

WEST DEAN AND WEST TYTHERLEY NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT (HRA)

1. Introduction

- 1.1. This Habitats Regulations Assessment (HRA) pertains to the West Dean and West Tytherley Joint Neighbourhood Development Plan (2021 – 2035), Regulation 16 Submission Draft dated 30 November 2020, hereafter referred to as the NDP. This is the second iteration of the HRA, the first having comprised a Stage 1 screening assessment undertaken in relation to the Regulation 14 Pre-Submission Draft dated 13 May 2019.
- 1.2. The HRA of the NDP has been carried out to comply with Regulation 105 of the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019¹, hereafter referred to as the Habitats Regulations. The NDP area extends over two local planning authority (LPA) areas, namely the borough of Test Valley in Hampshire and the county of Wiltshire and as such there are two competent authorities in terms of obligations under the Habitats Regulations. Therefore, Test Valley Borough Council has prepared an HRA in respect of the area of the NDP that falls within the borough of Test Valley, which comprises West Tytherley, Frenchmoor and Buckholt; and Wiltshire Council has prepared this HRA in respect of the area of the NDP that falls within the Wiltshire county boundary, namely West Dean.
- 1.3. Under the Habitats Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation. If the screening exercise demonstrates significant effects are likely, whether or not these are addressed through mitigation measures², the competent authority must undertake an Appropriate Assessment (AA) to examine the effects of the plan on the conservation objectives of the European sites in question, consult the appropriate nature conservation body and have regard to its representations. Both the screening and any subsequent AA must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.4. It is usually the case that a plan of this nature does not go into the detailed aspects of development proposals and therefore the full effects of potential development cannot be accurately assessed at the plan making stage. Those details will typically be identified through a planning application which would be subject to further, more detailed HRA. The principle that a HRA need only consider the effects of a proposal or policy in as much detail as is specified by the plan was explained by Advocate General Kokott in a judgement brought against the UK government in 2005:

“Many details are regularly not settled until the time of the final permission. It would also hardly be proper to require a greater level of detail in preceding plans or the abolition of multi-stage planning and approval procedures so that the assessment of implications can be concentrated on one point in the procedure. Rather, adverse effects on areas of conservation must be assessed at every relevant stage of the procedure to the extent possible on the basis of the precision of the plan. This assessment is to be updated with increasing specificity in subsequent stages of the procedure.”³

¹ On 1st January 2021 the Conservation of Habitats and Species Regulations 2017 were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. Most of these changes involved transferring functions from the European Commission to the appropriate authorities in England and Wales. All other processes or terms in the 2017 Regulations remain unchanged and existing guidance is still relevant. The obligations of a competent authority in the 2017 Regulations for the protection of sites or species do not change [Changes to the Habitats Regulations 2017 - GOV.UK](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/442212/Changes_to_the_Habitats_Regulations_2017_-_GOV.UK.pdf) (www.gov.uk)

² Court of Justice of the European Union, Case C 323/17 “People Over Wind”/P. Sweetman v Coillte Teoranta

³ Commission of the European Communities v UK and NI, opinion of Advocate General KoKott, 9 June 2005, Case C-6/04

- 1.5. Where AA is undertaken, the competent authority may go on to authorise the plan provided that it will not adversely affect the integrity of any European sites. Where an **adverse effect on the integrity (AEoI)** of any European sites cannot be ruled out, and where there are no alternative solutions, the plan can only be authorised and proceed if there are **imperative reasons of over-riding public interest (IROPI)** and if the necessary compensatory measures can be secured.
- 1.6. Wiltshire Council has conducted the following HRA as one of two competent authorities for the West Dean and West Tytherley Joint NDP; with a focus, as aforementioned, on the plan area that falls within the county of Wiltshire boundary. Where risks to European sites are identified, changes are recommended to remove or reduce the risks, and these should be incorporated into the plan before it is made. Likewise, if the policies or planning context change after the HRA is completed, the HRA process must be repeated before the final plan is considered by a referendum and adopted.

2. Screening Methodology

- 2.1. Each element of the plan has been categorised against screening criteria developed by Natural England to provide a clear audit trail for the screening assessment.
- 2.2. The screening criteria used are as follows:
 - Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development.
 - Category A2: The policy is intended to protect the natural environment.
 - Category A3: The policy is intended to conserve or enhance the natural, built or historic environment.
 - Category A4: The policy would positively steer development away from European sites and associated sensitive areas.
 - Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European sites and associated sensitive areas.
 - Category B: No significant effect.
 - Category C: Likely significant effect alone; and
 - Category D: Likely significant effects in combination.
- 2.3. The effect of each policy has been considered both individually and in combination with other plans and projects (see Table 1 below). Where potential for likely significant effects have been identified, an appropriate assessment has been undertaken in subsequent sections.

3. Higher Level HRAs

Wiltshire Core Strategy

- 3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012⁴, March 2013⁵, February 2014⁶ and April 2014⁷) and the South Wiltshire Core Strategy HRA⁸ identified general parameters to determine the

⁴ Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

⁵ Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

⁶ Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

⁷ Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

⁸ South Wiltshire Proposed Submission Core Strategy HRA Report, Appendix 13. NPA for Wiltshire Council, July 2009

likelihood of potential impacts on Natura 2000 sites (now known as the national site network⁹). The following potential impact pathways and associated parameters were identified and assessed for the European sites stipulated below.

- *Recreation – European sites within 5km of the plan area, or where the New Forest SPA/SAC is within 8km of the plan area or where Salisbury Plain SPA/SAC is within 15km of the plan area (it should be noted that the relevant parameter for the latter has since been revised on the basis of data obtained by means of visitor surveys and is now 6.4km):*
 - Salisbury Plain SAC / SPA
 - River Avon SAC
 - New Forest SPA / SAC
 - Bath and Bradford on Avon Bats SAC (added post adoption of Wiltshire Core Strategy)
- *Hydrology / Hydrogeology – European sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact:*
 - Salisbury Plain SAC / SPA
 - Bath and Bradford on Avon Bats SAC
 - Pewsey Downs SAC
 - North Meadow and Clattinger Farm SAC
 - River Avon SAC
 - River Lambourn SAC
 - Kennet & Lambourn Floodplain SAC
- *Air Pollution / Nitrogen Deposition – European sites within 200m of a main road*
 - Porton Down SPA
 - Salisbury Plain SAC / SPA
 - Southampton Water SPA
 - North Meadow and Clattinger Farm SAC
 - River Avon SAC
 - Rodborough Common SAC
 - Cotswolds Beechwoods SAC
- *Physical Damage / Interruption of Flight Lines / Disturbance*
 - Bath and Bradford on Avon Bats SAC
 - Porton Down SPA

⁹ On 1st January 2021 the Conservation of Habitats and Species Regulations 2017 were amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and one of the main changes is the creation of a national site network within the UK territory comprising the protected sites already designated under the Nature Directives, and any further sites designated under these Regulations. [Changes to the Habitats Regulations 2017 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/changes-to-the-habitats-regulations-2017)

- Chilmark Quarries SAC (added post adoption of Wiltshire Core Strategy)
- Mottisfont Bats SAC (added post adoption of Wiltshire Core Strategy)

Wiltshire Housing Site Allocations Plan

- 3.2 Since the Core Strategy was adopted, the Council published a pre-submission draft of the Wiltshire Housing Site Allocations Plan (WHSAP) together with a HRA dated 21 June 2017. A schedule of proposed changes was considered by Cabinet supported by an Addendum to the HRA dated May 2018. A schedule of changes and an Addendum to the HRA incorporating minor factual changes were published in September 2018 for public consultation. Subsequently, the WHSAP (Council Version, February 2020) was adopted by Full Council on 25th February 2020 and this was accompanied by the final WHSAP Assessment under the Habitats Regulations (Wiltshire Council, February 2020).
- 3.3 The screening criteria for the adopted WHSAP and final HRA were modified for some European sites from those used for the Core Strategy subsequent to the acquisition of results from new surveys, and in light of advice from Natural England (NE). This includes the potential zone of influence parameter around the Salisbury Plain SPA used to screen for likely significant effects as a result of recreational pressure being revised from 15km to 6.4km on the basis of data obtained by means of visitor surveys.
- 3.4 Furthermore, since the Core Strategy was adopted, NE has advised Wiltshire Council of its concerns regarding the growing number of visitors to the North Meadow and Clattinger Farm SAC in recent years which is adversely affecting the SAC features. NE has advised that this is particularly evident at North Meadow (which is also a National Nature Reserve (NNR)). Effects of trampling are most pronounced during April and May when visitors come to see the Snake's-head fritillaries in flower. However, dog-walking at all times of year leads to nutrient enrichment and impacts on mowing. NE considers that the increase in recreational pressure upon the SAC is primarily as a result of increases in the local population, and that major new housing developments within a short travel distance of North Meadow are likely to add to the existing visitor pressure and trampling effects.
- 3.5 Impacts of development in Wiltshire on the New Forest SPA were considered in the HRA for the South Wiltshire Core Strategy (SWCS) adopted in 2012¹⁰. The assessment used data from the Tourism South East PROGRESS survey for 2004/05 and census data from 2001 for the former Salisbury District to examine patterns of visitors to the New Forest from across south Wiltshire. That HRA concluded that the development in south Wiltshire would increase visitor pressure by less than 1% and 89% of this would be through additional local day visits from within 8 km of the National Park. Wiltshire Core Strategy (WCS) addressed the New Forest's mitigation requirements through Core Policy 50, identifying that a New Forest Mitigation Strategy would be prepared to address recreational impacts. Since the Core Strategy was adopted, the council has joined a partnership of local authorities seeking to develop a strategic approach to address the impacts of recreational pressure on the New Forest SPA. A Government grant through the Planning Delivery Fund enabled visitor surveys to be conducted across the New Forest in 2018/19. This work was recently published, and the Council is now part of a steering group working to agree a common approach to mitigation including the extent of the zone of influence and how to fairly reflect different visit rates within it. This evidence is informing the preparation of an Interim Recreation Mitigation Strategy and will be further revised to support the Local Plan Review (LPR).
- 3.6 Since the Core Strategy was adopted and on the advice of NE, any plan or project that will lead to development within the catchment of the River Avon SAC must be phosphorous neutral and be subject to appropriate assessment which concludes no adverse effect on the SAC alone or in-combination with other plans or projects in order to be authorised.

