

MARLBOROUGH AREA NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Marlborough Area Neighbourhood Plan 2021 – 2036: Pre-Submission Plan (November 2020), hereafter referred to as the NP. This HRA has been undertaken to inform a Regulation 14 consultation response from Wiltshire Council to the NP.
- 1.2. The HRA has been carried out to comply with Regulation 105 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹, hereafter referred to as the Habitats Regulations. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation. If the screening exercise demonstrates significant effects are likely, whether or not these are addressed through mitigation measures², the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening, and any subsequent appropriate assessment, must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3. It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:

“Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”³
- 1.4. Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan or project provided it will not adversely affect the integrity of any European sites. Otherwise the plan cannot be authorised unless it meets specific statutory tests.

¹ On 1st January 2021 the Conservation of Habitats and Species Regulations 2017 (as amended) were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019

² Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

³ Commission of the European Communities v UK and NI, opinion of Advocate General Kokott, 9 June 2005, Case C-6/04

- 1.5. Wiltshire Council has conducted the following HRA as competent authority for the Marlborough Area NP. Where risks to European sites are identified, changes are recommended to remove or reduce the risks, and these should be incorporated into the plan before it is made. Likewise, if the policies or planning context change after the HRA is completed, the HRA process must be repeated before the final plan is considered by a referendum and adopted.

2. Screening Methodology

- 2.1. Each element of the plan has been categorised against screening criteria developed by Natural England to provide a clear audit trail for the screening assessment.
- 2.2. The screening criteria used are as follows:
- Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development.
 - Category A2: The policy is intended to protect the natural environment.
 - Category A3: The policy is intended to conserve or enhance the natural, built or historic environment.
 - Category A4: The policy would positively steer development away from European sites and associated sensitive areas.
 - Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through other policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
 - Category B: No significant effect.
 - Category C: Likely significant effect alone.
 - Category D: Likely significant effects in combination.
- 2.3. The effect of each policy has been considered both individually and in combination with other plans and projects (see Table 1 in Section 4 below). Where potential for likely significant effects have been identified, an appropriate assessment is undertaken in subsequent sections.

3. Higher Level HRAs

Wiltshire Core Strategy

- 3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012⁴, March 2013⁵, February 2014⁶ and April 2014⁷) identified general parameters to determine the likelihood of potential impacts on European sites. The following potential impact pathways and associated parameters were identified and assessed for the European sites stipulated below.

⁴ Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

⁵ Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

⁶ Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

⁷ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

- *Recreation – European sites within 5km, or where Salisbury Plain SPA/SAC is within 15km (it should be noted that the relevant parameter for the latter has since been revised on the basis of data obtained by means of visitor surveys and is now 6.4km):*
 - Salisbury Plain SPA / SAC
 - River Avon SAC
 - New Forest SAC / SPA
 - Bath and Bradford on Avon Bats SAC (added post adoption of Wiltshire Core Strategy)
- *Hydrology / Hydrogeology – European sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact:*
 - Salisbury Plain SAC / SPA
 - Bath and Bradford on Avon Bats SAC
 - Pewsey Downs SAC
 - North Meadow and Clattinger Farm SAC
 - River Avon SAC
 - River Lambourn SAC
 - Kennet & Lambourn Floodplain SAC
- *Air Pollution / Nitrogen Deposition – European sites within 200m of a main road*
 - Porton Down SPA
 - Salisbury Plain SAC / SPA
 - Southampton Water SPA
 - North Meadow and Clattinger Farm SAC
 - River Avon SAC
 - Rodborough Common SAC
 - Cotswolds Beechwoods SAC
- *Physical Damage / Interruption of Flight Lines / Disturbance*
 - Bath and Bradford on Avon Bats SAC
 - Porton Down SPA
 - Chilmark Quarries SAC (added post adoption of Wiltshire Core Strategy)
 - Mottisfont Bats SAC (added post adoption of Wiltshire Core Strategy)

Recreation

- 3.2 In terms of recreational pressure, the NP area lies beyond the 8km radius around the New Forest SAC/SPA within which the majority of day visitors to the New Forest originate⁸.
- 3.3 Recreational pressure on the River Avon SAC is recognised to occur in limited circumstances predominately where significant development lies immediately adjacent or in close proximity to the river, which will not occur as a result of this NP as the River Avon SAC lies approximately 2.5km south of the NP area at its closest point.
- 3.4 In relation to Salisbury Plain, the SAC habitat features were screened out of appropriate assessment for the Core Strategy on the advice of Natural England. The Salisbury Plain SPA can also be screened out of appropriate assessment with respect of this NP as the plan area is beyond the 6.4km zone around the SPA within which the majority (75%) of visitors to the Plain are expected to live. This is based on the data collated by means of a visitor survey commissioned by Wiltshire Council in 2015.
- 3.5 In addition, the North Meadow and Clattinger Farm SAC is situated approximately 24.3km northwest of the NP area at its closest point and as such appropriate assessment with respect of this Natura 2000 site can be screened out.

