

REVISED BREMHILL PARISH NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Revised Bremhill Parish Neighbourhood Plan March 2023, hereafter referred to as the NP, submitted to Wiltshire Council in March 2023 prior to the Regulation 14 consultation stage.
- 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 (formerly also referred to as Natura 2000 sites and now known as the national site network²) 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 measures³, 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.”*⁴
- 1.4. Where appropriate assessment is undertaken, the competent authority may go on to authorise the plan provided that it will not adversely affect the integrity of any European sites. Where an **adverse effect on the integrity (AEoI)** of any European sites cannot be ruled out, and where there are no alternative solutions, the plan can only be authorised and proceed if there are **imperative reasons of over-riding public interest (IROPI)** and if the necessary compensatory measures can be secured.
- 1.5. Wiltshire Council has conducted the following HRA as competent authority for the Premhill Parish NP. Where risks to European sites are identified, changes are recommended to remove or reduce the risks,

¹ On 1st January 2021 the Conservation of Habitats and Species Regulations 2017 were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change [Changes to the Habitats Regulations 2017 - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/644442/changes-to-the-habitats-regulations-2017.pdf) (www.gov.uk)

² Due to the Conservation of Habitats and Species Regulations 2017 (as amended) being amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 on 1st January 2021.

³ Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

⁴ Commission of the European Communities v UK and NI, opinion of Advocate General Kokott, 9 June 2005, Case C-6/04

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 (NE) 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 presented in subsequent sections.

3. Higher Level HRAs

Wiltshire Core Strategy

- 3.1 The Wiltshire Core Strategy (WCS) HRA (October 2009, February 2012⁵, March 2013⁶, February 2014⁷ and April 2014⁸) 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.
 - *Recreation – European sites within 5km of the plan area, or where the New Forest Special Protection Area (SPA)/Special Area of Conservation (SAC) is within 13.8km (extended to 15km where HRA indicates this is necessary) of the plan area 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):*

⁵ Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

⁶ Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

⁷ Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

⁸ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

- Salisbury Plain SPA / SAC
- River Avon SAC
- New Forest SAC / SPA
- Bath and Bradford on Avon Bats SAC (added post adoption of WCS)
- North Meadow and Clattinger Farm SAC (added post adoption of WCS)
- *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)

Wiltshire Housing Site Allocations Plan

- 3.2 Since the WCS 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 further 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 WHSAP Assessment under the Habitats Regulations (Wiltshire Council, February 2020).
- 3.3 The screening criteria for the adopted WHSAP and final HRA were modified for some European sites from those used for the WCS subsequent to the acquisition of results from new surveys, and in light of advice

from NE. This includes the zone of influence (ZoI) around the Salisbury Plain SPA used to screen for likely significant effects as a result of recreational pressure being revised from 15km to 6.4km on the basis of data obtained by means of visitor surveys.

- 3.4 Furthermore, since the WCS was adopted, NE 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. NE 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. An interim ZoI of 8km for the North Meadow element of the North Meadow and Clattinger Farm SAC is being used by Wiltshire Council as this is consistent with the approach being applied by Swindon Borough Council. The ZoI will be refined once bespoke visitor surveys have been undertaken.
- 3.5 Impacts of development in Wiltshire on the New Forest SPA were considered in the HRA for the South Wiltshire Core Strategy (SWCS) adopted in 2012⁹. The assessment used data from the Tourism South East PROGRESS survey for 2004/05 and census data from 2001 for the former Salisbury District to examine patterns of visitors to the New Forest from across south Wiltshire. That HRA concluded that the development in south Wiltshire would increase visitor pressure by less than 1% and 89% of this would be through additional local day visits from within 8 km of the National Park. The WCS addressed the New Forest's mitigation requirements through Core Policy 50, identifying that a New Forest Mitigation Strategy would be prepared to address recreational impacts. Since the WCS was adopted, the council has joined a partnership of local authorities seeking to develop a strategic approach to address the impacts of recreational pressure on the New Forest SPA. A Government grant through the Planning Delivery Fund enabled visitor surveys to be conducted across the New Forest in 2018/19. This work was recently published, and the Council is now part of a steering group working to agree a common approach to mitigation including the extent of the ZoI and how to fairly reflect different visit rates within it. This evidence has informed the preparation of an Interim Recreation Mitigation Strategy by Wiltshire Council.
- 3.6 The WCS adopted the 8km zone of influence, however, as discussed in the Interim Recreation Mitigation Strategy, from 1st September 2021 this has been revised to 13.8 km. Before this date, the mitigation scheme only applied to permitted dwellings lying within 8km of the New Forest designated sites whereas thereafter the scheme has been extended to apply to new residential and tourism development within 13.8 km of any of the New Forest designated sites and may be extended to include applications within 15km, where demonstrated to be necessary through a bespoke appropriate assessment.
- 3.7 Since the WCS was adopted and on the advice of NE, any plan or project that will lead to development within the catchment of the River Avon SAC must be phosphorous neutral and be subject to appropriate assessment which concludes no adverse effect on the SAC alone or in-combination with other plans or projects in order to be authorised.

