

# **Semington Neighbourhood Plan**

## **Basic Conditions Statement**

July 2024

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## A. Introduction

**A1.1.** This Basic Conditions Statement sits alongside the Semington Neighbourhood Development Plan which was approved for submission to Wiltshire Council by the Parish Council in June 2024.

**A1.2.** The Neighbourhood Development Plan has been produced by Semington Neighbourhood Plan as the “qualifying body” with overall responsibility for the preparation, consultation and submission of the Neighbourhood Development Plan. The development of the plan and management of the process has been led by a Steering Group comprised of members of the community and Parish Councillors.

**A1.3.** This Basic Conditions Statement is required under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012 (as amended) (‘the Regulations’). Regulation 15 requires a Neighbourhood Development Plan to be submitted with a statement explaining how the proposed Neighbourhood Development Plan meets the requirements of paragraph 8(2) of Schedule 4B of the Town and Country Planning Act 1990 (as amended by the Localism Act 2011)<sup>1</sup>.

**A1.4.** To comply with the requirements of Regulation 15 (1) of the Neighbourhood Planning (General) Regulations 2012, and to provide sufficient material to help demonstrate that the Basic Conditions have been met, the following documents have been submitted to the local authority:

- The Neighbourhood Development Plan (which includes a map and statement which identifies the area to which our plan relates);
- The Consultation Statement;
- This Basic Conditions Statement; and,
- The screening reports (appended to this document), produced by the local planning authority, concluded that a Habitats Regulation Assessment (HRA), and therefore a Strategic Environmental Assessment (SEA) were necessary. The SEA is submitted together with the Neighbourhood Plan as a separate document.

**A1.5.** The Neighbourhood Development Plan includes appendices, reports and topic papers which elaborate and support our policy justification and content. All evidence base documents are available to view on the Neighbourhood Development Plan webpages here - <https://www.semington.org.uk/neighbourhood-plan/>

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<sup>1</sup> See <http://www.legislation.gov.uk/ukpga/2011/20/schedule/10/enacted> They are also set out in the National Planning Practice Guidance at <http://planningguidance.planningportal.gov.uk/blog/guidance/neighbourhood-planning/the-basic-conditions-that-a-draft-neighbourhood-plan-or-order-must-meet-if-it-is-to-proceed-to-referendum/>

## **B. Legislative Requirements**

*This part of the Basic Conditions Statement confirms that in the view of Semington Parish Council, the Semington Neighbourhood Plan complies with the requirements of the basic conditions set out in paragraph 8 of Schedule 4B of Town and Country Planning Act 1990 (as amended). These requirements are set out below.*

### **The plan is being submitted by a qualifying body**

- B1.1.** A “qualifying body” is defined by Section 38A(12) of the Town and Country Planning Act 1990 as amended by Schedule 9 of the Localism Act 2011 as “a parish council, or an organisation or body designated as a neighbourhood forum, authorised for the purposes of a neighbourhood development plan to act in relation to a neighbourhood area...”.
- B1.2.** The Semington Neighbourhood Development Plan has been prepared by Semington Parish Council as the “qualifying body” for the purposes of Neighbourhood Planning.

### **The Neighbourhood Development Plan relates to the use and development of land.**

- B1.3.** The Semington Neighbourhood Development Plan relates to planning matters (the use and development of land) and has been prepared in accordance with the statutory requirements and processes set out in the Town and Country Planning Act 1990 (as amended by the Localism Act 2011) and the Neighbourhood Planning Regulations 2012 (as amended) and the Neighbourhood Planning Act 2017.
- B1.4.** A positive future vision for the Neighbourhood Plan area has been developed through consultation, together with research and local evidence gathering. The consultation has provided local people with the opportunity to engage with the process of reviewing the Plan, from its inception through to the drafting of the policies and Plan itself. The planning policies are drafted in a way which provides positive, and locally responsive criteria to proactively inform decisions taken by Wiltshire Council on planning applications.

### **The proposed Neighbourhood Development Plan states the period for which it is to have effect.**

- B1.5.** The Semington Neighbourhood Plan specifies the time period for which it is to have effect as 2023-2038. The end date 2038 is aligned with the forthcoming Local Plan period.

### **The policies do not relate to excluded development**

- B1.6.** The Semington Neighbourhood Plan proposals do not deal with county matters (mineral extraction and waste development), nationally significant infrastructure or any other matters set out in Section 61K of the Town and Country Planning Act 1990.

**The proposed neighbourhood plan does not relate to more than one neighbourhood area and there are no other neighbourhood development plans in place within the neighbourhood area.**

- B1.7. The Semington Neighbourhood Plan proposals relate to the designated Neighbourhood Area and to no other area. There are no other neighbourhood plans relating to this neighbourhood area.
- B1.8. The Semington Neighbourhood Area was designated on 15<sup>th</sup> September 2021. The area of the Neighbourhood Plan is based upon Parish area.
- B1.9. The Neighbourhood Area boundary is shown in **Appendix 1 to this Statement** and within the Semington Neighbourhood Development Plan, as figure 1.

## C. Basic Conditions

*This part of the Basic Conditions Statement confirms that in the view of Semington Parish Council, the Semington Neighbourhood Development Plan meets all of the basic conditions required for a Neighbourhood Plan.*

### **C1 Have regard to national policy and advice contained in guidance issues by the Secretary of State**

C1.1. The Semington Neighbourhood Plan is considered to meet the requirements and objectives of the National Planning Policy Framework (NPPF), has had regard to national policy and advice and, in alignment with paragraph 15 in the NPPF is a “succinct and up-to-date” Plan which provides “...a positive vision for the future of...[our]...area; a framework for addressing housing needs and other economic, social and environmental priorities; and a platform for local people to shape their surroundings.”

C1.2. The National Planning Policy Framework (Revised Version December 2023)<sup>2</sup> sets out the planning policies for England, together with the National Planning Practice Guidance (NPPG)<sup>3</sup>. Table 1 below briefly summarises how the national policies and guidance have been taken into account for each planning policy in the Semington Neighbourhood Plan.

C1.3.

**Table 1: General conformity of NDP Policies with National Planning Policy Framework (December 2023) and guidance**

How the Neighbourhood Plan has had regard to the National Planning Policy Framework and guidance		
Planning Policy Title	Key National Policies Paragraph references	Commentary
POLICY 1: Bath and Bradford on Avon Bats SAC.	NPPF: 180, 181, 185, 187, 188	Policy 1 is drafted in response to recommendations in the Habitats Regulations Assessment and the Appropriate Assessment with the objective or conserving and enhancing the natural environment and protecting and enhancing biodiversity and geodiversity,

<sup>2</sup>[https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF\\_December\\_2023.pdf](https://assets.publishing.service.gov.uk/media/65a11af7e8f5ec000f1f8c46/NPPF_December_2023.pdf)

<sup>3</sup><https://www.gov.uk/government/collections/planning-practice-guidance>

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POLICY 2: Support for Rural Businesses and Workspace	NPPF: 85, 88, 89	The policy recognises the positive contribution to quality of life that rural businesses play. The SNP promotes a prosperous and sustainable rural economy consistent with paragraph 88.
POLICY 3: Communications Infrastructure	NPPF: 114	This policy is consistent with paragraph 114, recognising the importance of effective communications infrastructure.
POLICY 4: Local Green Space Designation	NPPF: 8(b), 105, 106, 107	The proposed Local Green Space designations are all in reasonable proximity to the community they serve, local in character and not an extensive tract of land, and demonstrably special to the local community and hold a particular local significance as evidenced in the Local Green Space Report.
POLICY 5: Public Rights of Way and Cycle Network	NPPF: 96(c), 108(e)	This policy is consistent with the aims of supporting healthy lifestyles and well-being needs (para 96.c) and promotes sustainable transport in line with chapter 9 of the NPPF
POLICY 6: Green Blue Infrastructure and Nature Recovery	NPPF: 96(c), 124, 158, 180, 181, 185(a)	<p>Map 8 accompanies this policy, mapping the wildlife-rich GBI network in the Neighbourhood Area (para. 185.a), including strategic green corridors and locally identified neighbourhood green corridors. The multi-functional Green and Blue Infrastructure (GBI), provides for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production (para. 124.b) and also enables and supports healthy lifestyles (para. 96.c).</p> <p>The policy aims to protect and enhance the area’s GBI network, recognising its important role in contributing positively to the causes and effects of the climate crisis; shaping development to avoid increased vulnerability to the impacts arising from climate change and flood risk (para. 158).</p>
POLICY 7: Protecting Semington’s Actively Rural Landscape	NPPF: 135(c), 180 (a/b)	<p>By identifying landscape qualities of local importance, this policy aims to ensure that developments are sympathetic to locally valued landscape, and the ‘actively rural’ landscape (paragraph 135) with varying levels of sensitivity that must inform development proposals.</p> <p>This policy also seeks to protect important views and vistas both within the developed area and the wider landscape. This helps to achieve well designed places consistent with NPPF para. 130 while also</p>

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		serving to protect valued landscapes (paragraph 180).
POLICY 8: Design and Local Distinctiveness	NPPF: 132, 196(c)	‘Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development’ (paragraph 132). More generally, the policy links to the Character Statement as part of the evidence base to the Neighbourhood Plan which identifies the key attributes of the village, including local heritage assets with the aim of ‘new development making a positive contribution to local character and distinctiveness’ (paragraph 196.c)
POLICY 9: Pre-application Community Engagement	39, 40, 41, 137 National Design Guide National Model Design Code Planning Practice Guidance Note Design: Process and tools	<p>Pre-application engagement and front-loading is identified as having significant potential to improve efficiency and effectiveness of the planning application system for all parties (paragraph 39). The NPPF encourages any applicants who are not already required to do so by law to engage with the local community... before submitting their applications.’ (paragraph 40). The policy seeks to enable local delivery of early and effective pre-application engagement between developers, communities, and other relevant stakeholders, and puts in place a coherent and consistent approach, in the form of the Parish pre-application protocol to do that.</p> <p>It also enables design quality to be considered at the earliest stages and to enable the demonstration of early, proactive and effective engagement with the community (paragraph 137).</p> <p>The National Design Guide and Model Design Code together with the Planning Practice Guidance on Design (updated 2019) also emphasise the importance of community engagement: “Communities can effectively shape both design policies and development through a collaborative process of meaningful participation. Early engagement and linking engagement activities to key stages of 7 design decision making and plan-making can empower people to inform the vision, design policies and the design of schemes.” (PPG Design: Process and tools. Paragraph:019 Reference ID: 26-019-20191001).</p>

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<p>POLICY 10: Land to the west of Turnpike Close (the Auction Field)</p>	<p>15, 28, 31, 37, 71, 131, 132, 133</p>	<p>This policy has been drafted with the aim of delivering genuinely plan-led development, providing a positive vision for the parish and addressing other economic, social priorities enabling local people to shape their surroundings (paragraph 15). The policy is a non-strategic (paragraph 28) site allocation policy which designates a suitable, deliverable and viable small / medium sized site (paragraph 71) for development of housing and associated community benefits. The policy does not undermine the development strategy for housing development as set out in the Local Plan, but instead contributes to housing delivery, whilst bringing local benefits.</p> <p>The site assessment process (set out in detail in the separate Site Options and Assessment Report) has analysed site constraints and relevant and up-to-date evidence (paragraph 31). Basic Conditions and legal requirements have been met, which included a Strategic Environmental Assessment that has been synchronised with the site assessment process (paragraphs 32 / 37).</p> <p>The aim also is that the policy will enable the development of high quality, sustainable buildings and place through clarity in design expectations (paragraph 131). The policy, and accompanying master plan identifies key development and design principles that are required to be addressed in subsequent planning applications if those proposals are to be in conformity with the development plan and acceptable to the community (paragraphs 131 / 132 / 133).</p>
<p>POLICY 11: Community Facilities</p>	<p>NPPF: 92</p>	<p>This policy seeks to protect social, recreational and cultural facilities across the parish whilst supporting improvement or creation of new facilities consistent with paragraph 92.</p>
<p>POLICY 12: Sustainable Construction</p>	<p>NPPF: 157, 158, 159</p>	<p>This policy is a local response to a global challenge, which is an important issue to the local community. It sets out a clear set of criteria that supports the transition to a low carbon future in a changing climate (paragraph 157). It takes a proactive approach to mitigating and adapting to climate change (paragraph 158) and seeks for development to be planned and delivered in ways that avoid</p>

		increased vulnerability to impacts from climate change and to reduce greenhouse gases.
POLICY 13: Standalone Renewable Energy Generation	NPPF: 157, 158, 159	Policy 1 supports the incorporation of local generation of renewable energy into development. This aligns with criteria set out in NPPF paragraphs 157,158 and 159 to shape places that plan for climate change in ways that reduce greenhouse gas emissions.

## **C2 Contributes to the achievement of sustainable development**

C2.1 The below approach follows the format employed by Broughton Astley Parish Council in their Basic Conditions Statement, as referenced in Planning Aid Good Practice Guidance.

C2.2 The key ways that the Semington Neighbourhood Development Plan will help to contribute to meeting the objectives of sustainable development are detailed below:

- The Neighbourhood Plan contains policies which relate to the environmental, social and economic aspects of the Parish (Policies: ALL)
- The Neighbourhood Plan seeks to set out a coherent local strategy for the development of Semington Parish: considering housing, employment, recreation, and community facilities. [Policies: Policies 2 / 3 / 4 /5/ 11]
- The Neighbourhood Plan supports the protection and enhancement of environmental and historic assets. [Policies 1 / 4 / 6 / 7 / 8 / 10]
- The Neighbourhood Plan supports the protection and enhancement of local facilities and infrastructure. [Policies 2 / 3 / 4/ 8 / 11]
- The Neighbourhood Plan is positive and proactive. It seeks to shape and direct housing, employment and retail development to the most appropriate locations in line with national policy considerations. [Policies 2 / 3 / 7 / 8 / 10].

## **C3 Be in general conformity with strategic policies in the Local Plan**

C3.1 The local policy which applies to the Semington Neighbourhood Development Plan Area can be found in the following key policy documents:

- Wiltshire Core Strategy (adopted 2015)
- Saved policies from the West Wiltshire District Plan 1<sup>st</sup> Alteration (adopted 2004)
- The Wiltshire Housing Sites Allocations Plan (adopted 2020)
- Various minerals and waste documents prepared for Wiltshire County and Swindon Borough.
- Wiltshire Local Plan Review (Draft Version, Regulation 19)

C3.2 As the Core Strategy, saved policies from the West Wiltshire District Plan 1<sup>st</sup> Alteration and Wiltshire Housing Sites Allocations Plan are strategic in nature, general conformity will be considered against these documents.

C3.2 The Neighbourhood Development Plan covers the period 2020 - 2038 and is being prepared alongside the review of the Wiltshire Core Strategy (known as the Wiltshire Local Plan Review (LPR)), which plans ahead to 2038. It therefore takes into consideration both the adopted WCS and emerging LPR. While the Semington Neighbourhood is not tested against the policies in an emerging Local Plan, the reasoning and evidence informing the local plan process is likely to be relevant to the consideration of the basic considerations against which a neighbourhood plan is tested. Therefore, reference is made within Table 3 to the emerging draft policies

C3.3 The qualifying bodies consider that Semington Neighbourhood Development Plan is in general conformity with the adopted Wiltshire Local Plan. This is outlined in **Table 3** below.