Hydrology / Hydrogeology

- 3.6 In terms of hydrology/hydrogeology, with the exception of a very small area within the south of the NP area, the whole of the Marlborough NP area lies within the catchment of the River Kennet and tributaries, within the River Thames Basin District. This is within the Thames Water Swindon and Oxfordshire Water Resource Zones (WRZ).
- 3.7 The Kennet and Lambourn Floodplain SAC lies approximately 7.4km east of the Marlborough NP area and the River Kennet flows east through the town of Marlborough. The screening assessment detailed in the HRA of the Wiltshire Core Strategy Submission Draft (2012)⁹ identified the potential for significant hydrological/hydrogeological effects on the Kennet and Lambourn Floodplain SAC as a result of Core Policy 14: Marlborough as the SAC and settlement of Marlborough are within the Thames Water Swindon and Oxford WRZ, and as such an appropriate assessment was undertaken.
- 3.8 Paragraph 3.2.38 of the HRA to the Wiltshire Core Strategy (2012) specified that the HRA screening assessment¹⁰ of schemes that were included in the preferred programmes for the Thames Water Swindon and Oxford WRZ in the final draft of the Thames Water Utilities Ltd Water Resource Management Plan (WRMP)¹¹ concluded that, with mitigation taken into account, they are not likely to have a significant effect on the integrity of any European sites, and that in the context of Wiltshire, this is relevant to European sites associated with the River Kennet, namely the Kennet and Lambourn Floodplain SAC, Kennet Valley Alderwoods SAC and Lambourn Floodplain SAC.
- 3.9 The assessment in Appendix D of the HRA to the Core Strategy (2012) considered the potential significant effect of water abstraction upon the Kennet and Lambourn Floodplain SAC and its

⁸ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

⁹ Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

¹⁰ Thames Water Utilities Ltd Habitats Regulations Assessment, December 2011

¹¹ Water – Planning for the Future. Draft Final Water Resource Management Plan, Thames Water Utilities Ltd, December 2011

qualifying features as a result of the additional housing and employment development proposed by Core Policy 14, as this would lead to an increase in the consumption of water, which could in turn impact on the hydrological regime of the SAC through increased abstraction of water from rivers/groundwater. The assessment specified that the additional water consumption had been planned for within the WRMP which itself had been subject to an HRA, and also listed policies in the Core Strategy that it specified *'will contribute the achievement of demand management measures in the WRMP area.'* It recommends no amendments to the Core Strategy or other parts of the LDF in order to avoid the potential effect and concluded that there would be no residual significant adverse effect on the integrity of the SAC.

- 3.10 The assessment detailed in the HRA to the Wiltshire Core Strategy (March 2013)¹² in respect of the Kennet and Lambourn Floodplain SAC stipulated: *'Site lies within the Thames Water Swindon and Oxfordshire Water Resource Zone and additional water consumption is planned for within the Water Resource Management Plan, which has itself been subjected to Habitats Regulations Assessment and concluded that additional housing would have no likely effects upon the site.'* It goes on to state: *'HRA for the WRMP notes that Kennet and Lambourn Floodplain SAC was potentially impacted on by groundwater abstraction from the Chalk aquifer at Speen. Licensed abstraction from the aquifer was reduced as part of the SWMP.'*
- 3.11 As per the 2012 HRA of the Core Strategy, the 2013 HRA likewise did not recommend any amendments to the Core Strategy or other parts of the LDF in order to avoid the potential effect and concluded that there would be no residual significant adverse effect on the integrity of the SAC.
- 3.12 The Updated HRA of the Wiltshire Core Strategy (April 2014) reviewed the findings of the March 2013 HRA in light of all modifications proposed since that assessment and included an in-combination assessment which identified any plans or projects which had been subject to HRA since March 2013.
- 3.13 The appropriate assessment of the proposed modifications in respect of water abstraction and the Kennet and Lambourn Floodplain SAC states: *'Proposed modifications to the Marlborough Community Area policy (CP14) could have LSE upon the Kennet and Lambourn Floodplain SAC through increased water abstraction. The proposed modifications would result in approximately 70 additional dwellings at Marlborough which will increase the demand for water and contribute towards additional abstraction across the catchment. As with the River Avon SAC, there is potential for the Kennet and Lambourn Floodplain SAC to be adversely affected low flows, which could be exacerbated by over abstraction. Abstraction licenses in the River Kennet have been subject to the same RoC process as those within the River Avon SAC catchment and all such licences are now understood to have been found Habitats Regulations compliant by the EA.'*
- 3.14 The HRA then states: *'Thames water has confirmed that the water demand from the increased number of proposed dwellings at Marlborough can be accommodated within the existing Marlborough groundwater abstraction licence and the future Axford groundwater abstraction licence. **The council therefore concludes that the additional water demand from the proposed WCS housing figures (including the additional 70 dwellings) would not have an adverse effect upon the integrity of the Kennet and Lambourn Floodplain SAC.'***
- 3.15 The settlement level screening assessment undertaken in accordance with the Habitats Regulations and presented in the Wiltshire Housing Site Allocations Plan Assessment under the Habitats Regulations (Wiltshire Council, February 2020) states in respect of water abstraction and the likely significant effects on the Kennet and Lambourn Floodplain SAC:

¹² Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

'The Kennet and Lambourn Floodplain SAC and Lambourne River SAC area relatively unmodified river and wetland area (sic) which supports an extensive population of the Annex II species Desmoulin's whorl snail in association with chalk stream habitat.

There is known to be limited water available for abstraction in both the Upper Kennet and the Og rivers, and therefore the EA has declared a water resource status of 'Water not available for licensing' for much of these catchments in Wiltshire⁴¹. Both rivers flow into the Kennet and Lambourne Floodplain SAC, several components of which have been assessed as being in unfavourable condition as they fail to meet target moisture levels, which has been attributed to water abstraction.'

