

## **DOWNTON PARISH NEIGHBOURHOOD PLAN HABITATS REGULATIONS ASSESSMENT**

### **1. Introduction**

- 1.1. This HRA relates to the Downton Parish Neighbourhood Plan, final draft version following public consultation (May 2015). It covers the settlements of Downton, Charlton All Saints and Standlynch.
- 1.2. The HRA has been carried out to comply with Regulation 102 of the Habitats Regulations 2010. Under these Regulations, a competent authority must consider whether a relevant plan is likely to have a significant effect on any European sites before deciding to give any consent, permission or other authorisation to that plan. If the screening exercise demonstrates that significant effects are likely then the competent authority must undertake an appropriate assessment to examine the effects of the plan on the conservation objectives of the European Sites in question. Both the screening and the full appropriate assessment must consider the impacts of the plan alone and in combination with other plans or projects.
- 1.3. Where appropriate assessment is undertaken, the competent authority may only authorise the plan having ascertained that it will not adversely affect the integrity of the European site. Otherwise various other statutory tests must be met.
- 1.4. Wiltshire Council has conducted the following HRA as competent authority for the Downton Parish Neighbourhood Plan. The HRA is iterative; where risks to European Sites are identified amendments must be incorporated to the plan to remove these before the plan is made. Likewise the HRA should be repeated after any significant changes are made and before the final plan is considered by a referendum.

### **2. Screening Methodology**

- 2.1. Each element of the draft plan has been categorised against screening criteria developed by Natural England to provide a clear audit trail for the screening assessment.
- 2.2. The screening criteria used are as follows:
  - Category A1: The policy will not itself lead to development e.g. because it relates to design or other qualitative criteria for development;
  - Category A2: The policy is intended to protect the natural environment;
  - Category A3: The policy is intended to conserve or enhance the natural, built or historic environment;
  - Category A4: The policy would positively steer development away from European sites and associated sensitive areas;
  - Category A5: The policy would have no effect because no development could occur through the policy itself, the development being implemented through later policies in the same plan, which are more specific and therefore more appropriate to assess for their effects on European Sites and associated sensitive areas.
  - Category B – no significant effect;
  - Category C – likely significant effect alone; and
  - Category D – Likely significant effects in combination.
- 2.3. The effect of each draft policy has been considered both individually and in combination with other plans and projects (see table in section 4 below). Where potential for likely significant effects have been identified, a further appropriate assessment is undertaken in section 5.

### **3. Wiltshire Core Strategy HRA**

3.1 The Wiltshire Core Strategy HRA (October 2009, February 2012<sup>1</sup>, March 2013<sup>2</sup>, and April 2014<sup>3</sup>) and South Wiltshire Core Strategy Proposed Submission Draft Habitats Regulations Report (July 2009) identified general parameters to determine the likelihood of potential impact on Natura 2000 sites. The following parameters were identified and assessed for the following Natura 2000 sites.

- *Recreation – Natura 2000 sites within 5km of the plan area, or where Salisbury Plain SPA/SAC is within 15km of the plan area.*
  - Salisbury Plain SAC and SPA
  - River Avon SAC
  - New Forest SAC / SPA
- *Hydrology / Hydrogeology - Sites that fall wholly or partly within the Wessex Water Resource Zone may be susceptible to impact.*
  - Salisbury Plain SAC / SPA
  - Bath and Bradford on Avon Bats SAC
  - Pewsey Downs SAC
  - North Meadow and Clattinger Farm SAC
  - River Avon SAC
  - River Lambourn SAC
  - Kennet & Lambourn Floodplain SAC
- *Air Pollution / Nitrogen Deposition – Natura 2000 sites within 200m of a main road*
  - Porton Down SPA
  - Salisbury Plain SAC / SPA
  - Southampton Water SPA
  - Clattinger Farm SAC
  - River Avon SAC
  - Rodborough Common SAC
  - Cotswolds Beechwoods SAC
- *Physical Damage / Interruption of Flight Lines / Disturbance*
  - Bath and Bradford on Avon Bats SAC
  - Porton Down SPA

#### **4. Screening of Policies in Draft Downton Parish Neighbourhood Plan**

4.1. The draft Downton Parish Neighbourhood Plan comprises 5 themes of draft policies and proposals:

- Landscape and Character
- Housing Development and Homes for Local People

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<sup>1</sup> Wiltshire Core Strategy Submission Draft – Assessment under the Habitats Regulations, Wiltshire Council, February 2012