**Table 3 – NDP Policies General conformity with the Wiltshire Core Strategy (CP) 2015 (including saved policies of the Saved policies from the West Wiltshire Local Plan (WW) 2004 / Wiltshire Local Plan Review (LPR) 2023**

<b>Planning Policy</b>	<b>Most relevant policies from Local Plan</b>	<b>Commentary</b>
POLICY 1: Bath and Bradford on Avon Bats SAC	CP50  LPR 88	This reflects requirements in CP50 for the need to protect features of conservation value, and securing the integrity of local ecological networks, notably the site of European importance, the Bath and Bradford Bats Special Area of Conservation (SAC),
POLICY 2: Support for Rural Businesses and Workspace	CP35 CP36 CP48  LPR 64 LPR 65	In line with Core Policies 35 and 36 and supported by research and consultation when preparing the Neighbourhood Plan, this policy sets out local criteria for the support of rural businesses and workspaces to support local economic activity and rural life (CP48).
POLICY 3: Communications Infrastructure	CP48 Saved WW policy U6 Telecommunications LPR 4	This adds local detail to Core Policy 48 in supporting resilient rural communities. The policy also helps to achieve the goals of CP60, and the forthcoming Local Plan Policy 4 (addressing climate change) by reducing the need to use private cars by reducing the need for commuting.
POLICY 4: Local Green Space Designation	CP 49 CP 52  Saved WW policy LP1 Protection	This policy identifies and designates green spaces of particular importance to the local community (CP49), which play important roles as part of the green infrastructure (CP52) network in the Parish,

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	<p>and enhancement of existing open space or sport and recreation provision</p> <p>LPR 83 LPR 84 LPR 93</p>	<p>as well as open space for recreation and well-being.</p>
<p>POLICY 5: Public Rights of Way and Cycle Network</p>	<p>CP52 CP60</p> <p>LPR70 LPR83</p>	<p>The policy aims to increase permeability of developments and integration with the wider Green Infrastructure (CP52) and active travel network, reducing the need for car journeys in line with CP60.</p>
<p>POLICY 6: Green Blue Infrastructure and Nature Recovery</p>	<p>CP 50 CP 52 Saved WW policy WR1 Kennet and Avon Canal</p> <p>LPR70 LPR 84 LPR 93</p> <p>Green and Blue Infrastructure Strategy for Wiltshire, 2022</p>	<p>The policy is accompanied by two mapping diagrams which identify key green infrastructure assets and priorities in the Neighbourhood Area, encouraging development proposals to incorporate measures to protect, manage and enhance the green and blue infrastructure network relating directly to policy CP52 (Green Infrastructure), but also to CP50 (Biodiversity and Geodiversity).</p> <p>It contributes to the shared GBI goals in the Green and Blue Infrastructure Strategy.</p>
<p>POLICY 7: Protecting Semington's Actively Rural Landscape</p>	<p>CP 51 CP 57 Saved WW policy WR1 Kennet and Avon Canal</p> <p>LPR91, LPR98, LPR94</p> <p>Wiltshire Design Guide SPD, 2024</p>	<p>Policy NE5 expects development to protect, conserve and where possible enhance the distinct landscape character of the Neighbourhood Area in line with CP51 (Landscape) and adds local detail specific to landscape sensitivities in the plan area.</p> <p>Locally valued views are also identified with the aim of informing development proposals to take account of important views and visual amenity. This informs and enables the delivery of the goals of CP57 (High Quality Design and Place Shaping).</p>
<p>POLICY 8: Design and Local Distinctiveness</p>	<p>CP 51 CP 57 CP58</p>	<p>BE1 provides a locally specific layer of policy, drawing attention to design considerations which are of particular importance in the area, signposting and linking to detail set out in the</p>

	<p>NW C3</p> <p>LPR98 LPR99</p> <p>Wiltshire Design Guide SPD, 2024</p>	<p>Semington Parish Character and Design Statement. This aligns with CP57 (Ensuring High Quality Design and Place Shaping) directly and is encouraged in Core Strategy paragraph 6.132).</p> <p>As set out in the Wiltshire Design Guide SPD (adopted February 2024) Neighbourhood Plans can include an extra tier of design guidance and define the identity of their community and character of the area. The SPD is clear that Neighbourhood Plans can provide further guidance on local character and design guidance.</p> <p>This policy also includes identified locally valued non-designated heritage assets, as outlined in para. 6.136 of the Core Strategy. The policy sets out criteria that any development that would affect the identified non-designated heritage assets would need to meet, giving local detail to how the aim of policy CP58 (and LPR 99 – Ensuring the Conservation and enhancement of the historic environment), ‘development should protect, conserve and where possible enhance the historic environment’, should be met. Policy CP58 also recognises the value of non-designated heritage assets in contributing to a sense of local character and identity.</p>
<p>POLICY 9: Pre-application Community Engagement</p>	<p>CP57</p> <p>LPR98</p> <p>Spatial Vision for Wiltshire,</p> <p>Wiltshire Council Statement of Community Involvement</p>	<p>The policy seeks to encourage and enable early positive and proactive engagement between applicants and the community, reflecting Wiltshire’s vision for partnership working in the Spatial Vision and links directly to the delivery of CP57 (Ensuring High Quality Design and Place Shaping) and the updated version of this policy in the Local Plan review (LPR88).</p> <p>This policy links to the Community Engagement Protocol, which forms Appendix 1 to the Plan. It enables pre-application discussions between applicants and the community, reflecting Wiltshire’s encouragement of this in para 8.13 specifically.</p>

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<p>POLICY 10: Land to the west of Turnpike Close (the Auction Field)</p>	<p>CP1, CP2, CP41, CP50, CP51, CP52, CP45, CP57,  LPR1, LPR2, LPR78, LPR81, LPR85, LPR88, LPR89, LPR91,</p>	<p>The policy is a site allocation of land for housing.</p> <p>It contains criteria for the development to ensure appropriate and proportionate care is given to relevant environmental, social and economic issues with the overall aim of achieving high quality design and place shaping, together with the delivery of a shop to add to the sustainability of the parish in line with relevant policies in the Core Strategy.</p>
<p>POLICY 11: Community Facilities</p>	<p>CP49  Saved WW policy S2 Primary Schools</p>	<p>The policy reinforces CP49 (Protection of rural services and community facilities) through the identification of the local facilities in the Neighbourhood Area that are to be protected.</p>
<p>POLICY 12: Sustainable Construction</p>	<p>CP 41  LPR 85</p>	<p>The Wiltshire Core Strategy policy, CP41 (Sustainable Construction and Low Carbon Energy) is now significantly out of date and does not align with national policy/guidance on net zero carbon. Some aspects of CP41, such as reference to the Code for Sustainable Homes, has been withdrawn.</p> <p>CP41 requires submission of a Sustainable Energy Strategy for major development, outlining the low carbon strategy for the proposal. Policy C2 requires that all new development proposals should be submitted with a proportionate Sustainable Energy Strategy that sets out a low-carbon approach as suggested by Wiltshire Council as part of their Regulation 14 consultation response. This policy has been drafted with significant input from Wiltshire Council.</p>
<p>POLICY 13: Standalone Renewable Energy Generation</p>	<p>CP 42  LPR 86</p>	<p>The policy supports proposals for local renewable and low carbon energy projects, in line with policy CP42 (Standalone Renewable Energy Installations). It adds detail to policy CP42 by outlining criteria for how this would be acceptable to the local community who were clear in their support for this policy.</p>

## C4 Compatibility with Retained European Union Obligations

### Environmental Impact and Habitat Regulations

- C4.1. Schedule 2(1) of The Neighbourhood Planning (General) Regulations 2012 (as amended) states that in relation to the examination of Neighbourhood Development Plans the following basic condition is prescribed for paragraph 8(2) of Schedule 4B to the Act – The making of the Neighbourhood Plan does not breach the requirements of Chapter 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017.
- C4.2. Wiltshire Council, in line with the requirements of the European Directive 2001/42/EC, has an obligation to determine whether the Plan is likely to have significant environmental effects. To this end, Wiltshire Council carried out a Strategic Environmental Assessment (SEA) screening on the draft Neighbourhood Plan, and prepared a SEA screening determination report for the Neighbourhood Plan in November 2021. The screening opinion concluded that the draft Neighbourhood Plan was likely to have significant environmental effects and accordingly, a Strategic Environmental Assessment was required. A copy of the SEA Screening Report is included in **appendix 2**.
- C4.3. Accordingly, an independent SEA on the draft Neighbourhood Plan was undertaken by AECOM. The document made a number of recommendations which have since been incorporated into the draft NDP. The SEA was also updated to reflect changes made to the Neighbourhood Plan as a result of comments made during Regulation 14 consultation.
- C4.4. The full Strategic Environmental Assessment concludes that potential significant effects arising from plan implementation are both positive and negative. It is summarised below and available as a separate report that accompanies the submission package of the Neighbourhood Plan.
- C4.5. Long term positive effects are anticipated in relation to community wellbeing, and overall it was assessed as positively contributing to the quality of life and wellbeing of residents in the neighbourhood area. Long term significant negative effects are considered likely due to the loss of greenfield land, and uncertainty is noted due to the likely significant effects on the Bath and Bradford on Avon Bats SAC.
- C4.6. The Habitats Regulations Assessment prepared by Wiltshire Council (see **appendix 3**) screens the Semington Neighbourhood Plan under the Conservation of Habitats and Species Regulations and taking into consideration the location, scale and nature of proposals in the NP, there is a potential mechanism for effect upon one European site, namely the Bath and Bradford on Avon Bats SAC, on account of 10 policies. These policies therefore need to be taken forward to appropriate assessment.
- C4.7. The Appropriate Assessment (**appendix 4**) undertaken on the Regulation 14 pre-submission version of the Neighbourhood Plan, resulted in recommendations that were implemented into the submission version of the Semington

Neighbourhood Plan. Where relevant, all policies that are required to by the Appropriate Assessment, refer to the need for developments supported by the policy to be compliant with the Habitats Regulations and Draft Policy SEM 1, it is deemed possible to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Bath and Bradford on Avon Bats SAC, alone or in combination with other plans and projects as a result of the Semington Neighbourhood Plan.

### Human Rights

C4.8. The purpose of the Semington Neighbourhood Development Plan is to improve the quality of life for people living and working now and in the future in the Plan area from an environmental, social and economic point of view. The aims and policies in the modified Semington Neighbourhood Development Plan are in response to local people's views and in the light of evidence gathered to meet the needs expressed and address the issues identified. More detail is set out in supporting Topic Papers<sup>4</sup>, and in the Consultation Statement which accompanies the submitted Revised Neighbourhood Plan.

C4.9. Those who are affected by the proposals within the Neighbourhood Plan have been adequately consulted and have had the opportunity to comment on the proposals. The details of consultation that has been carried out on the Plan are outlined in the Consultation Statement. No issues have been raised in relation to the possible contravention of Human Rights in the preceding consultations on the Semington Neighbourhood Plan, and as the Plan's is considered to be in general conformity with the Development Plan and have regard to National Planning Policy, guidance and legislation, the qualifying bodies conclude that the making of the Revised Plan has regard to and is compatible with the fundamental rights and freedoms guaranteed under the European Convention on Human Rights<sup>5</sup> and complies with the Human Rights Act 1998<sup>6</sup>.

### Appendices (overleaf):

**Appendix 1:** Map of designated Neighbourhood Plan Area

**Appendix 2:** Semington Neighbourhood Plan SEA Screening Report

**Appendix 3:** Semington Neighbourhood Plan Habitat Regulations Assessment (HRA)

**Appendix 4:** Semington Neighbourhood Plan HRA and Appropriate Assessment (part of the Wiltshire Council representation to the Regulation 14 consultation).

**Separate document:** The SEA has been prepared by Aecom and can be found on the Parish Council website and is submitted to Wiltshire Council as part of the submission material for the Neighbourhood Plan.

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<sup>4</sup> <https://www.semington.org.uk/neighbourhood-plan/>

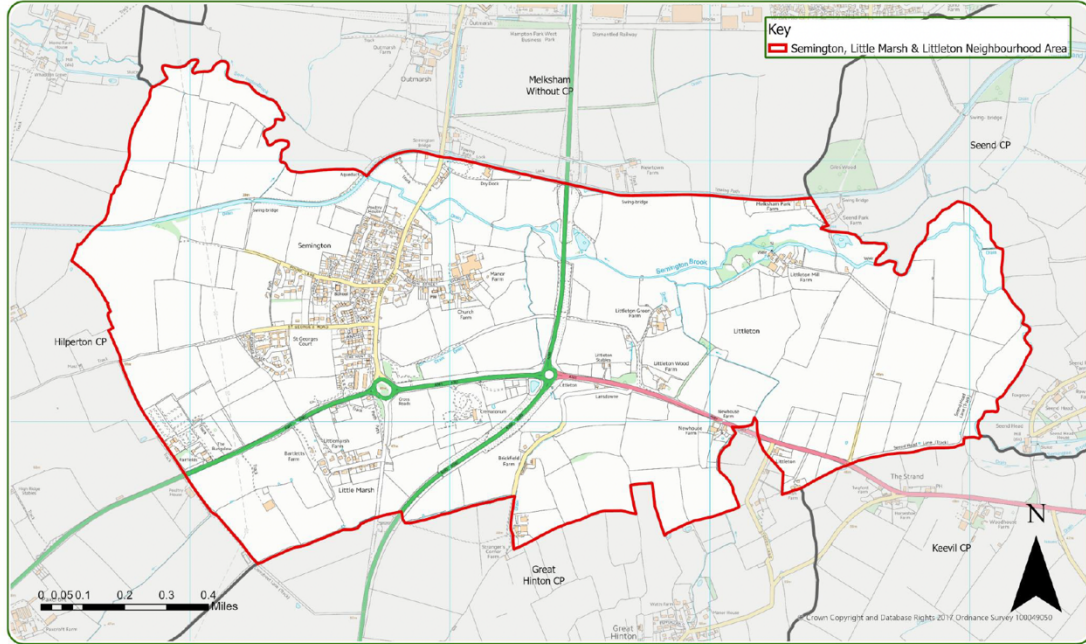
<sup>5</sup> These are the right to life, the right to a fair hearing, the right to respect for private and family life, freedom of expression, freedom of thought, conscience and religion and the protection of property.

<sup>6</sup> See <https://www.legislation.gov.uk/ukpga/1998/42/contents>

Appendix 1: Map of designated Neighbourhood Plan Area



### Semington, Little Marsh and Littleton Neighbourhood Area Designation 2021



**Appendix 2: Semington Neighbourhood Plan SEA Screening Report**

**Wiltshire Council**

**Strategic Environmental Assessment**

**Screening determination for the Draft Semington Neighbourhood Plan**

**September 2023**

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## 1. Introduction

- 1.1 This document provides a screening determination of the need to carry out a Strategic Environmental Assessment (SEA) of the Draft Semington Neighbourhood Plan (hereafter 'draft SNP').
- 1.2 Wiltshire Council, as the 'Responsible Authority'<sup>1</sup> under the SEA Regulations<sup>2</sup>, is responsible for undertaking this screening process. It will determine if the draft SNP is likely to have significant environmental effects, and hence whether SEA is required.
- 1.3 This process has been carried out in accordance with the requirements of European Directive 2001/42/EC<sup>3</sup>, often known as the Strategic Environmental Assessment (SEA) Directive, which has been transposed into English law by the SEA Regulations.

## 2. Legislative requirements

- 2.1 The Localism Act 2011 requires neighbourhood plans to comply with EU legislation. The screening procedure outlined in this report meets the requirements of the SEA Directive and Regulations, as introduced in Section 1 of this document.

- 2.2 Regulation 5 of the SEA Regulations requires an environmental assessment of plans which:

1. *are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use (Regulation 5, para. (2)(a), and which set the framework for future development consent of projects listed in Annex I or II to Council Directive 85/337/EEC (EIA Directive) on the assessment of the effects of certain public and private projects on the environment (Reg. 5, para. (2)(b)*
2. *in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)*
3. *set the framework for future development consent of projects<sup>4</sup> (Reg. 5, para. (4)(b)*
4. *are determined to be likely to have significant environmental effects as determined under regulation 9(1) (Reg. 5, para. (4)(c)*

An environmental assessment need not be carried out for:

- a) *plans which determine the use of a small area<sup>5</sup> at local level (Regulation 5, para. (6)(a); or*
  - b) *plans which are a minor modification<sup>6</sup> to a plan or programme (Regulation 5, para. (6)(b)*
- unless it has been determined under regulation 9(1) that the plan is likely to have significant environmental effects.