- 3.16 However, the WHSAP did not allocate any sites wholly or partly within the catchment of the River Kennet and therefore appropriate assessment in respect of the Kennet and Lambourn Floodplain SAC was not required.
- 3.17 The Marlborough NP includes policy MARL1 which allocates five sites for residential development, equating to 180 dwellings, as well as policies MARL2 to MARL6 which support and promote further residential, employment and commercial development. Given that the NP area lies within the catchment of the River Kennet and tributaries, within the Thames Water Swindon and Oxfordshire WRZ, and that the considerable quantity of residential properties allocated in the NP is additional to the quantity assessed in the HRA to the Core Strategy and found to be Habitats Regulations compliant, it is deemed that there is a mechanism for a significant effect on the Kennet and Lambourn Floodplain SAC on account of the increase in water abstraction that would be necessitated by the delivery of the residential development allocated in, and other development supported by, the NP. Policy level assessment is presented in Section 4.
- 3.18 A very small section of the southern extent of the NP area lies within the catchment of the River Avon SAC. Consequently, any proposals for development within that section of the NP area will need to be phosphate neutral and demonstrate that it will not diminish the ability of the SAC to achieve its conservation objectives within timescales identified in the River Avon Nutrient Management Plan (NMP). The Council is working with the Environment Agency and Natural England to ensure appropriate mitigation is in place for development coming forward under the Core Strategy and Local Plan Review. Nonetheless, no policies within the NP allocated sites for development within the catchment of the River Avon SAC.

Air Pollution / Nitrogen Deposition

- 3.19 The Wiltshire Core Strategy HRA identified that increased traffic would lead to potential effects through an increase in atmospheric pollution and nitrogen deposition upon a range of European sites within 200m of a main road. Such effects were considered to be very small and difficult to predict at the strategic level¹³. Although the allocations in the NP for approximately 180 dwellings constitutes a considerable quantity of housing, none of the allocated sites lie within 200m or close proximity of any of the European sites listed above; the closest being the River Avon SAC and Pewsey Downs SAC, located approximately 2.44km south and approximately 4.17km west-southwest of the NP area at its nearest point. These two European sites are a considerable distance from the NP area and effects are likely to be

¹³ Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

negligible. In relation to the River Avon SAC, the Wiltshire Core Strategy HRA concluded no likely significant effect where the existing approach to mitigation in Core Policy 55 is implemented. It is therefore concluded that the proposals for housing in this NP would not have an adverse effect on European sites or the integrity of its qualifying features as a result of nitrogen or particulate matter deposition.

Physical Damage / Interruption of Flight Lines / Disturbance

- 3.20 In terms of the potential to cause physical damage to features which provide habitat for bats, such as breeding, roosting and foraging habitat, and the potential to interrupt or fragment bat flight lines, or to cause disturbance to such features, it is deemed that the NP area is too remote to have implications for bats at the Bath and Bradford on Avon Bats SAC, the Mottisfont Bats SAC or indeed Chilmark Quarries SAC.
- 3.21 The NP area is also beyond the potential zone of influence with respect of stone curlews breeding at Porton Down SPA and Salisbury Plain SPA and will not result in physical damage to the habitats within the European sites, nor will it result in the interruption of flight lines or disturbance to breeding stone curlew, such as by means of the introduction of visual stimuli or noise.

Wiltshire Housing Site Allocations Plan

- 3.22 Since the Core Strategy was adopted, the Council published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (WHSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation. Subsequently, the WHSAP (Council Version, February 2020) was adopted by Full Council on 25th February 2020 and this was accompanied by the final Wiltshire Housing Site Allocations Plan Assessment under the Habitats Regulations (Wiltshire Council, February 2020).
- 3.23 The screening criteria for the adopted WHSAP and final HRA were modified for some European sites from those used for the Core Strategy subsequent to the acquisition of results from new surveys, and in light of advice from Natural England. The following screening applies the most up to date criteria available from the WHSAP and HRA.
- 3.24 Furthermore, since the Core Strategy was adopted, Natural England has advised Wiltshire Council of its concerns regarding the growing number of visitors to the North Meadow and Clattinger Farm SAC in recent years which has led to an increase in trampling. NE has advised that this is particularly evident at North Meadow (which is also a National Nature Reserve (NNR)) during April and May when visitors come to see the Snake's-head fritillaries in flower. Natural England considers that the increase in recreational pressure upon the SAC is primarily as a result of increases in the local population, and that major new housing developments within a short travel distance of North Meadow are likely to add to the existing visitor pressure and trampling effects.

