produced by a consultant and a Housing Needs Survey analysed housing need by contacting every household in the plan area. The HNS considered the needs young families and older residents and these factors are reflected in Policy.

#### 4.13 Community Backing

The process of developing the plan has been open and democratic, with additional rounds of consultation used. Consultations have demonstrated that the community are, in the majority, supportive of the objectives in the plan. This support will be confirmed at the referendum stage of the Neighbourhood Planning process.

#### 4.14 Community Cohesion

The plan process itself creates an opportunity for people to meet and exchange views, forming a basis for a shared identity. Further than this however, the informal community actions contained within the plan are likely to have a long-term and positive effect on community cohesion by providing a means by which local people can come together to tackle issue of importance to the community as a whole.

#### 4.15 **Assessment**

The North Bradley NDP is consistent with the aims of the ECHR and Equalities Act 2010. No discrimination or disadvantage is likely to occur as a result of the plan, which all sections of the community have had the opportunity of creating. Indeed, it is likely that the impacts of the plan on human rights and equalities is will be positive. Built-in mechanisms of on-going monitoring and community action projects will enable alterations to the plan and present opportunities for widespread participation going forward.

## 5.0 Overall Conclusion

5.0 The North Bradley Neighbourhood Plan clearly meets all of the relevant basic conditions:

1. It complies with and takes forward Government policy and guidance, in particular in its attempt to create a balanced and sustainable strategy for development, as evidenced in this statement and in the boxes accompanying each policy.
2. The making of the Plan will contribute to sustainable development. Advice has been sought from expert consultees and this has been reflected in the Plan. The delivery of sustainable development is evidenced in this Statement but perhaps most forcefully in the accompanying SEA and HRA.
3. The Scoping Report accompanying the NDP proves that care has been taken to reflect the strategic policy context and in particular the Wiltshire Core Strategy and emerging HSAP. The LPA, Wiltshire Council, has been a consultee throughout the plan and the Consultation Statement demonstrates clearly how this has led to changes to the plan to ensure conformity with the policy context. The NDP is in close conformity with the Development Plan as demonstrated in the Scoping Report.
4. The Plan is compatible with European legislation and obligations, from the Habitat Regulations to Human Rights. This is evidenced in this Document and in the Consultation Statement.
5. Prescribed Conditions have been met as described herein and in the accompanying HRA (AA).

5.1 Great care has been taken, including the employment of professional consultants and the close consultation with the LPA and Statutory Bodies, to create a plan that delivers sustainable development, complies with the basic conditions and is welcomed by the local community.



## Appendix 2 HRA (AA) Third Screening and AA May 2019 (For all SEA and HRA material see separate documents or Consultation Statement)

HRA of North Bradley Neighbourhood Development Plan Final Screening Draft April 2019  
LK/V4/21.05.19)

### NORTH BRADLEY NEIGHBOURHOOD DEVELOPMENT PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

#### 1. Introduction

- 1.1. This version of the HRA relates to the North Bradley Neighbourhood Development Plan Final Screening Draft April 2019.
- 1.2. The HRA has been carried out to comply with Regulation 105 of the Habitats Regulations 2017. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation. If the screening exercise demonstrates significant effects are likely, whether or not these are addressed through mitigation measures<sup>1</sup>, the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European Sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening and the full appropriate assessment, must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3. It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:  
*"Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure."*<sup>2</sup>
- 1.4. Where appropriate assessment is undertaken, the competent authority may only authorise the plan or project having ascertained, in light of the sites' conservation objectives, that it will not adversely affect the integrity of the European site or sites. Otherwise the plan cannot be authorised unless specific statutory tests are met.
- 1.5. Wiltshire Council has conducted the following HRA as competent authority for the North Bradley Neighbourhood Development Plan (NDP). Where risks to European Sites are identified, the plan must be amended e.g. by the incorporation of mitigation measures, to remove these before the plan is made. Likewise, if the policies or planning context change

<sup>1</sup> Court of Justice of the European Union, Case C-323/17 "People Over Wind"/P. Sweetman v Coillte Teoranta  
<sup>2</sup> Commission of the European Communities v UK and NI, opinion of Advocate General Kokott, 9 June 2005, Case C-6/04

HRA of North Bradley Neighbourhood Development Plan Final Screening Draft April 2019  
LK/V4/21.05.19)

after the HRA is completed, the HRA process must be repeated before the final plan is considered by a referendum and adopted.

