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Shadow HRA: Test of Likely Significant Effects and Appropriate Assessment

Client

Gladman Developments Ltd.

Project

Land off Storridge Road, Westbury

Date

May 2026

CONTENTS

1.0	INTRODUCTION.....	1
2.0	THE HRA PROCESS AND LEGISLATION	3
3.0	STAGE 1 SCREENING: SALISBURY PLAIN SAC/SPA	6
4.0	STAGE 1 SCREENING: THE RIVER AVON SAC.....	13
5.0	STAGE 1 SCREENING: BATH & BRADFORD-UPON-AVON BAT SAC	17
6.0	STAGE 2 APPROPRIATE ASSESSMENT: SALISBURY PLAIN SAC/SPA.....	23
7.0	STAGE 2 APPROPRIATE ASSESSMENT: BATH & BRADFORD-UPON-AVON SAC.....	26
8.0	CONCLUSION.....	32

FIGURES

Figure 1: Site Location and Nearby European/Natura 2000 Sites

APPENDICES

Appendix A: Legislation and National Policy

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1.0 INTRODUCTION

- 1.1 The following Shadow Habitats Regulations Assessment has been prepared by FPCR Environment and Design Ltd., on behalf of Gladman Developments Ltd., to assess the potential effects of the proposed Storridge Road planning application, henceforth referred to as “the Site”, on nearby sites designated as part of the National Site Network (NSN), in accordance with the Conservation of Habitats and Species Regulations 2019.
- 1.2 The purpose of this sHRA is to provide the “Competent Authority” (in this instance Wiltshire County Council), under the Habitats Regulations, the required information to either a) conduct their own HRA, as is their legal obligation, or b) adopt this document as the official HRA.

Proposals and Site Context

- 1.3 The Site (*Figure 1*), which measures 9.92ha in area, lies on the north-western periphery of the town of Westbury (central OS Grid Reference: ST861525), and consists of a single field compartment, largely comprised of cultivated cropland, with a small area of semi-improved grassland to the northwest. Field margins, composed of common and widespread species, typical of cultivated habitat surrounded the edges of the arable component of the field. The site was bound by hedgerows, fence lines, residential gardens, and plantation woodland.
- 1.4 Residential gardens and scattered scrub form the southern and eastern boundaries, along which is tall ruderal vegetation with occasional native and non-native scattered scrub. The western boundary is formed by native species hedgerow and deciduous plantation woodland, which provide a screen between the application Site and West Wilts Trading Estate. The northern boundary is formed by a native species hedgerow, with further farmland to the north.
- 1.5 The Site was previously subject to outline planning (previous refs: 17/12342/OUT, 19/06389/OUT, and PL/2022/09842) for up to 195 residential dwellings and associated infrastructure (covering 5.04ha). Demolition of 13 and 14 Storridge Road was also required for vehicular access, with additional necessary ancillary works. Green infrastructure provision comprised 4.04ha of structural planting, landscaping, informal public open space, allotments, and surface water attenuation features. All matters reserved, with the exception of the main site access points.
- 1.6 Since 2016 FPCR have historically conducted extensive ecological survey work on the Site to inform these past planning applications, comprising habitat and protected species surveys; including bat activity and roost assessment surveys, reptile presence/absence surveys, GCN eDNA sampling, and breeding bird surveys, undertaken during 2016, 2019, and 2022. As a consequence, FPCR have acquired a detailed long-term baseline for the Site, spanning nearly 10 years.
- 1.7 The baseline ecological data for the Site, as assessed between 2016 and 2022, has been detailed in earlier Ecological Appraisals submitted for planning in 2019 and 2022, respectively; and are summarised, where relevant here. Further details can be found in the accompanying Ecological Impact Assessment (FPCR, December 2025), which also draws upon this past data for context.

- 1.8 A new outline application is to be submitted for demolition of number 5 and 6 Storridge Road and erection of up to 165 new dwellings, with public open space, landscaping, sustainable drainage system and vehicular access point from Storridge Road. All matters reserved except for means of access.
- 1.9 The new application for development on land at Storridge Road has necessitated re-survey in 2025/26, with update UK Habs, bat activity, and breeding bird surveys conducted, as well as initial roost survey on buildings 5 and 6, which had not been surveyed previously.
- 1.10 The most up to date version of the Development Framework Plan (CSA/2974/119, Rev B. December 2025) has been used to inform this assessment.

2.0 THE HRA PROCESS AND LEGISLATION

2.1 The relevant legislation and national policy are summarised in *Appendix A*.

2.2 The HRA process has developed into a four-stage process summarised as follows:

- **Stage One: Screening** - also known as the Test of Likely Significant Effect (TOLSE). If the Competent Authority cannot screen out a *likely significant effect (LSE)*, an Appropriate Assessment is required.
- **Stage Two: Appropriate Assessment** - the Competent Authority will only agree to plans or projects that will not affect the *integrity* of a European site, assessed via a process also known as the "Integrity Test". "Integrity" is assessed against a given European site's published Conservation Objectives.
- **Stage Three: Alternative Solutions** - assesses any alternative solutions of a potentially damaging plan, or project, that failed the Integrity Test. If it is determined there are no alternative solutions to the proposals, the project cannot be agreed to, and it will either need to be changed or refused.
- **Stage Four:** The final stage may allow a plan or project to proceed if after failing stage three, if it is for Imperative Reasons of Overriding Public Interest, and only if suitable compensatory measures are secured.

2.3 This sHRA has been conducted in the knowledge of two influential cases: the People Over Wind Judgement (12th April 2018) and Holohan Judgement (7th November 2018); a summary of which is provided in *Appendix A*. *Appendix A* also provides some background and case law examples in relation to "*Likely Significant Effect*" and "*Functionally Linked Land*", both of which are concepts discussed within this sHRA.

2.4 This sHRA identifies and considers each of the likely ecological pathways, in turn, between the Site and all NSN sites within a justified Zone-of-Influence (ZoI). Each was screened through a Stage 1: TOLSE for alone or in-combination effects, and any ecological pathways that could not be screened-out, or where specific mitigation was required to address a likely significant effect, were taken to a Stage 2: Appropriate Assessment.

Zone of Influence and the National Site Network Considered

2.5 The following National Site Network (NSN) sites have been screened-in to this HRA as they fall within 10km of the Site (*Figure 1*) and cannot be ruled out through the application of a policy defined Zone of Influence, which in this case is a 6.4km visitor catchment area for the Salisbury Plain SPA¹ and up to 4km of surrounding habitat around 'Core Roosts' included within, or associated with, the Bath & and Bradford-upon-Avon Bat SAC site²:

- Salisbury Plain SAC and SPA – 3.45km southeast

¹ Wiltshire Council (2018) HRA and Mitigation Strategy for Salisbury Plain SPA: In relation to recreational pressure from residential development [Evidence Base for Developer Contributions to Deliver Mitigation Measures for Development around Salisbury Plain SPA \(wiltshire.gov.uk\)](https://www.wiltshire.gov.uk/media/992/Bat-S-A-C-developers-guidance-inc-Bath-Bradford-on-Avon-Chilmark-and-Mottisfont/pdf/Bath-and-bradford-on-avon-september-2015-bat-sac-guidance.pdf?m=637298262862270000) [accessed 09.09.22]

² Wiltshire Council (2015) Bat Special Areas of Conservation (SAC). Issue 3 <https://www.wiltshire.gov.uk/media/992/Bat-S-A-C-developers-guidance-inc-Bath-Bradford-on-Avon-Chilmark-and-Mottisfont/pdf/Bath-and-bradford-on-avon-september-2015-bat-sac-guidance.pdf?m=637298262862270000> [accessed 09.09.22]

- The River Avon SAC – 8.36km south
- Bath & Bradford-upon-Avon Bats SAC – 10.25km north

Consultation Response

- 2.6 The decision to submit this sHRA to Wiltshire County Council, was initially based on the following consultation responses to previous planning applications related to development of the Site. The earliest of these outline applications was submitted in 2017, with a shadow Habitats Regulations Assessment and accompanying Ecological Appraisal prepared in support of those proposals.
- 2.7 In response to the earlier iteration of the sHRA, prepared by Ecology Solutions (2017), and submitted with the outline application for Storridge Road (ref: 17/12342/OUT), the Ecology officer from Wiltshire Council (April 2018) wrote in relation to designated sites:
- "The Council has assessed this development under the Habitats Regulations 2017 and concluded it would be likely to give rise to significant effects on the River Avon SAC or the Salisbury Plain SAC either alone or in-combination with other plans and projects. However, it is not possible to conclude, beyond reasonable scientific doubt that adverse effects would be avoided for Bath and Bradford on Avon Bats SAC alone and in-combination with other plans and projects. In addition, likely significant effects have been identified for the Salisbury Plain SPA in-combination with other plans and projects and therefore further assessment is required to determine whether adverse effects could occur.*
- 2.8 The council ecologist did not agree with the assessment in the Ecology Solutions sHRA that no significant effects to the nearby statutory sites were likely as a result of the development proposals, highlighting the cumulative impact of the development, over and above the housing allocation agreed in the Wiltshire Core Strategy.
- 2.9 Wiltshire County Council subsequently provided a notification of refusal concerning the outline application 17/12342/OUT, specifically considering the impact on the Bath & Bradford-upon-Avon Bats SAC as requiring further evaluation. The director of Economic Development and Planning wrote, regarding the proposals:
- "The Council has screened the proposed development under the Habitats Regulations 2017 and concludes that the submitted ecological survey and assessment and the Shadow Habitats Regulations Assessment is not adequate to support a conclusion of "no likely significant effect" on the Bath and Bradford on Avon Bats SAC. Therefore, an appropriate assessment under regulation 63 of the Habitats Regulations is required to determine whether the scheme would lead to an adverse effect on the site's integrity either alone or in-combination with other schemes."*
- 2.10 The director of Economic Development and Planning also provided prudent information, useful to help the applicant potentially move forward with the application. One such comment included further reference to Habitats Regulations Assessment:

"INFORMATIVE TO APPLICANT: Should the applicant appeal this decision; the planning inspector would become the competent authority under the Habitats Regulations. The Council would work with the applicant to agree what might constitute an appropriate mitigation package or whether further survey would be required, and the Council would obtain advice from Natural England on any "shadow HRA" in order to aid the inspector. Alternatively, the developer could choose to submit the Shadow HRA which was submitted to support this application to the Inspector for his/her consideration."

- 2.11 This update sHRA will be completed both as an update to Ecology Solutions previous sHRA (2017) and subsequent successive sHRA documents, prepared by FPCR and submitted in support of subsequent planning applications for the Site (19/06389/OUT, and PL/2022/09842), The update reflects various iterative changes in the scheme based on the outcomes of previous appeals and ongoing discussion with the Council.
- 2.12 The following will aim to provide detailed assessment of likely significant effects, where necessary, and as highlighted in the most recent appeal in relation to PL/2022/09842, which included discussion of reasons for refusal related to ecology; specifically the following:

"5. An Appropriate Assessment (AA) under Section 63 of the Habitats Regulations must be carried out by the relevant Competent Authority (the LPA) to determine the potential significance effects on the Bath and Bradford on Avon Bat SAC and the suitability of any measures proposed to avoid or mitigate those effects. At the present the assessment is unable to conclude that the mitigation provided is adequate to meet the requirements of the Trowbridge Bat Mitigation Strategy. Insufficient information has so far been submitted to enable the AA to be concluded favourably".

