

# Report to Inform Habitats Regulations Assessment

Wellow Neighbourhood Plan

Wellow Neighbourhood Plan Steering Committee

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## Quality information

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# 1. Introduction

- 1.1 AECOM was appointed by Wellow Neighbourhood Plan Steering Committee to undertake a Habitats Regulations Assessment (HRA) for the Wellow Neighbourhood Plan 2022 – 2035 (Pre-Submission Draft). This is to inform the Wellow Parish Council and Test Valley Borough Council and the New Forest National Park Authority (the competent authorities) of the potential effects of Neighbourhood Plan (NP) development on European Sites and how they are being, or should be, addressed in the NP.
- 1.2 The objectives of the assessment are to:
- Identify any aspects of the NP that would cause an adverse effect on the integrity of international sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government policy, Ramsar sites, either in isolation or in combination with other plans and projects, and
  - To advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- 1.3 The HRA of the NP is required to determine if there are any realistic linking pathways present between an international site and the NP and where Likely Significant Effects (LSE) cannot be screened out, an analysis to inform an Appropriate Assessment (AA), to be undertaken to determine if adverse effects on the integrity of the international sites will occur as a result of the NP alone or in combination.

## Legislation

- 1.4 The UK left the EU on 31 January 2019 under the terms set out in the European Union (Withdrawal Agreement) Act 2020 (“the Withdrawal Act”). This established a transition period, which ended on 31 December 2020. The Withdrawal Act retains the body of existing EU-derived law within our domestic law. During the transition period EU law applied to and in the UK. The most recent amendments to the Habitats Regulations – the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 – make it clear that the need for HRA has continued after the end of the Transition Period.
- 1.5 Under the Regulations, an appropriate assessment is required, where a plan or project is likely to have a significant effect upon an international site, either individually or in combination with other projects. The Directive is implemented in the UK by the Conservation of Habitats and Species Regulations 2017 (as amended) (the “Habitats Regulations”).

## The legislative basis for Appropriate Assessment

### Conservation of Habitats and Species Regulations 2017 (as amended)

With specific reference to Neighbourhood Plans, Regulation 106(1) states that:

*'A qualifying body which submits a proposal for a neighbourhood development plan must provide such information as the competent authority [the Local Planning Authority] may reasonably require for the purposes of the assessment under regulation 105 [which sets out the formal process for determination of 'likely significant effects' and the 'appropriate assessment']...'*

- 1.6 It is therefore important to note that this report has two purposes:
  - a. To assist the Qualifying Body (Wellow Parish Council) in preparing their plan by recommending (where necessary) any adjustments required to protect international sites, thus making it more likely their plan will be deemed compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and
  - b. On behalf of the Qualifying Body, to assist the Local Planning Authority (Test Valley Borough Council and the New Forest National Park Authority) to discharge their duty under Regulation 105 (in their role as 'plan-making authority' within the meaning of that regulation) and Regulation 106 (in their role as 'competent authority').
- 1.7 The Habitats Regulations applies the precautionary principle to international sites: SAC, SPA, and Ramsar. For the purposes of this assessment candidate SACs (cSACs), proposed SPAs (pSPAs) and proposed Ramsar (pRamsar) sites are all treated as fully designated sites.
- 1.8 Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. This contrasts with the SEA Directive which does not prescribe how plan or programme proponents should respond to the findings of an environmental assessment; merely that the assessment findings (as documented in the 'environmental report') should be 'taken into account' during preparation of the plan or programme.
- 1.9 In 2018, the 'People Over Wind' European Court of Justice (ECJ) ruling determined that 'mitigation' (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on international sites) should not be taken into account when forming a view on likely significant effects. Mitigation should instead only be considered at the AA stage. Appropriate assessment is not a technical term: it simply means 'an assessment that is appropriate' for the plan or project in question. As such, the law purposely does not prescribe what it should consist of or how it should be presented; these are decisions to be made on a case by case basis by the competent authority. An amendment was made to the Neighbourhood Planning Regulations in late 2018 which permitted NPs to be made if they required AA.
- 1.10 Over the years, 'Habitats Regulations Assessment' (HRA) has come into wide currency to describe the overall process set out in the Habitats Regulations, from screening through to identification of Imperative Reasons of Overriding Public Importance (IROPI). This has arisen in order to distinguish the overall process from the individual stage of "Appropriate Assessment". Throughout this Report the term HRA is used for the overall process and restricts the use of AA to the specific stage of that name.

## 2. Methodology

### Introduction

- 2.1 Below outlines the stages of HRA according to current Ministry of Housing, Communities and Local Government guidance. The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the Plan until no significant adverse effects remain.

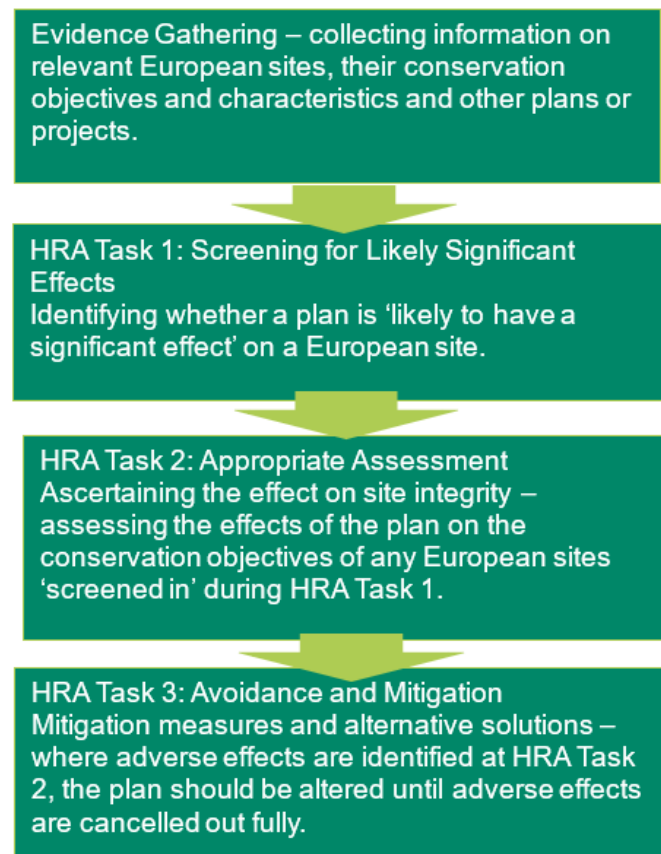


Plate 1: Four Stage Approach to Habitats Regulations Assessment. Source GOV.UK, 2019.

### HRA Task 1 – Likely Significant Effects (LSE)

- 2.2 Following evidence gathering, the first stage of any Habitats Regulations Assessment is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

"Is the project, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon European sites?"

- 2.3 The objective is to 'screen out' those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant adverse effects upon European sites, usually because there is no mechanism for an adverse



interaction with European sites. This stage is undertaken in Chapter 4 of this report.

## HRA Task 2 – Appropriate Assessment (AA)

- 2.4 Where it is determined that a conclusion of ‘no likely significant effect’ cannot be drawn, the analysis has proceeded to the next stage of HRA known as Appropriate Assessment. Case law has clarified that ‘appropriate assessment’ is not a technical term. In other words, there are no particular technical analyses, or level of technical analysis, that are classified by law as belonging to appropriate assessment rather than determination of likely significant effects.
- 2.5 During July 2019 the Ministry of Housing, Communities and Local Government published guidance for Appropriate assessment<sup>1</sup>. Paragraph: 001 Reference ID: 65-001-20190722m explains: *‘Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view of the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured’*.
- 2.6 As this analysis follows on from the screening process, there is a clear implication that the analysis will be more detailed than undertaken at the Screening stage and one of the key considerations during appropriate assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the appropriate assessment takes any policies or allocations that could not be dismissed following the high-level screening analysis and analyses the potential for an effect in more detail, with a view to concluding whether there would be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the European site(s)).
- 2.7 A decision by the European Court of Justice<sup>2</sup> concluded that measures intended to avoid or reduce the harmful effects of a proposed project on a European site may no longer be taken into account by competent authorities at the Likely Significant Effects or ‘screening’ stage of HRA. The UK is no longer part of the European Union. However, as a precaution, it is assumed for the purposes of this HRA that EU case law regarding Habitat Regulations Assessment will still be considered informative jurisprudence by the UK courts. That ruling has therefore been considered in producing this HRA.
- 2.8 Also, in 2018 the Holohan ruling<sup>3</sup> was handed down by the European Court of Justice. Among other provisions paragraph 39 of the ruling states that *‘As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat*

<sup>1</sup><https://www.gov.uk/guidance/appropriate-assessment#what-are-the-implications-of-the-people-over-wind-judgment-for-habitats-regulations-assessments> [Accessed: 05/04/2022].

<sup>2</sup> People Over Wind and Sweetman v Coillte Teoranta (C-323/17)

<sup>3</sup> Case C-461/17

types and species listed for the protected area [emphasis added]. This has been taken into account in the HRA process.

## HRA Task 3 – Avoidance and Mitigation

- 2.9 Where necessary, measures are recommended for incorporation into the Plan in order to avoid or mitigate adverse effects on European sites. There is considerable precedent concerning the level of detail that a Neighbourhood Plan document needs to contain regarding mitigation for recreational impacts on European sites. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.
- 2.10 When discussing ‘mitigation’ for a Neighbourhood Plan document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the detail of the mitigation measures themselves since the Local Development Plan document is a high-level policy document. A Neighbourhood Plan is a lower level constituent of a Local Development Plan.

## Confirming Other Plans and Projects That May Act ‘In Combination’

- 2.11 It is a requirement of the Regulations that the impacts of any land use plan being assessed are not considered in isolation but in combination with other plans and projects that may also be affecting the European site(s) in question.
- 2.12 In considering the potential for combined regional housing development to impact on European sites the primary consideration is the impact of visitor numbers – i.e. recreational pressure and urbanisation.
- 2.13 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e. to ensure that those projects or plans (which in themselves may have minor impacts) are not simply dismissed on that basis but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in-combination assessment is therefore of greatest relevance when the plan or policy would otherwise be screened out because its individual contribution is inconsequential.
- 2.14 The following plans and projects will be looked at in-combination:
- Test Valley Borough Revised Local Plan 2011-2029 (Adopted January 2016)<sup>4</sup>
  - New Forest National Park Local Plan 2016-2036 (Adopted August 2019)<sup>5</sup>
  - Basingstoke and Deane Local Plan 2011-2029 (Adopted May 2016)<sup>6</sup>
  - Southampton City Local Plan up to 2026 (Adopted 2015)<sup>7</sup>
  - Draft Hampshire Local Transport Plan (LTP4)<sup>8</sup>

<sup>4</sup> <https://www.testvalley.gov.uk/assets/attach/2446/Adopted-Local-Plan-2011-2029.pdf> [Accessed 20/09/2022]

<sup>5</sup> <https://www.newforestnpa.gov.uk/assets/attach/2446/Local-Plan-2016-2036-finalforweb.pdf> [Accessed 20/09/2022]

<sup>6</sup> <https://www.basingstoke.gov.uk/content/doclib/1592.pdf> [Accessed 20/09/2022]

<sup>7</sup> <https://www.southampton.gov.uk/assets/attach/2446/Local-Development-Plan-2015-2026.pdf> [Accessed 20/09/2022]

<sup>8</sup> <https://documents.hants.gov.uk/transport/Hampshire-LTP-Final.pdf> [Accessed 20/09/2022]

- Southern Water Water Resources Management Plan (WRMP) 2020-2070 (Adopted December 2019)<sup>9</sup>

## 3. European Sites Relevant to the Neighbourhood Plan

3.1 The locations of European sites in relation to Wellow Parish are illustrated in **Figure 1: European sites within 10km of Wellow Neighbourhood Plan Area.**

### River Avon SAC

#### Conservation Objectives<sup>10</sup>

- 3.2 With regards to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;
- 3.3 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the Favourable Conservation Status of its Qualifying Features by maintaining or restoring;
- The extent and distribution of qualifying natural habitats and habitats of qualifying species;
  - The structure and function (including typical species) of qualifying natural habitats;
  - The structure and function of the habitats of qualifying species;
  - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely;
  - The populations of qualifying species; and,
  - The distribution of qualifying species within the site.

