APPROPRIATE ASSESSMENT OF POLICY TOT11: ELING WHARF

Prepared for New Forest District Council by LUC

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1 TOT11: ELING WHARF

INTRODUCTION

1.1 New Forest District Council (NFDC) adopted Core Strategy (New Forest District Council, 2009) provides support for the allocation of up to 49 hectares of employment sites (Policy CS17), including up to around five hectares on land adjoining Totton. It also provides for 3,920 new dwellings within existing towns and villages (Policy CS10), including 955 within Totton and Eling (Table 2 of Core Strategy). In line with this strategy, Policy TOT11 of the Sites and Development Management DPD allocates approximately 15 hectares at Eling Wharf for mixed use (primarily employment) development.

1.2 The site lies on the edge of Totton town centre, immediately to the south of the A35 Totton bypass and to the west of Southampton Water. It is a brownfield site that suffers from serious contamination and is currently used for storage and low intensity employment uses. The adjoining section of Southampton Water forms part of the Solent Maritime Special Area of Conservation (SAC) and Southampton Water Special Protection Area (SPA)/Ramsar European sites. Habitats Regulations Assessment (HRA) of the Draft Sites and Development Management DPD concluded that a full Appropriate Assessment would be required if this site were allocated for development. Land Use Consultants (LUC) has been appointed by NFDC to assist them with the HRA of the Sites and Development Management DPD by assessing the potential effects of Policy TOT11 on Solent Maritime SAC and Southampton Water SPA/Ramsar European sites. The draft of Policy TOT11 which was the subject of this assessment is included at Appendix 1 for ease of reference.

APPROACH TO APPROPRIATE ASSESSMENT OF TOT11

1.3 In assessing Policy TOT11, LUC has sought to:

- Identify the likely types of adverse effect that the development provided for by TOT11 could have on Solent Maritime SAC and Southampton Water SPA/Ramsar sites.
- Identify whether any additional adverse effects on Solent Maritime SAC and Southampton Water SPA/Ramsar sites could arise from TOT11 in-combination with other plans or projects.
- Consider the extent to which these effects are mitigated by provisions within TOT11 and its supporting text, other policies within the emerging Sites and Development Management DPD, and policy within the adopted NFDC Core Strategy (to which the Sites and Development Management DPD must conform) as well as the wider regulatory environment.
- To the extent that mitigation is not deemed sufficient to prevent likely significant effects on European sites, recommend further policy safeguards.
- Conclude whether, in the light of the above, likely significant effects on European sites from Policy TOT11 can be ruled out.
1.4 This assessment of Policy TOT11 is not intended to form a standalone Appropriate Assessment but rather to inform the HRA Report being produced by NFDC and does not, therefore, repeat information contained within that report.

1.5 In carrying out an Appropriate Assessment of Policy TOT11, LUC has reviewed and sought to build on HRA work already carried out on the draft DPD (New Forest District Council, 2010) which was consulted upon in 2010. This includes information on the qualifying features, current condition and vulnerabilities of Solent Maritime SAC and Southampton Water SPA/Ramsar European sites. The original HRA identified the following uncertain effects on these European sites:

- Water pollution during construction (from on-site contaminants).
- Recreational disturbance (including from domestic pets).
- Light pollution and noise disturbance (from site construction and operation).
- Air pollution (from increased road traffic).

1.6 LUC has also taken account of comments made by stakeholders on the draft DPD, on the HRA of the draft DPD and on the draft development brief for the site. Based on a review of this material, we have also included the following types of potential adverse effect in this assessment:

- Coastal squeeze.
- Water pollution during operation (from increased sewage flows).
- Impact of tall structures (shading of habitats; bird flight paths).

**IN-COMBINATION EFFECTS**

1.7 The HRA of the draft Sites and Development Management DPD identified that significant recreational pressure on Solent Maritime SAC and Southampton Water SPA/Ramsar could not be ruled out as a result of policy TOT11 acting in-combination with other policies for residential development within the DPD and other development plans in the area.