<sup>2</sup> Wiltshire Core Strategy – Assessment under the Habitats Regulations, Wiltshire Council, March 2013

<sup>3</sup> Wiltshire Core Strategy Updated Habitats Regulations Assessment, April 2014

- Local Economy (local businesses and the rural economies)
  - Local Facilities (community and leisure)
  - Transport and Infrastructure
- 4.2 All parts of the draft plan have been screened for potential impacts on the Natura 2000 sites listed in section 3 above namely 62 policies and proposals, as set out in the table below. The vast majority of policies and proposals will not lead directly to development because they relate to matters of design or other qualitative criteria (A1). A few relate to protection, conservation and enhancement of the natural, built and historic environment (A2 and A3) and several others would have no effect because no development could occur through the policies/proposals themselves, the development being implemented through later policies or proposals (A5).
- 4.3 Policy LH1 and LH2 allocate land for housing in line with CP23 in the Core Strategy. The HRA for the Core strategy identified a potential for in-combination impacts on the River Avon SAC and New Forest SPA as a result of the allocation of 190 dwellings at Downton. While core policy CP50 and the accompanying text for CP23 identify that mitigation is required in order to bring forward housing at Downton, this is not reflected in the Neighbourhood Plan. These policies must therefore go through to appropriate assessment.
- 4.4 Policy LH4 identifies specific locations for development. Further to the HRA for the Core Strategy, it has emerged that arrangements for dealing with storm drainage at Downton are inadequate and as a result untreated sewage is reaching the River Avon SAC during periods of flood. Depending on location and arrangements for sewage discharge, further housing could exacerbate this situation and this policy must therefore go through appropriate assessment.
- 4.5 As a result of the Local Economy Proposal 8, there is a risk that publicity and promotion of the NP area could encourage more people to visit the New Forest SPA leading to likely significant effects on ground nesting birds in combination with other plans and projects. This policy must therefore be taken forward to appropriate assessment.
- 4.6 All other policies that identify specific sites or timing for development are judged as not leading to any significant effects on any European sites due to the nature, likely location and small scale of development (B).
- 4.7 One policy, T5, has the potential to reduce impacts on the New Forest SPA by providing alternatives to visiting the New Forest for local people and possibly tourists. Specific projects identified through this policy could be included in the Recreation Management Strategy being prepared by Wiltshire Council and thereby qualify for CIL funding.

**TABLE: Habitats Regulations Assessment of the Draft Downton Parish Neighbourhood Plan incorporating appropriate assessment where initial screening identifies likely significant effects**

A / B (Green) – Screened out

C / D (Red) – Screened in

Policy Area	Policy	Initial screening Category	Changes required by the Appropriate Assessment (and other comments)	Screening category after recommended changes
Landscape and Character	LC 1 – New development to respect local styles	A3		
	LC 2 – New housing in Downton to reflect Village Design Statement. Elsewhere buildings to be appropriate to their context	A1		
	LC 3 – New development to complement and enhance the parish	A1		
	LC 4 – New development to achieve high levels of energy efficiency and sustainability	A1		
	LC 5 – Maintain rural environment and landscape	A2		
	LC 6 – Support landscape strategies to enhance Avon Valley	A2		
	LC 7 – Apply Local Plan policy C6 (Special Landscape Areas) rigorously	A3		
	LC 8 – Development located on green infrastructure not supported	A2		
	LC 9 – Scale and mass of new development not to impact visually	A2		

HRA of final draft following public consultation dated May 2015 (LK/V2/27.08.15)

Policy Area	Policy	Initial screening Category	Changes required by the Appropriate Assessment (and other comments)	Screening category after recommended changes
	on rural environment			
Housing Development and Homes for Local People	LH 1 – Housing development to be aligned with Core Strategy allocation of 190 homes	D	<p><u>New Forest SPA</u>                      190 dwellings will lie within 8km of the SPA and in accordance with the HRA for the Wiltshire Core Strategy are considered to lead to significant effects through recreational disturbance in combination with other projects and plans.</p>	
	LH 2 – small scale development to meet Core Strategy requirements will be encouraged	D	<p><u>New Forest SPA</u>                      In addition to 190 homes allocated at Downton, a further 425 homes are allocated to the Southern Wiltshire Community Area under CP23. Significant effects are likely as a result of recreational disturbance in combination with other projects and plans.</p> <p><u>River Avon SAC</u>                      The HRA for the Core Strategy (April 2014) identified no</p>	

