

# **Habitat Regulations Assessment**

## **for Gypsy and Traveller Development Plan Document**

**Main Report**

**Regulation 18**

October 2014

## Commenting on this Document

This Habitat Regulations Assessment report has been published alongside the Gypsy and Traveller DPD consultation document, with both subject to public consultation from **6<sup>th</sup> February 2015 to 4:30pm on 20<sup>th</sup> March 2015**. Only representations made within this period will be taken into account. Your correspondence will be available for public inspection and for copying in accordance with the provisions of the Access to Information Act.

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Should you have any questions please contact the Planning Policy team.

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## **Executive Summary**

This report explains the process and findings of the screening and assessment that has been undertaken for the Habitats Regulations Assessment of the Test Valley Borough Gypsy and Traveller DPD. It has been prepared in order to fulfil the Council's duties under Article 6(3) of the EU Habitats Directive, which requires that any plan, which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives. The plan-making body shall agree to the plan only after having ascertained that it will not adversely affect the integrity of the site concerned.

Internationally protected sites include those protected under European legislation (Special Protection Areas and Special Areas of Conservation) plus sites listed as wetlands of international importance under the Ramsar Convention.

Using a method that reflects current best practice and advice from Natural England, the assessment screens the policies and finds two out of the four policies within the DPD are not likely to have significant effects alone or in-combination as they do not give rise to effects that could affect an International site.

Two policies (GT02 and TSP01) are assessed as having a likely significant effect on their own, through providing for, or steering, a quantity or type of development that may be very close to, or ecologically, hydrologically or physically connected to Mottisfont Bats Special Area for Conservation.

Detailed assessment of the effects of these policies found that the effects of the plan would not undermine the conservation objectives of any sites of International nature conservation importance.

In conclusion, it is demonstrated that the Gypsy and Traveller DPD will not adversely affect any sites of International importance for nature conservation.

# Contents

<b>1</b>	<b>Introduction</b>	<b>3</b>
	<i>The Habitats Regulations</i> .....	3
<b>2</b>	<b>Methodology</b>	<b>8</b>
	<i>Limitations and uncertainty</i> .....	9
	<i>Precautionary nature of the 'likely significant effects' test</i> .....	11
<b>3</b>	<b>Identification of Effects</b>	<b>12</b>
	<i>Identification of geographical scope</i> .....	12
	<i>Potential effects of the Plan</i> .....	13
	<i>The International sites</i> .....	15
	<i>Impact Pathways</i> .....	22
<b>4</b>	<b>Screening for Likely Significant Effects</b>	<b>25</b>
	<i>Screening categories</i> .....	25
	<i>Recreational use of sites</i> .....	27
	<i>Changes to water resource and water quality</i> .....	31
	<i>Impacts to air quality</i> .....	31
	<i>Habitat fragmentation and loss</i> .....	32
	<i>Conclusions on Screening</i> .....	34
<b>5</b>	<b>Appropriate Assessment</b>	<b>35</b>
	<i>Effects of the Plan</i> .....	35
<b>6</b>	<b>Habitat Regulations Assessment – Conclusions and Record</b>	<b>41</b>
	<b>List of Abbreviations</b>	<b>43</b>
	<b>Appendix 1</b>	<b>44</b>

# 1 Introduction

- 1.1 The Gypsy and Traveller Development Plan Document (DPD) (the 'Plan') forms an integral part of the Local Development Framework (LDF) for Test Valley.
- 1.2 The draft Revised Local Plan 2011 – 2029, once adopted will be the main document that sets out proposed policies for determining planning applications and identifying strategic allocations for housing, employment and other uses. With regard to housing, the Council aims to ensure that everyone, including Gypsies, Travellers and Travelling Showpeople, has the opportunity to access a decent home.
- 1.3 The Council has a responsibility to plan for the housing needs of all residents, including the Gypsy and Traveller community. In response to this requirement, the Council's Test Valley Local Development Framework (2014) proposes a Gypsy & Traveller DPD, to accompany the Revised Local Plan, which is intended to set out a Gypsy and Traveller Development Plan Document (DPD) to help meet this duty.
- 1.4 The Gypsy and Traveller DPD will be a statutory document within the LDF and should be read alongside the Revised Local Plan, particularly Policy COM13: Gypsies, Travellers and Travelling Showpeople.
- 1.5 Much of the information used for this screening report has been developed through the Habitats Regulations Assessment for the Test Valley Revised Local Plan DPD. The most recent version of this document (Regulation 22 submission) was submitted in July 2014, but the Revised Local Plan has not yet been adopted.
- 1.6 This report should be read in conjunction with the Gypsy and Traveller DPD Regulation 18 consultation document.

## The Habitats Regulations

- 1.7 The Conservation of Habitats and Species Regulations 2010 (as amended), commonly referred to as the 'Habitats Regulations' transpose two pieces of European law – Directive 2009/147/EC on the conservation of wild birds (the Birds Directive) and Directive 92/43/EEC on the conservation of natural habitats and of wild fauna (the Habitats Directive) – into domestic law.
- 1.8 Article 6(3) of the Habitats Directive requires that:
  - any plan, which is not directly connected with or necessary to the management of a **European site**,
  - but would be likely to have a significant effect on such a site,
  - either **individually or in combination** with other plans or projects,
  - shall be subject to an '**appropriate assessment**' of its implications for the European site
  - in view of the site's **conservation objectives**.

- The plan-making body shall agree to the plan only after having ascertained that it will not **adversely affect the integrity of the site** concerned, unless in exceptional circumstances, the provisions of Article 6(4) are met.

1.9 A brief explanation of the highlighted terms is set out below:

### ***International sites***

- 1.10 Sites which are to be considered in the appraisal process include Special Protection Areas (SPAs), classified under the EU Birds Directive and Special Areas of Conservation (SACs), designated under the EU Habitats Directive. 'Potential' or 'Possible' SACs (pSACs), 'Candidate' SACs (cSACs) and 'Potential' SPAs (pSPAs) (i.e. sites that have yet to be formally classified as SPAs or designated as SACs but are proposed as such) are also considered as European sites. However, there are no such pSACs, cSACs or pSPAs in Test Valley.
- 1.11 A number of areas of internationally important wetland habitat are recognised under the Ramsar Convention. Ramsar sites are listed for particular wetland habitats and, in the UK, overlies SPA classifications and SAC designations. The criteria for listing a site as a Ramsar site are different to those used for SPAs and SACs, but the Ramsar criteria are of equal importance for the ecological functioning and integrity of the relevant site. National guidance requires that Ramsar sites are also assessed<sup>1, 2</sup> within HRA of plans.
- 1.12 Taken together, SPAs, SACs (and pSACs, cSACs and pSPAs) form the Natura 2000 network. For the purposes of this report, the Natura 2000 sites considered in the assessment, together with Ramsar sites, are collectively referred to as **International sites**. Additionally, while (as discussed in paragraph 1.8) the terminology relating to the *designation, classification or listing* of an International site varies depending on whether it is an SPA, SAC or Ramsar site, for the purposes of this report, '*designations*' and '*designated*' will be used to refer collectively to these terms.

### ***Likely significant effect***

- 1.13 The first part of the process requires the authority to identify whether a plan (either as a whole, or any of its component parts such as specific policies) is *likely* to have a *significant* effect on any such site.

#### *Effect*

- 1.14 The first task is to identify the effects that could flow from the implementation of the plan, and how they might affect any given site. This is detailed in Chapter 2.

#### *Significance*

- 1.15 Where a plan, either alone or in combination with other plans or projects, could undermine the site's *conservation objectives*, the effects must be considered to be significant. The potential effect on the ecological functioning of the site needs

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<sup>1</sup> ODPM (2005), *Circular 06/2005: Biodiversity and Geological Conservation – Statutory Obligations and their Impact within the Planning System*

<sup>2</sup> DCLG (2012), *National Planning Policy Framework* (see paragraph 118)

consideration rather than simply the proportion or area of the habitats or species affected.

### Likelihood

- 1.16 A likely effect is one that cannot be ruled out on the basis of objective information. Ordinarily, 'likely' might be considered to mean that an effect is *probable* or *might well happen*. However, the Waddenzee case (ECJC-127/02) in the European Court ruled that a project should be the subject of an appropriate assessment:

*'if it cannot be excluded, on the basis of objective information that it will have a significant effect on the site either individually or in combination with other plans and projects'*.

- 1.17 While this definition was given in relation to a specific case regarding a 'project' rather than a 'plan', the legislation covers both plans and projects and thus the definition should be seen as being relevant to all assessments undertaken under the Habitats Regulations with respect to 'likelihood'.

### Alone or in-combination

- 1.18 In some cases, the plan or one of its elements (policies) may have a likely significant effect on its own merits. It must be recognised however that in some cases, the effects of a plan (or one of its components) on its own would be either unlikely or insignificant, but that there may be a number of plans or projects (each of which would be unlikely to have a significant effect alone), which may be likely to have a significant effect if their individual effects were to be added together, by them all coming forward over time.

### **Appropriate Assessment**

- 1.19 Where the initial consideration of the plan (and its elements), together with the in-combination assessment, cannot 'screen out' likely significant effect(s) on International site(s) (i.e. it cannot be ruled out that the plan would not undermine a site's conservation objectives) then further assessment is necessary. This is called the 'appropriate' assessment, meaning that while there is no formal method for carrying out this, it must be properly focussed, fit for purpose, legally compliant and proportionate.

### Conservation objectives

- 1.20 Natural England has set out objectives for each European site, which define what constitutes favourable conservation status (see below) of each feature that qualifies the site as a SAC or SPA (included in the designation as a 'primary feature') and describes broad targets which should be met if the feature is to be judged favourable. These vary across the sites but typically state that the objectives are to avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features. The aims (subject to natural change) are generally to maintain or restore:

- the extent and distribution of qualifying natural habitats and habitats of qualifying species,
- the structure and function (including typical species) of qualifying natural habitats and habitats of qualifying species,
- the supporting processes on which qualifying natural habitats and habitats of qualifying species rely,
- the populations of qualifying species and
- the distribution of qualifying species within the site.

1.21 Ramsar sites in themselves do not have defined conservation objectives. However, there is strong correlation between Ramsar qualifying criteria and SAC / SPA qualifying features. Where there is an overlap between designations, the conservation objectives for the European designations are designed to incorporate the Ramsar features.

#### Conservation status

- 1.22 Conservation status is defined as *'the sum of the influences acting on a natural habitat and its typical species that may affect its long-term natural distribution, structure and functions as well as the long-term survival of its typical species'*. The conservation status of a site is favourable when *'its natural range and areas it covers within that range are stable or increasing; the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future; and the conservation status of its typical species is favourable'*.
- 1.23 It is important to consider the relationship between International sites and Sites of Special Scientific Interest (SSSIs). International site boundaries typically overlie component SSSIs. SSSIs are assessed on the basis of their *condition*, whereas SACs are assessed on the basis of their *conservation status*. SSSI (or component unit) condition is an assessment of the site at a fixed moment, for instance based on quadrat surveys of plant species present to determine if the SSSI designation is meeting its conservation objectives, typically based on extent and composition of habitats and species. The final assessment is made reference to historic condition assessments, which therefore sometimes lead to assessments of 'recovering' or 'declining'.
- 1.24 Assessment of conservation status for International sites does also require this type of assessment; however, as discussed in paragraph 1.22, conservation status needs to go further and include an assessment of *the specific structure and functions which are necessary for its long-term maintenance exist and are likely to continue to exist for the foreseeable future*. These structures and functions will not and cannot be identified during a SSSI condition assessment.



Site integrity

- 1.25 Site integrity is defined as “*the coherence of its ecological structure and function, across its whole area, which enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was classified*”<sup>3</sup>.

Adverse effect on site integrity

- 1.26 An adverse effect on site integrity would be one that (directly or indirectly) affects the site’s qualifying features resulting in harm to the ecological structure and functioning of the site, its supporting processes and / or adversely affects the site’s ability to meet conservation objectives (i.e. maintaining or restoring site integrity).

