

Objection to PL / 2026/00195

Impact on Special Areas of Conservation (SACs)

Objection:

The houses proposed by the applicant will have a significant and negative impact on the Salisbury Plain SAC and the River Avon SAC.

The applicant and their experts have failed to identify populations of Marsh Fritillary, the target species for the Salisbury Plain SAC, near their site and have no proposals to mitigate any harm to those populations.

There are no satisfactory measures to mitigate the impact of the site in terms of pollution to the River Wylie and hence the River Avon SAC (the Wylie is a tributary of the River Avon).

There are serious questions about the way the Biodiversity Net Gain calculation has been undertaken and follow up work appears to have been planned at times when populations of the Marsh Fritillary would not be sighted.

Andrew Lee

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1. General

The applicant has asserted that the only open item from their previous planning application is related to flood risk. That all other matters have been resolved and approved by the Planning Inspector during his Planning Inquiry between 15 October 2024 and 10 February 2025.

This assertion is demonstrably untrue. In s77 and s78 of his report he notes: *“Under Regulation 63 (1) of the Habitat Regulations, the Competent Authority (the Inspector notes*

that he is the Competent Authority) before deciding whether to give any consent, permission or other authorisation for a project which is likely to have a significant effect on a European site and is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications of the project for that site in view of that site's conservation objectives.

However, as I am dismissing the appeal for other reasons, there is no need for any further action in this regard."

That leaves all of the issues surrounding the proximity of the applicant's site to SACs as being very much open to debate and definitely not settled.

The Inspector notes three SACs that will be impacted by this application: *"The appeal site is located within a Zone of Influence for a number of European Sites. The Salisbury Plain SAC / Special Protection Area (SPA); the Bath and Bradford upon Avon Bats SAC; and, the river Avon SAC."*

2. Salisbury Plain SAC

There are some very specific concerns that have not been addressed by the applicant in relation to the Salisbury Plain SAC.

The stated objectives for the Salisbury Plain SAC are as follows:

"Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- *The extent and distribution of qualifying natural habitats and habitats of qualifying species*
- *The structure and function (including typical species) of qualifying natural habitats*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely*
- *The populations of qualifying species, and,*
- *The distribution of qualifying species within the site."*

Again the SAC defines qualifying features and also the qualifying species.

Qualifying Features:

- H5130. Juniperus communis formations on heaths or calcareous grasslands; Juniper on heaths or calcareous grasslands
- H6210. Semi-natural dry grasslands and scrubland facies: on calcareous substrates FestucoBrometalia) (important orchid sites); Dry grasslands and scrublands on chalk or limestone (important orchid sites)*
- S1065. Euphydryas (Eurodryas, Hypodryas) aurinia; Marsh fritillary butterfly

In that regard, it is difficult to understand why the Council's Ecology Officer concentrated on populations of the stone curlew, which is not specifically mentioned in the SAC as a target species, and completely ignored the Marsh Fritillary, which is (see the applicant's Planning Statement p79 section 9.5).

This is important because there are significant populations of Marsh Fritillary in and around the town of Warminster.

Large populations have been identified on Battlesbury Hill, Scratchbury Camp and smaller numbers are found on Middle Hill and Arn Hill.

The populations on Arn Hill appear to be particularly fragile. The photo below was taken on the application site in June 2022.



There are three populations of Marsh Fritillary that are found either on or in the immediate vicinity of the applicant's site on the slopes of Arn Hill. It is not known if the sites are connected with butterflies moving from one to the other.

Equally, it is not known how these populations relate to the much larger population on the southern slope of Battlesbury Hill. For the moment suffice it to say there are populations that are on the edge of the boundary of the SAC and to that extent they should be considered vulnerable and in need of protection.

Conservation issues to consider include; to what extent the applicant's development would cut off the most westerly of the three locations and thereby risk extinguishing the population. That in turn gives rise to a concern that if the three populations do intermingle, to what extent would the loss of one population threaten the viability of the other two.

This aerial map shows the Upton Scudamore area in Dorset, England. Three sampling points are marked with red pins and labeled: Point A is located near the village of Upton Scudamore; Point B is located on a hillside to the east of the village; and Point C is located further east, near the village of Oxendene. The map includes roads such as Warmminster Road, Sand Pit Lane, Cradle Hill, and Oxendene. The village of Upton Scudamore is visible, along with surrounding fields and a river.