### Qualifying Features

3.4 The following features are reasons for designation as an SAC:

#### **Annex I habitats that are a primary reason for selection of this site:**

- Rivers with floating vegetation often dominated by water-crowfoot

#### **Annex II species that are a primary reason for selection of this site:**

- Desmoulin's whorl snail *Vertigo moulinsiana*
- Sea lamprey *Petromyzon marinus*
- Brook lamprey *Lampetra planeri*
- Atlantic salmon *Salmo salar*

<sup>9</sup> [Water Resources Management Plan 2020-70 \(southernwater.co.uk\)](https://www.southernwater.co.uk/water-resources-management-plan-2020-2070) [Accessed 20/09/2022]

<sup>10</sup> [http://publications.naturalengland.org.uk/file/5809608165949440](https://publications.naturalengland.org.uk/file/5809608165949440) [Accessed 21/09/2022]

- Bullhead *Cottus gobio*

## Environmental Vulnerabilities Relevant to the Plan<sup>11</sup>

3.5 The threats and pressures likely to affect the SAC are listed below:

- Physical modification
- Siltation
- Water pollution
- Water abstraction
- Changes in species distribution
- Invasive species
- Hydrological changes
- Inappropriate weed control
- Habitat fragmentation

## Mottisfont Bats SAC

### Conservation Objectives<sup>12</sup>

3.6 With regard to the SAC and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

3.7 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contribute to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring:

- The extent and distribution of the habitats of qualifying species
- The structure and function of the habitats of qualifying species
- The supporting processes on which the habitats of qualifying species rely
- The populations of qualifying species, and,
- The distribution of qualifying species within the site.

### Qualifying Features<sup>13</sup>

3.8 The following features are reasons for designation as an SAC:

#### Annex II species that are a primary reason for selection of this site

- Barbastelle bats (*Barbastella barbastellus*)

<sup>11</sup> <http://publications.naturalengland.org.uk/file/6247102287970304> [Accessed 21/09/2022]

<sup>12</sup> [European Site Conservation Objectives for Mottisfont Bats SAC - UK0030334 \(naturalengland.org.uk\)](#) (Assessed 23/02/2022)

<sup>13</sup> [Mottisfont Bats - Special Areas of Conservation \(jncc.gov.uk\)](#) (Assessed 23/02/2022)

## Environmental Vulnerabilities<sup>14</sup>

3.9 The threats and pressures likely to affect the SAC are listed below:

- Feature location/ extent/ condition unknown
- Forestry and woodland management
- Offsite habitat availability/ management

## Emer Bog SAC

### Conservation Objectives<sup>15</sup>

3.10 With regard to the SAC and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

3.11 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contribute to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of the qualifying natural habitat
- The structure and function (including typical species) of the qualifying natural habitat, and,
- The supporting processes on which the qualifying natural habitat rely

### Qualifying Features<sup>16</sup>

3.12 The following features are reasons for designation as an SAC:

#### **Annex I habitats that are primary reason for selection of this site:**

- Transition mires and quaking bogs

## Environmental Vulnerabilities<sup>17</sup>

3.13 The threats and pressures likely to affect the SAC are listed below:

- Public access / disturbance
- Hydrological changes
- Air pollution: impact of atmospheric nitrogen deposition

<sup>14</sup> [European Site Conservation Objectives for Mottisfont Bats SAC - UK0030334 \(naturalengland.org.uk\)](#) (Assessed 23/02/2022)

<sup>15</sup> [European Site Conservation Objectives for Emer Bog SAC - UK0030147 \(naturalengland.org.uk\)](#) (Assessed 23/02/2022)

<sup>16</sup> [Emer Bog - Special Areas of Conservation \(jncc.gov.uk\)](#) (Assessed 23/02/2022)

<sup>17</sup> <http://publications.naturalengland.org.uk/publication/6367668705689600> (Assessed 23/02/2022)

# The New Forest SAC

## Conservation Objectives<sup>18</sup>

- 3.14 With regard to the SAC and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.
- 3.15 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contribute to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;
- The extent and distribution of qualifying natural habitats and habitats of qualifying species
  - The structure and function (including typical species) of qualifying natural habitats
  - The structure and function of the habitats of qualifying species
  - The supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
  - The populations of qualifying species, and,
  - The distribution of qualifying species within the site.

## Qualifying Features<sup>19</sup>

3.16 The following features are reasons for designation as an SAC:

### Annex I habitats that are primary reason for selection of this site:

- Oligotrophic waters containing very few minerals of sandy plains (*Littorelletalia uniflorae*)
- Oligotrophic to mesotrophic standing waters with vegetation of the *Littorelletea uniflorae* and/or of the *Isoëto-Nanojuncetea*
- Northern Atlantic wet heaths with *Erica tetralix*
- European dry heaths
- Molinia meadows on calcareous, peaty or clayey-silt-laden soils (*Molinion caeruleae*)
- Depressions on peat substrates of the *Rhynchosporion*
- Atlantic acidophilous beech forests with Ilex and sometimes also Taxus in the shrublayer (*Quercion roburi-petraeae* or *Ilici-Fagenion*)
- Asperulo-Fagetum beech forests
- Old acidophilous oak woods with *Quercus robur* on sandy plains
- Bog woodland

<sup>18</sup> [European Site Conservation Objectives for The New Forest SAC - UK0012557 \(naturalengland.org.uk\)](https://natura2000.gov.uk/nature-scotland/conservation-objectives) (Assessed 23/02/2022)

<sup>19</sup> <https://sac.incc.gov.uk/site/UK0012557> (Assessed 23/02/2022)

- Alluvial forests with *Alnus glutinosa* and *Fraxinus excelsior* (Alno-Padion, Alnion incanae, Salicion albae)

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:**

- Transition mires and quaking bogs
- Alkaline fens

**Annex II species that are a primary reason for selection of this site**

- Southern damselfly (*Coenagrion mercuriale*)
- Stag beetle (*Lucanus cervus*)

**Annex II species present as a qualifying feature, but not a primary reason for site selection:**

- Great crested newts (*Triturus cristatus*)

## Environmental Vulnerabilities<sup>20</sup>

3.17 The threats and pressures likely to affect the SAC are listed below:

- Drainage
- Inappropriate scrub control
- Fish stocking
- Deer
- Air pollution
- Public access/disturbance
- Change in land management
- Change in species distribution
- Water pollution
- Forestry and woodland management
- Inappropriate ditch management
- Invasive species
- Vehicles
- Inappropriate cutting/mowing
- Direct impact from 3rd party

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<sup>20</sup> <http://publications.naturalengland.org.uk/publication/5174614971908096> (Assessed 23/02/2022)



## New Forest SPA and Ramsar

### Conservation Objectives<sup>21</sup>

- 3.18 With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change;
- 3.19 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;
- The extent and distribution of the habitats of the qualifying features
  - The structure and function of the habitats of the qualifying features
  - The supporting processes on which the habitats of the qualifying features rely
  - The population of each of the qualifying features, and,
  - The distribution of the qualifying features within the site.

### Qualifying Features

3.20 The following features are reasons for designation as an SPA:

- European honey buzzard (*Pernis apivorus*)
- Hen harrier (*Circus cyaneus*)
- Eurasian hobby (*Falco subbuteo*)
- European nightjar (*Caprimulgus europaeus*)
- Woodlark (*Lullula arborea*)
- Dartford warbler (*Sylvia undata*)
- Wood warbler (*Phylloscopus sibilatrix*)

3.21 The following features are reasons for designation as a Ramsar<sup>22</sup>:

#### Criterion 1

- Valley mires and wet heaths are found throughout the site and are of outstanding scientific interest. The mires and heaths are within catchments whose uncultivated and undeveloped state buffer the mires against adverse ecological change. This is the largest concentration of intact valley mires of their type in Britain.

#### Criterion 2

- The site supports a diverse assemblage of wetland plants and animals including several nationally rare species. Seven species of nationally rare

<sup>21</sup> <http://publications.naturalengland.org.uk/file/4908493534658560> (Accessed 27/04/2022)

<sup>22</sup> [Information Sheet on Ramsar Wetlands - The New Forest \(jncc.gov.uk\)](https://www.jncc.gov.uk/information-sheet-on-ramsar-wetlands-the-new-forest) (Accessed 27/04/22)



plant are found on the site, as are at least 65 British Red Data Book species of invertebrate.

### Criterion 3

- The mire habitats are of high ecological quality and diversity and have undisturbed transition zones. The invertebrate fauna of the site is important due to the concentration of rare and scarce wetland species. The whole site complex, with its examples of semi-natural habitats is essential to the genetic and ecological diversity of southern England.

## Environmental Vulnerabilities

3.22 The threats and pressures likely to affect the SPA and Ramsar are listed below:

- Drainage
- Inappropriate scrub control
- Fish stocking
- Deer
- Air pollution
- Public access/disturbance
- Change in land management
- Change in species distribution
- Water pollution
- Forestry and woodland management
- Inappropriate ditch management
- Invasive species
- Vehicles
- Inappropriate cutting/mowing
- Direct impact from 3rd party

## Solent Maritime SAC

### Conservation Objectives<sup>23</sup>

3.23 With regard to the SAC and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

3.24 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contribute to achieving the Favourable Conservation Status of its Qualifying Features, by maintaining or restoring;

- The extent and distribution of qualifying natural habitats and habitats of qualifying species

<sup>23</sup> <http://publications.naturalengland.org.uk/file/5336347464433664> (Assessed 14/03/2022)

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

## Qualifying Features<sup>24</sup>

3.25 The following features are reasons for designation as an SAC:

Annex I habitats that are a primary reason for selection of this site:

- Estuaries
- Spartina swards (*Spartinion maritimae*)
- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

**Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:**

- Sandbanks which are slightly covered by sea water all the time
- Mudflats and sandflats not covered by seawater at low tide
- Coastal lagoons \* Priority feature
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Salicornia and other annuals colonizing mud and sand
- "Shifting dunes along the shoreline with *Ammophila arenaria* ("white dunes")"

**Annex II species present as a qualifying feature, but not a primary reason for site selection:**

- Desmoulin's whorl snail (*Vertigo moulinsiana*)

## Environmental Vulnerabilities<sup>25</sup>

3.26 The threats and pressures likely to affect the SAC are listed below:

- Public Access/Disturbance
- Coastal squeeze
- Fisheries: Commercial marine and estuarine
- Water Pollution
- Changes in species distributions
- Climate change

<sup>24</sup> [Solent Maritime - Special Areas of Conservation \(jncc.gov.uk\)](https://jncc.gov.uk/) (Assessed 14/03/2022)

<sup>25</sup> <http://publications.naturalengland.org.uk/file/5319610920337408> (Assessed 14/03/2022)

- Change to site conditions
- Invasive species
- Direct land take from development
- Biological Resource Use
- Change in land management
- Inappropriate pest Threat control
- Air Pollution: impact of atmospheric nitrogen deposition
- Hydrological changes
- Direct impact from 3rd Threat party
- Extraction: non-living resources

## Solent & Southampton Water SPA

### Conservation Objectives<sup>26</sup>

3.27 With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

3.28 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

### Qualifying Features<sup>27</sup>

3.29 The following features are reasons for designation as an SPA:

- Dark-bellied brent goose (Non-breeding) *Branta bernicla bernicla*;
- Eurasian teal (Non-breeding) *Anas crecca*;
- Ringed plover (Non-breeding) *Charadrius hiaticula*;
- Black-tailed godwit (Non-breeding) *Limosa limosa islandica*;
- Mediterranean gull (Breeding) *Larus melanocephalus*;
- Sandwich tern (Breeding) *Sterna sandvicensis*;
- Roseate tern (Breeding) *Sterna dougallii*;
- Common tern (Breeding) *Sterna hirundo*;

<sup>26</sup> <http://publications.naturalengland.org.uk/file/5932771361161216> (Assessed 14/03/2022)

<sup>27</sup> <http://publications.naturalengland.org.uk/file/5932771361161216> (Assessed 14/03/2022)

- Little tern (Breeding) *Sterna albifrons*;

## Environmental Vulnerabilities<sup>28</sup>

3.30 The threats and pressures likely to affect the SPA are listed below:

- Public Access/Disturbance
- Coastal squeeze
- Fisheries: Commercial marine and estuarine
- Water Pollution
- Changes in species distributions
- Climate change
- Change to site conditions
- Invasive species
- Direct land take from development
- Biological Resource Use
- Change in land management
- Inappropriate pest Threat control
- Air Pollution: impact of atmospheric nitrogen deposition
- Hydrological changes
- Direct impact from 3rd Threat party
- Extraction: non-living resources

## Solent and Dorset Coast SPA

### Conservation Objectives<sup>29</sup>

3.31 With regard to the SPA and the individual species and/or assemblage of species for which the site has been classified (the 'Qualifying Features' listed below), and subject to natural change.