4. Screening of Policies in Marlborough Area Neighbourhood Plan 2021 – 2036: Pre-Submission Plan (November 2020)

- 4.1 The Pre-Submission draft of the Marlborough Area NP comprises 21 draft policies; these are detailed and assessed in Table 1 below.
- 4.2 All parts of the NDP have been screened for potential impacts which may arise from the plan alone or in combination with other plans and projects. Taking into consideration the location, scale and nature of proposals in the current draft of the NP, there is a mechanism for effect on one European site, the Kennet and Lambourn Floodplain SAC. This is on account of policy MARL1 allocating five sites for the development of a total of approximately 180 dwellings, as well as the support for further residential, business and commercial development proffered by virtue of Policies MARL2 to MARL6. The majority of the NP area lies within the catchment of the River Kennet and tributaries and is within the Thames Water Swindon and Oxfordshire WRZ, and policy MARL1 in particular, as well as policies MARL2 to MARL6, have the potential to give rise to significant effects on the aforementioned European site due to an increase in water abstraction which could lead to water resources issues and an impact upon the hydrological regime of the River Kennet and the Kennet and Lambourn Floodplain SAC.
- 4.3 The allocation of approximately 180 dwellings proposed by way of policy MARL1 in the Marlborough NP substantially exceeds the projected number of new dwellings in Marlborough that was assessed in the HRA of the Core Strategy and found to be compliant with the Habitats Regulations. As such, the policy within the NP which allocates sites for residential development (MARL1), and the five subsequent policies which promote and support further residential, business/commercial and employment development (MARL2 to MARL6) must be taken forward to appropriate assessment under Regulation 105 of the Habitats Regulations 2019.
- 4.4 The other policies within the NP would either not lead directly to development; are intended to protect or enhance the natural, built or historic environment; or relate to design or other qualitative criteria for development and as such would have no significant effects on European sites either alone or in combination with other plans and projects.
- 4.5 Any further iterations of, or changes to the NP as a result of the examination in public should be subject to a rescreening assessment before the Council adopts the plan.

TABLE 1: Habitats Regulations Assessment Screening of the Marlborough Area Neighbourhood Plan

A / B (Green) – Screened out

C / D (Red) – Screened in

| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|--|--|--|---|
| MARL1 Delivering Affordable Homes in Marlborough | <p>This policy allocates five sites in Marlborough for residential development provided they accord with the respective site-specific requirements and with other relevant policies of the development plan. The five sites and accompanying description as stipulated in the policy are as follows:</p> <ol style="list-style-type: none"> 1. Land off Elcot Lane - shall comprise approx. 50 homes on a developable area of approx. 2 ha. 2. Land Rear of Salisbury Road - shall comprise approx. 50 homes on a developable area of approx. 2 ha. 3. Land at Barton Dene - shall comprise approx. 40 homes on a developable area of no more than 1.5 ha with sufficient land made available for the provision of a new medical centre to serve the town. 4. Land off Cherry Orchard - shall comprise up to 30 homes on a developable area of approx. 1.0 ha. 5. Land at Kelham Gardens - shall comprise a flatted scheme of approx. 10 homes on a developable area of approx. 0.1 Ha. <p>This policy would give rise to development and the proposed allocated sites, and indeed most of the NP area, lies within the catchment of the River Kennet and tributaries and is within the Thames Water Swindon and Oxfordshire WRZ. Therefore, the residential development proposed by means of this policy has the potential to give rise to significant effects on the Kennet and Lambourn Floodplain SAC due to an increase in water abstraction which could impact water resource availability and the hydrological regime of the River Kennet and the aforementioned SAC. As such this policy is screened into appropriate assessment (AA) on account of the potential for a likely significant effect upon the SAC.</p> | C and D (Kennet and Lambourn Floodplain SAC) | Further comments and recommended next steps are set out in Section 5. |

HRA of Marlborough Area Neighbourhood Plan 2021 – 2036 Pre-Submission Plan
(EF V1 03.03.2021)

| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|--|--|---|--|
| <p>MARL2 Managing Change at George Lane, Marlborough</p> | <p>This policy supports the change of use and redevelopment of an existing community facility site on George Lane to the south of the town centre. It states:</p> <p><i>‘Development proposals for the change of use of the Health Centre site on George Lane, as shown on the Policies Map, to a residential use will be supported in principle, provided planning permission has been granted for an alternative site in the town. Proposals to redevelop the site will be supported provided the scheme is of a density and building height that reflect the suburban character of George Lane.’</i></p> <p>The likely number of houses that would be accommodated on the site at George Lane is not specified, however, the site lies within the catchment of the River Kennet and tributaries which is within the Thames Water Swindon and Oxfordshire WRZ. Therefore, the change to residential development at the site which is supported by means of this policy has the potential to give rise to significant effects on the Kennet and Lambourn Floodplain SAC due to an increase in water abstraction which could impact the hydrological regime of the River Kennet and the aforementioned SAC. As such this policy is screened into appropriate assessment (AA) on account of the potential for a likely significant effect upon the SAC.</p> | <p>C and D (Kennet and Lambourn Floodplain SAC)</p> | <p>Further comments and recommended next steps are set out in Section 5.</p> |
| <p>MARL3 Encouraging Affordable Homes in Mildenhall</p> | <p>This policy encourages and supports the delivery of a <i>Rural Exception Site affordable housing scheme in Mildenhall, providing that four criteria are met. In summary, these criteria are that the scheme would comprise no more than ten units; all units will be affordable homes; the scheme will sustain and enhance the significance of the Mildenhall Conservation Area and the setting of other heritage assets; and the layout and form of housing shall be designed to conserve the landscape and scenic beauty of the AONB and, where appropriate to the location, shall include the provision of a landscape scheme.</i></p> <p>This policy supports residential development that would lie in the catchment of the River Kennet and tributaries; within the Thames Water Swindon and Oxfordshire WRZ. Therefore, albeit a maximum of ten houses, the residential development supported by means of this policy would have the potential to</p> | <p>C and D (Kennet and Lambourn Floodplain SAC)</p> | <p>Further comments and recommended next steps are set out in Section 5.</p> |

