

Test Valley Borough Council

**HRA of the Charlton
Neighbourhood Plan
Appropriate Assessment**

Final report

Prepared by LUC

September 2020

Test Valley Borough Council

HRA of the Charlton Neighbourhood Plan
Appropriate Assessment

Version	Status	Prepared	Checked	Approved	Date
1.	Draft for client comment	S. Smith	T. Livingston	T. Livingston	24.07.2020
2.	Final for consultation	S. Smith	T. Livingston	T. Livingston	06.08.2020
3.	Final	S. Smith	T. Livingston	T. Livingston	11.09.2020

Contents

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Chapter 1	
Introduction	1
Background to the Charlton NP and HRA Process	1
The requirement to undertake Habitats Regulations Assessment of Development Plans	2
Stages of HRA	3
Relevant case law changes	4
Structure of this report	5
<hr/>	
Chapter 2	
Methodology	6
Revision of Screening Conclusions	6
Revised Screening Method	6
Appropriate Assessment	7
<hr/>	
Chapter 3	
Revised Screening Conclusions	9
Policies with Potential to Affect European Sites	9
European Sites with Potential to be Affected by the Charlton NP	10
Potential broad impacts of the NP	10
In-Combination Effects	14
<hr/>	
Chapter 4	
Appropriate Assessment Findings	15
Calculating the Nutrient Budget	15
Mitigating the Nitrogen Surplus	17
In-combination effects	18
Consultation	18
<hr/>	
Chapter 5	
Conclusions	19
<hr/>	
Appendix A	
Natural England Response to Screening	A-1
<hr/>	
Appendix B	
Attributes of European Sites with the Potential to be Affected by the Neighbourhood Plan	B-1
<hr/>	
Appendix C	
Other Plans and Projects with the Potential for In-Combination Effects	C-1

Chapter 1

Introduction

1.1 LUC was commissioned by Test Valley Borough Council (TVBC) to carry out the Appropriate Assessment stage of the Habitats Regulations Assessment (HRA) of the Charlton Neighbourhood Plan (NP). The purpose of the Appropriate Assessment is to identify whether the Charlton NP is likely to result in adverse effects of integrity on one or more European designated sites for biodiversity conservation.

Background to the Charlton NP and HRA Process

1.2 Charlton is a small village situated to the northwest of Andover within Test Valley Borough in the west of Hampshire. Charlton Parish which the Neighbourhood Plan covers, is a semi-rural area, with most of the population concentrated in the village itself (in the southeast of the Parish).

1.3 The Charlton Neighbourhood Plan sets out a framework for development proposed in the Neighbourhood Plan up to 2031, in conjunction with the adopted Local Plan. The NP, which was prepared by Charlton Parish Council in collaboration with the local community, sets out a vision for the Parish up to 2031, and focuses on preserving the area's rural feel, whilst supporting the needs of the local community. In terms of new development, Policy CNP1 permits development within the settlement boundary and outside the settlement boundary if either the site is allocated in, or otherwise in accordance with, the adopted Local Plan (there are no sites allocated in the Parish in the adopted Local Plan); or there is a genuine and proven need for development in a countryside location. In addition, the NP allocates Land to the North of Goch Way for around 50 new homes, via Policy CNP2.

1.4 The NP was submitted for Examination on 15th April 2020. This was accompanied by a Strategic Environmental Assessment (SEA) and HRA screening opinion (October 2019), prepared by Test Valley Borough Council. This concluded that the NP did not require an HRA Appropriate Assessment, as there are no European designated biodiversity sites within the plan area or a 10km radius, and the NP is in general conformity with the adopted Local Plan (which was subject to its own HRA and able to conclude there would not be adverse effects on integrity of any European sites).

1.5 In May 2020, Natural England contacted TVBC to express concerns that there is not sufficient information available to screen the NP out of the HRA process, due to

uncertainty regarding where wastewater from the proposed site allocation will be treated and therefore where this will ultimately be discharged (see **Appendix A**). TVBC has since had confirmation that wastewater would be processed at Fullerton treatment works, which discharges into the River Test, which ultimately drains into Southampton Water and the Solent, which includes a number of European designated sites. Due to the existing problems of eutrophication in the Solent due to nitrate discharges from wastewater treatment works and agricultural runoff arising from rivers draining into the Solent, a likely significant effect from the 50 additional homes proposed in the NP cannot be ruled out and an Appropriate Assessment is required in order to meet the Habitats Regulations.

The requirement to undertake Habitats Regulations Assessment of Development Plans

1.6 The requirement to undertake HRA of development plans was confirmed by the amendments to the Habitats Regulations published for England and Wales in 2007; the currently applicable version is the Habitats Regulations 2017 as amended. These updates were consolidated into the Conservation of Habitats and Species Regulations 2017¹.

1.7 The UK exited the EU on 31 January 2020. There is now a transition period until the end of 2020 during which EU legislation and policy will be followed. The only exception to this is that while EU case law from before 31 January 2020 will continue to be relevant to the UK position, any modifications to the law as a result of cases after that date will not be relevant to the UK. The 2019 EU Exit amendments will not come into effect until the end of the Implementation Period. The Regulations remain exactly as they were before 31 January 2020. The 2017 Regulations as amended by earlier (non-Brexit) amendments are in effect but are currently unamended by the EU Exit amendments.

1.8 The HRA refers to the assessment of the potential effects of a development plan on one or more European Sites, including Special Protection Areas (SPAs) and Special Areas of Conservation (SACs):

- SACs are designated under the Habitats Regulations as amended and target particular habitat types (specified in Annex 1 to the Habitats Directive) and species (specified in Annex II to the Habitats Directive). These annexes to the Habitats Directive list habitat types and species (excluding birds) considered to be most in need of conservation at a European level. Designation of SACs also has regard to the threats of degradation or destruction to which the sites are exposed and, before EU exit day, to the coherence of the Natura 2000 network of European sites. After EU exit day, regard is had to the importance of such sites for the coherence of the national site network.
- SPAs are areas classified² for rare and vulnerable birds or regularly occurring migratory species.

1.9 Potential SPAs (pSPAs)³, candidate SACs (cSACs)⁴, Sites of Community Importance (SCIs)⁵ and Ramsar sites should also be included in the HRA.

- Ramsar sites support internationally important wetland habitats and are listed under the Convention on Wetlands of International Importance especially as Waterfowl Habitat (Ramsar Convention, 1971).

1.10 For ease of reference during HRA, these three designations (SACs, SPAs, and Ramsar sites) are collectively referred to as European sites, despite Ramsar designations being at the international level.

1.11 The overall purpose of the HRA is to conclude whether or not a proposal or policy, or the whole development plan, would adversely affect the integrity of the European site in question either alone or in combination with other plans and projects. This is judged in terms of the implications of the plan for the 'qualifying features' for which the European site was designated, i.e.:

- SACs – Annex I habitat types and Annex II species⁶.
- SPAs – Annex I birds and regularly occurring migratory species not listed in Annex I⁷.
- Ramsar sites – the reasons for listing the site under the Convention⁸.

¹ *The Conservation of Habitats and Species Regulations 2017* (Statutory Instrument 2017/1012), as amended by *The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019* (SI 2019/579)

² Classified (a) before the day of the UK's exit from the EU (31 January 2020) in accordance with Article 4(1) or 4(2) of the European Union Wild Birds Directive for rare and vulnerable birds (as listed in Annex I of the Directive), and under Article 4(2) for regularly occurring migratory species not listed in Annex I, or (b) after exit day under the retained transposing regulations.

³ Potential SPAs are sites that have been approved by the Minister for formal consultation but not yet proposed to the European Commission, as listed on the [GOV.UK website](#).

⁴ Candidate SACs are sites that have been submitted to the European Commission, but not yet formally adopted, as listed on the JNCC's [SAC list](#).

⁵ SCIs are sites that had been adopted by the European Commission before the day of the UK's exit from the EU (31 January 2020) but not yet formally designated as SACs by the UK Government.

⁶ As listed in the site's citation on the JNCC website (all features of European importance, both primary and non-primary, need to be considered).

⁷ As identified in sections 3.1, 3.2 and 4.2 of the SPA's standard data form on the JNCC website; species for which the site assessment of population (abbreviated to 'Pop.' in table at section 3.1 and 3.2) is 'D' (non-significant population) are not qualifying features and are only relevant to the HRA if qualifying features are dependent on them. Information from SAC and Spa Standard Data Forms is also published by the JNCC in the [Natura 2000 site details - spreadsheet](#). At sites where there remain differences between species listed in the [2001 SPA Review](#) and the extant site citation in the standard data form, the relevant country agency (Natural England or Natural Resources Wales) should be contacted for further guidance.

⁸ As set out in section 14 of the relevant 'Information Sheet on Ramsar Wetlands' available on the JNCC website.

1.12 Significantly, HRA is based on the precautionary principle meaning that where uncertainty or doubt remains, an adverse impact should be assumed.

proposal would adversely affect the integrity of the European site in question. **Table 1.1** summarises the stages and associated tasks and outcomes typically involved in carrying out a full HRA, based on various guidance documents^{9,10,11}.

Stages of HRA

1.13 The HRA of development plans is undertaken in stages (as described below) and should conclude whether or not a

Table 1.1: Stages of HRA

Stage	Task	Outcome
Stage 1: HRA Screening	Description of the development plan. Identification of potentially affected European sites and factors contributing to their integrity. Review of other plans and projects. Assessment of likely significant effects of the development plan alone or in combination with other plans and projects.	Where effects are unlikely, prepare a 'finding of no significant effect report'. Where effects judged likely, or lack of information to prove otherwise, proceed to Stage 2.
Stage 2: Appropriate Assessment (where Stage 1 does not rule out likely significant effects)	Information gathering (development plan and European Sites). Impact prediction. Evaluation of development plan impacts in view of conservation objectives. Where impacts are considered to affect qualifying features, identify how these effects will be avoided or reduced.	Appropriate assessment report describing the plan, European site baseline conditions, the adverse effects of the plan on the European site, how these effects will be avoided or reduced, including the mechanisms and timescale for these mitigation measures. If effects remain after all alternatives and mitigation measures have been considered proceed to Stage 3.
Stage 3: Assessment where no alternatives exist and adverse impacts remain taking into account mitigation	Identify 'imperative reasons of overriding public interest' (IROPI). Demonstrate no alternatives exist. Identify potential compensatory measures.	This stage should be avoided if at all possible. The test of IROPI and the requirements for compensation are extremely onerous.

1.14 In assessing the effects of the NP in accordance with the Conservation of Habitats and Species Regulations 2017¹², there are potentially two tests to be applied by the competent authority: a 'Significance Test', followed, if necessary, by an Appropriate Assessment which will inform the 'Integrity Test'. The relevant sequence of questions is as follows:

- Step 1: Under Reg. 105(1)(b), consider whether the plan is directly connected with or necessary to the management of the sites. If not –
- Step 2: Under Reg. 105(1)(a) consider whether the plan is likely to have a significant effect on the site, either alone or in combination with other plans or projects (the 'Significance Test'). [These two steps are undertaken as part of Stage 1: Screening shown in **Table 1.1** above.] If Yes –
- Step 3: Under Reg. 105(1), make an Appropriate Assessment of the implications for the site in view of its current conservation objectives (the 'Integrity Test'). In

⁹ UK Government Planning Practice Guidance, available from <https://www.gov.uk/guidance/appropriate-assessment>

¹⁰ European Commission (2001) Assessment of plans and projects significantly affecting European Sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.

¹¹ The HRA Handbook. David Tyldesley & Associates, a subscription based online guidance document: <https://www.dtapublications.co.uk/handbook/European>

¹² SI No. 2017/2012

so doing, it is mandatory under Reg. 105(2) to consult Natural England, and optional under Reg. 105(3) to take the opinion of the general public. [This step is undertaken during Stage 2: Appropriate Assessment shown in **Table 1.1.**]

- Step 4: In accordance with Reg.105(4), but subject to Reg.107, give effect to the land use plan only after having ascertained that the plan will not adversely affect the integrity of the European site.