3.32 Ensure that the integrity of the site is maintained or restored as appropriate, and ensure that the site contributes to achieving the aims of the Wild Birds Directive, by maintaining or restoring;

- The extent and distribution of the habitats of the qualifying features
- The structure and function of the habitats of the qualifying features
- The supporting processes on which the habitats of the qualifying features rely
- The population of each of the qualifying features, and,
- The distribution of the qualifying features within the site.

<sup>28</sup> <http://publications.naturalengland.org.uk/file/5319610920337408> (Assessed 14/03/2022)

<sup>29</sup> <http://publications.naturalengland.org.uk/file/6374193567629312> (Assessed 14/03/2022)

## Qualifying Features<sup>30</sup>

3.33 The following features are reasons for designation as an SPA:

- Sandwich tern (*Sterna sandvicensis*) Breeding
- Common tern (*Sterna hirundo*) Breeding
- Little tern (*Sternula albifrons*) Breeding

## Environmental Vulnerabilities<sup>31</sup>

3.34 The threats and pressures likely to affect the marine SPA are listed below:

- Maintaining breeding population for sandwich turn at above 441 pairs, little turn above 63 pairs, and common turn at above 492 pairs
- Maintaining safe passage for birds moving between nesting and feeding areas
- Recreational pressure on roosting, nesting foraging, feeding, moulting and/or loafing birds
- Air quality
- Maintaining suitable habitat within the European site
- Maintain functionally linked land
- Maintain abundance of key food and prey items
- Water quality

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<sup>30</sup> <http://publications.naturalengland.org.uk/file/6374193567629312> (Assessed 14/03/2022)

<sup>31</sup> [Southampton & Dorset Coast SPA Supplementary Advice on Conservation Objectives \(naturalengland.org.uk\)](#) [Accessed 13/09/2022]

## 4. Test of Likely Significant Effects

### Impact Pathways

4.1 Based on the Natural England Site Improvement Plans and Supplementary Advice on Conservation Objectives for the Relevant European Sites the following threats and pressures (impact pathways) will be discussed further within the Appropriate Assessment:

- **Functionally Linked Land** with regards to:
  - Mottisfont Bats SAC
- **Air Quality** with regards to:
  - New Forest SAC, SPA and Ramsar
- **Recreational Pressure** with regards to:
  - New Forest SAC, SPA and Ramsar
- **Water Resources** specifically **Abstraction** with regards to:
  - Solent & Southampton Water SPA and Ramsar
  - Solent Maritime SAC
- **Water Quality** specifically **Nutrient Neutrality** with regards to:
  - Solent & Southampton Water SPA and Ramsar
  - Solent Maritime SAC
  - Solent and Dorset Coast SPA

4.2 The full Test of Likely Significant Effects for each pathway and how it relates to the European site can be seen in the Tables 1 to 6 below:

**Table 1. Description of threats and pressures at River Avon SAC and whether development in the Parish of Wellow could exacerbate them.**

Impact pathway	Discussion
	<p>The neighbourhood plan does not have control over the following impact pathways within the European site:</p> <ul style="list-style-type: none"> <li>– Physical Modification</li> <li>– Siltation</li> <li>– Change in species distribution</li> <li>– Invasive species</li> <li>– Inappropriate weed control</li> <li>– Change in land management</li> <li>– Habitat fragmentation</li> <li>– Hydrological changes</li> </ul> <p>These impact pathways can be screened out of further assessment.</p>
Water pollution	The site improvement plan notes that “Diffuse pollution from agriculture, small point discharges and sewage treatment work (STW)

## Impact pathway

## Discussion

discharges are contributing to elevated levels of nutrients (by 10-50ug/l P) and reduced dissolved oxygen levels in parts of the SAC. Catchment sensitive farming measures (including agri-environment scheme resource protection measures) are estimated to deliver approximately 10% (maximum 20%) reduction in P levels. Whilst nearly all Sewage Treatment Works (STWs) within the catchment have been limited to 1mg/l P, and the locations in the Avon catchment that show improving water quality trends generally coincide with improvements to STWs in that reach of river, it is likely that further reductions of P will be necessary from STWs and also small point sources." Wellow Neighbourhood Plan area does not sit within the Avon River catchment and so STWs that service the Wellow Neighbourhood Plan area are unlikely to drain into the River Avon Catchment. The Neighbourhood plan has no control over agriculture or small point discharged. Wellow Parish treated sewage is serviced by Southern Water and is discharged from West Wellow STW into the Blackwater River. This impact pathway can be screened out of further assessment.

### Water abstraction

. The River Avon SAC catchment and the Wellow Parish water supply catchment are all within the Bournemouth Water supply area. The majority of the water supply for the Bournemouth Water area comes from abstraction and some groundwater supply. However, much of the Hampshire River Avon catchment is either licensed under restricted abstraction or no abstraction of surface or groundwater<sup>32</sup>. The Neighbourhood Plan does not have control over the level of abstraction within the River Avon SAC, this is determined through licensing by the overarching water company. The Bournemouth Water Water Resources Management Plan (WRMP) states that the Bournemouth Water Resource Zone (WRZ) is projected to be in supply surplus for the entirety of the Plan period. The current abstraction licences have been reviewed as part of the current Water Industry National Environment Programme (WINEP). Due to the supply surplus for the WRZ there are no proposed changes to any of the abstraction licences for the plan period and therefore no impacts to the SAC are likely. This impact pathway can therefore be screened out from further assessment.

### Public access/distur bance

The site improvement plan raises the issue of public access and disturbance with regards to dog walkers disturbing wildfowl, however, this is related to the Avon Valley SPA species Bewick's swan (for which the site improvement plan also covers, rather than the Avon River SAC. Similarly, the Supplementary Advice on Conservation Objectives does not mention public access / disturbance as a pressure or threat on the European site. Therefore, this impact pathway can be screened out from further assessment.

<sup>32</sup> [Hampshire Avon abstraction licensing strategy.pdf \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/605710/Hampshire_Avon_abstraction_licensing_strategy.pdf) [Accessed 08/09/2022]



**Table 2. Description of threats and pressures at Emer Bog SAC and whether development in the Parish of Wellow could exacerbate them.**

Impact pathway	Discussion
Public access / Disturbance	<p>Emer Bog SAC is designated for Annex I habitat of transition mires and quaking bogs for which this is considered to be one of the best areas in the United Kingdom. These areas of transition mires and quaking bog are mostly threatened by hydrological, eutrophication as well as erosion and fragmentation on to the unstable 'quaking' surface. Emer Bog consists of eastern and western areas of open swamp and mire communities with large wet areas of tall herb fen with small open pools resulting in much of the site being inaccessible to the public<sup>33</sup>.</p> <p>Additional recreation stemming from the Wellow Neighbourhood Plan is unlikely to act upon Emer Bog alone given that Emer Bog SAC is 6.0km from Wellow Neighbourhood Plan area and the number of proposed developments is small (20 dwellings). Additionally, due to the small likelihood of Emer Bog attracting dog walkers and other disturbing recreational activities, as much of the site is inaccessible to the public, the Wellow Neighbourhood Plan is also unlikely to increase recreational pressure in-combination with other plans and projects. This impact pathway can be screened out of further assessment.</p>
Hydrological Changes	<p>As Emer Bog SAC is designated for bog/mire habitat, surface water hydrology could also be affected by increased dwellings within the hydrological catchment of the SAC. Studies have been undertaken by Test Valley Council with regards to the hydrology of Emer bog SAC and its surrounding catchment including water quality, quantity and flow/discharge rates. These studies have created a critical and wider catchment zone. Within these catchment zone development proposals would need an assessment to demonstrate any changes to surface and/or ground water would not adversely affect the sites hydrology. The critical catchment extends north of Emer bog to just south of Greenridge Farm (SU392219) and Churchers Common Plantation (SU402221) and around Baddesley Common (SU392207). The wider catchment extends south of the critical catchment into North Baddesley (SU388199)<sup>34</sup>. The wider catchment area is approximately 5.3km east of the Wellow Neighbourhood Plan area boundary and further from the allocated sites. This impact pathway can be screened out from further assessment.</p>
Air Quality	<p>The A27 lies 600m south of Emer Bog SAC which is designated for habitat features of a young oligotrophic and mesotrophic basin mire, together with associated damp acidic grassland, heathland and developing woodland. While these habitats are vulnerable to air quality impacts, none are within 200m of a major through route (A road) and therefore vehicle emissions from the Neighbourhood Plan or other plans and projects would not be significant to local pollution</p>

<sup>33</sup> [Surface Water Quality and Hydro-ecological Regime of Emer Bog cSAC \(2003\) \(testvalley.gov.uk\)](https://testvalley.gov.uk/~/media/00000000-0000-0000-0000-000000000000/00000000-0000-0000-0000-000000000000.pdf) [Accessed 09/09/2022]

<sup>34</sup> [Emer Bog and Baddesley Common Hydrological Desk Study \(2017\) \(testvalley.gov.uk\)](https://testvalley.gov.uk/~/media/00000000-0000-0000-0000-000000000000/00000000-0000-0000-0000-000000000000.pdf) [Accessed 09/09/2022]



Impact pathway	Discussion
	levels. This impact pathways can be screened out from further assessment.