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| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|--|---|---|--|
| | <p>give rise to significant effects on the Kennet and Lambourn Floodplain SAC due to an increase in water abstraction which could impact the hydrological regime of the River Kennet and the aforementioned SAC. As such this policy is screened into appropriate assessment (AA) on account of the potential for a likely significant effect upon the SAC.</p> | | |
| <p>MARL4 Meeting Local Housing Needs</p> | <p>This policy specifies: <i>‘Proposals for windfall housing development within the defined Marlborough development boundary will only be supported if they will deliver homes of a two or three bedroom type. Proposals for single tenure, specialist accommodation schemes or other housing schemes intended for older people will be resisted.’</i></p> <p>This policy does not stipulate a threshold in terms of the quantity of windfall housing it would support. Nonetheless, any new windfall residential development that comes forward and is supported by this policy would lie in the catchment of the River Kennet and tributaries and would have potential to give rise to significant effects on the Kennet and Lambourn Floodplain SAC. This is due to an increase in water abstraction which could impact the hydrological regime of the River Kennet and the aforementioned SAC. As such this policy is screened into appropriate assessment (AA) on account of the potential for a likely significant effect upon the SAC.</p> | <p>C and D (Kennet and Lambourn Floodplain SAC)</p> | <p>Further comments and recommended next steps are set out in Section 5.</p> |
| <p>MARL5 Supporting a Thriving Town Centre</p> | <p>The policy states: <i>‘The Neighbourhood Plan identifies the Marlborough Town Centre on the Policies Map. Located within the Town Centre boundary, the Primary Shopping Area comprises the Primary and Secondary shopping frontages.’</i></p> <p>The policy details the types of development proposals that would be supported within the town centre and the primary shopping area. This includes proposals for new residential development on upper floors subject to compliance with a suite of criteria detailed in the policy.</p> <p>Any new residential development that comes forward within the town centre as an indirect result of this policy would be located within the existing settlement boundary. Nonetheless, this development would lie in the catchment of the River Kennet and tributaries and as such could lead to an</p> | <p>C and D (Kennet and Lambourn Floodplain SAC)</p> | <p>Further comments and recommended next steps are set out in Section 5.</p> |

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|---|--|---|--|
| | <p>increase in water abstraction which could impact the hydrological regime of the River Kennet and the Kennet and Lambourn Floodplain SAC. Therefore, new residential development supported by the policy, and for which a maximum threshold in terms of quantity of dwellings has not been stipulated in the policy, has potential to give rise to significant effects on the Kennet and Lambourn Floodplain SAC. As such this policy is screened into appropriate assessment (AA) on account of the potential for a likely significant effect upon the SAC.</p> | | |
| <p>MARL6 Using Scarce Employment Land Efficiently</p> | <p>This policy supports proposals to intensify sites in the Marlborough development boundary and outside the Town Centre that are in established commercial, business and service uses (Class E) provided it can be demonstrated that they can be accommodated without causing significant harm to local amenity. The policy also supports proposals for new commercial, business and service uses on brownfield land in the Marlborough development boundary and outside the Town Centre provided it can be demonstrated they will achieve a minimum employment density of 1 FTE job per 40 sq.m. net internal area and that they accord with all other relevant development plan policies.</p> <p>This policy will not in itself lead to development, however, it is possible that any commercial, business and service use development that comes forward on brownfield land in the Marlborough development boundary and outside the Town Centre development as supported by the policy, could such could lead to an increase in water abstraction. Given that most of the NP area lies within the catchment of the River Kennet and tributaries, further water abstraction could impact the hydrological regime of the River Kennet and the Kennet and Lambourn Floodplain SAC by mean of reducing available water resource. Development supported by this policy therefore has potential to give rise to significant effects on the Kennet and Lambourn Floodplain SAC, and as such this policy is screened into appropriate assessment (AA).</p> | <p>C and D (Kennet and Lambourn Floodplain SAC)</p> | <p>Further comments and recommended next steps are set out in Section 5.</p> |
| <p>MARL7 Improving Public Parking</p> | <p>This policy allocates land adjacent to Marlborough Rugby Club for informal public car parking subject to six criteria stipulated within the policy being met. It also encourages proposals to establish additional public car parking spaces to serve the town centre at other suitable locations in the town.</p> | <p>B</p> | |

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| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|---|--|--------------------|------------------------------|
| | <p>The development supported by the policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the National Planning Policy Framework (NPPF) 2019.</p> | | |
| <p>MARL8 Delivering New Cemetery Land</p> | <p><i>The policy allocates land at The Common for the purpose of extending the adjoining cemetery and specifies: ‘Proposals for any new buildings ancillary to this use will be supported, provided they make appropriate access provision and avoid any significant harm on the North Wessex Downs AONB.’</i></p> <p>The land use and ancillary development supported by this policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF 2019.</p> | <p>B</p> | |
| <p>MARL9 Protecting & Supporting Community Facilities</p> | <p>This policy lists a number of buildings in Marlborough, including the town hall and library, as well as the village halls in Manton and Mildenhall, as community facilities.</p> <p><i>The policy goes on to state: ‘Proposals that will result in either the loss of or cause significant harm to a defined facility will be resisted, unless it can be clearly demonstrated that the operation of the facility, or the on-going delivery of the community value of the facility, is no longer financially viable. Development proposals to sustain or extend the viable use of existing community facilities, and the development of new facilities, will be supported.’</i></p> <p>This policy seeks to conserve key community facilities that form part of the built environment and will not result in a likely significant effect upon any European sites. Details of any proposed development to extend existing community facilities or develop new facilities would be considered at the planning application stage to ensure it aligns with this policy, and other Development Plan policies and the NPPF 2019.</p> | <p>A3 / B</p> | |