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<sup>1</sup> The organisation which adopts the neighbourhood plan (this is described in Wiltshire Council's guide *Neighbourhood planning – a guide for Wiltshire's parish and town councils* (June 2012) as 'makes the plan').

<sup>2</sup> The Environmental Assessment of Plans and Programmes Regulations 2004

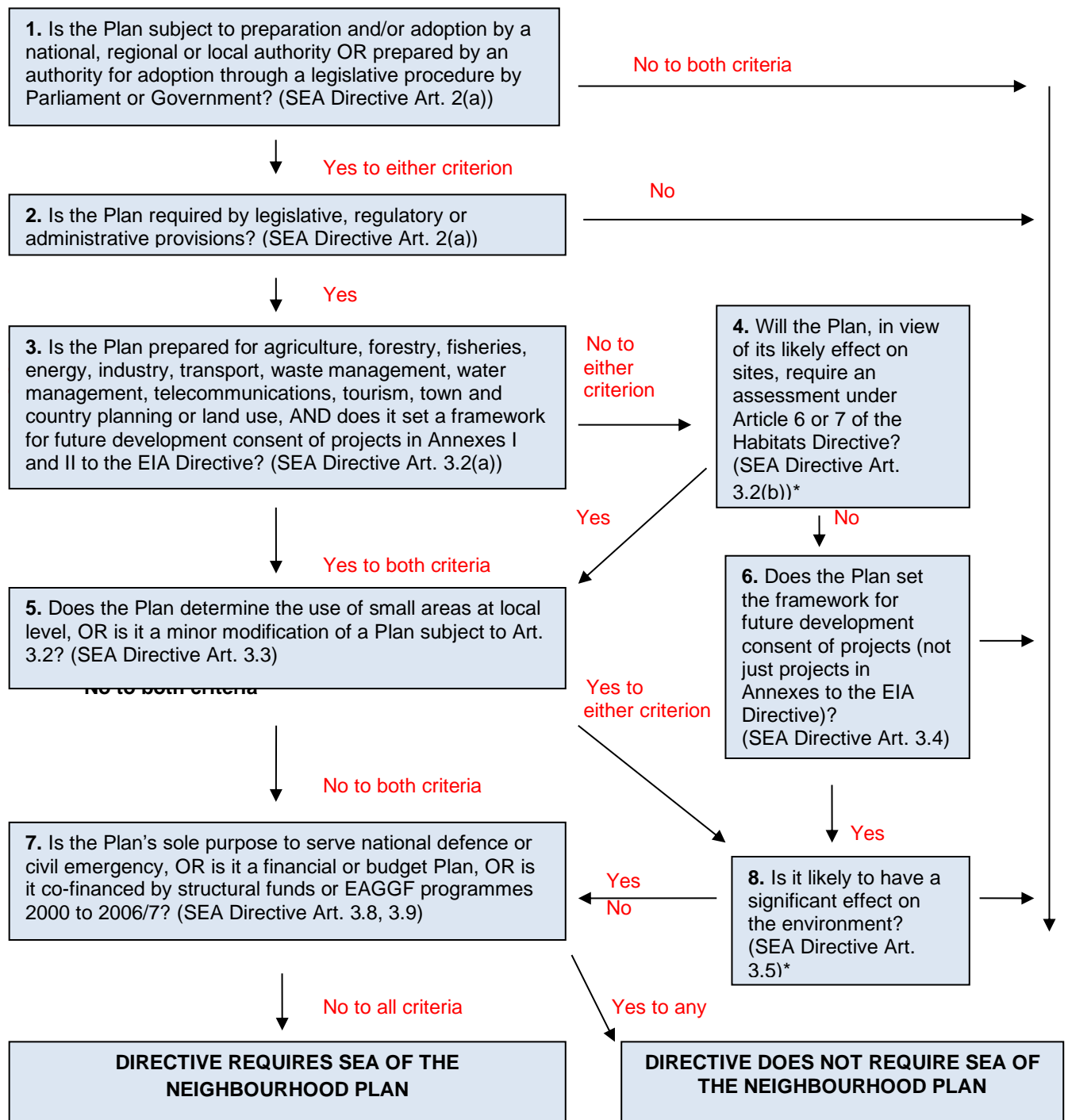
<sup>3</sup> European Directive 2001/42/EC "on the assessment of the effects of certain plans and programmes on the environment"

<sup>4</sup> European Commission guidance states that plans and programmes which set the framework for future development consent of projects would normally contain 'criteria or conditions which guide the way a consenting authority decides an application for development consent'. Development consent is defined in the EIA Directive as "the decision of the competent authority or authorities which entitled the developer to proceed with the project" (Article 1(2) of the EIA Directive).

<sup>5</sup> European Commission guidance suggests that plans which determine the use of small areas at local level might include "a building plan which, for a particular, limited area, outlines details of how buildings must be constructed, determining, for example, their height, width or design"

<sup>6</sup> 'Minor modifications' should be considered in the context of the plan or programme which is being modified and of the likelihood of their having significant environmental effects. A modification may be of such small order that it is unlikely to have significant environmental effects.

2.3 The diagram<sup>7</sup> below shows the SEA Directive's requirements and its application to neighbourhood plans:



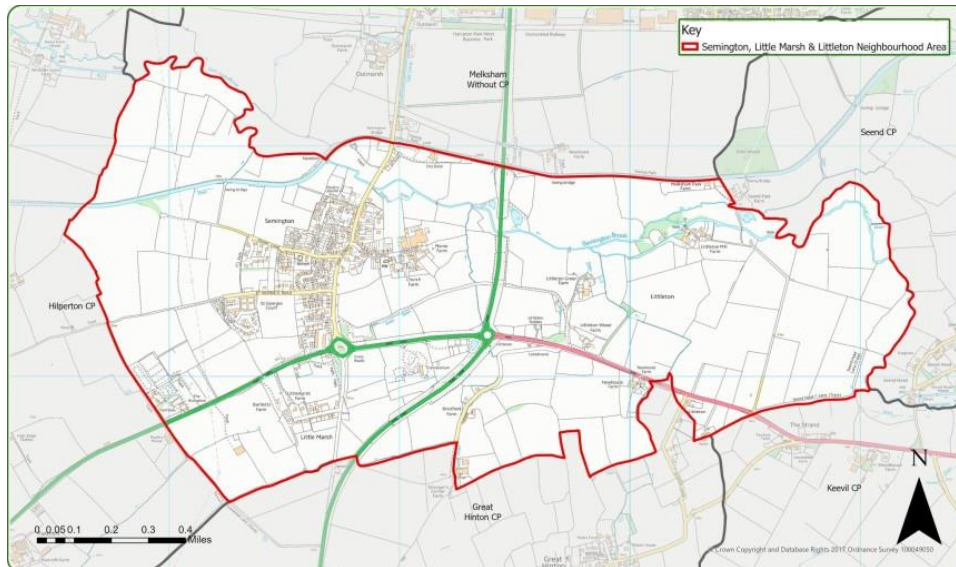
\* Plans falling in this category (No.8) will be screened by Wiltshire Council to determine if they are likely to have significant environmental effects. This determination will be made on a case-by-case basis for neighbourhood plans coming forward in Wiltshire.

NB This diagram is intended as a guide to the criteria for application of the Directive to neighbourhood plans. It has no legal status.

<sup>7</sup> Taken from *A Practical Guide to the Strategic Environmental Assessment Directive* ODPM, 2005)

### 3. The Draft Semington Neighbourhood Plan

- 3.1 The parish of Semington is preparing a neighbourhood plan under the provisions of the Localism Act 2011.
- 3.2 The designation of the Semington Neighbourhood Area was made on 28<sup>th</sup> September 2021 (see map of area outlined in red below). For the designation notice see <http://www.wiltshire.gov.uk/planning-neighbourhood-latest-news>



- 3.3 This screening decision is based on, and accompanied by, a draft of the neighbourhood plan dated May 2023.

### 4. SEA Screening assessment

- 4.1 Wiltshire Council, as the 'Responsible Authority', considers that the draft SNP falls within the scope of the SEA Regulations on the basis that it is a plan that:

**a)** is subject to preparation or adoption by an authority at national, regional or local level (Regulation 2);

**b)** is prepared for town and country planning or land use and it is a plan that sets the framework for future development consent of projects generally (Regulation 5); and

**c)** will apply to a wider area other than a small area at local level and is not a minor modification to an existing plan or programme (Regulation 5).

- 4.2 A determination under Regulation 9 is therefore required as to whether the draft SNP is likely to have significant effects on the environment.

- 4.3 The screening requirements set out in Regulation 9 and Schedule 1 of the SEA Regulations includes two sets of characteristics for determining the likely significance of effects on the environment. These relate to i) the characteristics of the draft SNP and ii) the characteristics of the effects and of the area likely to be affected by the draft SNP. In making a determination, Wiltshire Council will take into account the criteria specified in Schedule 1 of the Regulations which are follows:

**1. The characteristics of the plans and programmes, having regard in particular to:**

- (a) the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;
- (b) the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;
- (c) the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;
- (d) environmental problems relevant to the plan or programme; and
- (e) the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).

**2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:**

- (a) the probability, duration, frequency and reversibility of the effects;
- (b) the cumulative nature of the effects;
- (c) the transboundary nature of the effects;
- (d) the risks to human health or the environment (for example, due to accidents);
- (e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);
- (f) the value and vulnerability of the area likely to be affected due to—
  - (i) special natural characteristics or cultural heritage;
  - (ii) exceeded environmental quality standards or limit values; or
  - (iii) intensive land-use; and
- (g) the effects on areas or landscapes which have a recognised national, Community or international protection status.

The screening assessment of the draft SNP is set out below:

Criteria (Schedule 1 SEA Regs.)	Significant environmental effects likely?	Justification and evidence
<b>1. The characteristics of plans, having regard, in particular, to:</b>		
(a) the degree to which the plan sets a framework for projects and other activities, either with regards to the location, nature, size and operating conditions or by allocating resources	No	The neighbourhood plan covers the parish area only. It sets a new policy framework for projects in the parish only, not over a wider area, and it is considered to be in general conformity with policies of the adopted Wiltshire Core Strategy and national planning policies.
(b) the degree to which the plan influences other plans and programmes including those in a hierarchy	No	The draft SNP is produced by the local community to influence development at the local parish level. The draft SNP will not have a significant influence on other plans and programmes or those in a hierarchy. All neighbourhood plans must be in general conformity with the strategic policies contained in the development plan for the area, contribute to the achievement of sustainable development and have regard to national policies.
(c) the relevance of the plan for the integration of environmental considerations, in particular with a view to promoting sustainable development	No	The draft SNP is a land-use plan that promotes sustainable development, in general conformity with the Local Plan and national planning guidance. It is not a Plan specifically relating to the integration of environmental considerations.
(d) environmental problems relevant to the plan	No	There are no known specific environmental problems relevant to this Plan. The neighbourhood area is rural and mainly agricultural. The parish is mostly designated as open countryside in the Wiltshire Core Strategy (WCS), except for Semington which is categorised as a Large Village.
(e) the relevance of the plan for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection)	No	The neighbourhood plan is not relevant as a plan for implementing community legislation.
<b>2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to:</b>		
(a) the probability, duration, frequency and reversibility of the effects	Yes	Due to the proximity of Semington to the Bath and Bradford on Avon Bats SAC and the site allocation Draft Policy 9 which allocates 40 houses on a greenfield site. Considering the judgement of the European Court of Justice (People Over Wind, Peter Sweetman v Coillte Teoranta) which ruled that it is not permissible to take account of mitigation measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the

		<p>screening stage, it has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations, that the neighbourhood plan will require a full Appropriate Assessment (AA) due to the potential for impacts on the Bath and Bradford on Avon Bats SAC.</p> <p>Regulation 5 of the SEA Regulations requires an environmental assessment of plans which 'in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)).' Planning Practice Guidance (PPG) para 047 states that 'if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive, then it will normally also require a Strategic Environmental Assessment.' In light of this, it is considered that the draft SNP is likely to have significant environmental effects and therefore an SEA will be required.</p>
(b) the cumulative nature of the effects	Yes	Refer to 2(a) above.
(c) the transboundary nature of the effects	No	No transboundary effects with other EU countries are considered likely to be significant.
(d) the risks to human health or the environment (for example, due to accidents)	No	There are no significant environmental effects considered likely to risk human health or the environment.
(e) the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)	No	The draft SNP covers a mainly rural parish which includes the large village of Semington. The 2021 Census records 934 people living in the parish. Significant environmental effects due to the geographic size of the area and population size are not considered likely.
(f) the value and vulnerability of the area likely to be affected due to— (i) special natural Characteristics or Cultural heritage; (ii) exceeded environmental quality standards or limit values; or (iii) intensive land-use;	Yes	Refer to 2(a) above.
(g) the effects on areas or landscapes which have a recognised national, Community or international protection status.	Yes	Refer to 2(a) above.

## 5. SEA Screening decision

5.1 Regulation 9 of the SEA Regulations requires that the responsible authority (Wiltshire Council) shall determine whether or not a plan is likely to have significant environmental effects. The responsible authority shall —

- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
- (b) consult the consultation bodies (Historic England, Natural England, Environment Agency).

5.2 Where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination.

5.3 Wiltshire Council considers that the draft SNP **is likely to have significant environmental effects** and accordingly **a Strategic Environmental Assessment is required**. This decision is made for the following reason:

Reason 1: Due to the proximity of Semington to the Bath and Bradford on Avon Bats SAC and the site allocation Draft Policy 9 which allocates 40 houses on a greenfield site. Considering the judgement of the European Court of Justice (People Over Wind, Peter Sweetman v Coillte Teoranta) which ruled that it is not permissible to take account of mitigation measures intended to reduce or avoid any harmful effects of a plan or project on a European site at the screening stage, it has been determined by Wiltshire Council, the 'competent authority' under the Habitats Regulations, that the neighbourhood plan will require a full Appropriate Assessment (AA) due to the potential for impacts on the Bath and Bradford on Avon Bats SAC.

Regulation 5 of the SEA Regulations requires an environmental assessment of plans which 'in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of the Habitats Directive (92/43/EEC) (Reg. 5, para. (3)).' Planning Practice Guidance (PPG) para 047 states that 'if a plan is one which has been determined to require an appropriate assessment under the Habitats Directive, then it will normally also require a Strategic Environmental Assessment.' In light of this, it is considered that the draft SNP is likely to have significant environmental effects and therefore an SEA will be required.

5.4 This screening decision is based on, and accompanied by, a draft of the neighbourhood plan dated May 2023. It is possible that these proposals may change. If the draft Plan is subsequently amended significantly from these proposals i.e. changes that substantially alter the draft plan and/or are likely to give rise to additional significant environmental effects, or it is subsequently decided that the draft Plan should be subject to an Appropriate Assessment under the Habitats Regulations, this SEA screening must be reviewed. In this instance, the Qualifying Body should request a revised SEA screening assessment from Wiltshire Council.

## 6. Consultation on SEA screening decision

6.1 This screening decision was sent to Natural England, Environment Agency and Historic England, requesting comments within a 5-week period between 2<sup>nd</sup> August 2023 and 6<sup>th</sup> September 2023.

6.2 Comments were received from all three consultees who agreed that an SEA was required for the plan. These comments are included in Appendix 1.

## **Appendix 1 – consultation comments received from the consultation bodies**

### **Environment Agency**

Dear [REDACTED]

Thank you for consulting us.

We have no objection to the LPA's decision that a SEA will be required for the Semington Neighbourhood Plan.

