

**KING'S SOMBORNE NEIGHBOURHOOD  
DEVELOPMENT PLAN  
SHADOW HABITATS REGULATIONS ASSESSMENT**

**Final Document**  
September 2018

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<sup>1</sup> Chartered Institute of Ecology and Environmental Management (2015). *Guidelines for Ecological Report Writing*. Technical Guidance Series. <http://www.cieem.net/publications/23/ecological-report-writing>

<sup>2</sup> [www.cieem.net](http://www.cieem.net)

## KING'S SOMBORNE NEIGHBOURHOOD DEVELOPMENT PLAN

### SHADOW HABITATS REGULATIONS ASSESSMENT

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## EXECUTIVE SUMMARY

A shadow Habitats Regulations Assessment (HRA) has been undertaken of King's Somborne Neighbourhood Development Plan (hereafter referred to as 'the NDP').

The NDP proposes the allocation of five sites to be developed for housing within the parish of King's Somborne. Natural England have provided a response to the plan, raising concerns of possible impacts on Mottisfont Bats SAC, located approximately 2.5 kilometres from the NDP area.

ECOSA were commissioned by King's Somborne Parish Council to carry out a shadow Habitats Regulations Assessment of the NDP to assess the potential for the Plan to lead to likely significant effects (LSE) on Natura 2000 sites, specifically, Mottisfont Bats SAC.

It was determined that the pathways of impact by which the proposed development could lead to LSE on Natura 2000 sites would be through habitat loss/fragmentation, habitat degradation or disturbance of bat flight lines.

Without mitigation, it was not possible to screen out LSE on the Mottisfont Bats SAC, either alone or in combination with other plans and projects.

Therefore, an Appropriate Assessment was undertaken to determine mitigation approaches that could be implemented to enable a conclusion of no LSE to be reached.

Mitigation that would enable the conclusion of no LSE on the Mottisfont Bats SAC would comprise project specific HRA screening reports for individual development applications in order to demonstrate avoidance of or mitigation for the above pathways of impact.

The shadow HRA concludes that no likely significant effect will occur on Mottisfont Bats SAC (or any other Natura 2000 site) as a result of the proposed development, either alone or in combination with other plans and projects.

## 1.0 INTRODUCTION

Ecological Survey & Assessment Limited (ECOSA) has been appointed by King's Somborne Parish Council to assist in undertaking a shadow Habitats Regulations Assessment (HRA) of the potential effects of the King's Somborne Neighbourhood Development Plan (NDP) on Natura 2000 sites.

### 1.1 Background

A HRA screening report in relation to the NDP was produced by King's Somborne Parish Council in March 2018. As part of the HRA screening process, Natural England were consulted on the findings of the HRA screening report. Natural England's response is as follows:

*"Mottisfont Bats Special Area of Conservation (SAC) is situated within 2.5 kilometres of the King's Somborne NDP area. Based on the information provided, namely the proposed allocation of 2.87 hectares of development sites (in addition to any development under Test Valley Borough Council (TVBC) Local Plan policy COM2 (now COM1)) within the NDP, we advise that a HRA in relation to the designed site is required. This is to assess any likely significant effect (LSE) on the sensitive sites due to the potential loss of bat foraging habitat as a result of any development."*

### 1.2 Purpose of this Report

This shadow HRA will:

- Identify any aspects of the King's Somborne NDP that would cause an adverse effect on the integrity of the Mottisfont Bats SAC; and
- To advise on appropriate mechanisms for delivering mitigation where such effects are identified.

If the NDP cannot be screened out as being unlikely to lead to significant effects, then Appropriate Assessment (AA) is required which will include more detailed analysis of identified likely significant effects in order to develop appropriate mitigation that will enable Test Valley Borough Council (TVBC) in their role as the 'competent authority' to conclude that no adverse effect on the integrity of Natura 2000 sites (specifically, Mottisfont Bats SAC) will result.

The Habitats Regulations apply the precautionary principle to SACs, Special Protection Areas (SPAs) and Ramsar sites. This means that it is presumed that a likely significant effect may occur unless it can be demonstrated with a sufficient level of confidence that it will not.

Throughout this document the phrase Habitats Regulations Assessment (HRA) has been used to refer to the overall process required, while Appropriate Assessment (AA) is used for the specific stage of the process in which it is necessary to determine adverse effects on the integrity of Natura 2000 sites. The need for HRA and AA is set out within Article 6.3 of the EC Habitats Regulations 1992 and transposed into British law by the Conservation of Habitats and Species Regulations 2017 (as amended).

The ultimate aim of the Regulations is to “*maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest*” (Habitats Regulations, Article 2(2)). This aim relates to habitats and species, not the Natura 2000 sites themselves, although the sites have a significant role in delivering favourable conservation status.

Habitats Directive 1992

*“Any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon, either individually or in combination with other plans or projects, shall be subject to appropriate assessment of its implications for the site in view of the site's conservation objectives.”*

Conservation of Habitats and Species Regulations 2017 (as amended)

*“A competent authority, before deciding to ... give any consent, permission or other authorisation for a plan or project which is likely to have a significant effect on a European site ... must make an appropriate assessment of the implications for the site in view of that site's conservation objectives ... The authority may agree to the plan or project only after having ascertained that it will not adversely affect the integrity of the European site”.*

Section 2 of this report explains the HRA/AA process and methodology in more detail, identifying the scope of the assessment (i.e. which Natura 2000 sites have been considered). The ‘in-combination’ scope is also explained, with a brief description of key plans and policies which have been considered. Section 3 explores the relevant pathways of impact resulting from the NDP. Section 4 then undertakes a HRA screening of the NDP. Section 5 details the Appropriate Assessment. The conclusion of the HRA is then summarised in Section 6.

## **2.0 METHODOLOGY**

### **2.1 Introduction**

HRA itself operates independently from the Planning Policy system, being a legal requirement of a discrete Statutory Instrument.

### **2.2 A Proportionate Assessment**

Draft DCLG guidance<sup>3</sup> makes it clear that when implementing HRA of land-use plans, the AA should be undertaken at a level of detail that is appropriate and proportional to the level of detail provided within the plan itself:

*“The comprehensiveness of the [Appropriate] assessment work undertaken should be proportionate to the geographical scope of the option and the nature and extent of any effects identified. An AA need not be done in any more detail, or using more resources, than is useful for its purpose. It would be inappropriate and impracticable to assess the effects [of a strategic land use plan] in the degree of detail that would normally be required for the Environmental Impact Assessment (EIA) of a project.”*

More recently, the Court of Appeal<sup>4</sup> ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be ‘*achieved in practice*’ to satisfy that the proposed development/plan would have no adverse effect, then this would suffice.

