

APPENDIX 11.1 POLICY, LEGISLATION AND GUIDANCE

1 POLICY

1.1 National Policy

National Planning Policy Framework

The **National Planning Policy Framework (NPPF)** (published December 2024 and amended February 2025) sets out national planning policy, including policies of relevance to conserving and enhancing the natural environment. The policies of most relevance to ecology and biodiversity are set out in Section 15, *Conserving and enhancing the natural environment*, including paragraphs 187, 192, 193 and 198; these have been summarised below:

Para 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)*
- 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;*

Para 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 or 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.*

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

- 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 improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate*

Para 198: c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation

Statutory Biodiversity Net Gain

Biodiversity Net Gain (BNG) is a mandatory requirement in England under Schedule 7A of the Town and Country Planning Act 1990, as inserted by Schedule 14 of the Environment Act 2021. Most planning applications must meet a biodiversity gain condition requiring the biodiversity gain objective to be met. In general terms, this requires development to achieve at least a 10% biodiversity net gain, secured through the statutory framework unless a specific exemption applies.

Wiltshire Council, as the relevant local planning authority, requires major developments to meet the mandatory biodiversity gain condition in accordance with the Environment Act 2021 and associated regulations, secured through the Biodiversity Gain Plan and Biodiversity Metric calculations submitted with the application.

1.2 Local Policy

The relevant policies from the Wiltshire Core Strategy (adopted January 2015) are detailed below:

Core Policy 50: Biodiversity and Geodiversity

Core Policy 50 requires development proposals to incorporate appropriate measures to avoid and reduce disturbance of sensitive wildlife species and habitats throughout the lifetime of the development, and to avoid direct and indirect impacts upon local sites through sensitive location and layout and by maintaining sufficient buffers and ecological connectivity. Where features of nature conservation value are retained, development must make a reasonable contribution to their favourable long-term management.

Core Policy 51: Landscape

Core Policy 51 requires development to protect, conserve and, where possible, enhance landscape character, including the tranquillity of the landscape and the need to protect against intrusion from light pollution.

Core Policy 57: Ensuring High Quality Design and Place Shaping

Core Policy 57 requires development to have regard to the amenity of existing occupants, including in respect of light intrusion.

Trowbridge and Westbury Bat Mitigation SPD and SAC Planning Guidance

The Application Site falls within the area covered by the Trowbridge and Westbury Bat Mitigation Supplementary Planning Document (SPD) and Wiltshire Council's Planning Guidance for the Bath and Bradford-on-Avon Bats SAC. These documents set out the requirements for development within the SAC consultation zones, including the illuminance zone approach (Zones A, B and C) used to control light spill on retained bat habitat, and the need to demonstrate no adverse effect on the integrity of the SAC.

The Emerging Wiltshire Local Plan

An emerging Wiltshire Local Plan, which had reached Regulation 19 pre-submission stage and included revised policies on biodiversity net gain, woodland, landscape, dark skies and green and blue infrastructure, was withdrawn in May 2026. It therefore forms no part of the development plan, carries no weight, and is not relied upon in this assessment.

Biodiversity Net Gain

Biodiversity Net Gain is addressed through the statutory framework introduced by the Environment Act 2021 (see Statutory Biodiversity Net Gain, above); there is no separate adopted local policy target. The Proposed Development will be designed to deliver the statutory minimum 10% net gain, as demonstrated in the separate Biodiversity Net Gain Assessment and Biodiversity Gain Plan submitted with the application.

2 LEGISLATION

The following pieces of relevant ecological legislation will be considered within the full Ecological Impact Assessment with an explanation of their relevance provided.

Table 1 Relevant legislation

Legislation	Relevance
The Habitats Directive (together with the Birds Directive) forms the cornerstone of Europe's nature conservation policy. It is built around two pillars: the Natura 2000 network of protected sites and the strict system of species protection. All in all, the Directive protects over 1,000 animals and plant species and over 200 "habitat types" (e.g. special types of forests, meadows, wetlands, etc.), which are of European importance. The Habitats Directive and parts of the Birds Directive are transposed into legislation by The Conservation of Species and Habitat Regulations 2017 (as amended). The Habitats Regulations provide protection for European sites and European protected species in domestic law. They are relevant to the assessment of effects on the Bath and Bradford-on-Avon Bats SAC, Kennet Valley Barbastelle Bats SAC and Salisbury Plain SPA, and to protected species including bats, dormouse and otter where present or potentially present.	Presence of foraging and commuting bats on site, including Annex II species. Likely presence of otter.
Wildlife and Countryside Act 1981 (as amended, including by the Countryside and Rights of Way Act 2000), which provides legislative protection for certain species. The Act also prohibits the spread of invasive plant species, as well as providing the mechanism for the designation and protection of Sites of Special Scientific Interest;	Presence of breeding birds on site. Potential presence of reptiles on site. Potential of otter and water vole on or in habitat with connectivity to the site.
The Natural Environment and Rural Communities Act 2006 (the NERC act) places a duty on all public authorities, including local planning authorities, to have regard to the purpose of conserving and enhancing biodiversity in the exercise of their functions. This is relevant to planning decision-making and to the consideration of priority habitats and species of principal importance.	Potential presence of S41 mammals, including hedgehog, polecat, harvest mouse and brown hare. Notable invertebrate species on site. Enhancements for biodiversity.
Hedgerow Regulations 1997 provide protection for important countryside hedgerows in England and Wales. The regulations set out criteria to assess whether a hedgerow qualifies as	Presence of native hedgerows on site.

Legislation	Relevance
'important'. 'Important' hedgerows are afforded specific legal protection from removal.	