3.0 STAGE 1 SCREENING: SALISBURY PLAIN SAC/SPA

Designations

Salisbury Plain Special Area of Conservation (SAC)³

Annex I Habitat – Primary Reason for Site Selection:

- 3.1 The SAC is classified under article 4(4) of the Habitats Directive as it supports two Annex I listed habitat types. Salisbury Plain supports *Juniperus communis* formations that are situated near the southernmost edge of the habitat's range in the southern England. The site forms the last remaining example of lowland juniper scrub on chalk in the UK. These areas of juniper are juxtaposed with extensive semi-natural dry grassland on chalk heath. Much of the scrub is of a southern mixed type, and enriched by roses *Rosa sp.*, wild privet *Ligustrum vulgare*, dogwood *Cornus sanguinea*, and wayfaring tree *Viburnum lantana*.
- 3.2 Salisbury Plain also supports semi-natural dry grasslands on calcareous substrates (Festuco-Brometalia), which include the priority habitat type "orchid rich sites". Salisbury Plain is thought to be the largest extent of surviving semi-natural dry grassland in the EU, and as such is the most important site for this habitat in the UK. It supports extensive examples of CG3 *Bromus erectus* grassland, which is the most widespread and abundant calcareous grassland found in the UK. It also contains extensive areas of the rare CG7 *Festuca ovina* – *Hieracium pilosella* – *Thymus praecox* grassland, and one of the largest examples of CG6 *Avenula pubescens* grassland.

Qualifying Species

- 3.3 Salisbury Plain supports a cluster of large sub-populations of marsh fritillary butterfly *Euphydryas aurinia*, where the species breeds on dry calcareous grassland.

Salisbury Plain Special Protection Area (SPA)

- 3.4 Salisbury Plain comprises the largest area of unimproved chalk downland in northwest Europe and forms 41% of Britain's total extent of chalk downland. Small woodland compartments and scrub are also present throughout, with agricultural land on the peripheries. Much of the land area has been used for military training.

Qualifying species

- 3.5 The SPA is classified under Article 4(1) of the Habitats Directive as it supports nationally important populations of two Annex I species: hen harrier *Circus cyaneus* (1% of British wintering population), and stone curlew *Burhinus oedicephalus* (10% of the British breeding population).
- 3.6 Merlin *Falco columbarius* and short-eared owl *Asio flammeus*, both of which are also Annex I species, also winter in small numbers on Salisbury Plain, and Montagu's harrier *Circus pygargus* has attempted to breed at least once.

³ Natural England (2014), Natura 2000 Standard Data Form, Salisbury Plain, viewed 06th September 2022
<www.publications.naturalengland.org.uk/publication/4786217489006592>

Qualifying Assemblages:

- 3.7 The site also qualifies under Article 4(2) of the Habitats Directive as it supports nationally important breeding populations of two regularly occurring migratory species: common quail *Coturnix coturnix* (approximately 20% of British breeding population) and hobby *Falco subbuteo* (1% of British breeding population).

Conservation Objectives⁴

- 3.8 Regarding the SAC/SPA/Ramsar and the natural habitats, individual species and/or assemblage of species, for which the site has been classified (the 'Qualifying Features'), and subject to natural change:

"...ensure that, the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive and maintains Favourable Conservation Status of its qualifying features, by maintaining or restoring;

- *The extent and distribution of the habitats of the qualifying features*
- *The structure and function of the habitats of the qualifying features*
- *The supporting processes on which the habitats of the qualifying features rely*
- *The populations of each of the qualifying features; and*
- *The distribution of the qualifying features within the site."*

Threat and Pressures

- 3.9 The following section details the main threats and pressures that have been identified through existing documentation and evidence related to the SAC and SPA components.
- 3.10 The Site Improvement Plan (SIP) for the Salisbury Plain⁵, which includes Porton Down SPA, Salisbury Plain SAC, and Salisbury Plain SPA, identified two key pressures relevant for this HRA (Table 1).

Table 1: Relevant Threats and Pressures – Salisbury Plain SAC/SPA

Priority & Issue	Threat or Pressure	Measure
Air Pollution: risk of atmospheric nitrogen deposition	Pressure	Control, reduce and ameliorate atmospheric nitrogen impacts
Changes in Species Distributions	Pressure	Conservation management to improve the juniper populations on Salisbury Plain and Porton Down towards favourable condition

- 3.11 The juniper population on Porton Down SPA is considered to be in 'unfavourable' condition due to a decline in the population. A seed propagation project is in place to restore the population levels of juniper at Porton Down.

⁴ Natural England (2019), European Site Conservation Objectives for Salisbury Plain Special Protection Area Site Code: UK9011102 Publication date: 21 February 2019 (Version 3)

⁵ Site Improvement Plan: Blean Complex (SIP018). Natural England (01/09/2015 version 1)
<http://publications.naturalengland.org.uk/publication/6295825890148358>

- 3.12 Changes in species distribution are not highlighted as concerns at Salisbury SPA and SAC. Given that Porton Down SPA is located more than 38km to the southeast of the application Site, well outside any anticipated zone of influence, the site (and pressures related to species distribution) are not considered further in this assessment.

Recreational Disturbance

- 3.13 Ground nesting birds are known to be particularly susceptible to disturbance from human activities, including rambling and dog walking, pursuits common on Salisbury Plain. The SPA is designated for breeding populations of stone curlew and common quail *Coturnix coturnix*, both of which are ground nesting species and thus highly susceptible to human disturbance.
- 3.14 Wiltshire Council, in their HRA and Mitigation Strategy for Salisbury Plain SPA⁶, cited a report produced by Liley, Payne and Peat⁷ that investigated patterns of access and visitor catchment areas for Salisbury Plain. They found that the eastern plain was the most easily accessed part of the SPA and visited by people from further away than the western and central areas, which are much less accessible (being restricted MOD training land). As such, they proposed a 15km catchment for visitors travelling to eastern areas and 4km catchment for visitors to less accessible western/central areas. In a 2015 study by Footprint Ecology⁸, the eastern plain was found to have a larger visitor catchment than the central/western plains; however, the difference was not significant, as visitors from local towns and villages were found to regularly use peripheral areas of the western/central plains (outside MOD managed land). Consequently, an average 6.4km catchment across the entirety of Salisbury Plain was considered appropriate.
- 3.15 The application Site was identified as falling within the 4km visitor catchment, based on a 2007 study, for the western/central areas of Salisbury Plain, but outside the 15km catchment for the eastern parts of the SPA. When considered against the average catchment determined in the 2015 study, the application Site falls within 6.4km of the western/central plains. As the development will result in additional residential housing within these catchment areas for the western/central plains, increased recreational pressure on the SPA is possible.

Air Quality

- 3.16 Since the SIP was produced, there is new published guidance from Natural England (2018)¹⁰ on air quality with a four-step process for HRAs. Where a road, likely to be receive increased traffic flow from a development, falls within 200m of a European site, then an impact is possible. The 200m distance criteria is based on the often-quoted evidence¹¹ that shows pollutant concentrations fall away steeply with distance from the road.

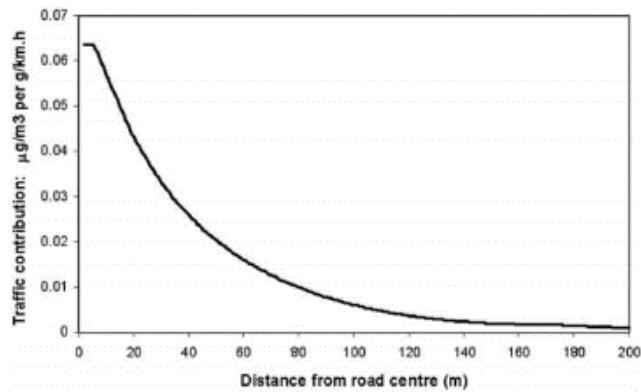
⁶ Taylor, J. (2012) Salisbury Plain SPA – HRA and Mitigation Strategy. Wiltshire Council

⁷ Liley, D., Payne, K. and Peat, J. (2007) Access Patterns on Salisbury Plain. Unpublished report for Enviros Ltd., Wareham, Dorset

⁸ Footprint Ecology (2015) Salisbury Plain Visitor Survey 2015; Footprint Ecology (2021) Salisbury Plain Visitor Survey 2021

¹⁰ Natural England (2018) Natural England's approach to advising competent authorities on the assessment of road traffic emissions under the Habitats Regulations

¹¹ Design Manual for Roads and Bridges Volume 11 Environmental Assessment Section 3 Environmental Assessment Techniques Part 1 Air Quality



Potential Ecological Pathways

- 3.17 This section (*Table 2*) identifies the possible ecological pathways between the site and the SAC/SPA that should be considered, applying assessment criteria based on best available scientific knowledge, and concludes whether there is a risk, or uncertainty, of a likely significant effect (LSE). Where risk or uncertainty is identified, those ecological pathways are then considered further in an Appropriate Assessment. The test does not require an assessment of every conceivable pathway, and the Precautionary Principle is applied only where there is *reasonable* scientific doubt that a pathway may have a possible LSE.

Table 2: Ecological Pathways and HRA Screening Conclusions – Salisbury Plain SAC/SPA

Ecological Pathway	Assessment	Likely Significant Effect?
Habitat Loss	Will there be any direct loss, land take, damage, or fragmentation of habitat within the SAC/SPA itself? - No (application Site is situated ~3.5km from SAC/SPA)	No LSE - Screened Out
Air Quality - Traffic (Alone and in-combination)	Will there be a likely significant effect from nitrogen deposition on the SAC/SPA from increased traffic as a result of the proposals? Assessment: Natural England 4 step Guidance ¹² on traffic emissions. Step 1: Does the proposal give rise to emissions which are likely to reach a European site? Yes Step 2: Are the qualifying features of sites within 200m of a road sensitive to air pollution? Yes Salisbury Plain is situated within 200-250m of strategic roads, including the A30, A303, A338, A342, A343, and A360); however the points at which the nearest of these roads (A360) pass near to the SAC boundaries are more than 15km from the application Site (25minute drive).	No LSE - Screened Out

¹² Natural England Internal Guidance – Approach to Advising Competent Authorities on Road Traffic Emissions and HRAs/V1.4 Final – June 2018

