Wiltshire Local Plan Review - Examination in Public
Note on avoidance of adverse effects on European sites with regards to water quality and quantity

18 December 2025

Introduction

1.1 During the Stage 2 hearing sessions on 11 to 13 November 2025, when discussing habitats issues under Matter 1 - Procedural, legal and other requirements (continued), the Inspectors requested a Note to provide clarity regarding the mitigation measures necessary to ensure the avoidance of adverse effects on European sites with regards to water quality and quantity.

1.2 This is the council's Note on that issue. It outlines information to assess the effects of the Wiltshire Local Plan Pre-Submission Draft 2020-2038 (the Plan) within the scope of the Habitats Regulations[1] on the issues of water quality and quantity. It builds upon the information presented within the Habitats Regulations Assessment[2] (HRA) (SD/74), providing clarity on how any effects will be avoided or mitigated by elaborating on the mechanisms and timescales of the necessary mitigation measures.

Water Quality

1.3 The HRA (paragraph 5.198, SD/74) identifies the European sites sensitive to changes in water quality as a result of Plan proposals and the HRA then undertakes an appropriate assessment for these European sites where Likely Significant Effects are identified (paragraphs 6.227-6.261, SD/74). Overall, the HRA concludes that, provided the mitigation measures are implemented successfully, adverse effects on European sites will be avoided.

1.4 Natural England has confirmed the protected sites in Wiltshire that are in unfavourable condition due to excessive nutrients, whereby nutrient neutrality is identified as a potential mitigation solution. These protected sites are sensitive to changes in water quality resulting from proposed development within the Plan. For Wiltshire, nutrient neutrality is being deployed as mitigation in four catchment areas, that fall within or partially within the county. These comprise: The Solent Protected Sites (including the River Test catchment in Wiltshire); River Avon SAC (Hampshire Avon); the River Lambourne SAC; and the Somerset Levels and Moors Ramsar Site.

1.5 Achieving nutrient neutrality is one way to ensure there are no adverse effects on the integrity of the protected sites from the proposed development within the Plan.

1.6 Nutrient neutrality is advocated by Natural England as a means of ensuring that development does not add to existing nutrient burdens. This provides certainty that development can come forward in line with legislation[3]. Nutrient neutrality involves the

[1] The Conservation of Habitats and Species Regulations 2017 (as amended)
[2] Wiltshire Local Plan Review Habitats Regulations Assessment, Appropriate Assessment (February 2025).
[3] The Conservation of Habitats and Species Regulations 2017

calculation of a nutrient burden from a development. If there is an increase, mitigation such as through land use change or wetlands is needed to remove nutrients and counterbalance the output from development. Mitigation can be delivered by the developer through bespoke mitigation or through strategic mitigation schemes.

1.7 Further information with regards water quality, considering the likely impacts of the Plan and the implications upon European sites, is presented below in so far as is deemed relevant and helpful to elaborate on in this Note.

Solent Protected Sites (nutrient neutrality)

1.8 The Solent European sites (Chichester and Langstone Harbours SPA /Ramsar, Portsmouth Harbour SPA/Ramsar, Solent and Southampton Water SPA/Ramsar, Solent Maritime SAC) are in unfavourable condition, nitrogen being the nutrient of concern for the River Test in Wiltshire, with proposed development as part of the Plan having the potential to contribute to increased levels of nitrogen entering the Solent estuaries (through the River Test). Policy 40 (Land South East of Empress Way, Ludgershall) falls within the catchment area and is expected to drain into the Ludgershall Wastewater Treatment Works. Other windfall development within the River Test catchment in Wiltshire may also come forward.

1.9 Within this catchment, applicants are expected to complete a nutrient budget to determine if mitigation is required[4]. Where mitigation is required to achieve nutrient neutrality, applicants can utilise the council's Strategic Nitrogen Mitigation Strategy. This provides a strategic approach to achieve nutrient neutrality and is available to applicants located in the River Test catchment in Wiltshire. Applicants can join the scheme by purchasing nitrogen 'credits'. A nitrogen 'credit' is equivalent to 1 kg of Nitrogen. The purchase of the nitrogen credits will be secured through planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990. Further information on this is provided within EXAM 3[5].