¹⁰ South Wiltshire Proposed Submission Core Strategy HRA Report, Appendix 13. NPA for Wiltshire Council, July 2009

Emerging Evidence and Advice from Natural England

- 3.7 Similarly, it came to light in spring 2020 that any plan or project that will lead to development within the catchment of the River Test must be nitrogen neutral as the Test drains into the Solent and this region is protected by a number of European and international designations including the Solent Maritime SAC, Chichester and Langstone Harbours SPA, Portsmouth Harbour SPA and Solent and Southampton Water SPA and Ramsar site. In 2018 and 2019 NE undertook a number of condition assessments of the features of these designated sites around the Solent. These assessments identified that high levels of nitrogen and phosphorus are entering this water environment and that there is sound evidence that nitrogen in particular is causing eutrophication at the aforementioned designated sites and that the resulting excessive growth of green algae and plants, which reduces oxygen and light levels, is leading to negative effects on the special features for which the European sites are designated. These nutrient inputs currently mostly come either from agricultural sources or from wastewater from existing housing and other development. These findings were published by NE in June 2020 in *Advice on Achieving Nutrient Neutrality for New Development in the Solent Region*. This advice also stipulates that:

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

One way to address this uncertainty is for new development to achieve nutrient neutrality. Nutrient neutrality is a means of ensuring that development does not add to existing nutrient burdens and this provides certainty that the whole of the scheme is deliverable in line with the requirements of the Conservation of Habitats and Species Regulations 2017 (as amended).

This report sets out a practical methodology to calculating how nutrient neutrality can be achieved. This methodology is based on best available scientific knowledge, and will be subject to revision as further evidence is obtained. It is our advice to local planning authorities to take a precautionary approach in line with existing legislation and case-law when addressing uncertainty and calculating nutrient budgets.”

- 3.8 In accordance with NE’s advice, any plan or project which will lead to development within the catchment of the River Test cannot be approved unless nitrogen neutrality has been demonstrated via quantitative means, and an AA conducted by the competent authority has concluded beyond reasonable scientific doubt that there would be no adverse effects on the integrity of any of the Solent region European sites.

Screening of West Dean and West Tytherley Joint NDP Area

- 3.9 The following screening assessment of the West Dean and West Tytherley Joint NDP area that lies within the county of Wiltshire applies the most up to date criteria available from the WHSAP and HRA and advice from NE.

Recreation

- 3.10 In terms of potential for recreational/visitor impacts upon European sites, several European sites in the area are vulnerable to such pressures. However, five of these European sites lie beyond the current geographical limits for recreational impacts as established through planning liaison with NE and these comprise Salisbury Plain SAC, Salisbury Plain SPA, the River Avon SAC, New Forest SAC and the Bath and Bradford on Avon Bats SAC.

- 3.11 The southern section of the NDP area lies within 8km of the New Forest SPA and this is the distance within which the majority of day visitors to the New Forest originate¹¹. The NDP must therefore be subject to AA in terms of the potential for effects on this European site.
- 3.12 Recreational pressure on the River Avon SAC is recognised to occur in circumstances predominately where significant development lies in close proximity to the SAC, and this scenario would not arise as a result of any development put forward within the West Dean and West Tytherley Joint NDP as the SAC is situated approximately 5.52km west of the plan area at its closest point.
- 3.13 In relation to Salisbury Plain, the SAC habitat features were screened out of AA for the Core Strategy on the advice of NE. Recreational/visitor pressure is a known issue for the Salisbury Plain SPA, however the NDP area lies beyond the 6.4km zone around the SPA within which the majority (75%) of visitors to the Plain are expected to live. This is based on the data collated by means of a visitor survey commissioned by the Council in 2015. Therefore, AA of the NDP is screened out with respect of the Salisbury Plain SPA.
- 3.14 The North Meadow and Clattinger Farm SAC is situated approximately 64km from the NDP area at its closest point and as such AA with respect of this European site can evidently be screened out.

Hydrology / Hydrogeology

- 3.15 In terms of hydrology/hydrogeology, West Dean lies entirely within the Test and Itchen management catchment and the Test Lower and Southampton Streams operational catchment, and therefore drains into the River Test. As such, a pathway for likely significant effects on the European sites within the Solent region exists, in particular the Solent Maritime SAC and Solent and Southampton Water SPA (also designated as a Ramsar site), as a result of the NDP.

Air Pollution / Nitrogen Deposition

- 3.16 The Wiltshire Core Strategy identified that increased traffic would lead to potential effects upon a range of European sites within 200m of a main road through an increase in atmospheric pollution and nitrogen deposition. Such effects were considered to be very small and difficult to predict at the strategic level¹² (WCS HRA Update February 2014). There are no housing site allocations in the West Dean and West Tytherley Joint NDP, and all of the European sites listed under point 3.1 above are a considerable distance from the NDP area and deemed to be beyond the zone of influence and as such any effects are likely to be negligible. Furthermore, in relation to the European sites listed at point 3.1, the Wiltshire Core Strategy HRA concluded no likely significant effect where the existing approach to mitigation detailed in Core Policy 55 of the Wiltshire Core Strategy is implemented.

Physical Damage / Interruption of Flight Lines / Disturbance

- 3.17 The NDP area is too remote to have implications for stone curlews breeding at Porton Down SPA.
- 3.18 Porton Down SPA is located approximately 3.65km north of the NDP area its closest point. It is considered that the plan area is sufficiently distant from the SPA and known functionally linked habitat, for any development within the plan area to cause direct physical damage to, or fragmentation of, breeding and foraging habitat for the Annex I species stone-curlew. It is also considered too remote for development within the plan area to result in anthropogenic disturbance or visual stimuli that could have an adverse effect on stone-curlew breeding at Porton Down. Moreover, much of the northern extent of the plan area is wooded, and although there has been an increase in stone-curlew nesting closer to woodlands/woodland blocks at Porton Down than would be expected¹³, nevertheless there is generally a

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

¹² Update to the Wiltshire Core Strategy habitats Regulations Assessment, February 2014 (Exam/89)

¹³ BTO Research Report No. 633. Potential Disturbance Effects, Nesting Success and Territory Placement in Stone Curlews at Porton Down 2010-2012. pp. 5, 13, 14. (Dr I. G. Henderson, January 2013).

negative correlation between stone-curlew nesting site selection and proximity to woodland/woodland blocks.

- 3.19 Salisbury Plain SPA is located approximately 12km from the NDP area at its closest point and is therefore deemed too distant for any development within the plan area to have implications for the Annex 1 species stone-curlew and quail that breed at the SPA, or to have effects on the Annex 1 species hen harrier, that winters at the SPA.
- 3.20 The NDP area is sufficiently distant from the Bath and Bradford on Avon Bats SAC and Chilmark Quarries SAC that it is deemed the potential for likely significant effects upon these European sites and the Annex II bat species associated within them can be screened out, and further assessment will not be required. However, the whole NDP area lies within the 7.5km Barbastelle consultation zone around the Mottisfont Bats SAC as detailed in the Wiltshire Bat SAC guidance¹⁴. Therefore, the NDP must be assessed for effects on this European site with a focus on the potential for development to lead to physical damage/interruption of flight lines/disturbance in areas which lie outside the SAC, but which are functionally related to it.

4. Screening of Policies in West Dean and West Tytherley Joint NDP (2021 – 2035) Regulation 16 Submission Draft dated 30 November 2020

- 4.1 All parts of the Submission Draft of the West Dean and West Tytherley Joint NDP have been screened for potential impacts which may arise from the plan policies alone and/or in combination with other plans and projects. The NDP comprises 24 planning policies none of which allocate sites for development. Taking into consideration the location, scale and nature of proposals in the NDP, there is a potential mechanism for effect upon four European sites, namely the Mottisfont Bats SAC, New Forest SPA, Solent Maritime SAC and Solent and Southampton Water SPA/Ramsar site (although effects upon the latter two sites could extend into the wider Solent region within which these two sites are situated). Nine policies have the potential to give rise to significant effects and are therefore taken forward to appropriate assessment Sections 5, 6 and 7 below.
- 4.2 Other policies would either not lead directly to development or would have no significant effects either alone or in combination with other plans and projects due to the scale and nature of the proposals in the plan.
- 4.3 Any changes (other than those recommended here) made to the NDP as a result of the examination in public should be rescreened before the plan is adopted by the local planning authorities, namely Wiltshire Council and Test Valley Borough Council.

¹⁴ Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire (Wiltshire Council and Natural England, Issue 3.0, 10 September 2015)

TABLE 1: Habitats Regulations Assessment Screening of the West Dean and West Tytherley Joint NDP

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|------------------------------|
| A / B (Green) – Screened out |
| C / D (Red) – Screened in |

| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|--|---|---------------------------------|---|
| Policy EL1: Maintain and if possible enhance the character of the two villages and their setting in a beautiful rural landscape. | <p>This policy specifies that development proposals that conserve and if possible, enhance the character of both parishes and their settings in a beautiful rural landscape will be supported. The policy then stipulates that development proposals should:</p> <ul style="list-style-type: none"> i. reflect settlement pattern of the neighbourhood (nucleated, lineated or dispersed). ii. retain ancient woodland, it's setting or historic features within it and, where appropriate, must contribute to its on-going management. iii. conserve the ecology and productivity of fields, woodland, trees and hedgerows, historic field boundaries, and direct development away from medieval or earlier fields, especially where these form coherent field systems with other medieval features such as the Roman Road. iv. relate well to historic route ways and not divert them from their original course or damage their rural character by loss of banks, hedgerows, verges or other important features. v. consider Rural Exception Sites in open countryside where there is a specific need. Any such development proposals need to strictly meet all other NDP policies. <p>Whilst this policy will not in itself lead to development and seeks to conserve the natural, built and historic environment; the objective of the policy is not solely one of conservation but of conservation within the context of development. The policy supports development proposals that adhere to the criteria set out within the policy and pertinently, this includes proposals to develop sites that would be defined as rural exception sites (as specified in CP44 of the Wiltshire Core Strategy) in the open countryside where a need is identified. The</p> | C and D for Mottisfont Bats SAC | Refer to Stage 2 of the HRA which comprises the AA in Section 5. Stage 2 puts forward recommendations to avoid and mitigate potential effects on the Mottisfont Bats SAC. |

| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|--------|---|--------------------------|--|
| | <p>whole plan area lies within the 7.5km Barbastelle bat consultation zone around the Mottisfont Bats SAC. This zone essentially equates to a potential zone of influence when considering development proposals that could have an effect on the integrity of the SAC and its qualifying features. Any development within this zone, such as on greenfield land in the open countryside potentially comprising, or adjacent to, habitat functionally linked to the SAC and used as foraging, commuting and/or roosting habitat by the Annex II species Barbastelle which is the primary reason for selection of the SAC, has potential to result in a likely significant effect on the SAC both alone and in-combination with other plans and projects.</p> <p>Despite points ii. and iii. of Policy EL1, it does not set out specific requirements for development proposals in respect of bats and the Mottisfont Bats SAC, nor does the wider NDP. Therefore, although point v. of Policy EL1 requires that development proposals adhere to all other NDP policies, this would not ensure compliance with the Habitats Regulations and as such, this policy is screened into appropriate assessment (AA).</p> | | |
| | <p>The southern section of the NDP area that falls within Wiltshire, lies within 8km of the New Forest SPA. Whilst Policy EL1 will not itself lead directly to new residential development and does not allocate sites, it does proffer support to development proposals that would adhere to the criteria set out within the policy and this includes rural exception sites where specific need is identified. Any new dwellings within 8km of the aforementioned SPA will likely lead to significant effects upon the SPA and its qualifying species in-combination with other plans and projects. This is on account of additional recreational/visitor pressure upon the SPA that would likely occur due to the construction of new dwellings within the 8km radius around the SPA within which the majority of residents who visit the SPA have been found to reside.</p> <p>Furthermore, despite points ii. and iii. detailed in Policy EL1, it does not set out specific requirements for development proposals in respect of the New Forest SPA and nor does the wider NDP. Therefore, although</p> | D for the New Forest SPA | Refer to Section 6 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential effects on the New Forest SPA that the NDP could generate are proposed and considered in Stage 2 of the HRA. |

| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|---|--|---|--|
| | <p>point v. of Policy EL1 requires that development proposals must adhere to all other NDP policies, this would not ensure compliance with the Habitats Regulations and as such, this policy must be taken forward to AA.</p> <p>The whole of the NDP area lies within the catchment of the River Test which drains into the Solent. Any new residential development, including rural exception sites, and any commercial development that includes new/additional overnight accommodation such as care homes, guest houses, tourist accommodation and mobile homes, as well as student accommodation, whether or not these would be connected to the sewer network, proposed within the River Test catchment would increase nutrient loading of the river through effluent discharges and ultimately therefore, of the Solent water environment. This would, in turn, likely lead to significant adverse effects on the European/internationally designated sites in the Solent region, and their qualifying features in-combination with other plans and projects.</p> <p>Furthermore, despite points ii. and iii. specified in Policy EL1, it does not set out specific requirements for development proposals in respect of the Solent region international sites and nor does the wider NDP. Therefore, although point v. of Policy EL1 requires that development proposals must adhere to all other NDP policies, this would not ensure compliance with the Habitats Regulations and as such, this policy must be subject to AA.</p> | D for the Solent region European/ international sites, particularly the Solent Maritime SAC and Solent and Southampton Water SPA/ Ramsar site | Refer to Section 7 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential effects on the Solent region European/international sites that could arise as a result of this policy are proposed and considered in the AA. |
| Policy EL2: Preserve the historic environment | <p>This policy specifies that development proposals must retain and, if possible, enhance the local distinctiveness and character of designated heritage assets. It also states that proposals for development that will affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of these assets.</p> <p>The policy goes on to stipulate that the conversion of, or addition to, historic building or features (including traditional farm buildings), whether for residential, community or business purposes, will normally be supported so long as the use is appropriate for the building and its</p> | C and D for Mottisfont Bats SAC | Refer to Stage 2 of the HRA which comprises the AA in Section 5. This sets out recommendations to avoid and mitigate the potential for a likely significant effect on the Mottisfont Bats SAC that could occur as a result of this policy. |

| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|--------|--|---------------------------------|---|
| | <p>location and subject to the character of the building being protected along with its setting.</p> <p>This policy will not itself lead directly to development; however, it does lend support to the conversion, extension and refurbishment of historic buildings and features, including traditional farm buildings, for residential, community or business purposes. The policy does not recognise that these types of buildings and structures can afford potential roost sites for bats, including Barbastelle bats which are the primary reason for selection of the Mottisfont Bats site as a SAC. Furthermore, the policy does not stipulate criteria to be adhered to for the purposes of ensuring that the conversion of, or extension to historic buildings would not result in adverse effects upon bats. Moreover, it is not recognised within the NDP that the plan area falls within the 7.5km Barbastelle consultation zone associated with Mottisfont Bats SAC, and that there is a need to ensure development proposals comply with the Bats SAC Planning Guidance for Wiltshire. This is despite paragraph 2.6.2 of the NDP stating that bats <i>'live in the village centre and roost across the area.'</i></p> <p>West Dean village has potential to support Barbastelle roosts in farm buildings and outbuildings and therefore, any development supported by Policy EL2 which could result in the loss of, damage to, or disturbance of a Barbastelle bat roost, could give rise to a likely significant effect on the Mottisfont Bats SAC both alone and in-combination with other plans and projects. As such, this policy is screened into AA.</p> | | |
| | <p>Although Policy EL2 will not directly lead to new residential development, forthcoming planning applications for the conversion or extension of existing historic buildings to new/additional dwellings would be supported by the policy, providing that the criteria detailed in the policy would be met. The construction of new/additional dwellings and the occupation of these dwellings by additional residents within 8km of the New Forest SPA would give rise to a potential mechanism for a likely significant effect on the SPA in-combination with other plans</p> | <p>D for the New Forest SPA</p> | <p>Refer to Section 6 which constitutes Stage 2 of the HRA, namely the AA. This sets out recommendations to avoid and mitigate the potential for a likely significant effect on the New Forest SPA that could occur as a result of this policy.</p> |

| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
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| | <p>and projects. It is necessary to apply the precautionary principle when undertaking HRA and therefore it must be assumed that the conversion of, or addition to historic buildings supported by way of Policy EL2 would result in additional dwellings within the plan area in Wiltshire, and on that basis this policy must be taken forward to AA.</p> <p>Policy EL2 will not directly lead to new residential development, nonetheless, forthcoming planning applications for the conversion or extension of existing historic buildings to new/additional dwellings would be supported by the policy, providing that the criteria detailed in the policy would be met. The whole of the NDP area lies within the catchment of the River Test which drains into the Solent. Any new residential development or tourist accommodation, whether or not these would be connected to the sewer network, proposed within the River Test catchment would increase nutrient loading of the river through effluent discharges and this would therefore increase the nutrient load being received by the Solent water environment. This would, in turn, likely lead to significant adverse effects on the European/internationally designated sites in the Solent region, and their qualifying features in-combination with other plans and projects. As such, it is necessary to subject Policy EL2 to an AA.</p> | <p>D for the Solent region European/ international sites, particularly the Solent Maritime SAC and Solent and Southampton Water SPA/ Ramsar site</p> | <p>Refer to Section 7 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential adverse effects on the Solent region European/international sites that could arise as a result of this policy are proposed and considered in the AA.</p> |
| <p>Policy EL3: Preserve and enhance the two Conservation Areas.</p> | <p>This policy requires that development proposals, including extensions and alterations to existing buildings and structures located within or adjacent to the designated CAs, preserve and enhance the CA character and appearance. The policy goes on to set out four criteria that development should fulfil, and this includes built/urban design and visual impact/landscape criteria.</p> <p>The policy will not itself lead to development and aims to conserve and enhance the natural, built and historic environment and as such will not lead to likely significant effects on any European sites.</p> | <p>A1 / A3</p> | |
| <p>Policy EL4: Protect and enhance our distinctive landscape including open views within and out of the villages that</p> | <p>This policy specifies that any development proposal will need to protect, and if possible, enhance the important natural and rural views within and on the fringes of the two villages especially those identified in the designated CAs. It states that views from green spaces and public rights of way across the entire neighbourhood should not be harmed or</p> | <p>A1 / A2</p> | |

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| contribute to a sense of place and community. | unduly spoilt by any development. The policy lists nine important views in the open countryside, referred to as OC1 to OC9, and seven important view in West Dean referred to as WD1 to WD7. | | |
| Policy EL5: Protect natural features such as trees and hedgerows. | <p>This policy specifies that development proposals should, where possible, conserve and enhance trees and hedgerows, and demonstrate that the proposals would not result in an unacceptable loss or damage to, existing trees or woodlands or hedgerows during or as a result of development. The policy goes on to set out criteria that any proposal for development must meet in terms of trees and hedgerows.</p> <p>The objective of the policy is to protect and enhance hedgerows and trees and as such this policy will not lead to a likely significant effect on any European sites.</p> | A1 / A2 | |
| Policy EL6: Conserve and, where possible, enhance the local environment, ecosystem and biodiversity ensuring that new development protects flora and fauna including habitats and movement corridors. | <p>This policy stipulates that development should preserve and if possible enhance well-established features of the environment, ecosystems, and biodiversity, including mature trees, species-rich hedgerows, watercourses, and other ecological networks, together with the habitats alongside them, including ponds.</p> <p>The policy will not lead to a likely significant effect on any European sites.</p> | A1 / A2 | |
| Policy EL7: Preserve and if possible enhance designated areas and their immediate surroundings such as SSSIs, CWS and SINCS. | <p>This policy states: <i>'Preserve, and where possible, enhance protected areas outside the CAs such as woodland, SSSIs, CWSs and SINCS. Development within (or nearby where such development could adversely affect the site) these areas will not be supported and consideration must be given to the features in between them that act as stepping stones or habitat corridors for protected species. The level of protection and mitigation must be proportionate to the status of the habitat or species found therein.'</i></p> | A1 / A2 | |

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| | <p>This policy aims to protect designated nature conservation sites and the surrounding habitats and will not give rise to likely significant effects upon any European sites.</p> | | |
| <p>Policy EL8: Conserve and maintain both agricultural and equestrian land, and other greenfield sites in the open countryside, including the related public rights of way</p> | <p>This policy specifies that development will only be supported on agricultural fields, equestrian land or other greenfield sites in the open countryside when five criteria listed in the policy are met as follows.</p> <ul style="list-style-type: none"> i. Overriding need for the development in proposed location (e.g. Rural worker). ii. Re-use of old buildings which would enhance its immediate setting. iii. Exceptional Design which is sensitive to the defining character of the area. iv. The size is proportionate (no more than 25%³⁸ greater than any old building it might replace) and not in any way overwhelming in the open countryside. v. Historic rights of way and their views are not impeded or harmed. <p>This policy will not itself lead directly to development; however, it does support the re-use of old buildings provided the immediate setting would be enhanced. The policy does not recognise that old buildings and structures can afford potential roost sites for bats, including Barbastelle bats which are the primary reason for selection of the Mottisfont Bats site as a SAC. Furthermore, the policy does not stipulate criteria to be adhered to for the purposes of ensuring that the conversion of, or extension to old/historic buildings would not result in adverse effects upon bats. Moreover, it is not recognised within the NDP that the plan area falls within the 7.5km Barbastelle consultation zone associated with Mottisfont Bats SAC, and that there is a need to ensure development proposals comply with the Bats SAC Planning Guidance for Wiltshire. This is despite paragraph 2.6.2 of the NDP stating that bats <i>'live in the village centre and roost across the area.'</i></p> <p>West Dean village has potential to support Barbastelle roosts in farm buildings and outbuildings and therefore, any forthcoming development for re-use of old buildings which would be supported by Policy EL8 and which could result in the loss of, damage to, or disturbance of a</p> | <p>C and D for Mottisfont Bats SAC</p> | <p>Refer to Stage 2 of the HRA which comprises the AA in Section 5. This sets out recommendations to avoid and mitigate the potential for a likely significant effect on the Mottisfont Bats SAC that could occur as a result of this policy.</p> |