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<sup>3</sup> ODPM (2005) Circular 06/2005: Biodiversity and Geological Conservation – Statutory obligations and their impact within the planning system.

## 2 Methodology

- 2.1 There is no fully defined way in which HRA must be carried out. Each land use plan is different and requires a decision about how to undertake the HRA of that plan – for example, the information required and any assumptions that need to be made. The method and level of detail will vary with the scale and geographic area of the plan, the nature of its policies, and how sites may be affected. The Department for Communities and Local Government (DCLG) (2006)<sup>4</sup> does however set out a methodology, while Tydesley for Natural England (2009) (draft)<sup>5</sup> sets out to complement that guidance. The Council has used these documents in carrying out the HRA of the Local Plan.
- 2.2 Additionally, the Council has referred to and used where necessary, guidance produced by the European Commission<sup>6</sup>. The steps followed by the Council in carrying out the HRA thus far are as follows:

**Table 2.1 – Stages of the HRA process**

HRA Stage (DCLG)	Elements of that stage (adapted from Tydesley / NE)
<b>Stage 1 (AA1) – Screening</b> for likely significant effect	<p><b>1)</b> Gather the evidence base about international sites, their vulnerabilities and the effects that could act upon International sites (<b>Chapter 3</b> of this document).</p> <p><b>2)</b> Screen the policies in the Plan for likelihood of significant effect on International sites (<b>Chapter 3</b>).</p> <p><b>3)</b> Introduce measures to avoid likely significant effect by amending relevant policies (where possible).</p> <p><b>4)</b> Consult Natural England on the findings of the screening stage, and scope of the Appropriate Assessment.</p>
<b>Stage 2 (AA2) – Appropriate Assessment</b> , and ascertaining the effects on the integrity of International sites	<p><b>5)</b> Appropriate Assessment of policies identified in AA1 as being likely to have significant effects on an International site and where those effects could not be removed at AA1 (screening) stage (<b>Chapter 4 - 9</b>).</p> <p><b>6)</b> Amend the plan / option or take other action to avoid any adverse effect on integrity of International site(s).</p>
<b>Stage 3 (AA3) – Mitigation measures and alternative solutions</b>	<p><b>7)</b> Assess additions and changes to the plan and prepare draft HRA record</p> <p><b>8)</b> Complete the draft Appropriate Assessment and draft HRA record</p>

<sup>4</sup>DCLG (2006) Planning for the protection of European Sites: Appropriate Assessment

<sup>5</sup> Tydesley, D. (2009) *The Habitats Regulations Assessment of Local Development Documents Revised Draft Guidance for Natural England* Natural England, Sheffield.

<sup>6</sup> European Commission (2001) *Assessment of plans and projects significantly affecting Natura 2000 sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC*

- 2.3 The findings of Stage 1 (Screening) are set out in Chapter 3. This:
- identifies the geographical scope of the assessment;
  - identifies the particular characteristics of the International sites within that area, and
  - considers the ways in which the plan or its elements may affect those sites.
- 2.4 The stages in the Council's development of the evidence base for the HRA are as follows:
- A)** Identification of geographic scope of the HRA and those International sites potentially affected by the plan, giving a description of these based on the following characteristics:
- summary description of the International interest features;
  - current condition of the qualifying features;
  - conservation objectives and management proposals for these sites and current and planned nature conservation activities.
- B)** Identification of the vulnerabilities of and hazards to the special interest features identified in A), detailing:
- impact identification;
  - impact pathway identification;
  - consideration of zones of influence /boundaries.
- C)** Identification of potential changes to baseline condition in the International sites under a 'no development scenario' for Test Valley Borough Council with respect to Gypsy and Traveller sites.
- 2.5 The HRA process – and particularly Stages 2 and 3 – need to be carried out iteratively, and along the same timescales as the Plan itself, to ensure that each process (Plan and HRA) informs subsequent iterations of the overall process.
- 2.6 In addition, the Sustainability Appraisal (SA) of the sites considered in the Plan has been carried out parallel to the HRA, ensuring that there is consistency between the two processes.

### **Limitations and uncertainty**

- 2.7 Tyldesley (2009) for Natural England usefully sets out guidance for dealing with uncertainty. This is set out below for reference, and the discussions in Chapter 4

(Appropriate Assessment) will apply these as necessary and as described and justified in the relevant sections.

### ***Scientific***

- 2.8 Scientific uncertainty usually arises owing to uncertainty about the predicted effects of one or more aspect of a plan on the interest features of an International site. Scientific uncertainty may be due to a lack of scientific know-how, or a lack of ecological information, or inadequate or out-of-date scientific data. It may also occur where the assessor is unable to satisfactorily predict and estimate the nature, scale or spatial extent of changes proposed by the plan.
- 2.9 In accordance with the Habitats Directive and Regulations, wherever scientific uncertainty is encountered a precautionary approach should be adopted. If in doubt, further assessment should be undertaken and the worst outcome assumed.

### ***Regulatory***

- 2.10 Some local development documents will include references to proposals that are planned and implemented through other planning and regulatory regimes, for example motorway improvements. These will be included because they have important implications for spatial planning, but they are not proposals of the LPA, nor are they proposals brought forward by the plan itself. Their potential effects will be assessed through other procedures.
- 2.11 The Habitats Regulations Assessment of the Gypsy and Traveller DPD must be focussed on the strategy, policies and proposals directly promoted by the Plan.

### ***Planning Hierarchy***

- 2.12 Higher level strategic plans such as the Test Valley Borough Revised Local Plan will have more general and strategic provisions. Therefore its effects are more uncertain. The protective regime of the Directive is intended to operate at differing levels. In some circumstances assessment at a lower tier in the planning hierarchy will be more effective in assessing the potential effects of a proposal on a particular site and protecting its integrity.
- 2.13 In the case of the Gypsy and Traveller DPD, the over-arching Gypsies, Travellers and Travelling Showpeople policy (COM13) was 'screened out'<sup>7</sup> of having any likely significant effect as that policy in itself does not promote development – rather, it seeks to control it by introducing qualitative criteria by which development to accommodate gypsies, travellers and travelling showpeople would be assessed. COM13 in itself does not result in development and there are no measures in the policy relating to magnitude or location of development.
- 2.14 Thus it is appropriate to consider relying on the Habitats Regulations Assessments of lower tier plans – such as the Gypsy and Traveller DPD – where the HRA of the Local Plan cannot reasonably assess the effects on an International site in a meaningful way.

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<sup>7</sup> Test Valley Revised Local Plan (2014) Habitats Regulations Assessment and addendum

The lower-tier plan can identify more precisely the nature, scale or location of development, and thus its potential effects. Therefore, HRA of proposal at this lower level will be able to change the proposal if an adverse effect on site integrity cannot be ruled out, because the lower tier plan is free to change the nature and/or scale and/or location of the proposal in order to avoid adverse effects on the integrity of any International site (e.g. it is not constrained by location specific policies in a higher tier plan). Additionally, the HRA of the plan or project at the lower tier is required as a matter of law and policy.

### ***Implementation uncertainty***

- 2.15 In many situations, the effects arising from a plan depend on how that plan is implemented. To ensure compliance with the Regulations, it may be appropriate to impose a caveat in relevant policies, or introduce a free-standing policy, which states that any development project that could have an adverse effect on the integrity of an International site will not be in accordance with the plan.
- 2.16 This would help to enable stakeholders to reasonably conclude, on the basis of objective information, that even where there are different ways of implementing a plan, and even applying the precautionary principle, no element of the plan that could adversely affect the integrity of an International site could be seen as being supported by the plan.
- 2.17 It is however not sufficient for the HRA to conclude no significant effects, merely because the plan contains a policy protecting internationally designated sites. Any policy introduced to remove uncertainty must be targeted specifically to deal with the issue that is causing the uncertainty. In assessing the effects on International sites the HRA should assess the overall scale, location, timing and nature of new development. It should assess whether delivery of that development in the timescale of the plan, and the implementation of all its policies and proposals, would be likely to have a significant effect on an International site, alone or in combination with other plans or projects.

### **Precautionary nature of the 'likely significant effects' test**

- 2.18 The decision-making process under the Habitats Directive is underpinned by the precautionary principle, whereby the local planning authority, as Competent Authority acts to avoid potential harm in the face of scientific uncertainty. If it is not possible in a 'likely significant effect' test (see Chapter 3) to rule out a significant effect on an International site *on the basis of available evidence*, then it should be assumed the significant effect identified is likely to occur as a result of the Plan and needs to be dealt with at the next stage of Habitat Regulation Assessment. This precautionary approach should be taken at all stages of the assessment where faced with uncertainty.

### 3 Identification of Effects

3.1 This chapter sets out the evidence base used to carry out the screening. It identifies the International sites that should be considered, identifies the specific vulnerabilities of these sites, and identifies potential pathways by which the DPD could cause adverse effects on the sites.

#### Identification of geographical scope

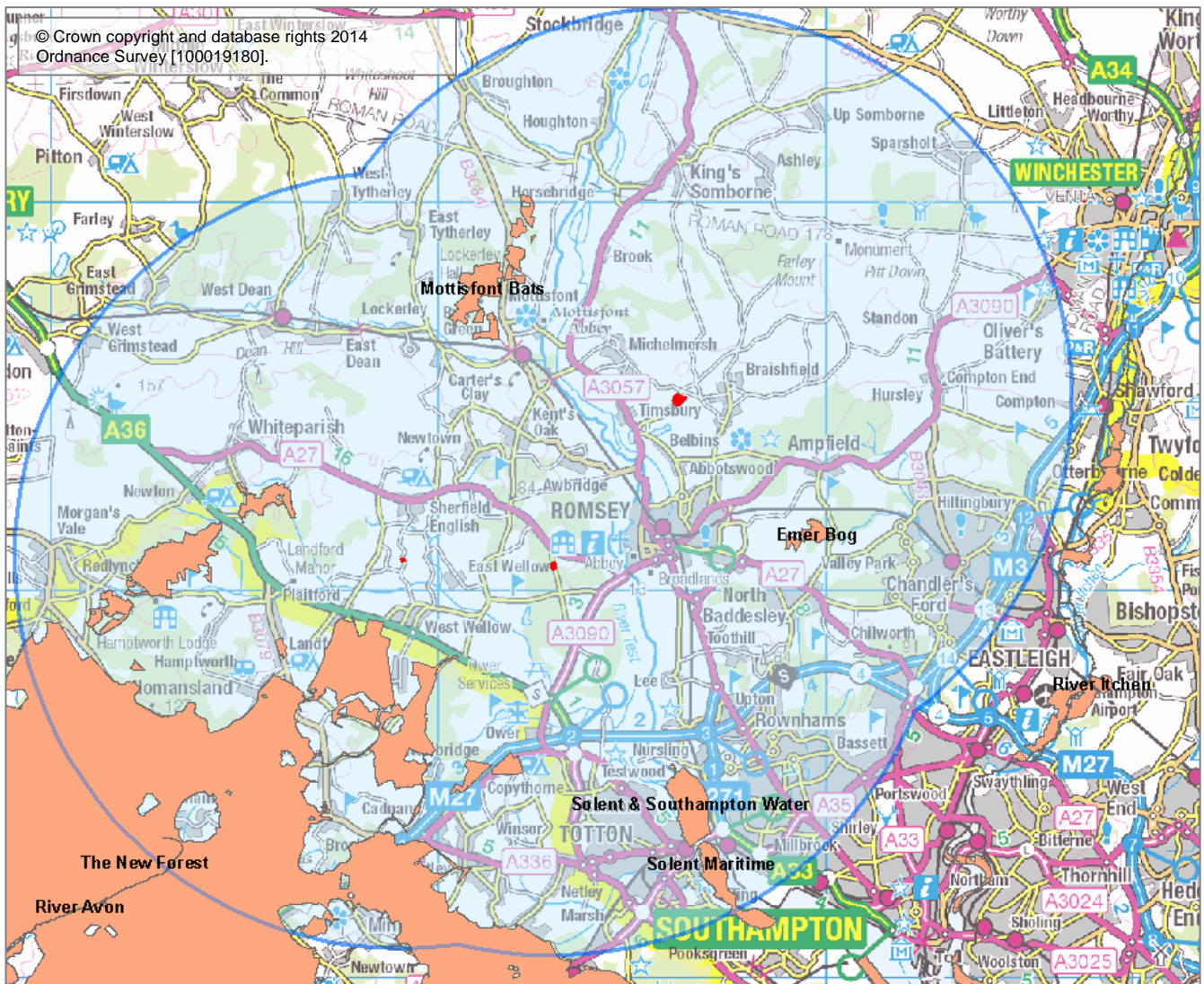
- 3.2 There are a number of International sites either wholly or partially within Test Valley Borough, while further sites lie outside the Borough, but may still be affected by the Plan. This would be through particular impact pathways, dependent on the sensitivities of the particular sites and the nature of the likely effects.
- 3.3 There are also areas of land outside particular International sites and within an area potentially affected by the Plan (the ‘zone of influence’ of the Plan), which are ecologically linked to a particular International site and where impacts arising from the Plan acting on these areas may consequently affect International sites. One particular example within Test Valley is Mottisfont Bats SAC – although in itself this is a well-defined area of ancient woodland that supports a maternity colony of barbastelle bats, this is a wide-ranging species and processes that adversely affect key bat foraging and commuting habitat several kilometres outside the SAC boundary can potentially have an adverse effect on the SAC itself through these processes fragmenting or interrupting these resources – and thus undermining the conservation objectives of the SAC.
- 3.4 Best practice has been to consider all International nature conservation sites and Ramsar sites within the area of coverage of the Plan, together with all those within a 10 kilometre buffer as potential receptors for negative effects. Given that the Plan covers a very small area, comprising three distinct parcels of land, an approach has been taken to include all International sites within a 10km drawn around these sites. The designated sites that fall within these criteria are listed in Table 3.1, and are shown in Figure 3.1.