### **2.3 The Process of HRA**

The stages of AA are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan or project until no likely significant effects remain.

The first stage of any Habitats Regulations Assessment is a Likely Significant Effect test - essentially a high-level risk assessment to decide whether the full subsequent stage known as Appropriate Assessment is required. The essential question is:

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

A recent European Court of Justice ruling<sup>5</sup> has determined that it is not sufficient to screen out projects/plans that include mitigation if that mitigation would not form part of the plan or project were it not for the consideration of the conservation objectives of Natura 2000 sites. In other words, the project/plan must be screened on its own merits and if mitigation would be required to prevent LSE on Natura 2000 sites then this must

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<sup>3</sup> DCLG (2006) Planning for the Protection of European Sites, Consultation Paper

<sup>4</sup> No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17<sup>th</sup> February 2015

<sup>5</sup> C-323/17 - People Over Wind and Sweetman, preliminary ruling High Court (Ireland) - Ireland

be subject to full Appropriate Assessment. Whilst this recent judgement has yet to be widely tested, this HRA report will follow the above interpretation of the ruling until further guidance emerges.

With regard to those Natura 2000 sites where it is considered not possible to 'screen out' the project/plan without detailed appraisal, it is necessary to progress to the later Appropriate Assessment stage to explore the adverse effects and devise mitigation.

## **2.4 Scope of the HRA**

The following Natura 2000 site has been scoped in for assessment within the HRA report:

- Mottisfont Bats Special Area of Conservation (SAC)

The selection of this site for inclusion in this assessment is based on the consideration both of potential for pathways of impact (see Section 3) to exist that could link the King's Somborne NDP to the Natura 2000 site and also the King's Somborne NDP HRA screening consultation response received from Natural England in April 2018. See **Map 1** for the location of the NDP Parish boundary and Mottisfont Bats SAC boundary and **Appendix 1** for the consultation response from Natural England.

## **2.5 The 'In Combination' Scope**

It is a requirement of the Regulations that the impacts and effects 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 Natura 2000 site(s) in question. In practice, 'in combination assessment' is of greatest importance when a plan or project would otherwise be screened out because the individual contribution is inconsequential. The principal other plan and projects being considered are:

- Test Valley Borough Council (TVBC) Revised Local Plan (adopted 2016)<sup>6</sup>;
- Kent Oak development. TVBC planning application for six houses at Crofton Kents Oak, Awbridge, SO51 0HH; and
- Houghton Farm development. TVBC planning application for 13 houses at Houghton Farm, Houghton, Stockbridge, SO20 6LT.

For the purposes of this assessment, we have determined that, due to the nature of the identified impacts, the key plans and projects that are likely to result in 'in-combination' effects with the proposed development relate to additional housing allocations that

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<sup>6</sup> Test Valley Borough Council – Revised Local Plan DPD: Adopted Local Plan 2011-2029. <https://www.testvalley.gov.uk/planning-and-building/planningpolicy/local-development-framework/dpd>



could lead to likely significant effects on the Natura 2000 sites considered in Paragraph 2.4 in combination with the proposed NDP.

### 3.0 PATHWAYS OF IMPACT

#### 3.1 Introduction

There exist various ways in which land use plans can impact on Natura 2000 sites via 'pathways' along which development can be connected with Natura 2000 sites, in some cases many kilometres distant, especially when considering possible effects on mobile species such as bats. Pathways are routes by which a change in activity associated with a plan or policy document can lead to an effect upon a Natura 2000 site.

The following pathways of impact are considered relevant in undertaking the HRA.

#### 3.2 Habitat Loss/Disturbance/Fragmentation and Habitat Degradation

##### Bats

Mottisfont Bats SAC is designated for its population of barbastelle bats *Barbastella barbastellus* (Section 4.0).

Barbastelle bats forage widely, travelling on average 7.5 kilometres per night from roosts<sup>7</sup> and therefore effects on landscape features outside the SAC may still lead to LSE on the population at Mottisfont – for which the SAC is designated.

Barbastelle bats are sensitive to disturbance and any type of development in the vicinity of potentially important habitats that produce noise or lighting (either temporarily during construction or permanently) may affect the use of the habitat by bats.

Any development that results in direct loss of, or changes to (such as fragmentation, or pollution of aquatic systems), habitats on which barbastelle bats rely, could give rise to impacts on the species and therefore the integrity of the SAC.

Habitats important to barbastelle bats (in order of importance) include open water, deciduous woodland, riparian, coniferous woodland, grassland. Urban and arable areas are, unsurprisingly, the least preferred habitat types for barbastelle bats due to high levels of disturbance, lack of prey items and lack of/fragmented commuting features such as hedgerows and tree lines.

Studies undertaken between 2000 and 2005 suggest the average distance travelled by barbastelle bats from roosting sites is 7.5 kilometres and that this distance should therefore be considered to identify plans (and projects) likely to have an impact upon

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<sup>7</sup> (Jonathon Cox Associates) Mottisfont Bats Special Area of Conservation (SAC) Protocol for Planning Officers, June 2010.

the Mottisfont Bats SAC<sup>7</sup> (see **Map 1** for the 7.5 kilometre boundary around the Mottisfont Bats SAC).

## **4.0 HRA SCREENING – MOTTISFONT BATS SAC**

### **4.1 Introduction**

The Mottisfont Bats SAC is a collection of known barbastelle bat breeding sites and important habitat encompassing some 196.55 hectares of land in the Test Valley, near Mottisfont in Hampshire (see **Map 1**).

### **4.2 Reasons for Designation**

The Mottisfont Bats is designated as a SAC to ensure the conservation and protection of barbastelle bats<sup>8</sup>. The Mottisfont woodland supports an important population of the rare barbastelle and is one of only six known maternity sites in the UK (2002 data) and, at the time of its designation, the only one in Hampshire. Mottisfont contains a mix of woodland types including hazel coppice with standards, broadleaved plantation and coniferous plantation (roughly 80% deciduous and 20% coniferous) which the bats use for breeding, roosting, commuting and feeding.

### **4.3 Current Threats**

According to the Natura 2000 form for the Mottisfont Bats SAC, current threats affecting the site are:

- High threat of forest and plantation management use inside the SAC boundary;
- High threat of changes in biotic conditions both inside and outside of the SAC boundary; and
- High threat of unknown threats or pressures outside of the SAC boundary.

The Conservation Objectives for the Mottisfont Bats SAC aim to 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 barbastelle bats, by maintaining or restoring:

- The extent and distribution of the habitats of barbastelle bats;
- The structure and function of the habitats of barbastelle bats;
- The supporting processes on which the habitats of barbastelle bats rely;
- The populations of barbastelle bats; and
- The distribution of barbastelle bats within the site.