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| | <p>Barbastelle bat roost, could give rise to a likely significant effect on the Mottisfont Bats SAC both alone and in-combination with other plans and projects. As such, this policy is screened into AA.</p> | | |
| | <p>Although Policy EL8 will not lead directly to new residential development, planning applications for new dwellings for rural workers could come forward and be supported in theory by point i. of the policy. The construction of new/additional dwellings and the occupation of these dwellings by additional residents within 8km of the New Forest SPA would give rise to a potential mechanism for a likely significant effect on the SPA in-combination with other plans and projects. It is necessary to apply the precautionary principle when undertaking HRA and on that basis this policy must be taken forward to AA.</p> | <p>D for the New Forest SPA</p> | <p>Refer to Section 6 which constitutes Stage 2 of the HRA, namely the AA. This sets out recommendations to avoid and mitigate the potential for a likely significant effect on the New Forest SPA that could occur as a result of this policy.</p> |
| | <p>Policy EL8 will not directly lead to new residential development, nonetheless, planning applications for rural worker accommodation as set in point i. of the policy and/or re-use of old building detailed in point ii. could be forthcoming and supported by the policy and may result in the development of additional dwellings/tourist accommodation within the plan area in Wiltshire. The whole of the NDP area lies within the catchment of the River Test which drains into the Solent. Any new dwellings or tourist accommodation, whether or not these would be connected to the sewer network, proposed within the River Test catchment would increase nutrient loading of the river through effluent discharges and this would therefore increase the nutrient load being received by the Solent water environment. This would, in turn, likely lead to significant adverse effects on the European/internationally designated sites in the Solent region, and their qualifying features in-combination with other plans and projects. As such, it is necessary to subject Policy EL8 to an AA.</p> | <p>D for the Solent region European/ international sites, particularly the Solent Maritime SAC and Solent and Southampton Water SPA/ Ramsar site</p> | <p>Refer to Section 7 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential adverse effects on the Solent region European/international sites that could arise as a result of this policy are proposed and considered in the AA.</p> |
| <p>Policy EL9: Retain and protect open spaces and designate Local Green Spaces.</p> | <p>This policy states that development proposals partially or wholly on identified Local Green Spaces will only be supported when it is essential to meet necessary utility infrastructure needs and no alternative feasible site is available. The Local Green Spaces in West Dean that are then listed in the policy comprise:</p> <ul style="list-style-type: none"> • West Dean Recreation Ground | <p>A2</p> | |

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| | <ul style="list-style-type: none"> West Dean Village Green | | |
| <p>Policy EL10: Maintain our dark skies and minimise light and noise pollution</p> | <p>This policy stipulates that new lighting will be required to conform to the highest standard of light pollution restrictions in force at the time. It states that security and other outside lighting on private and public premises will be restricted or regulated to be neighbourly in its use including floodlighting. It also states that security and other outside lighting that adversely affects the amenities of other occupiers; or habitats; or which cause unnecessary light pollution which reduces the quality of the dark night sky will not be supported. The policy then goes on to detail a number of requirements that any development that must meet in order to reduce noise pollution.</p> <p>Although Policy EL10 requires that new lighting should conform to the highest standards, it does not cite relevant best practice guidance documents such as those produced by the ILP. Furthermore, although the policy specifies that habitats must not be adversely affected by new lighting, neither the policy or supporting text makes reference to the whole of the NDP area being located within the 7.5km Barbastelle consultation zone associated with Mottisfont Bats SAC, and that there is a need to ensure development proposals comply with the Bats SAC Planning Guidance for Wiltshire and the Habitats Regulations. This is despite paragraph 2.6.2 of the NDP stating that bats <i>'live in the village centre and roost across the area.'</i></p> <p>West Dean affords suitable foraging and commuting habitat as well as potential roost sites for Barbastelle bat and this species is light-averse and requires darker conditions than other many other UK bat species. Light spill/intrusive light as a result of artificial lighting can affect use of roost sites, commuting routes and foraging habitat by Barbastelles, and in the absence of suitably prescriptive criteria in Policy EL10 in respect of lighting and bats, along with the absence of a dedicated policy in the NDP regarding the Mottisfont Bats SAC, any new lighting proposals in the plan area could result in adverse effects on Barbastelle bats. This could give rise to a potential pathway for a likely significant effect on</p> | <p>C and D for Mottisfont Bats SAC</p> | <p>Refer to Stage 2 of the HRA which comprises the AA in Section 5. This sets out recommendations to avoid and mitigate the potential for a likely significant effect on the Mottisfont Bats SAC that could occur as a result of this policy.</p> |

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| | the Mottisfont Bats SAC both alone and in-combination with other plans and projects. As such, this policy is screened into AA. | | |
| <p>Policy HD1: Development in and adjacent to the villages should be community led and support a mix of housing types including affordable homes that sustains the current and future needs of the community.</p> | <p>This policy stipulates that community supported housing development within or adjoining the settlement boundary or built up area of the villages should include a range of house types (market and affordable) with the majority being one to three bedroom homes. It states that housing developments will need to comply with the affordable housing thresholds and requirements in force at the time of the application. The policy goes on to set out four criteria that residential development should meet.</p> <p>West Dean village has potential to support Barbastelle roosts such as in derelict farm buildings and outbuildings. Neither Policy HD1 or the wider NDP refers to the plan area lying in the 7.5km consultation zone associated with Mottisfont Bats SAC and the need for any development proposals to comply with the Habitats Regulations and to have due regard to the Bats SAC Planning Guidance for Wiltshire. Loss of, or damage/disturbance to a Barbastelle roost as a result of housing development could lead to a likely significant effect on the Mottisfont Bats SAC both alone and in-combination with other plans and projects. As such, Policy HD1 must be taken forward to AA.</p> | C and D for Mottisfont Bats SAC | Refer to Stage 2 of the HRA which comprises the AA in Section 5. Stage 2 puts forward recommendations to avoid and mitigate potential effects on the Mottisfont Bats SAC. |
| | The southern section of the NDP area that falls within Wiltshire, lies within 8km of the New Forest SPA. Whilst Policy HD1 does not allocate sites, it does afford support to development proposals that would adhere to the criteria set out within the policy. Any new dwellings within 8km of the aforementioned SPA will give rise to likely significant effects upon the SPA and its qualifying species in-combination with other plans and projects. The mechanism for effect is on account of additional recreational/visitor pressure upon the SPA that would likely occur given that the majority of visitors to the SPA have been found to reside within 8km of the SPA. As such, this policy must be taken forward to AA. | D for the New Forest SPA | Refer to Section 6 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential effects on the New Forest SPA that the NDP could generate are proposed and considered in Stage 2 of the HRA. |
| | The whole of the NDP area lies within the catchment of the River Test which drains into the Solent. Any new residential development, whether or not it would be connected to the sewer network, proposed | D for the Solent region European/ international sites, | Refer to Section 7 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate |

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| | <p>within the River Test catchment would increase nutrient loading of the river through effluent discharges and ultimately therefore, of the Solent water environment. This would, in turn, likely lead to significant adverse effects on the European/internationally designated sites in the Solent region, and their qualifying features in-combination with other plans and projects.</p> <p>Therefore, Policy HD1 must be subject to AA.</p> | <p>particularly the Solent Maritime SAC and Solent and Southampton Water SPA/ Ramsar site</p> | <p>the potential effects on the Solent region European/international sites that could arise as a result of this policy are proposed and considered in the AA.</p> |
| <p>Policy HD2: Identify the characteristics of infill development and minimise the impact on immediate neighbours.</p> | <p>This policy specifies that that within the two core villages and outlying settlements, further development will be considered on brownfield sites and suitable small infill sites (i.e. sites within a continuously developed road frontage, with direct but safe access to the road) for housing or small business needs. It also states that any proposed infill development should not adversely affect immediate neighbours and should meet all the other policies required in the joint NDP, especially those applicable to conservation. It goes on to specify that the infill policy in both WCS and TVBCLP core settlement hierarchies should be recognised.</p> <p>This screening of Policy HD2 pertains to West Dean and the plan area that falls within the Wiltshire county border only. West Dean village has potential to support Barbastelle roosts such as in derelict farm buildings and outbuildings, and suitable foraging and commuting habitat occurs within the Wiltshire extent of the plan area. Neither Policy HD2 or the wider NDP acknowledges that the plan area lies within the 7.5km consultation zone associated with Mottisfont Bats SAC and that there is a need for any development proposals to comply with the Habitats Regulations and to have due regard to the Bats SAC Planning Guidance for Wiltshire.</p> <p>Loss of, or damage/disturbance to a Barbastelle roost as a result of housing development and/or direct or indirect effects upon commuting and foraging habitat where present on small sites deemed suitable according to the policy, could lead to a likely significant effect on the Mottisfont Bats SAC both alone and in-combination with other plans and projects. Therefore, Policy HD2 must be subject to AA.</p> | <p>C and D for Mottisfont Bats SAC</p> | <p>Refer to Stage 2 of the HRA which comprises the AA in Section 5. Stage 2 puts forward recommendations to avoid and mitigate potential effects on the Mottisfont Bats SAC.</p> |

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| | <p>The southern section of the NDP area that falls within Wiltshire, lies within 8km of the New Forest SPA. Whilst Policy HD2 does not allocate sites, it does support proposals for infill development providing that any such proposals would comply with the requirements of the policy. Any new dwellings or tourist accommodation within 8km of the aforementioned SPA may give rise to likely significant effects upon the SPA and its qualifying species in-combination with other plans and projects. The mechanism for effect is on account of additional recreational/visitor pressure upon the SPA that would likely occur given that the majority of visitors to the SPA have been found to reside within 8km of the SPA. As such, this policy must be taken forward to AA.</p> | <p>D for the New Forest SPA</p> | <p>Refer to Section 6 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential effects on the New Forest SPA that the NDP could generate are proposed and considered in Stage 2 of the HRA.</p> |
| | <p>The whole of the NDP area lies within the catchment of the River Test which drains into the Solent. Any new infill residential development or tourist accommodation, whether or not it would be connected to the sewer network, proposed within the River Test catchment would increase nutrient loading of the river through effluent discharges and ultimately therefore, of the Solent water environment. This would, in turn, likely lead to significant adverse effects on the European/internationally designated sites in the Solent region, and their qualifying features in-combination with other plans and projects. Therefore, Policy HD2 must be taken forward to AA.</p> | <p>D for the Solent region European/ international sites, particularly the Solent Maritime SAC and Solent and Southampton Water SPA/ Ramsar site</p> | <p>Refer to Section 7 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential effects on the Solent region European/international sites that could arise as a result of this policy are proposed and considered in the AA.</p> |
| <p>Policy HD3: Determine the policy for the use of garden and adjacent land within an existing house boundary for the construction of additional dwelling or business building.</p> | <p>This policy requires that development proposals for new dwellings on sites that form part of an existing residential garden, or group of gardens, must fulfil the criteria listed in the policy. The criteria include point iv. which requires the retention of existing features that are characteristic of the streetscape and local area including trees and hedgerows.</p> <p>The policy goes on to specify that proposals to create separate unit accommodation for dependent persons or business use will be supported provided that the criteria detailed in the policy would be met.</p> <p>Residential gardens in West Dean and the area of the plan within Wiltshire have potential to contain mature trees and/or outbuildings</p> | <p>C and D for Mottisfont Bats SAC</p> | <p>Refer to Stage 2 of the HRA which comprises the AA in Section 5. Stage 2 puts forward recommendations to avoid and mitigate potential effects on the Mottisfont Bats SAC.</p> |