**Table 3.1 – International sites within 10km of Plan sites**

Nature conservation site	Designation		
	SAC	SPA	Ramsar
Emer Bog	✓		
Mottisfont Bats	✓		
New Forest	✓	✓	✓
Solent Maritime	✓		
Solent and Southampton Water		✓	✓

Nature conservation site	Designation		
	SAC	SPA	Ramsar
River Avon	✓		

**Figure 3.1 – International sites within 10km of Plan sites**



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### Potential effects of the Plan

3.5 The International sites within the zone of influence of the Plan are vulnerable to a range of effects. The implementation of the Plan can have a significant effect on an International site for a range of reasons, as follows:

### ***Nature, quantity and location of changes to the environment***

- 3.6 While land use plans themselves will not adversely affect any International site, they can – through implementation of policies within it – result in a change to the environment to the extent that an International site is adversely affected through one or more of the pathways identified above. For the majority of cases this will depend on the **location** and **magnitude** of the change resulting from the Plan. It is rare for a land use plan to contain a policy that would result in adverse impact to a site *irrespective* of where that change took place or at what scale.
- 3.7 Location and magnitude are often inter-related, in that the amount of change could be more or less likely to cause a significant effect depending on its location, for example, an increase in housing flowing from the implementation of the plan. A given level of increase in housing may have a significant effect if those houses are all located close to an International site, but may not if located further away.
- 3.8 A policy may have direct or indirect effects on an International site – for example a policy that steers potentially damaging activity towards an International site would have direct effects, while a policy for residential development that does not steer development towards the site, but might result in more people visiting a sensitive area could be said to have indirect effects.
- 3.9 Depending on the nature, quantity and location of the change, the two key potential effects on International sites can result, as set out in Article 6(2) of the Directive are habitat deterioration and species disturbance.

### **Habitat deterioration and species disturbance**

- 3.10 When a process, or event resulting in or contributing to a process is affecting a site to the extent that it is having an adverse effect, deterioration will be occurring when, as a direct or indirect result of that process, the extent of the qualifying habitat is decreasing, or the structure and functions of that habitat that are necessary for its long term maintenance no longer exist or are threatened, or the conservation status of its typical species is no longer favourable.
- 3.11 The screening assessment considers the sources of deterioration, the pathways by which this may occur as a result of the various elements of the Plan, the likelihood of these occurring and whether those effects would be significant.
- 3.12 Contrary to deterioration, disturbance does not directly affect the physical condition of a site. Rather, it is related to species supported by a site. Any event that contributes to the long term decline of a species population on a site can be regarded as significant disturbance, as can any event that contributes to the reduction, or risk of reduction, of the range of that species or the size of the habitat of the species.
- 3.13 Where screening identifies a likely significant effect resulting in habitat deterioration or species disturbance, the need for further assessment (the Appropriate Assessment) would further consider the effects of habitat deterioration or species disturbance against the objectives of the Directive. This makes it possible to use the definition of favourable



conservation status (paragraph 1.22) to interpret the limits of what can be regarded as deterioration or disturbance.

### ***Blocking policies***

- 3.14 A policy in itself may not have adverse direct or indirect effects, but it may prevent future ‘public interest’ developments<sup>8</sup> that may therefore have a damaging effect on an International site because the original development prevented the damaging development from being located on a less damaging site.

### ***In-combination effects***

- 3.15 Other plans and projects being implemented or in preparation can have the potential to cause negative effects on the integrity of International sites. These effects may be exacerbated when experienced in combination with the effects of the Plan under assessment in this report, leading to an insignificant effect becoming significant.
- 3.16 The Habitats Directive and Habitats Regulations require that an assessment is made as to whether the Plan has an effect on the designations either alone or in combination. As such, it is necessary that other plans and projects that have the potential to have a significant effect when combined with the Gypsy and Traveller DPD are identified.
- 3.17 National guidance on appropriate assessment notes that:

*“only other key plans and projects which the RPB [Regional Planning Body] or LPA [Local Planning Authority] consider most relevant should be collected for the “in combination” test. An exhaustive list could render the assessment exercise unworkable.”<sup>9</sup>*

- 3.18 A list of the plans and projects considered to be most relevant has been provided in Appendix 1. It is noted that not all of the plans and projects are relevant to all of the sites.

## **The International sites**

- 3.19 Designated site boundaries are not always solely drawn around the features that qualify a site for designation. The boundary also needs to include all those elements of the wider site that are vital for the continued ecological functionality of the designated feature<sup>10</sup>.
- 3.20 Summaries of the key features of the identified International sites within the geographic scope of this assessment are set out below. Copies of the full relevant data sheets and

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<sup>8</sup> i.e., those that are of such imperative reasons of over-riding public interest that they can justifiably be permitted despite their damaging effects

<sup>9</sup> Planning for the Protection of European Sites: Appropriate Assessment: Guidance for Regional Spatial Strategies and Local Development Documents, DCLG, 2006, page 11.

<sup>10</sup> McLeod, CR, Yeo, M, Brown, AE, Burn, AJ, Hopkins, JJ, & Way, SF (eds.) (2005) The Habitats Directive: selection of Special Areas of Conservation in the UK. 2nd edn. Joint Nature Conservation Committee, Peterborough. [www.jncc.gov.uk/SACselection](http://www.jncc.gov.uk/SACselection)

supporting information can be found online, and links to this are available on the Test Valley Borough Council website<sup>11</sup>.

- 3.21 The following section also describes the conservation status of the qualifying features for each site in the geographical scope of the assessment as well as outlining the vulnerabilities of these features. These factors are important when considering the likelihood of a significant effect. The potential effects flowing from implementation of the plan are discussed in subsequent sections of this chapter, together with an exploration of how these effects may affect a designated site.

### ***Emer Bog SAC***

- 3.22 Emer Bog was designated as a SAC in 2005, for its areas of transition mire and quaking bog habitat for which it holds one of the best examples in the UK. As well as the mire / bog, two further habitat classes (as referred to by the Directive) are supported within the SAC – broadleaved woodland and lowland heathland. These habitats are not part of the qualifying feature for which the SAC was designated but they nevertheless remain part of the SAC and are equally protected under law and planning policy. The lowland heath and broadleaved habitat features are important for the continued ecological functioning of the transition mire and quaking bog areas – they assist the hydrological functioning of the bog and provide a measure of protection. Broadleaved woodland and lowland heath habitats are rather better represented in this part of the UK than the mire / bog habitats. While the woodland and heathland were not qualifying features, it is important to note that sites with multiple interests are of high intrinsic value. The Directive recognises this in its emphasis on the maintenance of biodiversity. Special emphasis has been given to the identification and delimitation of sites containing a multiplicity of high-quality interests forming an ecologically functional unit.<sup>12</sup>
- 3.23 The conservation status of the quaking bog and transition mire habitats at Emer Bog are poor, reflecting the national trend (discussed in more detail in Chapter 5 in relation to specific effects). As the area of qualifying habitat within Emer Bog is small, losses of this habitat at this site are likely to be proportionately greater – for instance if half a hectare of habitat starts to deteriorate, this will have a greater impact at site level on Emer Bog than if, for example, half a hectare of habitat on a 250ha site were to deteriorate. Furthermore, given the relative isolation of Emer Bog from other areas of similar habitat, its deterioration is likely to be more significant than if this deterioration occurred in, for example, Scotland or Wales, where the habitat is better represented.
- 3.24 Therefore, on the basis of the underlying national trend for this habitat, the small size of Emer Bog and its isolation, it cannot be concluded that any effects on the qualifying habitat will not be significant.
- 3.25 In summary, on Emer Bog, various processes can cause **habitat deterioration**. JNCC (2007) identifies the range of pressures that have been identified as adversely affecting this habitat. These are:

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<sup>11</sup> Available: <http://www.testvalley.gov.uk/resident/planningandbuildingcontrol/planningpolicy/local-development-framework/habitat-regulations-assessment>

<sup>12</sup> See Footnote 11 - McLeod, et al (2005)

- water abstraction
- grazing
- fragmentation
- absence of or inappropriate management
- water pollution
- air pollution.

### ***Mottisfont Bats SAC***

- 3.26 Mottisfont Bats SAC was designated in 2003. It comprises approximately 200ha of woodland, of mixed types and was selected as it supports an internationally important population of the rare barbastelle bat *Barbastella barbastellus*. At the time of designation, this was the only known maternity roost in Hampshire and one of only six known sites in the UK (2002 data). The boundary of the SAC was defined to ensure the strict protection of known breeding sites and also the core area of habitat used for roosting, commuting and foraging.
- 3.27 The majority of the SAC is owned by the National Trust and open to public access. The National Trust has actively carried out woodland operations over recent years, including opening up coppice, gradually removing conifer plantations and replanting to native broadleaved woodland. A Woodland Grant Scheme which is targeted at should enhance the habitats and ensure future sustainability. A further quarter of the site is privately owned and not open to public access. The majority of this SAC is under various Woodland Grant Schemes targeted at restoration, general woodland management and maintaining the rotational coppicing programme
- 3.28 While the SAC boundary encompasses the core areas of habitat, radio tracking studies have demonstrated that barbastelle bats are a wide-ranging species, and their full ecology is only partially understood. However, the studies showed that the survival of the Mottisfont population is dependent on the conservation of habitat over a much wider area of the surrounding countryside.
- 3.29 Barbastelle bats are distributed throughout Europe, except Iceland, Northern Ireland, Scotland, most of Scandinavia, Estonia and much of southern Europe. The highest population density is probably in central Europe. It is one of the rarest bats in western Europe, and is regarded as endangered in several countries. A population decrease has been reported over most of its European range<sup>13</sup>. The current UK population is believed to number 5,000 individuals<sup>14</sup>.
- 3.30 Bats use significant landscape features along which to commute between feeding and roosting habitats and possibly to find mates. These linear features can be hedges,

<sup>13</sup> <http://jncc.defra.gov.uk/protectedsites/sacselection/species.asp?FeatureIntCode=S1308>

<sup>14</sup> Joint Nature Conservation Committee (2007), *Second Report by the UK under Article 17 on the implementation of the Habitats Directive from January 2001 to December 2006*. Peterborough: JNCC. Available from: [www.jncc.gov.uk/article17](http://www.jncc.gov.uk/article17)

woodland edges or streams and rivers. Often these can be combined, for example wooded rivers or hedge lined ditches. Land use and development that severs or weakens this feeding network around the SAC can therefore have adverse effects.