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<sup>8</sup> <http://jncc.defra.gov.uk/protectedsites/sacselection/n2kforms/UK0030334.pdf>

#### 4.4 Potential Effects of the NDP

**Table 1** presents the findings of the screening assessment of NDP policies and potential development sites. Green shading in the final column indicates a policy that has been screened out of further consideration due to the absence of any mechanism for adverse effect on European sites. Orange shading indicates that further study is needed since a pathway of impact exists that cannot be screened out.

Whilst the Mottisfont Bats SAC boundary encompasses the core areas of habitat for barbastelle bats, radio-tracking studies have demonstrated the fact that the species is wide-ranging and the importance of habitat over a much wider area of the surrounding countryside<sup>7</sup>. To enable the species to persist therefore the integrity and function of the SAC must be protected.

Five sites are proposed for housing allocation within the NDP with a total of 42 new dwellings being constructed over a 15-year period. The location of these five housing sites are provided on **Map 2**. The boundary of the NDP is within 2.5 kilometres of the Mottisfont Bats SAC boundary. The location of the five housing sites identified under Policy H6 within the NDP are located (at their closest) approximately 3.5 kilometres away from the SAC boundary.

Desk study data was received from Hampshire Biodiversity Information Centre (August 2018) for records (nature of the record was “flying” rather than for roosts) of barbastelle bats at locations west of the NDP area approximately two kilometres away. A total of six records were returned for two locations in Houghton and Bossington, five of these records were from 2017. These records show that barbastelle are commuting across these geographical locations; both of these settlements are located on the western side of the River Test, suggesting the bats are using the river corridor as a commuting route.

Both alone and in combination with other plans and projects, there is the potential for new development to lead to impacts on barbastelle bats, the qualifying feature of the SAC.

**Table 1:** HRA Screening of King's Somborne NDP Policies

(Green shading in the final column indicates a policy that has been screened out of further consideration due to the absence of any mechanism for adverse effect on European sites. Orange shading indicates that further study is needed since a pathway of impact exists that cannot be screened out.)

Policy Number	Policy Wording	HRA Screening Outcome
Policy E1	<u>Preserving Landscape Features, Views and Surrounding Farmland</u> All development with the exception of extensions to existing property shall be subject to a specific landscape study which shall form part of the planning application and must be delivered in full as part of the planning application, including the written brief for the study.	Any new development has the potential to give rise to impacts on Mottisfont Bats SAC due to degradation/fragmentation and/or loss of habitat for barbastelle bat. This policy does not relate to specific development, merely stipulating the need for a landscape study.
Policy E2	<u>Preserving Landscape Features, Views and Surrounding Farmland</u> To preserve the Field 1 running between Horsebridge and Romsey Road for agricultural use to ensure positive separation between settlements.	This policy will not give rise to any impacts on the Mottisfont Bats SAC. This policy relates to preserving habitat rather than development.
Policy E3	<u>Preserving Landscape Features, Views and Surrounding Farmland</u> No housing development shall be permitted within the existing hamlets of Horsebridge, Brook, Compton, or Up Somborne. Developments are not permitted outside of the current developed area.	This policy will not give rise to any impacts on the Mottisfont Bats SAC. This policy relates to preventing development and does not specify actual development areas.
Policy E4	<u>Preserving Landscape Features, Views and Surrounding Farmland</u> All new development in King's Somborne is kept within the floor of the valley (generally below the 40M contour line).	Any new development has the potential to give rise to impacts on Mottisfont Bats SAC due to degradation/fragmentation and/or loss of habitat for barbastelle bat. This policy does not relate to specific development, merely guidance on where development areas should be located. Refer to wording under Policy H6.
Policy E5	<u>Preserving Landscape Features, Views and Surrounding Farmland</u> Any new multi-home development is to be sited close to other built-up landscape such that it is a natural extension of the existing village, rather than as a distinct separate development.	Any new development has the potential to give rise to impacts on Mottisfont Bats SAC due to degradation/fragmentation and/or loss of habitat for barbastelle bat. This policy does not relate to specific development, merely guidance on preserving landscape features, views and farmland.

Policy E6	<p><u>Preserving Landscape Features, Views and Surrounding Farmland</u></p> <p>New development and its landscaping is to be in a style which compliments neighbouring buildings, drawing on the best of the local vernacular styles and using materials used in such buildings with landscaping that reflects the character of the neighbouring area in accordance with this NDP's Design Guidance.</p>	Any new development has the potential to give rise to impacts on Mottisfont Bats SAC due to degradation/fragmentation and/or loss of habitat for barbastelle bat. This policy does not relate to specific development, merely guidance on preserving landscape features, views and farmland.
Policy E7	<p><u>Public Open Spaces</u></p> <p>New housing developments in excess of 5 dwellings shall provide for public open spaces within the development. As a minimum, developers should allow for 1.5 times the footprint of the proposed dwellings.</p>	Any new development has the potential to give rise to impacts on Mottisfont Bats SAC due to degradation/fragmentation and/or loss of habitat for barbastelle bat. This policy does not relate to specific development, merely guidance on the amount of open space needed.
Policy E8	<p><u>Local Areas of Green Space</u></p> <p>The following nominated Local Areas of Green Space (LAGS) shall be protected due to their importance to the local community:</p> <ul style="list-style-type: none"> <li>▪ Kings Somborne Cemetery – Stockbridge Road</li> <li>▪ Paddock opposite the Old Vicarage – Old Vicarage Lane</li> <li>▪ St Peter &amp; St Paul's Churchyard</li> <li>▪ Allotments –Furzedown Road</li> <li>▪ Up Somborne Down</li> </ul> <p>The list of nominated LAGS shall be reviewed and updated to include special protection for additional green areas including those on any new development as appropriate.</p>	This policy will not give rise to any impacts on the Mottisfont Bats SAC. This policy relates to preserving green space rather than development.
Policy E9	<p><u>Conservation Area, Heritage Buildings and Heritage Sites</u></p> <p>Development within or beside the Conservation Area must be sensitive to the characteristics of the Conservation Area, heritage assets and listed buildings and their setting. Any developments must not change the character or nature of the Conservation Area and must preserve the setting and significance of individual heritage assets and listed buildings.</p>	Any new development has the potential to give rise to impacts on Mottisfont Bats SAC due to degradation/fragmentation and/or loss of habitat for barbastelle bat. This policy does not relate to specific development, merely stipulates the need for development not changing the character or nature of the Conservation Area.
Policy E10	<p><u>Flooding and Water Management</u></p> <p>All developments shall be subject to a site-specific flood risk assessment in accordance with the relevant national guidance. Bridges crossing the Bourne or other drainage ditches shall be designed and installed such that they do not impede the existing flow area. All bridges shall have minimum of 160mm free board above the existing bank or road level whichever is the highest. Developers shall demonstrate that Sustainable Drainage Systems</p>	This policy relates to guidance in relation to new development in relation to flood risk assessments. Any new development has the potential to give rise to impacts on Mottisfont Bats SAC due to degradation/fragmentation and/or loss of habitat for barbastelle bat. This policy does not relate to specific development and wording under Policy H6 should be referred to. Retaining high levels of water quality in relation to the natural water resources of the Parish is important in relation to retaining good habitat quality for barbastelle bats supported by the Mottisfont Bats SAC. Any proposals affecting