Policy Area	Policy	Initial screening Category	Changes required by the Appropriate Assessment (and other comments)	Screening category after recommended changes
			<p>adverse impacts on the River Avon SAC subject to implementation of the Nutrient Management Plan (NMP). Since then the NMP has been published and growth in the Lower Avon has been identified as having a high risk of compromising the objectives of the NMP. Downton Sewage works discharges into this sub-catchment and therefore additional growth above the 190 dwellings specifically identified for Downton in the Core Strategy is likely to lead to significant effects on water quality in combination with other plans and projects.</p>	
	LH 3 – New housing to be contiguous with existing housing	A1		
	LH 4 – New homes to be located on brownfield land or on SHLAA sites	D	<p><u>New Forest SPA</u>                      These dwellings will lie within 8km of the SPA and in accordance with the HRA for the Wiltshire Core Strategy are considered likely to lead to significant effects through recreational disturbance in combination with other projects and plans</p> <p><u>River Avon SAC</u>                      As for LH 2 above, where development is above the 190 dwellings specifically identified for Downton in the Core Strategy, there is a potential for likely significant effects on water quality in combination with other plans and projects.</p> <p>In addition, and further to the HRA (April 2014), it has emerged that groundwater flooding at Downton is leading to uncontrolled discharge of untreated sewage into the river which has the potential to cause likely significant effects in combination with other plans and projects.</p> <p>High levels of recreation alongside the River Avon that might, for example, cause damage to extensive stretches of</p>	

Policy Area	Policy	Initial screening Category	Changes required by the Appropriate Assessment (and other comments)	Screening category after recommended changes
			riverbank, introduce lighting into previously unlit areas or cause damage to the river bed, have the potential to lead to likely significant effects. The HRA for the Wiltshire Core Strategy concluded that potential impacts arising from increased recreational pressure would be identified, assessed and mitigated through the Council's in-house procedures <sup>4</sup> . The scale and type of development at Downton is relatively small, with none of the sites identified in the NP being adjacent to the river and no development aimed at specifically attracting people to the river. The plan is therefore unlikely to lead to significant effects on this SAC through recreational pressure.	
	LH 5 – New Junctions on A338 to serve new housing should be minimised	A1		
	LH 6 – housing mix to meet the needs of the community especially with regard to affordable homes	A1		
	LH 7 – developers encouraged to exceed building standards	A1		
	LH 8 - Housing development to be phased over the lifetime of the Core Strategy	B	Spreading development throughout the plan period, this is likely to reduce the potential risks to European sites.	
Transport and Infrastructure - Transport	T1 – Traffic effects to be assessed and mitigated	A1		
	TP1 – Wilts Council to create filter lane into The Borough	B		
	T2 – Proposals for safe travel to school supported	A1		
	T3 – Increased parking spaces at the Co-operative Store supported	B		

<sup>4</sup> Habitats Regulations Assessments for projects potentially affecting the River Avon SAC: Procedures for Wiltshire's development management teams (11/03/13)

HRA of final draft following public consultation dated May 2015 (LK/V2/27.08.15)

Policy Area	Policy	Initial screening Category	Changes required by the Appropriate Assessment (and other comments)	Screening category after recommended changes
	T4 – Improve parking arrangements in the High Street and Lode Hill	B		
	TP 4 – Request to Wilts Council to create parking bays along High Street	B		
	T5 – Improve footpaths and cycle routes through Downton and the NP area	A4	This policy has the potential to direct recreation away from the New Forest SPA. Specific projects which would reduce negative effects by diverting visitors away from the SPA could be put forward by the NP to be included in the Wiltshire Council Recreation Management Strategy and thereby qualify for CIL funding.	
	TP5 – Downton PC to investigate footbridge across River Avon	C	<u>River Avon SAC</u> The footings and construction works for a new bridge have the potential to cause permanent and temporary loss of habitat and have the potential to cause pollution during the construction phase leading to likely significant effects alone.	
Transport and Infrastructure – Drainage, sewerage system, ground water and surface water	TDS1 – all developments to include a Flood Risk Assessment	A1		
	TDS2 – no applications supported until solution found to failings in the foul and surface water drainage systems	A1		
	TDS Proposal 1 – all drainage systems sealed to prevent groundwater ingress	A1		
	TDS proposal 2 – surface water drainage systems to consider high groundwater levels	A1		
	TDS proposal 3 – Wessex water to implement Infiltration reduction plan	A1		
The Local Economy – The Village	LE1 – Support optimal use of existing business park	A1		



