

## Habitat Regulation Assessment (HRA) Screening Matrix & Appropriate Assessment Statement

Application name and reference number:

14/03957/FUL

Runway and Twemlows Hall, Higher Heath, Whitchurch, Shropshire

Formation of solar farm consisting of 79,968 solar panels

Date of completion for the HRA screening matrix:

20<sup>th</sup> October 2014

HRA screening matrix completed by:

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**Table 1: Details of project or plan**

Name of plan or project	Runway and Twemlows Hall, Higher Heath, Whitchurch
Name and description of Natura 2000 site	<p>Brown Moss SAC and Ramsar site, part of the Midland Meres and Mosses Phase 1.</p> <p>Brown Moss SAC (32.02ha) is a series of pools set in heathland and woodland. The site is of special importance for the marsh, swamp and fen communities associated with the pools which occupy hollows in the sand and gravel substrate.</p> <p><b>Criterion 1a.</b> A particularly good example of a natural or near natural wetland, characteristic of this biogeographical region, The site comprises the full range of habitats from open water to raised bog.</p> <p>Ramsar criteria:</p> <p><b>Criterion 2a.</b> Supports a number of rare species of plants associated with wetlands. The site contains the nationally scarce six stamened waterwort <i>Elatine hexandra</i>, needle spike-rush <i>Eleocharis acicularis</i>, cowbane <i>Cicuta virosa</i>, marsh fern <i>Thelypteris palustris</i> and elongated sedge <i>Carex elongate</i>.</p> <p><b>Criterion 2a.</b> Contains an assemblage of invertebrates, including the following rare wetland species. 3 species considered to be endangered in Britain, the caddis fly</p>

	<i>Hagenella clathrata</i> , the fly <i>Limnophila fasciata</i> and the spider <i>Cararita limnaea</i> . Other wetland Red Data Book species are; the beetles <i>Lathrobium rufipenne</i> and <i>Donacia aquatica</i> , the flies <i>Prionocera pubescens</i> and <i>Gonomyia abbreviata</i> and the spider <i>Sitticus floricola</i> .
Description of the plan or project	Formation of solar farm consisting of 79,968 solar panels on 3,332 frames; 12 inverter/transformer units; 2 sub-stations; installation of 2.2m high boundary fencing; maintenance trackways; storage area
Is the project or plan directly connected with or necessary to the management of the site (provide details)?	No
Are there any other projects or plans that together with the project or plan being assessed could affect the site (provide details)?	No

### Statement

Brown Moss SAC and Ramsar site, part of the Midland Meres and Mosses Phase 1 is around 1.2km from the application site. Natural England advise that the scale and nature of the scheme and the distance involved mean that the development proposal as submitted is unlikely to have any impact on the European site or the interest features for which it has been designated.

The application site is outside of the mapped surface water catchment of Brown Moss. The proposed solar farm is not predicted to have any impact on water quality or the hydrology of Brown Moss or any other Ramsar site. The proposal will also have not result in any increase in recreational pressure on the site.

### The Significance test

The proposed works in application 14/03957/FUL Runway and Twemlows Hall, Higher Heath, Whitchurch, Shropshire Formation of solar farm consisting of 79,968 solar panels will not have a likely significant effect on the Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

### The Integrity test

The proposed works in application No: 14/03957/FUL Runway and Twemlows Hall, Higher Heath, Whitchurch, Shropshire Formation of solar farm consisting of 79,968 solar panels will not have an impact on the integrity of the Midland Meres and Mires Phase 1 Ramsar site due to no pathways for an effect. An Appropriate Assessment is not required.

## Conclusions

There is no legal barrier under the Habitat Regulation Assessment process to planning permission being granted in this case.

### Guidance on completing the HRA Screening Matrix

#### The Habitat Regulation Assessment process

Essentially, there are two ‘tests’ incorporated into the procedures of Regulation 61 of the Habitats Regulations, one known as the ‘significance test’ and the other known as the ‘integrity test’ which must both be satisfied before a competent authority (such as a Local Planning Authority) may legally grant a permission.

The first test (the significance test) is addressed by Regulation 61, part 1:

61. (1) A competent authority, before deciding to undertake, or give any consent, permission or other authorisation for a plan or project which –  
(a) is likely to have a significant effect on a European site or a European offshore marine site (either alone or in combination with other plans or projects), and  
(b) is not directly connected with or necessary to the management of that site,  
must make an appropriate assessment of the implications for that site in view of that site’s conservation objectives.

The second test (the integrity test) is addressed by Regulation 61, part 5:

61. (5) In light of the conclusions of the assessment, and subject to regulation 62 (consideration of overriding public interest), the competent authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site or the European offshore marine site (as the case may be).

In this context ‘likely’ means “probably”, or “it well might happen”, not merely that it is a fanciful possibility. ‘Significant’ means not trivial or inconsequential but an effect that is noteworthy – Natural England guidance on The Habitat Regulation Assessment of Local Development Documents (Revised Draft 2009).

#### Habitat Regulation Assessment Outcomes

**A Local Planning Authority can only legally grant planning permission if it is established that the proposed plan or project will not adversely affect the integrity of the European Site.**

**If it is not possible to establish this beyond reasonable scientific doubt then planning permission cannot legally be granted.**

## **Duty of the Local Planning Authority**

It is the duty of the planning case officer, the committee considering the application and the Local Planning Authority as a whole to fully engage with the Habitats Regulation Assessment process, to have regard to the response of Natural England and to determine, beyond reasonable scientific doubt, the outcome of the 'significance' test and the 'integrity' test before making a planning decision.