	(SuDS) have been properly considered and applied within the layout and proposals for the development.	drainage ditches should avoid culverting watercourses and ensure no degradation of the water quality within the ditch network. The ditches in the King's Somborne Parish drain into the River Test Site of Special Scientific Interest and therefore any development/works with potential to affect the SSSI should demonstrate no impacts to the watercourse, this in turn will ensure no possible impacts to the Mottisfont Bats SAC in terms of habitat degradation. Developers should provide relevant assurance to the planning authority, in the form of a Construction Environmental Management Plan (CEMP) for example, that no impacts will arise on waterbodies/watercourse. Further consideration is provided in Section 5 in relation to Policy H6.
Policy E11	<u>Biodiversity</u> To ensure that for any new development ecological and arboricultural appraisals are undertaken to identify what is ecologically significant and can be provided for as part of the development proposal.	This policy relates to guidance for ecological and arboricultural appraisals to be undertaken in relation to development proposals and would therefore potentially be of benefit to the Mottisfont Bats SAC. All biodiversity reports should consider possible impacts on the Mottisfont Bats SAC in the form of HRA screening. Biodiversity reports should also be requested for plans for converting existing buildings and for change of use for land/buildings. No further consideration required in terms of the HRA but recommendations are for this policy to be tightened and stipulate a requirement for HRA screening.
Policy H1	<u>Quantity of New Homes Needed</u> The Parish additional housing requirement is in the range of 33 to 42 over the next 15 years. This additional housing shall be provided in three separate phases as specified in Policy H6 with each development being 11 to 14 dwellings in number.	This policy relates to the quantity of new homes needed in the Parish rather than prescribing specific development and does not result in pathways of impact on the Mottisfont Bats SAC. Potential impact pathways identified with development of land for housing is included in Policy H6 and requires no further consideration under this policy.
Policy H2	<u>Affordable Housing</u> Where possible, the social housing provision should be included within a development as outlined in the Adopted Local Plan Policy COM7 (revised). Social housing numbers shall be provided in accordance with the following requirement: <ul style="list-style-type: none"> <li>For developments of 11 to 13 houses a minimum of 3 social houses to be provided</li> <li>For developments of 14 to 15 houses a minimum of 4 social houses to be provided</li> </ul>	This policy relates to the proportion of affordable housing to be provided in the Parish as opposed to specific development sites and does not give rise to impacts on the Mottisfont Bats SAC.



	<ul style="list-style-type: none"> <li>Within any one phase of development as specified in Policy H10 (below) a maximum of 4 houses shall be provided</li> </ul>	
Policy H3	<p><u>Affordable Housing</u> The type and quantity of affordable homes within the Parish shall be reviewed on a regular basis to ensure that the need is matched to the overall supply as closely as possible. Prior to planning consent of any development, the needs of affordable housing as stipulated in the Adopted Local Plan Policy COM8 shall be established by the applicants and approved by the Borough and Parish Councils.</p>	This policy relates to the proportion of affordable housing to be provided in the Parish as opposed to specific development sites and does not give rise to impacts on the Mottisfont Bats SAC.
Policy H4	<p><u>Building Design</u> All developments within the Parish, including those adapting, modifying or extending existing buildings or structures shall conform to the requirements of the King's Somborne Parish Council Design Guidance.</p>	This policy relates to building design as opposed to specific development sites and does not give rise to impacts on the Mottisfont Bats SAC.
Policy H5	<p><u>Building Design</u> On new properties, the developer shall impose appropriate selected restrictive covenants to ensure continued compliance with the applicable elements of the Design Guidance and visual integrity of the site. Such imposed restrictive covenants shall be agreed by the Parish Council prior to planning approval and shall not be removed without their approval.</p>	This policy relates to building design as opposed to specific development sites and does not give rise to impacts on the Mottisfont Bats SAC.
Policy H6	<p><u>Development Location and Allocation</u> Development shall only be permitted within the existing settlement boundary as defined in the Local Plan or within those sites (listed below) that have been assessed as suitable through the NPD Site Assessment and which immediately abut the existing settlement boundary. Sites which are assessed as suitable that lie outside the existing settlement boundary shall be developed with a minimum of 11 dwellings in each phase unless the site can be developed in conjunction with another site to bring the sum total number of dwellings for both sites to a minimum of 11 for a phase.</p> <p>Only the following allocated sites (in order of preference) should be considered for development:</p> <ul style="list-style-type: none"> <li>KS 5: The bottom field of SHELAA 148 - Land at Spencer's Farm adjacent to Muss Lane</li> </ul>	Potential impact pathways identified with development of land for housing, including loss of habitat through construction, reduction of water resource due to increased abstraction for new housing, pollution of water courses, severance/fragmentation of commuting habitat and disturbance of bat flight lines through noise or lighting. Potential for in-combination effects with other planned development. Requires further consideration in Section 5.

	<ul style="list-style-type: none"> <li>KS 3: Land off Froghole Lane</li> <li>KS 6: Land off Winchester Road (southside) (This will need to be in conjunction with KS 3 to achieve a minimum development of 11 houses.)</li> <li>KS 7 SHELLA 80 [A &amp; B]: Land at Winchester Road and New Lane</li> <li>SHELLA 81: Land South of Winchester Road</li> </ul> <p>The phasing of each development shall be in accordance with Policy H10. Lower priority sites may not need to be developed if required housing numbers are achieved on higher priority sites.</p>	
Policy H7	<p><u>Housing</u></p> <p>In line with local requirements, it is required that all new developments should be based on dwellings of mixed size with bedrooms in accordance with the following ratio:</p> <ul style="list-style-type: none"> <li>2 bedroom - 45%</li> <li>3 bedroom - 45%</li> <li>4 bedroom - 10%</li> </ul>	This policy relates to the ratio for affordable housing to be provided in the Parish as opposed to specific development sites and does not give rise to impacts on the Mottisfont Bats SAC.
Policy H8	<p><u>Housing</u></p> <p>New developments should consist of a mixture of housing styles and types whilst still meeting the requirements of policies E6 &amp; E9. The provision of identical (or mirrored) dwellings or limited number of designs on developments shall be avoided. Identical blocks of terraces or semi-detached houses is not permitted. Developments shall make provision for a mixture of houses and bungalows with a mixture of detached, semi-detached and terraced construction.</p>	This policy relates to the design of housing within the Parish as opposed to specific development sites and does not give rise to impacts on the Mottisfont Bats SAC.
Policy H9	<p><u>Housing</u></p> <p>In order to preserve the size and type of dwellings and to ensure that the variety of housing is maintained the following restrictions shall apply to all new developments and covenanted accordingly:</p> <ul style="list-style-type: none"> <li>No dwelling shall be extended by more than 10% of their existing footprint</li> <li>Additional stories to existing dwellings shall not be permitted</li> <li>Loft extensions shall not be permitted</li> </ul>	This policy relates to stipulations on the size and type of dwelling within the Parish as opposed to specific development sites and does not give rise to impacts on the Mottisfont Bats SAC.