1.15 Steps 1 and 2 have already been undertaken by TVBC and this report focuses on Step 3. However, the Screening Opinion prepared for Step 2 needs to be revised as a result of Natural England's comments in **Appendix A**. As such, **Chapter 3** of this report presents revised screening conclusions.

1.16 It is normally anticipated that an emphasis on Stages 1 and 2 of this process will, through a series of iterations, help ensure that potential adverse effects are identified and eliminated through the avoidance of likely significant effects at Stage 1, and through Appropriate Assessment at Stage 2 by the inclusion of mitigation measures designed to avoid, reduce or abate effects. The need to consider alternatives could imply more onerous changes to a plan document. It is generally understood that so called 'imperative reasons of overriding public interest' (IROPI) are likely to be justified only very occasionally and would involve engagement with the Government (and European Commission during the Brexit transition period).

1.17 The HRA should be undertaken by the 'competent authority', in this case TVBC, and LUC has been commissioned to do this on its behalf. TVBC will consider this work and may only progress the Neighbourhood Plan if it considers that the Plan will not adversely affect the integrity of any European site. The integrity of a site is the coherence of its ecological structure and function, across its whole area, that enables it to sustain the habitat, complex of habitats and/or the levels of populations of the species for which it was designated¹³.

1.18 The HRA also requires close working with Natural England as the statutory nature conservation body¹⁴ in order to obtain the necessary information, agree the process, outcomes and mitigation proposals. The Environment Agency, while not a statutory consultee for the HRA, is also in a strong position to provide advice and information throughout the process as it is required to undertake HRA for its existing licences (including for wastewater discharges) and future licensing of activities.

Relevant case law changes

1.19 This HRA will be prepared in accordance with relevant case law findings, including most notably the 'People over Wind' and 'Holohan' rulings from the Court of Justice for the European Union (CJEU).

1.20 The *People over Wind, Peter Sweetman v Coillte Teoranta* (April 2018) judgment ruled that Article 6(3) of the Habitats Directive should be interpreted as meaning that mitigation measures should be assessed as part of an Appropriate Assessment, and should not be taken into account at the screening stage. The precise wording of the ruling is as follows:

Article 6(3)must be interpreted as meaning that, in order to determine whether it is necessary to carry out, subsequently, an appropriate assessment of the implications, for a site concerned, of a plan or project, it is not appropriate, at the screening stage, to take account of measures intended to avoid or reduce the harmful effects of the plan or project on that site.

1.21 In light of the above, the HRA screening stage does not rely upon avoidance or mitigation measures to draw conclusions as to whether the NP could result in likely significant effects on European sites, with any such measures being considered at the Appropriate Assessment stage as relevant.

1.22 The HRA will also fully consider the *Holohan v An Bord Pleanála* (November 2018) judgement which stated that:

Article 6(3) of Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild fauna and flora must be interpreted as meaning that an 'appropriate assessment' must, on the one hand, catalogue the entirety of habitat types and species for which a site is protected, and, on the other, identify and examine both the implications of the proposed project for the species present on that site, and for which that site has not been listed, and the implications for habitat types and species to be found outside the boundaries of that site, provided that those implications are liable to affect the conservation objectives of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that the competent authority is permitted to grant to a plan or project consent which leaves the developer free to determine subsequently certain parameters relating to the construction phase, such as the location of the construction compound and haul routes, only if that authority is certain that the development consent granted establishes conditions that

¹³ UK Government [Planning Practice Guidance](#)

¹⁴ Regulation 5 of the Habitats Regulations 2017.

are strict enough to guarantee that those parameters will not adversely affect the integrity of the site.

Article 6(3) of Directive 92/43 must be interpreted as meaning that, where the competent authority rejects the findings in a scientific expert opinion recommending that additional information be obtained, the 'appropriate assessment' must include an explicit and detailed statement of reasons capable of dispelling all reasonable scientific doubt concerning the effects of the work envisaged on the site concerned.

1.23 In carrying out this HRA, LUC has fully considered the potential for effects on species and habitats, including those not listed as qualifying features, to result in secondary effects upon the qualifying features of European sites, including the potential for complex interactions and dependencies. In addition, the potential for offsite impacts, such as through impacts to functionally-linked land or water, and or species and habitats located beyond the boundaries of European site, but which may be important in supporting the ecological processes of the qualifying features, have also been fully considered in the HRA.

Structure of this report

1.24 This chapter (**Chapter 1**) has described the background to the production of the Charlton NP and the requirement to undertake HRA. The remainder of the report is structured into the following sections:

- **Chapter 2** describes the approach that has been taken to the HRA including the specific tasks undertaken and the assumptions underpinning the HRA judgements made.
- **Chapter 3** reviews the conclusions of the Screening Opinion prepared by TVBC in October 2019.
- **Chapter 4** set outs the findings of the Appropriate Assessment.
- **Chapter 5** sets out the conclusions of the HRA.

1.25 The information in the main body of the report is supported by the following appendices:

- **Appendix A** includes a copy of the letter from Natural England to TVBC, highlighting the potential need for Appropriate Assessment.
- **Appendix B** sets out detailed information about the European sites that will be the focus of the Appropriate Assessment.
- **Appendix C** presents a review of other plans and projects that could have significant effects on European sites in combination with the NP.

Chapter 2

Methodology

Revision of Screening Conclusions

2.1 The Conservation of Habitats and Species Regulations 2017¹⁵ require an assessment of the 'likely significant effects' of the NP to be undertaken. As described above, this was undertaken by TVBC in October 2019. However, given the advice from Natural England and confirmation that wastewater from the new housing allocated in the NP will be treated at Fullerton treatment works, which ultimately drains into Southampton Water and the Solent and could have a significant effect on the Solent SACs, SPAs and Ramsar sites, these conclusions need revising.

2.2 The approach to the revised screening of the Charlton NP is set out below.

Revised Screening Method

Identifying types of potential impact from the NP

2.3 In our experience, and based on previous comments from Natural England, the type of development (and related activities) that are permitted by Neighbourhood Plans have the potential to result in the following broad types of impacts that could affect European sites:

- **Physical loss of or damage to habitats** e.g. from development or activities within the European sites themselves or at functionally-linked sites.
- **Fragmentation or severance of habitats** e.g. from development between a European site and functionally-linked sites.
- **Non-physical disturbance** e.g. noise, vibration or light from construction or development in proximity to sensitive species.
- **Recreation pressure and urban edge effects** e.g. dog walking, cycling, trampling, littering, fire, or predation by pets.
- **Air pollution** from changes in traffic volumes on roads close to sensitive habitats.
- **Changes in water quality or quantity** e.g. changes in flow caused by abstraction/discharge, accidental pollution, or increase nutrient loading from sewage

¹⁵ SI No. 2017/2012

treatment within the European sites themselves or at functionally-linked sites.

2.4 Further consideration of the types of impact that could be relevant to the Charlton NP is provided in **Chapter 3**.

Identifying European sites that may be affected

2.5 Geographical Information Systems (GIS) data is used to map the locations and boundaries of European sites using publicly available data from Natural England. All European sites lying partially or wholly within 10 km of the plan boundary have been included, in line with the original Screening Opinion. In addition, a check was made to identify any further-distant European sites that could be significantly affected by development within the district due to pathways or links (e.g. hydrological or ecological) with the Plan area, including sites in the Solent.

2.6 Detailed information about the location, qualifying features and vulnerabilities of the European sites included in the assessment has been collated. The attributes that contribute to and define the integrity of the European sites have been identified using the Conservation Objectives for each site, Standard Data Forms for SACs and SPAs and Information Sheets for Ramsar Wetlands, as well as Natural England's Site Improvement Plans (SIPs). This enabled the European site interest features to be identified, along with the features of each site that determine site integrity and the specific sensitivities and threats facing the site.

2.7 This approach is also useful for informing the inter-dependencies of non-qualifying species and habitats which the qualifying species depend, as highlighted as a requirement by the 'Holohan' ruling explained in **Chapter 1**.

2.8 Regulation 105(1) of the Conservation of Habitats and Species Regulations 2017¹⁶ (the 'Habitats Regulations'), requires an assessment of the 'likely significant effects' of a land use plan. A risk-based approach involving the application of the precautionary principle has been adopted in the assessment, such that a conclusion of 'no significant effect' is only reached where it is considered very unlikely, based on current knowledge and the information available, that a proposal in the NP would have a significant effect on the integrity of a European site.

In-combination effects

2.9 Regulation 105(1) of the Habitats Regulations 2017 requires an Appropriate Assessment where "a land use plan is likely to have a significant effect on a European site (either alone or in-combination with other plans or projects) and is not

directly connected with or necessary to the management of the site". Therefore, it is necessary to consider whether there may be significant effects in combination with other plans or projects.

2.10 Where the NP is likely to have an effect on its own (due to impact pathways being present), whether significant or not, there may also be the same types of effects from other plans or projects that could combine with the NP to produce adverse effects on integrity, and therefore these need to be considered through the Appropriate Assessment.

2.11 The first stage in identifying 'in-combination' effects involves identifying which other plans and projects in addition to the Charlton NP may affect the European sites that are the focus of this assessment. There are many potentially relevant plans and projects which could be considered. The review therefore focusses largely on planned spatial growth within the Test Valley and surrounding local authority areas, because these are the plans most likely to give rise to in-combination effects, for example in relation to water use or recreation pressure, although other plans and projects may also be relevant.

2.12 The NP area lies within Test Valley Borough, therefore the potential for in-combination effects with the Test Valley Local Plan has been considered. The HRA has also considered potential for in-combination effects with Local Plans for authorities surrounding the Test Valley. A summary of these is included in **Appendix C**.

Appropriate Assessment

2.13 Following the screening stage, if likely significant effects on European sites are unable to be ruled out, the plan-making authority is required to make an 'Appropriate Assessment' of the implications of the plan for European sites, in view of their conservation objectives. EC Guidance¹⁷ states that the Appropriate Assessment should consider the impacts of the plan (either alone or in combination with other projects or plans) on the integrity of European sites with respect to their conservation objectives and to their structure and function.

2.14 The Appropriate Assessment stage of HRA focuses on those impacts judged likely at the Screening stage to have a significant or uncertain effect, and seeks to conclude whether, in light of mitigation and avoidance measures, they would result in an adverse effect on the on the integrity of the qualifying features of a European site(s), or where insufficient certainty regarding this remains. It has already been established that there is potential for adverse impacts on European sites at the Solent as a result of the NP, therefore

¹⁶ SI No. 2017/2012

¹⁷ *Assessment of plans and projects significantly affecting European sites. Methodological guidance on the provisions of Article 6(3) and (4) of the Habitats Directive 92/43/EEC.* European Commission Environment DG, November 2001.

the AA has examined this in more detail. In addition, any other potential effects identified through the revised screening have also been considered.

Assessing the effects on site integrity

2.15 The integrity of a site depends on the site being able to sustain its 'qualifying features' across the whole of the site and ensure their continued viability. A high degree of integrity is considered to exist where the potential to meet a site's conservation objectives is realised and where the site is capable of self-repair and renewal with a minimum of external management support.