**Table 3. Description of threats and pressures at Mottisfont Bats SAC and whether development in the Parish of Wellow could exacerbate them.**

Impact pathway	Discussion
	<p>The neighbourhood plan does not have control over the following impact pathways within the European site:</p> <ul style="list-style-type: none"> <li>– Feature location/ extent/ condition unknown</li> <li>– Forestry and woodland management</li> </ul> <p>These impact pathways can be screened out of further assessment.</p>
Offsite habitat availability/ management	<p>The site designation of Mottisfont Bats is a mixed woodland located c. 3.8km at its closest from the boundary of the Neighbourhood Plan area, and c. 6.9km from the closest allocation. Barbastelle bat, which is the qualifying feature of the SPA designation, has a typical core sustenance zone of 6km around the designated sites in which they have their maternity colonies<sup>35</sup>. However, local evidence justifies a requirement for a core sustenance zone of 7.5km around Mottisfont Bats SAC<sup>36</sup>. As such, areas within this distance could have potential as functionally linked land. <b>This will be discussed further within the Appropriate Assessment</b></p>

**Table 4. Description of threats and pressures at New Forest SAC, SPA and Ramsar and whether development in the Parish of Wellow could exacerbate them.**

Impact pathway	Discussion
	<p>The neighbourhood plan does not have control over the following impact pathways within the European site:</p> <ul style="list-style-type: none"> <li>– Drainage</li> <li>– Inappropriate scrub control</li> <li>– Fish stocking</li> <li>– Deer</li> <li>– Changes in species distributions</li> <li>– Forestry and woodland management</li> <li>– Inappropriate ditch management</li> <li>– Invasive species</li> <li>– Vehicles</li> <li>– Inappropriate cutting / mowing</li> <li>– Direct impact from 3<sup>rd</sup> party</li> </ul> <p>These impact pathways can be screened out of further assessment.</p>

<sup>35</sup> [Bat Conservation Trust Core Sustenance Zones: Determining Zone Size \(2016\) \(cdn.bats.org.uk\)](https://cdn.bats.org.uk/) [Accessed 09/09/2022]

<sup>36</sup> [Bat SAC Developers Guidance - Mottisfont Bats \(2015\) \(wiltshire.gov.uk\)](https://wiltshire.gov.uk/) [Accessed 09/09/2022]

## Impact pathway

## Discussion

### Air Quality

The New Forest SAC/SPA/Ramsar lies immediately adjacent to the A36 through the Neighbourhood Plan Area. Within 200m an increase in net new dwellings could have a likely significant impact upon the European site. With the Neighbourhood Plan allocating a very small number of dwellings (20 net new dwellings) it is unlikely that the Neighbourhood Plan would impact the European sites alone, however, it may impact the sites in-combination with an increase in net new dwellings in the wider area, especially given that recreational visits can hail from up to 15km outside of the New Forest National Park. **Therefore, this impact pathways will be discussed further within the Appropriate Assessment.**

### Public access / disturbance

The New Forest SAC is a large and complex ecosystem and one of the largest remaining relatively wild areas in the South of England attracting enormous numbers of visitors each year. The SPA is designated for breeding birds including woodlark, nightjar, and hen harrier. Additionally, the Ramsar is designated for rare mire habitats, plants and invertebrates.

The New Forest SPA, SAC and Ramsar are all located within the Parish of Wellow (West Wellow Common and Canada Common), south-west of the village of West Wellow and west of the settlements of Canada and Canada Common.

Visitor survey work undertaken for New Forest National Park Authority has led to the identification of a 13.8km core catchment for recreational pressure around the SAC/SPA, extending up to 15km for larger developments<sup>37</sup> <sup>38</sup>. As the SAC/SPA/Ramsar is within the Parish and therefore well within the core recreational catchment, **net new dwellings within the Neighbourhood Plan could have a likely significant effect and therefore this impact will be discussed further within the Appropriate Assessment.**

### Water pollution

With regards to water pollution the Site Improvement Plan notes *"Many villages have properties that are not on mains sewerage and have domestic treatment units which discharge into ditches and streams that are either within or flow into the SAC. The ditches and streams have seasonal flow and this in combination with a number of properties all discharging into the same channel could lead to an increase in nutrient levels impacting on the habitats they flow through, reducing species richness and diversity"*. However, new dwellings will be connected to mains sewerage and so surface run off is unlikely to be an impact for the European sites. New dwellings utilising sewerage treatment works would likely discharge to the Blackwater River within the Test & Itchen water catchment. The Blackwater River naturally flows north-east away from the New Forest European sites before turning south and joining the River Test north-east of Calmore and Test Wood. Therefore, this impact pathway can be screened out from further assessment.

<sup>37</sup> [Footprint Ecology - Discussion and Analysis relating to the New Forest SAC/SPA/Ramsar and a zone of influence for recreation \(2021\) \(testvalley.gov.uk\)](#) [Accessed 09/09/2022]

<sup>38</sup> [New Forest SAC, SPA, Ramsar - Recreational Impact Mitigation Zone \(2021\) \(testvalley.gov.uk\)](#) [Accessed 09/09/2022]

**Table 5. Description of threats and pressures at Solent and Southampton Water SPA/Ramsar and Solent Maritime SAC and whether development in the Parish of Wellow could exacerbate them.**

Impact pathway	Discussion
	<p>The neighbourhood plan does not have control over the following impact pathways within the European site:</p> <ul style="list-style-type: none"> <li>– Coastal squeeze</li> <li>– Fisheries: commercial marine and estuarine</li> <li>– Change in species distribution</li> <li>– Climate change</li> <li>– Change to site conditions</li> <li>– Invasive species</li> <li>– Direct land take from development</li> <li>– Biological resource use</li> <li>– Change in land management</li> <li>– Inappropriate pest control</li> <li>– Direct impact from 3<sup>rd</sup> party</li> <li>– Extraction: non-living resources</li> </ul> <p>These impact pathways can be screened out of further assessment</p>
Public access / disturbance	<p>It is well known that the Solent European sites are vulnerable to recreational pressure through bird disturbance. The core recreational pressure zone for the Solent European sites is 5.6km, within this distance any net new dwellings could have an impact on the European site. The SPA and Ramsar are located approximately 5.2km from the boundary of the Neighbourhood Plan area, however the closest allocation (one of two) is approximately 7.4km from the SPA/Ramsar and therefore well out of the core recreational zone. The SAC is further from the neighbourhood boundary and also out of the core recreational zone. Therefore, this impact pathway can be screened out of further assessment.</p>
Water pollution	<p>The Solent European sites are vulnerable to water quality impact with specific regard to nutrient neutrality. The Solent has well known issues with nitrate enrichment from agricultural and domestic sources. High nitrate levels have caused the excessive growth of green algal mats to build within the Solent a process called eutrophication. The algal mats have a detrimental impact upon protected species and habitats within the Solent European sites. Any new dwelling within the Solent European sites catchment must demonstrate nutrient neutrality for at least 80 years to avoid exacerbating the impacts. As Wellow is within the catchment of the Solent sites, <b>net new dwellings within the Neighbourhood Plan could cause a likely significant effect upon the European sites and therefore this will be discussed further within the Appropriate Assessment</b></p>
Air quality	<p>Although the site improvement plan indicates that the nitrogen deposition exceeds site relevant critical loads, as the site is coastal and tidal, wave action is likely to remove airborne nitrogen deposition</p>

Impact pathway	Discussion
	from habitats into the water column quickly. The main source of nutrient loading within the Solent is from agriculture and domestic sources, as detailed within the “water pollution” section, and airborne nitrogen is not currently considered an impact. Therefore, this pathway can be screened out from further assessment.
Hydrological changes	The Solent European sites are, at their closest, approximately 5.2km south-east of the Neighbourhood Plan boundary and therefore any physical works within site to alter course, flow or hydrology are not controlled by the Neighbourhood Plan. With regards to abstraction specifically, the south is classified as being an area of ‘serious’ water stress and the SIP indicated that part of the European site (Tichfield Haven) has a high level of water abstraction licences not all of these are currently being used. <b>The Neighbourhood Plan does not have control over the number of abstraction licences granted or used for a specific area, however abstraction will be discussed within the appropriate assessment in combination with the wider area.</b>

**Table 6. Description of threats and pressures at Solent and Dorset Coast SPA (Marine) and whether development in the Parish of Wellow could exacerbate them.**

Impact pathway	Discussion
	<p>The neighbourhood plan does not have control over the following impact pathways within the European site:</p> <ul style="list-style-type: none"> <li>– Maintaining breeding population for sandwich turn at above 441 pairs, little turn above 63 pairs, and common turn at above 492 pairs</li> <li>– Maintaining safe passage for birds moving between nesting and feeding areas</li> <li>– Maintaining suitable habitat within the European site</li> <li>– Maintain abundance of key food and prey items</li> </ul> <p>These impact pathways can be screened out of further assessment</p>
Recreational pressure on roosting, nesting, foraging, feeding, moulting and/or loafing birds	<p>The Solent and Dorset Coast SPA is designated for three species of tern and protects the surrounding waters of other European coastal sites in the area including Solent &amp; Southampton Water SPA (for which the tree terns are also a partial designation). The SPA protects the waters which are used by terns to forage and undertake maintenance activities. Human activity can disturb foraging terns, however, the Supplementary Advice on Conservation Objectives<sup>39</sup> (SACO) mentions that all three species “<i>forage amongst and around boats, ships and personal watercrafts and there is no evidence to suggest that foraging behaviours are impact by movement of watercrafts.</i>” With regards to disturbance at the nesting sites, as with the other Solent European sites, a recreational zone of 5.6km can be</p>

<sup>39</sup> [Solent and Dorset Coast SPA Supplementary Advice on Conservation Objectives \(naturalengland.org.uk\)](https://naturalengland.org.uk) [Accessed 13/09/2022]

## Impact pathway

## Discussion

	<p>applied to highlight significant impact and given that the SPA is 5.2km and 7.4km from the closest allocation it can be concluded that net new dwellings proposed within the Neighbourhood Plan area will not have a likely significant effect upon the SPA with regards to recreational pressure and the impact pathway can be screened out from further assessment.</p>
Air quality	<p>Although the SACO listed nitrogen deposition as a potential pressure/threat to the integrity of the site. It also mentions that site specific notes have not been added as there is currently no accurate air quality data for this site, and air quality has been added as a target due to the lack of evidence that the feature is being impacts by any anthropogenic activities. Given that the site is coastal and tidal, wave action is likely to remove airborne nitrogen deposition from habitats into the water column quickly. The main source of nutrient loading within the Solent is from waterborne agriculture and domestic sources, as detailed within the “water pollution” section, and airborne nitrogen is not currently considered an impact in the Solent. Therefore, this pathway can be screened out from further assessment.</p>
Maintain functionally linked land	<p>The SPA is designated for the foraging areas of three tern species. The SACO mentions a target to maintain structure and function of supporting habitat outside of the site boundary. Land outside of the SPA that has a functional link to maintaining the conservation status of the species is classed as functionally linked land. with regards to functionally linked land to the Solent and Dorset Coast SPA, the SACO details that land functionally linked to the SPA is covered by other SPA designations such as the Solent and Southampton Water SPA which is in part designated for the same three tern species and covers their breeding grounds on the coast. As the functionally linked land is already covered by another SPA and there is already recreational mitigation strategies (the 5.6km core zone) present to which the Neighbourhood Plan is outside of, it can be concluded that the Neighbourhood Plan would not cause likely significant effect upon the SPA and this pathway can be screened out from further assessment.</p>
Water quality	<p>The Solent &amp; Dorset Coast SPA like the other Solent sites is vulnerable to water quality impact with specific regard to nutrient neutrality. The Solent has well known issues with nitrate enrichment from agricultural and domestic sources. High nitrate levels have caused the excessive growth of green algal mats to build within the Solent a process called eutrophication. The algal mats have a detrimental impact upon protected species and habitats within the Solent and Dorset Coast SPA. Any new dwelling within the Solent water catchment must demonstrate nutrient neutrality for at least 80 years to avoid exacerbating the impacts. As Wellow is within the catchment of the Solent sites, <b>net new dwellings within the Neighbourhood Plan could cause a likely significant effect upon</b></p>

## Impact pathway

## Discussion

**the European sites and therefore this will be discussed further within the Appropriate Assessment**

## Neighbourhood Plan Policies

4.3 In the table below, where the 'Screening Outcome' column is coloured green, it is determined that the policy does not contain any potential linking impact pathways to a European site, and as such **can** be 'screened out' from resulting in a LSE. Where the 'Screening Outcome' column is coloured orange, potential linking impact pathways may exist and as such the policy **cannot** be screened out from resulting in a LSE and as such is subject to AA in Chapter 5.