Kind regards, [REDACTED]

### **Historic England**

Dear [REDACTED]

Thank you for your consultation on the SEA Screening Opinion associated with the emerging Semington Neighbourhood Plan.

This is our first involvement in the preparation of this Plan so it is also useful to have sight of the community's proposed policies in order that we can identify issues of interest to us.

We note that your authority considers that a full SEA is required due to the triggering of a full Appropriate Assessment through the HR process by the proposal to allocate 40 houses for development on a greenfield site under Draft Policy 9. This in turn prompts the need for a full SEA.

It is possible that this proposed allocation also has the potential to generate (harmful) impacts on heritage assets sufficient to create significant environmental effects which in their own right prompt the need for a full SEA. However, no information on the site and its heritage relevance is available, and while the Screening version of the Plan refers to a Site Options Assessments Report (2023) there is no way of knowing the extent to which it has appropriately identified and assessed relevant heritage considerations sufficient to inform the policy in accordance with the requirements for the protection and enhancement of the historic environment as set out in the National Planning Policy Framework.

In this absence of appropriate evidence, we would therefore agree with the view that a full SEA is required.

Based on the version of the Plan made available, other than Draft Policy 9 there are no issues associated with the Plan's policies upon which we wish to comment or are likely to wish to do so in response to future consultations.

Kind regards

[REDACTED]

## **Natural England**

Dear [REDACTED],

Draft Semington Neighbourhood Plan - SEA Screening Consultation

Thank you for your consultation on the above dated 02 August 2023.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England is a statutory consultee in neighbourhood planning and must be consulted on draft neighbourhood development plans by the Parish/Town Councils or Neighbourhood Forums where they consider our interests would be affected by the proposals made.

We have considered the screening assessment of the Neighbourhood Plan against the requirements of the criteria set out in the SEA Directive. Based on the information provided, Natural England agrees the Neighbourhood Plan appears likely to give rise to significant environmental effects and your conclusion that a Strategic Environmental Assessment is required is reasonable.

We would be happy to comment further should the need arise but in the meantime if you have any queries relating to the above please contact me via email – [REDACTED]

For any further consultations on your plan, please contact: [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

## Appendix 3: Semington Neighbourhood Plan Habitat Regulations Assessment

HRA of Semington Neighbourhood Plan May 2022 Draft Land Use Planning Policies for SEA Screening (V1.0 19.07.2023)

### SEMINGTON NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

#### 1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Semington Neighbourhood Plan May 2022 Draft Land Use Planning Policies for SEA Screening, hereafter referred to as the NP, which was submitted to Wiltshire Council together with a formal screening request in June 2023 prior to submission of the Regulation 14 draft of the NP and associated consultation.
- 1.2. The HRA has been carried out to comply with Regulation 105 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019<sup>1</sup>, 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 network<sup>2</sup>) 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 measures<sup>3</sup>, 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 AA 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.”*<sup>4</sup>
- 1.4. Where AA 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.

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<sup>1</sup> On 1<sup>st</sup> 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/news/changes-to-the-habitats-regulations-2017) ([www.gov.uk](https://www.gov.uk))

<sup>2</sup> 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 1<sup>st</sup> January 2021.

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

<sup>4</sup> 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 Semington 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 (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 2012<sup>5</sup>, March 2013<sup>6</sup>, February 2014<sup>7</sup> and April 2014<sup>8</sup>) identified general parameters to determine the likelihood of potential impacts on European sites/Natura 2000 sites (now known as the national site network<sup>9</sup>). 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*

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

<sup>6</sup> Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

<sup>7</sup> Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

<sup>8</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

<sup>9</sup> On 1<sup>st</sup> 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

*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):*

- 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)

### **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 25<sup>th</sup> 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 Natural England. 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. The North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028 (May 2023) sets out the mitigation strategy for the North Meadow element of the SAC with regards to new residential and tourism accommodation developments within the identified Zoi. The Clattinger Farm element of the SAC is not subject to the strategy. The strategy sets out 2 Zoi, an Inner Zone of 0km - 4.2km and an Outer Zone of 4.2km – 9.4km. The Inner Zone represents the area within which 75% of local year round users (e.g. dog walkers) originate. The Outer Zone represents the area within which 75% of those people who visit to view the Snake's-head fritillaries during the main flowering season originate<sup>10</sup>. Mitigation will be achieved through financial contributions to Strategic Access Management Monitoring (SAMM), Infrastructure Mitigation Projects (IMP) and/or Suitable Alternative Natural Greenspace (SANGs). Developments of over 50 units within the Inner Zone will be expected to provide their own SANG unless a financial contribution to the IMP/SANG project system can be robustly justified. The strategy is an interim approach and will be reviewed within 5 years following further monitoring and surveys.
- 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 2012<sup>11</sup>. 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 1<sup>st</sup> 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

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<sup>10</sup> North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028. Cotswold District Council, Swindon Borough Council and Wiltshire Council in partnership with Natural England. May 2023

<sup>11</sup> South Wiltshire Proposed Submission Core Strategy HRA Report, Appendix 13. NPA for Wiltshire Council, July 2009

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 Natural England 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 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 Natural England 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 Natural England’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 AA 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 Semington

### *Recreation*

- 3.11 In terms of recreational pressure, the NP area lies approximately 34.8km northwest of the 13.8km radius around the New Forest SPA/SAC within which the majority of day visitors to the New Forest originate<sup>12</sup> therefore appropriate assessment with respect of this European site can be screened out.
- 3.12 Recreational pressure on the River Avon SAC is recognised to occur predominately in circumstances where significant development lies immediately adjacent to or in close proximity to the river, and this scenario would not arise as a result of this NP as the closest component of the River Avon SAC lies approximately 15.3km southwest of the plan area at its closest point.
- 3.13 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 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.
- 3.14 Approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. The core roost was identified after the publication of the Bat SAC Planning Guidance for Wiltshire in 2015 however it qualifies as a core roost, in line with the guidance, as it supports over 100 lesser horseshoes in a maternity roost and is considered to be functionally linked to the Bath and Bradford on Avon Bats SAC. The roost is located within a private building, therefore the policies in the NP would not cause recreational pressure on this individual roost. The south western extent of the NP is located within the grey hatched zone set out in the Trowbridge Bat Mitigation Strategy (TBMS, February 2020) Supplementary Planning Document (SPD). The yellow medium risk zone of the TBMS abuts the western boundary of the NP area but does not fall within it. The TBMS seeks to reduce the potential for impacts on the woodlands around Trowbridge which are functionally linked to the Bath and Bradford on Avon Bats SAC for Bechstein's bats. Draft Policy 9 allocates a site for approximately 40 houses within the grey hatched zone of the TBMS and other policies in the NP support development within this zone. Therefore, the NP must be subject to an appropriate assessment with regards to increased recreational pressure on the Bath and Bradford on Avon Bats SAC.
- 3.15 The North Meadow and Clattinger Farm SAC is situated approximately 30.1km north east of the NP area at its closest point and as such appropriate assessment with respect of this European site can be screened out.

### *Hydrology / Hydrogeology*

- 3.16 In terms of hydrology/hydrogeology, Semington is located within the catchment of the Bristol Avon rather than the Hampshire Avon, and as such there is no pathway for a likely significant effect on the River Avon SAC as a result of the NP.
- 3.17 There have been no water resource issues identified for the Bath and Bradford on Avon Bats SAC which is the only SAC from the above list to lie fully within the Bristol Avon catchment. Furthermore, the Bristol Avon has not identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

### *Air Pollution / Nitrogen Deposition*

- 3.18 The Wiltshire Core Strategy 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

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<sup>12</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

level<sup>13</sup> (WCS HRA Update February 2014). The NP allocates one site for up to 40 dwellings which is considered to be a small number in relation to the total for the county. All of the European sites listed above are a considerable distance from the NP area and 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*

- 3.19 As noted above, approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. The core roost was identified after the publication of the Bat SAC Planning Guidance for Wiltshire in 2015 however it qualifies as a core roost, in line with the guidance, as it supports over 100 lesser horseshoes in a maternity roost and is considered to be functionally linked to the Bath and Bradford on Avon Bats SAC. There is the potential for policies within the NP to cause physical damage to likely bat habitat within the core area, the interruption of flight lines and disturbance to both bats and their habitats (including those used for foraging, roosting, and breeding) in relation to this core roost. Policies in the NP have therefore been screened into appropriate assessment in the table below.
- 3.20 The NP area lies beyond the consultation zones associated with Mottisfont Bats SAC and Chilmark Quarries SAC, and as such appropriate assessment of the NP in relation to these European sites is not required.
- 3.21 The NP area is also beyond the potential ZoI with respect of stone curlews breeding at Salisbury Plain SPA and Porton Down SPA and as such the NP will not give rise to significant effects on these European sites.

#### **4. Screening of Policies in Semington Neighbourhood Plan May 2022**

- 4.1 The Semington NP currently comprises 12 policies and 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. Taking into consideration the location, scale and nature of proposals in the NP, there is a potential mechanism for effect upon one European site, namely the Bath and Bradford on Avon Bats SAC, on account of 9 policies. These policies therefore need to be taken forward to appropriate assessment.
- 4.3 Other policies would either not lead directly to development or would have no significant effects either alone or in combination with other plans and projects due to the scale and nature of the proposals in the plan.

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<sup>13</sup> Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

**TABLE 1: Habitats Regulations Assessment Screening of the Semington 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 1: Support for Rural Businesses and Workspace	C and D Bath and Bradford on Avon Bats SAC	<p>This policy supports proposals for the expansion or diversification of existing small scale economic enterprises provided the proposals accord with the development plan and are of a scale and type suited to their rural location.</p> <p>This policy requires all new employment development to respect the character of its surroundings by way of scale, massing, design and landscaping. Developments should avoid harming the intrinsic qualities of the surrounding area. Sites that are particularly sensitive due to their heritage, biodiversity or landscape sensitivity should be avoided.</p> <p>The policy goes on to state that home extensions or other building alterations to facilitate home working will be supported where they fall within the residential curtilage, whether within the Semington settlement boundary or within the countryside.</p> <p>Approximately half of the NP area is located within the 2km lesser horseshoe core area and although this policy will not lead to development as it does not allocate sites, it supports new development, expansion of existing enterprises and the extension of homes and buildings within the NP area.</p> <p>Development supported by this policy has the potential to affect functional habitat for bats within the 2km core area. Therefore, the potential for likely significant effects with regards to physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance to bats associated with the Bath and Bradford on Avon Bats SAC as a result of Draft Policy 1 cannot be screened out and the policy must be subject to appropriate assessment.</p>	<p>This policy and the NP do not state that new developments would need to demonstrate compliance with the Habitat Regulations.</p> <p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p> <p>It is recommended that Draft Policy 1 refers to the need to comply with the policy recommended above.</p>

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Draft Policy 1 does not make reference to the need to comply with the Habitat Regulations, through adherence to the Bat SAC Guidance for Wiltshire and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	
<p>Draft Policy 2: Communications Infrastructure</p>	<p>C and D Bath and Bradford on Avon Bats SAC</p>	<p>This policy seeks to ensure a superfast broadband connection can be installed at all new dwellings and business premises within the NP area. The policy supports proposals for new or improved mobile phone infrastructure provided they do not adversely affect the surrounding built or natural environment.</p> <p>Approximately half of the NP area is located within the 2km lesser horseshoe core area and although this policy will not lead to development as it does not allocate sites, it does support the development of new or improved mobile phone infrastructure within the NP area.</p> <p>Development supported by this policy has the potential to affect functional habitat for bats within the 2km core area. Therefore, the potential for likely significant effects with regards to physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance to bats associated with the Bath and Bradford on Avon Bats SAC as a result of Draft Policy 2 cannot be screened out and the policy must be subject to appropriate assessment.</p> <p>Draft Policy 2 does not make reference to the need to comply with the Habitat Regulations through adherence to the Bat SAC Guidance for Wiltshire and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	<p>This policy and the NP do not state that new developments would need to demonstrate compliance with the Habitat Regulations.</p> <p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p> <p>It is recommended that Draft Policy 2 refers to the need to comply with the policy recommended above.</p>

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
Draft Policy 3: Local Green Space Designation	A2 and A3	<p>This policy designates 5 Local Green Spaces, 4 within Semington and one in Littleton. Development that positively enhances these spaces, including to retain and enhance landscapes, visual amenity and biodiversity will be supported. Development within or immediately adjacent to these Local Green Spaces that would undermine their reason for designation would not be supported.</p> <p>This policy will not lead to development but instead aims to protect the designated Local Green Spaces. The policy will not result in likely significant effects on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Draft Policy 4: Public Rights of Way and Cycle Network	C and D Bath and Bradford on Avon Bats SAC	<p>This policy seeks to ensure that new developments on land that lies within or adjacent to the public rights of way and cycle network sustain and where possible enhance the multifunctionality of the network. The policy requires all proposals to integrate routeways for walking or cycling connections into the village and wider network. Proposals should also make an appropriate contribution to the improvement and/or extension of the network.</p> <p>This policy will not lead to development however it does require new developments to provide, sustain and enhance pedestrian and cycle routes. This includes enhancing the multifunctionality of the network. There is the potential for new routes and the potential upgrading of existing routes to have impacts on bat species associated with the Bath and Bradford on Avon Bats SAC through habitat fragmentation and additional lighting.</p> <p>Approximately half of the NP area lies within the 2km core area, therefore, this policy must be considered through an appropriate assessment as there is the potential for likely significant effects in terms of physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance to the Bath and Bradford on Avon Bats SAC.</p> <p>Draft Policy 4 does not make reference to the need to comply with the Habitat Regulations through adherence to the Bat SAC Guidance for Wiltshire and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	<p>This policy and the NP do not state that new developments would need to demonstrate compliance with the Habitat Regulations.</p> <p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p>

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
			It is recommended that Draft Policy 4 refers to the need to comply with the policy recommended above.
Draft Policy 5: Protecting Semington’s Actively Rural Landscape	C and D Bath and Bradford on Avon Bats SAC	<p>This policy sets out that development proposals outside of the Semington settlement boundary will be supported where they accord with local and national policy and maintain the actively rural landscape and sensitive settlement edge. The policy sets out several requirements for new developments.</p> <p>The policy identified areas of high landscape sensitivity within the NP area and supports development within this area where it:</p> <ul style="list-style-type: none"> <li>a) <i>maintains the actively rural landscape, the generally open character of the countryside and a sensitive settlement edge;</i></li> <li>b) <i>minimises urbanising effects, artificial lighting and traffic movements;</i></li> <li>c) <i>retains important elements of the green and blue infrastructure network and the rural landscape such as the Kennet &amp; Avon Canal, hedgerows and trees and views;</i></li> <li>d) <i>does not adversely impact the existing landscape and recreational value of the countryside.</i></li> </ul> <p>Any proposals that would undermine the rural undeveloped nature of the setting of the Kennet and Avon Canal will not be permitted.</p> <p>The policy goes on to state that developments that affect the key views identified in the NP will be permitted provided they do not cause harm to the natural or historic landscape features that contribute to the key view.</p> <p>This policy will not lead to development however it does support development, potentially including residential development, outside of the Semington settlement boundary and within the area identified as high landscape sensitivity.</p> <p>Approximately half of the NP area lies within the 2km core area and a large area within the south west of the NP area is located within the grey hatched zone of the TBMS. This policy must therefore be considered through an appropriate assessment as there is the</p>	<p>This policy and the NP do not state that new developments would need to demonstrate compliance with the Habitat Regulations.</p> <p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p> <p>It is recommended that Draft Policy 5 refers to the need to comply with the policy recommended above.</p>