2.16 A conclusion needs to be reached as to whether or not the plan would adversely affect the integrity of a European site. As stated in the EC Guidance, assessing the effects on the site(s) integrity involves considering whether the predicted impacts of the plan policies (either alone or in-combination) have the potential to:

- Cause delays to the achievement of conservation objectives for the site.
- Interrupt progress towards the achievement of conservation objectives for the site.
- Disrupt those factors that help to maintain the favourable conditions of the site.
- Interfere with the balance, distribution and density of key species that are the indicators of the favourable condition of the site.
- Cause changes to the vital defining aspects (e.g. nutrient balance) that determine how the site functions as a habitat or ecosystem.
- Change the dynamics of relationships that define the structure or function of the site (e.g. relationships between soil and water, or animals and plants).
- Interfere with anticipated natural changes to the site.
- Reduce the extent of key habitats or the population of key species.
- Reduce the diversity of the site.
- Result in disturbance that could affect the population, density or balance between key species.
- Result in fragmentation.
- Result in the loss of key features.

2.17 The conservation objectives for each European site are generally to maintain the qualifying features in favourable condition. The Site Improvement Plans for each European site provide a high level overview of the issues (both current and predicted) affecting the condition of the European features on

the site(s) and outline the priority measures required to improve the condition of the features. These have been drawn on to help to understand what is needed to maintain the integrity of the European sites.

2.18 For each European site where an uncertain or likely significant effect has been identified in relation to the NP, the potential impacts have been set out and judgements made (based on the information available) regarding whether the impact will have an adverse effect on the integrity of the site. Consideration has been given to the potential for mitigation measures to be implemented that could reduce the likelihood or severity of the potential impacts such that there would not be an adverse effect on the integrity of the site.

Chapter 3

Revised Screening Conclusions

3.1 A Screening Opinion for the Charlton Neighbourhood Plan was published in October 2019. This stated that, because the policies of the draft Charlton NP are in general conformity with those contained in the Test Valley Local Plan and the fact that the draft Charlton NP does not allocate more development than the Local Plan, it is unlikely to have significant effects on any European sites. However, prompted by the concerns raised by Natural England (**Appendix A**) it is considered that these screening conclusions now need to be revisited. In addition to the potential for significant effects relating to nitrate loading in the Solent designated sites, in the interests of carrying out a full and robust HRA screening, this chapter also considers whether any other types of likely significant effects could arise and which European sites are likely to be affected.

Policies with Potential to Affect European Sites

3.2 Chapter 2 introduced the broad types of impacts that could affect European sites that might arise as a result of the Neighbourhood Plan. There are two main ways that these impacts could come about:

- Development (e.g. construction and use of new homes or employment space).
- Increased travel to/from the area (e.g. associated with new homes or as a result of increased tourism in the area).

3.3 From a review of the policies in the Submission draft Charlton NP, only Policy CNP2: Land to the North of Goch Way, is considered likely to result in impacts on European sites, and these are discussed further below. This policy allocates land to the north of the Goch Way/Peake Way site, which is currently being developed for 50 new dwellings. This is additional to development allocated through the Local Plan.

3.4 Policy CNP1: Settlement Boundary/ Built up Area permits development within the settlement boundary. However, the policy only permits this where development is allocated within the Local Plan or in accordance with the NPPF and relevant countryside policies of the Local Plan. As such, this policy is not expected to result in any increase in development coming forward that has not already been considered through the Local Plan and accompanying HRA.

3.5 Whilst there are policies in the NP to protect and improve local green spaces and biodiversity assets, such as the lakes, these are fairly local assets and are not expected to result in an increase in visitors from beyond the surrounding area, or overnight visitors.

European Sites with Potential to be Affected by the Charlton NP

3.6 In order to initiate the search of European sites that could potentially be affected, it is established practice in HRAs to consider European sites within the area covered by a plan, and also within a buffer distance from the boundary of the plan area. The October 2019 Screening Opinion identified that there are no European sites within the Charlton Neighbourhood Area, nor within a 10km buffer of this. The NP boundary and buffer are shown in **Figure 3.1**.

3.7 European sites further than 10km from could be affected by the NP, for example through hydrological pathways or recreational visits. This is considered further in relation to the different types of impact that could arise, below.

3.8 Chapter 2 introduced the broad types of impacts that could affect European sites that might arise as a result of the Neighbourhood Plan. These are considered in turn below in terms of whether they are likely to arise as a result of the NP, whether they might cause a significant effect on European sites and therefore whether they need to be considered further through appropriate assessment.

Potential broad impacts of the NP

Physical loss of or damage to habitats

3.9 The Charlton NP can only result in physical loss of or damage to European sites if they lie within the plan area, or if land that is functionally linked to European sites lies within the plan area. As no sites lie within the plan area and the nearest sites are over 10km away, likely significant effects arising as a result of direct loss or damage to habitats can be ruled out.

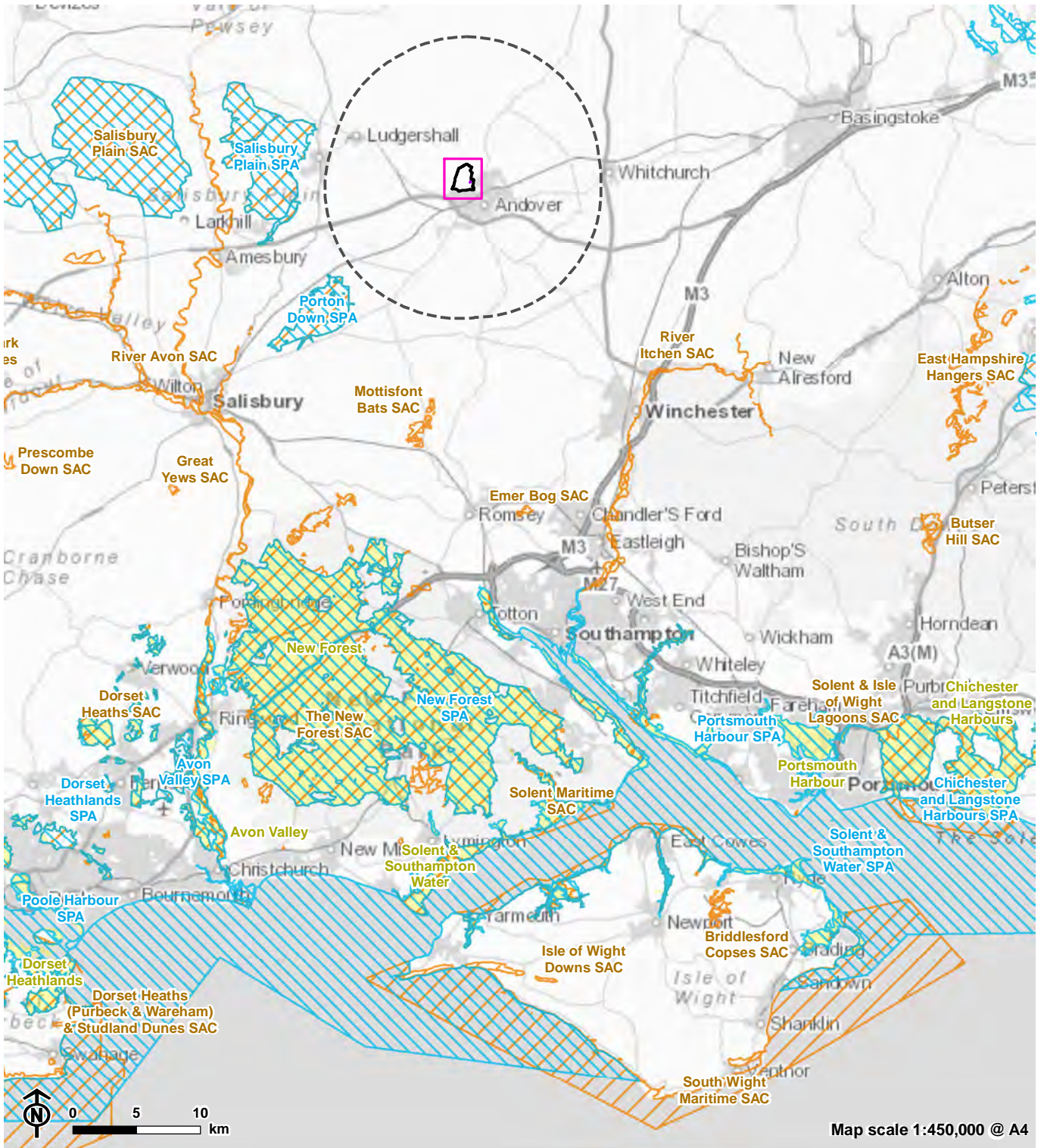
Fragmentation or severance of habitats

3.10 Fragmentation and severance may be caused by physical loss of habitats, but may also be caused by development that impedes the movement of species between two areas of habitat, for example roads or brightly lit areas. As above, no European sites lie within the plan area or within 10km of this, therefore likely significant effects arising as a result of fragmentation or severance of habitats can be ruled out.

Non-physical disturbance

3.11 Noise and vibration effects, e.g. during the construction of new housing or employment development, are most likely to disturb bird species and are thus a key consideration with respect to European sites where birds are the qualifying features. Artificial lighting at night (e.g. from street lamps, flood lighting and security lights) has the potential to affect species where it occurs in close proximity to key habitat areas, such as key roosting sites of SPA birds or foraging routes for bats.

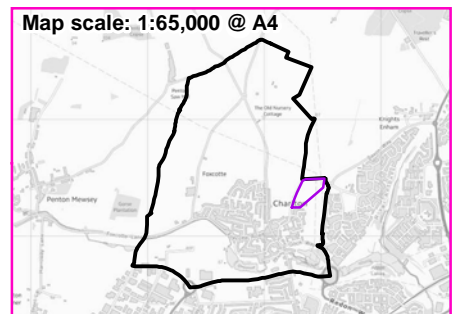
3.12 As above, no European sites lie within the plan area or within 10km of this, therefore likely significant effects arising as a result of non-physical disturbance can be ruled out.



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 CB:MN EB:Beetham_m LUC FIG3_1_11175_r1_Charlton_EuropeanSites_A4P 20/07/2020
 Source: Natural England, Test Valley Borough Council

Figure 3.1: European sites in and around Charlton and the Solent

- Charlton Parish
- Charlton Parish 10km buffer
- Land to the North of Goch Way
- Ramsar
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)



Recreation pressure and urban edge effects

3.13 Recreational activities and human presence can result in significant effects on European sites as a result of erosion and trampling, associated impacts such as fire and vandalism or disturbance to sensitive features, such as birds, through recreation. Urban edge effects are only likely to occur close to development, therefore, as there are no European sites within the plan area, or 10km of this, these are not expected to occur. Recreational impacts could occur over a wider area, although it is considered unlikely that people will travel over 10km for recreation on a frequent basis. Nevertheless, in order to be precautionary, Salisbury Plain SAC and SPA and Porton Down SPA, which lie just beyond the 10km buffer (around 12km away), have been considered further.

3.14 The HRA of the Wiltshire Housing Site Allocations Plan¹⁸ refers to a 2015 visitor survey¹⁹, which found that the majority of visits (75%) to Salisbury Plain SPA originate from within 6.4km. It is assumed that this is likely to be similar for Porton Down SPA, which is designated for stone curlew (one of the qualifying features of Salisbury Plain SPA) and for Salisbury Plain SAC, which covers both SPAs.

3.15 The New Forest, which contains an SAC, SPA and Ramsar site, is a popular tourist destination, drawing visitors from a wide area. A study by Footprint Ecology²⁰ suggested that most people visiting the New Forest frequently come from within 20km. The plan area is further than 20km from the nearest point of the New Forest SAC and the development site is well over 30km from the main tourist area and main area covered by European site designations. Furthermore, the majority of regular visitors come from the more urban nearby areas, such as Portsmouth and Southampton, rather than the more rural area of Charlton and Andover, which has attractive countryside and the North Wessex Downs AONB very nearby.