- 3.31 Feeding habitats are those rich in flying invertebrates occurring in relatively sheltered situations. These include woodlands, grasslands, marshes and open water. Complex habitats or habitat mosaics are likely to be particularly important. These are a feature of landscapes such as the River Test flood plain and associated parklands and wood pastures.
- 3.32 A report for Natural England<sup>15</sup> concluded a distance extending 7.5km from the SAC boundary should be used to identify plans that would be likely to have an impact upon habitats used by the Mottisfont barbastelles. It therefore follows that land use and development which leads to the loss of or changes to these habitats within the 7.5km zone around the SAC should be considered to be likely to have a significant effect on the Mottisfont Bats SAC.
- 3.33 In summary, for Mottisfont Bats SAC, **habitat deterioration** can be caused by:
- fragmentation of habitats (on-site);
  - direct loss of supporting habitats (i.e. off-site), including fragmentation;
  - declining water quality (effects on supporting habitats);
  - declining water resource (effects on supporting habitats).

#### ***New Forest SAC / SPA / Ramsar***

- 3.34 The New Forest **SAC** encompasses a large and complex area of various woodland, wetland, heathland and grassland habitat, supporting a diverse array of vegetation communities and rare and threatened species. There is a wide range of transitions between wet heath, dry heath, various woodland types, fen and grasslands. The New Forest is unusual because of its long history of grazing in a traditional fashion by ponies and cattle.
- 3.35 The New Forest supports a range of ecologically important waterbodies and wetlands. Some are permanent waterbodies such as Hatchet Pond, which is an important example of this oligotrophic lake (acidic, low in nutrients thus a scarce habitat) where northern species, more common in the uplands of the UK, co-exist with southern species. Other waterbodies are more temporary and ephemeral, supporting a number of specialist species such as toad rush, coral-necklace, yellow centaury, allseed and chaffweed. Most of these ephemeral / temporary ponds are small (between 5-10 m across) and, although great in number, amount to less than 10 ha in total area. The heavy grazing pressure experienced in the New Forest is of prime importance in maintaining the outstanding flora of these communities. Livestock maintain an open habitat, controlling scrub ingress, and trampling the surface. Commoners' animals also transport seed in their hooves widely from pond to pond where suitable habitat exists.

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<sup>15</sup> Jonathan Cox Associates (2010), *Mottisfont Bats Special Area of Conservation (SAC) Protocol for Planning Officers*.

Temporary ponds occur throughout the Forest in depressions capable of holding water for part of the year.

- 3.36 The New Forest is the largest area of mature, semi-natural beech woodland in Britain and is representative of ancient lowland oak woodland on acidic, sandy or gravelly soils in the southern part of its UK range. It is the most extensive area of active wood-pasture with old oak and beech in north-west Europe. The woodland and heath supports and sustains a unique and varied assemblages of lichens and invertebrates, particularly where the woodlands are open and the tree trunks receive plenty of light.
- 3.37 In wetter areas, stands of birch – willow occur over valley bog vegetation, with fringing alder – Sphagnum moss stands where there is some water movement. These stands appear to have persisted for long periods in stable association with the underlying Sphagnum bog-moss communities, as evidenced by the rich epiphytic lichen communities and pollen record.
- 3.38 The New Forest contains the most extensive stands of lowland northern Atlantic wet heaths in southern England, as well as important and threatened mire habitats. The wet heaths are important for rare plants, such as marsh gentian and marsh clubmoss, and a number of dragonfly species, including the scarce blue-tailed damselfly and small red damselfly. Wet heaths enriched by bog myrtle are a prominent feature of many areas of the Forest. Unlike much lowland heath, the New Forest heaths continue to be extensively grazed by cattle and horses, favouring species with low competitive ability.
- 3.39 The New Forest is also the largest area of lowland heathland in the UK. It is particularly important for the diversity of its habitats and the range of rare and scarce species which it supports.
- 3.40 The New Forest represents Molinia meadows in southern England, which occurs in situations of heavy grazing by ponies and cattle in areas known locally as ‘lawns’, often in a fine-scale mosaic with wet heaths and other mire and grassland communities. These lawns occur on flushed soils on slopes and on level terrain on the floodplains of rivers and streams. The New Forest *Molinia* meadows are unusual in the UK in terms of their species composition, management and landscape position.
- 3.41 The grasslands are species-rich, and a particular feature is the abundance of small sedges such as carnation sedge, common sedge and yellow-sedge, and the more frequent occurrence of mat-grass and petty whin compared to stands elsewhere in the UK.
- 3.42 Much of the New Forest is also designated as a **SPA** because the area supports important populations of breeding birds associated with such habitats, including nightjar, woodlark and Dartford warbler. Breeding honey buzzard and wintering hen harrier are also notable.
- 3.43 In addition, the New Forest is designated as a **Ramsar site** for the valley mires and wet heaths that found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain. The site supports a diverse assemblage of

wetland plants and animals including several nationally rare species. Seven species of nationally rare plant are found on the site, as are at least 65 British Red Data Book species of invertebrate. The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England. The New Forest comprises a complex mosaic of habitats overlying mainly nutrient-poor soils over plateau gravels. The major components are the extensive wet and dry heaths with their rich valley mires and associated wet and dry grasslands, the ancient pasture woodlands and inclosure woodlands, the network of clean rivers and streams, and frequent permanent and temporary ponds.

3.44 In summary, for the **New Forest SAC**, **habitat deterioration** can be caused by:

- drainage of wetland habitats
- afforestation of heathland habitats with conifers and other non-native species
- adverse changes in essential grazing by commoners' animals (vulnerable to current economic trends)
- increased recreational pressures.

3.45 For the **New Forest Ramsar** designation, **habitat deterioration** can be caused by<sup>16</sup>:

- commercial-scale forestry
- drainage / land-claim
- introduction of or invasion by non-native species
- recreational disturbance

3.46 For the **New Forest SPA**, effects can be experienced through habitat deterioration (as for the SAC and Ramsar designations), while **species disturbance** can be caused by:

- increased recreational pressures.

#### ***Solent Maritime SAC and Solent and Southampton Water SPA / Ramsar***

3.47 The **Solent Maritime SAC** is a complex site encompassing a major estuarine system on the south coast of England. The SAC includes sixteen Sites of Special Scientific Interest (SSSI) spread out along the Solent. It is designated for its estuary habitats, swards of *Spartina* cord-grass, and Atlantic salt meadows.

3.48 The following factors affect or potentially threaten the Solent Maritime SAC:

- existing and proposed flood defence and coast protection works;

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<sup>16</sup> <http://jncc.defra.gov.uk/pdf/RIS/UK11047.pdf>

- coastal squeeze of intertidal habitats due to coastal erosion / sea level rise and sea-walls / development in the hinterland;
- developments pressures including ports, marinas, jetties etc. Proposals often involve capital / maintenance dredging to provide / improve deep water access, and land-claim of coastal habitats;
- potential accidental pollution from shipping, oil/chemical spills, heavy industrial activities, former waste disposal sites and waste-water discharge;
- introduction of non-native species e.g. from shipping activity.

3.49 The **Solent and Southampton Water SPA and Ramsar site** comprises a series of estuaries and harbours with extensive mud-flats and saltmarshes together with adjacent coastal habitats including saline lagoons, shingle beaches, reedbeds, damp woodland and grazing marsh. The mud-flats support beds of *Enteromorpha* spp. and *Zostera* spp. and have a rich invertebrate fauna that forms the food resource for the estuarine birds. In summer, the site is of importance for breeding seabirds, including gulls and four species of terns. In winter, the SPA holds a large and diverse assemblage of waterbirds, including geese, ducks and waders. Dark-bellied brent geese also feed in surrounding areas of agricultural land outside the SPA.

3.50 The following factors affect or potentially threaten the Solent and Southampton Water SPA<sup>17</sup> and Ramsar<sup>18</sup> site through **habitat deterioration** and **species disturbance**:

- Erosion
- Previous flood and coastal defence works, land-claim and dredging operations have modified physical processes and sediment transfer patterns which can have a knock-on effect on the extent and distribution of intertidal habitats.
- Sea level rise and issues related to coastal squeeze.
- Potential for accidental pollution from shipping, heavy industrial activities and former waste disposal sites, as well as on-going impacts from wastewater discharge.
- High levels of pressure both on shore and at sea from recreational and commercial interests, in what is a busy developed area.

### **River Avon SAC**

3.51 The Avon in southern England is a large, lowland river system that includes sections running through chalk and clay, with transitions between the two. Five aquatic water crowfoot (*Ranunculus*) species occur in the river system, but stream water-crowfoot and river water-crowfoot are the main dominants. Some winterbourne reaches are included in the SAC.

<sup>17</sup> JNCC (2006) Natura 2000 Data Form for Solent and Southampton Water SPA – see <http://jncc.defra.gov.uk/pdf/SPA/UK9011061.pdf>

<sup>18</sup> JNCC (1998) Information Sheet on Ramsar Wetlands for Solent and Southampton Water Ramsar site – see <http://jncc.defra.gov.uk/pdf/RIS/UK11063.pdf>

- 3.52 The Avon supports sea lamprey, brook lamprey, Atlantic salmon and bullhead. The River Avon has a mosaic of aquatic habitats that support a diverse fish community river and is of high quality with excellent examples of the features that these various species need for survival, including extensive areas of sand and gravel that lampreys and salmon need for spawning.
- 3.53 Currently much of the system is considered to be at risk from reduced flows, elevated nutrient levels and changes to sediment processes resulting from previous channel modifications.
- 3.54 The main factors influencing the river system and that can cause **habitat deterioration** are:
- historical modifications for mills, water meadows and more recently land drainage;
  - land use in the catchment,
  - abstraction of water for public supply and agricultural uses,
  - disposal of sewage effluents and
  - management of the water courses for fishery, agricultural and other uses.

### **Impact Pathways**

- 3.55 The previous sections identified the International sites that could be potentially affected by the Plan (the **receptors**). These were briefly described, identifying key interest features and particular vulnerabilities of these features.
- 3.56 In order to carry out the screening of the policies within the Plan, it is necessary to properly understand the ways in which these receptors can be adversely affected – i.e. the **pathways**.
- 3.57 To complete the screening, it is then necessary to examine the Plan policies to understand the nature of what they would provide for – i.e. would they provide a **source** of an impact – to then understand whether they would create an effect that would affect any of the receptors along the identified pathways.
- 3.58 Table 3.2, below, summarises the identified sources and pathways that could affect the identified receptors (the designated sites and their qualifying features).



