

KINGTON ST MICHAEL NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Kington St Michael Neighbourhood Plan 2023-2038 Draft Document for SEA/HRA Screening, February 2023, hereafter referred to as the NP, submitted to Wiltshire Council in February 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 Kington St Michael 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 \(www.gov.uk\)](https://www.gov.uk/government/news/changes-to-the-habitats-regulations-2017)

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

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- 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

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from NE. This includes the zone of influence (Zol) 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 Zol 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 Zol 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 Zol 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

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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 Kington St Michael NP Area

Recreation

- 3.11 The NP area is located approximately 15.4km south west at its closest point from the interim 8km ZOI 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 63.5km north west from the New Forest SPA/SAC at its closest point and is therefore a substantial distance beyond the 13.8km ZOI around the 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 29.5km 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 Kington St Michael 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 24.1km from Salisbury Plain SPA and 48.7km 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 Kington St Michael Neighbourhood Plan 2023-2038 (Draft Document for SEA/HRA Screening, February 2023)

- 4.1 The Kington St Michael NP comprises 14 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

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

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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.

- 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
Draft Policy KSM1: Protecting Kington St Michael’s Community Facilities	A1	<p>This policy seeks to safeguard existing community facilities against proposals that would result in their loss. Proposals resulting in the loss of community facilities will only be supported where:</p> <ul style="list-style-type: none"> • <i>it can be demonstrated that it would not be economically viable, feasible or practicable to retain the building or site for use as a community facility, or</i> • <i>adequate alternative provision exists within walking distance or will be provided in an equally accessible location including by walking and cycling, within the catchment area of the facility.</i> <p>This policy seeks to safeguard existing community facilities and only supports proposals resulting in the loss of community facilities where the criteria in the policy are met. This policy will not itself 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>	
Draft Policy KSM2: Protecting Local Employment	A1	<p>This policy supports the change of use of existing premises from employment uses where it can be demonstrated that the existing use is no longer viable, i.e that the premises has been marketed for the current or other suitable employment or service trade use for at least one year.</p> <p>This policy seeks to retain existing employment with the parish. It 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>	
Draft Policy KSM3: Supporting Working from Home	A1	<p>This policy supports the proposals for small scale proportionate residential extension or modest conversions of existing buildings in gardens of residential properties to facilitate working from home.</p> <p>The policy requires proposals to clearly demonstrate that the work area for its occupants:</p> <ol style="list-style-type: none"> a. <i>is ancillary to the primary residential use</i> b. <i>does not have an unacceptable impact on the amenities of residential properties in the immediate locality</i> 	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p><i>c. incorporates measures to mitigate the impact of traffic generation (particularly along the main road), noise, light and odours.</i></p> <p>The policy goes on to state that measures to improve internet efficiency and mobile phone connectivity will be supported.</p> <p>This policy seeks to increase opportunities for residents to work from home or within the parish. The policy will not itself 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>	
Draft Policy KSM4: Getting Around and Active Travel	A1	<p>This policy seeks to ensure that all developments within the NP area are planned in line with the Sustainable Transport Hierarchy. Applications adjacent to public rights of way should provide links to those routes. Developments along the main road within the village will only be supported where they contribute to the implementation of improved pedestrian and cycle environments along the main road. Major developments would be required to provide an effective Travel Plan delivering safe and sustainable options for all people.</p> <p>This policy seeks to improve sustainable transport and improve the active travel network within the village. This policy will not itself 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>	
Draft Policy KSM5: Locally Valued Key Views	A1 / A2	<p>This policy seeks to protect locally valued key views by ensuring that new developments assess the impact on the key views and demonstrate how any adverse effects have been addressed.</p> <p>This policy seeks to protect locally valued key views and 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>	
Draft Policy KSM6: Local Green Space Designations	A2 / A3	<p>This policy lists and designates 8 areas within the NP area as Local Green Spaces. These spaces are to be protected from built development except in exceptional circumstances and where the proposals enhance the existing use of the space.</p> <p>This policy designates green spaces and protects them except in exceptional circumstances. This policy will not itself lead to development or give rise to likely significant effects on any</p>	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		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.	
Draft Policy KSM7: Green and Blue Infrastructure, Natural Environment and Resources	A1 / A2 / A3	<p>This policy requires all new developments to have a positive impact on the Parish’s existing Green and Blue Infrastructure (GBI) network, its natural environment and resources through high quality design. Developments must provide for the protection, enhancement and maintenance of the natural environment by:</p> <ul style="list-style-type: none"> • Contributing towards the protection, management, enhancement and connectivity of Kington St Michael’s existing GBI network; • Identifying the existing GBI within and around the site, and demonstrating how GBI has been incorporated into the proposal; • Protecting existing trees, woodland and hedgerows and avoiding removal wherever possible. New tree planting, with the aim of increasing overall Tree Canopy coverage in Kington St Michael, and in line with paragraph 131 of the National Planning Policy Framework (NPPF 2021) will be supported. <p>The policy goes on to state that developments will be supported if they are accredited as meeting Building with Nature standards.</p> <p>This policy seeks to protect, enhance and maintain the GBI, natural environment and resources within the NP area and 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>	