HRA of final draft following public consultation dated May 2015 (LK/V2/27.08.15)

Policy Area	Policy	Initial screening Category	Changes required by the Appropriate Assessment (and other comments)	Screening category after recommended changes
Economy	LE proposal 1 – support new development at Downton Business Centre	B		
	LE proposal 2 – encourage research into constraints and opportunities for businesses	A1		
	LE2 – Support businesses that offer apprenticeships and employment to local people	A1		
	LE proposal 3 – encourage communication between business park and local community	A1		
	LE proposal 4 – jobs advertised on village website	A1		
	LE proposal 5 – maintain links between businesses and local schools	A1		
	LE3 – Support development of new retail units in the parish	A1		
	LE proposal 6 – new Post office encouraged	A1		
	LE proposal 7 – support solutions to parking on High Street	A1		
	LE4 – Support business applications to offer tourism or leisure facilities	A1		
	LE proposal 8 – Promote NP area to attract visitors	D	<p><u>New Forest SPA</u>                      There is a risk that publicity and promotion of the NP area could encourage more people to visit the New Forest SPA. In accordance with the HRA for the Wiltshire Core Strategy this is has the potential to lead to significant effects through recreational disturbance in combination with other projects and plans.</p>	

HRA of final draft following public consultation dated May 2015 (LK/V2/27.08.15)

Policy Area	Policy	Initial screening Category	Changes required by the Appropriate Assessment (and other comments)	Screening category after recommended changes
Local Economy – The Rural Economy	RE 1 – To preserve the rural nature of the NP area	A2		
	REP 1 – Work with statutory bodies to achieve need of the rural community without compromising special qualities of the area	A1		
	REP 2 – Work with others to develop rural economy	A1		
	REP 3 – Work with rural businesses to develop local markets	A1		
	REP 4 – Encourage superfast broadband	A1		
	REP 5 – Appropriate authorities to maintain Barford Lane / Witherington Road and Wick Lane in an appropriate manner	A1		
	REP 6 – Sub-committee of PC to advise on rural matters and create a rural business forum	A1		
Community Facilities and Services	CP 1 – Ensure adequate pre-school and school places	A1		
	CP 2 – Recruit high quality staff through provision of appropriate housing and facilities	A5		
	CP 3 – expansion of schools to include suitable buildings and car parking	B		
	CP 4 – Ensure local access to goods and services	A1		
	CP 5 – Adequate dental and medical services in the NP area	A1		

HRA of final draft following public consultation dated May 2015 (LK/V2/27.08.15)

Policy Area	Policy	Initial screening Category	Changes required by the Appropriate Assessment (and other comments)	Screening category after recommended changes
	CP proposal 1 – Support Post office in High Street shop	B		
	CP proposal 2 – support retail outlets for goods and services	B		
	CP proposal 3 – support expansion of nursery and schools, with potential for a new primary school	B		
	CP proposal 4 – support expansion of dental and medical practices	B		
Leisure Facilities	LFP 1 – Support availability of services	A1		
	LFPP1 – support retention of leisure centre	A1		
	LFPP2 – encourage safe outdoor activities	A1		
	LFPP3 – improve quality and availability of premises for public uses.	A1		

## 5. Appropriate Assessment

5.1 The screening Assessment found that the Downton Neighbourhood Plan could lead to significant effects on the River Avon SAC and New Forest SPA in combination with other plans and projects. The following assessment has been conducted taking the following plans and projects into consideration:

- River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus (David Tyldesley Associates, 30 April 2015)
- Wiltshire Core Strategy (Adopted January 2015)
- Army Basing Masterplan
- Application number 14/06561/FUL 99 Dwellings on land to the west of Salisbury Road, Downton (not determined)
- Vale of the White Horse District Council Local Plan (Feb 2014)
- Christchurch and East Dorset Joint Core Strategy (Dec 2013)
- New Forest District Council Core Strategy (Oct 2009)
- New Forest District Local Plan Part 2: Sites and Development Management April 2014)
- New Forest National Park Authority Core Strategy and Development Management DPD (Dec 2010)
- Test Valley District Council – Habitats Regulations Assessment for Revised Local plan DPD (Jan 2013)

a) **LH 1 Housing development should be aligned with the core strategy allocation of 190 homes (2006 – 2026)**