1.10 The Strategic Nitrogen Mitigation Scheme has been operational since 2021 and has been approved by Natural England. The mitigation project involves the cessation of an intensive agricultural use on land adjacent to the River Dunn (a tributary of the River Test) and the creation of a nature reserve, managed by the RSPB. The reduction in nitrogen arising from the change in use of the land from intensive dairy farm to low input nature reserve creates nutrient headroom / mitigation for new development. The mitigation site has ample capacity available for the proposed growth set out in the Plan.

1.10 Utilisation of this strategic mitigation scheme is optional. Developers can opt to deliver their own bespoke mitigation measures on-site or purchase other 3rd party mitigation solutions. These options would be assessed via a project level HRA and appropriate assessment if applicable. This would demonstrate how adverse effects will be avoided at the planning application stage.

1.11 Given the capacity of mitigation available to developers in this catchment, the council considers this provides certainty at the plan making stage that adverse effects on the integrity of Solent European sites will be avoided. Natural England agree with this conclusion.

[4] More information being available here.
[5] Note on Habitats Mitigation Schemes and Strategies

Mitigation to Compensatory Habitats for the River Itchen SAC

1.12 The River Itchen SAC is an internationally protected chalk river that is in unfavourable condition due to phosphorus inputs. The river also drains into the protected sites in the Solent estuaries, therefore development directly in this catchment has a requirement for phosphorus as well as nitrogen neutrality.

1.13 Following the making of the Lower Itchen Drought Order and Candover Augmentation Scheme Drought Order, authorised at the request of Southern Water on the grounds of imperative reasons of overriding public interest, compensatory habitats outside of the River Itchen SAC are now performing a compensatory function for protected features of the River Itchen SAC.

1.14 The River Itchen SAC, whilst not falling within Wiltshire, is considered in the HRA as there is a requirement for compensatory measures for the River Itchen SAC to be delivered on the River Test, and parts of the River Test catchment fall in Wiltshire. Natural England has advised that the compensatory measures themselves are to be implemented by Southern Water, with sites identified on the River Test and River Meon for these works. This is to compensate for the impacts of the Drought Order on the River Itchen SAC.

1.15 National policy makes it clear that sites identified as compensatory measures for adverse effects on habitats sites should be given the same protection as the habitat site (Paragraph 181(c), SD/135). As such, any projects potentially affecting the compensatory habitats identified for the River Itchen SAC would be treated as per the SAC and would trigger the need for a HRA at the project level which would consider how adverse effects can be avoided. Such a requirement would subsequently apply, for instance, to the allocation at Land at Empress Way (Policy 41) and any windfall development in the River Test catchment. Such development would also be determined in accordance with the policies in the Plan more widely that safeguards against adverse effects, for instance at Policy 88 with regards the protection afforded to designated sites and adherence to the mitigation hierarchy.

1.16 This approach is reflective of the one as anticipated within the HRA at paragraphs 6.257 – 6.261 (SD/74) where it concludes that adverse effects on the integrity of the River Itchen SAC (including through avoiding any adverse effects on any compensatory habitat), as a result of impacts on water quality, will be avoided. This subject to the requirement of a project level HRA that demonstrates how the avoidance of adverse effects can be demonstrated upon the compensatory habitats, the requirement of which is clarified in paragraph 1.15 above.

River Avon SAC (Hampshire Avon, including the Avon Valley SPA and Ramsar sites) (nutrient neutrality)

1.17 The River Avon SAC is in unfavourable condition, phosphorus being the nutrient of concern, with proposed development as part of the Plan having the potential to contribute to increased levels of phosphorus entering the River Avon SAC. For instance, several site allocations within the Salisbury area fall within the SAC catchment, notwithstanding any windfall development that may also come forward.