1.8 The HRA of the Southampton Core Strategy (Halcrow, 2009) has been reviewed and this shows that it was unable to rule out likely significant effects on Solent Maritime SAC and Southampton Water SPA/Ramsar due to recreation disturbance, coastal squeeze, disturbed flight lines and pollution. Uncertainties in relation to these effects resulted in a conclusion that it would be necessary to undertake further Appropriate Assessment on lower tier plans/projects in the future, notably developments near to or associated with European sites, developments associated with the Port of Southampton, and shipping and dredging activities. Policies in the Southampton Core Strategy that might give rise to potentially damaging developments include CS9 which relates to development of the Port of Southampton and Policy CS12 which supports increased access to the waterfront. In addition, the Core Strategy (Southampton City Council, 2010) includes a strategic objective to “enhance gateways to the city” and one such gateway is identified on the Key Diagram as lying on the opposite bank of Southampton Water to the Eling Wharf site. It
is also noted that there is an application for a biomass pant on land owned by Southampton Port, approximately 2 km downstream of Eling Wharf and on the opposite side of Southampton Water, which is expected to be submitted to the IPC in 2012.

1.9 The other neighbouring local planning authority is Test Valley Borough. Its draft Core Strategy (Test Valley Borough Council, 2011) allocates 37 hectares of employment land in the southern Test Valley in the Nursling area, approximately 2 km north north-east of Eling Wharf. Employment development here is likely to increase traffic on local roads such as the A35 and M271 which pass close to Solent Maritime SAC and Southampton Water SPA/Ramsar European sites.

1.10 It is likely that some of the effects identified in para. 1.5-1.6 for Policy TOT11 could combine with those of the developments described above to increase the magnitude of effects on Solent Maritime SAC and Southampton Water SPA/Ramsar European. It is judged, however, that no new types of in-combination effect will arise which have not already been identified for Policy TOT11 alone.

ASSESSMENT OF POTENTIAL EFFECTS

Water pollution during construction

1.11 The DPD acknowledges that the Eling Wharf site suffers from serious contamination. Earlier HRA work (New Forest District Council, 2010) notes that the TOT11 site “is highly contaminated and is currently leaking contaminants. The development of this site has the potential to decrease or increase the levels of contaminants leaked, depending on management”. It is considered that any such water pollution during construction would pose a particular threat to the designated habitats of Solent Maritime SAC and the qualifying criteria of Southampton Water SPA/Ramsar site.

1.12 The Environment Agency confirms this issue and states that it is essential that the risk of pollution from developing the site is minimised, having regard to the European sites in Southampton Water and other regulatory requirements. They further state that discussions regarding contamination of the site are on-going involving NFDC, the site owners and themselves and that further investigations and assessments are required to characterise contamination at the site to enable an appropriate remediation strategy to be designed. Finally, the Environment Agency notes that in line with PPS23: Planning and Pollution Control, an understanding of the contamination risks for this site should be demonstrated to confirm that it is deliverable (Environment Agency, 2011). Natural England has noted that adverse effects on Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC could arise if land reclamation were required as part of decontamination works (Natural England, 2011).
It is concluded that due to the lack of conclusive evidence at this stage of the planning process it is not possible to determine whether construction activity for the development of Eling Wharf will result in existing site contaminants polluting the Solent, with potential significant effects on Solent Maritime SAC and Southampton Water SPA/Ramsar site. Nor is it possible to determine whether any such risk could be adequately mitigated through appropriate construction practices or whether the decontamination process itself could result in loss/damage to supporting habitat e.g. if land reclamation were required. This issue should therefore be examined in detail as part of a planning application level Appropriate Assessment, informed by appropriate site investigations.

Recreational disturbance

1.13 Policy TOT11 provides for significant employment development and residential development of the Eling Wharf site. It also provides for public open space, including appropriate public access to the waterfront and limited retail and restaurant uses along the waterfront. A cycle/footpath route through the site will be connected to existing adjacent routes. These provisions are likely to result in increased recreational use of the waterfront by residents, employees and visitors, and potentially increased public use of the foreshore. Resulting disturbance of feeding and roosting designated bird species could adversely impact the SPA and Ramsar European sites, as noted by earlier HRA work (New Forest District Council, 2010) and Natural England comments thereon (Natural England, 2011).