### New Forest SPA

5.2 The New Forest Special Protection Area (SPA) is designated under the Habitats Regulations for, amongst other things, its grounding nesting bird populations which include woodlark (24% British breeding population), Dartford Warbler (75% British population) and Nightjar (15% British population). The conservation objectives, which are appended to this assessment (30 June 2014) seek to ensure 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 populations of its qualifying species. 98% of the habitats in the New Forest SSSI are considered to be in favourable or unfavourable recovering condition<sup>5</sup>.

5.3 The HRA for the Core Strategy (Feb 2012, March 2013 and April 2014) identified that new housing would lead to an increase in the numbers of visitors to the New Forest and therefore a risk of causing significant effects on ground nest birds which are features of the SPA, in combination with other development plans for the area. The majority of visits are expected to come from day visitors living within 8 km of the SPA. Wiltshire Core Strategy CP 23 allocates 615 new dwellings for the Southern Wiltshire Community Area, the majority of which are likely to be within 8 km of the SPA. Although this figure represents a small proportion of the total housing proposed by local authorities within and adjacent to the New Forest SPA, CP50 of the core strategy seeks to eliminate adverse impacts by adopting a New Forest Mitigation Strategy to ensure that impacts are fully mitigated.

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<sup>5</sup> Taken from

[https://designatedsites.naturalengland.org.uk/ReportConditionSummary.aspx?SiteCode=S1003036&ReportTitle=THE\\_NEW\\_FOREST](https://designatedsites.naturalengland.org.uk/ReportConditionSummary.aspx?SiteCode=S1003036&ReportTitle=THE_NEW_FOREST) viewed on 27/08/15

- 5.4 This Strategy is currently in preparation by Wiltshire Council and once adopted contributions will be collected through CIL. Until that point, new development in the Southern Wiltshire Community Area must demonstrate it will offset predicted increases in visitors either through measures to divert people away from the SPA and / or through mitigation for impacts caused within the SPA. Where development exceeds the projected 615 for the community area, the Strategy will need to be reviewed and revised or further bespoke mitigation may need to be considered.
- 5.5 The Downton Parish Neighbourhood Plan comes within 8 km of the SPA and therefore the accompanying text to policy LH 1 should acknowledge the above requirements in order to demonstrate that support for development will be conditional on compliance with the Habitats Regulations.

Recommendation: additional wording should be added to the accompanying text as follows:

“There is a risk that new housing in the Downton Parish Neighbourhood Plan Area would lead to impacts on the special features of the New Forest Special Protection Area, in particular through the effects of recreational disturbance on the ground nesting birds, Woodlark, Nightjar and Dartford Warbler. The Habitats Regulations Assessment undertaken for the Wiltshire Core Strategy demonstrated that new housing in Wiltshire could lead to significant effects on these bird populations. Accordingly Wiltshire Council is committed to preparing a New Forest Mitigation Strategy to deliver measures to offset the impacts. These will be funded by developers through CIL. However, until the strategy is complete, CP50 will apply and “bespoke measures must be provided to demonstrate that the proposals would have no adverse effect on the integrity upon the Natura 2000 network”, otherwise permission is likely to be refused. This Neighbourhood Plan therefore notes that development which comes forward in the Downton area must be in accordance with CP50 of the Wiltshire Core Strategy. Where development within the wider Southern Wiltshire Community Area exceeds the projected 615 dwellings, this will only be permitted if further assessment demonstrates there would be no adverse effect on the SPA.”

- b) LH 2 – For any remaining residential development required to meet core strategy requirements small scale development (under 15 houses and including infill) will be encouraged**

New Forest SPA

- 5.6 The recommendation to deal with omissions on policy LH 1 above will ensure that policy LH 2 is also compliant with the Habitats Regulations.