**Table 7. Screening Assessment (Likely Significant Effect Test) of the Neighbourhood Plan Policies**

Policy	Brief Summary	Screening Outcome
Policy Sustainable Development WP-S1	This is a development management policy which aids the council in determining the acceptability of planning applications based on a set of criteria which guides the delivery of sustainable development.	No likely significant effects Development management policies do not present linking impact pathways and can be screened out from AA
Policy Renewable Energy Development WP-S2	This is a development management policy detailing conditions by which the council will support renewable energy development.	No likely significant effects Development management policies do not present linking impact pathways and can be screened out from AA
Policy Landscape Character within the National Park WP-L1A	This is a development management policy detailing conditions by which the council will support development within the New Forest National Park. This policy is created to protect the landscape character of the National Park.	No likely significant effects. Development management policies do not present linking impact pathways and can be screened out from AA.
Policy Landscape Character Outside of the National Park WP-L1B	This is a development management policy detailing the conditions by which the council will support development outside of the New Forest	No likely significant effects. Development management policies do not present linking impact pathways and can be screened out from AA.



Policy	Brief Summary	Screening Outcome
	National Park. This policy is created to protect the landscape character of the National Park and its immediate surrounding areas.	
Policy Equestrian Facilities	WP-L2 This is a development management policy detailing the conditions by which the council will support development of or associated with equestrian facilities.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy Local Spaces	WP-L3 This is a development management policy protecting local greenspaces from development except in special circumstance.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA,
Policy Important Views	WP-L4 This is a development management policy to ensure that views of moderate and significant values to the Parish will be preserved	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy Green and Blue Infrastructure	WP-L5 This is a development management policy which sets out criteria by which the council will support an application with regards to creating and enhancing green and blue infrastructure.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy WP-L6 Dark Night Skies	This is a development management policy to ensure that dark night skies are not affected by new development	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy Biodiversity	WP-L7 This is a development management policy to ensure the protection of internationally and nationally designated sites, irreplaceable habitats, mature and veteran trees	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.

Policy	Brief Summary	Screening Outcome
	and other protected habitats and to also ensure at least 10% biodiversity net gain	This policy includes a section relating to HRA and the impact on Wellow Common which is inside the New Forest SPA, SAC and Ramsar boundary. Although Wellow Common is part of the SPA/SAC/Ramsar, HRA looks at the impact of development on the New Forest SPA/SAC/Ramsar as a whole site, rather than the component of the designated site within the Parish boundary. Therefore, it would be better to say “in particular the need to carry out an ‘Appropriate Assessment’ where development is likely to have a significant effect on European sites, including but not limited to the New Forest SPA/SAC/Ramsar and Mottisfont Bats SAC”
Policy WP-L8 The River Blackwater	This is a development management policy to ensure the protection and enhancement of the waterside character, biodiversity and heritage value of the area around the River Blackwater.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy WP-F1 Solent and Southampton Water SPA and Solent Maritime SAC	This is a development and management policy to ensure developments with the Solent European sites catchments are nutrient neutral to protect the Solent habitats and/or reduce eutrophication within the Solent.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.  A nutrient neutrality calculation will be provided within the HRA for each of the allocations within the Neighbourhood Plan.
Policy WP-F2 Flooding and Drainage	This is a development and management policy with regards to ensuring sustainable drainage systems are used within developments proposed within the Parish.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.



Policy	Brief Summary	Screening Outcome
Policy WP-H1 Housing Need	This is a development management policy which sets out details are required in a planning application when more than one additional dwelling is proposed on a site.	No likely significant effects.  Development management policies do not present linking impact pathways. This policy does not allocate a quantum of development and can be screened out from AA.
Policy WP-H2 Infill and Redevelopment	This is a development management policy that defines the criteria which are needed for the development to be supported by the council with regards to infill development and residential redevelopment	No likely significant effects.  Development management policies do not present linking impact pathways. This policy does not allocate a quantum of development and can be screened out from AA.
Policy WP-H3 Dwelling Extensions	This is a development management policy that defines the criteria which are needed for the development to be supported by the council with regards to extending existing residential dwellings	No likely significant effects.  Development management policies do not present linking impact pathways. This policy does not allocate a quantum of development and can be screened out from AA.
Policy WP-H4 Replacement Dwellings	This is a development management policy that defines the criteria which are needed for the development to be supported by the council with regards to replacing existing dwellings.	No likely significant effects.  Development management policies do not present linking impact pathways. This policy does not allocate a quantum of development and can be screened out from AA.
Policy WP-H5 Seasonal Workers Accommodation	This is a development management policy that defines the criteria which are needed for the development to be supported by the council with regards to accommodation for seasonal workers	No likely significant effects.  Development management policies do not present linking impact pathways. This policy does not allocate a quantum of development and can be screened out from AA.
Policy WP-B4 Conversion of Rural Buildings	This is a development management policy that defines the criteria which are needed for the	No likely significant effects.  Development management policies do not present linking

Policy	Brief Summary	Screening Outcome
	development to be supported by the council with regards to converting rural buildings.	impact pathways. This policy does not allocate a quantum of development and can be screened out from AA.
Policy WP-H6 Sites Allocated for Housing Development	<p>This policy allocates development within the Neighbourhood Plan area:</p> <p>Site WP1 – Land at Rowden Close for approximately 6-8 new open market dwellings to be a mix of 2-3 bedroom properties.</p> <p>Site WP2 – Land adjacent to Meadow Close for approximately 10 new affordable dwellings with a mix to be agreed and a further up to 2 open market houses to be a mix of 2-3 bedrooms.</p>	<p>Potential likely significant effects.</p> <p>This policy allocates approximately 20 net new dwellings within the Neighbourhood Plan area.</p> <p>The increase in net new dwellings could potentially have an impact on European sites with regards to:</p> <ul style="list-style-type: none"> <li>• Recreational Pressure</li> <li>• Functionally Linked Land</li> <li>• Air Quality</li> <li>• Water Quality (Nutrient Neutrality)</li> <li>• Water Resources (Abstraction)</li> </ul>
Policy WP-B1 Settlement Character	This is a development management policy to ensure that settlement character is retained for the area within the Neighbourhood Plan boundary.	<p>No likely significant effects.</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy WP-B2 Design Heritage	This is a development and management policy that defines the criteria which are needed for the development to be supported by the council with regards to design and protection of heritage assets.	<p>No likely significant effects.</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>
Policy WP-B3 Special Character Area	This is a development management policy that defines the criteria which are needed for the council to support development within residential areas of special character.	<p>No likely significant effects.</p> <p>Development management policies do not present linking impact pathways and can be screened out from AA.</p>

Policy	Brief Summary	Screening Outcome
Policy West Village Improvements	WP-C1 This is a development management policy that promotes maximising the opportunities to improve the village centre of West Wellow for the community.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy Infrastructure Community Aspirations	WP-C2 This is a development / management policy which supports development within the Neighbourhood Plan area where it satisfies other policies in the Plan and secures provision or funding for infrastructure that directly mitigates the effects of the development.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy Employment Development	WP-E1 This is a development management policy that sets out criteria which are needed for the council to support development with regards to local employment development	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy Accessibility, Road Safety and Sustainable Transport	WP-T1 This is a development management policy that sets out criteria which are needed for the council to support development with regards to the accessibility and road safety of a development and incorporation of use of sustainable transport.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.
Policy Quiet Lanes	WP-T2 This is a development management policy which aims to protect the rural character of the Neighbourhood Plan area by ensuring quiet, narrow single track lanes are protected in their current state.	No likely significant effects.  Development management policies do not present linking impact pathways and can be screened out from AA.

## 5. Appropriate Assessment

### Introduction

- 5.1 The law does not prescribe how an appropriate assessment should be undertaken or presented but the appropriate assessment must consider all impact pathways that have been screened in, whether they are due to policies alone or to impact pathways that arise in combination with other projects and plans. That analysis is the purpose of this section. The law does not require the 'alone' and 'in combination' effects to be examined separately provided all effects are discussed.
- 5.2 The single policy that requires further consideration (as determined within Table 7) that is subject to appropriate assessment and therefore discussed in this chapter is - **Policy WP-H6 Sites Allocated for Housing Development**. There are two allocation sites:
- Site WP1 – Land at Rowden Close for approximately 6-8 new open market dwellings to be a mix of 2-3 bedroom properties.
  - Site WP2 – Land adjacent to Meadow Close for approximately 10 new affordable dwellings with a mix to be agreed and a further up to 2 open market houses to be a mix of 2-3 bedrooms.
- 5.3 As the Neighbourhood Plan is allocating such a small number of net new dwellings (20 dwellings) and the nature of the impact pathways discussed within the Test of Likely Significant Effects, it can be concluded that the Neighbourhood Plan would not adversely affect the integrity of the European sites alone. Therefore, this Appropriate Assessment will discuss the in-combination impact of Neighbourhood Plan with other plans and projects within the wider local.

### Recreational Pressure

#### New Forest SAC, SPA and Ramsar

- 5.4 Increased development could lead to higher numbers of visitors to European Sites. For example, the nature, scale, timing, and duration of some human activities can result in the disturbance of birds at a level that may substantially affect their behaviour, and consequently affect the long-term viability of the population. This is possible for European Sites to be visited by new residents in combination with the surrounding villages. Recreational use of a European site has the potential to:
- Prevent appropriate management or exacerbate existing management difficulties.
  - Cause damage through erosion and fragmentation.
  - Cause eutrophication as a result of dog fouling; and
  - Cause disturbance to sensitive species, particularly ground-nesting birds and wintering wildfowl
- 5.5 The New Forest SAC is a large and complex ecosystem and one of the largest remaining relatively wild areas in the South of England attracting enormous

numbers of visitors each year. The SPA is designated for breeding birds including woodlark, nightjar, and hen harrier. Additionally, the Ramsar is designated for rare mire habitats, plants and invertebrates.