1.14 Some mitigation is available from Core Strategy policies on biodiversity protection (CS3), minimum standards for open space provision (CS7) and developers’ contributions to on-site or off-site infrastructure to meet community or environmental needs. In addition the Sites and Development Management DPD contains policies which preserve existing open space (DM7) and support a green infrastructure network (DM9). Policy TOT11 itself provides for provision of public open space and appropriate green infrastructure on-site. Further guidance is provided in a Green Infrastructure SPD and an Open Space SPD. In relation to mitigation of recreational disturbance to European sites in the NFDC area, Natural England have stated that whilst they welcome the development management policy on green infrastructure (previously DM6; now DM9), it does not require the provision of green infrastructure or a contribution towards it. They also expressed concern about a lack of commitment to the PUSH Green Infrastructure Strategy in the DPD, despite the Core Strategy’s reliance on provision of strategic green infrastructure through this strategy to demonstrate compliance with the Habitats Regulations (Natural England, 2011). In response, NFDC state that they are relying on Core Strategy policies supporting the PUSH GI Strategy (policies CS7 and CS25), and that the PUSH GI project identified in the NFDC area is being provided as part of the allocation at Durley Farm - policy TOT1 of the Sites and Development Management DPD (New Forest District Council, 2011).

1.15 In relation to the draft development brief for the site, Natural England have stated that mitigation of recreational disturbance is likely to be required and that the most suitable area on-site would be the north-eastern extremity which would be ideally suited for salt marsh re-creation. They also state that
depending on the scale of residential development at the site, open space provision may need to exceed the minimum required by open space standards because of the site's location between Solent and Southampton Water SPA/Ramsar and New Forest SPA/Ramsar, both of which are sensitive to recreational disturbance (Natural England, 2011). In response, NFDC state that they have already significantly increased the minimum open space standard in policy CS7 in order to mitigate the impacts of development on designated sites and therefore do not believe that there is a need for a further increase.

To secure further mitigation in respect of recreational disturbance it is recommended that:

i) Policy DM9 Green Infrastructure be amended to state that any development proposals deemed likely to add to recreational pressure on sensitive European sites will be required to contribute to the provision of suitable alternative natural greenspace. The collection mechanism could be the Community Infrastructure Levy (CIL) which permits the pooling of CIL funds with other local authorities to deliver sub-regional infrastructure. Alternative natural greenspace could then be specified in the Council’s published ‘Regulation 123 list’ of items or types of infrastructure it intends to fund through CIL.

ii) The bullet point within TOT11 relating to impacts on European sites be amended to include a list of the main types of potential impact and related avoidance, mitigation or compensation measures which are likely to be required, to include access management (which could form part of an overarching management plan for the site) and provision of alternative space for recreation. Suggested policy wording is provided at the end of this section.

Subject to these recommended changes it is considered that Policy TOT11 is capable of being implemented without likely significant recreational effects on Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC although more detailed investigations and Appropriate Assessment will be required at the planning application stage to determine how people currently use the immediate area and the wider SPA/Ramsar site and to confirm how designated bird species use areas of the SPA/Ramsar which could be impacted by recreational disturbance.

Light pollution and noise disturbance

1.16 Decontamination, demolition and construction works to deliver new housing, employment space and open space at Eling Wharf could give rise to noise and light pollution which results in adverse disturbance effects on the breeding and over-wintering birds for which the Solent and Southampton Water SPA/Ramsar site is designated. During operation, light pollution from occupied buildings and noise from commercial/industrial operations and traffic movements into and out of the site could add to the recreational disturbance considered separately. Natural England have noted in relation to disturbance of SPA birds that they would not wish to see any activities above normal background levels taking place on site during the sensitive over-wintering period (October-March) (Natural England, 2011).
It is considered that Policy TOT11 is capable of being implemented without likely significant light and noise disturbance effects on European sites provided that suitable mitigation is implemented during site preparation, construction and operation. To secure appropriate avoidance it is recommended that the bullet point within TOT11 relating to European sites includes avoidance of activity during the sensitive overwintering period. This may be achievable by appropriate timing of works with the greatest potential for disturbance, phasing of construction so that earlier buildings act as a partial screen to those built later and design of buildings, landscaping and planting which minimise noise and light spillage and which screen the designated site. Suggested policy wording is provided at the end of this section.