	Step 3: Could the sensitive qualifying features of the site be exposed to emissions? Yes. Step 4: Application of screening thresholds. Use of the 1000 Annual Average Daily Traffic. An AADT figure has not been calculated for each location, but we can confidently conclude a 200-dwelling housing development will not reach the 1000 AADT threshold. No likely significant effects (from the application alone) on the SAC are anticipated. In combination effects on the SAC can also be scoped out on a similar basis, that while Salisbury Plain has been identified as situated within 200m of several strategic roads, these lie some distance from Westbury and are unlikely to receive significant increases in traffic flow, with most new residents to the area anticipated to be commuting/travelling regularly north or south to neighbouring Trowbridge or Warminster, and away from the SAC.	
Air Quality and Pollution - Dust from construction	Will there be a likely significant effect on the SAC from temporary dust generated during construction near the SAC? Assessment: 1. The distance dust particles are likely to travel is between 350-400m^{13,14} with the negative effects of dust on habitats and flora greater in magnitude the closer to the source of release (mostly within 100m from source). The SAC/SPA is located >3km from the Site, at its nearest point, and thus lies beyond this zone of dust dispersal.	No LSE Screened Out
Recreational Disturbance Effects - Breeding Birds	Will there be a likely significant effect on breeding birds from disturbance generated from increased recreational activity on the SPA? Assessment: 1. Research on stone curlew disturbance responses indicated that the species was more susceptible to agitation from recreational activities than other waders, showing active responses at large distances (up to 500m from a person with a dog)¹⁵ 2. Salisbury Plain SPA HRA and Mitigation Strategy¹⁶ determined that, based on the 2015 and 2021 visitor surveys undertaken by Footprint Ecology, only 1% of residents within the 6.5km catchment would visit the plains regularly. Based on the visitor catchment areas proposed by Wiltshire Council, there is likely to an increase in recreational pressure on the western/central parts of the SPA due to additional residential capacity created by the development proposals.	No LSE Screened Out

¹³ Guidance on the assessment of dust from demolition and construction (2014) Institute of Air Quality Management

¹⁴ Guidance on the Assessment of Mineral Dust Impacts for Planning (2016). Institute of Air Quality Management

¹⁵ Taylor, E.C., Green, R.E., and Perrins, J. (2007) Stone-curlews *Burhinus oedicnemus* and recreational disturbance: developing a management tool for access. *Ibis* 149 (supp. 1), pp. 37-44

¹⁶ Wiltshire Council (2025) HRA and Mitigation Strategy for Salisbury Plain (in relation to recreational pressure from residential development)

	However, the increase is likely to be minimal. The Salisbury Plain HRA highlighted that the average occupancy of homes in Wiltshire is 2.27, so for a development of 200 new homes, the likely increase in local population would be approximately 431. Of which, only 1% (4.31 people) are considered likely to be regular visitors to the SPA. Consequently, given the negligible increase in recreational pressure likely to result from a development of this size, no likely significant effects (from the application alone) on the SPA qualifying breeding birds are anticipated.	
Recreational Disturbance Effects - Wintering Birds	Will there be a likely significant effect on wintering birds from disturbance generated from increased recreational activity on the SPA? Assessment: Increased recreational pressure on the western/central parts of the SPA is likely as a result of additional residential capacity created due to the development proposals; however, as stated with regards to breeding birds, this increase is likely to be minimal. Hen harriers overwinter in nationally significant numbers on the lowland habitat supported by Salisbury Plain. During winter birds are generally more susceptible to disturbance due to scarcity of food. A review of disturbance characteristics of various birds¹⁷ identified that birds of prey reduce in diversity and numbers nearer to recreational trails; however, given the extensive availability of inaccessible habitat within the SPA, any effect would be negligible. Consequently, given the negligible increase in recreational pressure likely to result from a development of this size, no likely significant effects (from the application alone) on the SPA qualifying wintering birds, are anticipated.	No LSE Screened Out
Recreational Pressure - In combination	Will there be a likely significant effect on birds from disturbance generated from increased recreational activity from the development, in combination with the Local Plan, on the SPA? Assessment: Salisbury Plain SPA HRA and Mitigation Strategy¹⁸ determined that, based on the 2015 visitor survey undertaken by Footprint Ecology, only 1% of residents within the 6.5km catchment would visit the plains regularly. The Wessex Stone Curlew Project successfully completed four annual monitoring reports, one visitor survey and provided strategic advice to landowners between 2012 and 2017¹⁹. Monitoring work has established that the status of stone curlew on Salisbury Plain has remained 'Favourable', with breeding numbers holding stable over the last ten years.	LSE without appropriate mitigation Appropriate Assessment Required

¹⁷ Ruddock, M. and Whitfield, D.P. (2007). A Review of Disturbance Distances in Selected Bird Species. A report from Natural Research (Projects) Ltd. To Scottish Natural Heritage

¹⁸ Wiltshire Council (2018) HRA and Mitigation Strategy for Salisbury Plain (in relation to recreational pressure from residential development)

¹⁹ Tomalin, N. (2014, 2015, 2016, and 2017) Stone-curlew CIL Monitoring Area Reports 2014, 2015, 2016, and 2017. RSPB for Wiltshire Council

	The Wiltshire core strategy (WCS) provides details of the housing allocation till 2026. Using this Core Strategy, the HRA for Salisbury Plain considered the housing allocation, in combination with the MOD's army basing program, and determined an increase of 394 visits to the SPA per day (1% of the 39,441 new residents). Taken with further applications not included in the local plan, the increase in recreational pressure from new residents is likely to be higher still. Cumulative impacts of recreational pressure from increases in the local population size resulting from allocated and non-allocated development proposals cannot be ruled out.	
Water Quality	Is the Site hydrologically linked to the SAC/SPA? No	No LSE - Screened Out

4.0 STAGE 1 SCREENING: THE RIVER AVON SAC

Designation

The River Avon Special Area of Conservation²⁰

Annex I Habitat – Primary Reason for Site Selection:

- 4.1 The SAC is classified under article 4(4) of the Habitats Directive as it supports an Annex I listed habitat type; water courses of plain to montane levels, with the Ranunculion fluitantis and Callitriche-Batrachion vegetation. The Avon is a large, lowland river system that includes sections running through chalk and clay, with transitions between the two. Five aquatic Ranunculus species occur in the river system, with stream water-crowfoot Ranunculus penicillatus and river water-crowfoot R.fluitans the main dominant species.

Qualifying Species

- 4.2 Salisbury Plain supports healthy populations of several Annex II species that occur in the freshwater habitat that comprises the SAC, and which form primary reasons for site selection;
- Desmoulin's whorl snail *Vertigo moulinsiana*
 - Sea lamprey *Petromyzon marinus*
 - Brook lamprey *Lampetra planeri*
 - Atlantic salmon *Salmo salar*
 - Bullhead *Cottus gobio*

Conservation Objectives²¹

- 4.3 Regarding the SAC and the natural habitats and/or species for which the site has been designated (i.e., the qualifying features, Fisher's estuarine moth, as detailed above), and subject to natural change:

"...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*

²⁰ Natural England (2018), Natura 2000 Standard Data Form, River Avon, viewed 11 November 2025.
<www.publications.naturalengland.org.uk/publication/6048472272732160>

²¹ European Site Conservation Objectives for River Avon Special Area of Conservation Site Code: UK0013016 Publication date: 27 November 2018 (Version 3)

- The populations of qualifying species, and
- The distribution of qualifying species within the site"

Threats and Pressures

- 4.4 The Site Improvement Plan (SIP) for The Avon River and Valley, which includes Avon Valley SPA and the River Avon SAC²², identified the following threats and/or pressures relevant to the development proposals (*Table 3*).

Table 3: Relevant Threats and Pressures – Salisbury Plain SAC/SPA

Priority & Issue	Threat or Pressure	Measure
Public Access/Disturbance	Pressure	Manage dog walkers to prevent wildfowl being disturbed.
Changes in Species Distributions	Threat	Monitor, investigate, and aim to restore swan, snail, and salmon populations

- 4.5 Due to the intervening distance between the River Avon SAC and application Site, the lack of hydrological linkages (Westbury falls outside the operational catchment area for the river Avon²³), and a lack of direct land take, or physical alteration to the SAC from the proposals, no likely significant effects, with regards to physical modifications, water pollution, hydrological changes, changes in land management, and habitat fragmentation, are anticipated. These pressures/threats can be scoped out of further assessment. Note that the Avon Valley SPA NSN site lies 50km southeast of the application site is consequently at a sufficient distance from the site to be unaffected by the development proposals.

Changes in Species Abundance

- 4.6 Loss of land functionally linked to the SAC, but not within the SAC boundaries, is one (of many) potential causes of changes in species abundance. Loss of FLL is, as a matter of routine, assessed as part of the HRA process for development sites near to statutory sites. The SIP highlights that changes in species distribution are a threat to the integrity of Desmoulin's whorl snail and Atlantic salmon populations in the SAC.
- 4.7 Salmon are declining, with their population level sitting below the critical conservation level; however, the reason for such a decline is unclear, but suggested to be related to climate change, channel habitat, river flow, siltation, and temperatures. All these issues are being addressed via specific management plans. Supporting habitat for Desmoulin's whorl snail is increasingly fragmented and of varying quality, related to dryness and increasing scrub cover, both of which are being addressed with agri-environment and Conservation Enhancement Schemes.

²² Site Improvement Plan: Avon River and Valley (SIP185). Natural England (10/10/2014 version 1)
<<http://publications.naturalengland.org.uk/publication/6133502894407680>>

²³ Department for Environment, Food and Rural Affairs. Catchment Data Explorer (accessed 12.09.22)
<<https://environment.data.gov.uk/catchment-planning/ManagementCatchment/3006#:~:text=The%20overall%20catchment%20area%20is,gravel%20at%20the%20lower%20end.>>>

- 4.8 FLL was not specifically mentioned in the SIP for the River Avon SAC, but does form a policy requirement in the Core Strategy, with policy 50 outlining the need to protect land outside the boundaries of statutory sites, with the following text:

"The valuable natural environment includes not only identified sites, but also other features of nature conservation value including:

- *priority species and habitats (including those listed in the national and Wiltshire Biodiversity Action Plan)*
- *areas of habitat with restoration potential (particularly those identified on the Southwest Nature Map or through other landscape scale projects)*
- *all waterbodies covered under the Water Framework Directive*
- *features providing an ecological function for wildlife such as foraging, resting and 261 breeding places, particularly wildlife corridors of all scales which provide ecological connectivity allowing species to move through the landscape and support ecosystem functions.*

For the purposes of evaluation in ecological impact assessment, the value of undesignated habitats and species should be measured against published selection criteria where possible. However, statutory protection will only ever apply to those sites which have been formally notified by Natural England.

Collectively these sites and natural features make up the local ecological networks necessary to underpin and maintain a healthy natural environment. Core Policy 50 seeks to ensure protection and enhancement of these sites and features and is necessary to help halt and reverse current negative trends and meet new challenges particularly from climate change adaptation and pressures associated with the increasing population."

- 4.9 Current land use on-site has, and continues to be, dominated by commercial broad bean *Vicia faba* and/or cereal crops, with semi-improved grassland and boundary hedgerows, lacking in watercourses, or significant wetland, which may provide habitat for either salmon or Desmoulin's whorl snail, and as such does not provide FLL in the context of the SAC. Nor is the application Site hydrologically linked to the river Avon via connecting watercourses/catchments that may result in pollution, siltation or flow related impacts on these qualifying features, caused by the development.