- 5.6 The New Forest SPA, SAC and Ramsar are all located within the Parish of Wellow (West Wellow Common and Canada Common), south-west of the village of West Wellow and west of the settlements of Canada and Canada Common.
- 5.7 As described in the Test of Likely Significant Effects, research<sup>40 41</sup> has recently been published to understand the core recreational zone of the New Forest European sites. The core recreational zone is the straight line distance from home postcode to the boundary of the European site of which 75% of regular visitors travel. This core zone extends 13.8km from all three designations. Within this core zone, mitigation is expected from all developments, with developments of 200 or more dwellings within 15km looked at on a case-by-case basis.
- 5.8 Test Valley Borough Council has developed a strategic approach to avoiding and mitigating the potential impacts of increasing recreational pressure on the New Forest. At a high level this is highlighted in Policy 5: Biodiversity, of the Adopted Local Plan which states; *“Development that is likely to result in a significant effect, either alone or in combination, on an international or European nature conservation designation, or a site proposed for such designation will need to satisfy the requirements of the Habitats Regulations”*
- 5.9 Prior to the research Footprint Ecology undertook on recreational zoning, the council created the New Forest SPA Mitigation Interim Framework<sup>42</sup>, which sets out *“an approach to be taken in considering proposals for net gains in dwellings... in relation to the requirements of the [Habitats Regulations] for the New Forest SPA designations and recreational pressures”*. The framework bases the areas where development is required to provide mitigation on an Open Spaces Residents Survey from 2014 which created a 13.6km recreational zone. However, the report by Footprint overrides these areas with the 13.8km (up to 15km) core recreational zone. The mitigation which the developments need to carry out, is still valid at the time of writing this report<sup>43</sup>.
- 5.10 Mitigation measures proposed within the Interim Framework are as follows:
- “a) Put forward evidence to justify that the proposal would not lead to a likely significant effect when considered alone, or in combination.*
  - b) Develop a bespoke mitigation package for the proposal, which would need to be subject to site specific Habitats Regulations Assessment*
  - c) Provide alternative natural green space for recreational use to a standard of 8ha per 1000 population, to be designed to divert visitors from the New Forest SPA<sup>44</sup>*
  - d) Provide a contribution of £1,300 per dwelling for off-site mitigation.*

<sup>40</sup> [Footprint Ecology - Discussion and Analysis relating to the New Forest SAC/SPA/Ramsar and a zone of influence for recreation \(2021\) \(testvalley.gov.uk\)](https://www.testvalley.gov.uk/assets/attach/2424/pt4-1-141001-NF-Interim-Framework-website.pdf) [Accessed 09/09/2022]

<sup>41</sup> [New Forest SAC, SPA, Ramsar - Recreational Impact Mitigation Zone \(2021\) \(testvalley.gov.uk\)](https://www.testvalley.gov.uk/assets/attach/2424/pt4-1-141001-NF-Interim-Framework-website.pdf) [Accessed 09/09/2022]

<sup>42</sup> <https://www.testvalley.gov.uk/assets/attach/2424/pt4-1-141001-NF-Interim-Framework-website.pdf> [Accessed 13/09/2022]

<sup>43</sup> <https://www.testvalley.gov.uk/planning-and-building/guidance/solent-southampton-water-special-protection-area> [Accessed 13/09/2022]

<sup>44</sup> Such provisions would need to be designed seeking advice from the Borough Council and Natural England. The figure relates to the net area of usable space and is in addition to public open space requirements. This option is unlikely to be appropriate for smaller sites given the scale of provision it would be likely to generate.



*The council would need to agree the proposed approach to mitigation. In addition to mitigation measures, a contribution towards monitoring measures would be required (payable on occupation), this has been factored into the figure provided for option d)."*

- 5.11 As the Policy and Interim Framework is a part of the overarching Local Plan, the Neighbourhood Plan is required to comply with this mitigation as well. Therefore, should a development within the Neighbourhood Plan not be able to provide evidence that there will not be a significant effect, the developer will have to provide mitigation in accordance with one of options b) to d). Given that the developments within the Neighbourhood Plan are relatively small e.g. a total of 20 dwellings over two allocation sites, the most appropriate mitigation option would be d) to provide a contribution to Suitable Alternative Natural Greenspace (SANG) and Strategic Access Management and Monitoring (SAMM) which is included in the tariff provided. The council should be contacted with regards to ensuring a strategic SANG with an appropriate amount of capacity is present within the required catchment area for the developments.
- 5.12 Although the Neighbourhood Plan must comply with the Local Plan, to strengthen the Neighbourhood Plan itself **it is recommended that a policy is added to the Neighbourhood Plan such as “Developments within the Core Recreational Zone (13.8km) of the New Forest SAC/SPA/Ramsar, which includes the entirety of Wellow Parish, are required to provide mitigation in accordance with Policy E5: Biodiversity of the Test Valley Local Plan 2011-2029 and the New Forest SPA Mitigation – Interim Framework 2014 or any subsequent updates of these documents.”** This text could be added as a bullet point to the Policy WP-L7– Biodiversity of the Neighbourhood Plan.
- 5.13 Should the recommended text be added to the NP and should mitigation be provided for developments in accordance with the Interim Framework or any subsequent updates at the stage of planning where mitigation is required then it can be concluded that the Wellow Neighbourhood Plan would not adversely affect the integrity of the New Forest SAC/SPA/Ramsar.

## Functionally Linked Land

### Mottisfont Bats SAC

- 5.14 While most European sites have been geographically defined in order to encompass the key features that are necessary for coherence of their structure and function, this is not the case for all such sites. Due to the highly mobile nature of waterfowl, it is inevitable that areas of habitat of crucial importance to the maintenance of their populations are outside the physical limits of the European site for which they are an interest feature. However, this area will still be essential for maintenance of the structure and function of the interest feature for which the site was designated and land use plans that may affect this land should still therefore be subject to further assessment. This has been underlined by a recent European Court of Justice ruling (C-461/17, known as the Holohan ruling<sup>45</sup>) (CJEU, 2018) which in paragraphs 37 to 40 confirms the need to consider the implications of a plan or project on habitats and species outside the

<sup>45</sup> The Holohan ruling also requires all the interest features of the European sites discussed to be catalogued (i.e. listed) in the HRA. That is the purpose of Appendix B.

European site boundary provided that those implications are liable to affect the conservation objectives of the site.

- 5.15 Areas of functionally linked land typically provide habitat for foraging or other ecological functions essential for the maintenance of the designated population e.g., high suitability roost locations. Functionally linked land may extend up to the maximum foraging distances for the bat species. However, the number of bats foraging will tend to decrease further away from the protected site and thus the importance of the land to the maintenance of the designated population will decrease.
- 5.16 Mottisfont Bats SAC is located c. 3.8km at its closest from the boundary of the Neighbourhood Plan area, and c. 6.9km from the closest allocation (WP2 – Land adjacent to Meadow Close). As described in the Test of Likely Significant effects, evidence based on the maternity colonies of bats within the SAC justifies a core sustenance zone of 7.5km<sup>46</sup>. Anything within the core sustenance zone has the potential to be functionally linked land. WP1 Land at Rowden Close is c. 7.7km from the SAC at its closest point and therefore outside of the core sustenance zone, so the rest of this discussion will focus on Site Allocation WP2 Land adjacent to Meadow Close. As a rule of thumb functionally linked land is usually considered significant where the parcel of land is considered part of a critical flyway or foraging area for the SAC designated species<sup>47</sup>. The majority of the NP area appears from aerial mapping ([www.magic.defra.gov.uk](http://www.magic.defra.gov.uk)) to be rural with a mix of grassland, woodland and arable crops, a large pig farm and several large fields with polytunnels. The main area of settlements are West Wellow in the west of the Parish and East Wellow in the east with smaller settlements Canada in the south, Blackhill in the south-east and Woodington and Shootash in the north, with hamlets and farms scattered throughout the rest of the Neighbourhood Plan area. Site Allocation WP2 Land adjacent to Meadow Close, a relatively new housing development, is on the northern most edge of the West Wellow settlement located within a large pasture field, the north-east section of which, is the development site of an indoor and outdoor equestrian facility. From aerial and street mapping the pasture field appears to have previously been cropped and recently left to pasture. There is a continuous hedgerow to the south, with a gap for the entrance to Meadow Close. Areas to the west of WP2 are arable fields and north, fields filled with polytunnels. East of meadow close is the Football Club and Hatches Farm Sports ground.
- 5.17 Barbastelle bats generally forage within the woodland in which their roost tree is located until light levels fall. At this stage, they fly beyond the woodland to the wider countryside to forage in more open habitats like wood pasture, parklands, wetlands, over herb-rich meadows and alongside hedgerows and tree lines<sup>48</sup>. The site allocation is bordered by hedgerow to the south and pasture and arable on two sides. So, there is potential for the allocation to adversely affect barbastelle that may use the site as key foraging area/corridors. However, at the plan stage there is little information regarding the design of the development or about the species which utilise the site. Therefore, at this stage the individual site cannot be fully assessed for their potential to cause an adverse effect upon the SAC.

<sup>46</sup> [Bat SAC Developers Guidance - Mottisfont Bats \(2015\) \(wiltshire.gov.uk\)](#) [Accessed 09/09/2022]

<sup>47</sup> [Functional linkage: How areas that are functionally linked to European sites have been considered when they may be affected by plans and projects - a review of authoritative decisions - NECR207 \(naturalengland.org.uk\)](#) [Accessed 14/09/2022]

<sup>48</sup> [Back from the Brink - Barbastelle species information guide \(buglife.org.uk\)](#) [Accessed 12/09/22]

- 5.18 There is a long history of development being delivered whilst taking into account roosting, commuting, and foraging locations for bats. The National Planning Policy Framework (NPPF) sets out government policy regarding consideration of biodiversity in planning decisions. Under the NPPF the presence of a protected species (such as the barbastelle bat) is a material consideration when a planning authority is considering a development proposal that, if carried out, would be likely to result in harm to the species or its habitat, as such all bat species are protected irrespective of whether they are associated with an SAC. This would be through the detailed design of individual developments, the delivery of the developments and relevant planning obligations. This could include provisions including habitat retention, habitat enhancements and designing lighting for the development that will not expose boundary features of retained/ enhanced habitats to artificial illumination greater than 0.5 lux through a combination of careful luminaire and lighting column design and physical separation between the relevant corridors and the built footprint of the development. The SAC and presence of potential functionally-linked habitat on the boundaries of the allocated sites therefore do not provide a fundamental obstacle to site allocations that may be utilised by barbastelle bats as impacts to bats can be ‘designed out’ at the site development and masterplanning stage.
- 5.19 **However, it is recommended that a more explicit requirement relating to the SAC is included in the Neighbourhood Plan Policy WP-L7 Biodiversity to make it clear that specific surveys and detailed design considerations will be required for all allocated sites to support planning applications. An example would be to state that “*Development proposals on greenfield sites and sites that support or are in close proximity to suitable commuting and foraging habitat (including mature vegetative linear features such as woodlands, hedgerows riverine and wetland habitats) should have due regard to the possibility that barbastelle bats will be utilising the site. Such proposals will be required to incorporate necessary surveys and ensure that key features (foraging habitat and commuting routes) are retained, in addition to a suitable buffer to safeguard against disturbance.*”**
- 5.20 Deferring detailed bat surveys to the planning application stage is in line with the advice of Advocate-General Kokott<sup>49</sup> to the European Court of Justice regarding the appropriate approach to HRA, and level of detail required, when a multi-stage planning process exists. She commented that: *“It would ...hardly be proper to require a greater level of detail in preceding plans [rather than planning applications] 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”.*
- 5.21 The Court of Appeal has ruled that provided the competent authority is duly satisfied that mitigation can be achieved in practice (in other words that solutions exist that are likely to be effective) this will suffice to enable a conclusion that the

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<sup>49</sup> Opinion of Advocate-General Kokott, 9th June 2005, Case C-6/04. Commission of the European Communities v United Kingdom of Great Britain and Northern Ireland, paragraph 49.  
<http://curia.europa.eu/juris/document/document.jsf?docid=58359&doclang=EN>



proposed development would have no adverse effect (No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015)<sup>50</sup>

- 5.22 The High Court has ruled that for ‘a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a decision maker is able to conclude that a development will satisfy the requirements of the Habitats Regulations’ (High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015)<sup>51</sup>
- 5.23 The UK courts have also clarified that when reaching decisions over adverse effects on integrity ‘absolute certainty that there would be no adverse effects was not required; a competent authority could be certain that there would be no adverse effects even though, objectively, absolute certainty was not proved’ (Compton Parish Council & Ors v Guildford Borough Council & Anor, 04 December 2019)<sup>52</sup>. What is required for the Neighbourhood Plan is a suitable policy framework that will protect the SAC and set out the further work required for the planning application stage.
- 5.24 Should the recommendation above be added to Neighbourhood Plan policy then it can be concluded that the Neighbourhood Plan would not have an adverse effect upon the Mottisfont Bats SAC with regards to functionally linked habitats either alone or in-combination with other plans and projects.