River Avon SAC

- 5.7 The River Avon Special Area of Conservation is designated under the Habitats Regulations for: its river habitat, which is categorised as a water course of plain to montane levels containing *Ranunculus* vegetation; Desmoulin’s whorl snail which occurs on emergent vegetation in the floodplain; and, four species of fish, Atlantic salmon, sea lamprey, brook lamprey and bullhead. The conservation objectives (June 2014) are appended to this assessment. In brief these are to ensure that the integrity of the site is maintained or restored and to ensure that the site contributes to achieving the favourable conservation status of its qualifying features. In terms of the sites condition, it is relevant to this assessment that Natural England considers the site to be failing in its target for phosphorus.
- 5.8 The HRA for the Wiltshire Core Strategy assessed the impact of increased sewage discharges from new development on the River Avon SAC. At the time the river did not meet its conservation targets for phosphorus in some sub-catchments but a Nutrient Management Plan (NMP) was being prepared to identify actions to reduce phosphate levels and thus bring the river into favourable condition. This enabled the Council to conclude that, provided development was within the headroom of individual

sewage treatment works, there would be no likely significant effects of housing proposed by the Core Strategy.

- 5.9 After the Core Strategy was adopted, the conservation targets for the river were revised downwards with the result that all sub-catchments of the river are now judged to be failing with respect to phosphates. The Nutrient Management Plan, now agreed between the EA, Wiltshire Council and Natural England<sup>6</sup> identifies measures to reduce phosphates initially down to ambition targets and in the longer term down to more onerous conservation targets. For the next three years the plan will monitor the effectiveness of reducing phosphate levels through diffuse measures. If however these are insufficiently effective, reductions at point sources such as sewage works will be revisited through the PR19 process and the need for developer contributions to upgrade facilities during the AMP7 period (2020-2025) will be reassessed.
- 5.10 The currently agreed position of the Council, NE and EA is that the NMP is a reliable mechanism to ensure that development proposed in the Wiltshire Core Strategy can be delivered without adversely affecting the River Avon SAC. For the time being therefore Wiltshire Council can conclude that new development would not lead to a loss of site integrity provided it is within the quantum allocated in the core strategy.
- 5.11 The NMP identified that some stretches of the river are at a higher risk of compromising the delivery of the plan than others. The Lower Avon into which Downton sewage works discharges is one such stretch. At this point in time therefore, it cannot be assumed that the Downton sewage works will be able to take any further housing over and above the 190 dwellings specifically identified for Downton in CP23 of the Core Strategy.
- 5.12 Wiltshire Council will be preparing further guidance on this matter and it is expected that an SPD will identify specific mitigations that will be funded by CIL contributions where adverse impacts to the River Avon SAC cannot be ruled out.
- 5.13 In the meantime, further development that discharges to Downton Sewage works over and above the allocated 190 dwellings cannot be lawfully permitted unless phosphate levels are offset by some other means not already incorporated into the NMP or the effects of development are judged to be insignificant. The NMP discusses when development might be considered to be insignificant in section D.7.2 and provides screening criteria which may be applicable for non mains point sources.
- 5.14 As a consequence of the above, the explanatory text should be amended to reflect the restricted circumstances when development over and above 190 dwellings will be permitted in Downton.

Recommendation: The explanatory text to Housing Development and Homes for Local People policies should be amended to ensure that the Neighbourhood Plan is compliant with the Habitats Regulations as follows:

“The River Avon which runs through Downton is designated under the Habitats Regulations as a Special Area of Conservation. The river currently exceeds its target for phosphorus partly due to sewage discharges and a Nutrient Management Plan is in place to bring the river into compliance with the Regulations over the next 10 years. Further development must be able to demonstrate that it will not compromise the delivery of that Plan. Some stretches of the river are at a higher risk of compromising the plan than others, the Lower Avon into which Downton sewage works discharges being one such stretch. Consequently development in excess of the 190 dwellings allocated for Downton cannot be

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<sup>6</sup> River Avon Special Area of Conservation Nutrient Management Plan for Phosphorus (David Tyldesley Associates, 30 April 2015)

lawfully permitted unless phosphate levels are offset by means other than those already incorporated into the NMP or the effects of development are judged to be insignificant by the standards of the NMP". Likewise, further development will be prevented if monitoring shows that the NMP is ineffective.

**c) LH 4 – Any proposal for new homes should be located either on a brown field site or on those existing SHLAA sites that abut the A338 to the north and south of its junction with the B3080**

New Forest SPA

5.15 The existing SHLAA sites come within 8 km of the SPA and therefore development here has the potential to cause in-combination impacts. The recommendation for LH 1 will also ensure that policy LH 4 is compliant with the Habitats Regulations.