#### 2. Screening Methodology

- 2.1. Each element of the plan has been categorised against screening criteria developed by Natural England to provide a clear audit trail for the screening assessment.
  - 2.2. The screening criteria used are as follows:
    - Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
    - Category A2: The policy is intended to protect the natural environment;
    - Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
    - Category A4: The policy would positively steer development away from European sites and associated sensitive areas;
    - Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
    - Category B – no significant effect;
    - Category C – likely significant effect alone; and
    - Category D – likely significant effects in combination.
  - 2.3. The effect of each policy has been considered both individually and in combination with other plans and projects (see table in section 4 below). Where potential for likely significant effects have been identified, an appropriate assessment is undertaken in section 5.
- #### 3. Higher Level HRAs
- ##### Wiltshire Core Strategy
- 3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012<sup>3</sup>, March 2013<sup>4</sup>, February 2014<sup>5</sup> and April 2014<sup>6</sup>) identified general parameters to determine the likelihood of potential impact on Natura 2000 (European protected) sites. The following parameters were identified and assessed for the following Natura 2000 sites.
    - Recreation – Natura 2000 sites within 5km of the plan area, or where Salisbury Plain SPA/SAC is within 15km of the plan area:
      - Salisbury Plain SAC and SPA

<sup>3</sup> Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012.

<sup>4</sup> Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

<sup>5</sup> Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

<sup>6</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

- River Avon SAC
  - New Forest SAC / SPA
  - Bath and Bradford on Avon Bats SAC (added post adoption of core strategy)
  - **Hydrology / Hydrogeology - Sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact:**
    - Salisbury Plain SAC / SPA
    - Bath and Bradford on Avon Bats SAC
    - Pewsey Downs SAC
    - North Meadow and Clattinger Farm SAC
    - River Avon SAC
    - River Lambourn SAC
    - Kennet & Lambourn Floodplain SAC
  - **Air Pollution / Nitrogen Deposition – Natura 2000 sites within 200m of a main road**
    - Porton Down SPA
    - Salisbury Plain SAC / SPA
    - Southampton Water SPA
    - Clattinger Farm SAC
    - River Avon SAC
    - Rodborough Common SAC
    - Cotswolds Beechwoods SAC
  - **Physical Damage / Interruption of Flight Lines / Disturbance**
    - Bath and Bradford on Avon Bats SAC
    - Porton Down SPA
    - Chilmark Quarried SAC (added post adoption of Core Strategy)
    - Mottisfont Bats SAC (added post adoption of Core Strategy)
- 3.2 In terms of recreational pressure, the NDP area lies well beyond the distance from which the majority of day visitors come to the New Forest and likewise the banks of the River Avon SAC are too remote to be affected by the plan. In relation to Salisbury Plain, the SAC habitat features were screened out of appropriate assessment for the Core Strategy on the advice of Natural England. However the majority of the NDP area lies within the 6.4km zone within which the majority of visitors to the plain are expected to live and policies within the plan must therefore be screened for their potential to affect the Salisbury Plain SPA.
- 3.3 In terms of hydrology/hydrogeology, North Bradley is located within the catchment of the Bristol Avon, rather than the Hampshire Avon, and therefore the River Avon SAC is not potentially impacted. No water resource issues have been identified for the Bath and Bradford

- on Avon Bats SAC which is the only SAC from the above list to lie fully within the Bristol Avon catchment. The Bristol Avon is also not identified as a cause of water resource issues for the Salisbury Plain SAC/SPA
- 3.4 The Wiltshire Core Strategy identified that increased traffic would lead to potential effects through an increase in atmospheric pollution and nitrogen deposition upon a range of Natura 2000 sites within 200m of a main road. Such effects were considered to be very small and difficult to predict at the strategic level<sup>7</sup> (WCS HRA Update February 2014). The allocation in the NDP for approximately 25 dwellings is considered to be a small number in relation to the total for the county. All of the Natura 2000 sites listed above, except Salisbury Plain SAC/SPA and River Avon SAC are a considerable distance from the NDP area and effects are likely to be negligible. In relation to Salisbury Plain SAC/SPA and the River Avon SAC, the Wiltshire Core Strategy HRA concluded no likely significant effect where the existing approach to mitigation in Core Policy 55 is implemented. It is concluded that the proposals for housing in this NDP would not have an adverse effect on Natura 2000 sites through nitrogen deposition.
- 3.5 In terms of causing physical damage, interrupting flight lines and disturbance, urban development in the NDP area is too remote to have implications for bats at Chilmark Quarries SAC or stone curlews breeding at Porton Down SPA / Salisbury Plain SPA. However most of the NDP lies within the high and medium risk zones for bats associated with the Bath and Bradford on Avon Bats SAC and therefore policies in the plan are screened below for their potential to affect this European site.
- Wiltshire Housing Site Allocations Plan**
- 3.6 Since the Core Strategy was adopted, the Council has published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (HSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A final schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation.
- 3.7 The screening criteria for the HSAP were modified for some European sites from those used for the core strategy following the results of new surveys and in light of advice received from Natural England. The following screening applies the most up to date criteria available from the HSAP.
- 4. Screening of Policies in North Bradley Neighbourhood Development Plan Final Screening Draft April 2019**
- 4.1 The North Bradley Neighbourhood Development Plan comprises 7 planning policies.
- 4.2 The two European Sites where there is a mechanism for effect from this NDP are the Bath and Bradford on Avon Bats SAC and Salisbury Plain SPA. All parts of the draft plan have been screened for potential impacts on these sites. Five policies have the potential to give rise to significant effects and are therefore taken forward to appropriate assessment in section 5 below.