Policy H10	<p><u>Development Phasing</u> Developments within the Parish shall be carried out in 3 distinct phases. Each phase shall be a period of 5 years. The number of houses built in each phase shall be as specified in Policy H6. No phase may be started prior to completing the previous phase. Developments shall be carried out in accordance with the priority given in Policy H6. Should for any reason it transpires that a priority cannot be completed within the prescribed phase then the reasons for the failure to complete shall be examined and if necessary the order of priority amended.</p>	This policy relates to development phasing rather than prescribing specific development and does therefore not give rise to impacts on the Mottisfont Bats SAC.
Policy F1	<p><u>Parish Facilities and Infrastructure</u> The Parish Council working collaboratively with Borough and County Councils along with Utility companies will take the lead in relation to delivering improvements in Parish facilities, The Parish Council will also continue to work closely with village organisations to help them delivery other solutions for the betterment of the community.</p>	This policy relates to improving Parish facilities and is unlikely to result in pathways of impact in relation to the Mottisfont Bats SAC. Any permitted development in relation to utilities/infrastructure improvements will need to consider the type and nature of work required and whether there is the possibility for impact pathways to the Mottisfont Bats SAC such as vegetation clearance/water abstraction/water pollution/additional lighting. This should be addressed through permitted development/consenting process.
Policy F2	<p><u>Community Assets</u> To ensure that the Village Hall and the Parish Council owned recreation areas and associated facilities remain the centre for community activity as a key integral part of safeguarding the future health and vitality of the community. Improving, adapting and upgrading the existing facilities or providing new facilities as appropriate to ensure the facilities provided meet the priorities for the community as a whole.</p>	This policy relates to safeguarding community assets and will not result in pathways of impact in relation to the Mottisfont Bats SAC. Any permitted development in relation to improvements of existing facilities will need to consider the type and nature of work required and whether there is the possibility for impact pathways to the Mottisfont Bats SAC such as vegetation clearance/water abstraction/water pollution/additional lighting. This should be addressed as part of the planning process.
Policy F3	<p><u>Community Assets</u> This policy identifies above the key community facilities and assets. There will be a presumption in favour of safeguarding them from any adverse proposal which would result in their loss or reduce their viability.</p>	This policy relates to safeguarding of existing community assets and will not result in impacts on the Mottisfont Bats SAC.
Policy F4	<p><u>Roads, Traffic and Parking</u> To ensure that all developments incorporate the latest smart technology to reduce travel need and hence traffic</p>	This policy relates to guidance for smart technology to reduce travel with new developments rather than prescribing specific development and will not give rise to impacts on the Mottisfont Bats SAC.
Policy F5	<p><u>Roads, Traffic and Parking</u> To ensure that any new development or dwellings provide adequate off-road parking sympathetic to the proposed development and its surroundings.</p>	This policy relates to guidance of parking provision and will not give rise to impacts on the Mottisfont Bats SAC.

Policy F6	<u>Schooling</u> That any development contributes to the sustainability and provides good pedestrian access to the Village School and Pre-School.	This policy relates to provision of pedestrian access to schools and will not give rise to impacts on the Mottisfont Bats SAC.
Policy F7	<u>Employment and Working from Home</u> Redevelopment of unused commercial and/or agricultural buildings to provide high quality tourist accommodation, offices or artisan workshops is positively supported especially where low key redevelopment of the site will revitalise it and make it a positive and attractive contribution to the Parish.	This policy relates to conversion of existing unused buildings to provide employment/tourism facilities. Conversion of unused buildings could present pathways of impact to the Mottisfont Bats SAC in relation to possible disturbance and/or degradation of habitat due to vegetation clearance/impacts on water quality impacts/increased water abstraction. Further consideration of the implications of this policy is included in Section 5 in relation Policy H6.
Policy F8	<u>Utilities</u> That services of all new developments shall be routed underground to improve the visual street scene and reliability. All new developments shall incorporate the latest technologies in respect to services.	Burying services within the Parish for all new developments could potentially lead to impacts on water quality if located near the network of ditches leading into the River Test and in turn lead to degradation of foraging habitat for barbastelle bats associated with the Mottisfont Bats SAC. Although unlikely to lead to LSE on Mottisfont Bats SAC it is recommended that wording of this policy is amended to include reference to requirements for CEMPs on site if works potentially affecting watercourses within the Parish.

#### **4.5 Screening Conclusion**

Prior to further mitigation, the NDP cannot be screened out as leading to no likely significant effects on the SAC either alone or in combination with other plans. This is due to possible effects on the Mottisfont Bats SAC through habitat degradation, fragmentation and disturbance in relation to the proposed five housing sites proposed under Policy H6 and development that could arise as a result of Policy F7.

No other policies will give rise to pathways of impact in relation to the Mottisfont Bats SAC either alone or in combination with other plans and projects subject to wording provided in the last column of **Table 1** being taken into account in relation to Policies: E10, E11, F1, F2, and F8.

The conclusion of the HRA screening is therefore that further consideration of potential impacts is required in relation to King's Somborne Policy H6. Section 5.0 provides further information in relation to potential impacts on the Mottisfont Bats SAC arising from Policies H6 and F7.

## 5.0 APPROPRIATE ASSESSMENT – MOTTISFONT BATS SAC

### 5.1 Appropriate Assessment

#### The Development Sites (Policy H6)

The NDP proposes five sites for housing. A summary of each of the proposed housing sites are provided in **Table 2** below. Further information on the sites is based upon reference to King's Somborne's site allocation information and Ordnance Survey maps; no site surveys have been carried out as part of this study.