3.16 As such, recreational pressure and urban edge effects resulting from the NP can be ruled out.

Air pollution from changes in traffic volumes on roads close to sensitive habitats

3.17 Air pollution is most likely to affect European sites where plant, soil and water habitats are the qualifying features, but some qualifying animal species may also be affected, either directly or indirectly, by deterioration in habitat as a result of air pollution. Deposition of pollutants to the ground and vegetation can alter the characteristics of the soil, affecting the

pH and nitrogen levels, which can then affect plant health, productivity and species composition.

3.18 In terms of vehicle traffic, nitrogen oxides (NO_x, i.e. NO and NO₂) are considered to be the key pollutants. Deposition of nitrogen compounds may lead to both soil and freshwater acidification, and NO_x can cause eutrophication of soils and water.

3.19 Based on the Highways Agency Design Manual for Road and Bridges (DMRB) guidance document LA105 Air Quality (which was produced to provide advice regarding the design, assessment and operation of trunk roads including motorways), it is assumed that air pollution from roads is unlikely to be significant beyond 200m from the road itself. Where increases in traffic volumes are forecast, this 200m buffer needs to be applied to the relevant roads in order to make a judgement about the likely geographical extent of air pollution impacts.

3.20 No major roads run through Charlton, although it is bordered by the A343, which links to the A342 and A303. Both the A342 and the A303 run adjacent to the Salisbury Plain SAC and SPA and the A343 runs adjacent to a small part of the Porton Down SPA and Salisbury Plain SAC. Commuting data²¹ shows that that majority of people living in Charlton work in Andover. Of those who commute to work elsewhere, the pattern is fairly dispersed, with some commuting to Winchester, Basingstoke, London and Salisbury and therefore new development, particularly of only 50 homes, is expected to lead to negligible effects on traffic and air pollution along the A303, A342 and A343. As such, likely significant effects arising as a result air pollution can be ruled out.

Changes in water quality or quantity

3.21 An increase in demand for water abstraction and treatment, and changes in land use resulting from the growth proposed in the NP could result in changes in hydrology at European sites. Depending on the qualifying features and particular vulnerabilities of the European sites, this could result in likely significant effects; for example due to changes in environmental or biotic conditions, water chemistry and the extent and distribution of preferred habitat conditions.

3.22 Habitats can also be affected by changes in water quality such as nutrient enrichment, changes in salinity, smothering from dust, and run-off, discharge or spillage from industry, agriculture or construction. Changes in water abstraction, discharge and land use can also affect water

¹⁸ Wiltshire Council (2020) Wiltshire Housing Site Allocations Plan, Assessment under the Habitats Regulations

¹⁹ Panter, C., & Liley, D. (2015). Salisbury Plain Visitor Survey 2015

²⁰ J. Sharp, J. Lowen and D. Liley, Footprint Ecology (2008) Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA

²¹ Datashine Commute, Available at:

<https://commute.datashine.org.uk/#mode=allflows&direction=from&msoa=E02004814&zoom=10&lon=-1.5179&lat=51.2344>, Accessed: 16/7/20

quality, for example a change in land use from agriculture to residential reduces direct nutrient run-off to watercourses but increases the volume of nutrients discharged from wastewater treatment works.

3.23 European sites with potential to be affected by changes in water quantity or quality are likely to be sites that are hydrologically connected to areas of development provided for by the plan.

3.24 With regards to water abstraction, Emer Bog SAC has been identified as being vulnerable to changes in water levels. However, this site is more than 25km from the plan area and Charlton is well outside the catchment zone identified for Emer Bog SAC²².

3.25 As noted in Chapter 1, TVBC confirmed that wastewater generated from the NP new site allocation would be processed at Fullerton Wastewater Treatment Works (WwTW), which discharges into the River Test, which ultimately drains into Southampton Water and the Solent. Natural England's June 2020 guidance²³ on nutrient neutrality for new development in the Solent region states that:

There are high levels of nitrogen and phosphorus input to [the Solent] with sound evidence that these nutrients are causing eutrophication at these designated sites. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. The resulting dense mats of green algae and other effects on the marine ecology from an excessive presence of nutrients are impacting on the Solent's protected habitats and bird species.

There is uncertainty as to whether new [housing] growth will further deteriorate designated sites. This issue has been subject to detailed work commissioned by local planning authorities (LPAs) in association with Natural England, Environment Agency and water companies. This strategic work, which updates early studies, is ongoing. Until this work is complete, the uncertainty remains and **the potential for future housing developments across the Solent region to exacerbate these impacts creates a risk to their potential future conservation status.**

One way to address this uncertainty is for new development to achieve nutrient neutrality. Nutrient neutrality is a means of ensuring that development does not add to existing nutrient burdens and this provides certainty that the whole of the scheme is deliverable in

line with the requirements of the Conservation of Habitats and Species Regulations 2017.

3.26 The Natural England guidance states that the nutrient neutrality approach applies to developments where the treated effluent discharges (eventually) into any of the following Solent international sites:

- Solent Maritime SAC.
- Solent and Southampton water SPA and Ramsar.
- Portsmouth Harbour SPA and Ramsar.
- Chichester and Langstone Harbours SPA and Ramsar.

3.27 Effluent from the proposed development in the NP would be treated at Fullerton WwTW and then be discharged into the River Test, which then drains into the Solent and Southampton Water SPA and Ramsar and the Solent Maritime SAC. It also drains into the Solent and Dorset SPA, designated in January 2020, although the Natural England guidance does not identify this as a site where the nutrient neutrality approach applies, as it is designated for terns foraging at sea (a qualifying feature of the Solent SPAs), which are unlikely to be affected by increased algal growth resulting from eutrophication closer to the coast. The Portsmouth Harbour SPA and Ramsar and Chichester and Langstone Harbours SPA and Ramsar sites are unlikely to be affected by the NP as there is no pathway from the development to these sites.

3.28 Given the uncertainty regarding new development in the Solent region highlighted in the Natural England guidance document above, it cannot be concluded that the Charlton NP will not significantly affect the Solent and Southampton Water SPA and Ramsar and the Solent Maritime SAC as a result of increased nutrient discharges from the allocated site and Appropriate Assessment (AA) is required. The AA will therefore need to test whether the allocation of 50 homes in the NP will result in increased nutrient levels compared to the baseline and whether policy provisions within the NP are sufficient to enable nutrient neutrality to be achieved for new development. If they are not, then the specific effects on European sites will need to be assessed.

3.29 It is noted that Natural England's previous advice (from March 2018) was that nutrient budgets should be calculated for larger developments (200-300 homes). However, paragraph 2.5 of the June 2020 advice states that *'the uncertainty about the impact of new development on designated sites needs to be recognised for all development*

²² The Environmental Project Consulting Group (2017) Emer Bog and Baddesley Common Hydrological Desk Study

²³ Natural England guidance on achieving nutrient neutrality in the Solent Region (June 2020): [https://www.push.gov.uk/2020/06/11/natural-england-published-](https://www.push.gov.uk/2020/06/11/natural-england-published-nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/)

[nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/](https://www.push.gov.uk/2020/06/11/natural-england-published-nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/)

proposals that are subject to new planning permissions and have inevitable wastewater implications.' [our emphasis] In addition, the impacts of development at Land North of Goch Way could have an effect in-combination with other development with wastewater implications in the catchment of the River Test and wider Solent catchment area.

3.30 As such, the only likely significant effect that requires further consideration is the potential effect of the NP on water quality at European sites in the Solent. The Natural England guidance²⁴ states that the primary nutrient driving eutrophication in the Solent is nitrogen. Whilst increasing phosphorus levels is also identified as a potential issue, the Natural England guidance suggests this is more relevant to the Medina catchment (on the Isle of Wight). This is explored further in **Chapter 4**.

In-Combination Effects

3.31 A review of plans with potential for in-combination effects with the Charlton NP is included in **Appendix C**. With the exception of water quality issues in the Solent, as discussed above, no other potential in-combination effects have been identified.

²⁴ Natural England guidance on achieving nutrient neutrality in the Solent Region (June 2020): [https://www.push.gov.uk/2020/06/11/natural-england-published-](https://www.push.gov.uk/2020/06/11/natural-england-published-nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/)

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Chapter 4

Appropriate Assessment Findings

4.1 Following the screening stage, the plan-making authority is required under Regulation 102 of the Habitats Regulations 2017 (as amended) to make an 'Appropriate Assessment' (AA) of the implications of any likely significant effects resulting from the plan for European sites, in view of their conservation objectives. The conservation objectives, vulnerabilities and wider inter-dependencies of the European sites that have been screened into AA are set out in **Appendix B**.

4.2 The AA stage seeks to determine whether implementation of the NP will result in an adverse effect on the integrity of the whole European site(s) in question (many European sites are made up of a number of fragments of habitat). This stage therefore needs to focus on those impacts judged likely to have a significant effect on the qualifying features of European sites, or where insufficient certainty regarding this remained at the screening stage. As concluded in Chapter 3, for the Charlton NP, only the potential effects of the 50 homes site allocation (CNP2) on water quality at Solent and Southampton Water SPA and Ramsar and the Solent Maritime SAC needs to be subject to AA.

4.3 The AA stage also considers the potential for in-combination effects from development proposed in the Test Valley and neighbouring authorities' Local Plans. Consideration has been given to mitigation measures that already are or may be included in the NP to reduce the likelihood and significance of effects on European sites.

Calculating the Nutrient Budget

4.4 Natural England has advised that development with potential to increase nutrient levels in the Solent should achieve nutrient neutrality. The first stage of this is to calculate the 'nutrient budget', i.e. the increase in nutrient loads that can be expected from the scheme (in this case, the 50 homes site allocation in Policy CNP2).

4.5 The following section calculates the nutrient budget for the development, using the methodology set out in the Natural England guidance²⁵. Sections, stages and steps referred to below reflect the Natural England guidance.

²⁵ Natural England guidance on achieving nutrient neutrality in the Solent Region (June 2020): <https://www.push.gov.uk/2020/06/11/natural-england-published->

[nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/](https://www.push.gov.uk/2020/06/11/natural-england-published-nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/)

Section A

Stage 1 – Calculate Total Nitrogen in Kg per annum derived from the development that would exit the Wastewater Treatment Works (WwTW) after treatment

Step 1: Calculate additional population

4.6 The NP allocates land for 50 additional homes. Using the average national occupancy rate of 2.4 persons per dwelling, the additional population in the new development is expected to be around **120 people**.

Step 2: Confirm water use

4.7 Policy E7 of the adopted Test Valley Local Plan requires development to use no more than 110 litres per person per day. As such, 110 litres per person per day will be used to calculate the nutrient budget. For the 120 people expected to occupy the new development, this equates to a total of **13,200 litres/day**.

Step 3: Confirm WwTW and permit level

4.8 Wastewater from the new development proposed to be allocated through the Charlton NP will be treated at Fullerton WwTW. TVBC has advised that there is no current total nitrogen (TN) permit limit for Fullerton WwTW. In the absence of other evidence, we have assumed a TN discharge of **27mg/l**, as advised in the Natural England guidance.

Step 4: Calculate TN in Kg per annum that would exit the WwTW after treatment derived from the proposed development

4.9 The TN load is calculated by multiplying the water use of the proposed development by the appropriate concentration of TN after treatment at the WwTW. The Natural England guidance recommends that the TN discharge figure is discounted by 2mg/l (to account for the amount of nitrogen that may be expected to occur naturally in the river and groundwater), therefore a figure of **25mg/l** is used. As such, the TN discharged after WwTW treatment is assumed to be $13,200\text{l/day} \times 25\text{mg/l} = 330,000\text{mg/TN/day}$. This equates to **120.45 Kg/TN/yr**.

Stage 2 – Adjust nitrogen load to account for existing nitrogen from current land use

Step 1: Calculate total area of existing agricultural land

4.10 The whole site is currently in agricultural use, and is **3.72 ha**.

Step 2: Identify farm type and confirm nitrate loss

4.11 The landowner has confirmed that for the last 10 years the site has been in use as 'lowland grazing' farm type. According to the guide included in Natural England's

guidance, this farm type has an average nitrate-nitrogen loss of **13 kg N/ha**.