Ecological Pathways

- 4.10 This section identifies the possible ecological pathways between the Site and the SAC that should be considered, applying assessment criteria based on best available scientific knowledge, and concludes whether there is a risk, or uncertainty, of a likely significant effect (LSE). Where risk or uncertainty is identified, those ecological pathways are then considered further in an Appropriate Assessment. The test does not require an assessment of every conceivable pathway, and the Precautionary Principle is applied only where there is *reasonable* scientific doubt that a pathway may have a possible LSE.
- 4.11 Given the intervening distance between the application site and the SAC (8.4km), impacts related to direct loss, damage, or fragmentation of habitat within the SAC; loss of functionally linked land for qualifying species; dust and particulate air pollution; and

increases in recreational pressure from visitors to the SAC from the application site, can be scoped out of any further assessment.

- 4.12 Consequently, no likely significant effects on the River Avon SAC, from the proposed development at Storridge Road, Westbury, are anticipated.

5.0 STAGE 1 SCREENING: BATH & BRADFORD-UPON-AVON BAT SAC

Designations

Bath & Bradford-upon-Avon Bat Special Area of Conservation²⁴

Annex II Species – Primary Reason for Site Selection:

- 5.1 The SAC is classified under article 4(4) of the Habitats Directive as it supports several Annex II listed species. Two bat species are primary reasons for the selection of the site as an SAC. Greater horseshoe bats *Rhinolophus ferrumequinum* are present in exceptionally large overwintering numbers, with the SAC including hibernation sites that support 15% of the UK population. Small numbers of Bechstein's bats *Myotis bechsteinii* have been recorded hibernating in abandoned mines.
- 5.2 Lesser horseshoe bat *Rhinolophus hipposideros* are also present as qualifying feature, but not a primary reason for site selection.

Conservation Objectives²⁵

- 5.3 Regarding the SAC and the natural habitats and/or species for which the site has been designated (i.e., the qualifying features, Fisher's estuarine moth, as detailed above), and subject to natural change:

"...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 the habitats of qualifying species*
- *The structure and function of the habitats of qualifying species*
- *The supporting processes on which the habitats of qualifying species rely*
- *The populations of qualifying species, and*
- *The distribution of qualifying species within the site"*

Threats and Pressures

- 5.4 The following section details the main threats and pressures that have been identified through existing documentation and evidence related to the SAC itself.
- 5.5 The Site Improvement Plan (SIP) for Bath & Bradford-upon-Avon Bats SAC²⁶; identified the following threats and/or pressures relevant to the development proposals (*Table 4*). Included in the Conservation Objectives for the SAC are further details of the threats/pressures that affect the attributes and features of the site, relevant to this assessment.

²⁴ JNCC (2015), Natura 2000 Standard Data Form, Bath & Bradford-upon-Avon Bat SAC, viewed 11 November 2025
<https://sac.jncc.gov.uk/site/UK0012584>

²⁵ Natural England (2019), European Site Conservation Objectives for Bath and Bradford-upon-Avon Bat SAC Special Area of Conservation Site Code: UK0012584 Publication date: 27 November 2018 (Version 3)

²⁶ Site Improvement Plan: Bath & Bradford on Avon Bats (SIP011). Natural England (01/04/2015 version 1)
<http://publications.naturalengland.org.uk/publication/4564119772463104>

Table 4: Relevant Threats and Pressures – Bath & Bradford-upon-Avon Bat SAC

Priority & Issue	Threat or Pressure	Measure
Direct Impact from Third Parties	Threat	Reduce vandalism and impacts of recreational activities
Off-site Habitat Availability / Management	Threat	Investigate bat species use of surrounding habitat
Public Access / Disturbance	Pressure / Threat	Review access managements and implement improved management of access
Air Pollution	Threat	Restore concentrations and deposition of air pollutants to at, or below the site-relevant Critical Load

- 5.1 Wiltshire Council and Natural England have produced a guidance document for planning that details the potential impacts of development on bat SACs in Wiltshire, provides advice on mitigation strategies and approaches to HRA²⁷.

Direct Impact from Third Parties

- 5.2 Acts of vandalism and impacts from recreational activities can have significant disruptive and detrimental effects when conducted in close proximity to roosting bats. Proposed actions to manage these impacts include implementing a system by which local community members can act as 'Mine Watch' wardens and report acts of vandalism and damage to mines. At risk entrances may also have protective grilles installed to deter public access.

Public Access/Disturbance

- 5.3 At present the sites are very difficult to effectively close to the public, allowing potential persistent access and disturbance from recreational activities, particularly fire juggling, underground use of spray paints or fuel, and bonfires at mine entrances. Current management of the site limits the pressures from such recreational activity; however, the impact would be greater, should the volume and frequency of visitors increase significantly.

Off-site Habitat Availability/Management

- 5.4 To maintain the integrity of the SAC it is important to protect the network of sensitive features within the wider landscape that may be utilised by designated bat populations. Important roosts that are a component site of an SAC designation itself, or that are considered functionally linked with SAC designated roosts, have been classified by Wiltshire Council as 'Core Roosts'¹³⁵.
- 5.5 Landscape features in the area surrounding a Core Roost are identified as 'Core Areas'. These vary in size according to the species:
- 4km surrounding greater horseshoe Core Roosts
 - 2km surrounding lesser horseshoe Core Roosts
 - 1.5km surrounding Bechstein's Core Roosts

²⁷ Wiltshire Council (2015) Bat Special Areas of Conservation (SAC). Issue 3 <https://www.wiltshire.gov.uk/media/992/Bat-S-A-C-developers-guidance-inc-Bath-Bradford-on-Avon-Chilmark-and-Mottisfont/pdf/Bath-and-bradford-on-avon-september-2015-bat-sac-guidance.pdf?m=637298262862270000> [accessed 11.11.2025]

- 5.6 The site lies entirely within the 'yellow risk zone' for bat sensitivity, within which impacts to annex II bats from development alone or in combination may be possible from loss and/or degradation of habitat highlighted as important to bats associated with the SAC. The site is situated 2.57km south of the nearest greater horseshoe, and the northern edge of the site falls just outside a core area for Bechstein's bat, associated with Picket & Clanger Woods SSSI (1.87km northeast of the site) (see Figure 2).
- 5.7 In the HRA scoping report prepared by LUC for Wiltshire Council, Picket and Clanger Woods SSSI was identified as supporting habitat for the Bath & Bradford-upon-Avon Bats SAC. The woodland was assessed on the basis of a 3.36km visitor catchment area, within which the application site is situated. As such the impact upon the woodland, as supporting habitat for annex II bat species associated with the bat SAC must be assessed.
- 5.8 The Trowbridge & Westbury Bat Mitigation Strategy (2025)²⁸ has been developed to provide guidance to developers on mitigating the likely impacts of developments on annex II bat species associated with the SAC sites covered in its remit. Buffering core areas of bat habitat on-site by a zone of at least 30m, including an unlit core 15m zone with new structural habitat and a 15m transition zone, with minimal lighting, is a key part of its recommendations.

Air Pollution

- 5.9 The supporting habitat, deciduous woodland, included in the SAC is considered sensitive to changes in air quality. Exceedance of the critical load values for air pollutants may result in changes of the chemical composition of the woodland substrate and result in damage to plant growth and a change in vegetation structure and composition, subsequently causing a decline in habitat viability. Nitrogen deposition levels currently exceed critical load levels for deciduous woodland, with restoration therefore required.
- 5.10 This section (Table 5) identifies the possible ecological pathways between the Site and the SAC that should be considered, applying assessment criteria based on best available scientific knowledge, and concludes whether there is a risk, or uncertainty, of a likely significant effect (LSE). Where risk or uncertainty is identified, those ecological pathways are then considered further in an Appropriate Assessment. The test does not require an assessment of every conceivable pathway, and the Precautionary Principle is applied only where there is *reasonable* scientific doubt that a pathway may have a possible LSE.

Table 5: Ecological Pathways and HRA Screening Conclusions - Bath & Bradford-upon-Avon Bat SAC

Ecological Pathway	Assessment	Likely Significant Effect?
Habitat Loss	Will there be any direct loss, damage, or fragmentation of habitat within the Bat SAC itself?	No LSE Screened Out

²⁸ Wiltshire Council. (2025) Trowbridge & Westbury Bat Mitigation Strategy (version 4). Wiltshire Council

Ecological Pathway	Assessment	Likely Significant Effect?
	No (the application Site is situated ~10.3km from the nearest component of the Bat SAC, considered as unitary areas directly included in the SAC boundaries).	
Habitat Loss Functionally Linked Land (Core Sustenance Zones)	Is land on the Site functionally linked to the SAC? Assessed by: 1. Phase 1 Habitat Assessment 2. Extensive bat activity surveys 3. Bat trapping surveys 4. Woodland Assessment 5. Desk Study Annex II bats, greater horseshoe and lesser horseshoe were recorded within the site boundaries. Bechstein's bat presence is uncertain, as the species could not be confirmed from acoustic analysis due to overlap in the calls produced by bats of the genera <i>Myotis</i>, and were not identified during mist netting undertaken on-site in either 2016 or 2025. The connectivity of nearby, small-scale roosts, identified through consultation with the local records centre, and detailed in the bat SAC mitigation guidance, to those directly associated with the SAC, as qualifying features, is uncertain. The association of the small number of annex II bats occurring on-site with the nearby roosts, and those included in the SAC designation is unclear. Consequently, likely significant effects on these species resulting from the development proposals are uncertain.	LSE alone - Uncertain Appropriate Assessment Required
Recreational Pressure to Bath & Bradford-upon-Avon Bat SAC (Alone or In Combination)	Natural England and the LPA have highlighted concerns regarding impacts of development on functionally linked land associated with the Bath & Bradford-upon-Avon Bats SAC through increased recreation pressure from local development. Given the distance of the site from significant bat roosts included in the SAC designation and the small size of the development no likely significant effects from increased recreation pressure from the <u>development alone</u> are anticipated. However, taken cumulatively with the other developments in the local plan, and extraneous to it, the increase in population size in the wider local area is likely to result in a more significant increase in numbers of visits to the SAC sites by new residents. Consequently, and as further reiterated at appeal, the LPA have requested mitigation measures be implemented, and adequately secured, as outlined in the Trowbridge Bat Mitigation Strategy, to ensure that possible impacts on these species are minimised.	LSE Alone - Screened Out LSE In Combination - Uncertain Appropriate Assessment Required
Recreational Pressure to Picket & Clanger Woods SSSI	Whilst not a component of the SAC, Picket & Clanger Woods SSSI is a noted as a core roost associated with the SAC, as it supports a significant breeding population of Bechstein's bat functionally linked with the Bath & Bradford-upon-Avon Bat SAC.	LSE Alone - Screened Out LSE In Combination