1.18 Sites that will result in a net increase in nutrient levels will be required to achieve nutrient neutrality and to ensure no adverse effect on the integrity of the River Avon SAC. By ensuring development is phosphorus neutral, adverse effects will be avoided not only on the River Avon SAC but also on the Avon Valley SPA and Ramsar sites in the lower reaches of the river.

1.19 In the first instance, applicants are encouraged to avoid nutrient burdens on-site, for example, through Sustainable Urban Development Systems. Where off-site mitigation is required, developers can find their own mitigation through private landowners or use the council-led River Avon Strategic Mitigation Scheme. Phosphorus credits are available for planned development at a fixed cost per kilogram of phosphorus.

1.20 The council-led scheme is a more recent solution (since 2024) and follows a successful bid to the Local Nutrient Mitigation Fund to help forward fund mitigation in line with development growth. This follows a recent history of challenge in finding mitigation solutions in the catchment area with, as the HRA reports (paragraph 6.244, SD/74), this contributing (in line with a precautionary approach) to development in the Plan coming forward in a phased manner at a reasonable level until such time that nutrient neutrality could be assured.

1.21 Since receipt of the Local Nutrient Mitigation Fund in December 2023, this has enabled the council to forward purchase the delivery of mitigation projects to help facilitate future growth in the catchment. Further information on the scheme is provided within EXAM 3[6].

1.22 The council-led scheme is one option that development can potentially use to achieve phosphorus neutrality. It forms part of the solution to achieving phosphorus neutral development in the catchment. The mitigation projects that have been delivered include an agricultural reversion project – removing intensive agricultural use from land and changing to a low-input use with the future creation of a nature reserve, and the upgrade of the sewage systems of council-owned facilities and private homeowners. The latter has been successful in terms of uptake and has led to a pipeline of mitigation projects coming forward across the catchment. This strategic approach ensures that effective mitigation is available that meets Natural England's nutrient neutrality principles. The programme has upfront funding which is recharged as developers purchase nutrient credits in order that further projects can be delivered to meet future growth. This enables a pipeline of mitigation to be delivered for long term growth in Salisbury and other areas in the catchment.

1.23 Alongside mitigation and measures as directed through the implementation of policy within the Plan (e.g., site allocation policies and Policy 88), the council considers this to provide certainty at the plan making stage as to the avoidance of adverse effects on the integrity of River Avon SAC and Natural England agree with this conclusion.

River Lambourn SAC catchment and the Somerset Levels and Moors Ramsar

1.24 Only a very small part of Wiltshire falls in the River Lambourn SAC catchment and the Somerset Levels and Moors Ramsar catchment. No strategic mitigation scheme has been developed by the council for these catchments, as there are no allocated sites in these areas. Furthermore, given the small area and rural nature of the land, it is unlikely to come forward for windfall developments. However, should a planning application be submitted for overnight accommodation in these catchments, then a project-level HRA and appropriate assessment would be necessary, and this detailed assessment would provide certainty that no adverse effects on integrity would arise on these protected sites.

Kennet and Lambourne Floodplain SAC

1.25 The Kennet and Lambourne Floodplain SAC is not a nutrient neutrality catchment identified by Natural England, but is protected by the policies contained in the Plan that

[6] Note on Habitats Mitigation Schemes and Strategies

safeguard against adverse effects, for instance at Policy 88 with regards the protection afforded to designated sites and adherence to the mitigation hierarchy and Policy 96 with regards the provision for waste water arising from development. The HRA (SD/74, paragraph 6.256) concludes positively on this matter, outlining that "*provided that the policy wording incorporated into the Plan and infrastructure upgrades are implemented successfully, adverse effects on the integrity of the Kennet and Lambourn SAC, as a result of impacts from water quality will be avoided*."

1.26 Specifically, the HRA (paragraph 6.249) reports a high spilling record at the Marlborough sewage treatment works which is directly upstream of the Kennet and Lambourn Floodplain SAC. Regarding infrastructure delivery and sewage treatment works, the approach to securing infrastructure provision from new development is set out within Policy 5 of the Plan, water and sewerage being among those classified as essential infrastructure. Paragraph 3.66 of the reasoned justification text to Policy 5 explains that developers wishing to connect to a wastewater treatment works will need to check with the utilities provider that there is adequate capacity. Similarly, Policy 96 (water resources) outlines that development will only be supported where adequate foul drainage, sewerage and sewerage treatment facilities are available or where suitable arrangements are made for their provision. Any development coming forward will need to have regard to such policies within the Plan.