<sup>7</sup> Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

HRA of North Bradley Neighbourhood Development Plan Final Screening Draft April 2019  
(LK/V4/21.05.19)

- 4.3 Other policies would either not lead directly to development or would have no significant effects due to the scale and nature of the proposals in the plan.

**TABLE: Habitats Regulations Assessment Screening of the North Bradley Neighbourhood Development Plan**

A / B (Green) – Screened out		
C / D (Red) – Screened in		
Policy	Initial screening Category	Issue
Policy 1: Landscape Setting Gap and HSAP Housing Sites	C and D for Bats SAC D for Salisbury Plain SPA	The HSAP housing allocations H2.1, H2.2 and H2.6 are accepted subject to reduction in quantum of units to 175. Layout of Site H2.2 shall follow the general layout indicated in the comprehensive policy map. Key to an acceptable layout that protects bats and maintains a landscape setting for North Bradley village will be concentrating development in the north and east of the site with a wide landscape buffer to be created between the built areas and North Bradley. To the extent that the policy is completely consistent with the HSAP, the NDP can rely on the HRA for the HSAP. However in defining the fields where development should take place, the NDP goes further than HSAP policy H2.2 and it would be safer to consider it through its own appropriate assessment for both the Bath and Bradford on Avon Bats SAC and Salisbury Plain SPA.
Policy 2: Housing - General	D for Bat SAC D for Salisbury Plain SPA	This policy proposes that windfall developments should be permitted where they meet specific criteria. By identifying that such development should be located within the settlement boundary, impacts to bat habitat will be minimised. Nevertheless, it will contribute to in-combination effects of recreational pressure on the Bath and Bradford on Avon Bats SAC and the Salisbury Plain SPA and this policy should therefore be considered through appropriate assessment.
Policy 3: Housing Site	C and D for Bats SAC D for Salisbury Plain SPA	1 site is allocated by the NDP: 54 Woodmarsh which is allocated for approximately 25 dwellings on a greenfield site. The effects of this alone and in combination with other development should be considered through an appropriate assessment in relation to both European sites.
Policy 4: Local Green Space	D for bats SAC	4 sites are proposed for designation as local green space. One of these, Trowbridge Town FC football Field, lies outside the North Bradley settlement area. While there are no specific proposals in the plan to enhance these sites for recreation, the policy gives scope for recreational enhancements which could give rise to in-combination effects on the Bath and Bradford on Avon Bats SAC. This policy should therefore be considered through an appropriate assessment.
Policy 5: Bat Conservation Policy	A1 and A2	The policy and supporting text emphasises the need for development to comply with the Trowbridge Bat Mitigation Strategy. None compliant applications are unlikely to be permitted.
Policy 6: Infrastructure Priorities	C and D for Bats SAC	The provision of new and upgraded foot / cycle paths and crossing points could lead to impacts on the Bath and Bradford on Avon SAC alone if lighting adversely affects habitats used by SAC bat species for foraging, commuting or roosting. Effects could also occur in-combination with other schemes. This policy should therefore be considered through an appropriate assessment.
Policy 7: Parish Burial Ground	A2	A new burial ground is a land use which is compatible with maintaining the Bath and Bradford on Avon Bats SAC. Design details would be considered at planning application stage.