Ecological Pathway	Assessment	Likely Significant Effect?
(Alone or In Combination)	Direct disturbance to roosting bats, and damage to associated habitats, from visitors are both potential threats arising from development. The application falls within the 3.35km impact radius for the SSSI, within which most visitors are considered likely to originate. Visitation rates to Picket & Clanger Woods are currently very low, with significant numbers of visits from the development size likely to be limited by the size of the car park, which provides space for no more than 15 cars. Given the size of the development and the intervening distance from the site, which would necessitate use of a vehicle, regular visits for local dog walks by large numbers of people are unlikely. On this basis, no likely significant effects from increased recreation pressure from the <u>development alone</u> are anticipated. However, taken cumulatively with the other developments in the local plan, and extraneous to it, the increase in population size in the local area is likely to result in increasing numbers of visits to Picket & Clanger Woods. Likely significant effects of increasing recreation pressure <u>in combination</u> are uncertain.	- Uncertain Appropriate Assessment Required
Air Quality Traffic (Alone or In Combination)	Will there be a likely significant effect from nitrogen deposition on the SAC from increased traffic, as a result of the proposals? Assessment: 1. Natural England 4 step Guidance²⁹ on traffic emissions. Step 1: Does the proposal give rise to emissions which are likely to reach a European site? Yes. Step 2: Are the qualifying features of sites within 200m of a road sensitive to air pollution? No. The Wiltshire Council Local Plan Habitat Regulations Assessment scoping report³⁰ identified that Bradford-upon-Avon bat SAC does not fall within 200m of a strategic road. Further, while the woodland habitat that supports annex II bat species is sensitive to nitrogen deposition, Wiltshire Council ruled out vehicular air pollution as a likely impact pathway for the Bath & Bradford-upon-Avon bat SAC. On this basis, impacts of air pollution on the SAC have been screened out of further assessment. Given the distance of the SAC from the application Site and a lack of notable roads nearby the SAC that are likely to be affected by traffic from the development alone, or in combination, no likely significant effect from changes in air quality on the SAC, are anticipated.	No LSE Screened Out
Air Quality - Dust from construction	Will there be a likely significant effect on the SAC from temporary dust generated during construction activities near the SAC? Assessment:	LSE Screened Out

²⁹ Natural England Internal Guidance – Approach to Advising Competent Authorities on Road Traffic Emissions and HRAsV1.4 Final - June 2018

³⁰ Hicks, T., Nightingale, G., and Green, D. (2021) Wiltshire Local Plan Review Habitats Regulations Assessment: Scoping Report. LUC for Wiltshire Council

Ecological Pathway	Assessment	Likely Significant Effect?
	1. The distance dust particles are likely to travel is between 350-400m^{31,32} with the negative effects of dust on habitats and flora greater in magnitude the closer to the source of release (mostly within 100m from source). The primary unitary components of the SAC are >10km from the Site and therefore lie well outside this zone. No LSE is anticipated.	

³¹ Guidance on the assessment of dust from demolition and construction (2014) Institute of Air Quality Management

³² Guidance on the Assessment of Mineral Dust Impacts for Planning (2016). Institute of Air Quality Management

6.0 STAGE 2 APPROPRIATE ASSESSMENT: SALISBURY PLAIN SAC/SPA

- 6.1 The results of the Stage 1 screening put the following ecological pathways, in the absence of mitigation, to the SAC/SPA through to Appropriate Assessment:

Recreational Disturbance Effects (In Combination)

- 6.2 The Wiltshire Core Strategy (WCS) sets out strategic plans for Wiltshire till 2026. The HRA for Salisbury Plain considered the housing allocation included in the WCS, in combination with the MOD's army basing programme (ABP), which aims to provide additional Service Family Accommodation (SFA) units. In total, 17,375 new dwellings were expected within the 6.4km SPA visitor catchment area, between 2006 and 2026, of which 54% were already acknowledged to have been delivered.
- 6.3 Based on 2.27 people per dwelling, that equates to population growth of 39,441 (of which, 18,282 are expected to be resident between 2018 and 2026). Using the 2015 visitor survey, 1% of the 39,441 new residents, will regularly visit the SPA: resulting in 394 additional visits per day over the plan period (2006-2026).
- 6.4 Despite delivery of 54% of the housing allocation included in the WCS and a resulting population increase of 21,159 between 2006 and 2018, of which 1% (212) visit the SPA regularly, the stone curlew population has remained stable, based on ongoing monitoring undertaken by the Wessex Stone Curlew Project. The increase in recreational pressure on the SPA, from new housing delivered up to 2018, does not therefore appear to have impacted upon stone curlew breeding success. As such, the evidence suggests that stone curlews are not sensitive to disturbance from recreational pressure at this level.
- 6.5 However, further housing allocated in the WCS, already delivered, or set to be delivered, between 2018 and 2026, will result in a further increase of approx. 212 extra visitors per day. In addition, there are additional applications not already included in the WCS that will increase population levels above projected figures. The effects of such an ongoing increase in recreational activity, from visitors originating from the remaining WCS housing allocation still to be delivered, *plus* extra housing applications not already allocated, are not known. As such, cumulative impacts of recreational pressure, in combination with other development projects cannot be ruled out.
- 6.6 Development proposals for the application site include 3.32ha of multi-purpose, semi-natural green space in the northwest and west, which connects to further greenspace that forms a corridor through the centre of the Site, cumulatively totalling 4.9ha. These areas of green space will comprise wide swathes of landscape planting and broader habitat creation, including scrub, wildflower meadow, and amenity grassland that will form multi-functional green spaces for convenient local access. New footpaths will be designed specifically to provide a circular route around the development area, passing through these areas of on-site greenspace provision. This new footpath route will offer new residents alternative local walking routes, diverting footfall away from Salisbury Plain SAC/SPA. These provisions will be especially important in providing nearby routes for shorter distance dog walking, which typically takes place before and after work.

- 6.7 To ensure the green space is designed appropriately and so residents are aware of the SAC sites, the following mitigation is recommended:
- It is recommended that a Green Space Access Management Plan is conditioned as part of this outline application and submitted to and approved by WCC at Reserved Matters. The plan will show the circular footpath routes and surfacing, clearly identify areas for exercising dogs off leads and show locations of facilities such as dog bins.
 - It is recommended a Homeowner Information Leaflet is conditioned as part of this outline application, to be submitted and approved by WCC and ready for issue by first occupation. The leaflet will detail the importance of the habitats within the surrounding area, with focus on the designated sites, detailing their sensitivity, impacts, importance, and measures that can be taken to avoid disturbance.
 - Information about alternative recreational areas with public facilities, located within the wider area, including three local country parks (Brokerswood Country Park, Southwick Country Park, and Westbury Country Park) will also be provided to encourage residents to use other sites instead of the SAC.
- 6.8 Wiltshire Council have a Mitigation Strategy for Salisbury Plain SPA that was updated as recently as 2018, which sets out the need to identify, avoid, and mitigate any potential effects through increased recreational pressure on the SPA. The mitigation strategy makes use of monitoring and management, via the Wessex Stone Curlew Project (WSCP)³³, to inform 'adaptive' land management within the SPA and on surrounding functionally linked land, funded by Community Infrastructure Levy (CIL) contributions.
- 6.9 Specifically, this entails monitoring of stone curlew breeding success, with information regarding the location of active nests communicated to Defence/Military bodies and tenant farmers, through an annual report, to avoid inadvertently damaging or disturbing nests. Management advice is given to landowners and tenants within 5km of the SPA to assist in maintaining available nesting opportunities locally, should breeding nests on the SPA be disturbed.
- 6.10 The mitigation strategy, updated in 2018, has been considered effective in the mitigation of likely significant effects through recreational pressures from new housing developments in the Wiltshire Housing Site Allocations Plan Assessment under the Habitats Regulations (February 2020).
- 6.11 Specifically, the document states that:
- 'The analysis underpinning the reasoning, conclusion or assessment they are adopting is sufficiently rigorous and robust'.*
- The reasoning and conclusions of the 2018 review remain sound and are supported by recent monitoring which shows that the stone-curlew populations are stable despite recent increases in local housing numbers. No plots have repeatedly failed in recent years and the partners have not raised any concerns about the effectiveness of the strategy.*

³³ RSPB (2022) Wessex stone-curlew project [Accessed 20.09.22]
< <https://www.rspb.org.uk/our-work/conservation/projects/wessex-stone-curlew-project/> >

- 6.12 The information within the above paragraphs demonstrates that the current mitigation strategy is sufficient to support the additional housing proposed within this application, with CIL contributions from this development mitigating the likely effects of the development, as proposed, upon the Salisbury Plain SPA. Therefore, we do not expect that the proposed development would adversely affect the integrity of the SPA.
- 6.13 For residential development within 4km of the SPA, a tariff of **£109.82 per dwelling** has been calculated. The SPA element of the Salisbury Plain designation is coincident with the boundaries of the SAC component, located 3.45km southeast of the application Site and also falls within the 4km tariff zone.

Appropriate Assessment Conclusion

- 6.14 With the mitigation measures identified above implemented, and appropriately conditioned, as part of the outline application, there will be no adverse effect on the integrity of Salisbury Plain SAC as a result of the proposed development.

7.0 STAGE 2 APPROPRIATE ASSESSMENT: BATH & BRADFORD-UPON-AVON SAC

7.1 The results of the Stage 1 screening put the following ecological pathways, in the absence of mitigation, to the SAC through to Appropriate Assessment:

- Loss of functionally linked Land alone
- Recreational pressure in combination (SAC and Picket & Clanger Woods SSSI)

Loss of Functionally Linked Land

7.2 The site lies entirely within a core area for greater horseshoe (2.57km south of the site, within the 4km sustenance zone), and the northern edge of the site falls just outside a core area for Bechstein's bat, associated with Picket & Clanger Woods SSSI (1.89km northwest, just outside the 1.5km sustenance zone), as determined in Wiltshire Council's (2015) Bat Special Areas of Conservation (SAC) guidance document (see Figure 2). The site is however, highlighted as falling in its entirety within the yellow (medium) risk zone for bat sensitivity, as per Figure 4 of the Trowbridge & Westbury Mitigation Strategy Guidelines.

7.3 The SSSI would not normally be subject to AA, as nationally designated sites do not fall under the legislature afforded internationally designated sites through the Conservation of Habitats and Species Regulations. It is included here based on its functional connectivity to the Bath and Bradford-on-Avon Bat SAC and is assessed on that basis.

7.4 Current land use, comprised predominantly of cereal cropland, does not provide optimal supporting habitat for the annex II bat species for which the SAC is designated. Greater horseshoe bats favour open pasture, lesser horseshoes closed, dense woodland, and Bechstein's bat beech and oak woodland, habitats not represented within the site boundaries, or adjacent. However, all three will readily use linear features such as hedgerows, which border the Site, to commute through the landscape.

7.5 Extensive past surveys by FPCR, conducted monthly between April and October 2016, 2019, and 2022 (detailed in *Ecological Appraisal*, FPCR 2022), and summarised in *Ecological Impact Assessment* (FPCR, May 2026), recorded generally low levels of activity from greater and lesser horseshoe bats on automated detectors (typically <10 registrations per 5-day recording period on 96.6% and 93.2% of the 59 successfully static detectors deployed between 2016 and 2022, respectively), and only very limited numbers of contacts, recorded infrequently on manual transect surveys (with both species recorded on only two of a total of 22 transect surveys, to date); primarily in association with woodland edge on the western boundary.

7.6 Update data from automated detector surveys and nighttime bat walkover surveys during spring and autumn 2025, have indicated comparable trends in bat activity from annex II species, with similarly low and infrequent use of the Site by lesser and greater horseshoe bats.

7.7 Advanced licence bat survey techniques, comprising trapping surveys undertaken in 2016, and more recently in May and October 2025, were undertaken to determine use of the site by Bechstein's bats, with the off-site plantation woodland also assessed for its suitability for the species.

