

**ADDENDUM TO
Burbage Neighbourhood Development Plan
Decision Notice (Proceeding to Referendum)**

Assessment under the Habitats Regulations

Date of Addendum: May 2018

Assessment of Louisa Kilgallen, MCIEEM CEnv, Senior Ecologist, Wiltshire Council

I have reviewed the Habitats Regulation Assessment which was completed in September 2016 for an earlier version of the Burbage Neighbourhood Plan. At that time the plan was screened out in relation to impacts for all European protected sites.

Since then, the Council has been advised that all development within the River Avon catchment has the potential to give rise to adverse effects on the River Avon SAC alone and/or in combination and in order for planning permission to be granted, all residential development should be demonstrated to be 'phosphate neutral'. As Burbage appears to drain to Pewsey Sewage Treatment Works which is in the River Avon catchment, it is likely any development coming forward in the neighbourhood plan area will need to comply with this requirement.

Local authorities in the catchment together with the Environment Agency (EA), Natural England and Wessex Water have prepared a memorandum of undertaking (MoU) which describes how each local authority will ensure that development is phosphate neutral. It commits the parties to delivering phosphate neutral development by:

- Imposing a condition on all planning permissions for new dwellings requiring construction to the Building Regulations optional requirement for a maximum water use of 110 litres per person per day.
- To have an Annex to the R Avon SAC Nutrient Management Plan detailing appropriate offsetting measures within three months of the MoU being signed.
- To use appropriate developer contributions to secure measures identified in Annex 2 sufficient to ensure that all development permitted up to 2025 is phosphate neutral. Thereafter it is expected that Wessex Water will have agreed measures to reduce phosphate as part of its asset management plan for 2025-2030, as water customers, rather than developers, are the more appropriate funders of water treatment in the long term.

The Wiltshire Council Community Infrastructure Levy 123 list expressly includes an item to support the 'Nutrient Management Plan (NMP) – to address the level of phosphate in the River Avon.' Annex 4 to the NMP already provides some estimates of costs for off-setting measures and it is clear that together local planning authorities in the catchment are capable of funding off-setting measures for as long as they are needed. The MoU will list the measures currently under consideration.

On the basis of the advanced stage of the MoU, the Council has been able to conclude that development proposed in the Wiltshire Housing Site Allocations Plan (WHSAP) in combination with the Wiltshire Core Strategy and Army Basing Project will not lead to adverse effects on the SAC. As the Burbage Neighbourhood Plan (NP) is delivering housing

in accordance with the Core Strategy, I conclude that it too would not lead to adverse effects.

While we do not envisage this change in approach to development in the Avon catchment will unduly constrain the Burbage NP, I recommend that in order to provide transparency and consistency, any agreed wording proposed for inclusion in the text of the WHSAP should also be included in the Burbage NP.

The 'HRA and Mitigation Strategy for Salisbury Plain SPA' has recently been reviewed with the consequence that the radius for visitor impacts has been revised to 6.4km from the boundary of the SPA. As Burbage lies well outside this limit, we can continue to conclude there would be no likelihood of significant effects from the NP on this European protected site.