## 5. Appropriate Assessment – Bath and Bradford on Avon Bats SAC

### Background to the Bath and Bradford on Avon SAC

- 5.1 The following account clarifies the key geographical and ecological relationships between the Bath and Bradford on Avon Bats SAC and the North Bradley NDP area, as far as these are currently known. Details of the conservation objectives are available online. The current version is dated 27 November 2018 and can be accessed on line together with Natural England's Supplementary Advice dated 10 February 2019 through the following link, <http://publications.naturalengland.org.uk/publication/6279810384920576>.
- 5.2 The SAC designation extends across former stone mines which are hibernation and swarming sites for the three species of bat which are features of this SAC; greater horseshoe and lesser horseshoe and Bechstein's bats. The nearest mine is at Winsley approximately 8km from North Bradley. Others occur near Box and Bath. The mines are mainly used by bats during the winter and autumn.
- 5.3 While the SAC lies some distance from North Bradley, the bats roost and feed across a much wider area during the spring and summer. Horseshoe bats generally breed in buildings while a significant breeding colony of Bechstein's bats occurs in woodlands to the south of Trowbridge. The Council has prepared guidance to demonstrate how development across the whole bat landscape must take account of the SAC<sup>8</sup>. It identifies a number of core roosts with core areas around them (termed "consultation zones") to show where bat activity is likely to be concentrated and where particular precautions will be required.
- 5.4 Under the above guidance, Green Lane and Biss Woods, and Picket and Clanger Woods are all core roosts for Bechstein's bats and the core areas around them extend across the majority of the North Bradley NDP area. Comparatively little is known about this species as it cannot be identified from bat detectors and is therefore generally under-recorded. However, there are several records for Bechstein's in the NDP area resulting from radio-tracking studies.
- 5.5 There are several reported horseshoe bat roosts in the NDP area including one at St Nicholas's church in North Bradley. The core area for a greater horseshoe core roost in Westbury extends into the southern part of the NDP area. Both horseshoe species are known to use the NDP area for foraging.
- 5.6 It is likely all three species fly through open countryside in the NDP area to access the SAC.

### Plans and Projects to be considered in-combination

- 5.7 The screening Assessment found that the North Bradley NDP could lead to significant effects on the Bath and Bradford on Avon Bats SAC in combination with other plans and projects. The following assessment has been conducted taking the following plans and projects into consideration:
  - Wiltshire Core Strategy (Adopted January 2015)
  - Wiltshire Housing Site Allocations Plan submission document May 2018 with proposed schedule of changes dated September 2018
  - Application 15/04736/OUT Ashton Park, Trowbridge

<sup>8</sup> Bat Special Areas of Conservation, planning guidance for Wiltshire. Issue 3.0, 10 September 2015

- Application 16/04468/OUT Land South West of Ashton Road, Trowbridge
- Application 16/00547/FUL Land SE of Southview Park, Trowbridge
- Application 17/12509/FUL Land SE of Southview Park, Trowbridge
- Application 18/00985/OUT The Grange, Hilperton
- Application 16/00672/OUT Land W of Elizabeth Way, SW of Hilperton Marsh, Trowbridge
- Application 17/09961/OUT Land West Of Biss Farm, West Ashton Road, Trowbridge
- Permission 13/06879/OUT Land South of Devizes Road, Hilperton
- Permission W/11/01932/REM Land North East of Green Lane Farm, Trowbridge (completed)
- Permission W/04/02105/OUTES Land adjacent to scrapyard, Trowbridge (completed)
- Application 18/02671/FUL Sunnyside Yarnbrook Road
- Corsham Neighbourhood Development plan 2016-2026 Submission Draft February 2018
- Southwick Neighbourhood Plan 2018-2026 Screening Draft August 2018
- West Ashton Neighbourhood Plan 2018-2016, Screening Draft September 2018

**HRA for the Wiltshire Housing Site Allocations Plan pre-submission draft**

- 5.8 The HRA for the Wiltshire Housing Site Allocations Plan pre-submission draft (HSAP) included an appropriate assessment of the six allocations proposed for Trowbridge and this has been supplemented by an Addendum HRA (September 2018).
- 5.9 The HRA and its addendum concluded these allocations have the potential to lead to adverse effects on the Bath and Bradford on Avon Bats SAC. Impacts were anticipated to occur from both recreational pressure and loss / degradation of habitat and the plan proposed these would be addressed through the Trowbridge Bat Mitigation Strategy (TBMS). The strategy went through public consultation in February 2019 and supported the HSAP through its examination in public in April 2019. The draft document will be finalised with a view to adoption as SDP alongside the HSAP. The TBMS seeks to mitigate greenfield developments allocated in the HSAP and neighbourhood plans as well windfall development within the Trowbridge settlement boundary.
- 5.10 The TBMS sets out at a strategic level the mitigation that will be required to be confident that significant adverse effects to the SAC will be prevented. Provision of mitigation is dependent on a development's location in respect of three zones:
- A high risk zone extending to 600m from woodlands identified as core roosting sites for Bechstein's bats. It is anticipated new build development within this zone would be unable to adequately mitigate for increases in recreational pressure and loss / degradation of habitat and therefore is unlikely to satisfy the requirements of the Habitats Regulations.
  - A medium risk zone for habitat loss and degradation where green field development will be required to provide 100% mitigation for habitat loss and also contribute to a Council scheme for mitigation of residual and in-combination effects on bat habitat.