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>potential for likely significant effects in terms of physical damage to likely bat habitat within the core area, interruption of flight lines, disturbance and increased recreational pressure on the SAC.</p> <p>Draft Policy 5 does not make reference to the need to comply with the Habitat Regulations through adherence to the Bat SAC Guidance for Wiltshire and the TBMS and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	
Draft Policy 6: Green Infrastructure and Nature Recovery	A2 and A3	<p>This policy sets out that a Green and Blue Infrastructure Network is identified in the NP for the purpose of promoting nature protection and recovery as well as the necessary mitigation of climate change. The network includes the Semington Brook and associated floodplain, the corridor of the Kennet and Avon Canal and the strong network of hedgerows and hedgerow trees.</p> <p>The policy goes on to state that developments <i>must maintain and improve the GBI of the parish in the design of their layouts and landscaping schemes, linking into and extending the Network where possible. This includes the retention of existing trees, and hedgerows as an integral part of development proposals. This also includes appropriate measures to secure their protection during any construction works. Development proposals that will lead to the extension of the Network will be supported...</i></p> <p>Proposals will be resisted where they undermine the integrity or functionality of the network unless suitable alternative provision can be provided.</p> <p>This policy will not lead to development but seeks to protect and enhance the Green and Blue Infrastructure Network within the NP area. The policy will not result in likely significant effects on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Draft Policy 7: Design and Local Distinctiveness	C and D Bath and Bradford on Avon Bats SAC	This policy supports appropriate limited residential development within the Semington settlement boundary which respects the character and local distinctiveness of Semington and which would help to maintain the vitality of the village.	This policy and the NP do not state that new developments would need to demonstrate

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>The policy goes on to state that proposals will demonstrate regard to the Semington Parish Character Statement and have responded to the key design characteristics and development cues of the relevant character area. This includes designated and non-designated heritage assets.</p> <p>Proposals for 10 or more dwellings should use the Building for a Healthy Life 12 design assessment tool and be reported in the Design and Access Statement submitted as part of the planning application.</p> <p>This policy does not allocate sites for development but supports residential development within the settlement boundary. Part of the settlement boundary is located within the grey hatched zone of the TBMS therefore there is the potential for likely significant effects with regards to an increase in recreational pressure on the Bath and Bradford on Avon Bats SAC as a result of Draft Policy 7. As such this policy cannot be screened out and must be subject to appropriate assessment.</p> <p>Draft Policy 7 does not make reference to the need to comply with the Habitat Regulations through adherence to the TBMS and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	<p>compliance with the Habitat Regulations.</p> <p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p> <p>It is recommended that Draft Policy 7 refers to the need to comply with the policy recommended above.</p>
Draft Policy 8: Pre-application Community Engagement	A1	<p>This policy encourages applicants to demonstrate early, proactive and effective engagement with the community in line with National Planning Policy. Pre-application community engagement is also expected for reserved matters applications as well as full and outline applications. Applicants are advised to follow the procedure set out in the Semington Parish Community Engagement Protocol and the Wiltshire Council Statement of Community Involvement.</p> <p>This policy will not lead to development but seeks to encourage early community engagement. The policy will not result in likely significant effects on any European sites.</p>	

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.	
Draft Policy 9: Allocation of the Auction Field for Housing	C and D Bath and Bradford on Avon Bats SAC	<p>This policy allocates approximately 2.64ha of land to the west of Turnpike Close (known locally as the Auction Field) for approximately 40 dwellings, open space, local area of play and a village shop.</p> <p>The site lies within the grey hatched zone of the TBMS and therefore residential development at this site has the potential to increase recreational pressure on the woodlands around Trowbridge that are functionally linked to the Bath and Bradford on Avon Bats SAC. The potential for likely significant effects with regards to an increase in recreational pressure on the Bath and Bradford on Avon Bats SAC as a result of Draft Policy 9 cannot be screened out and the policy must be subject to appropriate assessment.</p> <p>This policy does not make reference to the need to comply with the Habitat Regulations through adherence to the TBMS, or latest iteration, and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	<p>This policy and the NP do not state that new developments would need to demonstrate compliance with the Habitat Regulations.</p> <p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p> <p>It is recommended that Draft Policy 9 refers to the need to comply with the policy recommended above.</p>
Draft Policy 10: Community Facilities	C and D Bath and Bradford on Avon Bats SAC	This policy identifies 4 community facilities within the village and state that proposals which would harm or result in the loss of a local community facility would be resisted. Proposals for new, replacement, extended and/or improved community facilities and	This policy and the NP do not state that new developments would

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>open space would be supported including facilities for children and young people and enhancements to the Village Hall.</p> <p>This policy will not lead to development but seeks to protect and enhance community facilities. None of the facilities identified in the policy are located within the 2km lesser horseshoe core area or the grey hatched zone of the TBMS.</p> <p>The policy supports the development of new and replacement community facilities but does not state whether these would be restricted to the settlement boundary therefore there is the potential for new facilities to be located within the 2km lesser horseshoe bat core area which covers the eastern half of the NP. There is therefore the potential for new community facility developments to have impacts on bat species and functional habitat associated with the Bath and Bradford on Avon Bats SAC through physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance. As such, Draft Policy 10 cannot be screened out and the policy must be subject to appropriate assessment.</p> <p>This policy does not make reference to the need to comply with the Habitat Regulations through adherence to the Bat SAC Planning Guidance for Wiltshire and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	<p>need to demonstrate compliance with the Habitat Regulations.</p> <p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p> <p>It is recommended that Draft Policy 10 refers to the need to comply with the policy recommended above.</p>
Draft Policy 11: Climate Responsive Buildings	C and D Bath and Bradford on Avon Bats SAC	<p>This policy seeks to ensure that developments are designed to reduce carbon emissions and energy demand in response to climate change. All developments are encouraged to be 'zero carbon ready' by design and be certified to the highest possible standards such as PassivHous.</p> <p>Major developments will be required to submit a Sustainability and Energy Statement.</p> <p>Retrofitting energy efficiency measures in existing buildings, including listed building, are supported by this policy.</p>	This policy and the NP do not state that new developments would need to demonstrate compliance with the Habitat Regulations.

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>This policy will not lead to development but it supports the retrofitting of existing buildings, including historic buildings, to increase energy efficiency. The policy has the potential to affect bat roosts within the 2km core area therefore the potential for likely significant effects with regards to physical damage and disturbance to the Bath and Bradford on Avon Bats SAC as a result of Draft Policy 11 cannot be screened out and the policy must be subject to appropriate assessment.</p> <p>This policy does not make reference to the need to comply with the Habitat Regulations through adherence to the Bat SAC Planning Guidance for Wiltshire and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	<p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p> <p>It is recommended that Draft Policy 11 refers to the need to comply with the policy recommended above.</p>
Draft Policy 12: Renewable Energy Generation	C and D Bath and Bradford on Avon Bats SAC	<p>This policy supports the development of standalone energy developments, including renewable energy storage, where it can be demonstrated that:</p> <ol style="list-style-type: none"> <li>the siting and scale of the proposal is appropriate to its setting;</li> <li>the proposal does not create an unacceptable impact on local amenity, and</li> <li>the proposal does not have an unacceptable degree of impact on a feature of natural or biodiversity importance;</li> <li>proposals provide a positive benefit for the local community over the lifetime of the project.</li> </ol> <p>Ground mounted solar photovoltaic developments will be expected to demonstrate that agricultural use will continue and/or there would be biodiversity improvements around the arrays.</p>	<p>This policy and the NP do not state that new developments would need to demonstrate compliance with the Habitat Regulations.</p> <p>It is recommended that a policy is added to the NP that states that new development will need to demonstrate</p>

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>As assessment of cumulative impacts with other existing, permitted or proposed developments in the locality will be required.</p> <p>This policy will not lead to development but it does support renewable energy generation and energy storage developments. This policy has the potential to affect functional habitat for bats within the 2km lesser horseshoe core area therefore, the potential for likely significant effects with regards to physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance to the Bath and Bradford on Avon Bats SAC as a result of Draft Policy 12 cannot be screened out and the policy must be subject to appropriate assessment.</p> <p>This policy does not make reference to the need to comply with the Habitat Regulations through adherence to the Bat SAC Planning Guidance for Wiltshire and does not state that a project level HRA would be required with regards to potential impacts on the SAC.</p>	<p>compliance with the Habitat Regulations. This policy should also include reference to the Bath and Bradford on Avon Bats SAC, the Bat SAC Planning Guidance for Wiltshire (2015) and the TBMS (2020), or latest iteration.</p> <p>It is recommended that Draft Policy 12 refers to the need to comply with the policy recommended above.</p>

## **5. Conclusion and Recommendations**

- 5.1 The HRA screening exercise presented in this document has concluded that the Semington NP has the potential to lead to likely significant effects on one European site alone and/or in-combination with other plans and projects. This is due to the allocated site Draft Policy 9 and 8 other policies due to the potential for impacts on the Bath and Bradford on Avon Bats SAC.
- 5.2 It is therefore necessary for 9 policies in the NP to be taken forward to appropriate assessment under Regulation 105 of the Habitats Regulations. The appropriate assessment will be conducted by the competent authority, namely Wiltshire Council. Where strategic mitigation strategies produced by Wiltshire Council cannot be relied upon, it will be necessary for suitable bespoke mitigation strategies to be proposed to ensure that any application that comes forward for residential development at the allocated site or development as a result of other policies in the NP will not result in a significant adverse effect on the Bath and Bradford on Avon Bats SAC. Any such mitigation measures will need to be discussed and agreed with Wiltshire Council and will be required to inform the production of the appropriate assessment.

Prepared by Naomi Harvey, Ecologist, Wiltshire Council, 19 July 2023  
V1.0 19/07/2023

**Appendix 4: Semington Neighbourhood Plan HRA and Appropriate Assessment (part of the Wiltshire Council representation to the Regulation 14 consultation).**

HRA of Semington Parish Draft Neighbourhood Plan 2023-2038 Regulation 14 Consultation Draft January 2024 (V2.0 29.02.2024) **Habitats Regulations Assessment (Wiltshire Council, February 2024)**

**SEMINGTON NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)**

**1. Introduction**

- 1.1. This Habitats Regulations Assessment (HRA) relates to the Semington Parish Draft Neighbourhood Plan 2023-2038 Regulation 14 Consultation Draft January 2024, hereafter referred to as the NP, which was submitted to Wiltshire Council in February 2024. 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 2019<sup>9</sup>, 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 network<sup>10</sup>) 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 measures<sup>11</sup>, 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 AA 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.”*<sup>12</sup>
- 1.4. Where AA 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 (AEol)** of any European sites cannot be ruled out, and where there are no alternative

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<sup>9</sup> On 1<sup>st</sup> 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/uploads/system/uploads/attachment_data/file/424842/changes-to-the-habitats-regulations-2017.pdf)

<sup>10</sup> 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 1<sup>st</sup> January 2021.

<sup>11</sup> Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

<sup>12</sup> Commission of the European Communities v UK and NI, opinion of Advocate General Kokott, 9 June 2005, Case C-6/04

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 Semington 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 (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 2012<sup>13</sup>, March 2013<sup>14</sup>, February 2014<sup>15</sup> and April 2014<sup>16</sup>) identified general parameters to determine the likelihood of potential impacts on European sites/Natura 2000 sites (now known as the national site network<sup>17</sup>). The following potential impact pathways and associated parameters were identified and assessed for the European sites stipulated below.

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<sup>13</sup> Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

<sup>14</sup> Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

<sup>15</sup> Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

<sup>16</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

<sup>17</sup> On 1<sup>st</sup> 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

- *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):*
  - 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)

### **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 25<sup>th</sup> 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 Natural England. 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. The North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028 (May 2023) sets out the mitigation strategy for the North Meadow element of the SAC with regards to new residential and tourism accommodation developments within the identified Zoi. The Clattinger Farm element of the SAC is not subject to the strategy. The strategy sets out 2 Zoi, an Inner Zone of 0km - 4.2km and an Outer Zone of 4.2km – 9.4km. The Inner Zone represents the area within which 75% of local year-round users (e.g. dog walkers) originate. The Outer Zone represents the area within which 75% of those people who visit to view the Snake's-head fritillaries during the main flowering season originate<sup>18</sup>. Mitigation will be achieved through financial contributions to Strategic Access Management Monitoring (SAMM), Infrastructure Mitigation Projects (IMP) and/or Suitable Alternative Natural Greenspace (SANGs). Developments of over 50 units within the Inner Zone will be expected to provide their own SANG unless a financial contribution to the IMP/SANG project system can be robustly justified. The strategy is an interim approach and will be reviewed within 5 years following further monitoring and surveys.
- 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 2012<sup>19</sup>. 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.

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<sup>18</sup> North Meadow and Clattinger Farm SAC Interim Recreation Mitigation Strategy 2023 – 2028. Cotswold District Council, Swindon Borough Council and Wiltshire Council in partnership with Natural England. May 2023

<sup>19</sup> South Wiltshire Proposed Submission Core Strategy HRA Report, Appendix 13. NPA for Wiltshire Council, July 2009

- 3.6 The WCS adopted the 8km zone of influence, however, as discussed in the Interim Recreation Mitigation Strategy, from 1<sup>st</sup> 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 Natural England 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 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 Natural England 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 Natural England'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 AA 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 Semington**

### *Recreation*

- 3.11 In terms of recreational pressure, the NP area lies approximately 34.8km northwest of the 13.8km Zol around the New Forest SPA/SAC within which the majority of day visitors to the New Forest originate<sup>20</sup> therefore appropriate assessment with respect of this European site can be screened out.
- 3.12 Recreational pressure on the River Avon SAC is recognised to occur predominately in circumstances where significant development lies immediately adjacent to or in close proximity to the river, and this scenario would not arise as a result of this NP as the closest component of the River Avon SAC lies approximately 15.3km southwest of the plan area at its closest point.
- 3.13 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 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.
- 3.14 Approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. The core roost was identified after the publication of the Bat SAC Planning Guidance for Wiltshire in 2015 however it qualifies as a core roost, in line with the guidance, as it supports over 100 lesser horseshoe bats in a maternity roost and is considered to be functionally linked to the Bath and Bradford on Avon Bats SAC. The roost is located within a private building, therefore the policies in the NP would not cause recreational pressure on this individual roost. The south western area of the NP is located within the grey hatched medium risk zone set out in the Trowbridge Bat Mitigation Strategy (TBMS, February 2020) Supplementary Planning Document (SPD). The yellow medium risk zone of the TBMS abuts the western boundary of the NP area but does not fall within it. The TBMS seeks to reduce the potential for impacts on the woodlands around Trowbridge which are functionally linked to the Bath and Bradford on Avon Bats SAC for Bechstein's bats. Draft Policy 9 allocates a site for approximately 40 houses within the grey hatched zone of the TBMS and other policies in the NP support development within this zone. Therefore, the NP must be subject to an appropriate assessment with regards to increased recreational pressure on the Bath and Bradford on Avon Bats SAC.
- 3.15 The NDP area is located well beyond the interim outer 4.2 – 9.4km recreational Zol around the North Meadow element of the North Meadow and Clattinger Farm SAC, therefore appropriate assessment with respect of the North Meadow and Clattinger Farm SAC can be screened out.

### *Hydrology / Hydrogeology*

- 3.16 In terms of hydrology/hydrogeology, Semington is located within the catchment of the Bristol Avon rather than the Hampshire Avon, and as such there is no pathway for a likely significant effect on the River Avon SAC as a result of the NP.
- 3.17 There have been no water resource issues identified for the Bath and Bradford on Avon Bats SAC which is the only SAC from the above list to lie fully within the Bristol Avon catchment.

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<sup>20</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

Furthermore, the Bristol Avon has not been identified as a cause of water resource issues for the Salisbury Plain SAC/SPA.