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| | <p>that afford potential roost features for Barbastelle bats. Although the policy requires the retention of mature trees, this would not necessarily eliminate the potential for indirect adverse effects on any trees that support Barbastelle bats, or indeed entirely eliminate the potential for direct effects on such trees. The policy also does not provide protection for any outbuildings that may support Barbastelle roosts. Loss of a Barbastelle roost could lead to a likely significant effect on the Mottisfont Bats SAC both alone and in-combination with other plans and projects and it is therefore necessary for Policy HD3 to be subject to AA.</p> | | |
| | <p>The southern section of the NDP area that falls within Wiltshire, lies within 8km of the New Forest SPA. Whilst it is deemed likely that only small-scale residential or business development could be supported by Policy HD3, nevertheless any new dwellings or tourist accommodation within 8km of the aforementioned SPA may give rise to likely significant effects upon the SPA and its qualifying species in-combination with other plans and projects. The mechanism for effect is on account of additional recreational/visitor pressure upon the SPA that would likely occur given that the majority of visitors to the SPA have been found to reside within 8km of the SPA. As such, this policy must be taken forward to AA.</p> | D for the New Forest SPA | <p>Refer to Section 6 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential effects on the New Forest SPA that the NDP could generate are proposed and considered in Stage 2 of the HRA.</p> |
| | <p>The whole of the NDP area lies within the catchment of the River Test which drains into the Solent. Any new residential development or tourist accommodation, whether or not it would be connected to the sewer network, proposed within the River Test catchment would increase nutrient loading of the river through effluent discharges and ultimately therefore, of the Solent water environment. This would, in turn, likely lead to significant adverse effects on the European/internationally designated sites in the Solent region, and their qualifying features in-combination with other plans and projects. Therefore, Policy HD3 must be taken forward to AA.</p> | D for the Solent region European/international sites, particularly the Solent Maritime SAC and Solent and Southampton Water SPA/ Ramsar site | <p>Refer to Section 7 which comprises Stage 2 of the HRA, namely the AA. Recommendations to avoid and mitigate the potential effects on the Solent region European/international sites that could arise as a result of this policy are proposed and considered in the AA.</p> |
| Policy HD4: New development should be designed and built to a high quality, be | This policy requires that development proposals demonstrate how they will contribute to the character of the area, incorporating design principles that reflect the local vernacular, particularly within the two Conservation Areas and those features and characteristics included in | A1 | |

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| energy efficient and support carbon emission targets while respecting the character of the rural villages. | <p>the WDVDS. The policy sets out five criteria to be met. It then specifies that non-traditional design, which combines vernacular materials and forms with other materials, will be supported, provided that a clear rationale is provided.</p> <p>This policy will not lead directly to development and will not result in a likely significant effect upon any European sites.</p> | | |
| Policy HD5: Maintain and enhance the rural character of the two villages by integrating soft landscaping in new developments | <p>This policy stipulates that new landscape features need early consideration in the design process to ensure they are well integrated into new developments. It requires that new development proposals will have identified, evaluated and correctly interpreted the landscape character of their location so as to produce the most appropriate design solution for the development. The policy goes on to set out four objectives that landscape schemes should achieve and specifies that developers will be required to submit a landscape scheme alongside all development proposals, particularly any in sensitive locations.</p> <p>This policy will not lead directly to development and will not result in a likely significant effect upon any European sites.</p> | A1 | |
| Policy HD6: No Development on Flood Zones (2 and 3) where risk of natural flooding is likely and where water flora and fauna are to be protected. Ensure the water drainage, sewage and water run-off does not increase but rather reduces the overall risk of flooding or foul water. | <p>This policy states that planning applications must demonstrate how any new development will provide, through the installation of the necessary infrastructure, mitigation against flooding and drainage issue, and that a site-specific flood risk assessment should be produced. The policy goes on to specify that no development will be accepted in Flood Zones 2 and 3, and that any development in areas adjacent to Flood Zones 2 and 3 should provide fully costed flood management measures. The policy also requires that Sustainable Drainage systems (SuDS) are used to manage water run-off from any new development and encourages the retention of rainwater for domestic use.</p> <p>This policy will not lead directly to development and will not result in a likely significant effect upon any European sites.</p> | A1 | |
| Policy IC1: New development must not | This policy states that any new development should set out the direct and indirect infrastructure implications for its build particularly with | A1 | |

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| <p>adversely affect but enhance the wider infrastructure in the area and provide mitigation to any issues identified. Financial contributions to be used directly for local needs.</p> | <p>regard to its size and location within the settlement. It requires that all financial contributions received by the Parish Council from developments (S106 and/or CIL) are used on projects and initiatives that benefit the community directly in particular the settlement in which the development is situated.</p> <p>This policy will not lead directly to development and will not result in a likely significant effect upon any European sites.</p> | | |
| <p>Policy IC2: Maintain or improve safe use of public highways, bridleways, walkways and footpaths within the villages and through the open countryside.</p> | <p>This policy states: <i>'1. Support will be given to highways or other transport improvements which facilitate safe access for pedestrians, disabled, mobility vehicles, runners, riders and cyclists through and between all parts of the village, and the linkages between outlying settlements.</i> <i>2.All future housing developments must take full account of pedestrian safety. Routes for disabled and those with impaired movement should be considered.</i> <i>3.Development proposals that would diminish public access to the countryside will not be supported.'</i></p> <p>This policy will not lead give rise to a likely significant effect upon any European sites.</p> | A1 | |
| <p>Policy IC3: New development should avoid on-street parking, meet parking standards and provide off street charging facilities within its curtilage. New development must not adversely impact on the car parking and access to Dean Station,</p> | <p>This policy requires that all new residential development that will provide extra bedrooms must provide resident and visitor car parking spaces on site and avoid on street parking. It sets out the following parking standards:</p> <p>1 to 2 bed: 2 spaces per unit 3 to 4 bed: 3 spaces per unit Electric vehicle charging points are mandatory on site.</p> <p>It goes on to require that development proposals demonstrate there will not be a further increase in the risk to pedestrian safety or an exacerbation of parking stress in the vicinity of West Dean Station.</p> | A1 | |

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| village halls, shop and school. | This policy will not lead give rise to a likely significant effect upon any European sites. | | |
| Policy IC4: Support public or community transport in particular the train service at Dean Station, the rural and school bus service and community organised transport for the elderly and infirm. | <p>This policy states that any new development must allow for easy access of occupants to local services (e.g. social care and medical).</p> <p>This policy will not lead give rise to a likely significant effect upon any European sites.</p> | A1 | |
| Policy IC5: Introduce traffic calming and highway management to reduce the risk of accident caused by increased traffic volume and speed, particularly at pinch points in the village centres. | <p>This policy requires that development proposals demonstrate they will not further increase the risk to pedestrian safety or exacerbate parking stress in the region of West Dean Station.</p> <p>This policy will not give rise to a likely significant effect upon any European sites.</p> | A1 | |
| Policy IC6: Ensure the community benefits from sufficient or enhanced utilities and services including reliable electricity, clean water and state of the art communication (phone and broadband) infrastructure. | <p>This policy includes the following requirements which are of relevance to ecology:</p> <ul style="list-style-type: none"> i. Proposed development should not create an unacceptable impact on the amenities of local residents nor on a feature of natural or biodiversity importance. iii. Design of new buildings that include green improvements, such as rainwater harvesting for household water usage, will be encouraged. v. Particular care should be taken in any renewable project to mitigate the impact of power lines and pylons and sub stations on surrounding countryside and views. <p>The whole plan area lies within the 7.5km Barbastelle bat consultation zone around Mottisfont Bats SAC and therefore if the installation of utilities or services were to result in the loss of or effects to</p> | C and D for Mottisfont Bats SAC | Refer to Stage 2 of the HRA which comprises the AA in Section 5. Stage 2 puts forward recommendations to avoid and mitigate potential effects on the Mottisfont Bats SAC. |

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| | <p>foraging/commuting used by Barbastelle bats and functionally linked to the SAC, this could give rise to a likely significant effect on the SAC. In addition, if for example, wind turbines are erected near Barbastelle flight routes there could be a risk to bats in terms of turbine collision and resultant mortality or injury, thereby potentially leading to a likely significant effect on the Mottisfont Bats SAC both alone and in-combination with other plans and projects. Therefore, this policy must be subject to AA.</p> | | |
| <p>Policy IC7: To sustain employment for the community, protect existing local businesses and develop new business premises which are appropriate to the rural setting without adversely affecting safety and infrastructure.</p> | <p>This policy specifies: <i>‘Development proposals within existing businesses and new small scale businesses will be supported if they</i></p> <ul style="list-style-type: none"> <i>i. protect our countryside while promoting rural businesses and employment for local people</i> <i>ii. support farming in agricultural areas</i> <i>iii. support woodland management with local people</i> <i>iv. improve agricultural buildings and they are designed in accordance with best practice (e.g. insulated or ventilated dependent on use) and fit into the surrounding landscape.</i> <i>v. utilise co-working space where appropriate (mindful of social distancing)’</i> <p>This policy supports the improvement of agricultural buildings and development of new premises providing the criteria within the policy are met. The policy does not recognise that old/derelict agricultural buildings can afford potential roost sites for bats, including Barbastelle bats which are the primary reason for selection of the Mottisfont Bats site as a SAC. Furthermore, the policy does not stipulate criteria to be adhered to for the purposes of ensuring that improvement works to such buildings would not result in adverse effects upon bats. Moreover, it is not recognised within the NDP that the plan area falls within the 7.5km Barbastelle consultation zone associated with Mottisfont Bats SAC, and that there is a need to ensure development proposals comply with the Bats SAC Planning Guidance for Wiltshire. This is despite paragraph 2.6.2 of the NDP stating that bats <i>‘live in the village centre and roost across the area.’</i></p> | <p>C and D for Mottisfont Bats SAC</p> | <p>Refer to Stage 2 of the HRA which comprises the AA in Section 5. This sets out recommendations to avoid and mitigate the potential for a likely significant effect on the Mottisfont Bats SAC that could occur as a result of this policy.</p> |

| Policy | Policy Summary and Assessment under Habitats Regulations | Screening Category | Comments and Recommendations |
|---|---|--------------------|------------------------------|
| | <p>West Dean village has potential to support Barbastelle roosts in farm buildings and outbuildings and therefore, any development supported by Policy EL2 which could result in the loss of, damage to, or disturbance of a Barbastelle bat roost could give rise to a likely significant effect on the Mottisfont Bats SAC both alone and in-combination with other plans and projects.</p> <p>In addition, the plan area lying within Wiltshire has suitable habitat for foraging and commuting activity by Barbastelle bats and therefore the development of any new business premises that could result in either direct or indirect effects upon such habitat could give rise to a likely significant effect on the Mottisfont Bats SAC both alone and in-combination with other plans and projects. Therefore, Policy IC7 has been screened into AA.</p> | | |
| <p>Policy IC8: Protect or enhance community facilities in both villages including the village halls, recreation spaces, playgrounds, school and other education facilities, the pub and the village shop in West Tytherley.</p> | <p>This policy strongly supports proposals that would encourage the retention, improvement or reuse of Assets of Community Value and stipulates that any proposals that will result in either the loss of such assets or harm to the integrity of such assets will not be supported.</p> <p>The screening of this policy relates to the plan area that lies within the county of Wiltshire only, and it is concluded that the policy will not lead to a likely significant effect upon any European sites.</p> | <p>A1</p> | |