- A medium risk zone for recreational impact where new residential development will contribute to new offsite recreational provision through the Community Infrastructure Levy (CIL).
- 5.11 The TBMS is supported by a study investigating recreational use of publicly accessible open spaces, including the woodlands south of Trowbridge used by roosting Bechstein's bats<sup>9</sup>. The findings suggest that residents from North Bradley are more inclined to visit Picket and Clanger Woods and Southwick Country Park as opposed to Green Lane and Biss Woods. This is to be expected as the former sites are closer to North Bradley. The evidence suggests people drive to these sites and it is notable that Picket and Clanger Woods draw visitors from a greater distance than Southwick Country Park.
- Analysis of policies in the NDP screened into appropriate assessment**
- Policy 1 Landscape Setting Gap and HSAP Housing Sites
- 5.12 This policy lends unqualified support for HSAP allocations for Elm Grove (H2.1) and Southwick Court (H2.6). These two allocations are being considered under the appropriate assessment for the HSAP and need not be considered further here.
- 5.13 Policy 1 also supports the allocation in the HSAP for Land off the A363 at White Horse Business Park (H2.2) provided it is reduced from 225 to 175 dwellings and this reduction has been incorporated into the Council's published Schedule of Proposed Changes. In addition Policy 1 requires development to follow the layout set out in the Comprehensive Policy Map accompanying the policy and requires there should be no development in the North Bradley Landscape Gap. Assuming this allocation is acceptable under the appropriate assessment for the HSAP, the question for the appropriate assessment of this NDP is whether the layout constraint imposed by the NDP could in itself lead to adverse effects.
- 5.14 Evidence from ad-hoc records indicates that North Bradley NDP area is of importance to the SAC features. In relation to Bechstein's, it appears this is due to the NDP area being located between the large breeding roosts south of Trowbridge / Westbury and the hibernation sites east of Bath. For greater and lesser horseshoes the attraction is likely to be the availability of suitable buildings within a pastoral setting. The records suggest that key habitats for all three species are likely to be the River Biss corridor, railway corridor and the network of small grazed fields / hedgerow boundaries, but no systematic survey has been completed. Such a survey would be impractical on the basis of cost and would be unfeasible for Bechstein's due to the limitation of current survey techniques which cannot distinguish this species on bat detectors.
- 5.15 Preliminary work for the TBMS identified that loss of habitat within several hundred metres of breeding woodlands had a high risk of causing negative impacts on Bechstein's. Land allocated at White Horse Business Park (H2.2) lies outside this high risk zone but falls within the medium risk zone where land take will require significant mitigation. Having identified H2.2 as being available and appropriate for development, Wiltshire Council sought to ensure it would be suitable for development by constraining housing quantum / footprint to ensure a sizeable proportion of open land would be retained and enhanced for bat mitigation. A precautionary

<sup>9</sup> Panter, C., Lake, S. & Liley D. (2018) Trowbridge Recreation Strategy and Visitor Surveys. Unpublished report by Footprint Ecology for Wiltshire Council

approach was taken, as required by the Habitats Regulations. By allocating the site for 175 dwellings, the Council was able to demonstrate, beyond reasonable scientific doubt, that the allocation would not adversely affect the SAC.

5.16 Close examination of H2.2 shows that potential for habitat use by bats is as follows:

- Pasture and field hedgerows, particularly around Little Common Farm / Willow Grove, Kings Farm / Kings Folly and at the northern end of the allocation – potential for foraging by all three species, commuting by greater horseshoes and Bechstein's
- Tree belt along western edge of White Horse Business Park – potential for foraging and commuting by all three species
- Individual trees with existing holes etc (survey required to determine whether any currently exist in the allocation) – potential for night and day roosting by Bechstein's, low possibility of small maternity roosts (Bechstein's)
- Individual trees without holes etc – potential for future night and day roosting by Bechstein's, small maternity roosts of Bechstein's

5.17 The Comprehensive Policy Map in the NDP identifies which of the fields in H2.2 should be developed for housing in order to ensure that a sizeable landscape gap is retained between them and North Bradley.