**Table 2:** Proposed Housing Sites Under NDP Policy H6

Site Reference	Name	Approximate Relative Location to the Mottisfont Bats SAC	Further Information
KS3	Land off Froghole Lane	3.5 kilometres east	Vacant site. Adjacent to River Test tributary.
KS5	The bottom field of SHELAA 148 Land at Spencer's Farm adjacent to Muss Lane	4.2 kilometres east	Grazing land, permanent pasture, ~100 metres north of River Test tributary.
KS6	Land off Winchester Road (southside)	4.2 kilometres east	Vacant site, adjacent to River Test tributary.
KS7	Land at Winchester Road and New Lane	4.2 kilometres east	Grazing land, permanent pasture, adjacent to River Test tributary.
SHELAA 81	Land South of Winchester Road	4.3 kilometres east	Grazing land, permanent pasture, adjacent to River Test tributary.

The proposed housing sites are located on the periphery of existing housing/infrastructure of King's Somborne. From reference to aerial photography, each of the sites comprise mainly grassland/pasture, bordered by hedgerows/trees/scrub which appear connected to the wider landscape. The River Test (and associated habitat) is located approximately one kilometre west of one of the proposed housing sites (KS3) at its nearest point, with no development between the

river and the site. The furthest distance from the River Test is SHELAA 81, approximately 1.6 kilometres away.

### Potential Impacts

The effects of degradation, fragmentation, disturbance and loss of habitat for barbastelle bats supported at the Mottisfont Bats SAC site is acknowledged by a detailed study carried out by Jonathon Cox Associates in June 2010<sup>9</sup>.

There is the potential for impacts on water quality relating to the River Test with each of the proposed housing sites during and post construction, considering hydrological connectivity to the river from the sites via drains/tributaries near/adjacent to the sites due to pollutants/sediment reaching the tributaries of/and the River Test.

Clearance of vegetation from the sites could disrupt foraging and commuting habitat and loss of grassland leading to a direct reduction in foraging habitat.

Increases in lighting in the general area (construction and post construction) could disrupt bat flight paths and lead to disturbance of commuting and foraging habitat.

Abstraction of water to supply development to be delivered under Policies E6 and F7 could also theoretically lead to adverse effects on habitat quality that could affect Mottisfont Bats SAC. However, in reality abstraction is in the control of the Southern Water and Environment Agency abstraction licences. The NDP will need to comply with the Test Valley Local Plan which states that *“the Council will work with water utility providers and the Environment Agency to ensure that new developments (including their phasing) do not exceed water supply, waste water treatment and sewerage capacity.”*

### Mitigation Approaches

Without further details of the proposed development of the five sites allocated for housing, it is not possible to fully appraise potential impacts on barbastelle bats in terms of habitat degradation, disturbance, fragmentation and/or loss that may arise due to project-specific proposals.

The key recommendation to be made from the shadow HRA is that, for each of the proposed five sites to be developed for housing, and for any development proposed under policy F7 an initial Preliminary Ecological Appraisal (PEA) be carried out in accordance with best practice guidance outlined within the Chartered Institute of

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<sup>9</sup> (Jonathon Cox Associates) Mottisfont Bats Special Area of Conservation (SAC) Protocol for Planning Officers, June 2010.

Ecology and Environmental Management (CIEEM) by a suitably experienced and qualified ecologist who is a member of CIEEM. Further studies/consultation/survey work may be recommended as a result of the PEA. Consideration should be given to the sites' proximity to the Mottisfont Bats SAC and each development under Policy H6 should be subjected to HRA screening.

The Test Valley Local Plan does include Policy E5 (Biodiversity) that states that *“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 Habitat Regulations.”* Development proposals within King's Somborne will be subject to approval by Test Valley Borough Council and therefore will need to comply with policies within the adopted Local Plan, including this.

It is recommended that Policies E6 and F7 of the NDP be amended to include that proposals for development/re-development that would have the possibility of leading to habitat loss, fragmentation, degradation or to disturbance through noise or lighting should be subject to project-level HRA.

#### In-combination

Test Valley's Local Plan Policy COM1 allows for the development of a minimum of 10,584 homes over the Plan period. The Plan has been subject to its own HRA prior to adoption and includes Policy E5 that seeks to protect Natura 2000 sites including Mottisfont Bats SAC.

This would include development at Kent Oak (Application reference 18/01904/FULLS) and Houghton Farm (17/00121/FULLS). Kent Oak received no objection from Hampshire County Council's ecologist whilst Houghton Farm was subject to consultation with Natural England who advised that no Appropriate Assessment was required. Given this and the fact that both applications accord with the Test Valley Local Plan, then it is concluded that no in combination effects of the NDP with these developments will occur.

## **5.2 Conclusions**

It is considered that the mitigation approaches considered in Paragraph 5.1 allow a conclusion that provided Policies E6 and F7 are amended to include the need for project-specific HRAs as required, then a conclusion of no LSE from these policies, either alone or in combination with other plans and projects can be reached.



## **6.0 CONCLUSIONS**

### **6.1 Conclusions After HRA Screening**

The screening stage of this shadow HRA has identified that the King's Somborne NDP may lead to a likely significant effect on the following Natura 2000 sites, either alone or in combination with other plans and projects:

- Mottisfont Bats SAC

### **6.2 Conclusions After Appropriate Assessment**

The Appropriate Assessment stage of this shadow HRA has identified that Policy H6 will not give rise to likely significant effect on the following Natura 2000 sites, either alone or in combination with other plans and projects:

- Mottisfont Bats SAC

## **Appendix 1**     Natural England Response to King's Somborne NDP Consultation

**King's Somborne Neighbourhood Plan**  
**Request for Screening Opinion for Strategic Environmental Assessment (SEA)**  
**and Habitats Regulations Assessment (HRA)**  
**23<sup>rd</sup> May 2018**

**Introduction**

This statement has been prepared by Test Valley Borough Council (as responsible authority) to determine whether or not a Strategic Environmental Assessment (SEA) and/or a Habitats Regulations Assessment are required for the draft King's Somborne Neighbourhood Plan following the submission of a screening opinion.

The Regulations advise that where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination. The Council will prepare a statement whether or not it concludes that environmental effects are likely. This statement fulfils that purpose.

**Context**

The preparation of a Neighbourhood Plan involves a series of stages as required by legislation before it can be 'made'. To be 'made', a Neighbourhood Plan must meet certain Basic Conditions. These include that the making of the plan *"does not breach, and is otherwise compatible with, EU obligations"*.

One of these obligations is Directive 2001/42/EC 'on the assessment of the effects of certain plans and programmes on the environment'. This is often referred to as the strategic environmental assessment (or SEA) Directive. The SEA Directive seeks *"to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes."* The SEA Directive is transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004 (the 'SEA Regulations') and it is these Regulations that the neighbourhood plan will need to be compatible with.