**Table 3.2 – Summary of potential effects on International sites, pathways and their sources.**

Source	Pathway	Potential effects
<i>Residential development through provision of new gypsy and traveller pitches resulting in increasing local population</i>	<b>Recreational use of sites from:</b> <ul style="list-style-type: none"> <li>▪ new residents</li> <li>▪ additional tourism</li> </ul>	Disturbance to species – for example breeding birds, over-wintering birds
		Degradation of habitats through increased trampling / wear and tear and impacts to management regimes
	<b>Changes to water resources through:</b> <ul style="list-style-type: none"> <li>▪ increased abstraction to supply people and activities</li> </ul>	Degradation of habitat through reduced river flows from increased abstraction required to supply new development
		Degradation / drying of habitat through lowered groundwater levels
		Links with water quality (below) – reduced flow can result in increased sedimentation leading to smothering of benthic habitats / species and can concentrate nutrient levels
	<b>Changes to water quality through:</b> <ul style="list-style-type: none"> <li>▪ increased hard surfaces</li> <li>▪ increased use of damaging inputs</li> <li>▪ increased pressure on sewerage infrastructure</li> </ul>	Increases in nutrient levels from phosphates and nitrates through increased runoff and increased levels of outflow from sewage treatment works (planned or unplanned) from developments into watercourses or other water-dependent habitats, leading to algal blooms, growth of undesirable plant species.
		Decreased dissolved oxygen in watercourses
	<b>Changes to air quality through:</b> <ul style="list-style-type: none"> <li>▪ Increased car traffic from residents</li> </ul>	Increases in nutrient levels through wet / dry deposition and airborne absorption
		Acidification of habitats
	<b>Habitat fragmentation / loss through:</b> <ul style="list-style-type: none"> <li>▪ construction</li> <li>▪ lighting</li> <li>▪ coastal squeeze and other coastal processes</li> </ul>	Permanent loss of habitat outside but functionally linked to an International site, for example areas outside International boundaries that are used by breeding / overwintering bird populations that are designated features of particular sites.
		Fragmentation of habitats that are ecologically linked to an International site and where severing of that link may isolate areas of the

<b>Source</b>	<b>Pathway</b>	<b>Potential effects</b>
		wider countryside from the International site – for example severing of key bat flyways.

## 4 Screening for Likely Significant Effects

4.1 Table 3.2 (above) summarises the potential effects of the Gypsy and Traveller DPD policies on International sites and the pathways by which these effects could affect the sites. The pathways and likelihood of effects arising from these are explored in more detail below, in order to screen the specific policies in the DPD for likely significant effects.

### Screening categories

4.2 There are four broad categories of potential effects that can be attributed to policies within a plan, with various sub-categories, as follows.

<b>Category A- No negative effect</b>	
<b>A1</b>	Options / policies that will not themselves lead to development e.g. because they relate to design or other qualitative criteria for development, or they are not a land use planning policy.
<b>A2</b>	Options / policies intended to protect the natural environment, including biodiversity.
<b>A3</b>	Options / policies intended to conserve or enhance the natural, built or historic environment, where enhancement measures will not be likely to have any negative effect on a European site.
<b>A4</b>	Options / policies that positively steer development away from European sites and associated sensitive areas
<b>A5</b>	Options / policies that would have no effect because no development could occur through the policy itself, the development being implemented through later 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.

<b>Category B – No significant effect</b>
The screening process may identify an option or policy or proposal that could have an effect but would not be likely to have a significant (negative) effect on a European site (alone or in combination with other plans or projects) because the effects are trivial or 'de minimis', even if combined with other effects). This needs to be approached with caution, so as to ensure compliance with the requirements for 'in-combination' effects and the application of the precautionary principle.

<b>Category C – Likely significant effect alone</b>	
<b>C1</b>	The option, policy or proposal could directly affect a European site because it provides for, or steers, a quantity or type of development onto a European site, or adjacent to it.
<b>C2</b>	The option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it or it may increase disturbance as a result of increased recreational pressures.
<b>C3</b>	Proposals for a magnitude of development that, no matter where it was located, the development would be likely to have a significant effect on a European site
<b>C4</b>	An option, or policy that makes provision for a quantity / type of development (and may indicate one or more broad locations e.g. a particular part of the plan area), but the effects are uncertain because the detailed location of the development is to be selected following consideration of options in a later, more specific plan. The consideration of options in the later plan will assess potential effects on European sites, but because the development could possibly affect a European site a significant effect cannot be ruled out on the basis of objective information.
<b>C5</b>	Options, policies or proposals for developments or infrastructure projects that could block options or alternatives for the provision of other development or projects in the future, which will be required in the public interest, that may lead to adverse effects on European sites, which would otherwise be avoided
<b>C6</b>	Options, policies or proposals which depend on how the policies etc. are implemented in due course, for example, through the development management process. There is a theoretical possibility that if implemented in one or more particular ways, the proposal could possibly have a significant effect on a European site
<b>C7</b>	Any other options, policies or proposals that would be vulnerable to failure under the Habitats Regulations at project assessment stage; to include them in the plan would be regarded by the EC as 'faulty planning'
<b>C8</b>	Any other proposal that may have an adverse effect on a European site, which might try to pass the tests of the Habitats Regulations at project assessment stage by arguing that the plan provides the imperative reasons of overriding public interest to justify its consent despite a negative assessment.

<b>Category D – Likely significant effect in combination</b>	
<b>D1</b>	The option, policy or proposal alone would not be likely to have significant effects but if its effects are combined with the effects of other policies or proposals provided for or coordinated by the LDD (internally) the cumulative effects would be likely to be significant.
<b>D2</b>	Options, policies or proposals that alone would not be likely to have significant effects but if their effects are combined with the effects of other plans or projects, and possibly the effects of other developments provided for in the LDD as well, the combined effects would be likely to be significant.
<b>D3</b>	Options or proposals that are, or could be, part of a programme or sequence of development delivered over a period, where the implementation of the early stages would not have a significant effect on European sites, but which would dictate the nature, scale, duration, location, timing of the whole project, the later stages of which could have an adverse effect on such sites.

### **Recreational use of sites**

- 4.3 This pathway is relevant to Emer Bog SAC, as it can result in degradation of habitats, as well as the New Forest and the Solent and Southampton Water SPA / Ramsar sites, where it can result in disturbance of qualifying species.
- 4.4 The HRA of the Revised Local Plan DPD identified that Policy COM1 (Housing Provision 2011-2029) would have a likely significant effect on these sites through increases in recreational pressure. The provision included in COM1 includes all new residential requirements and thus population increases arising from an increase in provision of gypsy and traveller sites is already included in the Boroughs predictions.
- 4.5 Therefore, the measures incorporated into the Revised Local Plan DPD to address these impacts would equally apply to developments flowing from implementation of the Gypsy and Traveller DPD.

#### *Emer Bog SAC*

- 4.6 This site attracts visitors from a relatively small catchment, as it is not a large, regionally-significant recreational destination like that which the New Forest or the coastal areas provide. Research was undertaken on behalf of the Borough Council to examine how residents use larger areas of semi-natural recreational open space. This informed the HRA of the Revised Local Plan DPD. The research concluded that 75% of visitors to Emer Bog originated from dwellings within 3.7km of the SAC.
- 4.7 All of the proposed sites within the Gypsy and Traveller DPD are well outside the 3.7km zone around Emer Bog where 75% of visitors originate. Therefore, it is considered the impacts to Emer Bog from the Gypsy and Traveller DPD can be screened out from requiring further assessment.

### Solent and Southampton Water SPA / Ramsar site

- 4.8 Research undertaken by the Solent Disturbance and Mitigation Project (SDMP) demonstrates that new residential development within 5.6km of the Solent sites will have a likely significant effect on the designations.
- 4.9 However, all the sites included within the Gypsy and Traveller DPD are outside this 5.6km zone. Thus it can be concluded there would be no likely significant effect on the Solent and Southampton Water SPA and Ramsar site as a result of development flowing from implementation of the Gypsy and Traveller DPD.

### New Forest SPA / Ramsar site

- 4.10 The Borough Council has identified that any development resulting in a net increase in residents within 13.6km of the designated site would have a likely significant effect. All the sites within the Gypsy and Traveller DPD are within this distance of the New Forest.

### ***The Borough Council's strategic approach to recreational pressure***

- 4.11 The Council has worked hard to develop a strategy to address the issue of recreational pressure. There are two key elements of this, discussed below.
- 4.12 In addition, following advice from Natural England, the Council has sought to recognise the need for ongoing monitoring in the supporting text to policy E5 in the Revised Local Plan DPD, with paragraph 7.36 stating that *"This may include a range of mitigation and access management and monitoring measures..."* and paragraph 7.37 stating *"Contributions will also be secured towards monitoring the effectiveness of mitigation measures"*.

### Strategic alternative open space

- 4.13 There is no agreed standard of provision of alternative green spaces which would provide an alternative destination to the European sites affected by the Plan. However, attempts have been made at other ecologically sensitive areas which experience visitor pressures to quantify the amount of land needed to counteract this additional pressure. These can be drawn on to inform the approach to be taken:

- Thames Basin Heaths SPA

The approach to mitigation for this designation has been established for some years. As part of the Examination in Public for the South East Plan, there was specific consideration of the appropriate approach to mitigation for this designation<sup>19</sup>, with a number of approaches being considered. The outcome recommendation of this report set out that suitable alternative natural green space should be provided at a scale of 8 hectares (ha) per 1,000 population as part of the

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<sup>19</sup> Report to the Panel for the Draft South East Plan Examination in Public on the Thames Basin Heaths Special Protection Area and Natural England's Draft Delivery Plan, P. Burley, 2007.

mitigation package. This standard is now enshrined in the Thames Basin Heaths Special Protection Area Delivery Framework<sup>20</sup>.

- Ashdown Forest SPA and SAC

A number of studies have been undertaken for this area looking at visitor use. It is understood that Natural England has advised local planning authorities that, based on the approach taken for the Thames Basin Heaths, alternative green space should be provided at a standard of 8ha per 1,000 increase in population<sup>21</sup>.

- Dorset Heaths SPA

A significant amount of work has been undertaken looking at recreational pressures on the Dorset Heaths SPA. A Development Plan Document setting out a joint approach to mitigation is being developed. Alternative green spaces are acknowledged form part of a package of mitigation measures; however a specific scale of provision does not appear to have been established.

4.14 NE has highlighted that work carried out for New Forest District Council (NFDC)<sup>22</sup> may provide further justification for the 8ha/1000 standard. The NFDC assessment examined the possibility of basing alternative green space provision on figures derived from analysis of various existing provision mechanisms, namely:

- usage of nearby country parks;
- local standards for PPG17 open space; and
- the Thames Basin Heaths 8ha / 1,000 people standard.

4.15 Through the Examination of New Forest District Council's Local Plan Part 2, the Planning Inspector stated that the:

*“Provision of new SANGS is to be at the rate 8ha per 1,000 people. This rate of provision was originally established in the mitigation strategy for the Thames Basin Heaths SPA some years ago and is now also applied elsewhere. There is no evidence to indicate that an alternative rate of provision would be more appropriate.”<sup>23</sup>*

4.16 In light of the approach taken for other designations, the Council proposes to adopt the 8ha per 1,000 population figure as the basis for the scale of mitigation for recreational

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<sup>20</sup> Thames Basin Heaths Special Protection Area Delivery Framework, Thames Basin Heaths Joint Strategic Partnership Board, 2009.

<sup>21</sup> Habitats Regulations Assessment for the Mid Sussex District Plan, Urban Edge Environmental Consulting, 2013 (paragraph 6.3.8) (available: [http://www.midsussex.gov.uk/media/BP3\\_HRAMay13.pdf](http://www.midsussex.gov.uk/media/BP3_HRAMay13.pdf)).

<sup>22</sup> Habitats Regulations Assessment of Submission Document and Main Modifications, revised September 2013 (available

[http://www.newforest.gov.uk/media/adobe/7/6/NFDC47\\_\(S12\\_update\)\\_revised\\_HRA\\_of\\_Submission\\_Document\\_and\\_Main\\_Modifications\\_Sept\\_2013\\_.pdf](http://www.newforest.gov.uk/media/adobe/7/6/NFDC47_(S12_update)_revised_HRA_of_Submission_Document_and_Main_Modifications_Sept_2013_.pdf)).