5.18 On the basis of 30 units per hectare, it appears this layout would be able to accommodate the 175 units allocated in the HSAP. It would lead to loss of pasture land, fragmentation of hedgerows, deterioration of the remaining hedgerows due to light spill and loss of trees due to amenity / health and safety issues. However, in principle, I consider that the scale and nature of these losses is consistent with that anticipated for the HSAP and could be mitigated within the undeveloped landscape gap. Importantly the layout maintains a continuous wide corridor of habitat running the full length of the allocation from north-west to south-east through Little Common Farm which would maintain habitat connectivity between core roosts. Drainage lagoons and open space, provided these did not include any lighting, would be compatible with bat mitigation measures located within the gap.

5.19 I note that, until detailed surveys of trees are undertaken, it remains unclear whether any existing Bechstein's maternity roosts are present on site. My presumption is that such a roost would have to be retained within a buffer of habitat and as such it is very unlikely it could be integrated within the development site. However, I believe the risk of a maternity roost this far from the main breeding woodlands is low. There is a greater risk of surveys identifying horseshoe roosts in buildings either within or outside the allocation boundary however I consider the layout is generally robust to this possibility.

5.20 As a result of street lighting on the A363 and Woodmarsh/Westbury Road which together completely encircle the allocation, there is no obvious dark route of entry for bats. Concentrations of lighting columns at roundabouts on the A363 and A350 may be influential in directing bat flight lines. In view of this and radio-tracking studies conducted for Ashton Park, it is possible that bats approaching from the east will be more likely to cross the A350 east of Yarnbrook and then the A363 just north of Meridan Park where an area of land in the White Horse Business Park remains undeveloped. The Comprehensive Policy Map would

accommodate this scenario but bat flightlines from the south would be more constrained due to development of the field immediately west of Hitachi. The design of development in this field, and ultimately its housing capacity would be heavily dependent on the results of detailed bat surveys.

5.21 This layout has the potential to accommodate the proposed quantum of housing while still allocating sufficient land for mitigation, preserving habitats with the most potential for bats and maintaining habitat connectivity within and beyond the site boundary. In the absence of detailed bat survey data, it could be counterproductive to place further spatial restrictions to secure bat flightlines but given that planning applications will need to comply with the TBMS (see Policy 5) I consider it is possible to conclude that policy 1 will not lead to adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC.

*Recommendation for Policy 1: Landscape Setting Gap and HSAP Housing Sites. No changes required.*

#### Policy 2 Housing - General

5.22 Residential development within the settlement boundary at North Bradley has the potential to lead to increased recreational use of the publically accessible woodlands containing core bats roosts, i.e. Pickett and Clanger Woods, Green Lane and Biss Woods. Recent development at Castlemead demonstrates recreational pressure could be having an adverse impact on this sensitive species and while recreational pressure from any single development is unlikely to trigger effects, there is a significant risk that the combined pressure from proposed development around Trowbridge would cause a gradual reduction in both breeding success and use of the woodlands by this bat species.

5.23 Few residents will be expected to visit the woodlands on foot from North Bradley due to the distance; most will park at Green Lane Wood and Pickett and Clanger Wood. Such parking is limited but understood to not yet be at full capacity. Windfall development can therefore be expected to make a small contribution to recreational impacts in-combination with other allocations and windfall development. The TBMS provides a mechanism to mitigate these impacts through CIL contributions and no impact is therefore expected to occur as a result of this policy.

5.24 The supporting text for Policy 2 states at paragraph 8.30 that "All new housing in the NDP area will lead to recreational impacts on core bat roosts in woodlands to the south of Trowbridge in combination with other developments. Any development in the Plan area should refer to the Trowbridge Bat Mitigation Strategy (TBMS). Developer contributions may be required to provide mitigation measures as set out in the TBMS." This provides confidence that development coming forward through the NDP will not be in conflict with the TBMS.

*Recommendation for Policy 2: Housing – General. No changes required.*

#### Policy 3 – Housing Site

- 5.25 Land at 54 Woodmarsh is allocated for an indicative number of 25 dwellings which will lead to loss of bat habitat and recreational impacts on the woodlands used by breeding Bechstein's.
- 5.26 The TBMS recognises that green field sites will come forward as part of neighbourhood plans in addition to the 6 sites allocated for Trowbridge. The TBMS takes the same approach for neighbourhood plan allocations as HSAP allocations to ensure a consistent approach to compliance with the Habitats Regulations. In particular:
- Land lost to development must be offset by 100%, usually within the application site boundary;
  - The continuity of core bat habitat must be maintained and buffered from the effects of development by a width of at least 15m where lux levels are a maximum of 1 lux (details in TBMS);
  - S106 contributions are required towards Council provision of offsetting for in-combination effects, and;
  - Part of the CIL contributions paid by developers will go towards offsetting recreation pressure
- 5.27 Offsetting for a) above is anticipated to be within the application boundary as this ensures the land will be retained and managed in perpetuity. In this context, I note the quantum projected for 54 Woodmarsh may not be achievable. In order to achieve 25 dwellings therefore, it is likely that additional land will need to be identified in a suitable location and included in the planning application boundary.
- 5.28 I note that the Policy draws the attention of the developer to this matter at point (iv) where it states, "In view of the risks this development presents to the SAC, this development will be expected to be surveyed, designed and mitigated in full accordance with the Trowbridge Bat Mitigation Strategy. Full mitigation for loss of habitats must be achieved within the application boundary." This wording provides confidence that the policy will not lead to adverse effects for the SAC.