Another key obligation is Directive 92/43/EEC 'on the conservation of natural habitats and of wild fauna and flora', often referred to as the Habitats Directive. This has been translated into UK law via The Conservation of Habitats and Species Regulations 2017. Under the 'Habitats Regulations' an assessment referred to as an Appropriate Assessment must be undertaken if a Neighbourhood Plan is likely to have a significant effect on a European protected wildlife site.

Under both the SEA and Habitats Regulations it is the Council's role to advise whether further work is required once the first stage, a screening assessment, has been undertaken by the Parish Council on its Neighbourhood Plan.

**Process**

A screening report has been produced by King's Somborne Parish Council (Annex A). This was submitted to the Council on the 5<sup>th</sup> March, and received on 12<sup>th</sup> March

2018. The report concluded that the draft NDP is unlikely to have any significant environmental effects and therefore does not require a SEA. In accordance with the Regulations, Natural England, Historic England and the Environment Agency were consulted on the findings of the screening report. The consultation started on the 12<sup>th</sup> March for a five week period (deadline of 16<sup>th</sup> April). A summary of the responses received and the Council's response is outlined in Table A. Copies of the responses are included at Annex B.

**Table A: Summary of Responses**

<b>Consultation body (date of response)</b>	<b>Consultation response (summary)</b>	<b>Test Valley BC response</b>
Environment Agency  <i>Date received: 11<sup>th</sup> April 2018</i>	It is recommended that a Sequential Test is undertaken to ensure development is directed to areas of the lowest flood risk.	Response noted
Natural England  <i>Date received : 16<sup>th</sup> April 2018</i>	In the context of the SEA, there are unlikely to be significant environmental effects from the proposed plan.  A Habitats Regulations Assessment (HRA) should be conducted in light of King's Somborne's NDP area being within 2.5km of the Mottisfont Special Area of Conservation (SAC). This would assess any effect of development on the loss of bat foraging habitats.  The NDP should explicitly acknowledge the River Test Site of Special Scientific Interest (SSSI), and that any development proposals should be assessed for potential impacts on the SSSI.	Response noted
Historic England  <i>Date received: 14<sup>th</sup> April 2018</i>	Given the large number of heritage assets within the Parish, the Plan area is deemed to have a very sensitive historic	Response noted

	<p>environment.</p> <p>In light of a lack of information provided relating to the number of sites, the number of dwellings and the locations of such sites, it could not be demonstrated that development would not have an adverse effect on the historic environment and these would not be significant.</p> <p>Therefore a Strategic Environmental Assessment should be undertaken.</p>	
<p><i>Date received: 2<sup>nd</sup> May 2018</i></p>	<p>Having received a draft plan containing the aforementioned information, Historic England reviewed its opinion.</p> <p>All five sites are completely or partly within the King's Somborne Conservation Area, with four sites are within the setting of one or more listed buildings. Development could therefore harm the special interest, character and appearance of the Conservation Area and significance of listed buildings.</p> <p>Based on the findings of the 1987 Conservation Policy, there is the potential for the proposed sites to harm the character and appearance of the Conservation Area.</p> <p>In light of the above</p>	

	responses, it is recommended that a Strategic Environmental Assessment is conducted.	
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## **Conclusion**

The Council has had regard to the letter and associated document that the Parish Council provided (Annex A) and the consultation responses from Natural England, Environment Agency and Historic England (Annex B). The response from Historic England has indicated that the proposed Neighbourhood Plan would be likely to have significant environmental effects.

The Council has had due regard to the statutory consultee responses and the criteria within Schedule 1 of the SEA Regulations in coming to a view on whether the proposed Neighbourhood Plan is likely to have significant environmental effects. Based on the response from Historic England, it is the Council's opinion that the Plan would be likely to have significant environmental effects. On this basis, a proportionate Strategic Environmental Assessment would be required for the proposed King's Somborne Neighbourhood Plan.

With regards to the Habitats Regulations and whether an Appropriate Assessment is required, the Council concludes that at this stage it is not possible to rule out likely significant effects on European designations, specifically Mottisfont Bats Special Area of Conservation (SAC), as a result of the proposed Neighbourhood Plan. Therefore this matter would need further consideration. This is supported by the response from Natural England. It may be appropriate to seek professional guidance on this matter including whether this results in implications for the scope of the SEA.

This was confirmed in a letter to the Parish Council dated the 23<sup>rd</sup> May 2018 (see Annex C).

**Annex A**  
**King's Somborne Parish Council Screening Report**



**KING'S SOMBORNE PARISH COUNCIL**  
**AND BURIAL AUTHORITY**

**Peter Storey OBE FCIS**  
**Clerk to the Council**

**Tel/Fax- 01794 389688**  
**Email: [kingssomborne.pc@btconnect.com](mailto:kingssomborne.pc@btconnect.com)**

c/o 2 Old Fromans Farm  
King's Somborne  
Stockbridge  
Hampshire  
SO20 6QD

5 March 2018

Mr G Smith  
Planning Policy Manager, Planning Policy & Transport Service  
Beech Hurst  
Weyhill Road  
Andover  
SP10 3AJ

Dear Graham,

**Re: Strategic Environmental Assessment (SEA) and Habitat Regulations Assessment (HRA)**

Further to your recent guidance and in accordance with current regulations, King's Somborne Parish Council are writing to request a screening opinion of the above in relation to its Neighbourhood Development Plan ("NDP") which as you are aware is in draft form in readiness for The Neighbourhood Planning (General) Regulations 2012, Regulation 14 pre-submission consultation and publicity stage

Please find attached the NPD Steering Group's briefing paper which I trust provides you with sufficient information to ascertain whether or not the NDP is likely to have any significant environment impact.

Please do not hesitate to contact me or our NDP Steering Group Chair should you require any further information or clarification.