5. Appropriate Assessment – Mottisfont Bats SAC

Background to the Mottisfont Bats SAC

- 5.1 The Mottisfont Bats SAC comprises Mottisfont woodland which supports an important population of the rare barbastelle bat *Barbastella barbastellus*. It is one of only six known maternity sites in the UK (2002 data) and the only one in Hampshire. Mottisfont contains a mix of woodland types including hazel *Corylus avellana* coppice with standards, broadleaved plantation and coniferous plantation which the bats use for breeding, roosting, commuting and feeding. Details of the conservation objectives are available online at [European Site Conservation Objectives for Mottisfont Bats SAC - UK0030334](http://naturalengland.org.uk) (naturalengland.org.uk). The current version (version 3) is dated 27 November 2018. More recently Natural England has published Supplementary Advice on conserving and restoring the site features¹⁵ and this is available from the same weblink.
- 5.2 The mix of woodland types which comprises the SAC, extends to an area of almost 200 hectares on the western side of the Test Valley, near Mottisfont. The boundary of the SAC was defined to ensure that the core area of habitat used for roosting, commuting and feeding, would receive strict protection. Although the site itself does not fall within Wiltshire, the highly mobile nature of Barbastelle bats means this population is considered likely to forage and commute within eastern parts of Wiltshire.
- 5.3 The SAC does not lie within the West Dean and West Tytherley NDP area, however, at its closest point the SAC is approximately 4.48km east of the West Dean section of the plan area to which this AA pertains, and Barbastelle are known to commute and forage within this range from their roosts.
- 5.4 Wiltshire Council has prepared guidance¹⁶ to demonstrate how development across the whole bat landscape must take account of the SAC. The guidance stipulates that in order to maintain the integrity of the SAC, it is important to protect the network of ‘sensitive features’ used by the designated bat population. The guidance identifies core roosts and highlights that the landscapes surrounding these core roosts, which are used regularly for foraging and commuting, are also of particular importance and have been identified as ‘core areas’ (termed “consultation zones”) to show where bat activity is likely to be concentrated and where particular precautions will be required. The size of the core areas is dependent upon the typical ranging behaviour of the species involved. For the purposes of the guidance, the core area around Barbastelle core roosts is 6km with the exception of Mottisfont, where local evidence justifies a requirement for a 7.5km radius. This parameter represents the potential zone of influence which has been used to screen the NDP and the policies therein.

Projects and Plans to be Considered In-Combination

- 5.5 The screening assessment detailed in Section 4 and Table 1 above found that a number of policies within the West Dean and West Tytherley NDP could lead to significant effects on the Mottisfont Bats SAC alone and in-combination with other plans and projects. The screening pertains to the area of the plan that lies within the Wiltshire county border and the potential mechanisms for effect are set out in Section 4 and Table 1. The following plans and projects have been taken into consideration:

- Wiltshire Core Strategy (Adopted January 2015).

¹⁵ European Site Conservation Objectives: Supplementary advice on conserving and restoring site features. Mottisfont Bats Special Area of Conservation (SAC) Site Code UK0030334. Date of publication: 11 February 2019. Date uploaded to internet: 19 March 2019

¹⁶ Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire (Wiltshire Council and Natural England, Issue 3.0, 10 September 2015)

- Wiltshire Housing Site Allocations Plan (WHSAP) (Council Version, February 2020) adopted by Full Council on 25th February 2020.
- Test Valley Borough Revised Local Plan (Adopted Local Plan 2011-2029)

Core Strategy and the Adopted Wiltshire Housing Site Allocations Plan

- 5.6 Core Policy 23 (CP23) of the Wiltshire Core Strategy titled Spatial Strategy for the Southern Wiltshire Community Area, stipulates that *‘Development in the Southern Wiltshire Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.’* It also states: *‘Over the plan period (2006 to 2026), approximately 615 new homes will be provided of which 190 should occur at Downton. About 425 homes will be provided in the rest of the Community Area. Growth in the Southern Wiltshire Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.’*
- 5.7 CP23 defines West Dean as a ‘Small Village’ and Appendix F of the Core Strategy includes West Dean on a list of settlements where there is no longer a settlement boundary. The Wiltshire Core Strategy does not allocate any sites for development in West Dean and in respect of ‘Small Villages’ Core Policy 1: Settlement Strategy (CP1) states: *‘Small Villages have a low level of services and facilities, and few employment opportunities. Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.’*
- 5.8 Although CP1 and CP23 does not entirely rule out the potential for development to occur within West Dean, any proposals for development that forward would likely be small in scale. In addition, the WHSAP does not allocate sites in West Dean and the HRA of the WHSAP screened Mottisfont Bats SAC out of the HRA process. As such, there are no allocated sites that need to be considered in-combination with the West Dean and West Tytherley NDP in regard to the potential for effects on the Mottisfont Bats SAC.

Analysis of NDP Policies Screened into Appropriate Assessment

- 5.9 None of the policies within the NDP allocate sites for development. However, the section of the plan area that lies within Wiltshire, and indeed the whole plan area, falls within the 7.5km consultation zone or ‘core area’ around the core Barbastelle roost at Mottisfont Bats SAC. As such, those NDP policies that support development which could result in direct and/or indirect effects on Barbastelle roosting, commuting and/or foraging habitat that is potentially functionally linked to the SAC, could have an adverse effect on the SAC and the integrity of its qualifying features.
- 5.10 There are nine NDP policies which at Stage 1 of this HRA, were deemed to have potential to lead to a likely significant effect on the SAC alone and in-combination with other plans and projects. These comprise: EL1, EL2, EL8, EL10, HD1, HD2, HD3, IC6 and IC7.
- 5.11 Some of the aforementioned policies lend support to development proposals that would convert/extend/refurbish agricultural buildings. However, none of these policies or their supporting text recognise that historic/old farm buildings, outbuildings and other similar structures could support Barbastelle roost sites, and that works to these buildings/structures could result in the loss, degradation or obstruction of Barbastelle roost sites, and potentially even killing or/injury to any bats occupying roosts. Furthermore, development proposals supported by the policies listed in the previous paragraph, particularly in open countryside, that could have direct or indirect effects on potential Barbastelle bat commuting and foraging habitat such as mature hedgerows, treelines and woodland and which could

constitute key flight lines/foraging areas functionally linked to the SAC, may result in an adverse effect on the SAC. Barbastelle bats are light-intolerant and therefore any proposals which entail the installation of external artificial lighting could also give rise to an adverse effect on this Annex II species. Where such a mechanism for effect is apparent, proposals for appropriate avoidance and mitigation must be submitted alongside any planning application for development.

- 5.12 The NDP does not identify that the plan area lies within the 7.5km consultation zone associated with the Mottisfont Bats SAC and omits reference to the need for applications for development within the NDP area to comply with the Bat SAC Planning Guidance for Wiltshire¹⁷. In not referring to the need to adhere to the Bat SAC Planning Guidance for Wiltshire or to comply with the Habitats Regulations, any development that comes forward that is supported by the policies of the NDP could lead to adverse impacts on the SAC alone and in-combination with other developments as a result of loss and/or degradation of habitat of importance to the SAC bat species for roosting, foraging and/or commuting.
- 5.13 Planning applications for development within the NDP area which could impact habitat functionally linked to the SAC need to comply with the Bat SAC Planning Guidance for Wiltshire and the Habitats Regulations and would likely necessitate the undertaking of a project level AA by the competent authority.

Recommended Avoidance and Mitigation Measures

- 5.14 Given the potential for a significant adverse effect upon the Mottisfont Bats SAC that could arise as a result of development supported by means of policies EL1, EL2, EL8, EL10, HD1, HD2, HD3, IC6 and IC7, it is necessary to propose suitable measures to avoid or reduce impacts on the integrity of the SAC.
- 5.15 The policies that have been screened into AA on account of potential for effects on the Mottisfont Bats SAC do not allocate specific sites, and therefore the exact location of any proposed development site(s) is not known at this stage. Therefore, site-specific avoidance and mitigation measures cannot be put forward at the plan-making stage. Moreover, it is not deemed feasible to amend all of the aforementioned policies to include prescriptive criteria regarding bats. Instead it is recommended that a dedicated bat conservation policy is included within the NDP which details what will be required of any application for development within the plan area; and adherence with the policy will be essential. It may also be prudent for policies EL1, EL2, EL8, EL10, HD1, HD2, HD3, IC6 and IC7 to be amended to cross reference to the dedicated bat conservation policy and the need to comply with it, although this is not necessarily critical given that any development proposals should comply with all policies within the NDP in any regard, as well as policies within the wider Development Plan for Wiltshire including Core Policy 50: Biodiversity and Geodiversity (CP50) of the Wiltshire Core Strategy .
- 5.16 It is recommended that the dedicated bat conservation policy is supported by text explaining that the NDP area lies within the 7.5km consultation zone for Barbastelle bats associated with the Mottisfont Bats SAC and that applications for development will only be permitted by Wiltshire Council where it can be demonstrated that the proposals would not result in an adverse effect on the integrity of the SAC and would be compliant with the Habitats Regulations. It is suggested that explanatory text and the bat conservation policy is worded along the lines of the following:

Explanatory Text

The NDP area holds high potential for all species of bats due to its rural nature with interconnected woodlands and hedgerows. Of particular note is the potential for the area to support Barbastelle bats. This rare species breeds in woodlands near Mottisfont which are protected through the designation of the Mottisfont Bats Special Area of Conservation. The bats make use of a much wider area around the

¹⁷ Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire (Wiltshire Council and Natural England, Issue 3.0, 10 September 2015)

designated site and could potentially be foraging and breeding at satellite sites in the NDP area. Consequently new development will need to demonstrate that it has taken bats and this species in particular into account, identifying whether these bats may be using the development site and if so, the measures that will be put in place to protect and enhance their habitat.