<sup>23</sup> Report on the Examination into the Sites and Development Management Development Plan Document for New Forest District outside the National Park, Simon Emerson, 2014, paragraph 19 (available: [http://www.newforest.gov.uk/media/adobe/0/b/New\\_Forest\\_DPD\\_Report\\_Final.pdf](http://www.newforest.gov.uk/media/adobe/0/b/New_Forest_DPD_Report_Final.pdf)).

use of International sites (see paragraph 7.37 of the Revised Local Plan). This scale of provision could provide mitigation for more than one International site, as the mitigation provides an alternative recreation provision for residents rather than relating to an alternative to each International site.

- 4.17 Natural England has indicated its preferred method of calculating population changes as a result of the plan comprises multiplying average occupancy rates by number of dwellings. The Council has used 2.4 persons per dwelling for the calculation of public open space provision when the mix of a development is unknown. The 2011 Census data gives a figure of 2.37 persons per dwelling. The Census figure has been used for the purposes of this document.
- 4.18 The alternative green space provision needs to be a long term provision, and Natural England has informally advised the Council that this could be considered as being a period of 125 years. The Revised Local Plan DPD reflects this, requiring long term management of the site to be secured before development can commence.

#### *New research into visitor use of Test Valley's open spaces*

- 4.19 In conjunction with the development of the approach for the identified strategic alternative green space, the Council embarked on a programme of research to better understand how residents of Test Valley use larger semi-natural areas of open space for informal recreational purposes.
- 4.20 This work<sup>24</sup> identified the proportions and types of households that currently access large areas of semi-natural open space for recreational purposes, the activities they do there and the features that particularly attract them to the sites they use.
- 4.21 This work has helped clarify the visitor catchments of areas of open space (particularly those that have limited current research related to them), it identifies what Test Valley residents use such spaces for, and what attracts them to such spaces.
- 4.22 This information will allow the Council to better design the detail of new alternative open spaces provided to counteract visitor pressure on international sites – and indeed any other open space.

#### **Conclusion**

- 4.23 Impacts to the Solent and Southampton Water SPA / Ramsar site can be screened out on the basis of the distance from the proposed sites within the Gypsy and Traveller DPD.
- 4.24 In the absence of counteracting measures, impacts to the New Forest SPA / Ramsar site cannot be ruled out. However, by applying the measures developed to address impacts arising from implementation of developments flowing from Policy COM1 in the Revised Local Plan DPD, which necessarily incorporates developments specifically flowing from the lower-tier Gypsy and Traveller DPD, it can be concluded that

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<sup>24</sup> Open Spaces Residents Survey 2013-14 For Test Valley Borough Council, Qa Research, 2014.



implementation of policies GT01, GT02 and TSP01 will not have a likely significant effect on the New Forest SPA / Ramsar site.

- 4.25 It is however recommended for the avoidance of doubt that this is explicitly recognised in the Gypsy and Traveller DPD that the proposals would need to comply with the mitigation frameworks as approved by the Council in relation to addressing impacts to the International Sites.

## **Changes to water resource and water quality**

### River Avon SAC

- 4.26 The HRA of the Revised Local Plan DPD concluded that on the basis of the abstraction and discharge regime, and the nature and scale of any development that could potentially occur, there would be no likely significant effect on the SAC as a result of developments flowing from implementation of the Revised Local Plan, either alone or in combination with other plans or projects.
- 4.27 Development flowing from the Gypsy and Traveller DPD will be for small sites, with a total requirement within the plan period (to 2027) of 10 pitches to be provided across the Borough. Given that the Revised Local Plan DPD – which enables the delivery of several thousand new homes – would not have a likely significant effect, it can safely be concluded that the Gypsy and Traveller DPD either on its own, or in combination with other plans or projects would similarly have no likely significant effect on the River Avon SAC.
- 4.28 It should also be noted that only a very small section of the River Avon SAC lies within 10km of the sites supported by the Gypsy and Traveller DPD, and that the SAC lies approximately 9.3km from the nearest site. None of the sites are within the River Avon catchment.

## **Impacts to air quality**

### Solent Maritime SAC and Solent and Southampton Water SPA / Ramsar site

- 4.29 The screening element of HRA of the Revised Local Plan DPD identified that the Local Plan – including implementation of policy COM1, which includes the residential provision to flow from the Gypsy and Traveller DPD – would have a likely significant effect the Solent Maritime SAC and the Solent and Southampton Water Ramsar site through changes in air quality that could potentially affect the habitats within the designated sites. This issue was subsequently examined in more detail in the appropriate assessment section of the HRA.
- 4.30 This identified that only a small area of the designation would potentially be affected. The Revised Local Plan include measures to address potential impacts (such as through behavioural measures and modal shift, traffic management measures and emissions reduction at source, as well as a clear commitment to deliver sustainable transport through the Local Plan (such as delivery of the new Park and Ride scheme at

Bargain Farm). It was therefore concluded that that the effects of the Local Plan would not undermine the conservation objectives of the designated sites.

- 4.31 Therefore, impacts to International sites from changes to air quality flowing from implementation of the policies within the Gypsy and Traveller DPD can be screened out from further assessment.

## Habitat fragmentation and loss

### Solent Maritime SAC

- 4.32 The SAC is vulnerable to the effects of sea level rise, coastal squeeze, coastal erosion and similar processes. Given that the sites included within the Gypsy and Traveller DPD are at least 24km from the coast, as well as being developments not likely to result in such effects, it can be concluded that there would be no likely significant effect on the Solent and Southampton Water SPA and Ramsar site as a result of development flowing from implementation of the Gypsy and Traveller DPD.

### Mottisfont Bats SAC

- 4.33 Although the Mottisfont Bats SAC woodlands are publically accessible, increasing levels of recreation in the woodland is not considered to have a likely significant effect as the bat roosts would be neither destroyed, damaged or disturbed by this process. Additional numbers of people using the SAC (or off-site supporting habitat) would not degrade the habitat to the extent that its use as a foraging or commuting resource for the bats would be compromised.
- 4.34 The 7.5km zone (see paragraph 3.32) encompasses much of Southern Test Valley, where the three allocated sites in the Gypsy and Traveller DPD are located. Development flowing from implementation of these policies within this zone has the potential to result in the loss of key habitats that are important to maintain the conservation status of the barbastelle bats that the SAC is designated for.
- 4.35 Policy GT01 is an existing site and this implementation of this policy would not result in any further impacts to habitats within the 7.5km zone around the SAC. The policy wording also states that development will only be permitted subject to the retention and enhancement of soft landscaping to minimise the impact of the site on the landscape.
- 4.36 Policies GT02 and TSP01 are considered to have a likely significant effect on the SAC. Given that these sites are within the 7.5km zone and are located on habitat that would appear to have value to barbastelle bats, it is considered that these could potentially have a likely significant effect alone – i.e. they fall into screening category C2, i.e.

*The option, policy or proposal could indirectly affect a European site e.g. because it provides for, or steers, a quantity or type of development that may be very close to it, or ecologically, hydrologically or physically connected to it.*

4.37 Following the above discussion on how each policy in the Gypsy and Traveller DPD may or may not result in a likely significant effect, Table 3.4 summarises the findings of this screening stage of the HRA process. This table forms the starting point for the further consideration of likely significant effect within this report.

4.38 Table 3.3 below explains the coding used in the screening matrix.

**Table 3.3 – Screening Matrix key**

Category	Description	Colour Code
A	No negative effect	Plain black
B	No significant effect	
C	Likely significant effect alone	<b>Bold Red</b>
D	Likely significant effect in combination	

**Table 3.4 – Screening Matrix**

International site	Emer Bog SAC	Mottisfont Bats SAC	New Forest SAC	New Forest SPA	New Forest Ramsar	River Avon SAC	Solent Maritime SAC	Solent and Southampton Water SPA	Solent and Southampton Water Ramsar	Likely Significant Effect?
GT01: Land at Wellow Way, Scallows Lane	B	B	B	B	B	B	B	B	B	No
GT02: Land at Bunny Lane, Timsbury	B	<b>C2</b>	B	B	B	B	B	B	B	<b>Yes</b>
TSP01: Land adjacent to Forest Edge Park, Gardeners Lane, East Wellow	B	<b>C2</b>	B	B	B	B	B	B	B	<b>Yes</b>

## **Conclusions on Screening**

- 4.39 All policies can be screened out from having a likely significant effect on the majority of International sites identified in the evidence-gathering stage as potentially being affected by the Gypsy and Traveller DPD.
- 4.40 However all the policies do require further consideration - Appropriate Assessment – with respect to their potential effects on Mottisfont Bats SAC, through loss of key foraging habitat outside the SAC but of importance to the population of bats associated with the SAC.

## 5 Appropriate Assessment

- 5.1 This section addresses Stages 2 and 3 of the HRA process (see Table 2.1 in Chapter 2). It considers whether the likely significant effects on International sites identified through the Screening Stage have the potential to adversely affect the integrity of International sites.
- 5.2 The screening stage identified that policies GT02 and TSP01 need further consideration (the Appropriate Assessment) with respect to their potential effects on Mottisfont Bats SAC, through the potential for these policies to cause loss of key foraging habitat outside the SAC but of importance to the population of bats associated with the SAC.
- 5.3 The Appropriate Assessment stage examines how the Gypsy and Traveller DPD can give rise to these effects and the implications of the effects for the sites' conservation objectives.
- 5.4 Where the 'Effects' section concludes that the Gypsy and Traveller DPD or a particular element of it (i.e. a specific policy) would not adversely affect a given International site, this will be stated, summarised, and not considered further.
- 5.5 Where an examination of the effects cannot conclude an adverse effect will not occur, the 'Implications' section examines how the identified effect would affect the International site in question with respect to its conservation objectives. If this section concludes that the Plan, or a particular element of it would not undermine the conservation objectives of a given International site, this will be stated, summarised, and not considered further.
- 5.6 Where an examination of the implications of the effects of the Plan (or elements of the Plan) cannot conclude that the conservation objectives would not be undermined, the 'Counteracting Measures' section examines how the effects could be counteracted to the extent that no adverse effect would occur. Recommendations are made appropriate to the identified impacts to identify how the adverse effect can be avoided.

### Effects of the Plan

- 5.7 Loss of habitat has been identified as potentially affecting Mottisfont Bats SAC when the nature of the environment changes as a result of development flowing from implementation of the Plan. This change would occur when, for example, a semi-natural habitat that has some biodiversity value changes to a less valuable habitat. Where the value of the original habitat is partly or wholly related to an International site, the construction may potentially have an adverse effect on that site.
- 5.8 As discussed above (paragraph 4.4), the HRA of the Revised Local Plan DPD identified that Policy COM1 (Housing Provision 2011-2029) would have a likely significant effect on these sites through increases in recreational pressure. The provision included in COM1 includes all new residential requirements and thus population increases arising from an increase in provision of gypsy and traveller sites is already included in the Boroughs predictions.

5.9 Therefore, the measures incorporated into the Revised Local Plan DPD to address these impacts would equally apply to developments flowing from implementation of the Gypsy and Traveller DPD.

5.10 In particular, the Revised Local Plan contains a policy dedicated to consideration of biodiversity (Policy E5). This states that:

*“Development that is likely to result in a significant effect either alone or in combination on an international or European nature conservation designation, or a site proposed for such designation, will need to satisfy the requirements of the Habitats Regulations.”*

5.11 There is therefore some level of assurance that any development proposals flowing from COM1 – and hence developments specifically flowing from the lower-tier Gypsy and Traveller DPD – would still need to go through this process, and if these proposals did not include measures to avoid adverse effects on the SAC then permission could not be granted and be in accordance with the Revised Local Plan. However, while guidance from Natural England identifies that it can be appropriate to introduce such a ‘blanket’ policy to address certain elements of uncertainty related to how the plan would be implemented, it also states that policies introduced to remove uncertainty need to be targeted specifically to deal with the issue that is causing the uncertainty.