*Recommendation for Policy 3: Housing NDP Sites. No changes required.*

#### Policy 4 Local Green Space

- 5.29 Trowbridge football field is located immediately adjacent to the settlement boundary on the south side of Trowbridge. From aerial photographs most of the field is closely mown pitches and it is enclosed on all four sides by farmland hedgerows. It lies within a corridor of green fields on the south side of Trowbridge which are presumed, on a precautionary basis, to be of significance for those bat species which are features of the SAC. It is also adjacent to HSAP allocations for Elm Grove Farm and White Horse Business Park 2.
- 5.30 Policy 4 allows for "...extension or enhancement of the existing recreational facilities for the recreational benefit of the community..." The main concern from a bat perspective would be installation of lighting, especially floodlighting as this has the potential to lead to impacts alone and in-combination with other development. There are no specific proposals in the plan

but anticipating that new housing will lead to more intensive use of sports facilities, an application for flood lighting is not unlikely. Applications would be tested under the Habitats Regulations and potentially refused if it could not be demonstrated there would be no adverse effects on the integrity of the SAC. The TBMS provides detailed guidance on surveys and mitigation which will be expected from lighting proposals in the Trowbridge area. Full reference is made to the TBMS in Policy 5 drawing specific attention to lighting issues and therefore I conclude there will be no adverse effect of this policy on the SAC.

*Recommendation for Policy 4: Local Green Space. No changes required.*

#### Policy 6 Infrastructure Priorities

- 5.31 This policy identifies that improving existing footpaths and installing new cycle paths to Trowbridge will be priorities for CIL spending by North Bradley Parish Council. As discussed for Policy 4 above, such works can impact on bat flight lines, roosts and foraging habitat by removing, damaging or illuminating vegetation used by bats. The TBMS provides detailed guidance on surveys and mitigation which will be expected from footpath and cycle path proposals in the Trowbridge area. Full reference is made to the TBMS in Policy 5 and therefore I conclude there will be no adverse effect of this policy on the SAC.

*Recommendation for Policy 6: Infrastructure Priorities. No changes required*

#### **Conclusion for the Bath and Bradford on Avon Bats SAC**

- 5.32 I consider that no changes are required to the NDP in order to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Bath and Bradford on Avon Bats SAC, alone or in-combination with other plans and projects.

#### **6 Appropriate Assessment – Salisbury Plain SPA**

##### **Background to the Salisbury Plain SPA**

- 6.1 Salisbury Plain SPA encompasses a plateau of chalk grassland, which supports the following SPA features: breeding common quail, Eurasian hobby, stone-curlew and non-breeding hen harrier. Details of the conservation objectives are available online <http://publications.naturalengland.org.uk/publication/5745803545018368>. The current version is dated 21 February 2019. Natural England has also published Supplementary Advice on conserving and restoring the site features<sup>10</sup> and this is available from the same weblink. This recognises that often active and ongoing conservation management is needed to protect, maintain and restore the function of supporting habitat both within and outside the SPA in order to sustain the stone-curlew population. The MoD estate and other landowners through Environmental Stewardship are actively involved in delivering these measures.

<sup>10</sup> Supplementary Advice on Conserving and Restoring Site Features: Salisbury Plain Special Protection Area (SPA) Site Code UK9011102 dated 27 October 2017

6.2 Evidence from research has demonstrated that stone-curlew is particularly susceptible to recreational pressure. Mitigation for the impacts of the Core Strategy was agreed with Natural England in 2012 and comprised Council funding for monitoring breeding bird numbers and working with farm managers to maximise breeding success. As a consequence, the HRA for the Core Strategy which was supported by a strategic HRA for housing development<sup>11</sup> was able to conclude no adverse effect. This has been updated to support the HSAP<sup>12</sup> and these documents should be referred to for the background details for this European site.