*Air Pollution / Nitrogen Deposition*

- 3.18 The Wiltshire Core Strategy 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 level<sup>21</sup> (WCS HRA Update February 2014). The NP allocates one site for up to 40 dwellings, however, all of the European sites listed above are a considerable distance from the NP area and 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*

- 3.19 As noted above, approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. The core roost was identified after the publication of the Bat SAC Planning Guidance for Wiltshire in 2015 however it qualifies as a core roost, in line with the guidance, as it supports over 100 lesser horseshoe bats in a maternity roost and is considered to be functionally linked to the Bath and Bradford on Avon Bats SAC. There is the potential for development supported by policies within the NP to cause physical damage to bat habitat within the core area, the interruption of flight lines and disturbance to both bats and their habitats (including those used for foraging, commuting and roosting) in relation to this core roost. Policies in the NP have therefore been screened into appropriate assessment in the table below.
- 3.20 The NP area lies beyond the consultation zones associated with Mottisfont Bats SAC and Chilmark Quarries SAC, and as such appropriate assessment of the NP in relation to these European sites is not required.
- 3.21 The NP area is also beyond the potential Zol with respect of stone curlews breeding at Salisbury Plain SPA and Porton Down SPA and as such the NP will not give rise to significant effects on these European sites.

**4. Screening of Policies in Semington Parish Draft Neighbourhood Plan 2023-2038 Regulation 14 Consultation Draft January 2024**

- 4.1 The Semington NP currently comprises 13 policies and 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. Taking into consideration the location, scale and nature of proposals in the NP, there is a potential mechanism for effect upon one European site, namely the Bath and Bradford on Avon Bats SAC, on account of 10 policies. These policies therefore need to be taken forward to appropriate assessment.
- 4.3 Other policies would either not lead directly to development or would have no significant effects either alone or in combination with other plans and projects due to the scale and nature of the proposals in the plan.

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<sup>21</sup> Update to the Wiltshire Core Strategy Habitats Regulations Assessment, February 2014 (Exam/89)

**TABLE 1: Habitats Regulations Assessment Screening of the Semington 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 SEM1: Habitat Regulations	A2	<p>This policy states: <i>All development proposals must demonstrate compliance with the Conservation of Habitat and Species Regulations and demonstrate how the Bat SAC Planning Guidance for Wiltshire (2015) and the Trowbridge Bat Mitigation Strategy (TBMS 2020) Supplementary Planning Document, or any subsequent iterations, have informed proposals which must avoid or reduce the potential adverse impact on the Bath and Bradford on Avon Special Area of Conservation.</i></p> <p>This policy will not lead to development but instead aims to ensure that new developments within the NP area demonstrate compliance with the Habitats Regulations and the Bat SAC Planning Guidance and the TBMS in order to avoid likely significant effects on the Bath and Bradford on Avon bats SAC. The policy will not result in likely significant effects on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	<p>It is recommended that amendments are made to this policy as follows:</p> <ul style="list-style-type: none"> <li>– the Habitats Regulations in this policy and other policy wording should be cited in full: Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.</li> <li>– the reference to the Bath and Bradford on Avon <u>Bats</u> SAC in this policy and throughout the NP is amended to include the word bats.</li> <li>– the title of the policy is amended to relate to the European site it is seeking to protect rather than the HRA process, i.e. the Bath and Bradford on Avon Bats SAC.</li> <li>– not all developments would be required to demonstrate compliance with the Habitats Regulations as only certain areas of the NP are covered by the 2km core area or the grey</li> </ul>

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
			<p>hatched zone of the TBMS. The grey hatched zone of the TBMS relates to the potential for recreational impacts on the woodlands around Trowbridge and therefore only residential developments within this zone would need to comply with the Habitats Regulations.</p> <ul style="list-style-type: none"> <li>– It is recommended that the policy is amended to state that where appropriate developments may require a project level HRA.</li> </ul> <p>It is recommended Paragraph 6.5 of the supporting text is added to state that development proposals coming forward within the NP area need to comply with the Habitats Regulations where appropriate.</p>
Draft Policy SEM2: Support for Rural Businesses and Workspace	C and D Bath and Bradford on Avon Bats SAC	<p>This policy supports proposals for the expansion or diversification of existing small scale economic enterprises provided the proposals accord with the development plan and are of a scale and type suited to their rural location.</p> <p>This policy requires all new employment development to respect the character of its surroundings by way of scale, massing, design and landscaping. Developments should avoid harming the intrinsic qualities of the surrounding area. Sites that are particularly sensitive due to their heritage, biodiversity or landscape sensitivity should be avoided.</p>	See Section 5.

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>The policy goes on to state that home extensions or other building alterations to facilitate home working will be supported where they don't impact negatively on the residential amenity or the living conditions of the nearby occupiers and fall within the residential curtilage, whether within the Semington settlement boundary or within the countryside.</p> <p>Finally, the policy states that <i>Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.</i></p> <p>Approximately half of the NP area is located within the 2km lesser horseshoe bat core area and although this policy will not lead to development as it does not allocate sites, it supports new development, expansion of existing enterprises and the extension of homes and buildings within the NP area.</p> <p>Development supported by this policy has the potential to affect functional habitat for bats within the 2km core area. Therefore, the potential for likely significant effects with regards to physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance to bats associated with the Bath and Bradford on Avon Bats SAC as a result of Draft Policy SEM2 cannot be screened out and the policy must be subject to appropriate assessment.</p>	
Draft Policy SEM3: Communications Infrastructure	C and D Bath and Bradford on Avon Bats SAC	<p>This policy seeks to ensure a superfast broadband connection can be installed at all new dwellings and business premises within the NP area. The policy supports proposals for new or improved mobile phone infrastructure provided they do not adversely affect the surrounding built or natural environment.</p> <p>The policy goes on to state that <i>Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.</i></p> <p>Approximately half of the NP area is located within the 2km lesser horseshoe bat core area and although this policy will not lead to development as it does not allocate sites, it does support the development of new or improved mobile phone infrastructure within the NP area.</p> <p>Development supported by this policy has the potential to affect functional habitat for bats within the 2km core area. Therefore, the potential for likely significant effects with regards to physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance to bats</p>	See Section 5.

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		associated with the Bath and Bradford on Avon Bats SAC as a result of Draft Policy SEM3 cannot be screened out and the policy must be subject to appropriate assessment.	
Draft Policy SEM4: Local Green Space Designation	C and D Bath and Bradford on Avon Bats SAC	<p>This policy designates 5 Local Green Spaces, 4 within Semington and one in Littleton. Development that would positively enhance the beneficial use of these spaces, for example to provide improved access or to allow opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity will be supported. Development within or immediately adjacent to these Local Green Spaces that would undermine their reason for designation would not be supported.</p> <p>This policy will not lead to development but instead aims to protect the designated Local Green Spaces. One of the sites identified in the policy, LGS 5. Littleton Scouts Field is a greenfield site located between the Semington Brook on the northern boundary and the Semington Brook mill leat on the southern boundary and is located within the 2km lesser horseshoe bat core area. There is therefore the potential for any proposals on this site to improve access or allow opportunities for outdoor sport and recreation to have impacts on bat species associated with the Bath and Bradford on Avon Bats SAC through disturbance habitat fragmentation and additional lighting.</p> <p>As such, this policy must be considered through an appropriate assessment as there is the potential for likely significant effects in terms of physical damage to bat habitat within the core area, interruption of flightlines and disturbance to the Bath and Bradford on Avon Bats SAC.</p>	See Section 5.
Draft Policy SEM5: Public Rights of Way and Cycle Network	C and D Bath and Bradford on Avon Bats SAC	<p>This policy seeks to ensure that new developments on land that lies within or adjacent to the public rights of way and cycle network sustain and where possible enhance the multifunctionality of the network. The policy requires all proposals to integrate routeways for walking or cycling connections into the village and wider network. Proposals should also make an appropriate contribution to the improvement and/or extension of the network.</p> <p>The policy goes on to state that <i>Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.</i></p> <p>This policy will not lead to development however it does require new developments to provide, sustain and enhance pedestrian and cycle routes. This includes enhancing the multifunctionality of the network. There is the potential for new routes and the potential upgrading of existing routes to have impacts on bat species associated with the Bath and Bradford on Avon Bats SAC through habitat fragmentation and additional lighting.</p>	See Section 5.

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Approximately half of the NP area lies within the 2km core area, therefore, this policy must be considered through an appropriate assessment as there is the potential for likely significant effects in terms of physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance to the Bath and Bradford on Avon Bats SAC.</p>	
<p>Draft Policy SEM6: Green Blue Infrastructure and Nature Recovery</p>	<p>A2 and A3</p>	<p>This policy sets out that a Green and Blue Infrastructure Network is identified in the NP for the purpose of promoting nature protection and recovery as well as the necessary mitigation of climate change. The network includes the Semington Brook and associated floodplain, the corridor of the Kennet and Avon Canal and the strong network of hedgerows and hedgerow trees.</p> <p>The policy goes on to state that developments <i>must maintain and improve the GBI of the parish in the design of their layouts and landscaping schemes, linking into and extending the Network where possible. This includes the retention of existing trees, and hedgerows as an integral part of development proposals. This also includes appropriate measures to secure their protection during any construction works. Development proposals that will lead to the extension of the Network will be supported.</i></p> <p>Proposals will be resisted where they undermine the integrity or functionality of the network unless suitable alternative provision can be provided.</p> <p>This policy will not lead to development but seeks to protect and enhance the Green and Blue Infrastructure Network within the NP area. The policy will not result in likely significant effects on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
<p>Draft Policy SEM7: Protecting Semington's Actively Rural Landscape</p>	<p>C and D Bath and Bradford on Avon Bats SAC</p>	<p>This policy sets out that development proposals outside of the Semington settlement boundary will be supported where they accord with local and national policy and maintain the actively rural landscape and sensitive settlement edge. The policy sets out several requirements for new developments.</p> <p>The policy identified areas of high landscape sensitivity within the NP area and supports development within this area where it:</p> <ul style="list-style-type: none"> <li>a) <i>maintains the actively rural landscape, the generally open character of the countryside and a sensitive settlement edge;</i></li> <li>b) <i>minimises urbanising effects, artificial lighting and traffic movements;</i></li> </ul>	<p>See Section 5.</p>

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p><i>c) retains important elements of the green and blue infrastructure network and the rural landscape such as the Kennet &amp; Avon Canal, hedgerows and trees and views;</i>  <i>d) does not adversely impact the existing landscape and recreational value of the countryside.</i>  <i>e) e. demonstrates compliance with Habitats Regulations and Policy SEM 1.</i></p> <p>Any proposals that would undermine the rural undeveloped nature of the setting of the Kennet and Avon Canal will not be permitted.</p> <p>The policy goes on to state that developments that affect the key views identified in the NP will be permitted provided they do not cause harm to the natural or historic landscape features that contribute to the key view.</p> <p>Finally, the policy goes on to state that <i>Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.</i></p> <p>This policy will not lead to development however it does support development, potentially including residential development, outside of the Semington settlement boundary and within the area identified as high landscape sensitivity.</p> <p>Approximately half of the NP area lies within the 2km core area and an area within the south west of the NP area is located within the grey hatched zone of the TBMS. This policy must therefore be considered through an appropriate assessment as there is the potential for likely significant effects in terms of physical damage to likely bat habitat within the core area, interruption of flight lines, disturbance and increased recreational pressure on the woodland to the east and south east of Trowbridge which are functionally linked to the Bath and Bradford on Avon Bats SAC.</p>	
Draft Policy SEM8: Design and Local Distinctiveness	C and D Bath and Bradford on Avon Bats SAC	<p>This policy supports appropriate limited residential development within the Semington settlement boundary which respects the character and local distinctiveness of Semington and which would help to maintain the vitality of the village.</p> <p>The policy goes on to state that proposals will demonstrate regard to national design guides and requirements in the Wiltshire Design Guide and have responded to the key design characteristics and development cues of the relevant character area as set out in the Semington Parish Character and Design Statement. This includes designated and non-designated heritage assets.</p>	See Section 5.

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>Proposals for 10 or more dwellings should use the Building for a Healthy Life 12 design assessment tool and be reported in the Design and Access Statement submitted as part of the planning application.</p> <p>The policy goes on to state that <i>Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.</i></p> <p>This policy does not allocate sites for development but supports residential development within the settlement boundary. Part of the settlement boundary is located within the grey hatched zone of the TBMS therefore there is the potential for likely significant effects with regards to an increase in recreational pressure on the Bath and Bradford on Avon Bats SAC as a result of Draft Policy SEM8. As such this policy cannot be screened out and must be subject to appropriate assessment.</p>	
Draft Policy SEM9: Pre-application Community Engagement	A1	<p>This policy encourages applicants to demonstrate early, proactive and effective engagement with the community in line with National Planning Policy.</p> <p>Where a Design and Access Statement is required as part of the planning application, it should set out how the local community has been engaged and how input from the community has shaped the design proposals. Applicants are advised to follow the procedure set out in the Semington Parish Community Engagement Protocol and the Wiltshire Council Statement of Community Involvement.</p> <p>Pre-application community engagement is also expected for reserved matters applications as well as full and outline applications.</p> <p>This policy will not lead to development but seeks to encourage early community engagement. The policy will not result in likely significant effects on any European sites. Developments will be considered at the planning stage to ensure they comply with this policy, the NPPF and other relevant Development Plan policies.</p>	
Draft Policy SEM10: Land to the west of Turnpike Close	C and D Bath and Bradford	<p>This policy allocates Land to the west of Turnpike Close (known locally as the Auction Field) for the development of a village shop. To enable to provision of the village shop, up to 40 dwellings are proposed on the site.</p>	See Section 5.

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
(the Auction Field)	on Avon Bats SAC	<p>The housing development would be required to meet local needs and should include at least 30% affordable homes, meet the requirements of the Semington Character and Design Statement, reflect the existing low-medium density character of the wider area and not commence until the village shop is constructed and capable of occupation.</p> <p>The policy goes on to state that the development must be informed by robust and meaningful community engagement in accordance with the Semington Pre-Application Engagement Protocol. The development should be informed by Building for a Healthy Life and should include the following:</p> <ul style="list-style-type: none"> <li>a) High quality open space, including recreation areas;</li> <li>b) Retention of trees and hedgerows with the provision of new areas of landscaping to provide an appropriate buffer from the A361 and existing development;</li> <li>c) Pedestrian linkages through the site particularly linking the existing housing to the north to the village shop;</li> <li>d) Safe access for all, with vehicular access from the A361 and the provision of sufficient car and cycle parking which is appropriately sited within the development; and</li> <li>e) At least a 10% net gain for biodiversity.</li> </ul> <p>Finally, the policy requires compliance with the Habitats Regulations through adherence to the TMBS or latest iteration, demonstrated through a project level HRA with regards to potential impacts on the Bath and Bradford on Avon Bats SAC as set out in Draft Policy SEM1.</p> <p>The site lies within the grey hatched zone of the TBMS and therefore residential development at this site has the potential to increase recreational pressure on the woodlands to the east and south east of Trowbridge that are functionally linked to the Bath and Bradford on Avon Bats SAC. The potential for likely significant effects with regards to an increase in recreational pressure on the Bath and Bradford on Avon Bats SAC as a result of Draft Policy SEM10 cannot be screened out and the policy must be subject to appropriate assessment.</p>	
Draft Policy SEM11: Community Facilities	C and D Bath and Bradford on Avon Bats SAC	<p>This policy identifies 4 community facilities within the village and state that proposals which would harm or result in the loss of a local community facility would be resisted. Proposals for new, replacement, extended and/or improved community facilities and open space would be supported including a village shop, facilities for children and young people, enhancements to the Village Hall, including EV charging facilities in the car park and allotments.</p>	See Section 5.