Step 3: Calculate nitrogen load from current land use

4.12 Nitrogen load is calculated by multiplying the area of land in agricultural use by the average nitrate-nitrogen loss. As such, the nitrogen loss from the current land use is $3.72 \times 13 =$ **48.36 Kg/N/yr**.

Stage 3 – Adjust nitrogen load to account for land uses within the proposed development

4.13 The last stage is to add in the nitrogen load that will result from the new development that is not received by a WwTW. This includes the nitrogen load from the new urban development and from the new open space to be delivered within the CNP2 site allocation. The NP does not specify an exact layout or masterplan for the development site, therefore there is some uncertainty about the area of different land uses before the planning application stage.

4.14 TVBC provided some estimated figures for provision of open space and food growing, based on Policy LHW1 of the Local Plan. The Natural England guidance recommends that the 5 kg/ha/yr rate applies to areas of designated open space on-site of around 0.5 hectares and above, whereas the areas of different types of sports, open space and food growing that would be required are under 0.5 ha individually and in total. The Natural England guidance states that '*Small areas of open space within the urban fabric, such as road verges, gardens, children's play areas and other small amenity areas, should not be included within this category. The urban development figure is appropriate for these land uses*'. As such, these are considered within the 'urban development' figure in **Table 4.1**.

4.15 TVBC has also advised that it is expected 60% of the site area would be developed with 40% for infrastructure. However, much of the areas used for infrastructure are likely to be urban in line with the description given in the Natural England guidance. As such, in order to be precautionary, all land has been assumed to be urban. **Table 4.1** sets out the expected future land uses within the CNP2 site allocation on this basis and the resulting likely nitrogen load.

Table 4.1: Expected nitrogen load from future land uses within Land north of Goch Way (Policy CNP2 in the Charlton NP)

	Area required (Ha)	Nitrogen leaching (Kg/Ha/yr) ²⁶	Total nitrogen leaching (kg/ha/yr)
Urban development	3.72	14.3	53.20

Stage 4 – Calculate the net change in the Total Nitrogen load that would result from the development

4.16 The last stage is to calculate the net change in the Total Nitrogen load to the Solent catchment with the proposed development. This is derived by calculating the difference between the Total Nitrogen load calculated for the proposed development (wastewater, urban area, open space etc.) and that for the existing lowland grazing agricultural use. This is set out in **Table 4.2**.

Table 4.2: Net change in nitrogen load from development of Land north of Goch Way (Policy CNP2 in the Charlton NP)

Measurement	Value (Kg/TN/yr)
Total Nitrogen derived from the development that would exit the Wastewater Treatment Works (WwTW) after treatment (stage 1)	120.45
Net change in nitrogen from land use change (subtract existing land uses nitrogen load (stage 2) from future land uses nitrogen load (stage 3))	4.84
Determine nitrogen budget (Total Nitrogen wastewater load for the proposed development plus the change in nitrogen load from land use)	125.29
Where TN budget is positive add 20% precautionary buffer	150.35
Total	150.35

Mitigating the Nitrogen Surplus

4.17 **Table 4.2** demonstrates that around an additional 150.35 Kg/N/yr is expected to arise from the development and therefore needs to be neutralised. **Given the uncertainty regarding the exact layout of the development at this stage, the budget should be re-calculated when detailed**

plans have been drawn up (and submitted with the planning application). In the absence of further evidence, 150.35 Kg/N/yr should be taken as a minimum value to be neutralised.

4.18 Section 5 of the Natural England advice note sets out potential mitigation measures that could help to ensure nutrient neutrality. This includes direct measures, through upgrading sewage treatment works, or alternatives such as interceptor wetlands, which can remove some nitrogen through sedimentation and denitrification. Alternatively, indirect mitigation could be put in place by taking land out of high nitrogen uses. This could include taking land out of agricultural use, either on-site or off-site and using it instead as open space, a wildlife site or woodland, providing these have low nitrogen inputs. The developer could carry out such measures on land they already own, purchase land for this purpose, or work with other landowners in the River Test catchment and/or the Council to take land they own out of nitrogen-intensive uses. The NE guidance also states that strategic solutions are being investigated, which could provide an opportunity, particularly for smaller developments such as Land North of Goch Way, to provide financial contributions to strategic mitigation, as an alternative to direct mitigation. Irrespective of which mitigation method is proposed, the developer of the Land north of Goch Way site will need to demonstrate that the type, extent and location of the mitigation measures are sufficient to offset the additional nitrogen load from the development, and therefore avoid adverse effects on integrity of the Solent and Southampton Water SPA and Ramsar and the Solent Maritime SAC.

4.19 In order to ensure that the Charlton Neighbourhood Plan does not result in adverse effects on integrity of European sites, **it is recommended that an additional requirement is added to Policy CNP2 to ensure nutrient neutrality of the development:**

Development will be required to confirm the nitrogen budget and set out specific and appropriately located mitigation measures that will be implemented in order to ensure development is nutrient neutral from the start of its operational phase. Such mitigation measures must be secured for the duration of the development's effects. A financial contribution to strategic mitigation measures may be an appropriate alternative to direct provision of mitigation. In this case it will be necessary to liaise with Test Valley Borough Council and Natural England to confirm an appropriate mitigation scheme to which the contributions will be directed and to ensure any contributions are sufficient to fully mitigate the impacts of

²⁶ Values taken from: Natural England guidance on achieving nutrient neutrality in the Solent Region (June 2020): <https://www.push.gov.uk/2020/06/11/natural->

[england-published-nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/](https://www.push.gov.uk/2020/06/11/natural-)

the development on the Solent internationally designated sites.

4.20 The supporting text of the policy should also be updated to explain the potential for wastewater treatment from the new residential development to adversely affect the Solent and Southampton Water SPA and Ramsar and the Solent Maritime SAC due to nitrates discharged into the River Test, and to highlight the mitigation options available, as briefly described above. It should state that the size of mitigation land should be sufficient to ensure nitrogen is neutralised, and this should be demonstrated through the use of nutrient budget calculations carried out using the Natural England guidance²⁷. The supporting text should also draw on the Natural England guidance to specify that mitigation measures need to be appropriately located, i.e. if direct mitigation is implemented, this should be at Fullerton WwTW or along the River Test between Fullerton WwTW and the Solent. Indirect mitigation, i.e. taking land out of high-nitrogen uses, will only be acceptable where this is undertaken on land within the River Test or River Itchen catchment areas and on land with appropriate geology to ensure mitigation is effective and timely. The Natural England guidance also highlights that mitigation measures need to be secured for the lifetime of the development's effects, generally 80-125 years.

4.21 Providing wording to this effect is included in the neighbourhood plan, no adverse impacts on integrity of European sites are expected.

In-combination effects

4.22 Providing nutrient neutrality is achieved, the NP will not affect nutrient levels in the Solent, therefore there is no scope for in-combination effects to arise in relation to this.

4.23 The review of screening conclusions determined that there is no likelihood of significant effects arising in relation to any other site or pathway.

Consultation

4.24 This report was issued to Natural England and the Environment Agency for consultation in August 2020. An excerpt from Natural England's response is below:

"We have considered the assessment, and the proposed additional policy and changes to the plan text suggested to mitigate for adverse effects that could occur as a result of the proposed development within the plan area and the associated increase in nutrients entering the Solent designated sites. Provided the proposed changes

are made to the plan Natural England advises that we concur with the assessment conclusions."

4.25 The Environment Agency did not provide a response.

²⁷ Natural England guidance on achieving nutrient neutrality in the Solent Region (June 2020): [https://www.push.gov.uk/2020/06/11/natural-england-published-](https://www.push.gov.uk/2020/06/11/natural-england-published-nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/)

[nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/](https://www.push.gov.uk/2020/06/11/natural-england-published-nutrient-calculator-and-updated-guidance-on-achieving-nutrient-neutral-housing-development/)

Chapter 5

Conclusions

5.1 The review of screening conclusions for the Charlton Neighbourhood Plan concluded that, whilst there are no sites within 10km of Charlton Parish, likely significant effects could occur as a result of increased nutrient loading in the Solent. This is as a result of wastewater arising from the development of 50 homes at Land North of Goch Way being treated at Fullerton WwTW, which discharges into the River Test, which ultimately flows into Southampton Water and the Solent. As such, development of the allocation within the Charlton NP could exacerbate existing eutrophication issues at the Solent European sites. The European sites potentially affected are:

- Solent Maritime SAC.
- Solent and Southampton Water SPA and Ramsar.

5.2 The Appropriate Assessment estimated the nutrient budget of development at Land North of Goch Way is to be 150.35 Kg/N/yr. Providing the Charlton NP is updated to require development of this site to confirm the nutrient budget and provide sufficient mitigation to neutralise this (within Policy CNP2), as set out in **Chapter 4**, it can be concluded that the Charlton NP would not lead to any adverse effects on integrity of any European sites, either alone or in-combination with other plans.

LUC

September 2020

Appendix A

Natural England Response to Screening

From: Brown, Nicola
Sent: 05 May 2020 09:33
To: Neighbourhood Planning
Subject: 308089 Charlton Neighbourhood Plan Regulation 16 consultation

Dear Sir/Madam

Thank you for consulting Natural England on the Charlton Neighbourhood Plan.

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

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects. Your assessment concludes that your authority can rule out the likelihood of significant effects arising from the proposal, both alone or in-combination.

On the basis of information provided, Natural England advises that there is currently not enough information to rule out the likelihood of significant effects. In our previous consultation on this Neighbourhood Plan we advised that confirmation of where waste water from the proposed development site would be treated to identify whether there is likely to be significant effects on the Solent designated sites. From the information provided in the HRA screening we are unable to ascertain the detail of where waste water will be treated. We also advise that if waste water is to be treated at a wastewater treatment works that drains into the River Avon that your HRA should consider impacts of increased phosphates on the River Avon designated sites

Natural England advises that additional information should be included within the neighbourhood plan. This would then provide an opportunity for your authority to repeat your screening to check for the likelihood of significant effects of the project as submitted (i.e. with all new information provided as part of the proposal) but excluding, at this stage, any measures specifically intended to avoid harmful effects on a European site(s).

If following the submission of additional information you conclude, as the competent authority, that there is a likelihood of significant effects, or uncertainties, you should undertake an appropriate assessment in order to fully assess the implications of the proposal in view of the conservation objectives for the European site(s) in question. Natural England must be consulted on any appropriate assessment your Authority may decide to make.