- 7.8 No Bechstein's were caught in either 2016 or 2025, and the woodland was assessed to be of poor suitability for the species in accordance with the criteria for Bechstein's habitat suitability.
- 7.9 Bat activity, from the whole assemblage, as recorded between 2016 and 2025, was typically notably lower in association with residential boundaries to the east and southeast, where hedgerow connectivity was either lacking, fragmentary, subject to management, or largely dominated by non-native shrub species of limited value to bat prey, and backing onto existing residential gardens. These areas were considered of much less value to bats generally, including habitat specialist species, such as horseshoes and Bechstein's.
- 7.10 Consequently, the eastern and southern boundaries of the site, which abut existing residential boundaries, are considered intrinsically of lower value to bats, in view of the poorer condition hedgerows and association with artificial lighting and light spill from homes and gardens. While these boundaries now feature within the yellow risk zone under the revised Trowbridge & Westbury Bat Mitigation Guidance, these have not been identified as 'core habitat' for annex II bats.
- 7.11 In contrast, the northern and western boundaries of the Site, associated with hedgerows to the north and west, and the easternmost edge of the plantation woodland parcel, were found to be of most value to bats generally. However, the survey results do not suggest significant use of the Site by the annex II species for commuting or foraging but are present as occasional roaming individuals.
- 7.12 However, as the Site falls within the classified core areas, and yellow risk zone, and as it is not possible to determine whether the bats recorded on site are from the roosts identified in these core areas, and therefore functionally linked with the wider SAC, even if in a minor capacity, mitigation has been proposed to ensure the integrity of the SAC is maintained, focussed on the core habitat areas identified through recent, and extensive historic survey effort by FPCR, which includes the aforementioned northern and northwestern boundary hedgerow network, which offers the best connectivity through the site and into suitable habitat in the wider landscape.
- 7.13 While the summer activity period, comprising June to September 2025, was omitted from recent update survey effort, following the client putting the scheme on hold temporarily, it is not considered to impact on the overall assessment of bat activity on-site, given the extensive historic baseline dataset spanning nearly ten years. CIEEM guidance on the lifespan of surveys (CIEEM 2019), for surveys between 18 months to three years old, states that reliability can be informed by professional opinion where a suitably qualified ecologist has confirmed that site conditions have not materially changed in a way that would affect the ecological baseline.
- 7.14 Further survey during summer 2026 is nevertheless scheduled to ensure compliance with the recommendations for survey effort detailed in the Trowbridge & Westbury Bat Mitigation Strategy.
- 7.15 In view of the update habitat survey in May 2025 indicating that the habitat onsite has remained materially unchanged between 2016 and present, having been managed as arable cultivation, bound by native species hedgerows, for the last decade, it is

considered highly unlikely that the distribution and activity from these bat species will have significantly changed since previous survey in 2022, with the hedgerows and woodland edge continuing to perform the same function for occasional roaming and foraging, as used historically.

7.16 Indicative trends from seasonal survey effort in 2025 bear this conclusion out, with a comparable assemblage of bat species and levels of bat activity recorded on site to date. Any further data that may have been acquired from the summer period is unlikely therefore to yield any information that would materially alter the assessment of impact to bats, and by extension the recommended mitigation proposed.

7.17 In view of the results of the appeal for application PL/2022/09842 (appeal ref: APP/Y3940/W/24/3340811), which determined that:

"... the mist trapping and other survey work did not definitively find presence of Bechstein's on the appeal site. However, Bechstein's can sometimes commute beyond core sustenance zones, and it is very difficult to distinguish Bechstein's bats from general myotis bats, which were regularly recorded in the surveys. Given their rarity and importance, it is therefore appropriate to assume that Bechstein's bats use the appeal site for foraging and commuting"

7.18 On the basis of the inspector's conclusion of insufficient evidence to disprove use of the Site by Bechstein's bats, their presence has been assumed and mitigation implemented to the fullest extent possible, while still accommodating the constraints of the development aims, in accordance with the adopted Trowbridge & Westbury Bat Mitigation Strategy. On this basis, having assumed presence of commuting and foraging annex II species, precautionary mitigation has been implemented to protect and buffer 'core habitat' areas.

7.19 The following mitigation measures will be included in accompanying CEMP, LEMP and lighting strategy documents, and can be adequately secured through an appropriately worded condition attached to outline planning consent:

- Greenspace buffers of at least 30m in width, with a core 15m of unlit structural native woody planting and 15m transitional zone, will be implemented along the edges of all areas of core bat habitat identified on-site, including the hedgerows along the north-western (H2), northern (H3-5), and northeastern boundaries (H6), following guidance specified in the Trowbridge & Westbury Bat Mitigation Strategy (TWBMS, 2025)³⁴. In addition, 20m buffers along the woodland edge to the west to maintain permeability through the landscape.

While some hard landscaping, including footpaths and minor roads, have been included in the 15m transition zone in a few localised areas, these will be lit sensitively according to a lighting strategy and will not compromise the functioning of the core habitat it protects, as per para 168 of the TWBMS, which permits some hard landscaping on this basis.

³⁴ Bennett, J. and Mitchell, B. (2020) Trowbridge Bat Mitigation Strategy. Johns Associates, Wiltshire Council

- The core 15m zone A buffer areas remain connected to the primary corridors of bat movement around the site (specifically the western and northwestern boundaries). These will comprise a mosaic of scrub and wildflower grassland and/or tree lines that will form new structural landscape planting to bolster these routes, offering shelter and sources of prey.

These will be **minimally lit**, in accordance with the parameters detailed in Figure 6 of the TWBMS (less than 0.2lux horizontal and 0.4lux vertical plane) and will not include any hard landscaping of any kind, to ensure they retain functionality for bats.

- Greenspace buffers that form the 15m transitional zone B will also be sensitively lit, reducing from a maximum of 1lux from the edge of the development, to **0.5lux or less** nearer to suitable habitat (the core zone A buffer). This also follows recommended guidance in the Trowbridge & Westbury Bat Mitigation Strategy.
- Lighting generally will adhere to recommended guidance outlined by the BCT and Institution of Lighting Professionals Guidance Note 08/18 'Bats and artificial lighting in the UK - Bats and Built Environment Series'³⁵, the BCT 'Artificial Lighting and Wildlife Interim Guidance'³⁶ and the BCT 'Statement on the impact and design of artificial light on bats'³⁷, ensuring that core habitat areas are kept dark, maintaining their functionality for bats. A lighting strategy will be designed by appropriately qualified lighting professionals to design a lighting scheme that adheres to these principles and demonstrate light spill can be minimised
- The Landscape and Ecological Management Plan (LEMP) will provide additional details of enhancements to greenspace buffer areas that will be of benefit to bats. These will include specific management prescriptions for new transitional grassland and scrub habitats that will ensure they achieve the greatest value to wildlife, including bats. These include wildlife sensitive management of hedgerows to ensure they are maintained 3-6m wide, 6m high, include standard trees, are cut/trimmed on 2-3-year cycle, and planted to allow sufficient room for growth.
- The Construction and Environmental Management Plan (CEMP) will detail measures to protect core habitat and minimise disturbance during construction, including restriction on works timings to daytime hours, avoiding requirements for lighting overnight, and protection of retained hedgerows and trees with appropriate root protection zones (RPAs), as stipulated in the Arboricultural Impact Assessment (AIA, FPCR 2026).

7.20 The above measures, as shown in *Figures 7 and 8: Ecological Parameters Plans* of the *Ecological Impact Assessment (EclA)* (FPCR, May 2026), will protect and enhance existing linear habitat of most value to bats, maintaining corridors of movement through the Site, and into the wider landscape.

³⁵ Bat Conservation Trust., Institution of Lighting Professionals., 2018. *Bats and Artificial Lighting in the UK Guidance Note 08/18*. [online] Bat Conservation Trust and Institution of Lighting Professionals. Available at: [Accessed 11 November 2025].

³⁶ Bat Conservation Trust. *Artificial Lighting and Wildlife*. Bat Conservation Trust. Available at: https://cdn.bats.org.uk/pdf/BCT_Interim_Guidance_Artificial_Lighting_June_2014.pdf?mtime=20181101151319&focal=none [Accessed 11 November 2025].

³⁷ Bat Conservation Trust. Statement on the Impact and Design of Artificial Lighting on Bats. Bat Conservation Trust. Available at: <https://www.molevalley.gov.uk/CausewayDocList/DocServlet?ref=MO/2012/0979&docid=425025> [Accessed 11 November 2025].

- 7.21 In addition, the scheme has been demonstrated to achieve a 25% gain in habitat units and >10% gain in hedgerow units, with the inclusion of a wide swathe of greenspace to the northwest, comprising scrub, wildflower grassland, sustainable drainage and community orchard, indicating a significant gain in biodiversity value post-intervention.
- 7.22 With appropriate inclusion of botanical species of benefit to bats and their prey this also represents a significant improvement in habitat value to the baseline arable monoculture which currently dominates the site.
- 7.23 With the implementation of the proposed mitigation, there will be no adverse effect on the integrity of the Bath & Bradford-upon-Avon Bats SAC from the loss of functionally linked land as a result of the proposals alone or in combination with other plans or projects.

Recreational Pressure

- 7.24 Visitation rates to Picket & Clanger Woods are currently very low, with significant numbers of visits from the development size likely to be limited by the size of the car park, which provides space for 15 cars. Given the size of the development and distance from the Site, regular visits for local walks on foot, by large numbers of people, are unlikely. However, in combination effects from developments taken cumulatively within the local area are uncertain and as such the following mitigation measures will be implemented within the proposals.
- 7.25 New footpaths will be designed specifically to provide a circular route around the development area, passing through the on-site greenspace provision, which will total 4.9ha in overall area, 3.32ha of which forms a wide swathe of new greenspace on the northwest extent of the site. The new footpath route will offer new residents alternative local walking routes, diverting footfall away from Picket & Clanger Woods SSSI. These provisions will be especially important in providing convenient nearby routes for more commonplace, shorter distance dog walking, which typically takes place before and after work.
- 7.26 In addition, a new on-site greenspace is being created in support of a neighbouring application (ref: PL/2021/03749, approved followed appeal, reference APP/Y3940/W/24/3345598). This application is situated on adjoining land to the north of the site. The greenspace provision for this application, coupled with that provided on-site, are considered to have capacity to support the additional footfall anticipated to result from the Storridge Road development.
- 7.27 Section 9.1.2 of the Trowbridge & Westbury Bat Mitigation Strategy outlines the financial contribution developments within the yellow risk zone are expected to contribute to strategic mitigation measures. Contributions from this application of £972.03 per dwelling, would be sufficient to purchase, plant up and maintain an amount of habitat, in proportion to that proposed for development at Trowbridge. Such developer contribution will be conditioned as part of a Section 106 agreement and will mitigate for recreational impacts to the Bath & Bradford-upon-Avon Bats SAC.
- 7.28 Mitigation measures to be implemented at important woodland sites for bats, aimed at addressing recreational impacts, will be implemented by means of funds secured via section 106 agreement associated with the Ashton Park Urban Expansion scheme. In

line with recreational mitigation strategies proposed for other SACs, major developments of 50 dwellings or more, within the grey or yellow risk zones, are expected to deliver Suitable Alternative Natural Greenspace (SANG) to ensure impacts to important woodland sites from recreational pressure are minimised.