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
		<p>The policy goes on to state that <i>Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.</i></p> <p>This policy will not lead to development but seeks to protect and enhance community facilities. None of the facilities identified in the policy are located within the 2km lesser horseshoe bat core area.</p> <p>The policy supports the development of new and replacement community facilities but does not state whether these would be restricted to the settlement boundary therefore there is the potential for new facilities to be located within the 2km lesser horseshoe bat core area which covers the eastern half of the NP. There is therefore the potential for new community facility developments to have impacts on bat species and functional habitat associated with the Bath and Bradford on Avon Bats SAC through physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance. As such, Draft Policy SEM11 cannot be screened out and the policy must be subject to appropriate assessment.</p>	
Draft Policy SEM12: Climate Responsive Buildings	C and D Bath and Bradford on Avon Bats SAC	<p>This policy seeks to ensure that developments are designed to reduce carbon emissions and energy demand in response to climate change. The Energy Hierarchy should be embedded within the design of buildings in accordance with the Wiltshire Climate Strategy.</p> <p>Major developments will be required to submit a Sustainability and Energy Statement.</p> <p>Retrofitting energy efficiency measures in existing buildings, including listed building, are supported by this policy.</p> <p>The policy also requires proposals to demonstrate compliance with Habitats Regulations and Policy SEM 1.</p> <p>This policy will not lead to development but it supports the retrofitting of existing buildings, including historic buildings, to increase energy efficiency. The policy has the potential to affect bat roosts within the 2km core area therefore the potential for likely significant effects with regards to physical damage and disturbance to the Bath and Bradford on Avon Bats SAC as a result of Draft Policy SEM12 cannot be screened out and the policy must be subject to appropriate assessment.</p>	See Section 5.
Draft Policy SEM13: Standalone	C and D Bath and Bradford	<p>This policy supports the development of standalone energy developments, including renewable energy storage, where it can be demonstrated that:</p> <ol style="list-style-type: none"> <li>a. the siting and scale of the proposal is appropriate to its setting;</li> </ol>	See Section 5.

Policy	Initial Screening Category	Policy Summary and Assessment under Habitats Regulations	Comments and Recommendations
Renewable Energy Generation	on Avon Bats SAC	<p>b. the proposal does not create an unacceptable impact on local amenity, and</p> <p>c. the proposal does not have an unacceptable degree of impact on a feature of natural or biodiversity importance;</p> <p>d. there is support from the local community;</p> <p>e. proposals provide a positive benefit for the local community over the lifetime of the project.</p> <p>Ground mounted solar photovoltaic developments will be expected to demonstrate that agricultural use will continue and/or there would be biodiversity improvements around the arrays.</p> <p>As assessment of cumulative impacts with other existing, permitted or proposed developments in the locality will be required.</p> <p>The policy also requires proposals to demonstrate compliance with Habitats Regulations and Policy SEM 1.</p> <p>This policy will not lead to development but it does support renewable energy generation and energy storage developments. This policy has the potential to affect functional habitat for bats within the 2km lesser horseshoe bat core area therefore, the potential for likely significant effects with regards to physical damage to likely bat habitat within the core area, interruption of flight lines and disturbance to the Bath and Bradford on Avon Bats SAC as a result of Draft Policy SEM13 cannot be screened out and the policy must be subject to appropriate assessment.</p>	

## 5. **Appropriate Assessment – Bath and Bradford on Avon Bats SAC**

### **Background to the Bath and Bradford on Avon Bats SAC**

- 5.1. The following account clarifies the key geographical and ecological relationships between the Bath and Bradford on Avon Bats SAC and the Semington NP area, as far as these are currently known. Details of the conservation objectives are available online at <http://publications.naturalengland.org.uk/publication/6279810384920576>. The current version is dated 27 November 2018 Version 3.
- 5.2. The SAC designation extends across former stone mines which are hibernation and swarming sites for the three species of bat which are features of this SAC: greater and lesser horseshoe and Bechstein's bats. The nearest component of the SAC is the mine at Winsley approximately 9.7km west from the Semington NP area. Others occur near Box and Bath. The mines are mainly used by bats during the winter and autumn.
- 5.3. While the SAC lies some distance from Semington, the bats roost and feed across a much wider area during the spring and summer. Horseshoe bats generally breed in buildings while a significant breeding colony of Bechstein's bats occurs in woodlands to the south of Trowbridge. The Council has prepared guidance to demonstrate how development across the whole bat landscape must take account of the SAC<sup>22</sup>. It identifies a number of core roosts with core areas around them (termed "consultation zones") to show where bat activity is likely to be concentrated and where particular precautions will be required.
- 5.4. Under the above guidance, Green Lane Wood, Biss Wood and Picket and Clanger Wood are all core roosts for Bechstein's bats. None of the core areas associated with the core roosts within these woods fall within the NP area, however the closest wood, Green Lane Wood, is approximately 1.9km to the south west of the NP area at the closest point. There are no records of Bechstein's within the NP area, however due to the proximity of Green Lane Wood there is the potential for Bechstein's bats to commute in close proximity to or possibly through part of the NP area to swarming and hibernation sites at Box and Bath. Comparatively little is known about this species as it cannot be identified from bat detectors and is therefore generally under-recorded.
- 5.5. There are no greater or lesser horseshoe bat core roosts within the NP area however there is a lesser horseshoe bat core roost in Seend Head to the east. Approximately half of the NP area falls within the 2km core area around this core roost. There are no records of lesser horseshoe bats within the NP area and only one record of a greater horseshoe bat, however it is likely that this is the result of a lack of surveys within the NP area given the proximity of the lesser horseshoe bat core roost.

### **Plans and Projects to be considered in-combination**

- 5.6. The allocated site is located within the grey hatched zone of the TBMS. In this area new residential development is considered likely to result in an increase in recreational pressure on key woodland bat sites around Trowbridge. New residential developments in the grey hatched zone are expected to contribute towards the delivery of mitigation measures to address strategic recreational pressure. This contribution will be paid through CIL to mitigate residual in-combination effects from recreational pressure.
- 5.7. The 2014 HRA for the emerging Core Strategy considered the potential in combination effects on the integrity of the Bath and Bradford on Avon Bats SAC with regards to habitat loss or modification from the WCS and the Bath and North East Somerset (B&NES) Council Core

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<sup>22</sup> Bat Special Areas of Conservation, planning guidance for Wiltshire. Issue 3.0, 10 September 2015

Strategy. The B&NES Core Strategy identified the potential for likely significant effects on the SAC due to allocated development close to the SAC. The WCS identified similar likely significant effects on the SAC associated with development within the landscape surrounding the SAC, including development in Westbury. The B&NES Core Strategy HRA concluded that the specific land allocations within the landscape surrounding the SAC would not affect the integrity of the SAC.

- 5.8. Therefore, the WCS HRA concluded that the WCS and the B&NES Core Strategy would not have in combination effects upon the integrity of the Bath and Bradford on Avon Bats SAC through habitat loss or modification.

#### **HRA for the Adopted Wiltshire Housing Site Allocations Plan and the TBMS SPD**

- 5.9 The Council published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (WHSAP) together with a HRA dated 21 June 2017 which included an appropriate assessment of the six allocations proposed for Trowbridge. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. The original Addendum to the HRA incorporating minor factual changes to support the consultation on the Council's Schedule of Proposed Changes was published in September 2018. An Amended Addendum comprising a minor factual update and incorporating further changes to support the Council's Further Main Modification was published in September 2019.
- 5.10 Subsequently, the adoption of the WHSAP (Council Version, February 2020) was approved by Full Council on 25<sup>th</sup> February 2020 and this was accompanied by the final WHSAP Assessment under the Habitats Regulations (Wiltshire Council, February 2020).
- 5.11 The adoption of the Trowbridge Bat Mitigation Strategy (TBMS) Supplementary Planning Document (SPD) was also approved on the 25<sup>th</sup> February 2020. The overall aim of the TBMS is to provide a clear and detailed approach to considering impacts of development in the Trowbridge area on the Bath and Bradford on Avon Bats SAC in order to help inform strategic planning for the area's future housing needs. The aforementioned version of the TBMS has been prepared to support the WHSAP and Core Policies 2 and 29 of the Wiltshire Core Strategy. The TBMS sets out the mitigation measures required by the HRA of the WHSAP and is designed to ensure no adverse impact on the important bat populations associated with the Trowbridge landscape due to the WHSAP, and therefore no adverse impact on the integrity of the Bath and Bradford on Avon Bats SAC.
- 5.12 The final HRA (February 2020) concluded that with regard to habitat loss/deterioration, the allocations proposed in the WHSAP are likely to have significant effects on the local Bechstein's population associated with the Bath and Bradford on Avon Bats SAC, particularly when the effects of the plan are considered as a whole, as the cluster of sites will coalesce the urban landscape south of Trowbridge, which could sever strategic flight routes between the key roosts to the east of the town and the underground sites west of the town. It specifies that the TBMS provides a scheme of mitigation which addresses impacts from each of the allocations in the plan alone and the in-combination impacts of these in combination with other development coming forward through neighbourhood plans, as rural exception sites and development within the settlement boundary. In view of the uncertainty surrounding bat use of the landscape, the TBMS takes a precautionary approach to allow appropriate assessments for individual applications to be concluded favourably without delay, provided the principles are followed.
- 5.13 The HRA therefore concluded that the WHSAP would not have an adverse effect on the integrity of the Bath and Bradford Bats SAC alone or in combination with other plans or projects, subject to the adoption and delivery of the finalised TBMS and incorporation of the following within the policies for H2.1 – H2.6:

- Development at the allocation site will be subject to an approved masterplan and will meet the following requirements:
    - Core bat habitat will be protected and enhanced. Design and layout will be informed by appropriate surveys, impact assessments and the Trowbridge Bat Mitigation Strategy.
    - Appropriate mitigation to protect bats, including financial contributions towards management, monitoring and offsite measures as necessary, as informed by the Trowbridge Bat Mitigation Strategy.
- 5.14 In terms of recreational pressure, the HRA concluded that the WHSAP could have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC both alone and in-combination with other planned development through increased recreational disturbance. The TBMS is supported by Natural England who consider the strategy to be sufficient but not excessive as a means of protecting the features of the SAC. The HRA states that it has been demonstrated through consultation and the examination in public for the WHSAP, that the TBMS is achievable and deliverable within an appropriate timescale. The HRA then stipulates that on this basis, it is considered that the Council may rely on the TBMS for the purposes of the appropriate assessment, and as such it can be concluded that the WHSAP would not have an adverse effect on the integrity of the Bath and Bradford on Avon Bats SAC alone or in-combination with other plans or projects subject to incorporation within the policy text of wording to ensure that the site allocations will be required to contribute proportionately to the TBMS.
- 5.15 Essentially, the HRA concluded that allocations would not lead to adverse effects alone or in-combination with other plans and projects provided that:
- Sensitive habitat features are retained and buffered by wide, dark, continuous habitat corridors;
  - Other bat habitat e.g. grazing/arable land, is fully offset by creating new high quality bat habitat within the application boundary;
  - Developments contribute to strategic mitigation offsite, to be delivered by Wiltshire Council, to address residual in-combination habitat impacts, and;
  - Developments contribute to measures to offset in-combination increases in recreational pressure at publicly accessible woodlands used by breeding Bechstein's bats.
- 5.16 Mitigation criteria for retaining and buffering habitat within green field sites is detailed in the TBMS. Specific mitigation measures to address in-combination effects on habitats are also detailed in the TBMS and these will be secured with appropriate developer contributions and implemented through a scheme run by the Council.
- 5.17 The TBMS is supported by a study investigating recreational use of publicly accessible open spaces including the woodlands south of Trowbridge used by roosting Bechstein's bats. A small area of the Semington NP area lies within the area within which 75% of visitors to Green Lane Wood originate and as such there is the potential for new residential development within the Semington NP area to result in additional recreational pressure upon the woodlands south of Trowbridge that support Bechstein's roosts.
- 5.18 The TBMS is intended to address impacts arising from the quantum of development coming forward from three categories of development: (i) allocations in the WHSAP, (ii) allocations in Neighbourhood Plans and (iii) windfall development within existing settlement boundaries. It

identifies zones of sensitivity for a) bat habitat and b) generation of recreational pressure at woodlands used by Bechstein's bats.

5.19 The TBMS sets out at a strategic level the mitigation that will be required to be confident that significant adverse effects to the SAC will be prevented. Provision of mitigation is dependent on a development's location in respect of three zones:

- A high-risk zone (red zone) extending to 600m from woodlands identified as core roosting sites for Bechstein's bats. It is anticipated new build development within this zone would be unable to adequately mitigate for increases in recreational pressure and loss / degradation of habitat and therefore is unlikely to satisfy the requirements of the Habitats Regulations.
- A medium risk zone (yellow zone) for habitat loss and degradation where green field development will be required to provide 100% mitigation for habitat loss and also contribute to a Council scheme for mitigation of residual and in-combination effects on bat habitat.
- A medium risk zone (grey hatched zone) for recreational impact where new residential development will contribute to new offsite recreational provision through the Community Infrastructure Levy (CIL).

### **Analysis of policies in the NP screened into appropriate assessment**

#### Draft Policy SEM2: Support for Rural Businesses and Workspace

5.20 This policy supports proposals for the expansion or diversification of existing small scale economic enterprises provided the proposals accord with the development plan and are of a scale and type suited to their rural location.

5.21 This policy requires all new employment development to respect the character of its surroundings by way of scale, massing, design and landscaping. Developments should avoid harming the intrinsic qualities of the surrounding area. Sites that are particularly sensitive due to their heritage, biodiversity or landscape sensitivity should be avoided.

5.22 The policy goes on to state that home extensions or other building alterations to facilitate home working will be supported where they don't impact negatively on the residential amenity or the living conditions of the nearby occupiers and fall within the residential curtilage, whether within the Semington settlement boundary or within the countryside.

5.23 Finally, the policy states that *Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.*

5.24 This policy does not allocate sites and therefore would not lead to development; however it does support the development of rural businesses and workspaces within the NP area. Approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. As such, development supported by this policy could lead to loss, degradation and/or disturbance to bat habitat, physical damage or disturbance to bat roosts and would also likely necessitate the installation of artificial lighting, and therefore developments have the potential to lead to likely significant effects on bat habitat used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC for commuting, foraging and roosting if not suitably mitigated.

5.25 The policy wording states that proposals must demonstrate compliance with the Habitats Regulations and Policy SEM 1 which requires developments to be informed by the most recent

iteration of the Bat SAC Planning Guidance for Wiltshire. This gives greater certainty for the purposes of this HRA and provides steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.

- 5.26 It is therefore considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

Draft Policy SEM3: Communications Infrastructure

- 5.27 This policy seeks to ensure a superfast broadband connection can be installed at all new dwellings and business premises within the NP area. The policy supports proposals for new or improved mobile phone infrastructure provided they do not adversely affect the surrounding built or natural environment.
- 5.28 The policy goes on to state that *Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.*
- 5.29 This policy would not lead to development but it does support the development of new or improved mobile phone infrastructure within the NP area. The policy does seek to ensure any developments would not adversely affect the natural environment, however, approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. As such, development supported by this policy could be located within the core area and could lead to loss, degradation and/or disturbance to bat habitat and physical damage or disturbance to bat roosts, and therefore developments have the potential to lead to likely significant effects on bat habitat used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC for commuting, foraging and roosting if not suitably mitigated.
- 5.30 The policy wording states that proposals must demonstrate compliance with the Habitats Regulations and Policy SEM 1 which requires developments to be informed by the most recent iteration of the Bat SAC Planning Guidance for Wiltshire. This gives greater certainty for the purposes of this HRA and provides steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 5.31 It is therefore considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

Draft Policy SEM4: Local Green Space Designation

- 5.32 This policy designates five Local Green Spaces, four within Semington and one in Littleton. Development that would positively enhance the beneficial use of these spaces, for example to provide improved access or to allow opportunities for outdoor sport and recreation, to retain and enhance landscapes, visual amenity and biodiversity will be supported. Development

within or immediately adjacent to these Local Green Spaces that would undermine their reason for designation would not be supported.