If you wish to discuss any advice within this email please contact me

Kind regards

Nicola

Appendix B

Attributes of European Sites with the Potential to be Affected by the Neighbourhood Plan

Chapter 1

Attributes of European Sites with the Potential to be Affected by the Neighbourhood Plan

HRA of the Charlton Neighbourhood Plan

September 2020

Table B.1: Attributes of Solent Maritime SAC

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
<p>Solent Maritime SAC - The Solent is a complex site encompassing a major estuarine system on the south coast of England. The Solent and its inlets are unique in Britain and Europe for their hydrographic regime with double tides, as well as for the complexity of the marine and estuarine habitats present within the area. Sediment habitats within the estuaries include extensive areas of intertidal mudflats, often supporting eelgrass <i>Zostera</i> spp. and green algae, saltmarshes and natural shoreline transitions, such as drift line vegetation. The SAC forms part of the Solent & Southampton Water SPA/Ramsar.</p> <p>All four species of cordgrass found within the UK are present within the Solent and it is one of only two UK sites with significant amounts of the native small cordgrass <i>Spartina maritima</i>. The SAC contains rich intertidal mudflats, saltmarsh, shingle beaches and adjacent coastal habitats, including grazing marsh, reedbeds and damp woodland.</p>			
<p>Solent Maritime SAC (11,243.12 ha)</p>	<p><u>Qualifying features:</u></p> <ul style="list-style-type: none"> - H1110 Sandbanks which are slightly covered by sea water all the time - H1320 <i>Spartina</i> swards (<i>Spartinion maritimae</i>) - H1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritimae</i>) - S1016 <i>Vertigo moulinsiana</i>: Desmoulin's whorl snail - H1130 Estuaries - H1210 Annual vegetation of drift lines - H1220 Perennial vegetation of stony banks - H1140 Mudflats and sandflats not covered by seawater at low tide - H2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> ("white dunes") - H1150 Coastal lagoons - H1310 <i>Salicornia</i> and other annuals colonising mud and sand 	<p><u>Public Access/Disturbance</u></p> <p>Recreational activities can affect annual vegetation of drift lines (H1210) and the vegetation of stony banks (H1220).</p> <p><u>Coastal squeeze</u></p> <p>Habitats are being lost as they are squeezed between rising sea levels and hard coastal defences that are maintained. There is a direct impact due to loss of the SAC habitats such as saltmarsh. In some areas rising sea levels will result in coastal grasslands being lost to more saline grasslands. The habitats that are lost could be created elsewhere, but there is difficulty in finding suitable areas. The neutral grassland habitats will take a long time to create as mitigation, but intertidal habitat can be created relatively quickly. Current compensation provides required habitat for Epoch 1 of the Shoreline Management Plan 2, further investigation is required for Epoch 2 and 3. This project will utilise outputs from Shoreline Management Plans, the Environment Agency's Regional Habitat Creation Project and the New Forest District Council/Channel Coastal Observatory's Solent Dynamic Coast Project.</p> <p><u>Water pollution</u></p> <p>Water pollution affects a range of habitats at the site through eutrophication and toxicity. Sources include both point source discharges (including flood alleviation / storm discharges) and diffuse water pollution from agriculture / road runoff, as well as historic contamination of marine sediments, primarily from copper and Tributyltin (TBT). A position statement from the Environment Agency and Natural England on water quality in the Solent and housing growth</p>	<p>The qualifying habitats of the SAC are reliant a range of coastal factors, including salinity, sedimentation, tide, sea level, turbidity and elevation, which influence the interdependent intertidal, subtidal and terrestrial habitats. These factors influence the complex interdependent intertidal, subtidal and terrestrial habitats present along the coast.</p> <p>There is no Natural England Conservation Objectives: Supplementary Advice for this site.</p>

Chapter 1

Attributes of European Sites with the Potential to be Affected by the Neighbourhood Plan

HRA of the Charlton Neighbourhood Plan

September 2020

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<p><i>Conservation objectives:</i></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:</p> <ul style="list-style-type: none"> – the extent and distribution of qualifying natural habitats and habitats of qualifying species – the structure and function (including typical species) of qualifying natural habitats – the structure and function of the habitats of qualifying species – the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely – the populations of qualifying species; and – the distribution of qualifying species within the site. 	<p>confirms the need to control nitrogen inputs to the Solent from development growth. Environment Agency flood event discharge consents allow untreated waters to be discharged which end up in the SAC and are likely to have a negative impact. There is a threat of spillage from oil transportation and transfer and by the usage by ships and pilotage.</p> <p><u>Changes in species distributions</u></p> <p>Areas of saltmarsh are eroding and decreasing.</p> <p><u>Climate change</u></p> <p>Climate change has resulted in rising sea level causing flooding to habitats.</p> <p><u>Change to site conditions</u></p> <p>There is an increasing loss of saltmarsh in much of the Solent for reasons unknown, and this needs to be investigated.</p> <p><u>Invasive species</u></p> <p>The highest risk pathways through which marine INNS are introduced and then spread have been identified as: commercial shipping (through release of ballast water, and biofouling on hulls); recreational boating (through biofouling on hulls); aquaculture (through contamination of imported or moved stock - or escaped stock in the case of the pacific oyster), and natural dispersal.</p> <p><u>Direct land take from development</u></p> <p>Private sea defences are causing disruption to the natural processes of allowing erosion to move sediments around the SAC.</p> <p><u>Change in land management</u></p> <p>Changes to land management are likely to occur in areas where tidal flaps/slucices are altered and this results in changes to water levels or salinity of that land. Some sluices are failing, which may also result in changes to water levels or salinity of land. Some ditches and drains are neglected and this can cause difficulties in land management, resulting in changes.</p>	

Chapter 1

Attributes of European Sites with the Potential to be Affected by the Neighbourhood Plan

HRA of the Charlton Neighbourhood Plan

September 2020

Site name Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p><u>Air Pollution</u></p> <p>Impact of atmospheric nitrogen deposition</p> <p>Nitrogen deposition exceeds site relevant critical loads. Locally observed effects are unknown.</p> <p><u>Hydrological changes</u></p> <p>Titchfield Haven has a high level of water abstraction licences - if all were used then water levels would be too low in the SAC. Percolation of sea water through sea walls is causing saline intrusion into non-saline grassland habitats and changing them.</p> <p><u>Direct impact from 3rd party</u></p> <p>Off-roading is causing damage to some areas of grassland. Private sea defences are causing disruption to the natural movement processes of natural materials along the coast. House boats are unlicensed and have the potential to cause damage to intertidal habitats. Fly grazing is causing issues affecting large areas of Chichester Harbour.</p> <p><u>Extraction: non-living resources</u></p> <p>Shingle extraction for aggregates may have an adverse impact upon intertidal fauna and flora and may affect the movement of coastal sediments that would in turn have an impact upon intertidal habitats.</p> <p><u>Other</u></p> <p>SAC boundary may not cover the extent of all Annex 1 and Annex 2 features and/or supporting habitats.</p>	

Table B.2: Attributes of Solent and Southampton Water SPA/Ramsar

Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
<p>Solent and Southampton Water SPA/ Ramsar - The site comprises of estuaries and adjacent coastal habitats including intertidal flats, saline lagoons, shingle beaches, saltmarsh, reedbeds, damp woodland, and grazing marsh. The diversity of habitats support internationally important numbers of wintering waterfowl, important breeding gull and tern populations and an important assemblage of rare invertebrates and plants.</p>			
<p>Solent and Southampton Water SPA (5,401.12 ha)</p>	<p><i>Qualifying features:</i></p> <ul style="list-style-type: none"> - A046a(NB) <i>Branta bernicla</i>: Dark-bellied brent goose - A052(NB) <i>Anas crecca</i>: Eurasian teal - A156(NB) <i>Limosa islandica</i>: Black-tailed godwit - Waterbird assemblage - A176(B) <i>Larus melanocephalus</i>: Mediterranean gull - A191(B) <i>Sterna sandvicensis</i>: Sandwich tern - A192(B) <i>Sterna dougallii</i>: Roseate tern - A193(B) <i>Sterna hirundo</i>: Common tern - A195(B) <i>Sterna albifrons</i>: Little tern - A137(NB) <i>Charadrius hiaticula</i>: Ringed plover <p><i>Conservation objectives:</i></p> <p>Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring:</p> <ul style="list-style-type: none"> - the extent and distribution of the habitats of the qualifying features; - the structure and function of the habitats of the qualifying features; 	<p><u>Public Access/Disturbance</u></p> <p>Recreational activities can affect annual vegetation of drift lines (H1210) and the vegetation of stony banks (H1220).</p> <p><u>Coastal squeeze</u></p> <p>Habitats are being lost as they are squeezed between rising sea levels and hard coastal defences that are maintained. There is a direct impact due to loss of the SAC habitats such as saltmarsh. In some areas rising sea levels will result in coastal grasslands being lost to more saline grasslands. The habitats that are lost could be created elsewhere, but there is difficulty in finding suitable areas. The neutral grassland habitats will take a long time to create as mitigation, but intertidal habitat can be created relatively quickly. Current compensation provides required habitat for Epoch 1 of the Shoreline Management Plan 2, further investigation is required for Epoch 2 and 3. This project will utilise outputs from Shoreline Management Plans, the Environment Agency's Regional Habitat Creation Project and the New Forest District Council/Channel Coastal Observatory's Solent Dynamic Coast Project.</p> <p><u>Fisheries: Commercial marine and estuarine</u></p> <p>Towed gear, hand gathering of shellfish, bait digging and aquaculture are the main fishery activities in this site.</p> <p><u>Water pollution</u></p> <p>Water pollution affects a range of habitats at the site through eutrophication and toxicity. Sources include both point source discharges (including flood alleviation / storm discharges) and diffuse water pollution from agriculture / road runoff, as well as historic contamination of marine sediments, primarily from copper and Tributyltin (TBT). A position statement from the Environment Agency and Natural England on water quality in the Solent and housing growth confirms the need to control nitrogen inputs to the Solent from development growth. Environment Agency flood event discharge</p>	<p>In general, the qualifying bird species of the SPA rely on:</p> <ul style="list-style-type: none"> - The site's ecosystem and hydrology as a whole (see list of habitats below). - Maintenance of populations of species that they feed on (see list of diets below). - Off-site habitat, which provide foraging habitat for these species. - Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat. <p>There is no Natural England Conservation Objectives: Supplementary Advice for this site.</p>

Chapter 1

Attributes of European Sites with the Potential to be Affected by the Neighbourhood Plan

HRA of the Charlton Neighbourhood Plan

September 2020

Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<ul style="list-style-type: none"> – the supporting processes on which the habitats of the qualifying features rely; – the population of each of the qualifying features; and – the distribution of the qualifying features within the site. 	<p>consents allow untreated waters to be discharged which end up in the SAC and are likely to have a negative impact. There is a threat of spillage from oil transportation and transfer and by the usage by ships and pilotage.</p> <p><u>Changes in species distributions</u></p> <p>Areas of saltmarsh are eroding and decreasing.</p> <p><u>Climate change</u></p> <p>Climate change has resulted in rising sea level causing flooding to habitats.</p> <p><u>Change to site conditions</u></p> <p>There is an increasing loss of saltmarsh in much of the Solent for reasons unknown, and this needs to be investigated.</p> <p><u>Invasive species</u></p> <p>The highest risk pathways through which marine INNS are introduced and then spread have been identified as: commercial shipping (through release of ballast water, and biofouling on hulls); recreational boating (through biofouling on hulls); aquaculture (through contamination of imported or moved stock - or escaped stock in the case of the pacific oyster), and natural dispersal.</p> <p><u>Biological Resource Use</u></p> <p>Gull egg collecting occurs in some places, and wildfowling occurs in several places. These activities are likely to be disturbing to breeding and wintering birds even though they are licenced/consented at the moment.</p> <p><u>Change in land management</u></p> <p>Changes to land management are likely to occur in areas where tidal flaps/sluices are altered and this results in changes to water levels or salinity of that land. Some sluices are failing, which may also result in changes to water levels or salinity of land. Some ditches and drains are neglected and this can cause difficulties in land management, resulting in changes.</p> <p><u>Inappropriate pest control</u></p>	

Chapter 1

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September 2020

Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
		<p>Predator control is decreasing, resulting in increased predation by foxes etc. and this is the likely cause of decrease in successful breeding of gulls and terns.</p> <p><u>Air Pollution</u></p> <p>Impact of atmospheric nitrogen deposition</p> <p>Nitrogen deposition exceeds site relevant critical loads. Locally observed effects are unknown.</p> <p><u>Direct impact from 3rd party</u></p> <p>Off-roading is causing damage to some areas of grassland. Private sea defences are causing disruption to the natural movement processes of natural materials along the coast. House boats are unlicensed and have the potential to cause damage to intertidal habitats. Fly grazing is causing issues affecting large areas of Chichester Harbour.</p> <p><u>Other</u></p> <p>SAC boundary may not cover the extent of all Annex 1 and Annex 2 features and/or supporting habitats.</p>	
<p>Solent and Southampton Water Ramsar (5,346.44 ha)</p>	<p><i>Qualifying features:</i></p> <p><u>Ramsar Criterion 1</u></p> <p>The site is one of the few major sheltered channels between a substantial island and mainland in European waters, exhibiting an unusual strong double tidal flow and has long periods of slack water at high and low tide. It includes many wetland habitats characteristic of the biogeographic region: saline lagoons, saltmarshes, estuaries, intertidal flats, shallow coastal waters, grazing marshes, reedbeds, coastal woodland and rocky boulder reefs.</p> <p><u>Ramsar Criterion 2</u></p> <p>The site supports an important assemblage of rare plants and invertebrates. At least 33 British Red Data Book invertebrates and at</p>	<p><u>Erosion</u></p> <p>Coastal Defence Strategies, regulation of private coastal defences, shoreline management plans.</p>	<p>In general, the qualifying bird species of the Ramsar site rely on:</p> <ul style="list-style-type: none"> – The site's ecosystem and hydrology as a whole (see list of habitats below). – Maintenance of populations of species that they feed on (see list of diets below). – Off-site habitat, which provide foraging habitat for these species. – Open landscape with unobstructed line of sight within nesting, foraging or roosting habitat.