I have collated recent sightings across the three sites as follows:

Latin name	Common name	Grid ref	description	date	
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 88300 47852	Bank of scrubland at Northern slope of Arn Hill	10 June 2022	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 87438 46551	Arn Hill along north side of Golf Course	12 June 2022	single specimen female
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 86910 46370	bottom of slope of Arn Hill by railway line	15 June 2022	single specimen female
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 86910 46370	bottom of slope of Arn Hill by railway line	17 June 2022	two specimens not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 86910 46370	bottom of slope of Arn Hill by railway line	25 May 2023	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 87438 46551	Arn Hill along north side of Golf Course	01 June 2023	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 88300 47852	Bank of scrubland at Northern slope of Arn Hill	08 June 2023	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 88300 47852	Bank of scrubland at Northern slope of Arn Hill	10 June 2023	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 86910 46370	bottom of slope of Arn Hill by railway line	12 June 2023	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 86910 46370	bottom of slope of Arn Hill by railway line	15 May 2024	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 86910 46370	bottom of slope of Arn Hill by railway line	23 May 2024	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 87438 46551	Arn Hill along north side of Golf Course	04 June 2024	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 87438 46551	Arn Hill along north side of Golf Course	08 June 2024	single specimen not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 88300 47852	Bank of scrubland at Northern slope of Arn Hill	04 May 2025	4 specimens not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 87438 46551	Arn Hill along north side of Golf Course	04 May 2025	3 specimens not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 86910 46370	bottom of slope of Arn Hill by railway line	05 May 2025	4 specimens not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 88300 47852	Bank of scrubland at Northern slope of Arn Hill	06 May 2025	8 specimens not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 87438 46551	Arn Hill along north side of Golf Course	06 May 2025	4 specimens not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 86910 46370	bottom of slope of Arn Hill by railway line	13 May 2025	3 specimens not sexed
<i>Euphydryas aurinia</i>	Marsh Fritillary	ST 87438 46551	Arn Hill along north side of Golf Course	13 May 2025	8 specimens not sexed

Given the importance of the SAC and the location of these populations, which clearly relate to the SAC, then the lack of awareness, the absence of any mitigation or investigation of the impact on the SAC is deeply concerning.



Marsh Fritillary at Arn Hill on site B 1

Especially as the applicant has suggested the SACs can safely be discounted as an issue when evaluating the site from a planning point of view.

The applicant notes on P37 of their Planning Statement, section 7.74 that they have *“undertaken supporting surveys, which have been updated through a further walkover to ensure no significant change in site conditions, have informed the ecological strategy for the development...”*

The presence of the Marsh Fritillary was not picked up or mentioned in the applicant’s paper on Biodiversity Net Gain. The work was, according to p7 of the survey, undertaken in 2022 with update walk throughs conducted on 27th August and 29th September.

It is not especially surprising that they failed to identify the presence of a butterfly that is on wing in May. It is particularly disappointing given that in their Shadow Habitat Regulation Assessment, they acknowledge the importance of the Marsh Fritillary to the Salisbury Plain SAC.

One can only wonder why, knowing that a May flying butterfly was an essential element of the SAC, they undertook walks in August and September.

I suggest that at the very least the application should be suspended whilst some proper investigation of the impact of the proposed development on the SAC is undertaken. I can see no evidence that any proper analysis has been undertaken to date and the issue has been largely ignored.

3. River Avon SAC

Planning Statement p33 section 7.67 acknowledges: *“it is acknowledged that in principle new development incorporating overnight accommodation (i.e. homes) creates the potential for additional (phosphorus) loading in this respect.”*

And again on the same page at 7.68. *“Core Policy 69 of the Core Strategy requires proportionate measures to demonstrate that the proposals would have no adverse effects upon the SAC, including through the management of phosphate loading in accordance with the Nutrient Management Plan.”*

Turning now to the report of the Planning Inspector, he notes in paragraph 68 that: *“The river Wylfe forms part of the catchment of the river Avon, which, as previously mentioned, is designated as an SAC. It is accepted that elevated levels of Phosphorous are preventing the achievement of the conservation objectives for the River Avon SAC.”*

The applicant states categorically that this will be relieved: *“through planned upgrades to Warminster Wastewater Treatment Works in 2030.”* While this remains an intention, you should be aware that Wessex Water have confirmed: *“we don’t have confirmed dates or an investment figure for this work at this point.”*

Storm overflows are a major issue in and around Warminster. A storm overflow is caused as a result of pipes taking both sewage and rainwater. As a result in period of high rainfall, to relieve pressure on the system, pipes are opened to release excess into rivers and streams. Thus both sewage and rainwater spills enter the river ecosystem.