- 5.33 This policy will not lead to development but instead aims to protect the designated Local Green Spaces. One of the sites identified in the policy, LGS 5. Littleton Scouts Field is a greenfield site located between the Semington Brook on the northern boundary and the Semington Brook Mill Leat on the southern boundary. The site is bound on all side by mature trees and is surrounded by arable land and grassland. There is a large pond to the east of the site. The site is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head and the Semington Brooks runs close to the core roost.
- 5.34 There is therefore the potential for any proposals on this site to improve access or allow opportunities for outdoor sport and recreation, to lead to loss, damage and/or disturbance to bat habitat, physical damage or disturbance to bat roosts and would also likely necessitate the installation of artificial lighting. Developments, therefore, have the potential to lead to likely significant effects on bat habitat used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC for commuting, foraging and roosting if not suitably mitigated.
- 5.35 Draft Policy SEM4 does not make reference to the need for developments to comply with the Habitats Regulations and Policy SEM 1 which requires developments to be informed by the most recent iteration of the Bat SAC Planning Guidance for Wiltshire. In not referring to the need to adhere to the aforementioned policy and guidance, development supported by this policy could lead to effects on bat habitat used by Annex II bats associated with the Bath and Bradford on Avon Bats SAC for foraging, commuting and roosting. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 5.36 It is therefore recommended that the wording of Draft Policy SEM4 is revised to state that any proposals supported by this policy on site LGS 5. Littleton Scouts Field must demonstrate compliance with Habitats Regulations and Policy SEM 1, in line with several other policies in this NP. This will give greater certainty for the purposes of this HRA and provide steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance, and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary.
- 5.37 On the basis that the above recommendations are implemented it is considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

#### Draft Policy SEM5: Public Rights of Way and Cycle Network

- 5.38 This policy seeks to ensure that new developments on land that lies within or adjacent to the public rights of way and cycle network sustain and where possible enhance the multifunctionality of the network. The policy requires all proposals to integrate routeways for walking or cycling connections into the village and wider network. Proposals should also make an appropriate contribution to the improvement and/or extension of the network.
- 5.39 The policy goes on to state that *Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.*
- 5.40 This policy will not lead to development; however, it does seek to sustain and enhance the public rights of way and cycle network throughout the NP area. Approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. Maintenance and enhancement of the network could lead to loss, damage and/or

disturbance to bat habitat, physical damage or disturbance to bat roosts and would also likely necessitate the installation of artificial lighting, therefore developments have the potential to lead to likely significant effects on bat habitat used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC for commuting, foraging and roosting if not suitably mitigated.

- 5.41 The policy wording states that proposals must demonstrate compliance with the Habitats Regulations and Policy SEM 1 which requires developments to be informed by the most recent iteration of the Bat SAC Planning Guidance for Wiltshire. This gives greater certainty for the purposes of this HRA and provides steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 5.42 It is therefore considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

Draft Policy SEM7: Protection Semington's Actively Rural Landscape

- 5.43 This policy sets out that development proposals outside of the Semington settlement boundary will be supported where they accord with local and national policy and maintain the actively rural landscape and sensitive settlement edge. The policy sets out several requirements for new developments.
- 5.44 The policy identified areas of high landscape sensitivity within the NP area and supports development within this area where it:
- a) *maintains the actively rural landscape, the generally open character of the countryside and a sensitive settlement edge;*
  - b) *minimises urbanising effects, artificial lighting and traffic movements;*
  - c) *retains important elements of the green and blue infrastructure network and the rural landscape such as the Kennet & Avon Canal, hedgerows and trees and views;*
  - d) *does not adversely impact the existing landscape and recreational value of the countryside.*
  - e) *demonstrates compliance with Habitats Regulations and Policy SEM 1.*
- 5.45 Any proposals that would undermine the rural undeveloped nature of the setting of the Kennet and Avon Canal will not be permitted.
- 5.46 The policy goes on to state that developments that affect the key views identified in the NP will be permitted provided they do not cause harm to the natural or historic landscape features that contribute to the key view.
- 5.47 Finally, the policy goes on to state that *Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.*
- 5.48 This policy will not lead to development however it does support development outside of the Semington settlement boundary and within the area identified as high landscape sensitivity where it meets the criteria in the policy. The policy does not rule out the possibility of developments supported by this policy including housing developments, for example rural exception sites supported by Core Policy 44.

- 5.49 This policy will not lead to development; however, it does support development outside of the Semington settlement boundary. Approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. The south western area of the NP area, including the south western area of Semington village, is located within the grey hatched zone of the TBMS. As such, development supported by this policy could lead to loss, degradation and/or disturbance to bat habitat and physical damage or disturbance to bat roosts. If residential development were to come forward within the grey hatched zone of the TBMS this could also lead to increased recreational pressure on the woodlands to the east and south east of Trowbridge which are functionally linked to the Bath and Bradford on Avon Bats SAC. Therefore, developments supported by this policy have the potential to lead to likely significant effects on bat habitat used by Annex II bats associated with the Bath and Bradford on Avon Bats SAC for commuting, foraging and roosting.
- 5.50 The policy wording states that proposals must demonstrate compliance with the Habitats Regulations and Policy SEM 1 which requires developments to be informed by the most recent iterations of the Bat SAC Planning Guidance for Wiltshire and the TBMS. This gives greater certainty for the purposes of this HRA and provides steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. Any residential development supported by this policy in the grey hatched zone of the TBMS would be required to pay an appropriate CIL contribution towards the delivery of mitigation set out in the TBMS to address strategic recreational pressure. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 5.51 It is therefore considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

Draft Policy SEM8: Design and Local Distinctiveness

- 5.52 This policy supports appropriate limited residential development within the Semington settlement boundary which respects the character and local distinctiveness of Semington and which would help to maintain the vitality of the village.
- 5.53 The policy goes on to state that proposals will demonstrate regard to national design guides and requirements in the Wiltshire Design Guide and will have responded to the key design characteristics and development cues of the relevant character area as set out in the Semington Parish Character and Design Statement. This includes designated and non-designated heritage assets.
- 5.54 Proposals for 10 or more dwellings should use the Building for a Healthy Life 12 design assessment tool and be reported in the Design and Access Statement submitted as part of the planning application.
- 5.55 The policy goes on to state that *Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.*
- 5.56 This policy will not lead to development as it doesn't allocate sites; however, it does support limited residential development within the Semington settlement boundary. The south western area of Semington village is located within the grey hatched zone of the TBMS. As such, development supported by this policy could lead to increased recreational pressure on the woodlands to the east and south east of Trowbridge which are functionally linked to the Bath and Bradford on Avon Bats SAC. Therefore, developments supported by this policy have the potential to lead to likely significant effects on bat habitat used by Annex II bat species

associates with the Bath and Bradford on Avon Bats SAC for commuting, foraging and roosting if not suitably mitigated.

- 5.57 The policy wording states that proposals must demonstrate compliance with the Habitats Regulations and Policy SEM 1 which requires developments to be informed by the most recent iteration of the TBMS. This gives greater certainty for the purposes of this HRA and provides steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. Any residential development supported by this policy in the grey hatched zone of the TBMS would be required to pay an appropriate CIL contribution towards the delivery of mitigation set out in the TBMS to address strategic recreational pressure. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 5.58 It is therefore considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

Draft Policy SEM10: land to the west of Turnpike Close (the Auction Field)

- 5.59 This policy allocates Land to the west of Turnpike Close (known locally as the Auction Field) for the development of a village shop. To enable to provision of the village shop, up to 40 dwellings are proposed on the site.
- 5.60 The housing development would be required to meet local needs and should include at least 30% affordable homes, meet the requirements of the Semington Character and Design Statement, reflect the existing low-medium density character of the wider area and not commence until the village shop is constructed and capable of occupation.
- 5.61 The policy goes on to state that the development must be informed by robust and meaningful community engagement in accordance with the Semington Pre-Application Engagement Protocol. The development should be informed by Building for a Healthy Life and should include the following:
- f) High quality open space, including recreation areas;
  - g) Retention of trees and hedgerows with the provision of new areas of landscaping to provide an appropriate buffer from the A361 and existing development;
  - h) Pedestrian linkages through the site particularly linking the existing housing to the north to the village shop;
  - i) Safe access for all, with vehicular access from the A361 and the provision of sufficient car and cycle parking which is appropriately sited within the development; and
  - j) At least a 10% net gain for biodiversity.
- 5.62 Finally, the policy requires compliance with the Habitats Regulations through adherence to the TBMS or latest iteration, demonstrated through a project level HRA with regards to potential impacts on the Bath and Bradford on Avon Bats SAC as set out in Draft Policy SEM 1.
- 5.63 The site is a single field, that appears to be arable, located to the south of the village and is accessed via the A361 to the south and Turnpike Close to the east. The site is bound by mature hedgerows with trees along the southern, eastern and north western boundaries. Residential properties are located to the north and east of the site, there is arable land to the west and the A361 to the south. The site is well connected to the wider landscape and to Green Lane Wood and the other woodlands to the east and south east of Trowbridge. It is considered that the habitats on site, in particular the boundary vegetation, are likely to provide suitable habitat for foraging and commuting bats.

- 5.64 There are no records of bats at this site however, this may be due to a lack of surveys or records not being submitted to the record centre. There is a greater horseshoe bat record within the NP area, however there are no records of lesser horseshoe bats or Bechstein's within the NP area. The closest record is the greater horseshoe bat record approximately 410m to the south east of the site. The nearest roost is the lesser horseshoe bat core roost located approximately 2.6km to the south east of the site.
- 5.65 The site is located within the grey hatched medium risk zone of the TBMS which represents the area within which new residential development is expected to result in increased recreational pressure on key woodland bat sites on the edge of Trowbridge, including Green Lane Wood, which are functionally linked to the Bath and Bradford on Avon Bats SAC.
- 5.66 The policy requires any development on this site to comply with the Habitats Regulations through compliance with the TBMS, or latest iteration, through a project level HRA as set out in Draft Policy SEM 1. It is therefore considered that this policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

Draft Policy SEM11: Community Facilities

- 5.67 This policy identifies 4 community facilities within the village and states that proposals which would harm or result in the loss of a local community facility would be resisted. Proposals for new, replacement, extended and/or improved community facilities and open space would be supported including a village shop, facilities for children and young people, enhancements to the Village Hall, including EV charging facilities in the car park, and allotments.
- 5.68 The policy goes on to state that *Proposals must also demonstrate compliance with Habitats Regulations and Policy SEM 1.*
- 5.69 None of the facilities identified in the policy are located within the 2km lesser horseshoe bat core area.
- 5.70 The policy supports the development of new and replacement community facilities but does not state whether these would be restricted to the settlement boundary therefore there is the potential for new facilities to be located within the 2km lesser horseshoe bat core area which covers the eastern half of the NP. As such, development supported by this policy could lead to loss, degradation and/or disturbance to bat habitat and physical damage or disturbance to bat roosts. Therefore, developments supported by this policy have the potential to lead to likely significant effects on bat habitat used by Annex II bat species associates with the Bath and Bradford on Avon Bats SAC for commuting, foraging and roosting if not suitably mitigated.
- 5.71 The policy wording states that proposals must demonstrate compliance with the Habitats Regulations and Draft Policy SEM 1 which requires developments to be informed by the most recent iteration of the Bat SAC Planning Guidance for Wiltshire. This gives greater certainty for the purposes of this HRA and provides steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 5.72 It is therefore considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

Draft Policy SEM12: Climate Responsive Buildings

- 5.73 This policy seeks to ensure that developments are designed to reduce carbon emissions and energy demand in response to climate change. The Energy Hierarchy should be embedded within the design of buildings in accordance with the Wiltshire Climate Strategy.
- 5.74 Major developments will be required to submit a Sustainability and Energy Statement.
- 5.75 Retrofitting energy efficiency measures in existing buildings, including listed building, are supported by this policy.
- 5.76 The policy also requires proposals to demonstrate compliance with Habitats Regulations and Draft Policy SEM 1.
- 5.77 This policy will not lead to development but it supports the retrofitting of existing buildings, including historic buildings, to increase energy efficiency. Approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head. As such, development supported by this policy could lead to physical damage or disturbance to bat roosts used by Annex II bat species associated with the Bath and Bradford on Avon Bats SAC if not suitable mitigated.
- 5.78 The policy wording states that proposals must demonstrate compliance with the Habitats Regulations and Draft Policy SEM 1 which requires developments to be informed by the most recent iteration of the Bat SAC Planning Guidance for Wiltshire. This gives greater certainty for the purposes of this HRA and provides steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 5.79 It is therefore considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

#### Draft Policy 13: Standalone Renewable Energy Generation

- 5.80 This policy supports the development of standalone energy developments, including renewable energy storage, where it can be demonstrated that:
  - a. the siting and scale of the proposal is appropriate to its setting;
  - b. the proposal does not create an unacceptable impact on local amenity, and
  - c. the proposal does not have an unacceptable degree of impact on a feature of natural or biodiversity importance;
  - d. there is support from the local community;
  - e. proposals provide a positive benefit for the local community over the lifetime of the project.
- 5.81 Ground mounted solar photovoltaic developments will be expected to demonstrate that agricultural use will continue and/or there would be biodiversity improvements around the arrays.
- 5.82 As assessment of cumulative impacts with other existing, permitted or proposed developments in the locality will be required.
- 5.83 The policy also requires proposals to demonstrate compliance with Habitats Regulations and Policy SEM 1.
- 5.84 This policy will not lead to development but it supports standalone renewable energy developments within the NP area. The supporting text states that there is support within the

Semington community for wind turbines within the NP area. Approximately half of the NP area is located within the 2km core area around the lesser horseshoe bat core roost in Seend Head therefore there is the potential for schemes to come forward within the core area. As such, development supported by this policy could lead to loss, damage and/or disturbance to bat habitat and physical damage or disturbance to bat roosts, therefore developments have the potential to lead to likely significant effects on bat habitat used by Annex II bat species associates with the Bath and Bradford on Avon Bats SAC for commuting, foraging and roosting if not suitably mitigated.

- 5.85 The policy wording states that proposals must demonstrate compliance with the Habitats Regulations and Policy SEM 1 which requires developments to be informed by the most recent iteration of the Bat SAC Planning Guidance for Wiltshire. This gives greater certainty for the purposes of this HRA and provides steer to applicants to ensure that any forthcoming development proposals have due regard to the aforementioned guidance and will be informed by an appropriate level of survey and assessment in respect of bats, as well as being supported by details of appropriate avoidance and mitigation measures to ensure there is no potential for a significant effect on the SAC, where this is necessary. It should also be noted that it may be necessary for applications supported by this policy to be subject to a project-level appropriate assessment by the competent authority at the planning application stage, if applicable.
- 5.86 It is therefore considered that the policy would not result in a significant effect on the SAC alone or in-combination with other plans or projects.

### **Conclusion**

- 5.87 There is the potential for the above policies to result in an adverse impact on the Bath and Bradford on Avon Bats SAC through physical damage, interruption of flight lines and disturbance to bats and habitat functionally linked to the SAC and through recreational impact on the woods around Trowbridge that are also functionally linked to the SAC.
- 5.88 On the basis that the recommendation above relating to Draft Policy SEM4 is implemented, and that the other nine policies taken forward to appropriate assessment all refer to the need for developments supported by the policy to be compliant with the Habitats Regulations and Draft Policy SEM 1, it is deemed possible to conclude, beyond reasonable scientific doubt, that there would be no adverse effects on the Bath and Bradford on Avon Bats SAC, alone or in-combination with other plans and projects as a result of the Semington NP.

Prepared by Naomi Harvey, Ecologist, Wiltshire Council, 29<sup>th</sup> February 2024  
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