Bat Conservation Policy

Proposals for development shall be formulated with due regard to any relevant guidance such as the Bat Special Areas of Conservation (SAC) Planning Guidance for Wiltshire. Planning applications for development shall be supported by an appropriate level of ecological survey undertaken in accordance with best practice survey guidelines. This will establish the ecological baseline in respect of bats and thereby determine the need for, and inform the formulation of any avoidance, mitigation and where required as a last resort, compensation measures necessary as part of the project design, to ensure no adverse effect on the integrity of the Mottisfont Bats Special Area of Conservation (SAC) over the lifetime of the proposed development and to promote the conservation of bats generally.

The above information will be required to enable the planning authority to assess planning applications under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 (or any subsequent amendments) and confirm there is no reasonable scientific doubt of any adverse effects to the SAC.

Conclusion for the Mottisfont Bats SAC

- 5.17 On account of there being no strategic allocations for the section of the NDP area that lies within Wiltshire, and no allocations proposed in the NDP, it is deemed likely that any forthcoming proposals for development would be relatively small-scale and would likely comprise windfall development or rural exceptions sites. Furthermore, on the basis that the recommendation set out above is incorporated within the NDP, it is considered possible to conclude, beyond reasonable scientific doubt, that the NDP would not lead to adverse effects on the integrity of the Mottisfont Bats SAC or its qualifying features, alone or in-combination with other plans and projects.

6 Appropriate Assessment – New Forest SPA

Background to the New Forest SPA

- 6.1 The New Forest SPA comprises the largest area of ‘unsown’ vegetation in lowland England and includes the representation on a large scale of habitats formerly common but now fragmented and rare in lowland western Europe. The mosaic of habitats owes much to the local geology and traditional commoning grazing system, a situation which is uncommon in lowland England.
- 6.2 The habitats include lowland heath, valley and seepage step mire, or fen, ancient pasture woodland, including riparian and bog woodland and a range of acid to neutral grasslands. The site supports an exceptionally rich bird fauna including internationally important breeding populations and wintering populations of bird species associated with these habitats.
- 6.3 The SPA’s qualifying features are detailed below.

Qualifying individual species listed in Annex I of the Wild Birds Directive

During the breeding season the SPA regularly supports:

- **A302 Dartford Warbler (*Sylvia undata*)** - 538 pairs representing at least 33.6% of the breeding population in Great Britain at the time of SPA classification
- **A072 Honey Buzzard (*Pernis apivorus*)**, 2 pairs representing at least 10.0% of the breeding population in Great Britain at the time of SPA classification

- **A224 Nightjar (*Caprimulgus europaeus*)**, 300 pairs representing at least 8.8% of the breeding population in Great Britain at the time of SPA classification
- **A246 Woodlark (*Lullula arborea*)**, 177 pairs representing at least 12.3% of the breeding population in Great Britain at the time of SPA classification

During the non-breeding season the SPA regularly supports:

- **A082 Hen Harrier (*Circus cyaneus*)** 15 individuals representing at least 2.0% of the wintering population in Great Britain at the time of SPA classification

Qualifying individual species not listed in Annex I of the Wild Birds Directive

During the breeding season the SPA regularly supports:

- **A099 Hobby (*Falco Subbuteo*)** – up to 25 pairs representing around 3% of the British breeding population at the time of SPA classification
- **A314 Wood Warbler (*Phylloscopus trochilus*)** – in excess of 350 pairs representing at least 3% of the British breeding population at the time of SPA classification.

- 6.4 Details of the conservation objectives are available online at [European Site Conservation Objectives for New Forest SPA - UK9011031 \(naturalengland.org.uk\)](https://www.naturalengland.org.uk/conservation/objectives/new-forest-spa-uk9011031). The current version (version 3) is dated 21 February 2019. Natural England subsequently published Supplementary Advice on conserving and restoring the site features¹⁸ and this is available from the same weblink.
- 6.5 The Supplementary Advice highlights that given the substantial development close to the New Forest and that it is within easy reach of two major urban areas, it is estimated by the National Park Authority that the New Forest receives over 15 million day visits a year. The New Forest SPA has permissive public access and there are a wide range of activities including traditional countryside pursuits and sports events permitted by the landowners. Within the SPA are ten campsites providing 3,300 pitches and three golf courses.
- 6.6 The issue of visitor and recreational pressure upon the New Forest SPA and the potential for development within the south of Wiltshire in particular, to adversely impact the SPA is recognised in the Wiltshire Core Strategy (Adopted January 2015). Paragraph 6.77 of the Strategy, which forms part of the supporting text to CP50, states:

“Wiltshire Council will support production and implementation of a New Forest Mitigation Strategy, in partnership with Natural England and other partners as appropriate. This will set out the delivery mechanisms and funding requirements (either through CIL, S106 or other appropriate mechanism) such that the impacts of the plan upon the New Forest SPA are fully mitigated. After adoption, the New Forest Mitigation Strategy will be a relevant planning consideration. Prior to this, planning applications will be subject to individual Habitats Regulation Assessments and bespoke mitigation secured as necessary.”

- 6.7 CP50 requires adherence to the measures set out in paragraph 6.77 and stipulates:

“Any development potentially affecting a Natura 2000 site must provide avoidance measures in accordance with the strategic plans or guidance set out in paragraphs 6.75-6.77 above where possible, otherwise bespoke measures must be provided to demonstrate that the proposals would have no

¹⁸ European Site Conservation Objectives: Supplementary advice on conserving and restoring site features. New Forest Special Protection Area (SPA) Site Code UK9011031. Date of publication: 19 March 2019.

adverse effect upon the Natura 2000 network. Any development that would have an adverse effect on the integrity of a European nature conservation site will not be in accordance with the Core Strategy.”

- 6.8 Visitor access surveys considered by the South Wiltshire Core Strategy HRA ascertained that the majority of day visitors to the New Forest SPA originate from/reside within a distance of 8km. More recently the partnership of authorities around the New Forest has commissioned studies to update this information and going forward it is expected the zone of influence for the New Forest SPA will increase beyond 8km.
- 6.9 New dwellings and visitor accommodation within the zone of influence of the New Forest SPA are likely to contribute to the harmful effects of recreational pressure on ground nesting birds, which comprise qualifying species of the SPA which the designation aims to protect. For the purposes of HRA it must be assumed that even a single dwelling could give rise to impacts upon the SPA in combination with other plans and developments. Planning applications within the zone of influence are therefore screened into an AA by Wiltshire Council and adequate mitigation is required before an assessment can be concluded favourably as this is a necessary pre-requisite for a lawful approval.
- 6.10 Wiltshire Council is in the process of finalising its interim mitigation strategy for the New Forest SPA; contributions to which will mostly be funded through CIL. The strategy will be further revised to take account of any strategic approach agreed between partner authorities around the New Forest as well as further development coming forward under the Local Plan Review.

Projects and Plans to be Considered In-Combination

- 6.11 The screening assessment detailed in Section 4 and Table 1 above identified that a number of policies within the West Dean and West Tytherley NDP could lead to significant effects on the New Forest SPA in-combination with other plans and projects. The screening pertains to the area of the plan that lies within the Wiltshire county border and the potential mechanisms for effect are set out in Section 4 and Table 1.
- 6.12 The following plans and projects have been taken into consideration:
- Wiltshire Core Strategy (Adopted January 2015)
 - Wiltshire Housing Site Allocations Plan (WHSAP) (Council Version, February 2020) adopted by Full Council on 25th February 2020
 - Test Valley Borough Revised Local Plan (Adopted Local Plan 2011-2029)
 - New Forest District Local Plan Part 1: Planning Strategy (Adopted 2020)
 - New Forest District Local Plan Part 2: Sites and Development management (Adopted 2014)
 - New Forest National Park Local Plan 2016-2036 (Adopted 2019)
 - Christchurch and East Dorset Local Plan: Part 1 Core Strategy (Adopted 2014)
 - Bournemouth Local Plan: Core Strategy (Adopted 2012)
 - Eastleigh Borough Local plan 2016-2036 (published for public consultation June 2018)

Core Strategy and the Adopted Wiltshire Housing Site Allocations Plan

- 6.13 Core Policy 23 (CP23) of the Wiltshire Core Strategy titled Spatial Strategy for the Southern Wiltshire Community Area, stipulates that *‘Development in the Southern Wiltshire Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.’* It also states: *‘Over the plan period*

(2006 to 2026), approximately 615 new homes will be provided of which 190 should occur at Downton. About 425 homes will be provided in the rest of the Community Area. Growth in the Southern Wiltshire Community Area over the plan period may consist of a range of sites in accordance with Core Policies 1 and 2.'

- 6.14 CP23 defines West Dean as a 'Small Village' and Appendix F of the Core Strategy includes West Dean on a list of settlements where there is no longer a settlement boundary. The Wiltshire Core Strategy does not allocate any sites for development in West Dean and in respect of 'Small Villages' Core Policy 1: Settlement Strategy (CP1) states: *'Small Villages have a low level of services and facilities, and few employment opportunities. Development at Large and Small Villages will be limited to that needed to help meet the housing needs of settlements and to improve employment opportunities, services and facilities.'*
- 6.15 Although CP1 and CP23 do not entirely rule out the potential for development to occur within West Dean, any proposals for development that come forward would likely be small in scale. In addition, the WHSAP does not allocate sites in West Dean. Nonetheless, the HRA of the WHSAP screened New Forest SPA into AA on account of recreational pressure on the SPA.

Analysis of NDP Policies Screened into Appropriate Assessment

- 6.16 None of the policies within the NDP allocate sites for development. However, the southern section of the plan area that lies within Wiltshire falls within 8km of the New Forest SPA. As such, those NDP policies that support residential development and/or the development of tourism premises, could indirectly lead to increased visitor/recreational pressure upon the SPA.
- 6.17 There are six NDP policies which at Stage 1 of this HRA, have been considered as having potential to indirectly lead to a likely significant effect on the SPA in-combination with other plans and projects. These comprise: EL1, EL2, EL8, HD1, HD2 and HD3.
- 6.18 Wiltshire's Interim Recreation Mitigation Strategy is expected to be agreed with NE within the next two months, well before the NDP is made. The strategy will cover residential and tourism development. It will set out developments which a) will contribute to the strategy through CIL¹⁹, and b) will be expected to contribute through Section 106 agreement.

Recommended Avoidance and Mitigation Measures

- 6.19 There is no need to include a specific policy requiring assessment and mitigation in the NDP on account of the following:
- The NDP does not allocate land for housing or tourism development;
 - NDP policies will shape design and location rather than encourage development to come forward, and;
 - All development coming forward under the NDP will be assessed under the Habitats Regulations and with mitigation secured and delivered in accordance with the Interim Recreation Mitigation Strategy and any subsequent revisions.

