

## **RESPONSE TO WILTSHIRE COUNCIL'S HOUSING SITE ALLOCATIONS PLAN – FOCUSSED CONSULTATION ON THE SCHEDULE OF PROPOSED CHANGES AND REVISED SUSTAINABILITY APPRAISAL (27 SEPTEMBER to 9 NOVEMBER 2018)**

### **1. PURPOSE OF REPORT**

- 1.1 To agree the Council's response to Wiltshire Council's consultation regarding its Local Plan Housing Site Allocation Plan closing 9<sup>th</sup> November 2018.

### **2. BACKGROUND**

- 2.1 New Forest District Council (NFDC) previously responded to a Pre-Submission Draft of the Plan in September 2017 in relation to housing need, recreational and air quality impacts on the New Forest European Sites, and in-combination impacts on water quality on the Hampshire Avon SPA/SAC.
- 2.2 In July 2018, Wiltshire Council submitted the draft Wiltshire Housing Site Allocations Plan (the Plan)<sup>1</sup>, along with a 'Schedule of Proposed Changes' and supporting evidence to the Secretary of State for independent examination. In August 2018, the Council received a procedural letter from the Inspector. In response to that letter, the Council is undertaking a consultation on the 'Schedule of Proposed Changes' to the Plan, along with the revised Sustainability Appraisal, update to the Habitats Regulations Assessment Addendum and associated evidence documents.

### **3. PROPOSED RESPONSE**

#### Recreational Impacts on the New Forest European Sites (New Forest SPA/SAC)

- 3.1 The majority of the issues identified and the changes outlined are appropriate and address matters that are rightfully for Wiltshire to take a view on. However, there remain some outstanding issues in the (South Wiltshire) Downton area that have implications that could affect the New Forest European nature conservation sites, described briefly below.
- 3.2 The Conservation of Habitats and Species Regulations 2010 require development to avoid harmful impacts on the integrity of protected sites, and to ensure that appropriate mitigation measures are in place where likely significant effects have been identified.
- 3.3 Wiltshire Council produced a Habitats Regulations Assessment (HRA)<sup>2</sup> for its Core Strategy adopted in 2015.c It was concluded that the Core Strategy includes sufficient policies to avoid or mitigate potential adverse effects on European nature conservation sites. It noted that further HRA would be required for the Site Specific Allocations DPD on this issue (HRA, p.9).

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<sup>1</sup><https://cms.wiltshire.gov.uk/documents/s152212/WHSAP0101WiltshireHousingSiteAllocationsPlanSubmissionDocumentJuly2018.pdf>

<sup>2</sup> <http://www.wiltshire.gov.uk/wcs-habitats-regulations-assessment-feb-2012.pdf>

- 3.4 The Housing Site Allocations Plan now proposes 190 dwellings for the Downton area which will be within 5km of the New Forest SPA and will have a recreational impact on the New Forest Nature 2000 sites.
- 3.5 The HRA fails to acknowledge the recreational impacts that will arise from development so close to the New Forest Natura 2000 sites. It further fails to address the adverse impacts through appropriate mitigation measures. The Plan should set out what form of mitigation will be required in relation to any sites identified so that developers can proceed without adverse impacts on the New Forest European sites. The Wiltshire Local Plan or supporting documents may provide some of this information, in which cross referencing may be appropriate. But to be silent on Natura 2000 habitat impact avoidance when the issue is identified in the HRA would be a significant soundness issue and would not comply with the conservation of the New Forest European Sites.
- 3.6 This has already been acknowledged in the adopted Downton Neighbourhood Plan (2016) which states that: *“There is a risk that new housing in the Downton Parish Neighbourhood Plan Area would lead to impacts on the New Forest Special Protection Area as a result of increased recreational disturbance on ground nesting birds. Wiltshire Council is committed to preparing a New Forest Mitigation Strategy to deliver measures to offset the impacts. However, until the strategy is complete, the Neighbourhood Plan notes developers must comply with CP50 of the Core Strategy by providing bespoke measures to demonstrate their proposals would have no adverse effect on the SPA.”* (p.28).<sup>3</sup>

#### Conclusion

- 3.7 **New Forest District Council objects to the commitment to 190 dwellings at Downton without ensuring the required mitigation to avoid adverse effects on the integrity of the New Forest European sites is provided. It is New Forest District Council’s view that the proposed housing will lead to likely significant effects on the New Forest European sites unless provision for mitigation is incorporated into the Site Allocations Plan. The Plan currently fails to set out provision for mitigation. The objection is made on the grounds that as currently drafted the Plan is contrary to the Habitats Regulations.**
- 3.8 See Appendix 1 for the proposed response.

## **4. ENVIRONMENTAL IMPLICATIONS**

- 4.1 The Plan has a potentially adverse environmental impact on the internationally designated New Forest sites (SPA and SAC and Ramsar sites).

## **5. FINANCIAL, EQUALITY & DIVERSITY and CRIME & DISORDER IMPLICATIONS**

- 5.1 None

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<sup>3</sup> <http://www.wiltshire.gov.uk/1-downton-neighbourhood-plan-12102016.pdf>

## **6. RECOMMENDATIONS**

- 6.1 To object to proposals contained in the Wiltshire Housing Sites Allocation Plan for development at Downton without appropriate mitigation measures to avoid adverse effects on the integrity of the New Forest European sites, as set out in Appendix 1.

## **7. PORTFOLIO HOLDER DECISION**

**I agree to the recommendations of this report that in relation to the Wiltshire Council Housing Site Allocations Plan the key issues for New Forest District relate to the effective mitigation measures for protected sites in the New Forest.**

**Signed:           CLLR E J HERON**

**Date:             1 November 2018**

**For further information contact:**

**Background Papers:**

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**Date on which notice given of this Decision – 1 November 2018  
Last date for call-in – 8 November 2018**

## APPENDIX 1

NOVEMBER 2018

### **RESPONSE TO WILTSHIRE COUNCIL'S HOUSING SITE ALLOCATIONS PLAN – FOCUSSED CONSULTATION ON THE SCHEDULE OF PROPOSED CHANGES AND REVISED SUSTAINABILITY APPRAISAL (27 SEPTEMBER to 9 NOVEMBER 2018)**

#### Recreational Impacts on the New Forest European Sites (New Forest SPA, SAC, Ramsar)

- 1.1 The majority of the issues identified and the changes outlined are appropriate and address matters that are rightfully for Wiltshire to take a view on. However, there remain some outstanding issues in the (South Wiltshire) Downton area that have implications that could affect the New Forest European nature conservation sites, described briefly below.
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- 1.3 Wiltshire Council produced a Habitats Regulations Assessment (HRA)<sup>4</sup> for its Core Strategy adopted in 2015. It was concluded that the Core Strategy includes sufficient policies to avoid or mitigate potential adverse effects on European nature conservation sites. It noted that further HRA would be required for the Site Specific Allocations DPD on this issue (HRA, p.9).
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<sup>4</sup> <http://www.wiltshire.gov.uk/wcs-habitats-regulations-assessment-feb-2012.pdf>

*providing bespoke measures to demonstrate their proposals would have no adverse effect on the SPA.” (p.28).<sup>5</sup>*

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