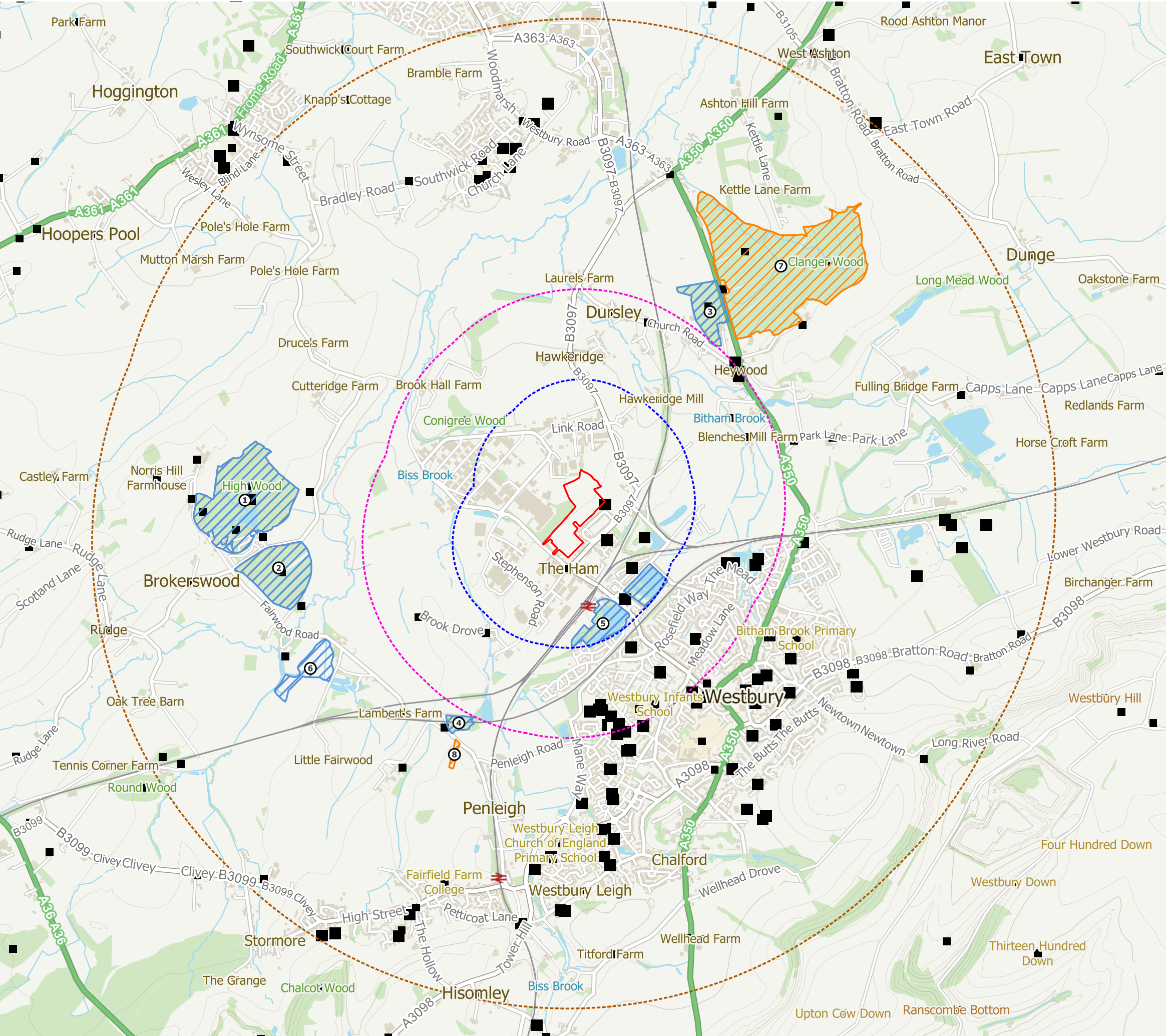
- 7.29 Two new SANGs have been allocated as part of the emerging Local Plan to intercept visits from residents associated with allocated site developments that may otherwise utilise important woodland sites. These accord with the specifications for SANGs that include a size equivalent to 8ha per 1000 people. Sites not allocated in the Local Plan require their own bespoke SANGs provision.
- 7.30 The scheme includes a circular walk around the perimeter of the site that passes through extensive greenspace to the northwest, which encompasses 5.43ha of open greenspace, which includes the western edge of the site, ample to accommodate the expected population of 165 homes (660, assumed average 4 per home).
- 7.31 With the implementation of the proposed mitigation, there will be no adverse effect on the integrity of the Bath & Bradford-upon-Avon Bats SAC from increased recreational pressure at Picket & Clanger Woods SSSI in combination with other plans or projects.

Appropriate Assessment Conclusion

- 7.32 With the mitigation measures identified above implemented, and appropriately conditioned, as part of the outline application, there will be no adverse effect on the integrity of Bath & Bradford-upon-Avon Bats SAC as a result of the proposed development alone or in combination with other plans or projects.

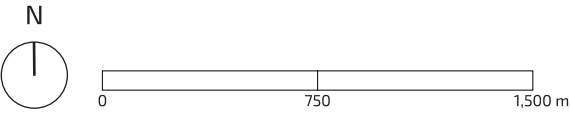
8.0 CONCLUSION

- 8.1 Following the stage 1 screening process, no likely significant effects from the development proposals on the integrity of the River Avon SAC, and its qualifying features, were identified: given the small size of the development alone, intervening distance between the site and the SAC, and a lack of hydrological linkage.
- 8.2 Similarly, stage 1 screening scoped out the majority of possible impact pathways for Salisbury Plain, again on the basis of the relatively small development size, provision of GI, distance from the SAC, and lack of hydrological linkages.
- 8.3 However, an in-combination impact of local developments taken cumulatively on increasing recreational pressure on the SAC/SPA, could not be ruled out and a likely significant effect is anticipated in the absence of mitigation.
- 8.4 Inclusion of a substantial quantity of open greenspace in the proposals to provide alternative dog walking routes, development of a Greenspace Access Management Plan, provision of Homeowner Information Leaflets, and CIL contributions to ongoing strategic monitoring and management of breeding stone curlew, will appropriately mitigate for the likely impact of increased recreation pressure on Salisbury Plain
- 8.5 Stage 1 screening of Bath & Bradford-upon-Avon bats SAC also scoped out most of the possible impact pathways.
- 8.6 Loss of functionally linked land associated with the SAC and recreational pressure on Picket & Clanger Woods SSSI were however identified as impact pathways from which likely significant effects were anticipated as a result of the development proposals.
- 8.7 Greenspace buffers of at least 30m in width, which include 15m of dark core habitat, enhanced with structural planting, will be minimally lit, and created along all the site boundaries identified as core bat habitat on-site, while a LEMP will detail ecological enhancements to be incorporated to maximise the value of these greenspaces to bats. On-site greenspace provision will create ample alternative, and convenient, recreational space to deflect visits further afield to SAC or SSSI sites. SANG currently in development by Wiltshire Council will offer attractive areas of recreational space for visitors, limiting use of local NSN sites.
- 8.8 With the mitigation measures identified above implemented, and appropriately conditioned, as part of the outline application, there will be no adverse effect on the integrity of either Salisbury Plain SAC/SPA or Bath & Bradford-upon-Avon Bats SAC as a result of the proposed development alone, or in combination with other plans or projects



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- Site Boundary
- 1km Buffer
- 2km Buffer
- 5km Buffer

Non-Statutory Designated Sites

Local Wildlife Site (LWS)

Ref	Name	Designation
1	Brokerswood and Hazel Wood	LWS
2	Round Wood	LWS
3	Round Wood, Heywood	LWS
4	Fairwood Road Railway Line	LWS
5	Westbury Lakes	LWS
6	Fairwood House Marsh	LWS

Statutory Designated Sites

Sites of Special Scientific Interest (SSSI)

Ref	Name	Designation
7	Picket and Clanger Wood	SSSI
8	Westbury Ironstone Quarry	SSSI

date 10/11/25 drwn/chkd SG/PP

client Gladman Developments
project

Storridge Road, Westbury

title CONSULTATION RESULTS PLAN-DESIGNATED SITES scale 1:41,989 @ A3

number FIGURE 1 rev -

APPENDIX A. THE HABITATS REGULATIONS ASSESSMENT PROCESS AND LEGISLATION

Legislative Background

- A1.1. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose Council Directive (the Habitats Directive) 92/43/EEC, and EC Directive on Wild Birds (the Birds Directive) (Council Directive) 2009/147/EEC, into national UK law. The Regulations require the compilation and maintenance of a register of European sites that includes Special Areas of Conservation, as well as Special Protection Areas designated for birds and sites designated as internationally important wetlands under the Ramsar Convention known as "Ramsar Sites". These three designations form a collective Europe wide network of internationally protected sites known as Natura 2000.

The Habitats Directive

- A1.2. Article 6(3) of the Habitats Directive requires an Appropriate Assessment of any plans that could affect a Natura 2000 site:

"Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives. In the light of the conclusions of the assessment of the implications for the site and subject to the provisions of Paragraph 4, the competent national authorities shall agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the site concerned and, if appropriate, after having obtained the opinion of the general public."

- A1.3. Article 6(4) of the Habitats Directive discusses alternative solutions, the test of "imperative reasons of overriding public interest" (IROPI) and compensatory measures (transposed to Regulation 60):

"If, in spite of a negative assessment of the implications for the site and in the absence of alternative solutions, a plan or project must nevertheless be carried out for imperative reasons of overriding public interest, including those of a social or economic nature, the Member State shall take all compensatory measures necessary to ensure that the overall coherence of Natura 2000 is protected. It shall inform the Commission of the compensatory measures adopted."

- A1.4. A "likely significant effect" is defined as: "any effect that may reasonably be predicted...that may affect the conservation objectives of the features for which the site was designated, but excluding trivial or inconsequential effects."

- A1.5. The "integrity of a site" is defined as: "the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and / or the level of populations of the species for which it was classified."

The Habitats Regulations

- A1.6. In relation to undertaking and consenting plans or projects, the due consideration of Natura 2000 sites is outlined in regulation 61 of the Habitats Regulations, which has led to the HRA process, as follows.

"61. 1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for, a plan or project which - (a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and (b) is not directly connected with or necessary to the management of that site, must make an appropriate assessment of the implications for that site in view of that site's conservation objectives.

(2) A person applying for any such consent, permission or other authorisation must provide such information as the competent authority may reasonably require for the purposes of the assessment or to enable them to determine whether an appropriate assessment is required.

(3) The competent authority must for the purposes of the assessment consult the appropriate nature conservation body and have regard to any representations made by that body within such reasonable time as the authority specify.

(4) They must also, if they consider it appropriate, take the opinion of the general public, and if they do so, they must take such steps for that purpose as they consider appropriate.

(5) In the light of the conclusions of the assessment, and subject to regulation 62 (considerations of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

(6) In considering whether a plan or project will adversely affect the integrity of the site, the authority must have regard to the manner in which it is proposed to be carried out or to any conditions or restrictions subject to which they propose that the consent, permission or other authorisation should be given."