Emerging Evidence and Advice from Natural England Subsequent to Adoption of WHSAP

- 3.8 Similarly, it came to light in spring 2020 that any plan or project that will lead to development within the catchment of the River Test must be nitrogen neutral as the Test drains into the Solent and this region is protected by a number of European and international designations including the Solent Maritime SAC, Chichester and Langstone Harbours SPA, Portsmouth Harbour SPA and Solent and Southampton Water SPA and Ramsar site. In 2018 and 2019 NE undertook a number of condition assessments of the features of these designated sites around the Solent. These assessments identified that high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that nitrogen in

⁹ South Wiltshire Proposed Submission Core Strategy HRA Report, Appendix 13. NPA for Wiltshire Council, July 2009

particular is causing eutrophication at the aforementioned designated sites and that the resulting excessive growth of green algae and plants, which reduces oxygen and light levels, is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. These findings were published by NE in June 2020 in *Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*. This advice also stipulates that:

“There is uncertainty as to whether new growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities (LPAs) in association with Natural England, Environment Agency and water companies. This strategic work, which updates early studies, is on-going. Until this work is complete, the uncertainty remains and the potential for future housing developments across the Solent region to exacerbate these impacts creates a risk to their potential future conservation status.

One way to address this uncertainty is for new development to achieve nutrient neutrality. Nutrient neutrality is a means of ensuring that development does not add to existing nutrient burdens and this provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

This report sets out a practical methodology to calculating how nutrient neutrality can be achieved. This methodology is based on best available scientific knowledge, and will be subject to revision as further evidence is obtained. It is our advice to local planning authorities to take a precautionary approach in line with existing legislation and case-law when addressing uncertainty and calculating nutrient budgets.”

- 3.9 In accordance with NE’s advice, any plan or project which will lead to development within the catchment of the River Test cannot be approved unless nitrogen neutrality has been demonstrated via quantitative means, and an appropriate assessment conducted by the competent authority has concluded beyond reasonable scientific doubt that there would be no adverse effects on the integrity of any of the Solent region European sites.
- 3.10 In 2022 the River Lambourn SAC and the Somerset Levels and Moors Ramsar site were identified by NE as being in unfavourable condition due to excessive phosphorus inputs. A very small area of both of these sites are located within Wiltshire. Any overnight accommodation development within the catchment of the SAC or Ramsar site are now required to demonstrate phosphorous neutrality and be subject to an appropriate assessment which concludes no adverse effect on the SAC or Ramsar site alone or in combination with other plans or projects in order to be authorised.

Screening of Premhill Parish NP Area

Recreation

- 3.11 The NP area is located approximately 11km south west at its closest point from the interim 8km Zol around the North Meadow element of the North Meadow and Clattinger Farm SAC, at its closest point, and as such appropriate assessment with respect of this European site can be screened out.
- 3.12 The NP area lies approximately 42.3km north west at its closest point from the 13.8km Zol around the New Forest SPA/SAC, within which the majority of day visitors to the New Forest originate¹⁰. Appropriate assessment with respect to the New Forest SPA/SAC has therefore been screened out.
- 3.13 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 NP area is not located within the catchment of the River

¹⁰ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

Avon SAC and the closest component of the River Avon SAC lies approximately 21.5km south east of the NP area at its closest point and has therefore been screened out of appropriate assessment.

- 3.14 In relation to Salisbury Plain, the SAC habitat features were screened out of appropriate assessment for the WCS on the advice of NE. The Salisbury Plain SPA can also be screened out of appropriate assessment in respect of this NP as the plan area is well beyond the 6.4km Zol 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.

Hydrology / Hydrogeology

- 3.15 In terms of hydrology/hydrogeology, the NP area lies within the Bristol Avon catchment and as such there is no pathway for a likely significant effect on the River Avon SAC as a result of the NP.
- 3.16 No water resource issues have been identified for the Bath and Bradford on Avon Bats SAC which is the only SAC to lie fully within the Bristol Avon catchment. The Bristol Avon is also not identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

Air Pollution / Nitrogen Deposition

- 3.17 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 level¹¹. The Bremhill Parish NP does not allocate any sites for development and all of the European sites listed above are a considerable distance from the NP area; as such it is concluded that the NP will not result in significant effects on European sites as a result of nitrogen or particulate matter deposition.

Physical Damage / Interruption of Flight Lines / Disturbance

- 3.18 The NP area, at its closest point, is located approximately 17.4km from Salisbury Plain SPA and 41.2km from Porton Down SPA. Therefore, it is considered that the plan area is sufficiently distant from the two SPAs and known functionally linked habitat, for any development within the plan area to cause direct physical damage to, or fragmentation of, breeding and foraging habitat for the Annex I species stone-curlew. The plan area is also considered too remote for development within the plan area to result in anthropogenic disturbance or visual stimuli that could have an adverse effect on stone-curlew breeding at either SPA.
- 3.19 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/sever 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 the Chilmark Quarries SAC.