Chapter 1

Attributes of European Sites with the Potential to be Affected by the Neighbourhood Plan

HRA of the Charlton Neighbourhood Plan

September 2020

Area, ha	Qualifying features and conservation objectives	Key vulnerabilities	Non-qualifying habitats and species upon which the qualifying habitats and/or species depend
	<p>least eight British Red Data Book plants are represented on site.</p> <p><u>Ramsar Criterion 5</u></p> <p>Assemblages of international importance</p> <ul style="list-style-type: none">– Species with peak counts in winter: 51343 waterfowl (5 year peak mean 1998/99-2002/2003) <p><u>Ramsar Criterion 6</u></p> <p>Species/populations occurring at levels of international importance.</p> <p>Qualifying Species/populations (as identified at designation):</p> <ul style="list-style-type: none">– Species with peak counts in spring/autumn: Ringed plover <i>Charadrius hiaticula</i>– Species with peak counts in winter: Dark-bellied brent goose <i>Branta bernicla</i>, Eurasian teal <i>Anas crecca</i>, Black-tailed godwit <i>Limosa islandica</i>		

Appendix C

Other Plans and Projects with the Potential for In-Combination Effects

Local Plans and Strategies

Test Valley Borough Revised Local Plan (Adopted Local Plan 2011-2029)

Note that TVBC is in the process of preparing a new Local Plan, but this is in an early stage of development (a refined issues and options consultation is taking place between June and August 2020), therefore no policies have been developed for this yet.

Housing Provision:

The plan makes provision for a minimum of 10,584 homes over the plan period, including 6,444 homes at Andover.

Employment Provision:

The plan allocates just over 20ha employment land, although a number of policies permit employment development in suitable circumstances.

HRA Pre-Submission Findings²⁸:

Overall, 41 out of 51 policies were assessed as being not likely to have significant effects alone or in-combination on any International site as they do not give rise to effects that could affect such a site. Detailed assessment of the effects of these policies found that, generally, the effects of the plan would not undermine the conservation objectives of any sites of International nature conservation importance. Where this was not the case, the plan policy wording was updated to state that proposals would not be supported where they could not demonstrate no adverse effects on the relevant European sites (Mottisfont Bats SAC).

With regards to water quality, treated wastewater from some areas may ultimately drain into the Solent. However, the Plan explicitly requires that development does not cause deterioration of water bodies with respect to declines in water quality.

As such, the HRA concluded that the Revised Local Plan DPD will not adversely affect any European sites.

HRA Addendum Findings²⁹:

This addendum updated the HRA to account for the Schedule of Proposed Minor Changes and comments from Natural England. This work did not result in a change to the overall conclusions of the Pre-Submission HRA.

Wiltshire Core Strategy (Adopted 2015)

Chippenham Site Allocations Plan (Adopted 2017)

Wiltshire Housing Site Allocations Plan (Adopted 2020)

The Wiltshire Local Plan comprises a series of documents, including the Core Strategy, Chippenham Site Allocations Plan and the Wiltshire Site Allocations Plan.

Housing provision

The Core Strategy makes provision for at least 42,000 homes from 2006 to 2026. Of this, the 4,510 homes to be delivered at Chippenham are allocated through the Chippenham Site Allocations Plan.

The Wiltshire Housing Site Allocations Plan includes 3 objectives:

1. Review settlement boundaries.
2. Help demonstrate a rolling five year land supply for housing development.
3. Allocate sites that support the spatial strategy of the Wiltshire Core Strategy – just under 2,500 homes are allocated via this document. (note that a substantial number of homes provided for by the Core Strategy had been built or committed prior to adoption of this document.)

Employment provision

²⁸Test Valley Borough Council (2013) Habitats Regulations Assessment for Test Valley Revised Local Plan DPD 2011-2019. Regulation 19 – Pre Submission. Available at: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/local-development-framework/dpd>

²⁹ Test Valley Borough Council (2013) Habitats Regulations Assessment for Test Valley Revised Local Plan DPD 2011-2019. Regulation 19 – Pre Submission, Addendum to Main Report. Available at: <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/local-development-framework/dpd>

The Core Strategy provides for around 27,500 jobs up to 2026, through around 70ha employment land allocated. Of this, the 26.5ha of employment land to be delivered at Chippenham are allocated through the Chippenham Site Allocations Plan.

HRA of Core Strategy Findings³⁰:

The screening (initially undertaken in 2009) concluded that there was uncertainty as to whether or not the Core Strategy would have adverse effects on the integrity of European sites. Following HRA work identified potential effects from recreational pressure, water quality (River Avon SAC), air quality (Cotswold Beechwoods SAC), and potential effects on habitat at Bath and Bradford-on-Avon Bats SAC. Existing and amended policies in the local plan were considered sufficient to ensure no adverse effects on integrity. With regards to water quality, treated wastewater from new development would drain into the River Avon SAC, therefore the Solent sites would be unaffected.

HRA of Chippenham Site Allocations Plan³¹:

The HRA concluded that the Chippenham Site Allocations Plan is unlikely to have significant effects on the integrity of European sites and notes that the majority of land uses were already subject to HRA and through the HRA of the Core Strategy, and appropriate policies for avoidance and mitigation are already in place. Following Submission and Adoption, the Council confirmed changes to the plan were not expected to result in changes to the HRA conclusions.

HRA Site Allocations Plan Findings³² :

The HRA identified potential likely significant effects from recreational pressure (Salisbury Plain SPA and Bath and Bradford on Avon Bats SAC), water quality (River Avon SAC), water quantity (River Avon SAC), Habitat loss/deterioration (Bath and Bradford on Avon Bats SAC). However, the HRA concluded no adverse effects on integrity subject to policy recommendations/updates and mitigation strategies.

Basingstoke and Deane Local Plan 2011 to 2029 (Adopted 2016)

Housing Provision

The plan makes provision for 15,300 homes over the plan period.

Employment Provision

The plan makes provision for 8,100-12,600 jobs over the plan period. Although the plan states that specific locations are to be allocated through a subsequent DPD, such a DPD does not seem to have yet been produced.

HRA Findings³³:

The HRA screening found that seven policies had potential to affect European sites as they will, or are likely to, result in development. However, the screening then identified other policies within the plan that were considered to adequately avoid or mitigate any likely significant effects. These constitute policies relating to Thames Basin Heaths SPA, green infrastructure, water quality, sustainable water use, pollution and transport. With regards to water quality in particular, treated wastewater from new development would drain into the London catchment and therefore would not affect the Solent sites.

An addendum considered main modifications but concluded there are no changes to the HRA findings.

Winchester District Local Plan Part 1: Joint Core Strategy (Adopted 2013)

Winchester District Local Plan Part 2: Development Management and Site Allocations (Adopted 2017)

³⁰ WSP on behalf of Wiltshire Council (2012) Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations. Available at: <http://www.wiltshire.gov.uk/corestrategydocument?directory=Sustainability%20Appraisal%20and%20Habitat%20Regulation%20Assessment&fileref=3>

³¹ Wiltshire Council (2015) Chippenham Site Allocations Plan Habitats Regulations Assessment (HRA) Screening. Available at: <http://www.wiltshire.gov.uk/chippenham-hra-screening.pdf>

³² Wiltshire Council (2020) Wiltshire Housing Site Allocations Plan, Assessment under the Habitats Regulations. Available at: <http://www.wiltshire.gov.uk/whsap-adoption-hra.pdf>

³³ Basingstoke and Deane Council (2014) Revised Basingstoke and Deane Pre-Submission Local Plan 2011 to 2019, HRA Screening Assessment. Available at: <https://www.basingstoke.gov.uk/content/page/51504/Local%20Plan%20Habitats%20Regulation%20Assessment.pdf>

Winchester District Local Plan 2018-2038 (Emerging)

The emerging Local Plan is in the early stages of development, with only an issues and options document having been published so far. As such, no policies have been developed for this yet.

Housing Provision

The Local Plan Part 1 makes provision for around 12,500 new dwellings over the plan period, with around 4,000 of these being located in Winchester, 6,000 in South Hampshire Urban Areas and the rest in market towns and rural areas. The Local Plan Part 2 identifies sites to deliver housing requirements of the Local Plan Part 1, that had not yet been delivered or committed.

Employment Provision

The Local Plan Part 1 makes provision for 20ha employment land over the plan period. The Local Plan Part 2 identifies sites to deliver development requirements of the Local Plan Part 1, that had not yet been delivered or committed.

HRA of Local Plan Part 1 Findings³⁴:

The screening stage concluded that likely significant effects of the plan could not be ruled out in relation to air quality, water levels, water quality, disturbance and fragmentation of supporting habitats and the River Itchen SAC, Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar. The appropriate assessment stage concluded that impacts would be sufficiently avoided or mitigated through development controls and site management measures, including project level HRA. Potential adverse effects on integrity were identified as a result of the plan in-combination with development proposed in surrounding areas, in regard to air quality, water levels and water quality, as well as fragmentation of supporting habitat. The HRA made a series of recommendations to address any issues, most of which were incorporated into the Local Plan Part 1. Accepting that some recommendations/mitigation measures are to be considered/implemented at more detailed stages of plan-making, the HRA concluded that the Core Strategy contains effective strategic plan level mitigation to address the issues identified through the HRA process, as far as is possible within the remit of a planning document.

HRA of Local Plan Part 2 Findings³⁵:

The HRA concluded that most policies/allocation are unlikely to have significant effects on European sites alone. Whilst some allocations are in close proximity to the River Itchen SAC, the HRA concluded suitable mitigation is within the plan policies to mitigate any impacts. The screening found that nine of the site allocations identified to deliver new housing fall within the Solent Recreation Mitigation Partnership Charge Zone. It was concluded that as long as the standard contribution of £172 is provided for each new housing unit within the charge zone, then the development proposed will not have likely significant in combination effects on the Solent SPAs. Overall, as the Local Plan Part 2 does not propose additional growth to the Local Plan Part 1, it is considered that the mitigation and avoidance measures in Part 1 are sufficient to avoid any adverse impacts on integrity resulting from Part 2.

HRA Scoping of the emerging Local Plan³⁶:

Due to the early stages of the plan, only an HRA Scoping Report has been published, which is subject to consultation from July to August 2020.

This identifies sites that could potentially be affected by the new Local Plan and what the sensitivities of those sites are, although as policies have not been worked up, it does not provide any assessment of effects. Potential sites affected include European sites in the Solent, for which sensitivities identified include disturbance, recreation pressure, water quality/quantity, air pollution and functionally linked land.