River Avon SAC

5.16 Dwellings on SHLAA and brown field sites which are above the allocated 190 dwellings must demonstrate that they will not compromise delivery of the Nutrient Management Plan before planning permission is granted. Incorporating wording in the explanatory text as recommended for LH 2 above will ensure that policy LH 4 is compliant with the Habitats Regulations.

5.17 The ground water drainage problems in Downton also potentially present a risk for the River Avon SAC because untreated sewage is discharged directly to the river during periods of flooding.

5.18 Wiltshire Council has prepared a draft Groundwater Management Strategy Plan which once finalised, will provide a framework to resolve the groundwater flooding issues in Downton. Also, Wessex Water has prepared an Infiltration Reduction Plan which will regularise discharges of untreated sewage in the short term and reduce the amount of groundwater that enters sewers. In the long term, both plans will reduce the effects of groundwater flooding and the need to discharge untreated sewage by reducing surcharging of sewers and the volumes of storm water reaching the sewage works. Together these Plans demonstrate that risks to the SAC will be reduced in the long term. Moreover, it is evident from discussions with Wessex Water that given the huge increase in river volume during flood conditions, untreated sewage is unlikely to contribute to deterioration in water quality or adversely affect SAC features.

**d) TP 5 Downton Parish Council should continue with its efforts to establish a new foot bridge across the River Avon together with associated cycle paths, including liaison with landowners and developers.**

5.19 The policy does not identify a specific bridge location but by its nature such a structure will be relatively small and the construction phase short lived. Impacts may be caused to the SAC features by the position of abutments / footings and deterioration of water quality during the construction phase. However, these would be addressed through HRA by the most appropriate competent authority at the application stage.

5.20 Recommendation: New text should be included in the Neighbourhood Plan as follows:

"Any proposals for a footbridge across the River Avon will be subject to an assessment under the Habitats Regulations by the appropriate authorising authority. In order to reduce the risk of delays and changes to the design that may arise, the proposers should seek early advice on how to minimise impacts to the River Avon SAC during the design, construction and operational stages of the development."

**e) LE Proposal 8 The Neighbourhood Plan encourages and supports where possible any activities which publicise and promote the parish as an area to visit. This may include both traditional and technological approaches.**

5.21 Publicity and promotional material could directly and incidentally cause an increase in visitors to the New Forest SPA through promoting the local area and the National Park as places to visit and stay. Material should therefore ensure that sensitive areas of the National Park are not specifically promoted. In order to offset increased numbers of visitors, people should be actively directed towards areas that can absorb the pressure without impacting on the special features. Liaison with the Park Authority will be important to ensure compatibility with its access management strategy.

5.12 It is therefore recommended that the following wording is included in the accompanying text for Local Economy – The Village Economy:

“The Parish Council will work with The New Forest National Park Authority to ensure that any publicity and promotional material promoting the local area will direct people away from the parks most sensitive ecological features, particularly the birds for which the New Forest Special Protection Area is designated, and towards areas which are most able to absorb recreational pressure. This is necessary to ensure that the New Forest Special Protection Area is not harmed by increased numbers of visitors.”

## **6 Conclusions**

6.1 The majority of draft policies and proposals in the draft Downton Parish NP do not allocate new land for development and largely provide qualitative criteria for development focused on improving the parish for local people, businesses and visitors, including some environmental policies and suggestions for the design of development sites. Consequently none of these policies and proposals would give rise to likely significant effects on Natura 2000 sites.

6.2 Five policies have the potential to give rise to significant effects in combination with other plans and projects. These policies have been considered through an appropriate assessment in section 5 above to determine whether they could lead to loss of site integrity of the River Avon SAC and New Forest SPA. In all cases, additional wording can be added to the explanatory text in the neighbourhood plan to explain the measures that would need to be taken to ensure adverse impacts were avoided or offset. Provided this wording is added to the appropriate sections of the plan, I can conclude that the plan would not lead to loss of site integrity of either the above European protected sites.

6.3 Policy T5 has the potential to positively impact the New Forest SPA by directing visitors away from it. Specific projects which guide visitors towards less sensitive areas of the New Forest could be included in the Recreation Management Strategy and thereby qualify for CIL funding.

6.4 This HRA should be reviewed if the plan is altered significantly and before it is considered by a referendum.