1.27 In their Regulation 19 consultation response (submission ID 2256), Thames Water indicated that wastewater infrastructure was not envisaged to be a concern at Marlborough. Since then, Thames Water has confirmed that they are taking steps to 'line' the sewer network in the catchment and it is anticipated that this should have some impact on the duration of spills. Furthermore, they have confirmed that Marlborough STW is included in an investigation programme which will inform their business planning for AMP9 (2030-2035). In the meantime, growth predictions for new developments that will discharge within the catchment are monitored and will contribute to their business planning process and support their assessment of whether there is a need to deliver a specific growth programme at the Marlborough STW.

Water Quantity

1.28 The HRA identifies the European sites sensitive to changes in water quantity (paragraph 5.186 – 5.197, SD/74) and undertakes assessment at the appropriate assessment stage for those sites screened in for assessment (paragraphs 6.197 – 6.226, SD/74). Overall, the HRA, at paragraph 6.226, concludes that provided the safeguarding measures within the Plan are implemented successfully and the options published by the respective Water Resource Management Plans (WRMP) for Wessex Water and Thames Water are taken forward and implemented successfully, adverse effects on European sites will be avoided.

1.29 Further information with regards water quantity, understanding the likely impacts of the Plan and the implications upon European sites, is presented below in so far as is deemed relevant and helpful to elaborate on in this Note.

<u>River Avon SAC, Avon Valley SPA and Ramsar, and Kennet and Lambourn Floodplain SAC</u>

1.30 A large part of Wiltshire falls within the Wessex Water supply area, with smaller parts supplied by Thames and Southern Water. With regards possible impacts upon European sites, the Wessex Water WRMP identifies existing and proposed water abstraction sources with both the River Avon SAC and Avon Valley SPA and Ramsar being subject to

abstraction and were subsequently screened in for appropriate assessment in the HRA (SD/74). Similarly, regarding Thames Water, given the potential to increase abstraction within the River Kennet catchment, which lies upstream of the Kennet and Lambourn Floodplain SAC, this was also screened in for appropriate assessment in the HRA (SD/74) in line with the precautionary principle. Overall, this highlighted that the River Avon SAC, the Avon Valley SPA and Ramsar site, and the Kennet and Lambourn Floodplain SAC are at risk from impacts associated with water abstraction as a result of Plan proposals.

1.31 In 2023, at the point of the Regulation 19 consultation on the Plan, the HRA (paragraph 6.165, CD/04) concluded that "*a conclusion of no adverse effect on integrity could not be reached in relation to the effect of water quantity on the River Avon SAC, Avon Valley SPA and Ramsar site and Kennet and Lambourn Floodplain SAC until further evidence was provided, for example, as part of preparing WRMPs, or as part of a Water Cycle Study or equivalent to determine if there is sufficient water capacity, and whether appropriate mitigation measures are required and can be secured to ensure no adverse effects."* As indicated, this was in part due to the WRMPs still being in preparation at that time and as such there remained uncertainty as to whether there would be sufficient water supply over the plan period to support the increased demand from proposed growth without further levels of water abstraction. This was notwithstanding the importance of policies in the Plan in mitigating the impacts of development on water quantity, such as Policy 88, in respect of factors such as adherence to the mitigation hierarchy, and Policy 96, which requires that new residential development should have a predicted mains water consumption of no more than 85 litres per person per day.