**Air pollution**

1.17 Development at Eling Wharf will result in additional journeys on the local transport network to serve the employment sites and by residents of new housing. To the extent that these journeys are made by commercial vehicle or car rather than on foot or bicycle, they may give rise to additional emissions which have the potential to cause adverse effects on the designated features of Solent Maritime SAC and Southampton Water SPA/Ramsar European sites, for example nutrient loading from nitrogen deposition. It is judged that the potential non-local effects of transport pollution and in-combination effects with pollution arising from traffic growth in neighbouring local authorities were most appropriately dealt within the HRA of the Core Strategy. The HRA of the Core Strategy concluded that, with the exception of potential recreational effects, its policies were not likely to have significant effects on the integrity of European sites (New Forest District Council, 2008). This assessment therefore confines itself to potential local air pollution effects which standard practice suggests may occur up to 200 metres from affected roads (Highways Agency, 2011). The A35, which will provide the main site access for employment uses, passes within 200 metres of the European designations.

1.18 Mitigation of potential local air pollution effects is available from the Core Strategy (New Forest District Council, 2009) which directs employment sites (Policy CS17) and residential development (Policy CS10) to sites within and adjoining existing settlements, including Totton and Eling, thereby reducing the need to travel and enhancing the possibility of travel by cycle or walking. The Core Strategy also supports improvements to public transport interchanges and Totton air quality management measures (CS23). Policy CS24 promotes improvements to and links into pedestrian and cycle networks, although these measures may be offset to some extent by highway improvements (CS23) which may encourage car use. Various transport improvements in Totton, including to pedestrian and cycle routes are set out in Sites and Development Management DPD Policies TOT17 and TOT22. The Eling Wharf policy itself provides mitigation in the form of a cycle/footpath route through the site linking to local routes.
To secure further mitigation in respect of potential air pollution effects, it is recommended that Policy TOT11 include requirements for:

i) A Green Transport Plan for employment uses that commits to measures to support public transport use, walking and cycling by employees.

ii) Residential development proposals to commit to measures to support increased use of sustainable modes e.g. through promotion of car clubs, provision of electric vehicle charging points, provision of secure cycle parking.

Subject to these recommended changes and in light of the mitigation described above it is considered that Policy TOT11 is capable of being implemented without likely significant air pollution effects on Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC.

Coastal squeeze

1.19 Eling Wharf occupies a coastal location on Southampton Water. In respect of coastal flood risk, the Environment Agency note that although the majority of the site currently lies within Flood Zone 1, the PUSH SFRA predicts that climate change will place a much greater proportion of the site at risk of flooding in the future (Environment Agency, 2011). Redevelopment of the site is therefore likely to require flood control measures which could include enhancement of existing coastal flood defences. As sea levels rise, this would be likely to result in loss of inter-tidal habitats that support or form part of Solent Maritime SAC and Southampton Water SPA/Ramsar site. It is also noted that Natural England have expressed a general view that consideration should be given to the potential for Hampshire’s disused wharves to be used to help maintain the coastline as an environmental and recreational resource in the face of climate change and rising sea levels, providing supplementary habitat to designated sites, rather than being redeveloped (Natural England, 2011).

1.20 It is not judged appropriate, however, to consider the potential effects of alternative coastal flood management approaches on European sites when assessing individual site allocation policies. By its nature, coastal flood risk must be managed and appropriate mitigation in respect of European sites must be planned at a strategic scale. Such an approach is provided by the Shoreline Management Plan process and associated HRA. Eling Wharf lies within ‘Policy Unit 5C14 Redbridge to Calshot Spit’ of the North Solent Shoreline Management Plan (SMP). The selected management policy for this section of coast from the present day through to 2105 is ‘Hold the Line’ (i.e. maintain or upgrade the standard of protection provided by defences, although undefended shoreline frontages should continue to be undefended). The rationale for this policy is to afford protection to the regionally and nationally significant industrial and commercial developments, assets and infrastructure and the residential centres including Eling and Totton.