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| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|--|---|--------------------|------------------------------|
| MARL10 Enhancing Marlborough Conservation Area | <p>This policy stipulates: <i>‘Development proposals should sustain and enhance the special architectural and historic significance of the designated Marlborough Conservation Area and its setting. The significance of the Conservation Area and its setting are defined in the design principles and guidance of the Marlborough Conservation Area Statement and the Marlborough Town Character Study, to which all proposals must have full regard.’</i></p> <p>This policy will not itself lead to development as it seeks to conserve and enhance the historic built environment and will not result in a likely significant effect upon any European sites. Details of any proposed development within the Marlborough Conservation Area would be considered at the planning application stage to ensure it aligns with this policy, and other Development Plan policies and the NPPF 2019.</p> | A1 / A3 | |
| MARL11 Enhancing Marlborough Areas of Special Quality | <p>This policy identifies five Areas of Special Quality at Cross Road/Cardigan Road/Leaze Lane/Back Lane (North Side), at St. John’s Close, at The Common/Herd Street, at Back Lane (South Side) and at Salisbury Road/London Road, and these are shown on the Policies Map.</p> <p>The policy goes on to specify that development proposals located within an Area of Special Quality should demonstrate that they have had full regard to the characteristics listed in the policy that contribute to the significance of its local architectural and historic interest.</p> <p>This policy will not itself lead to development as it seeks to conserve and enhance the historic built environment within the landscape setting and will not result in a likely significant effect upon any European sites. Details of any proposed development within the identified Areas of Special Quality and/or Marlborough Conservation Area would be considered at the planning application stage to ensure accordance with this policy, other Development Plan policies and the NPPF 2019.</p> | A3 | |
| MARL12 Enhancing Manton Conservation Area | <p>This policy specifies that development proposals within the Manton Conservation Area should demonstrate full regard to the characteristics listed in the policy that contribute to the significance of its special architectural and historic interest.</p> | A1 / A3 | |

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|--|--|--------------------|------------------------------|
| | <p>The policy goes on to set out a series of characteristics to which proposals for development outside the Manton Conservation Area should demonstrate regard has been paid.</p> <p>This policy will not itself lead to development as it seeks to conserve and enhance the historic built environment and landscape setting of the Manton Conservation Area as well as areas beyond, and to set out design/qualitative criteria for development. The policy will not result in a likely significant effect upon any European sites. Details of any proposed development within or outside the Manton Conservation Area would be considered at the planning application stage to ensure alignment with this policy, other Development Plan policies and the NPPF 2019.</p> | | |
| <p>MARL13 Enhancing Mildenhall Conservation Area</p> | <p>This policy specifies that development proposals within the Mildenhall Conservation Area should have full regard to the series of characteristics, design principles and heritage features detailed in the policy.</p> <p>The policy then sets out a list of design principles and states that proposals for development outside the Mildenhall Conservation Area should demonstrate regard has been paid to these principles.</p> <p>This policy will not itself lead to development as it seeks to conserve and enhance the historic built environment and landscape setting of the Mildenhall Conservation Area as well as areas beyond, and to set out design/qualitative criteria for development. The policy will not result in a likely significant effect upon any European sites. Details of any proposed development within or outside the Mildenhall Conservation Area would be considered at the planning application stage to ensure adherence to this policy, as well as other Development Plan policies and the NPPF 2019.</p> | <p>A1 / A3</p> | |
| <p>MARL14 Protecting Local Heritage Assets</p> | <p>This policy identifies Local Heritage Assets and these are listed in Appendix A. The policy stipulates:</p> | <p>A1 / A3</p> | |

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|---|---|--------------------|------------------------------|
| | <p><i>‘Proposals that will result in harm to, or unnecessary loss of, a Local Heritage Asset, will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss.</i></p> <p><i>Development will be supported which demonstrates that any potential impacts upon the World Heritage Site and its setting has been fully assessed in accordance with existing development plan policies.’</i></p> <p>This policy will not itself lead to development as it seeks to conserve and protect Local Heritage Assets and the Stonehenge, Avebury and Associated Sites World Heritage Site. The policy will not result in a likely significant effect upon any European sites. Details of any proposed development within proximity of, or which could have an effect on, Local Heritage Assets and/or the World Heritage Site would be considered at the planning application stage to ensure adherence to this policy, as well as other Development Plan policies and the NPPF 2019.</p> | | |
| <p>MARL15 Protecting and Improving Green Infrastructure</p> | <p>The supporting text to this policy states: <i>‘This policy supports Core Policy 50 on Biodiversity and Core Policy 52 on Green Infrastructure by defining a network of green infrastructure assets in and around the neighbourhood plan area as a means of promoting walking, cycling and recreation, of improving local biodiversity through connecting habitats and in places of sequestering carbon through woodland planting.’</i></p> <p>The policy designates a Green Infrastructure Network, shown on the Policies Map, for the purpose of promoting sustainable movement and ecological connectivity through the town and neighbouring parishes and for mitigating climate change. The policy specifies that the Network comprises The Common, the water meadows at Marlborough College, the River Kennet, Local Green Spaces, Valued Community Open Spaces, informal open spaces, allotments, playing fields, off-street footpaths/cycleways, children’s play areas, woodland and land of biodiversity value.</p> <p>The policy states: <i>‘Development proposals that lie within or adjoining the Network are required to have full regard (sic) maintaining and improving the</i></p> | <p>A1 / A3</p> | |