1.32 Following the Regulation 19 consultation, and upon submission of the Plan, progress been made with regards WRMPs and a Water Cycle Study had also been undertaken (SD/66, SD/66A, SD/66B) which recommended that through working with water utility companies and their WRMPs there is either sufficient capacity within existing water treatment facilities, or the scope to influence investment in improvements. Specifically, the progress made on WRMPs led to a conclusion in the HRA that, provided that the options published by the respective WRMP for Wessex Water and Thames Water are taken forward and that the safeguarding measures provided within the Plan's policies are implemented successfully, it can be concluded that adverse effects on the integrity of the River Avon SAC, Avon Valley SPA and Ramsar site and Kennet and Lambourn Floodplain SAC as a result of impacts from water quantity will be avoided. Such a conclusion was reflected within the HRA at the point of submission of the Plan (SD/65, September 2024, paragraph 6.227) and within the February 2025 update to the HRA (SD/74 paragraph 6.226).

1.33 This conclusion of avoidance of adverse effects was endorsed within the SOCG with Natural England[7]. Within the SOCG, with respect to the River Avon SAC, it is also clarified that the water needs of new growth in the catchment are not to be met through increased abstraction reflecting Defra advice to Wessex Water, with Wessex Water being instructed to monitor the situation to ensure that proposed demand management measures and leakage reduction actions are sufficient to prevent any increase and that swift action should be taken should any increase be detected. Equally, Defra also accepted Natural England's advice that licence headroom is removed from relevant abstraction permits to ensure compliance with Habitats Regulations requirements. Both the Environment Agency and Wessex Water confirmed with Natural England that this process would take place in 2025. Natural England advised that this process should be implemented in such a way as to prevent any increase in flow target noncompliance across the SAC. In parallel, within this context and with the publication of the Water Cycle Study (SD/66), Natural England

[7] Both November 2024 (SOCG/4) and March 2025 (WC1A)

outlined support with the domestic water efficiency target of 85l/p/d for all new homes as contained within the Plan.

1.34 Overall, at the point of submission of the Plan, the HRA considered that adverse effects on the integrity of the River Avon SAC, Avon Valley SPA and Ramsar site and Kennet and Lambourn Floodplain SAC as a result of impacts from water quantity will be avoided. This is given the context of the measures contained within both the Wessex Water and Thames Water WRMPs ensuring that a sufficient supply of water can be secured and the associated HRAs of the WRMPs concluding for each that they would have no adverse impacts on European sites, alone or in combination, and alongside the mitigation measures as outlined in policies within the Plan itself.

Update on WRMPs

1.35 Leading into the Stage 2 hearing sessions and building upon the information as contained within the SOCG with Natural England (WC1A), Natural England provided an update and reiteration of their position within their written statement (WS1/17). Whilst outlining that they are satisfied with the conclusions of the Appropriate Assessment (SD/74), they reiterated one matter in relation to water quantity. Notwithstanding their satisfaction that a combination of the policies of the Plan and the water companies' WRMPs would be sufficient to avoid adverse effects on the European sites in question, they emphasised that the reliance on the Wessex Water's WRMP was dependent upon the Environment Agency confirming the capping of existing abstraction licences in an appropriate timeframe which aligns with the Local Plan timeframe.

1.36 Following discussion with Natural England, it has been clarified that the priority is not necessarily capping abstraction immediately, but rather ensuring water abstraction does not increase as a result of provisions in the Plan. Capping at the current abstraction rate ensures this, but in the interim, programmed water saving measures may also be used to offset the demand from new development.

1.37 Building on this, Wessex Water has confirmed that they are currently delivering the demand management activity identified in their WRMP[8] [9], with specific focus on implementing demand management measures within the Hampshire Avon area. Their smart metering programme is progressing with smart meters being installed in the Salisbury area initially, with subsequent roll out to other demand centres within the Hampshire Avon area over the course of the 2025-2030 planning period. The data collected from the smart metering roll out is being used to direct their household and non-household water efficiency visits to those properties where they can expect to make the most water savings. Wessex Water produce an annual review of the delivery of the WRMP, which will include an update on the delivery of the demand management strategy, with the next review occurring in summer 2026 for the 2025-26 delivery year.