Habitats Regulations Assessment Process

- A1.7. The HRA process has developed into a four-stage process as follows:

- Stage One: Screening - also known as the Test of Likely Significant Effect (TOLSE). If the Competent Authority cannot screen out a *likely significant effect*, an Appropriate Assessment is required.
- Stage Two: Appropriate Assessment - the Competent Authority will only agree to plans or projects that will not affect the *integrity* of a European site also known as the "Integrity Test".
- Stage Three: Alternative Solutions - assesses any alternative solutions of a potentially damaging plan or project that failed the Integrity Test, and if it is determined there are no alternative solutions, the project cannot be agreed to and it will either need to be changed or refused.

- Stage Four: The final stage may allow a plan or project to proceed if after failing stage three if it is for Imperative Reasons of Overriding Public Interest, and only if suitable compensatory measures are secured.

Key Case Law in Relation to Test of Likely Significant Effect

- A1.8. The following are some relevant case law judgement quotes in relation to "likely Significant Effect" which are of relevance for a Stage 1 screening.
- A1.9. EC Case C-127/02 - Waddenvereniging and Vogelsbeschermingvereniging – the "Waddenzee Judgement" (paras 45, 47 and 48) – 7th September 2004:
- "...any plan or project ... is to be subject to an appropriate assessment ... if it cannot be excluded, on the basis of objective information, that it will have a significant effect on that site, either individually or in combination with other plans or projects."*
- "Where plan or project has an effect on that site but is not likely to undermine its conservation objectives, it cannot be considered likely to have a significant effect on that site."*
- "In assessing the potential effects of a plan or project, the significance must be established in the light, inter alia, of the characteristics and specific environmental conditions of the site concerned by that plan or project"*
- A1.10. R (Hart District Council) v Secretary of State for the Communities and Local Government [2008] EWHC 1204 (Para 55 and 76) – 1st May 2008:
- "If the competent authority does not agree with the proponents' view as to the likely efficacy of the proposed mitigation measures, or is left in some doubt as to the efficacy, then it will require an appropriate assessment because it will not have been able to exclude the risk of a significant effect on the basis of objective information ..."*
- "The competent authority is not considering the likely effect of some hypothetical project in the abstract. The exercise is a practical one which requires the competent authority to consider the likely effect of the particular project for which permission is being sought. If certain features ... have been incorporated into that project, there is no sensible reason why those features should be ignored at the initial, screening, stage merely because they have been incorporated into the project in order to avoid, or mitigate, any likely effect...."*
- A1.11. Boggis v Natural England [2009] EWCA Civ 1061 20th October 2009 (para 36 and 37)
- "Notwithstanding the word "likely" ...is not that significant effects are probable, a risk is sufficient."*
- "...a claimant who alleges that there was a risk which should have been considered by the authorising authority so that it could decide whether that risk could be "excluded on the basis of objective information", must produce credible evidence that there was a real, rather than a hypothetical, risk which should have been considered."*
- A1.12. Ec Case C-258-11 Reference for a preliminary Ruling, Opinion of Advocate General Sharpston 'Sweetman' (Para 48) – 22nd November 2012:

"The requirement that the effect in question be "significant" lays down a de minimis threshold. Plans or projects that have no appreciable effect on the site are thereby excluded. If all plans or projects capable of having any effect whatsoever on the site were to be caught by article 6(1), activities on or near the site would risk being impossible by reason of legislative overkill."

- A1.13. Bagmoor Wind Ltd v Scottish Ministers [2012] CSIH 93 7th December 2012 (para 45):

"The requirement for objective information at the preliminary examination is not to be equated with a need for scientific knowledge. The Court only refers to "the best scientific knowledge" in the context of the appropriate assessment (para [61]). "Objective", in this context, means information based on clear verifiable fact rather than subjective opinion."

- A1.14. R (on application of An Taisce) v SoS [2014] EWCA Civ 1111 1st August 2014 (paras 38 and 39)

"The word "likely" ...implies at least some degree of flexibility. There comes a point when the probability...of a significant effect is so remote that it ceases to be "likely", however broad the concept of likelihood."

"The competent authority does not have to be satisfied that there is no risk, however remote..."

Note on Functionally Linked Land

- A1.15. "Functionally Linked Land" (FLL) is a term that refers to the potential for habitat away from the designation boundaries of a Natura 2000 site, that is considered to have a "role" or "function" for a qualifying feature "beyond the boundary". There is no strict legal definition but is mentioned in the Guidance document on the strict protection of animal species of Community interest under Habitats Directive 92/43/EEC 2007. Paragraph 7 states:

"Assessing and evaluating the conservation status of habitats and species within the Natura 2000 network is therefore not always enough, especially when the occurrences of habitats or species are only partly covered by the network, maybe even in some cases only to a relatively small extent."

- A1.16. A case law example of where the concept of Functionally Linked Land (FLL) has been applied was RSPB and others v SoS and London Ashford Airport Ltd [2014] EWHC 1523 16th May 2014 (para 27):

"There is no authority on the significance of the non-statutory status of the FLL. However, the fact that the FLL was not within a protected site does not mean that the effect which a deterioration in its quality or function could have on a protected site is to be ignored. The indirect effect was still protected. Although the question of its legal status was mooted, I am satisfied, as was the case at the Inquiry, that while no particular legal status attaches to FLL, the fact that land is functionally linked to protected land means that the indirectly adverse effects on a protected site, produced by effects on FLL, are scrutinised in the same legal framework just as are the direct effects of acts carried out on the protected site itself. That is the only sensible and purposive approach where a species or effect is not confined by a line on a map or boundary fence. This is particularly important where the boundaries of designated sites are drawn tightly as may be the UK practice."

1.1 Paragraph 40 of The Holohan and others versus An Bord Pleanála C-461/17 [7th November 2018] judgement states *"an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site."* i.e. the boundary for the AA may extend beyond the Natura 2000 site boundary.

1.2 FLL referred to as the role or function that land beyond the boundary of the SPA might fulfil in terms of supporting the population for which the SPA is designated, is the basis for the definition in Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects - a review of authoritative decisions (Natural England NECR207, 2016). For example:

"Sometimes, the mobility of qualifying species is considerable and may extend so far from the key habitat that forms the SAC or SPA that it would be entirely impractical to attempt to designate or classify all of the land or sea that may conceivably be used by the species."

"In practice, therefore...supporting habitat in areas beyond the boundary of a SAC or SPA which are connected with or "functionally linked" to the life and reproduction of a population for which a site has been designated or classified should be taken into account in a Habitats Regulations Assessment (HRA)."

Note on the Sweetman Ruling "People over Wind" and Definition of "Mitigation" in Relation to HRA

A1.17. The *People Over Wind* judgement (Peter Sweetman v Coillte Teoranta (C-323/17)), in April 2018, changed the way mitigation is viewed during the HRA Stage One screening i.e. the Test of Likely Significant Effect. The ruling was based on the view that allowing mitigation measures to be considered at the screening stage allows projects to avoid an Appropriate Assessment (Stage Two). The ruling stated:

"Taking account of such measures at the screening stage would be liable to compromise the practical effect of the Habitats Directive in general, and the assessment stage in particular, as the latter stage would be deprived of its purpose and there would be a risk of circumvention of that stage, which constitutes, however, an essential safeguard provided for by the directive." (paragraph 37 of the judgment)"

A1.18. This has made what constitutes "mitigation" directly in relation to the European site, and what is considered "integrated" into the scheme for other reasons, a question that carries some uncertainty. The PINS Note 05/2018 *Consideration of avoidance and reduction measures in Habitats Regulations Assessment: People over Wind, Peter Sweetman v Coillte Teoranta* provides some clarification as follows:

"The implication of the CJEU judgment is that competent authorities cannot take account of any integrated or additional avoidance or reduction measures when considering at the HRA screening stage whether the plan or project is likely to have an adverse effect on a European Site."

The screening stage must be undertaken on a precautionary basis without regard to any proposed integrated or additional avoidance or reduction measures. Where the likelihood of significant effects cannot be excluded, on the basis of objective information the competent authority must proceed to carry out an AA to establish whether the plan or project will affect the integrity of the European site, which can include at that stage consideration of the effectiveness of the proposed avoidance or reduction measures."

A1.19. PINS Note 05/2018 goes on to further explain:

"It should be noted that there is no authoritative definition of what constitutes an integrated or additional avoidance or reduction measure and this should be considered on a case by case basis. If a measure is being introduced to avoid or reduce an effect on a European site then it can be viewed as mitigation. It may be helpful to consider whether a proposal could be considered integral to a plan or whether it is a measure to avoid harm. For instance, the HRA report could identify European sites whose designated features are vulnerable to disturbance caused by people visiting the site. If evidence presented in the HRA report and during the examination demonstrates that the housing allocation is too far from the European site to lead to increased visitor numbers then it could be concluded that there is no pathway for likely significant effects to occur. However if the HRA report determines that the housing allocation would be likely to increase visitor use of the European site and relies on measures which reduce visitor pressure (such as securing land to provide a buffer to the European site or ensuring footpaths and car parks are located away from the site) to avoid or reduce likely significant effects an AA will be required to assess whether the plan will affect the integrity of the European site."

The interpretation of the above being taken by legal professionals appears to be that if it can be argued that mitigation, whether integrated or additional, is an "avoidance or reduction" measure directly due to an ecological pathway to a Natura 2000 site, then an Appropriate Assessment is required. If it is truly integrated into the proposals for other reasons, for example green space due to an unrelated protected species mitigation licence, as was the case with UK High Court ruling in August 2018 (R (on the application of Langton) v Secretary of State for Environment, Food and Rural Affairs, Natural England [2018] EWHC 2190 Admin) in relation to mitigation within a badger cull licence, then the mitigation is fully integrated and would not automatically trigger the requirement for an Appropriate Assessment. However, in many cases, such a judgement would carry the risk of conflicting views within the planning process, and often it may be simpler to take a precautionary approach by progressing to Appropriate Assessment where there is room for doubt.

National Planning Policy Framework (NPPF) 2024

A1.20. The National Planning Policy Framework (NPPF) sets out the Government's planning policy for England. As such, the NPPF must be a material consideration for local authorities when considering planning decisions. The following relate to ecology/biodiversity:

Policy 15 – Conserving and enhancing the natural environment

187. Planning policies and decisions should contribute to and enhance the natural and local environment by:

- a) *protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) *recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) *maintaining the character of the undeveloped coast, while improving public access to it where possible;*
- d) *minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs;*
- e) *preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) *remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.*

188. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.

189. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas and should be given great weight in National Parks and the Broads. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise impacts on the designated areas.

190. When considering applications for development within National Parks, the Broads and National Landscapes, permission should be refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:

- a) *the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;*
- b) *the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and*

- c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

191. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 189), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

192. To protect and enhance biodiversity and geodiversity, plans should:

- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration and creation; and
- b) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

193. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

194. The following should be given the same protection as habitats sites:

- a) potential Special Protection Areas and possible Special Areas of Conservation;
- b) listed or proposed Ramsar sites; and
- c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Area of Conservation, and listed or proposed Ramsar sites.

195. The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.