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|---|--|--------------------|------------------------------|
| | <p><i>Network, including delivering a net gain to general biodiversity assets, in the design of their layouts, landscaping schemes and public open space provisions. In that part of the Network that forms the southern setting to the Marlborough Conservation Area, proposals must also have regard to the contribution that its open character makes to the significance of the Conservation Area.'</i></p> <p>It also stipulates: <i>'Proposals that will lead to the loss of land lying within the Network and that will undermine its integrity will be resisted. Development proposals that will lead to the extension of the Network will be supported, provided they are consistent with all other relevant policies of the development plan.'</i></p> <p>The policy will not result in development itself but instead seeks to conserve and enhance the natural environment and sets out criteria that development must meet with the objective of protecting and enhancing the GI network within the NP area. Furthermore, the policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF 2019.</p> | | |
| MARL16 Protecting Local Green Spaces | <p>This policy designates eight Local Green Spaces, which are shown on the Policies Map and listed in the policy. The policy specifies: <i>'Proposals for inappropriate development in a Local Green Space will only be supported in very special circumstances.'</i></p> <p>The policy will not result in development itself but instead seeks to conserve and protect Local Green Spaces and would only support development within these designated areas in exceptional circumstances. The policy will not result in a likely significant effect upon any European sites. Proposals for development within any of the designated Local Green Spaces would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50</p> | A3 | |

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| | (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF 2019. | | |
| MARL17 Protecting Valued Community Open Spaces | <p>This policy identifies and lists twenty Valued Community Open Spaces, which are also shown on the Policies Map. The policy states: <i>'Development within a Valued Community Open Space will only be supported if it preserves and where possible enhances their contribution to the health and well-being of visitors and residents, public access and if it is ancillary to its community use. Any loss of a Space will only be permitted where alternative better provision can be secured, and an assessment has determined that the space is surplus to requirements.'</i></p> <p>The policy seeks to protect open spaces of importance to the local community and will neither lead to development itself nor result in a likely significant effect upon any European sites. In the event that proposals for development within any of the twenty Valued Community Open Spaces identified by means of the policy come forward, these would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies of the Wiltshire Core Strategy and the NPPF 2019.</p> | A1 / A3 | |
| MARL18 Conserving the Scenic Beauty of the AONB | <p>This policy states that development proposals outside the defined Marlborough development boundary and built up areas of Manton and Mildenhall will only be supported if it can be demonstrated that the landscape and special scenic beauty of the Area of Outstanding Natural Beauty would not be undermined, and that full regard is paid to the specific characteristics listed in the policy associated with the following landscapes:</p> <ul style="list-style-type: none"> • Marlborough Downs and Common • Kennet Valley • Savernake Forest and Plateau <p>The policy goes on to stipulate: <i>'Proposals to build an isolated home outside the development boundary will be refused as there is no part of the AONB in the designated area that has a character that will be enhanced by such a scheme, there is no evidence to suggest that design standards in this countryside require raising and there is no architectural innovation that is necessary.'</i></p> | A2 | |

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| | <p>The policy will not result in development itself as it seeks to conserve the natural environment, specifically the North Wessex Downs AONB.</p> <p>Furthermore, the policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward within the AONB would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF 2019.</p> | | |
| <p>MARL19 Achieving Dark Skies</p> | <p>This policy specifies: <i>‘Where development proposals are considered otherwise appropriate within or outside of the Marlborough development boundary, special attention should be paid to ensuring any external lighting is essential only and is located and designed in such a way to conserve the dark skies of the AONB.’</i></p> <p>The policy will not result in development itself as it seeks to conserve the natural environment, specifically the preservation of dark skies within the North Wessex Downs AONB, and to ensure that any external lighting within the AONB is appropriately designed. The policy will not result in a likely significant effect upon any European sites. Details of any development that comes forward within the AONB would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF 2019.</p> | <p>A1 / A2</p> | |
| <p>MARL20 Mitigating Climate Change: New Buildings</p> | <p>In Clause A, this policy sets out a list of measures that development schemes which will comprise at least 50% of the building units certified to a PassivHaus standard will not be required to comply with. It specifies that schemes which will deliver dwellings certified to a PassivHaus standard, may comprise terraced and/or apartment building forms of a higher density than the density of the character area within which the proposal is located, provided the scheme will have a less than substantial effect on the character area.</p> <p>It goes on to state that all planning permissions granted for new dwellings will include a planning condition to require the provision of a Post Occupancy</p> | <p>A1</p> | |

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|---|--|--------------------|------------------------------|
| | <p>Evaluation Report to the local planning authority within a specified period, unless exempted by Clause A, and that where poor energy performance is recorded, reasonable corrective action must be taken before the condition can be discharged. Lastly, the policy states that unless exempted by Clause A, all planning applications for non-householder development are required to be accompanied by a Whole Life-Cycle Carbon Emission Assessment.</p> <p>The policy itself will not result in development; instead the policy sets out design and other qualitative criteria to ensure that development schemes will incorporate measures to mitigate climate change. The policy itself will not give rise to a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies and the NPPF 2019.</p> | | |
| <p>MARL21 Mitigating Climate Change: Carbon Sinking</p> | <p><i>This policy states:</i></p> <p><i>'A. For schemes of a gross site area of more than 2 Ha, and where practical, development proposals are required to incorporate woodland planting within their on-site proposals to a standard verified by the Woodland Carbon Code.</i></p> <p><i>B. For schemes of a gross site area less than 2 Ha or for schemes of a gross site area of more than 2 Ha but where on site provision is not practical, development proposals are required to make a financial contribution to the Marlborough Area Carbon Sink Fund, which will be used to invest in the improvement, extension and maintenance of those existing and new woodlands of the Green Infrastructure Network of Policy MARL15 that function as a carbon sink.</i></p> <p>The policy itself will not result in development; instead the policy sets out qualitative criteria to ensure that development schemes will incorporate measures to mitigate climate change. The policy itself will not give rise to a likely significant effect upon any European sites. Details of any development that comes forward would be considered at the planning application stage to ensure acceptability with respect of other Development Plan policies including</p> | <p>A1</p> | |