5.12 COM1 additionally states:

*“Any site coming forward that is not an allocation will need to be considered against all relevant policies within the Local Plan and other legislation including that affecting International ecological designations”.*

5.13 Furthermore, as a tool to ensure that development proposals come forward with sufficient information to allow the planning authority to consider impacts to biodiversity and ensure proposals are in accordance with policy, a Biodiversity Checklist<sup>25</sup>, specific to Test Valley Borough Council has been developed and is currently in use. The Checklist was introduced in November 2011, prior to the publication of the NPPF. It is therefore currently under review to amend references to the superseded PPS9. However, the current Checklist includes the text:

*“If the above search [for International sites close to the application] identifies that the proposals are within 7.5km of the Mottisfont Bats SAC and the proposals affect any significant trees, watercourses, lakes, deciduous woodland, hedgerows or meadows or other more ecologically diverse grassland then further consideration of potential impacts may be required. You should discuss this with your ecologist”.*

5.14 With respect to the specific policies within the Gypsy and Traveller DPD that have been assessed at the screening stage to have a likely significant effect, further work has been carried out to examine the habitats present at each site and the likely impacts on these to enable a more detailed assessment.

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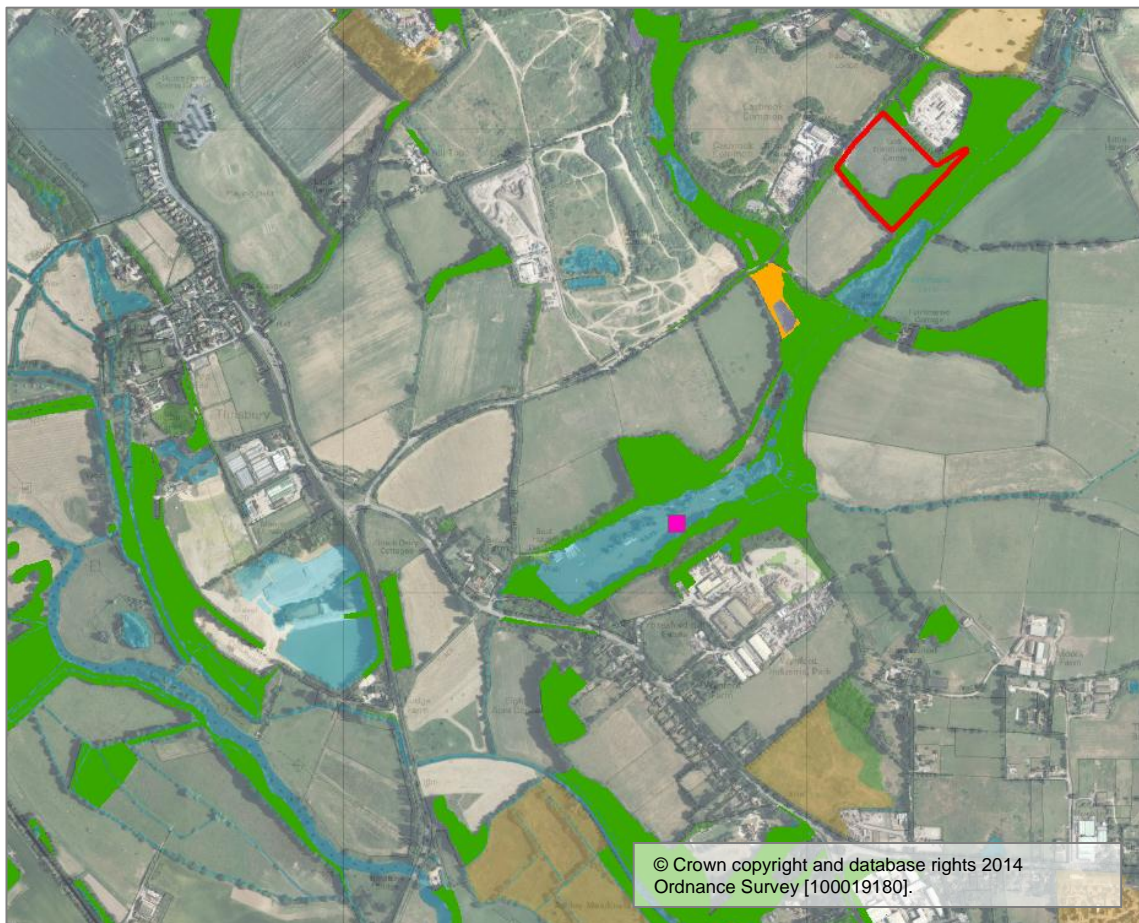
<sup>25</sup> <http://www.testvalley.gov.uk/assets/files/283/Biodiversity-Checklist-for-Full-Applics.pdf>

- 5.15 This further assessment uses a range of information including aerial photographs, records of barbastelle bats obtained from the Hampshire Biodiversity Information Centre (HBIC), habitat mapping (also from HBIC) to identify if key barbastelle foraging habitat is present at or adjacent to any of the sites, and any available information from recent planning history at the allocation sites.

**GT02: Land at Bunny Lane, Timsbury**

- 5.16 This site is set within a mosaic of habitats that are of importance to barbastelle bats. Map 5.1 shows the site (red outline) in the wider context, with the key habitat types favoured by barbastelle bats highlighted.

**Map 5.2 – Policy TSP01 – habitat and topography context**



- 5.17 The key habitats are the river and larger water bodies such as Timsbury Lake (blue) and the broadleaved woodland (much of which is Ancient Woodland), shown in the brighter green. Other woodland areas are in darker green, while more species-rich grasslands are in orange. The map shows the River Test to the south west. Ecological survey work relating to other developments in the nearby area did identify barbastelle bats foraging in the area (shown by the pink square on the map).
- 5.18 The majority of the allocation site is however not of particular value to barbastelle bats as it appears to be either agriculturally-improved or species-poor semi-improved



grassland. Historically, the site was used as landfill. Pitches at this site would need to be located along the south western boundary.

- 5.19 The loss of the species-poor grassland habitats overlying the old landfill would not result in any loss of key habitats used by barbastelle bats.
- 5.20 The policy wording specifically requires the retention and enhancement of the boundary features and soft landscaping, which are those features on the site that are most likely to be used by the bats.

***TSP01: Land adjacent to Forest Edge Park, Gardeners Lane, East Wellow***

- 5.21 This site is wholly wooded, all of which is designated as Ancient Woodland. Part of the site is also designated as a Site of Importance for Nature Conservation (SINC). This demonstrates that the site has a clear ecological value and thus has a higher likelihood of being of some value to barbastelle bats associated with the SAC.
- 5.22 Map 5.2 shows the site in the wider context, with the key habitat types favoured by barbastelle bats highlighted, overlaying DTM (digital terrain modelling) to show the topography of the landscape.

**Map 5.2 – Policy TSP01 – habitat and topography context**





- 5.23 The key habitats are the river (blue) and the broadleaved woodland (much of which is Ancient Woodland), shown in the brighter green. Other woodland areas are in darker green, while more species-rich grasslands are in orange. The map shows the River Test to the north east, and the woodlands rising up the western valley sides to the allocation site.
- 5.24 The Mottisfont Bats SAC protocol (see footnote 15) notes that it is difficult to specify what types of development are likely to have adverse effects on habitats used by bats. However, it does highlight that any development that results in direct loss of, or changes to, key habitats has the potential to have adverse effects. Equally, any development that fragments habitats used by bats is likely to have adverse effects.
- 5.25 The issues that need to be examined are therefore how the direct loss of this area would affect bats use of the site itself, through potential impacts to roost locations and loss of the foraging resource, and also to examine wider, more indirect impacts, through how the development would affect the wider use of the bats' foraging resource across the landscape.

*Impacts to habitat extent*

- 5.26 The site is relatively small when considered in the context of the available habitat across this landscape.

*Impacts to potential roosts*

- 5.27 Ecological survey and assessment work has been carried out to support previous planning applications at this site<sup>26</sup>. These reports<sup>27 28</sup> have identified that the majority of the trees within the woodland are younger, or are old coppice stools with relatively young poles. Thus there is limited actual roosting potential here at the present time.
- 5.28 However, as this is designated ancient woodland, within the 7km zone around Mottisfont Bats SAC, there is the potential for the site to be of value on the future as any existing trees age and start to develop suitable roost features.

*Impacts to foraging resource on site*

- 5.29 The Mottisfont Bats SAC protocol (see footnote 15) identifies that moths – particularly larger species – are key prey items for barbastelle bats. It also identifies that woodland used by barbastelle bats are vulnerable to direct impacts of habitat loss and damage through damage to the woodland ground flora and shrub layer.
- 5.30 The ecology work so far carried out at the site shows that the ground flora is somewhat sparse, with much leaf litter and little vegetation, and the understorey – where present – is dominated by invasive cherry laurel. Limited dead wood habitats appear to be present. Therefore the structure and diversity of the woodland at the site would not immediately appear to be optimal for providing significant foraging capacity for

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<sup>26</sup> 12/00281/FULLS and 13/02259/FULLS

<sup>27</sup> Morrison, S. J., (2011), *Ecological Survey of Land Adjacent to Forest Edge Park, East Wellow*

<sup>28</sup> The Environmental Dimension Partnership (EDP), (2013), *Forest Edge Park, Gardeners Way, East Wellow, Hampshire – Ecological Appraisal Report*

barbastelle bats. However, information from Butterfly Conservation <sup>29</sup> indicates that sweet chestnut coppice can support a large assemblage of moth species.

- 5.31 It is also notable that Natural England's standing advice on Ancient Woodland identifies that development impacts can extend further out from site boundaries, and advocates buffers around developments to protect such woodland. Therefore development of this site would have impacts to adjacent woodland, increasing the potential adverse effects on barbastelle bats.

#### Impacts to habitat connectivity from fragmentation

- 5.32 Map 5.2 shows the wider context and network of woodlands and associated habitats across the local landscape. This clearly shows the site as part of a much wider expanse of woodland. In particular, the loss of the woodland within the site would dramatically weaken the ecological connectivity between the large areas of woodland to the west with the woodland to the east.

#### Policy considerations

- 5.33 Policy TSP01 recognises the sensitivities of the woodland habitat on the site and the need to ensure impacts to this is fully addressed in any planning application. The policy includes the following text:

*The retention and enhancement of the existing boundary are required in order to provide a landscape setting for the development. This is necessary to ensure the impact of the proposal is minimised on the designations and the wider countryside.*

and

*Development will need to also demonstrate how the adverse impacts to ecological connectivity to woodlands in the wider landscape will be addressed.*

- 5.34 A well-considered enhancement scheme for the existing boundary features would serve to protect adjacent habitats and ensure that the retained vegetation is managed sensitively and with particular emphasis on invertebrate diversity (especially moths).
- 5.35 The need to address habitat connectivity issues would serve to ensure that habitat fragmentation impacts are addressed to ensure impacts to connectivity are not significant. An important part of this work will be a need for any planning application to be supported by thorough and robust ecological survey work that would inform any measures included in any planning application to address these issues, as detailing in Policy E5 of the Revised Local Plan.

## **Conclusion**

- 5.36 It has been demonstrated that Policy GT02 (Bunny Lane, Timsbury) and Policy TSP01 (Land adjacent to Forest Edge Park, Gardeners Lane, East Wellow) would not adversely affect Mottisfont Bats SAC.

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<sup>29</sup>Butterfly Conservation (undated), *Sweet Chestnut Castanea sativa Its importance for moths and other wildlife*, from <https://butterfly-conservation.org/files/habitat-sweet-chestnut-factsheet.pdf>

## **6 Habitat Regulations Assessment – Conclusions and Record**

- 6.1 This report has set out the process and findings of the screening and assessment that has been undertaken for the Habitats Regulations Assessment of the Test Valley Borough Council gtd. It has been prepared in order to fulfil the Council's duties under Article 6(3) of the EU Habitats Directive, which requires that any plan, which is not directly connected with or necessary to the management of a European site, but would be likely to have a significant effect on such a site, either individually or in combination with other plans or projects, shall be subject to an 'appropriate assessment' of its implications for the European site in view of the site's conservation objectives. The plan-making body shall agree to the plan only after having ascertained that it will not adversely affect the integrity of the site concerned.
- 6.2 Using a method that reflects current best practice and advice from Natural England, the assessment has screened all the four site allocation policies set out in the DPD. Of these, two were assessed as being not likely to have significant effects alone or in combination on any International site.
- 6.3 Two policies were however considered to have a likely significant effect on Mottisfont Bats SAC in view of their location within 7.5km of the SAC and the nature of the habitats present at these sites, as well as the potential for wider impacts to surrounding barbastelle bat habitat networks.
- 6.4 These policies were given further consideration through an Appropriate Assessment. This examined the potential effects of these policies in greater detail, and in the context of the policy wording. It was concluded that these policies would not have an adverse effect on Mottisfont Bats SAC either alone or in combination with other plans or projects.