1.21 The Appropriate Assessment of the SMP concludes that both alone and in-combination with the Isle of Wight SMP, the Hold the Line strategy for this section of coast will have an adverse effect on the habitats and function of a number of European sites including Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC. The Appropriate Assessment justifies
these adverse effects for Imperative Reasons of Overriding Public Interest (IROPI) which leads to a regulatory requirement to secure compensatory habitat to maintain the integrity of the adversely affected European sites and the amount of habitat of each type that will need to be created is quantified. In respect of the Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC, the requirements are for creation of saltmarsh, freshwater habitats, coastal grazing marsh, landward feeding/high tide roost sites, and seaward feeding/high tide roost sites.

1.22 Through the development of the SMP, the Environment Agency and Natural England have agreed that the loss of inter-tidal habitats resulting from continued maintenance of flood defences, through coastal squeeze, will be delivered through the Flood and Coastal Defence Grant Aid funding of the Regional Habitat Creation Programme. The North Solent SMP has been compensated by regional habitat creation at Medmerry in West Sussex led by the Environment Agency. This delivers sufficient compensatory habitat to address the coastal squeeze which will be experienced due to Hold the Line policy units for the first epoch (20 years). The programme will deliver various habitats, in particular saltmarsh, mudflat, reedbed, and grazing marsh.

1.23 In support of the SMP process, designation of coastal change management areas and associated development management measures in Policy DM5 of the DPD will assist in the managed retreat of some areas of coastline.

It is concluded that no further Appropriate Assessment is required at the planning application stage in respect of coastal squeeze as this issue has been dealt with through the SMP process and associated HRA. In order to help secure compensation for designated and supporting habitat lost to coastal squeeze, particularly beyond the first epoch of the North Solent SMP, it is recommended that NFDC updates its Delivery and Implementation Plan to include a reference to helping to fund the Southern Regional Habitat Creation Programme from developer contributions. The collection mechanism could be the Community Infrastructure Levy (CIL) which permits the pooling of CIL funds with other local authorities to deliver sub-regional infrastructure. Compensatory habitat could then be specified in the Council’s published ‘Regulation 123 list’ of items or types of infrastructure it intends to fund through CIL.

Water pollution during operation

1.24 Development provided for by Policy TOT11 may include up to 150 new dwellings although the scale of development is not yet fixed. These, together with new employment uses at Eling Wharf, will result in increased sewage flows to the receiving Sewage Treatment Works (STW). This effect from Policy TOT11 would act in-combination with any other development within the catchment of the STW.

1.25 The designated features of the European sites are vulnerable to increased nutrient inputs. For Solent Maritime SAC, earlier HRA work (New Forest District Council, 2010) notes that “the discharges from several STW’s currently result in nutrient enrichment of the SAC, which has been associated with an increase in macroalgal growth and nutrient inputs. N inputs have been identified as being particularly critical by the Environment Agency’s Review of Consents.”
1.26 This suggests increased volumes of treated sewage discharges to the Solent could adversely affect designated features unless improved sewage treatment techniques are employed in order to reduce nutrient concentrations in existing and new discharges from the STW. The Environment Agency has stated that the receiving STW at Slowhill Copse is already operating at Best Available Technology (BAT) standards and that any increase in flows and nutrients would need to be re-assessed (Environment Agency, 2011).

1.27 In light of these concerns, Southern Water was asked to provide further information on the capacity of Slowhill Copse STW to accommodate further development. Key points from the Southern Water response (Southern Water, 2011) are as follows:

- Slowhill Copse receives wastewater from Totton and the surrounding area, as well as Marchwood and Hythe. Some of the catchment falls within the New Forest National Park.