Draft Policy KSM8: Biodiversity	A1 / A2 / A3	<p>This policy seeks to ensure that developments do not result in a net loss of biodiversity and deliver at least 10% biodiversity net gain through enhancement and creation of ecological networks by:</p> <ul style="list-style-type: none"> • <i>retaining features of biodiversity value, including but not limited to those shown on Figure 7, including mature trees, species rich hedgerows, ponds, streams and existing areas of woodland.</i> • <i>providing new tree planting, wildlife friendly landscaping and ecological enhancements (such as wildlife ponds, bird and bat boxes) wherever practicable.</i> • <i>creating new biodiversity features both within the landscape and within the building design (such as green roofs, bat and swift bricks); and</i> 	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<ul style="list-style-type: none"> <i>maximising opportunities to enhance and create links between ecological networks and habitat areas. Links should be created both on-site and, where possible, with nearby features.</i> <p>The policy goes on to state that off-site compensation to ensure no net loss of biodiversity will be provided only in exceptional circumstances where the need for the development outweighs the need to protect the value of the site and it has demonstrated that impacts cannot be avoided, mitigated or compensated for on-site. Off-site compensation is to be calculated in accordance with nationally or locally recognized guidance and metrics, should not replace existing alternative habitats and should be provided before development.</p> <p>This policy seeks to ensure that all developments should result in no net loss and should provide at least 10% biodiversity net gain. This 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>	
Draft Policy KSM9: Natural Flood Management	A2 / A3	<p>This policy seeks to ensure that developments in areas of known surface water flooding issues include appropriate mitigation and construction methods, including where appropriate contributions towards wider catchment projects. The policy goes on to require, where appropriate, sustainable drainage systems as part of the Natural Flood Management approach and wider Green Infrastructure networking.</p> <p>This policy seeks to reduce the risk of flooding from developments and to encourage natural flood management and 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>	
Draft Policy KSM10: Local Renewable and Low Carbon Energy Generation	A2 / A3	<p>This policy supports the development of decentralised renewable and low carbon energy schemes where their impact is or can be made acceptable. The policy goes on to set out the following issues which will be considered in the determination of relevant planning applications:</p> <ul style="list-style-type: none"> <i>the contribution of the proposals, in light of Wiltshire Council's resolution to seek to make the county carbon neutral by 2030, to cutting greenhouse gas emissions and decarbonising our energy system; and</i> <i>the impact of the scheme, together with any cumulative issues, on landscape character, visual amenity, water quality and flood risk, heritage significance, local character and</i> 	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p><i>distinctiveness (as identified in the Kington St Michael Community Design Statement), recreation, biodiversity and, where appropriate, agricultural land use, aviation and telecommunications; and</i></p> <ul style="list-style-type: none"> <i>the impact on users and residents of the local area, including where relevant, shadow flicker, glint and glare, air quality, vibration and noise, including during the construction period.</i> <p>This policy supports renewable and low carbon energy generation schemes where they do not adversely impact the local environment and 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>	
Draft Policy KSM11: Locally Distinctive, High Quality Design	A1	<p>This policy seeks to ensure the development of high quality buildings and places. Developments should respond positively to the National Model Design Code and the Kington St Michael Community Design Statement.</p> <p>This policy seeks to ensure a high quality of design for new developments. This 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>	
Draft Policy KSM12: Sustainable Design, Construction and Retrofitting	A2 / A3	<p>This policy seeks to reduce carbon emissions and energy demand from new developments and supports high standards of sustainable design and construction. New build and refurbishment of existing homes should seek to meet energy use targets in the Net Zero Carbon Toolkit (2021). Innovative approaches to the construction of low carbon homes, such as Passivhaus, are encouraged by this policy.</p> <p>The policy goes on to state that the sensitive retrofitting of energy efficiency measure and the appropriate use of micro-renewables will be supported and that retrofitting should incorporate methods and reach targets from the LETI Climate Emergency Retrofit Guide, where feasible.</p> <p>This policy seeks to reduce carbon emissions and energy demand and supports sensitive retrofitting of existing homes. This 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>	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
Draft Policy KSM13: Local Heritage	A2 / A3	<p><u>Kington St Michael Conservation Area:</u> This policy requires proposals within or within the setting of the conservation area to demonstrate how they preserve or enhance the characteristics and special qualities of the conservation area.</p> <p><u>Locally Valued Non-designated Heritage Assets:</u> This policy requires development proposals that affect Locally Valued Non-designated Heritage Assets to take into account their character, context and setting, including important views towards and from the asset. Proposals are required to demonstrate that consideration has been given to:</p> <ul style="list-style-type: none"> • <i>the significance of the heritage asset;</i> • <i>its most distinctive and important features;</i> • <i>the elements of its setting and immediate surrounds that contribute to its significance; and,</i> • <i>the contribution the asset and its setting makes to the character of the local area (whether in the Conservation Area or not).</i> <p>This policy seeks to protect local heritage and 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>	
Draft Policy KSM14: Protecting the Open Countryside	A1 / A2 / A3	<p>This policy supports proposals within the settlement boundary for residential development and or new services and facilities and or improved local employment opportunities where they contribute to the continued and sustainable growth of the village. The policy goes on to list several criteria which must be met, for example being in accordance with WCS Core Policy 2 and is the re-use of brownfield land.</p> <p>This policy stipulates that development in the open countryside will only be permitted where it is to be delivered as a rural exception site in line with WCS Core Policy 44 or is the re-use of Brownfield land.</p> <p>The policy requires that any development outside of the settlement boundary maintains the visual separation between Kington St Michael and Chippenham and protects or enhances the landscape character.</p>	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>This policy supports development within the settlement boundary and within the open countryside where certain criteria are met. The policy also aims to ensure the visual separation between Kington St Michael and Chippenham is maintained. 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, Draft Policy KSM12, 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 Kington St Michael NP (dated February 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'.

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