³⁴ Enfusion (2012) Winchester Local Development Framework Habitat Regulations Assessment (HRA) Report, HRA (AA) of Submission Core Strategy. Available at: <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/evidence-base/environment/habitat-regulations-assessment-of-the-local-plan-policies>

³⁵ Enfusion (2014) Winchester Local Plan Part 2 – Development Management and Site Allocations, Habitat Regulations Assessment Screening. Available at: <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2011-2036-adopted/sustainability-appraisals/draft-local-plan-part-2-sustainability-appraisal-and-habitats-regulations-screening-assessment>

³⁶ LUC (2020) Winchester District Local Plan Habitats Regulations Assessment, Scoping Report. Available at: <https://www.winchester.gov.uk/planning-policy/winchester-district-local-plan-2018-2038-emerging/sustainability-appraisal-habitats-regulations-assessment>

Eastleigh Borough Local Plan 2016 – 2036 (emerging)

The emerging Local Plan is currently undergoing Examination. Public hearings have taken place and the Council is considering amendments to the plan based on the Inspector's Post Hearings Advice³⁷.

Housing Provision

The Local Plan provides for 14,580 new homes from 2016-2036, including 7,570 with planning permission or resolution to grant planning permission.

Employment Provision

The Local Plan provides for 144,050 sqm of new employment development within the plan period.

HRA Findings³⁸:

The HRA identified potential for likely significant effects on the River Itchen SAC (air pollution, noise and vibration, hydrological impacts, functionally linked land, non-native species, water abstraction and water pollution), Solent Maritime SAC (non-native species, hydrological impacts and water pollution), New Forest SPA (recreational disturbance) and Solent and Southampton Water SPA/Ramsar (recreational disturbance, noise and vibration and water pollution).

Chapter 8 of the HRA sets out a mitigation strategy to address these potential issues. This recognises that a number of issues will be adequately avoided or mitigated by policies within the Local Plan. For those issues not addressed by existing policies, the HRA sets out mitigation measures that would be required to ensure no adverse effects on integrity (many of these are to be implemented at the development management stage, including through project-level HRA).

With regards to water pollution in the Solent, the HRA states that the potential or adverse effects resulting from planned development in Eastleigh borough is adequately dealt with by the Integrated Water Management Study (IWMS) Action Plan (Amex Foster Wheeler, 2018) provided that EBC are committed to its implementation and provisions are made for infrastructure upgrades when required and/or adjustments to the phasing of development later in the plan period. Overall, the HRA concluded that there would be no adverse effects on integrity of any European site, provided the measures set out in the mitigation strategy are followed.

City Centre Action Plan (2015)

Core Strategy Partial Review (2015)

Southampton City Council – City Vision (emerging)

Southampton City Council are in the process of producing a new Local Plan. The emerging plan is at an early stage and the initial public consultation took place from February to May 2020. As such, no policies have been developed for this yet and the information below relates to the adopted local plan.

The adopted development plan consists of a series of documents, including the City Centre Action Plan and the Core Strategy Partial Review.

Housing Provision

Overall, the adopted development plan provides for 16,300 new homes; the City Centre Action Plan makes provision for approximately 5,450 dwellings in the city centre between 2008 and 2026.

Employment Provision

Overall, the adopted development plan provides for 97,000 sq m of office development and 97,000 sq m of industrial/warehouse development between 2006 and 2026.

HRA Findings^{39,40,41}:

³⁷ <https://www.eastleigh.gov.uk/media/7309/ed71-eastleigh-post-hearings-final.pdf>

³⁸ Urban Edge Environmental Consulting (2019) Habitat Regulations Assessment for the Eastleigh Borough Local Plan 2016-2036. Available at: <https://www.eastleigh.gov.uk/media/5477/ed12a-41-hra-main-report.pdf>

³⁹ Urban Edge Environmental Consulting (2013) Habitats Regulations Assessment for the Southampton City Centre Action Plan. Available at: https://www.southampton.gov.uk/policies/ccap-habitat-regulations-assessment_tcm63-368381.pdf

⁴⁰ Halcrow (2009) HRA Summary Report for the Southampton Core Strategy

⁴¹ UE Associates (2012) HRA for the Partial Review of the Southampton Core Strategy: Screening Statement

With regards to the Core Strategy and Core Strategy Partial Review, it was not concluded that likely significant effects would occur but uncertain effects were recorded against a number of potential effects, including recreational disturbance, coastal squeeze, disturbed flight lines/ecological connectivity, pollution, water quantity and water quality. The HRA was not taken to the appropriate assessment stage, but rather relied on more detailed plans, particularly the City Centre Action Plan (CCAP), and the HRAs of these.

With regards to the CCAP HRA, likely significant effects were identified in relation to recreational disturbance, air pollution, water quality, water quantity, collision risk and noise and light pollution. Most of these effects were identified as likely to occur on the Chichester and Langstone Harbours SPA / Ramsar, Portsmouth Harbour SPA / Ramsar, River Itchen SAC, Solent and Southampton Water SPA/ Ramsar site, Solent Maritime SAC and the New Forest SAC/SPA/Ramsar site. The Appropriate Assessment for the CCAP concluded that there would be no adverse effects on integrity as a result of the plan, as mitigation measures were identified in the HRA to avoid or mitigate any potential effects. The majority of the mitigation identified relies on existing strategies or policies within the CCAP, or other applicable planning policy.

The HRA work done to date on the emerging City Vision⁴² has highlighted that issues regarding water quality in the Solent could arise as a result of the emerging plan. However, no policies have been prepared to assess at this stage.

New Forest District Local Plan Part 1: Planning Strategy (Adopted 2020)

New Forest District Local Plan Part 2: Sites and Development Management (Adopted 2014)

The Local Plan Part 2 was adopted before Part 1 as it follows on from the previous Core Strategy (2009). As the new Part 1 is the most up to date document in terms of quantum of development to be delivered, the information below considers just the new Part 1 Local Plan.

Housing Provision:

The Part 1 Local Plan provides for at least 10,420 new homes over the plan period 2016-2036.

Employment Provision:

The Part 1 Local Plan provides for 126,000 sqm of employment floorspace over the plan period, including 40,000 sqm already completed or with planning permission.

HRA Findings⁴³:

The Part 1 Local Plan HRA identified potential for likely significant effects as a result of direct loss of or damage to European sites and supporting habitat, urban edge effects, changes in air quality, traffic collision, recreation pressure, changes in water quality and in water quantity. However, the appropriate assessment stage found that these effects would not result in adverse effects on integrity of the site either in themselves, or as a result of existing mitigation measures or mitigation included in the Local Plan policies.

New Forest National Park Local Plan 2016 – 2036 (Adopted 2019)

Housing Provision:

The Local Plan provides for 800 new homes over the plan period 2016-2036.

Employment Provision:

The Local Plan permits small-scale business development and redevelopment of existing sites but does not allocate any sites for employment use.

HRA Findings^{44,45,46}:

⁴² UE Associates (2019) Habitats Regulations Assessment for the Southampton City Vision Local Plan, Baseline Evidence Review. Available at: https://www.southampton.gov.uk/images/hra-final_tcm63-424266.pdf

⁴³ LUC (2018) Habitats Regulations Assessment of New Forest District Local Plan Part 1

⁴⁴ LUC (2018) Habitat Regulations Assessment of New Forest National Park Local Plan 2016 – 2036. Available at: https://www.newforestnpa.gov.uk/app/uploads/2018/01/HRA_of_New_Forest_NPA_Local_Plan_Reg_19.pdf

⁴⁵ LUC (2018) Habitats Regulations Assessment of New Forest National Park Local Plan 2016-2036, Addendum to review implications of CJEU judgment in Case C-323/17 People Over Wind and Sweetman v. Coillte Teoranta for the HRA at Submission Draft stage. Available at: <https://www.newforestnpa.gov.uk/app/uploads/2018/07/Review-of-HRA-of-New-Forest-NPA-Local-Plan-re-People-Over-Wind.pdf>

⁴⁶ LUC (2019) Habitat Regulations Assessment of New Forest National Park Local Plan 2016 – 2036 Addendum. Available at: <https://www.newforestnpa.gov.uk/app/uploads/2019/04/4-HRA-Addendum-of-Proposed-Main-Modifications.pdf>

The January 2018 HRA found that likely significant effects could arise in relation to direct loss of or damage to European sites or supporting habitat, urban edge effects, air pollution, traffic collision, recreation pressure and changes in water quality and quantity. However, it relied on mitigation within the Local Plan to screen the majority of these effects out of appropriate assessment, except loss or damage to offsite supporting habitat and traffic collision. The July 2018 addendum required urban edge effects, recreation pressure and changes to water quality and quantity to be screened into appropriate assessment. However, the overall conclusions were the same, in that no adverse effects on integrity are expected in relation to any European site, either because impact pathways do not exist or because sufficient mitigation is in place either through existing management measures or policies within the local plan itself.

The HRA Addendum assessed the main modifications to draft and they have no implications for the HRA conclusions at the draft stage, as modified by subsequent HRA addendum reports, or they serve to strengthen mitigation of potential effects on European Sites. Therefore, the local plan will not have an adverse effect on the integrity of any European site, either alone or in-combination with other plans or projects.

West Berkshire Core Strategy (2006-2026) (Adopted 2012)

Housing Site Allocations DPD (Adopted May 2017)

West Berkshire Local Plan Review to 2036 (Emerging)

The current development plan consists of a number of documents, including the Core Strategy, which sets out an overall strategy for development until 2026. The Council is currently working on a new Local Plan which will run until 2036. Regulation 18 consultation for the emerging Local Plan was carried out from November to December 2018. This consultation did not present new policies or site allocations, but rather a review of the current strategy and a roadmap for how it needs to be updated.

Housing Provision

The Core Strategy makes provision for at least 10,500 new homes over the plan period. The Housing Site Allocations DPD allocates homes that are not already provided for via completions or commitments.

Employment Provision

The Core Strategy includes a policy to manage employment development but does not allocate new employment sites as evidence showed a sufficient supply of employment land exists to meet needs until the end of the plan period.

HRA Core Strategy Findings⁴⁷:

The screening exercise concluded that there was the possibility of likely significant effects in relation to Kennet and Lambourn Floodplain SAC (water quality and quantity and urban edge effects, including increased costs of site management), River Lambourn SAC (water quality and quantity and increased costs of site management) and Kennet Valley Alderwoods SAC (recreational disturbance and water quantity).

The HRA concluded that no adverse effects on integrity would arise, either due to further consideration of the potential issues or because policies within the Core Strategy are expected to provide sufficient mitigation.

HRA Housing Site Allocations DPD Findings⁴⁸:

The analysis in the report confirms that the potential effects of the housing site allocations and other policies in the Housing Site Allocations DPD will not give rise to further issues, principally on the basis of the Core Strategy which ensures that appropriate measures are in place to mitigate against/avoid potential significant effects on European sites.

⁴⁷ West Berkshire Council (2010) Habitat Regulations Assessment of West Berkshire Core Strategy. Available at: [https://citizen.westberks.gov.uk/media/36470/West-Berkshire-Habitat-Regulations-Assessment-Core-Strategy-/pdf/West_Berkshire_Habitat_Regulations_Assessment_\(Core_Strategy\).pdf?m=637007820906330000](https://citizen.westberks.gov.uk/media/36470/West-Berkshire-Habitat-Regulations-Assessment-Core-Strategy-/pdf/West_Berkshire_Habitat_Regulations_Assessment_(Core_Strategy).pdf?m=637007820906330000)

⁴⁸ West Berkshire Council (2016) West Berkshire Local Plan Housing Site Allocations Development Plan Document Submission Habitat Regulations Assessment Screening Report. Available at: <http://info.westberks.gov.uk/CHttpHandler.ashx?id=40250&p=0>