## Air Quality

### New Forest SAC, SPA and Ramsar

- 5.25 Although the Wellow Neighbourhood Plan is unlikely to cause significant effects upon the New Forest European sites with regards to air quality alone, there is a linking impact pathway to the New Forest European sites as they are adjacent to the A36 which runs east-west through the centre of West Wellow village. Therefore, the in-combination impact with the wider area will be discussed below.
- 5.26 The Test Valley Local Plan (2011) intends to deliver at least 10,584 net new dwellings by the end of the plan period 2029 which could increase the number of car journeys past the above European sites and given that all of the sites are above their critical nitrogen deposition loads, this has the potential to cause an impact on the integrity of the European sites.
- 5.27 However, the adopted Test Valley Local Plan has undertaken a Habitats Regulations Assessment of its own, which took account of air quality impacts and concluded “*the Local Plan was unlikely to result in significant effects upon protected sites*”. This was ensured by including the following statements from Policy E5 within the Plan:
- “*Proposals that have the potential to impact on air quality in such a way as to adversely affect these destinations will need to identify mitigation measures. For example, where it is evidenced that the increase in traffic movements will*

<sup>50</sup> [No Adastral New Town Ltd \(Claimant/Appellant\) v \(1\) Suffolk Coastal District Council \(2\) Secretary of State for Communities and Local Government \(Interested Party/Respondent\) - Case Law - VLEX 793287429](#) [Accessed 14/09/2022]

<sup>51</sup> [R Devon Wildlife Trust v Teignbridge District Council Rocklands Development Partnership \(Interested Party\) - Case Law - VLEX 792693573](#)

<sup>52</sup> [High Court Judgment Template \(woking2027.info\)](#) [Accessed 14/09/2022]

*have an impact on air quality the promotion of more sustainable modes of travel will be sought. The Council will consider how best to monitor changes in air quality with partners in areas adjoining European sites likely to be affected by additional development”*

- And with regards specifically to the New Forest SAC *“The Council has commenced work with neighbouring authorities and statutory bodies on preparing a long-term approach for mitigating the pressures on the New Forest ecological designations. In the short term the Council has approved the New Forest Interim Mitigation Framework 2014”.*

5.28 Clearly if the Local Plan is delivering 10,584 dwellings and concluded European sites would not be negatively affected then a maximum of 20 net new dwellings within the Neighbourhood Plan area is unlikely to change that conclusion, particularly since the overall allowance will have been captured in the Local Plan considerations e.g. the Local Plan has already made an allowance for growth in Wellow Parish. Furthermore, there are policies within the over-arching Local Plan with regards to protection of European sites and the Neighbourhood Plan must comply with this.

5.29 Currently Policy WP-L7 Biodiversity within the Neighbourhood Plan states that *“Proposals should clearly demonstrate regards have been had to: a) the requirements of the Habitats Regulations or their successor, in particular the need to carry out an Appropriate Assessment where development is likely to have a significant effect on the integrity of Wellow Common, which is within the New Forest Special Protection Area, Special Area of Conservation and Ramsar site as well as the Mottisfont Bats SAC Foraging Zone”.* **It is recommended a slight wording change to give additional strength to the Neighbourhood Plan in terms of overall European site protection, rather than specifically to Wellow Common. For example, “Developments which could potentially adversely affect any European site (SAC/SPA/Ramsar) would not be supported unless it can be shown through Habitats Regulations Assessment or their successor, that there are no adverse impacts to any European sites or that they are adequately mitigated”.**

5.30 As the Neighbourhood Plan must comply with the overarching adopted Local Plan and given the Borough Council are preparing a long-term approach as well as having put in place an interim mitigation framework, with the change to the wording of Policy WP-L7 it can be concluded that the Neighbourhood Plan will not contribute to an adverse effect on the integrity of the New Forest SAC, SPA and Ramsar with regards to air quality either alone or in-combination with other plans and projects.

## Abstraction

### Solent Maritime SAC, Solent and Southampton Water SPA

5.31 Solent and Southampton Water SPA and Solent Maritime SAC are vulnerable to hydrological changes due to water abstraction. This is highlighted in the Site Improvement Plan around Tichfield Haven. However, the quantum of development to be provided by Wellow is in conformity with the overarching Local Plan<sup>53</sup>. This local plan has been subject to HRA that concluded no adverse

<sup>53</sup> <https://www.testvalley.gov.uk/assets/attach/2446/Adopted-Local-Plan-2011-2029.pdf> [Accessed 15/09/2022]

effects on integrity, impact pathways relating to increased water demand and increased water treatment provided by the additional development that could result in an increase in water abstraction and increased effluent. This issue has therefore been addressed at a higher tier level within the Test Valley Local Plan.

- 5.32 The Local Plan has a water management Policy (Policy E7) which states that *“development will be permitted provided that... it does not result in a risk to the quantity of groundwater within a principal aquifer, including Groundwater Source Projection Zones and there is no risk to public water supplies”*. The Local Plan provides for a minimum of 10,584 net new dwellings within the Test Valley area,
- 5.33 Bournemouth Water is the supplier of drinking water to the Wellow Parish and some other areas of the Test Valley Local Plan. The Bournemouth Water Water Resources Management Plan (WRMP) states that the Bournemouth Water Resource Zone (WRZ) is projected to be in supply surplus for the entirety of the Plan period. The current abstraction licences have been reviewed as part of the current Water Industry National Environment Programme (WINEP). Due to the supply surplus for the WRZ there are no proposed changes to any of the abstraction licences for the plan period and therefore no impacts from increases within Wellow Parish to the SAC are likely.
- 5.34 Given that the Local Plan has been through HRA for over 10,000 net new dwellings and was considered not to cause an adverse effect on the European site, as well as the Policies within the Local Plan for water management on new developments and the fact that abstraction will not be increased by Bournemouth Water within the plan period. It can be concluded that the Neighbourhood Plan does not have an adverse impact upon the integrity of European sites either alone or in-combination with other plans and projects with regards to water resources and abstraction.

## Nutrient Neutrality

### Solent Maritime SAC, Solent and Southampton Water SPA and Ramsar, and Solent and Dorset Coast (Marine) SPA

- 5.35 The high levels of nitrogen input to the water environment in the Solent catchment is generally currently caused by wastewater from existing housing and agricultural sources. There are a number of mechanisms already in place to reduce the amount of nutrient inputs within the river and lake catchments and coastal waterbodies. Within the Solent catchment both the Department for Environment, Food and Rural Affairs (DEFRA) and partnership funded Catchment Sensitive Farming (CSF) programmes work with agriculture to reduce diffuse agricultural sources of pollution such as fertiliser and slurry run-off. One of the aims of this work is to deliver environmental benefits from reducing diffuse water pollution. To achieve these goals the CSF partnership delivers practical solutions and targeted support which should enable farmers and land managers to take voluntary action to reduce diffuse water pollution from agriculture to protect water bodies and the environment.
- 5.36 Any new residential or employment development in Wellow Parish as a result of the Neighbourhood Plan has potential to result in increased levels of nutrients entering the Solent catchment zone. While the level of development in the Neighbourhood Plan is small (20 net new dwellings), this could operate ‘in

combination' with all other existing and future development connected to West Wellow Wastewater Treatment Works (WwTW).

5.37 Natural England advises that a nutrient budget (TN) can be calculated for new developments and has provided a guidance document to enable this to be calculated<sup>54</sup>. Such a calculation has been undertaken for this Neighbourhood Plan and is included in Appendix A. This can be used to show that development either avoids harm to protected sites from water quality issues or will need to provide mitigation required to ensure that there is no adverse effect with respect to nutrients. It will then be for the applicant to ensure that such mitigation is identified before their planning application is submitted.

5.38 Currently, West Wellow WwTW does not have a nitrogen Environmental Permit (mg/l TN). Therefore, an average figure for Southern Water WwTW of 27mg/l for nitrogen is used. This average figure may change if new evidence becomes available. Using this information, nutrient calculations for the allocation of 20 net new residential dwellings within the two allocated sites can provide indications of changes of nitrogen (full calculations can be seen in Appendix A). Table 8 shows a summary of the proposed development sites nutrient calculations. Appendix A includes screenshots of the full calculations.

**Table 8. Proposed Development Sites Nutrient Calculation Further Information**

Proposed Development Reference and Name	Number of New Dwellings	Further Information
WP1 – Land at Rowdens Close	8	Calculations indicate the development of the site will, without mitigation, lead to a Total Nitrogen Budget for the proposed development of 23.56 kg/yr when compared with the 'no change' in existing land use.
WP2 – Land adjacent to Meadow Close	12	Calculations indicate the development of the site will, without mitigation, lead to a Total Nitrogen Budget for the proposed development of 40.19 kg/yr when compared with the 'no change' in existing land use.

5.39 The results of the above site nutrient calculations show that allocated sites WP1 and WP2 will generate additional nitrogen with current development plans.

5.40 Note that the calculations make a series of broad assumptions about a) the existing habitats on site (and thus the amount of nitrogen they currently release into the catchment) and b) how each site is to be developed (the areas to be altered) and thus the future balance between areas of housing and areas of retained greenspace. Therefore, the calculations undertaken for this report would need to be re-run by the applicants for each housing scheme and planning application as each scheme is developed and a detailed masterplan becomes available.

5.41 The following text is recommended for inclusion in the Neighbourhood Plan policy WP-F1 Solent and Southampton Water SPA and Solent Maritime SAC:

<sup>54</sup> <https://www.testvalley.gov.uk/assets/attach/16093/Solent-Nutrient-Budget-Calculator-Guidance.pdf> [Accessed 20/09/2022]

*“The development will only be supported if it can achieve nutrient neutrality regarding the Solent Maritime, Solent & Southampton Water and the Solent and Dorset Coast European sites. Assuming the developer’s nutrient neutrality calculation confirms that mitigation is required, it is likely that some or all of the following may need to be undertaken.*

*If mitigation is required, the following should be explored:*

- Provide measures that will remove nitrogen draining from the development site or discharged by the Wastewater Treatment Works (WwTW) (such as wetland or reedbed).*
- Increase the size of the Open Space provision for the development on agricultural land that removes more nitrogen from this source or establish changes to agricultural land in the wider landholding in perpetuity that removes more nitrogen from this source.*
- Use Nutrient Neutrality – Off Site Mitigation Financial Contributions Framework<sup>55</sup> to help offset an increase in nitrogen off-site. Acquire, or support others in acquiring, agricultural land elsewhere within the river catchment area containing the development site (or the waste water treatment discharge if different), changing the land use in perpetuity (e.g. to woodland, heathland, saltmarsh, wetland or conservation grassland) to remove more nitrogen from this source and/or, if conditions are suitable, provide measures that will remove nitrogen on drainage pathways from land higher up the catchment (e.g. interception wetland).”*

5.42 Although the increase in net new dwellings within the Neighbourhood Plan area could act in combination with plans outside of the Neighbourhood Plan area. If the Section 20 agreement and licences between the Environment Agency and Southern Water is adhered to, alongside recommended additional text for policy WP-F1, the Wellow Neighbourhood Plan will not cause an adverse effect upon the integrity of any European site either alone or in combination with other plans and projects in relation to water quality and nutrient neutrality.

## In-combination Assessment

5.43 The Appropriate Assessment of the Wellow Neighbourhood Plan was undertaken solely as an in-combination assessment. This was decided through review of the following:

- The Test Valley Local Plan sets a total minimum housing figure for the Local Plan area at 10,584 net new dwellings. With rural areas, which would include the Wellow Parish, a total of 648 net new dwellings over the 18 year plan period. The Neighbourhood Plan allocates two sites within the village of West Wellow at a total of approximately 20 net new dwellings. Although the two site allocations present within the Neighbourhood Plan have not been specifically assessed within the Local Plan the total housing allocation for the borough and rural locations has been.
- The vulnerabilities stated within the Site Improvement Plan (SIP) (and Supplementary Advice on Conservation Objectives (SACO) where available)

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<sup>55</sup> [Background \(testvalley.gov.uk\)](https://testvalley.gov.uk) (Assessed 25/02/2022)

were screened out for alone impacts within HRA Stage 1: Test of Likely Significant Effects.