**Table 10.1 – Record of Appropriate Assessment Findings**

Source (Policy)	Receptor (Site)	Pathway	Screening assessment for likely significant effect	Can it be concluded that the effects flowing from the Plan will not affect the site?	Can the Plan be modified to ensure the conservation objectives for the sites will not be undermined, ensuring no adverse effect on the sites?
<b>GT02:</b> Land at Bunny Lane, Timsbury	Mottisfont Bats SAC	Loss of habitat though construction	Permanent loss of off-site habitat used by barbastelle bats	Yes – text in policy requiring retention and enhancement of on-site boundary features, together with existing Development Management tools to enable proper assessment.	N/A
<b>TSP01:</b> Land adjacent to Forest Edge Park, Gardeners Lane, East Wellow)	Mottisfont Bats SAC	Loss of habitat though construction	Permanent loss of off-site habitat used by barbastelle bats; Severing of ecological linkages / flyways	Yes – text in policy requiring retention and enhancement of on-site boundary features and maintenance of ecological connectivity, together with existing Development Management tools to enable proper assessment.	N/A

## List of Abbreviations

DPD	Development Plan Document
HRA	Habitat Regulations Assessment
JNCC	Joint Nature Conservation Committee
LDf	Local Development Framework
PUSH	Partnership for Urban South Hampshire
SAC	Special Area of Conservation
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
TVBC	Test Valley Borough Council

## Appendix 1

### List of plans and projects considered during in-combination assessment

Note: Work on all Local Development Frameworks is deemed to be important in relation to the in combination assessment, however, not all the relevant documents have been identified individually within the table below, which is intended to act as a summary of the main plans and projects.

Project / Plan	Summary / Key Objectives	Implications for the Gypsy and Traveller DPD	Implications for the HRA of the Gypsy and Traveller DPD
The Test Valley Borough Council Revised Local Plan 2011-2029	To provide for the future need and types of housing within the Borough. Conserve and enhance biodiversity. (Full list in RLP Chapter 3).	This would form part of the development plan. When considering applications both documents would need to be considered.	Provides policies that would need to be considered alongside the Gypsy and Traveller DPD in determining applications especially Policy COM1 and Policy E5.
Hampshire, Portsmouth, Southampton, New Forest and South Downs Minerals and Waste Plan (Draft), 2012	This is subject to Examination in Public. It proposes a range of policies and identifies sites to ensure sufficient supply of minerals and waste treatment capacity over the plan period and to enable the determination of mineral and waste planning applications.	If adopted, this document would form part of the Development Plan for Test Valley and would be taken into account in decision making. It proposes a number of sites within Test Valley for both mineral and waste purposes.	The proposals within this document would need to be taken into account as part of the in combination consideration. This has been assessed against the Habitat Regulations.
Hampshire Local Transport Plan 2011 – 2031, Hampshire County Council, 2011	This document sets out a long term strategy and a shorter term implementation plan to support delivery. It sets out that the car is anticipated to remain the dominant form of travel, so the	The DPDs should accord with this strategy. It also provides a framework for looking at highway infrastructure capacity.	The main implication through this plan relates to air quality impacts of traffic on designated sites.

Project / Plan	Summary / Key Objectives	Implications for the Gypsy and Traveller DPD	Implications for the HRA of the Gypsy and Traveller DPD
	strategy has taken this into account.		
Water Resource Management Plan 2010 - 2035, Southern Water, 2009 and Water Resource Management Plan 2015 – 2040. Southern Water, 2014.	This identifies how water resources will be managed to ensure sufficient water supply is available. This allows for forecast changes in population. A number of changes are proposed, including universal metering and changes to the sources of water supply within the area.	It will be important to ensure that any proposals coming forward through the DPDs will take account of infrastructure and resource availability – this includes the need to carefully consider water resources and demand management.	This plan has taken account of implications on designated sites, of most relevance in this case to the River Itchen SAC. Changes are proposed to licensing to reduce abstraction from the River Itchen based on implications on the SAC, with proposed increases in abstraction from the River Test offset the reduced water availability from the Itchen.
Water Resource Plan, Bournemouth and West Hampshire Water (now Sembcorp Bournemouth Water), 2014.	This document seeks to ensure that sufficient water resources are available for this area accounting for changes in population.	This plan covers a small area towards the west of the Borough in terms of water supply. It will be important to ensure that any proposals coming forward take account of the availability of infrastructure and resources.	This is particularly relevant to the River Avon which falls within this water resource area. It is also relevant to the New Forest designations in terms of the supply of water to this area.
Biodiversity Action Plan for Hampshire, Hampshire Biodiversity Partnership, 1998	This document sets out action plans for the conservation and enhancement of biodiversity. It identifies habitats and species of priority concern.	The LDF will need to take account of the biodiversity within the Borough and beyond that could be affected, particularly in relation to the priority species and habitats.	The protection of biodiversity can act as a form of mitigation for designated features of interest.

Project / Plan	Summary / Key Objectives	Implications for the Gypsy and Traveller DPD	Implications for the HRA of the Gypsy and Traveller DPD
<p>Neighbouring and nearby authorities' Development Plans including:</p> <ul style="list-style-type: none"> <li>▪ New Forest District</li> <li>▪ New Forest National Park</li> <li>▪ Southampton City</li> <li>▪ Eastleigh Borough</li> <li>▪ Winchester</li> <li>▪ Basingstoke and Deane</li> <li>▪ Wiltshire</li> <li>▪ West Berkshire</li> <li>▪ Other PUSH authorities and authorities to the west of the New Forest</li> </ul>	<p>Various planning documents (including Core Strategies and older Local Plans) which provide the framework for decision making in each local authority area and provide allocations / safeguarding areas for development.</p>	<p>There is a need to work with these authorities to ensure a joined up approach to planning and development (including infrastructure availability).</p>	<p>There is a need to account for the new development proposed within these (and forthcoming) plans and the pressures they may result in, including recreational and air quality implications.</p>
<p>New Forest National Park Management Plan 2010 – 2015, New Forest National Park Authority, 2010</p>	<p>The role of the plan is to guide and co-ordinate activities by those helping to deliver the purpose of the National Park. It highlights the need to work together and provides more detail on specific areas for action.</p>	<p>This plan supports the principle of new countryside recreation outside the National Park. It also highlights the need for joint working.</p>	<p>The plan gives consideration to the enhancement of habitats within the National Park, including proposals to undertake additional research on the cumulative impacts of development.</p>
<p>New Forest National Park Recreation Management Strategy 2010 – 2030, New Forest National Park Authority, 2010</p>	<p>This establishes the long term approach to the management of recreation within the national park; this involves balancing the recreational use with other purposes of the area including the conservation of species and</p>	<p>This plan highlights the importance of joint working, including with neighbouring authorities.</p>	<p>The appropriate management of recreation particularly within the more vulnerable locations has the potential to reduce the pressure on designated features of interest. This includes measures within the National</p>



Project / Plan	Summary / Key Objectives	Implications for the Gypsy and Traveller DPD	Implications for the HRA of the Gypsy and Traveller DPD
	habitats.		Park and working with authorities / organisations outside the National Park.
Managing Flood Risk: Test and Itchen Catchment Flood Management Plan, Environment Agency, 2008	This document gives an overview of the flood risk in the Test and Itchen catchments and develops a policy approach to the management of flood risk based on identified policy units.	There is a need to account for levels of flood risk and the policy approaches for the future to inform sustainable development proposals.	This is relevant to the Solent designations and Emer Bog in terms of both the quantity and quality of water entering the systems.
North Solent Shoreline Management Plan, New Forest District Council, 2010	This document sets out the strategic policy approach to the management of the coastline and adjacent areas at risk of tidal flooding and coastal erosion.	A small part of the Borough is covered by this document (unit 5c13) for which an approach of 'no active intervention' is identified. It will be important to take account of this to ensure that there is no inappropriate development in this area.	The management of the North Solent shoreline is likely to significantly impact on the Solent designations, particularly in terms of the movement of habitats in relation to climate change and sea level rise. Through the HRA for this plan there are proposals for habitat creation to offset the potential losses.
Solent European Marine Site (SEMS) Management Scheme and Update, 2004 and 2011	These documents intent to promote the sustainable use of the Solent area in a way that does not threaten the nature conservation interest.	Need to be aware of the implications of this document for the preparation of the DPDs.	The common approach provided to the management of this area has the potential to reduce effects on the designation.
Strategic Guidance for the Solent, Solent Forum, last updated in 2011	This guidance aims to provide a general approach for the whole Solent in terms of strategic planning and management, it	Need to be aware of the details and action points within this document and work with the	This document provides a source of information which has a role to play in the management of the Solent, including the

Project / Plan	Summary / Key Objectives	Implications for the Gypsy and Traveller DPD	Implications for the HRA of the Gypsy and Traveller DPD
	also aims to raise awareness and understanding of the main issues.	Solent Forum as appropriate.	designated areas. The chapter on water based recreation was updated in 2011.
Solent Recreation Mitigation Project, co-ordinated by Solent Forum, on-going	Through this mechanism an interim approach to mitigation for recreational pressures on the Solent SPAs has been developed.	The Test Valley DPDs may have a role in delivering mitigation (if required) to reduce in-combination pressures. The specific implications will depend on the final outcomes of the project.	This work provides a source of evidence to inform the HRA work, including whether there are significant effects and if so, what would be appropriate mitigation.
Solent Wader and Brent Goose Strategy, 2010	This strategy provides evidence and recommendations to inform planning and projects in relation to possible effects on the Brent Goose and wader populations within the Solent coast.	The strategy identifies areas within the Borough that are important to waders and the Brent Goose population. This needs to be taken into account planning for the area, along with the recommendations within the strategy.	This work provides a source of evidence to inform the HRA work, which will help inform consideration of potential effects on the Solent and Southampton Water SPA and Ramsar site.
PUSH Green Infrastructure Strategy, 2010	The purpose of this strategy is to document existing green infrastructure and identify options for additions and enhancements across the South Hampshire area.	There are projects within this strategy that relate to Test Valley, which DPDs may have a role in implementing.	The projects set out within this strategy need to be considered in-combination with other plans and projects.
Outstanding / Partially Implemented Planning Permissions including: <ul style="list-style-type: none"> <li>▪ 800 dwellings at</li> </ul>	Range of planning permission (some partially implemented) that result in additional development within the locality. There are other applications that are	These schemes are considered in conjunction with the proposals within the Local Plan – the listed residential proposals contribute to the proposed housing	These proposals need to be considered in-combination with other plans and projects. Where appropriate they were subject to HRA in advance of the

Project / Plan	Summary / Key Objectives	Implications for the Gypsy and Traveller DPD	Implications for the HRA of the Gypsy and Traveller DPD
<p>Abbotswood, Romsey</p> <ul style="list-style-type: none"> <li>▪ Up to 350 dwellings at Redbridge Lane, Nursling</li> <li>▪ Employment development at Adanac Park, Nursling</li> <li>▪ 43 (net) dwellings at Nutburn Road, North Baddesley</li> </ul>	<p>currently under consideration that may also be relevant.</p>	<p>requirement for the plan period.</p>	<p>determination of the applications.</p>