This is damaging for a river system’s ecology and for the safety of bathers and anyone who might try and drink water direct from rivers and streams.

For context, according to data from Wessex Water, in 2025 storm overflows in Warminster ran for a total of 259.9 hours.

Bearing that in mind, and the fact that local watercourses, including the unmarked stream to the west of the applicant’s site all feed into the River Wylfe, which in turn feeds into the River Avon, this has profound implications for the River Avon SAC.

The River Wylfe is already badly damaged. The latest assessment by the Environment Agency was carried out in 2022, but it assessed the Wylfe (Headwaters) Water Body (the catchment for water from the streams around Warminster) as having “Poor ecological status” (see: <https://environment.data.gov.uk/catchment-planning/WaterBody/GB108043022520>).

In addition to other compounds, it also failed water quality standards for the amount of Mercury and Polybrominated diphenyl ethers found in the water.

Urban wastewater treatment works and industrial discharges are major direct sources of mercury into water bodies.

Urban run-off (containing particle-bound contaminants) and wastewater treatment works effluent are the main sources of polybrominated diphenyl ethers being found in river water.

And whatever flows into the River Wylie has consequences for the River Avon SAC downstream.

The applicant would like you to waive this application through on the grounds that they will do something unspecified about Nutrient Neutrality. That is clearly unacceptable. You cannot pass this application without knowing precisely how the applicant proposes to achieve Nutrient Neutrality.

The only certainty as things stand is that:

- 205 houses will add significantly to the already poor quality of water in the upper catchment of the River Wylie
- The River Wylie flows into the River Avon thereby impacting an SAC
- Storm overflows are already substantial in the Warminster area.

The applicant to date has:

- failed to identify how much phosphate and other pollutants their site will generate
- how exactly they will mitigate that phosphate, in other words how much mitigation and where will mitigation take place
- how much they intend to spend on mitigation credits
- how any mitigation will, or will not, impact on the River Avon SAC

4. Biodiversity Net Gain calculation

In the Biodiversity Net Gain calculations, the authors note: *“Habitat surveys were carried out at a suitable time of year, but surveys were not exhaustive and may not have recorded all species present on site.”*

This is presumably how they failed to notice the presence of 10 species on the IUCN red list defined as red, amber, near threatened or priority species. All have been identified as present on the site by Wiltshire & Swindon Biological recording centre.

These included:

Brown Hare (Priority species)
Grass Snake (Priority species)
Wall Butterfly (Priority species)
Small Heath (Priority species)
Song Thrush (Amber)
Dunnock (Amber)
House Sparrow (Red, Priority species)
Rook (Amber)
Swift (Red)
Kestrel (Red)

In addition we have reported regular sightings of slow worms on the site which are a protected species in the UK.

What is perhaps of greatest concern is that the BNG calculation is inevitably looking at the situation for this site only. As it is obliged to do.

However, the presence of many of the mammal species on the site, including Roe Deer, Muntjac deer and brown hare is dependent on a wildlife corridor allowing them to access Arn Hill.

This is plausible with this application as there will still be a wide tract of land without humans giving access up and down the slopes of Arn Hill.

That will change if the rest of the land owned by the applicant is developed. Developing along Westbury Road towards the A350 would effectively seal off local populations from Arn Hill, which for the deer and hares, is an important grazing area.

So I would respectfully suggest that if the BNG is to be accepted and taken at face value, there should be a condition placed on the applicant that if planning is approved, it is on condition that no further development take place along the Westbury Road.

5. Conclusion

I would respectfully ask you to reject this planning application because of the demonstrable harm that it would cause to the Salisbury Plain SAC and the River Avon SAC. No verifiable or detailed mitigation is proposed by the applicant and there are some serious questions to answer about the calculation of the Biological Net Gain.

In the event that planners are minded to recommend approval, it should be with a condition that the applicant undertake not to put forward applications for further development along the Westbury Road to protect wildlife access to Arn Hill.