With regards licence capping, Wessex Water has recently discussed the timeline for this with Natural England and the Environment Agency, as well as the technical assumptions on which the capping is based. Wessex Water has confirmed they are aiming to deliver the licence caps by December 2026 and the Environment Agency and Natural England endorse this approach and timeline. Furthermore, the Environment Agency have confirmed they are working with Wessex Water to reduce their impact of public water supply

[8] Further details of the Wessex Water WRMP can be found online (available here: https://corporate.wessexwater.co.uk/our-future/our-plans/water-resources-management-plan) in particular in the Demand Management Strategy and Upper Hampshire Avon Water Resources Strategy technical appendices.

[9] Wessex Water WRMP is based on growth forecasts reflective of the growth proposed in the Plan.

abstractions on flow compliance in the Hampshire Avon SAC which will include reducing the current amount of water abstracted and finding alternative sources elsewhere in the Hampshire Avon catchment. This, however, will take several years to achieve, over this current 5-year AMP8 cycle and the next AMP9 period, to ensure public water supply is not affected. Before these changes occur, Wessex Water has agreed with the Environment Agency to remove the unused headroom on licences from relevant sources. Whilst this will not improve the current flows in the Hampshire Avon, it will remove the possibility of increased abstraction and lower flows.

1.38 Alongside this work, Wessex Water will also continue to lead and engage with other abstractors in the catchment through the Upper Hampshire Avon Water Resources Steering Group to better understand the exact licence reductions required via the Water Industry Natural Environment Programme, and to identify the best long-term solution for all parties in the area. As part of this, Wessex Water is also progressing the investigation of a new scheme to move current abstractions downstream within the catchment to new boreholes located downstream of Salisbury to meet river flow targets.

1.39 With regards Thames Water, their WRMP outlines measures to mitigate against increased water abstraction such as installing and upgrading meters, leakage reduction and the promotion of water efficiency. Whilst concerns have not been directly raised with regards the delivery of the Thames Water WRMP and the associated impacts on water quantity through the plan period to date, Thames Water has provided further information to inform this note pertaining to the Thames Water WRMP which was published in October 2024 (WRMP24) as set out below.

1.40 In relation to the capping of abstraction, whilst the Environment Agency issued guidance related to the capping of abstraction licences for Thames Water to use in preparing the WRMP24 which resulted in abstraction licence reductions, this did not lead to the need to include any abstraction licence caps in the area (of the Kennet and Lambourne Floodplain SAC).

1.41 In preparing the WRMP24, Thames Water made allowances for growth in line with relevant local plans and the WRMP24 set out the actions needed to ensure supply-demand balance in each of Thames Water water resource zones accounting for that growth alongside environmental legislation and policy. With regards to ensuring sufficiency of supply whilst accounting for environmental objectives, in the short to medium term, the WRMP24 focusses on demand management including leakage and usage reduction and the rollout of smart metering.

1.42 The WRMP24 HRA considered impacts of all the solutions proposed in Thames Water WRMP24 on designated sites. The Thames to Southern Transfer spur to the Kennet Valley Water resource zone was considered for potential impacts on the Kennet and Lambourn Floodplain SAC but it was concluded that no adverse effects resulting from the implementation of the options (alone and in-combination) are reasonably foreseeable on the integrity of the Habitats Sites, if the suggested mitigation measures are observed.

1.43 Thames Water has confirmed that positive progress has been made in their smart meter rollout, with the delivery of their metering plan since April (the beginning of the WRMP24 planning period) being broadly in line with their plan, including some acceleration. Whilst Thames Water leakage reduction programme is behind the plan that was set out in WRMP24, it is not a mitigation measure needed to avoid adverse impacts on the Kennet and Lambourne Floodplain SAC.

Conclusion

1.44 The council considers this Note, prepared in collaboration with and endorsed by the Environment Agency and Natural England alongside the water companies concerned (Wessex Water and Thames Water), provides clarity and updates where necessary on the required mitigation measures and their delivery with respect the impacts of the Plan upon European sites when considering water quality and quantity. This supports the positive conclusion in the HRA that there is the requisite certainty that adverse effects on integrity of European sites will be avoided.