4. Screening of Policies in Bremhill Parish Neighbourhood Plan, March 2023

- 4.1 The Bremhill Parish NP comprises 5 policies; these are detailed and assessed in Table 1 below.
- 4.2 All parts of the NP have been screened for potential impacts which may arise from the plan alone or in combination with other plans and projects. None of the policies allocate sites for development or would lead directly to development, nor would they result in a likely significant effect on any European sites, either alone or in-combination with other plans or projects. This is due to the nature, scope and scale of the proposals set out in the NP, and on account of the distance of the NP area from any European sites and the absence of a potential pathway for effect.

¹¹ Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

- 4.3 Any further drafts of the NP and/or changes made to the NP as a result of the examination in public should be subject to a rescreening assessment before the plan is adopted.

TABLE 1: Habitats Regulations Assessment Screening of the Kington St Michael Neighbourhood Plan

A / B (Green) – Screened out			
C / D (Red) – Screened in			
Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
NP1 General Development Policy 1	B	<p>This policy states that up to 20 homes will be provided in the parish of Bremhill over the plan period. The policy supports the provision of homes for young people, rural workers and those on low incomes to allow them to live and work in the parish.</p> <p>Developments will not be supported if any of the following apply:</p> <ul style="list-style-type: none"> • It has a detrimental effect on the rural character and setting of the landscape. • It would increase the risk of flooding. • It would increase pollution of the water courses. • It would increase environmental pollution in terms of noise, dust and fumes. • It would have a detrimental impact on the rural roads in the parish and be a danger to other road users including pedestrians, cyclists and horse riders. • It has a detrimental impact on wildlife habitat. <p>Developments on greenfield sites will be subject to the above list and one or more of the following purposes will be taken into consideration:</p> <ul style="list-style-type: none"> • Supporting and improving wildlife habitats • Providing or improving a recreational facility appropriate to the countryside • Developing or extending a viable agricultural business • Enabling farm diversification using the existing farm buildings • Supporting cultural or tourism opportunities <p>Conversion of existing farm buildings, where conversion is possible without major rebuilding or structural works, are supported by this policy.</p> <p>The policy goes on to list the Bremhill Neighbourhood Plan Design Statement Policies that will guide development within the parish.</p>	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>This policy will not itself lead to development however it does support development of up to 20 dwellings within the NP area. The policy will not give rise to likely significant effects on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>NP2 Bremhill Parish Landscape Policy 2</p>	<p>A2 and A3</p>	<p>This policy seeks to restrict development in the open countryside between Bremhill village and the parish boundary to the south and east. The only exceptions would be existing buildings within the policy context of Core Policy 48. This will maintain visual separation between and prevent coalescence of Bremhill Conservation Area and Calne. The valued landscape in this area will also be maintained.</p> <p>The policy goes on to state that all archaeological sites in the parish will be protected with no development within 200m.</p> <p>This policy will not lead to development or give rise to likely significant effects on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>NP3 North of the North Rivers Cycle Route Landscape Policy 3</p>	<p>A2 and A3</p>	<p>This policy seeks to protect the River Marden Valley which is a valued unspoilt resource for the people of Bremhill Parish, Chippenham, Calne and beyond. Development between the North Rivers Cycle Route and the Tytherton Lucas Conservation Area unless the development is permitted by the exceptions policies in the Core Strategy or other policies in the NP. This will allow users of the cycle route to enjoy uninterrupted views, will maintain the unspoilt nature of the River Marden valley and will maintain the visual separation between Tytherton Lucas and Chippenham.</p> <p>This policy will not lead to development or give rise to likely significant effects on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>NP4 Green Blue Infrastructure Policy 4</p>	<p>A2 and A3</p>	<p>This policy seeks to protect and improve the Green and Blue Infrastructure within the parish. The policy sets out a strong presumption against any major development which erodes the already fragile wildlife habitats and that developments should protect and enhance landscape resources, woodlands, hedgerows, ponds, lakes, rivers, streams and ditches. The policy sets out that this will include wildlife protection and recovery corridors of 200m either side of the Rivers Avon and Marden and 50m either side of other key watercourses.</p>	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>The policy goes on to state that the NP will support a local nature recovery strategy to complement and connect the Parish’s best wildlife sites, providing species conservation and reintroduction. The policy lists the actions it will take to achieve this and those actions it will support.</p> <p>This policy will not lead to development or give rise to likely significant effects on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>NP5 Lodwicks Designated Green Space Policy 5</p>	<p>A2 and A3</p>	<p>This policy designates the Land at Lodowicks, Bremhill Village, as a Local Green Space for the benefit of the community.</p> <p>The plan showing the location of this site has not been provided with the revised NP however, this policy will not lead to development or give rise to likely significant effects on any European sites. Developments will be considered at the planning application stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	

5. Conclusion

- 5.1 The HRA screening exercise presented in this document has concluded that the current draft of the Bremhill Parish NP (March 2023) will not result in a likely significant effect on any European sites or their qualifying features either alone or in-combination with other plans and projects. Therefore, it has not been necessary to subject the NP to an appropriate assessment under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.
- 5.2 It should be noted that if any changes are made to the NP or the policies contained therein, it will be necessary for the amended NP to be subject to a repeat HRA screening exercise before it can be 'made'.

Prepared by [REDACTED] Ecologist, Wiltshire Council, 12 April 2023
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