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| | Core Policy 50 (Biodiversity and Geodiversity), 51 (Landscape) and 52 (Green Infrastructure) of the Wiltshire Core Strategy and the NPPF 2019. | | |

5. Conclusion

- 5.1 The HRA screening exercise presented in this document has concluded that the Marlborough NP and six of the policies therein have potential to lead to a likely significant effect on one European site, namely the Kennet and Lambourn Floodplain SAC, and its qualifying features alone and/or in-combination with other plans and projects.
- 5.2 This is due to the allocation of five sites for residential development, totalling approximately 180 dwellings, proposed by way of policy MARL1, and on account of all the sites being situated within the catchment of the River Kennet and tributaries, within the Thames Water Swindon and Oxfordshire WRZ. Policy MARL1 has the potential to lead to significant effects on the aforementioned European site as the proposed development sites within the catchment of the River Kennet and tributaries would likely necessitate an increase in water abstraction resulting in additional water resource pressures and an impact upon the hydrological regime of the River Kennet and the Kennet and Lambourn Floodplain SAC. It is therefore necessary for policy MARL1 to be taken forward to appropriate assessment under Regulation 105 of the Habitats Regulations 2019.
- 5.3 Similarly, the additional residential, business/commercial and employment development promoted by means of policies MARL2 to MARL6 inclusive has potential to lead to a likely significant effect on the SAC. Although the aforementioned policies do not stipulate numbers of dwellings and businesses, or put forward specific locations in all instances, these policies have nonetheless been screened in to appropriate assessment as the development supported by the policies would likely result in an increase in water abstraction within the catchment of the River Kennet and tributaries.
- 5.4 The appropriate assessment will be conducted by the competent authority, namely Wiltshire Council. It has not been possible to conduct the appropriate assessment at this stage however as further information will need to be obtained by the NP Steering Group and provided to the council in order to facilitate the second stage of the HRA.

Recommended Next Steps to Acquire the Information Required to Inform the HRA

- 5.5 It is recommended that the NP Steering Group contacts Thames Water and preferably also the Environment Agency (EA), with the objective of obtaining the following information:
- Details of the water/groundwater/aquifer abstraction points that would serve the proposed development sites.
 - Confirmation regarding whether Thames Water's existing water/groundwater abstraction licence(s) has headroom/capacity to allow for the additional quantum of housing proposed within the catchment of the River Kennet and tributaries by policy MARL1 of the Marlborough NP, as well as the other development supported by the NP; or whether the dwellings allocated in the NP would exceed the quantum of housing/development allowed for by the existing licence(s).
 - Confirmation regarding whether Thames Water's Water Resources Management Plan (WRMP) (this document is discussed further below) has been subject to an updated HRA and whether the development allocated and supported by the NP could be accommodated within the projected increase set out in the WRMP, as well as

confirmation as to whether the projected increase in demand set out in the 2019 WRMP was assessed as compliant with the Habitats Regulations.

- Confirmation regarding whether the development allocated and supported by the NP can be covered by the existing water/groundwater abstraction licence(s) and still be compliant with the HRA which would have been conducted by the EA before issuing of the licence.

- 5.6 If Thames Water confirm that the existing water/groundwater abstraction licence(s) can accommodate the additional quantum of housing allocated by MARL1, as well as the development supported by MARL2 to MARL6, and that the HRA(s) conducted by Thames Water and/or the EA were found to be Habitats Regulations compliant, then it should be possible to screen these policies out and full appropriate assessment would not be required.
- 5.7 It is noted that Thames Water has published its Final WRMP 2019 and Executive Summary (April 2020) since the last update to the HRA of the Wiltshire Core Strategy was prepared. Therefore, as set out above, it will be necessary to establish whether the HRA of the WRMP has been updated by Thames Water and whether the residential development proposed in the Marlborough NP can be accommodated by the existing water/groundwater abstraction licence(s) and still be compliant with the HRA conducted by the EA. It would also be prudent to contact the EA regarding this matter.
- 5.8 If full appropriate assessment proves necessary, a suitably robust mitigation strategy will need to be formulated by the NP Steering Group and submitted to the council for consideration as part of the appropriate assessment. The mitigation strategy would need to demonstrate that development of the allocated sites, and other development supported by the NP, will not result in a significant adverse effect on the Kennet and Lambourn Floodplain SAC. Once completed, the appropriate assessment would be submitted to Natural England for review. If the appropriate assessment is able to conclude that there would be no adverse effects on the integrity of the SAC or its qualifying features, the NP can lawfully be 'made' as it will have been found to be compliant with the Habitats Regulations.

Prepared by Emma Fisher, Ecologist, Wiltshire Council