- Wastewater treatment capacity needs to be assessed on a whole catchment basis, rather than site by site; Southern Water is not in a position to reserve capacity for individual development sites. Local planning authorities effectively allocate the capacity available through granting of planning permissions.

- Southern Water is confident that it can accommodate significant development at Slowhill Copse STW without breaching the terms of the existing environmental permit. The STW has the capacity to treat wastewater from approximately 4,000 new homes without exceeding the maximum discharge volume currently permitted by the Environment Agency although additional treatment capacity may be required to treat the increased volume of wastewater to the required standard. DPDs adopted by New Forest District Council and the New Forest National Park Authority will inform Southern Water’s investment planning.

The catchment of Slowhill Copse STW falls within the plan areas of New Forest District Council and the New Forest National Park Authority and receives wastewater from Totton and the surrounding area, as well as Marchwood and Hythe. The STW has existing or potential (i.e. in response to adopted site allocations) capacity to treat wastewater from up to 4,000 new homes without breaching current Environment Agency consents which are set so as to protect the environment, including the integrity of European sites. New Forest District Council’s Core Strategy provides for 1,640 new homes during 2006-2026 in Totton, Marchwood, and Hythe & Dibden (Policies CS11 and CS12) (New Forest District Council, 2009) and only 220 new homes are planned for the whole of the New Forest National Park over this period (New Forest National Park Authority, 2010). It is therefore concluded that increased sewage flows associated with development at Eling Wharf could be accommodated without likely significant effect due to increased nutrient inputs on Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC.
Impact of tall structures

1.28 Although building heights are not specified in Policy TOT11, a consultation comment on the development brief suggests that these may be up to five storeys in height (Hampshire County Council, 2011). Tall buildings have the potential to adversely affect bird species for which Southampton Water SPA/Ramsar sites are designated e.g. due to disruption of flight paths or provision of roosting, nesting or perching space for bird species which may predate the designated bird species of Southampton Water SPA/Ramsar site. In addition, it is possible that shading by tall structures of designated and supporting habitats could adversely affect them.

It is recommended that the bullet point within TOT11 relating to European sites be amended to include a list of the main types of potential impact and related avoidance, mitigation or compensation measures which are likely to be required, to include avoidance of adverse impacts on European sites due to disruption of bird flight paths, provision of habitat for predatory bird species or shading of habitats. This should be achievable through appropriate design of the development. Subject to these recommended changes it is considered that Policy TOT11 is capable of being implemented without likely significant effects on Solent and Southampton Water SPA/Ramsar. Suggested policy wording is provided at the end of this section.

SUGGESTED WORDING FOR NATURE CONSERVATION BULLET OF POLICY TOT11

1.29 As indicated above, it is recommended that:

- The bullet point within TOT11 relating to avoidance of unacceptable impacts on European sites be amended to list the main types of potential impact and related forms of avoidance, mitigation or compensation likely to be required.
- The reference to the Eling conservation area is made as a separate bullet point to keep separate the issues of nature conservation and building conservation.
- The word “nearby” is avoided since relevant conservation areas should be identified by consideration of the potential for impacts, not just proximity.
- The HRA report will identify the relevant internationally designated sites to be considered.
Suggested new wording for the bullet point (or supporting explanatory text as appropriate) on European sites is as follows:

"Unacceptable impacts on areas designated for national and international importance for nature conservation will be avoided, and where avoidance is not possible, will be mitigated. Where residual impacts remain, compensation will be provided. Any such measures will need to be informed by relevant site-specific investigations (e.g. bird surveys; visitor surveys) and designed in consultation with New Forest District Council and Natural England. It is anticipated that these investigations will take the form of a project level Appropriate Assessment under the Habitats Regulations to accompany any planning application.

In respect of Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC (and associated SSSIs) the types of impact to be investigated and corresponding avoidance, mitigation and compensation measures may include, but are not necessarily limited to:

Water pollution during construction - scheme of pollution prevention measures agreed with the Environment Agency and NFDC.

Recreational disturbance - prevention of access onto the mud and salt marsh; provision of alternative space for salt marsh recreation. Light pollution and noise disturbance - avoidance of construction or operational activities which give rise to noise or light pollution above normal background levels during the sensitive overwintering period (October-March).