¹⁹ The New Forest Recreation Mitigation Project is included in the Wiltshire Revised Community Infrastructure Levy Regulation 123 List (September 2016)

- 6.20 However, as a financial contribution will be required from some developments through S106, it is advised the NDP should provide some details in explanatory text to ensure developers are aware of the implications the New Forest SPA may have for their development.
- 6.21 It is suggested that the following explanatory wording is included in the NDP:

Explanatory Text

The New Forest Special Protection Area has been designated to protect certain bird species which occur frequently in the New Forest area but are otherwise rare or declining. Several of these species are however susceptible to recreational pressure. Consequently, the National Park Authority is working with authorities on its boundaries to address the impacts from walkers and dog walkers who arrive as day visitors and staying tourists. All development coming forward in the NDP area has the potential to increase the number of day visitors to the New Forest. Wiltshire Council and Test Valley Borough Council are therefore addressing this through their own recreation mitigation strategies. Residential and tourism developments will therefore be required to contribute to the relevant authority's strategy through the Community Infrastructure Levy or Section 106 agreement.

Conclusion for the New Forest SPA

- 6.22 In light of the Interim Recreation Mitigation Strategy and any subsequent reviews, Wiltshire Council is able to conclude there will be no adverse effect of residential and tourism development within the Wiltshire NDP area on the integrity of the New Forest SPA alone and in-combination with other plans and projects.

7 Appropriate Assessment – Solent Region International Sites

- 7.1 The water environment within the Solent region is one of the most important for wildlife in the United Kingdom. It is internationally important for its wildlife and is protected under the Water Environment Regulations and the Conservation of Habitats and Species Regulations as well as national protection for many parts of the coastline and their sea.

Background to the Solent Maritime SAC

- 7.2 The Solent encompasses a major estuarine system on the south coast of England with four coastal plain estuaries (Yar, Medina, King's Quay Shore, Hamble) and four bar-built estuaries (Newtown Harbour, Beaulieu, Langstone Harbour, Chichester Harbour). The Solent and its inlets are unique in Britain and Europe for their hydrographic regime with its 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 estuarine flats, intertidal areas that support eelgrass *Zostera* spp., sand and shingle spits, and natural shoreline transitions. The mudflats range from low and variable salinity in the upper reaches of the estuaries to very sheltered almost fully marine muds in Chichester and Langstone Harbours. As well as occurring within the estuaries, mudflats and sandflats are found throughout the Solent and form the predominant intertidal substrates. Unusual features include the presence of very rare sponges in the Yar estuary and a sandy 'reef' of the polychaete *Sabellaria spinulosa* on the steep eastern side of the entrance to Chichester Harbour.
- 7.3 Shallow sediment communities (comprising the subtidal sandbanks feature) occur around the Solent, particularly in the large harbours. They are typically colonised by a burrowing fauna of worms, crustaceans, bivalve molluscs and echinoderms. Where coarse stable material is present, species attached to the surface may include foliose algae, hydroids, bryozoans and ascidians. Mixtures of sand and associated hard substrate can lead to the presence of very rich communities. Mobile fauna at the

surface of the sandbanks may include shrimps, prosobranch molluscs, crabs and fish. Shallow sandy sediments may be important nursery areas for fish and feeding grounds for seabirds.

- 7.4 The full citation for the Solent Maritime SAC together with the associated conservation objectives can be found at this weblink: [European Site Conservation Objectives for Solent Maritime SAC - UK0030059 \(naturalengland.org.uk\)](https://naturalengland.org.uk). Natural England has not published Supplementary Advice on conserving and restoring the site features for this SAC.

Background to the Solent and Southampton Water SPA/Ramsar site

- 7.5 The Solent and Southampton Water SPA/Ramsar site comprises a series of estuaries and adjacent coastal habitats important for breeding Annex 1 gull and terns and wintering waterfowl. The SPA comprises a number of constituent Sites of Special Scientific Interest (SSSI) which comprise such habitats as intertidal flats, grazing marsh, saltmarsh, saline lagoons and reedbeds. The SPA is regularly used by over 20,000 waterfowl (waterfowl as defined by the Ramsar Convention) or 20,000 seabirds in any one season. In terms of non-qualifying interest, the SPA also supports an outstanding assemblage of wintering and passage birds that are dependent on wetland habitats within the site including a number of Annex I species. The full citation for the SPA together with the associated conservation objectives can be found at this weblink: [European Site Conservation Objectives for Solent & Southampton Water SPA - UK9011061 \(naturalengland.org.uk\)](https://naturalengland.org.uk). Natural England has not published Supplementary Advice on conserving and restoring the site features for this SPA.

Projects and Plans to be Considered In-Combination

- 7.6 The screening assessment detailed in Section 4 and Table 1 above identified that a number of policies within the West Dean and West Tytherley NDP could lead to significant effects on the Solent region international sites, notably the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site in-combination with other plans and projects. The screening assessment is set out in Section 4 and Table 1.
- 7.7 The following plans and projects have been taken into consideration:
- Wiltshire Core Strategy (Adopted January 2015).
 - Wiltshire Housing Site Allocations Plan (WHSAP) (Council Version, February 2020) adopted by Full Council on 25th February 2020.
 - Test Valley Borough Revised Local Plan (Adopted Local Plan 2011-2029)
 - New Forest District Local Plan Part 1: Planning Strategy (Adopted 2020)
 - New Forest District Local Plan Part 2: Sites and Development management (Adopted 2014)
 - New Forest National Park Local Plan 2016-2036 (Adopted 2019)
 - 20/11598/OUT Land East of, Church Road, Laverstock, Salisbury

Analysis of NDP Policies Screened into Appropriate Assessment

- 7.8 None of the policies within the NDP allocate sites for development. However, the whole of the plan area lies within catchment of the River Test. As such, those NDP policies that support development, including residential development and/or the development of business premises which could result in the development of tourist accommodation, could lead to planning applications coming forward that could increase the levels of nitrogen, and indeed phosphorus, that would enter the Solent water

environment. This in turn could result in an adverse effect on the Solent region international sites and the integrity of their qualifying features; most notably the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site which are located in closest proximity to Wiltshire.

- 7.9 There are six NDP policies which at Stage 1 of this HRA, have been considered as having potential to lead to a likely significant effect on the Solent region international sites in-combination with other plans and projects. These comprise: EL1, EL2, EL8, HD1, HD2 and HD3.
- 7.10 In June 2020 Natural England published guidance²⁰ which specifies that every permission for new dwellings in the River Test Catchment Area could result in an increase in nutrients entering the Solent area. Natural England has advised that the principal nutrient that drives excessive enrichment in the marine environment is nitrogen. In order to avoid impacts on the European sites, it advises that all development with the potential to give rise to additional nitrogen should achieve nitrogen neutrality before the development is occupied.
- 7.11 Wiltshire Council is progressing strategic solutions to this issue. Nevertheless, at present, applications for development within the Test catchment which cannot demonstrate nitrogen neutrality would not be compliant with the Habitats Regulations and must be refused. This includes any new development for one or more dwellings and covers Permissions in Principle (PIP) and permitted development. It also includes any commercial development that would result in additional units of overnight accommodation i.e. care homes, guest houses, mobile homes and so forth, whether or not they are connected to the sewer network.
- 7.12 The guidance produced by Natural England on how new development in the Solent Region could achieve nutrient neutrality does, however, provide a method for calculating the nitrogen budget before and after proposed developments, and also recommends possible mitigation measures. Developers will need to follow this and obtain advice from NE through their Discretionary Advice Service regarding the adequacy of their calculations and mitigation before applications can be determined by Wiltshire Council. The Council is working to identify large sites / providers in the Test catchment which can offer nitrogen credits, for example by taking land out of production. In due course it is anticipated that applicants will be able to buy nitrogen credits from approved mitigation schemes in order to offset the increases their development is calculated to generate.

Recommended Avoidance and Mitigation Measures

- 7.13 It is recommended that a dedicated policy and relevant supporting text is included within the West Dean and West Tytherley NDP to highlight that the NDP area lies within the River Test catchment and that mitigation will be essential to ensure compliance with the Habitats Regulations.
- 7.14 The recommended policy pertaining to the Solent regional international sites to be included within the NDP should make it clear that adherence with the policy will be essential. It may also be prudent for policies EL1, EL2, EL8, HD1, HD2 and HD3 to be amended to cross reference to the dedicated policy and the need to comply with it, although this is not necessarily critical given that any development proposals should comply with all policies within the NDP in any regard.
- 7.15 Suggested explanatory text and policy wording to be incorporated within the NDP is as follows:

Solent Region International Sites and Nitrogen

Explanatory Text

²⁰ Natural England, June 2020 (version 5). Advice on Achieving Nutrient Neutrality for New Development in the Solent Region.

The whole of the NDP area lies within the catchment of the River Test which flows into the Solent where wildlife of marine, tidal and intertidal areas is protected by a number of international designations. Natural England has advised these designations are being adversely affected by the nutrients associated with sewage and agricultural runoff and that the restoration of these sites partly depends on ensuring new development does not generate any additional nutrient inputs. Natural England is placing particular emphasis on nitrogen as this is considered to have an overriding impact in these saltwater habitats. Hence all development proposals in the NDP area will need to demonstrate they are nitrogen neutral in accordance with Natural England guidance²¹. Wiltshire Council and Test Valley Borough Council who will carry out the necessary assessment of developments under the Habitats Regulations, may require developers to demonstrate that Natural England has assessed and agreed their calculations and mitigation proposals prior to an application being submitted and/or determined. In due course strategic mitigation schemes may become available which enable developers to purchase nitrogen credits to the value of the increased nitrogen levels their developments are calculated to generate.

Policy

Applications for development that will result in a net increase in nitrogen reaching the Solent Region International Sites through e.g. additional units of overnight accommodation or increased intensity of farming, shall be accompanied by pre-development and post-development nitrogen budgets and shall be required to demonstrate nitrogen neutrality in accordance with the relevant guidelines where these are available. A detailed mitigation strategy shall also be submitted to the local planning authority demonstrating how nitrogen neutrality shall be achieved prior to first occupation of the development, and how it will be maintained throughout the lifetime of the development and beyond, where the potential for effects would extend beyond the operational phase of the development.

Conclusion for the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site

- 7.16 The NDP does not allocate any sites for development and it is considered that policies EL1, EL2, EL8, HD1, HD2 and HD3 would not result in adverse effects upon the Solent region international sites, notably the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site, alone. This is because any development coming forward as supported by these policies would likely be small-scale development that would not generate significant effects alone. Nonetheless, on the advice of Natural England, it must be assumed that any new development which generates a net increase in nitrogen within the catchment of the River Test, could give rise to significant effects on the integrity of the Solent region international sites when considered in-combination with other plans and projects.
- 7.17 Provided the recommendation set out above is incorporated within the NDP and is adhered to at the planning application stage for any future proposals for development in the NDP area, it is considered possible to conclude, beyond reasonable scientific doubt, that the NDP would not lead to adverse effects on the integrity of the Solent region international sites, notably the Solent Maritime SAC and the Solent and Southampton Water SPA/Ramsar site, or their qualifying features, alone or in-combination with other plans and projects.

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²¹ Nutrient calculator and Natural England guidance dated June 2020 available from [Natural England publishes 'nutrient calculator' and updated guidance on achieving nutrient neutral housing development - Partnership for South Hampshire \(push.gov.uk\)](https://www.push.gov.uk/natural-england-guidance)