- 5.44 When taking in combination effects into consideration the Local Plan was reviewed, as this document allocates the total net new dwellings for the borough including the Wellow Parish. The Local Plan has been through the HRA process itself with regards to the Local Plans contribution alone and that of the Plan in combination with other Local Plans and has provided a policy framework including Policy E5: Biodiversity as well as robust mitigation in the form of the New Forest SPA Mitigation – Interim Framework and Natural England’s Nutrient Neutrality Guidance to ensure that no in-combination impacts are encountered over the plan period at the borough/district level and across the full Zone of Impact of the relevant European sites. Therefore, ensuring the Neighbourhood Plan complies with the overarching Local Plan policies will ensure that the Neighbourhood Plan is taking into account the borough-wide in-combination effects and complies with the Habitats Regulations.
- 5.45 Several recommendations were made in the assessments above to ensure a robust policy framework within the Neighbourhood Plan referencing specific protection policies and mitigation within the Local Plan to ensure no adverse effect on European sites.



## 6. Conclusions

6.1 The Wellow Neighbourhood Plan has a total of 28 policies. Of these policies one had the potential to cause a likely significant effect and was discussed with regards to its impacts on European sites within the Appropriate Assessment. This policy was:

- **Policy WP-H6 Sites Allocated for Housing Development** – the policy allocated two sites for development of residential buildings, which totalled approximately 20 net new dwellings. These sites can be seen below:
  - **Site WP1 – Land at Rowden Close** for approximately 6-8 new open market dwellings to be a mix of 2-3 bedroom properties.
  - **Site WP2 – Land adjacent to Meadow Close** for approximately 10 new affordable dwellings with a mix to be agreed and a further up to 2 open market houses to be a mix of 2-3 bedrooms.

6.2 These policies were discussed relating to impact pathways on European sites within 10km of the Neighbourhood Plan boundary and included:

- **Functionally Linked Land** with regards to:
  - Mottisfont Bats SAC
- **Air Quality** with regards to:
  - New Forest SAC, SPA and Ramsar
- **Recreational Pressure** with regards to:
  - New Forest SAC, SPA and Ramsar
- **Water Resources** specifically **Abstraction** with regards to:
  - Solent & Southampton Water SPA and Ramsar
  - Solent Maritime SAC
- **Water Quality specifically Nutrient Neutrality** with regards to:
  - Solent & Southampton Water SPA and Ramsar
  - Solent Maritime SAC
  - Solent and Dorset Coast SPA

6.3 The Neighbourhood Plan does not allocate net new dwellings over and above that of the Test Valley Local Plan, the Neighbourhood Plan was looked at in-combination with the Test Valley Local Plan, which has already gone through a HRA for the Parishes contribution and in-combination with the wider Test Valley and Hampshire area and was concluded, with mitigation present that there would be no adverse impact on European sites. Therefore, to ensure that the NP can also conclude the same, the NP would need a robust policy framework referencing protective policies and mitigation present in the Test Valley Local Plan. To this effect several recommendations were made to strengthen the Wellow Neighbourhood Plan as follows:

- **It is recommended that a policy is added to the Neighbourhood Plan such as “Developments within 13.8km of the New Forest SAC/SPA/Ramsar are required to provide mitigation in accordance with**



***Policy E5: Biodiversity of the Test Valley Local Plan 2011-2029 and the New Forest SPA Mitigation – Interim Framework 2014 or any subsequent updates of these documents.” This text could be added as a bullet point to the Policy WP-L7– Biodiversity of the Neighbourhood Plan.***

- It is recommended that a more explicit requirement relating to the SAC is included in the Neighbourhood Plan to make it clear that specific surveys and detailed design considerations will be required for all allocated sites to support planning applications. An example would be to state that ***“Development proposals on greenfield sites and sites that support or are in close proximity to suitable commuting and foraging habitat (including mature vegetative linear features such as woodlands, hedgerows riverine and wetland habitats) should have due regard to the possibility that barbastelle bats will be utilising the site. Such proposals will be required to incorporate necessary surveys and ensure that key features (foraging habitat and commuting routes) are retained, in addition to a suitable buffer to safeguard against disturbance.”*** This text could be added to Policy WP-H6 Sites Allocated for Housing Development of the Neighbourhood Plan.
- It is recommended a slight wording change to Policy WP-L7 Biodiversity to give additional strength to the Neighbourhood Plan in terms of overall European site protection, rather than specifically to Wellow Common. For example, ***“Developments which could potentially adversely affect any European site (SAC/SPA/Ramsar) would not be supported unless it can be shown through Habitats Regulations Assessment or their successor, that there are no adverse impacts to any European sites or that they are adequately mitigated”***.
- It is recommended the following text is included in the Neighbourhood Plan policy WP-F1 Solent and Southampton Water SPA and Solent Maritime **SAC:**

***“The development will only be supported if it can achieve nutrient neutrality regarding the Solent Maritime, Solent & Southampton Water and the Solent and Dorset Coast European sites. Assuming the developer’s nutrient neutrality calculation confirms that mitigation is required, it is likely that some or all of the following may need to be undertaken.***

***If mitigation is required, the following should be explored:***

- ***Provide measures that will remove nitrogen draining from the development site or discharged by the WwTW (such as wetland or reedbed).***
- ***Increase the size of the Open Space provision for the development on agricultural land that removes more nitrogen from this source or establish changes to agricultural land in the wider landholding in perpetuity that removes more nitrogen from this source.***
- ***Use Nutrient Neutrality – Off Site Mitigation Financial Contributions Framework<sup>56</sup> to help offset an increase in***

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<sup>56</sup> [Background \(testvalley.gov.uk\)](https://testvalley.gov.uk) (Assessed 25/02/2022)

***nitrogen off-site. Acquire, or support others in acquiring, agricultural land elsewhere within the river catchment area containing the development site (or the waste water treatment discharge if different), changing the land use in perpetuity (e.g. to woodland, heathland, saltmarsh, wetland or conservation grassland) to remove more nitrogen from this source and/or, if conditions are suitable, provide measures that will remove nitrogen on drainage pathways from land higher up the catchment (e.g. interception wetland)."***

- 6.4 Natural England was also consulted on the Neighbourhood Plan Habitats Regulations Assessment and provided a response (via email) dated 9<sup>th</sup> November 2022. Natural England responded: *"having considered the assessment and the measures outlined to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given."*
- 6.5 A specific response was also given to nutrient neutrality and recreational impacts on the New Forest European sites;
- Nutrient Neutrality: *"We note that mitigation measures will need to be to be secured by the applicant which should be in accordance with Test Valley Borough Council's guidance on nutrient mitigation. Provided that you as competent authority are satisfied the proposed housing allocations identified as part of this local plan have fully assessed the scale of the impact and mitigation required to address nutrient issues, Natural England raise no further comment and advise that any future planning application on these housing sites will need to secure appropriate mitigation in perpetuity before permission is granted."*
  - New Forest European sites: *"Provided that mitigation is secured in accordance with your authority's Interim Framework for New Forest recreation mitigation prior to occupation of any housing on the proposed sites, Natural England raises no concerns on this matter."*
- 6.6 Should these recommendations (in bold above) be incorporated into the final Wellow Neighbourhood Plan document and comments from Natural England be adhered to, it can be concluded that the Wellow Neighbourhood plan will not cause adverse effects on European site integrity either alone or in-combination with other plans or projects.

# Appendix A Nutrient Neutrality Calculations

## A.1 WP1 – Land off Rowdens Close

The total site boundary utilised for the calculations is shown as the black site boundary on the screen grab below, taken from the Neighbourhood Plan. Total area within the black site boundary is approximately 0.5 ha.



### Stage 1

#### User Inputs

Date of first occupancy:	01/01/2023
Average occupancy rate:	2.40
Water usage (litres/person/day):	120
Development Proposal (dwellings/units):	8
Include deductible acceptable loading?	Yes
Wastewater treatment works:	West Wellow WwTW
Wastewater treatment works N permit (mg TN/litre):	25

#### Stage 1 Calculated Loading

##### Stage 1 Nutrient Loading

Additional population	19.2	people
Wastewater by development	2304	litres/day
Annual wastewater TN load	21.04	kg TN/yr

Lowland was utilised for the existing land use as from street mapping the land appeared to be long grass and small scrubby shrubs, surrounded on the boundaries by mature trees.



Image capture by Google June 2022. Looking north-north-east off of the A36.

### Stage 2

**User Inputs**

<b>Catchment:</b>	Upper and Middle Test	
<b>Soil drainage type:</b>	Impeded drainage	
<b>Annual average rainfall (mm):</b>	750.1 - 800	
<b>Within Nitrate Vulnerable Zone (NVZ):</b>	Yes	

Existing land use type(s)	Area (ha)	Annual nitrogen nutrient export (kg TN)
Lowland	0.50	3.54
<div> <div>Select existing (pre-development) land use types from the drop down list.</div> </div>		
<b>Total:</b>	<b>0.5</b>	<b>3.54</b>

Greenspace was utilised as the new land use type as it was the closest fitting general natural habitat category. The Plan states that the area to the east of the housing will be enhanced for wildlife. The other natural categories were “woodland” and “shrub”, each of these categories would lead to the same calculated outcome.

### Stage 3

**User Inputs**

New land use type(s)	Area (ha)	Annual nitrogen nutrient export (kg TN)
Residential urban land	0.30	4.33
Greenspace	0.20	0.60
<b>Total:</b>		<b>0.5</b>
		<b>4.93</b>

Select post-development land use types from the drop down list.

### Stage 4

**Calculated Outputs**

**Annual Nutrient Budget**

The total annual nitrogen load to mitigate is:

**26.92 kg TN/year**

## A.2 WP2 – Land Adjacent to Meadow Close

The total site boundary utilised for the calculations is shown as the red site boundary on the screen grab below, taken from the Neighbourhood Plan. Total area within the red site boundary is approximately 0.3 ha.



### Stage 1

#### User Inputs

Date of first occupancy:	01/01/2023
Average occupancy rate:	2.40
Water usage (litres/person/day):	120
Development Proposal (dwellings/units):	12
Include deductible acceptable loading?	Yes
Wastewater treatment works:	West Wellow WwTW
Wastewater treatment works N permit (mg TN/litre):	25

#### Stage 1 Calculated Loading

##### Stage 1 Nutrient Loading

Additional population	28.8	people
Wastewater by development	3456	litres/day
Annual wastewater TN load	31.56	kg TN/yr

Lowland was utilised as the existing land use type as the site appears to be low grassland surrounded by mature hedgerow to the south. The landscaping areas was not included as it was not shown on the screen grab of the red line boundary of the site above.



Image capture Google February 2009. Looking west off of Meadow Close.

### Stage 2

**User Inputs**

<b>Catchment:</b>	Upper and Middle Test
<b>Soil drainage type:</b>	Impeded drainage
<b>Annual average rainfall (mm):</b>	700.1 - 750
<b>Within Nitrate Vulnerable Zone (NVZ):</b>	Yes

Existing land use type(s)	Area (ha)	Annual nitrogen nutrient export (kg TN)
Lowland	0.30	2.12
<div> <div></div> <div>Select existing (pre-development) land use types from the drop down list.</div> </div>		
<b>Total:</b>	<b>0.3</b>	<b>2.12</b>



## Stage 3

### User Inputs

New land use type(s)	Area (ha)	Annual nitrogen nutrient export (kg TN)
Residential urban land	0.30	4.05
Total:		0.3
		4.05

Please enter  
area in  
hectares.

## Stage 4

### Calculated Outputs

#### Annual Nutrient Budget

The total annual nitrogen  
load to mitigate is:

40.19 kg TN/year