Air pollution – traffic management measures sufficient to avoid significant effects on the integrity of the designated sites from traffic-related air pollution including: proposals for employment development to include a Green Transport Plan that commits to measures to support public transport use, walking and cycling by employees; proposals for residential development proposals to commit to measures to support increased use of sustainable modes (e.g. through promotion of car clubs, provision of electric vehicle charging points, provision of secure cycle parking).

Impact of tall structures - avoidance of disruption to bird flight paths, provision of roosting, nesting or perching space for predatory bird species or shading of habitats."

CONCLUSION

1.30 Earlier HRA of a consultation draft of the Sites and Development Management DPD revealed a number of potential significant effects on Solent Maritime SAC and Southampton Water SPA/Ramsar European sites which required full Appropriate Assessment (New Forest District Council, 2010).

1.31 In light of the evidence we have reviewed and of the safeguards provided within the DPD and wider policy, this Appropriate Assessment is able to conclude that Policy TOT11 is capable of being implemented without likely significant effects on European sites, either alone or in-combination with other plans or projects.

1.32 This conclusion is dependent on the recommendations within this assessment being implemented in the final version of the DPD. In addition, a number of uncertainties remain due to the absence of conclusive evidence at this stage in the planning process. In line with good practice guidance for HRA (David
Tyldesley Associates, 2006), these issues have been highlighted for Appropriate Assessment at the next tier of the planning process (project level) when more detailed information can be required as part of the application for planning permission. This approach to uncertainty is consistent with that taken by LUC and other practitioners when undertaking HRA of development allocations.¹

1.33 Given that Solent and Southampton Water SPA/Ramsar site and Solent Maritime SAC cover a large geographic area, Appropriate Assessment at the planning application stage is likely to require a more detailed exploration of the ecological receptors to identify and assess the vulnerability of the subset of qualifying interest features likely to be affected by the particular development proposal. This will help to demonstrate that the correct impacts have been identified and consequently, appropriate mitigation measures have been designed.

REFERENCES


Hampshire County Council. (2011, May 5). Email from County Ecologist Re "TS-Adam Egglesfield 030511 Eling Wharf Ecological Appraisal".


New Forest District Council. (2011, December 6). Email "Re. Eling Wharf HRA Work".

¹ For example, in the HRA of a policy allocating a regional freight interchange in Peterborough it was concluded that some issues required more detailed evidence to demonstrate that effects could be avoided or minimised. Natural England agreed that unless conclusive evidence was available at the time of plan assessment, such issues were more appropriately assessed at a lower tier of the development process [17].


Southern Water. (2011, November 09). Email re. "Slowhill Copse Wastewater Treatment Works".


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Eling Wharf is allocated for a mixed use development, primarily for employment development in accordance with Policy CS17 of the Core Strategy. Residential development, community and leisure uses will also be acceptable as part of a comprehensive redevelopment of the site.

In addition to policy requirements in the Core Strategy and Development Management Policies in Section 2 of this document, the site will be developed in accordance with the following site specific criteria:

- the primary use of the site should be employment development, and in particular forms of business development creating higher value and density of jobs;
- residential development, including affordable homes in accordance with Policy CS15(d), should be located on the western part of the site, adjoining Eling Lane.
- the primary access to the employment areas should be from the A35, and the primary access to the housing areas should be from Eling Lane with all accesses being to the satisfaction of the highway authority;
- adjoining Eling Quay, in the southern part of the site, commercial and leisure uses, including limited retail and restaurant uses along the waterfront;
- the provision of public open space including appropriate public access to the waterfront;
- the resolution of existing contamination issues prior to, or in association with development;
- significant environmental improvements, including the provision of appropriate Green Infrastructure, to create a high quality environment across the whole site;
- avoidance of unacceptable impacts on the nearby areas of national and international importance for nature conservation and the adjoining Eling conservation area, and the implementation of appropriate mitigation measures to safeguard international designations during the construction and occupation of the development.
- a Flood Risk Assessment will be required for development proposals on the site. If housing development is proposed in flood zones 2 and 3 then detailed control measures for flood protection will be required. Any necessary control measures must show that they:
  - are appropriate and consistent with the North Solent Shoreline Management Plan and the West Solent Coastal Defence Strategy
  - will not result in an increased level of flood risk to others
  - have clear responsibilities for their provision; and
  - have suitable arrangements in place for their future maintenance, where relevant.
- a cycle/footpath route through the site should connect to the existing cycle routes adjacent to the A35 to the north of the site and the on road route