6.3 In consultation with Natural England, the other features are not considered to be vulnerable to recreational pressure.

**Plans and projects to be considered in combination**

6.1 The screening Assessment found that the North Bradley NDP would not lead to significant effects on the Salisbury Plain SPA alone. Impacts would only occur in combination with other plans and projects. The following plans and projects have been taken into consideration:

- Wiltshire Core Strategy (Adopted January 2015)
- Wiltshire Housing Site Allocations Plan submission document May 2018 with proposed schedule of changes dated September 2018
- Army basing Programme delivering 917 dwellings at 4 sites in close proximity to the Plain
- Neighbourhood plans. Those with allocations within 6.4km of Salisbury Plain SPA include the following
  - Chirton and Conock (max 10, all within WCS housing requirement)
  - Devizes (93 within 6.4km, 32 of which are over the WCS housing requirement)
  - Porton (32, proportion within WCS housing requirement unknown)
  - North Bradley (60, proportion within WCS housing requirement unknown)
  - Pewsey (27-43 dwellings over the WCS housing requirement)
  - Potterne (20, proportion within WCS housing requirement unknown )
  - Urchfont, Wedhampton and Lydeaway (37, proportion within WCS housing requirement unknown)
  - Market Lavington (88 dwellings, within WCS housing requirement)

**HRA for the Wiltshire Housing Site Allocations Plan pre-submission draft**

6.4 Evidence from a visitor survey commissioned by the Council in 2015 demonstrated that 75% of visitors accessing the plan lived within 6.4km of the SPA boundary and 1% of the population within that distance would be expected to visit on a regular basis. Using these findings the HSAP HRA calculated that the housing sites plan would increase visitor numbers to the Plain by 1% over the estimates calculated for the Core Strategy. This figure incorporated a number of precautionary assumptions to counteract any constraints of the data used. Taking the favourable condition of the SPA into consideration, it was considered that existing mitigation

<sup>11</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from redevelopment), Wiltshire Council, 30 March 2012

<sup>12</sup> HRA and Mitigation Strategy for Salisbury Plain SPA (in relation to recreational pressure from residential development), Wiltshire Council, reviewed in May 2018

measures in place for the Core Strategy would continue to provide an effective, timely and reliable means of mitigating any additional effects from the HSAP should they arise.

**Analysis of policies in the NDP screened into appropriate assessment**

Policy 1 Landscape Setting Gap and HSAP Housing Sites

6.5 As for the Bats SAC, the only matter for the current assessment is whether the proposed layout in policy 1 could contribute to adverse effects Salisbury Plain SPA.

6.6 The White Horse Business Park allocation lies just inside the 6.4km radius where housing numbers are assumed to contribute to recreational pressure. Although a small part of the allocation lies outside this limit, this is insufficient in area to accommodate the 175 dwellings being allocated. In any case the 6.4km is a tool for estimation purposes and does not represent a precise boundary where impacts will or will not occur. The distribution of housing resulting from Policy 1 is likely to be no worse or better in terms of the number of recreational visits it generates to the Plain than any other layout proposed for the allocation.

*Recommendation for Policy 1: Landscape Setting Gap and HSAP Housing Sites. The policy does not give rise to adverse effects. No changes are required to wording of the policy or supporting text.*

Policy 2 Housing - General

6.7 This policy places constraints on windfall development but does not propose development in itself. In view of the mitigation measures currently in place for the Core Strategy, which were re-tested for the HSAP and found to meet the requirements of the Habitats Regulations, I do not consider that this policy would lead to adverse effects.

*Recommendation for Policy 2: Housing - General. The policy does not give rise to adverse effects. No changes are required to wording of the policy or supporting text.*

Policy 3 – Housing Site

6.8 Approximately 25 dwellings are allocated through this policy at 54 Woodmarsh which lies 6km away from the SPA boundary. Twenty five dwellings will give rise to 57 people, 1% of which can be expected to visit the Plain on a regular basis. This scale of visitor pressure would not contribute significantly to pressures on the Plain and is readily covered by the mitigation approach taken adopted for the Core Strategy and the HSAP.

*Recommendation for Policy 3: Housing Site. The policy does not give rise to adverse effects. No changes are required to wording of the policy or supporting text.*

**Conclusion for the Salisbury Plain SPA**

HRA of North Bradley Neighbourhood Development Plan Final Screening Draft April 2019  
(LK/V4/21.05.19)

6.9 I consider that no changes are required to the NDP in order to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Salisbury Plain SPA, alone or in combination with other plans and projects.

Prepared by [REDACTED] Senior Ecologist, Wiltshire Council  
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