<table>
<thead>
<tr>
<th>TOT11: Eling Wharf</th>
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</thead>
<tbody>
<tr>
<td><strong>APPENDIX 1: Draft policy for Eling Wharf</strong></td>
</tr>
<tr>
<td>Eling Wharf is allocated for a mixed use development, primarily for employment development in accordance with Policy CS17 of the Core Strategy. Residential development, community and leisure uses will also be acceptable as part of a comprehensive redevelopment of the site.</td>
</tr>
<tr>
<td>In addition to policy requirements in the Core Strategy and Development Management Policies in Section 2 of this document, the site will be developed in accordance with the following site specific criteria:</td>
</tr>
<tr>
<td>- the primary use of the site should be employment development, and in particular forms of business development creating higher value and density of jobs;</td>
</tr>
<tr>
<td>- residential development, including affordable homes in accordance with Policy CS15(d), should be located on the western part of the site, adjoining Eling Lane.</td>
</tr>
<tr>
<td>- the primary access to the employment areas should be from the A35, and the primary access to the housing areas should be from Eling Lane with all accesses being to the satisfaction of the highway authority;</td>
</tr>
<tr>
<td>- adjoining Eling Quay, in the southern part of the site, commercial and leisure uses, including limited retail and restaurant uses along the waterfront;</td>
</tr>
<tr>
<td>- the provision of public open space including appropriate public access to the waterfront;</td>
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<tr>
<td>- the resolution of existing contamination issues prior to, or in association with development;</td>
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<td>- significant environmental improvements, including the provision of appropriate Green Infrastructure, to create a high quality environment across the whole site;</td>
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<td>- avoidance of unacceptable impacts on the nearby areas of national and international importance for nature conservation and the adjoining Eling conservation area, and the implementation of appropriate mitigation measures to safeguard international designations during the construction and occupation of the development.</td>
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along Eling Lane to the west of the site. This route would improve links for pedestrians and cyclists and would encourage cycling and walking to and from the site.

Appropriate mitigation measures will need to be incorporated into the design of the scheme to ensure avoidance of significant adverse impacts of the development on the European Designations. (Impacts to be assessed include those identified in supporting text.) These measures should include mitigation of the effects of construction work.

Impacts to be assessed include loss of habitat, disturbance of habitats, impact of pollution and contamination on site and in adjacent areas, impact of noise from development, impact of lighting, disturbance of ground water flows, noise, dust and vibration during construction, visual disturbance, disturbance from recreational activities.

When negotiating a detailed scheme for the redevelopment of Eling Wharf, the Council will take into account the over-riding benefits to be gained from resolving the future of this site, and recognising that only financially viable schemes will be implemented. The Council will aim to negotiate a financially viable scheme within the framework provided by Policy TOT11. This may require some flexibility in the implementation of some of the requirements of Policy TOT11.

The close proximity of European designations to the site requires an ‘Appropriate Assessment’ of the proposals to be undertaken (Article 6.3 of the Habitats Directive 92/43/EEC). For the purposes of this Plan the Appropriate Assessment (Background Paper XX) has been based on a scenario that development of the site could (as a maximum) includes up to 150 dwellings. This level of residential development has been tested as it is likely to represent a development scenario with greatest potential to have impacts on the European Designations.

A development brief for the Eling Wharf site will be prepared and adopted as a Supplementary Planning Document. This will provide detailed guidance on how the site should be developed, including details of the mitigation measures that will be undertaken. The Council will work with the site owners and the community on the preparation of the development brief for the site.