Yours sincerely,

*P J Storey OBE FCIS*  
*Clerk to King's Somborne Parish Council*

# King's Somborne Parish Council Neighbourhood Development Plan



## 1. Introduction

- 1.1. This briefing paper is prepared to support the request to Test Valley Borough Council ("TVBC") for a screening opinion as to whether the proposed King's Somborne Parish Council Neighbourhood Development Plan ("NDP") is likely to have a significant environmental impact and therefore require a Strategic Environmental Assessment (SEA).
- 1.2. The request is made pursuant to Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 which implements the requirements of the European Directive 2001/42/EC.
- 1.3. The Parish Council is also seeking an opinion from TVBC as to whether a Habitats Regulations Assessment (HRA) will be required for its NDP.
- 1.4. To conform with the regulations, the NDP will require a statement confirming that the Plan does not breach and is otherwise in compliance with EU regulations and obligations and therefore not likely to have an adverse impact on a European site either on its own or in conjunction with other plans or projects with reasons for this determination or failing this, should significant environmental effects be identified, an Environmental Report prepared and submitted with the proposed NDP.
- 1.5. In order to ascertain if the proposed NDP is in need for a SEA and/or HRA to be provided the following is provided to confirm the overall parameters of the NDP to enable an informed screening opinion to be undertaken:
  - i. Summary of relevant environmental features of the NDP area;
  - ii. Summary of the NDP proposal; and
  - iii. An initial assessment in accordance with Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004

## 2. Environmental features of the NDP Area

- 2.1. The neighbourhood area is shown in *Figure 1*. The Parish comprises of four settlements, the major settlement of King's Somborne together with the three smaller settlements of Up Somborne, Horsebridge and Brook. The latter three settlements are linear developments strung out along single roads.
- 2.2. The village of King's Somborne and its significant features are shown in *Figure 2*. The village is a linear settlement sitting at the bottom of a minor V-shaped valley, alongside the ephemeral 'winterbourne' stream which is one of the tributaries of the River Test. The village lies within a wider landscape of open chalk downland that has a gently rolling, undulating landform. This landscape comprises predominantly expansive and open, large, arable fields, with very few intervening hedgerows or trees. In contrast, a small number of woodlands, shrubs and trees are located in the valley bottom adjacent to the village providing shelter and enclosure.





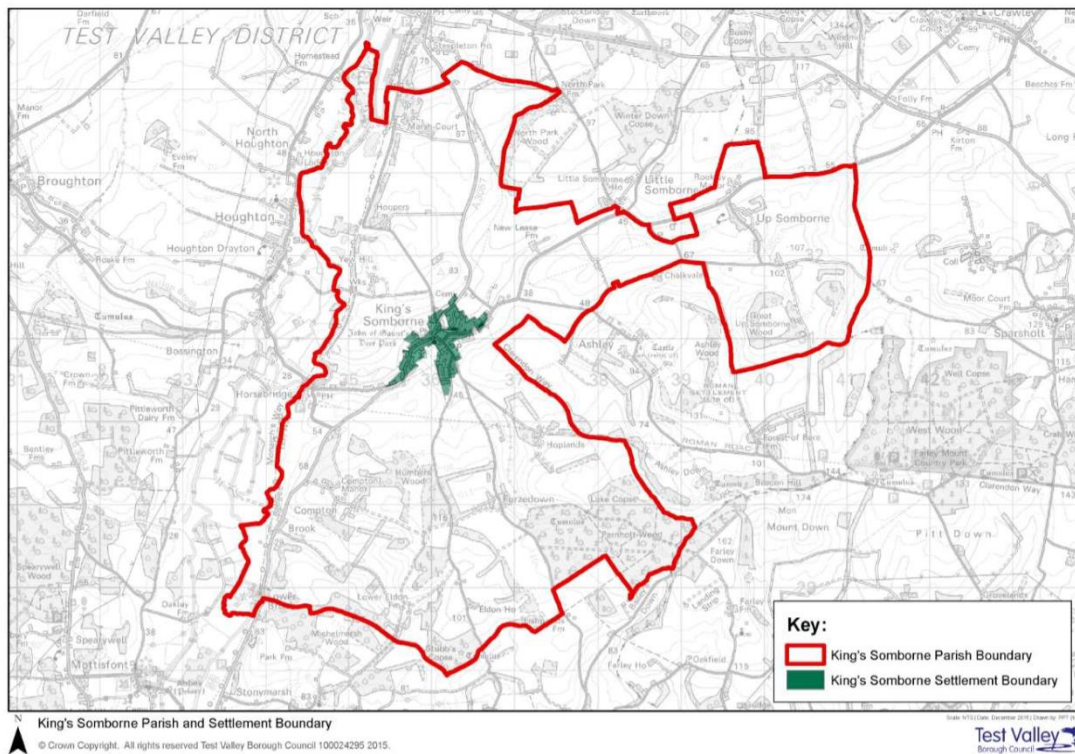


Figure 1: King's Somborne Parish NDP Area

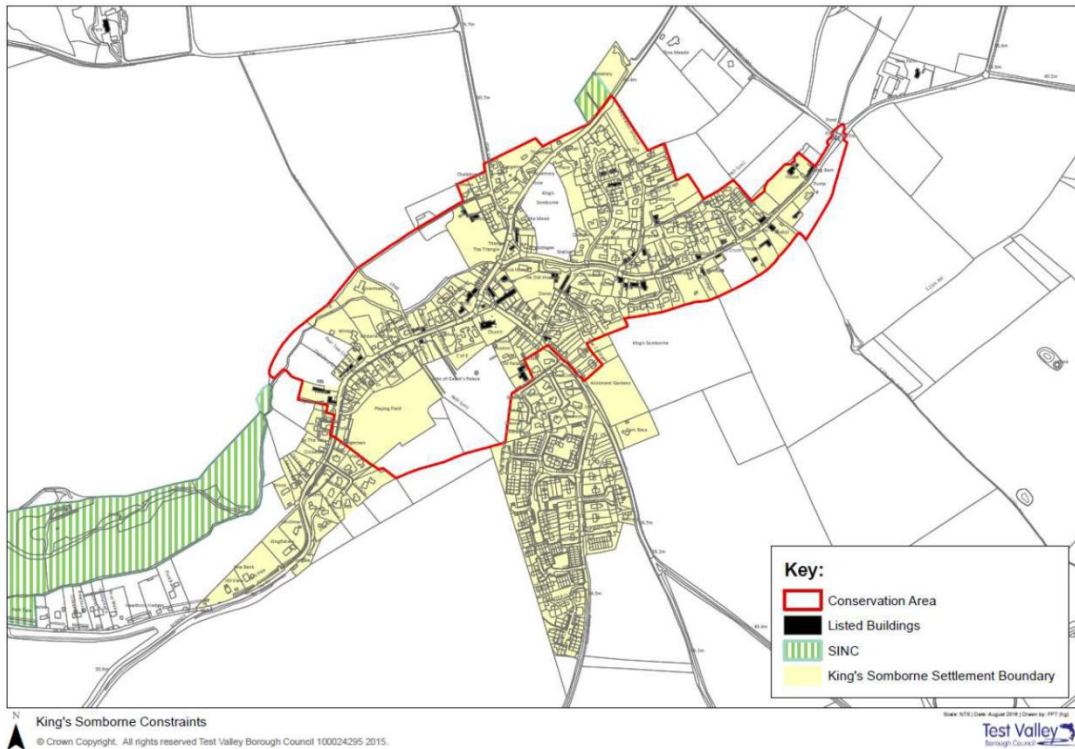


Figure 2: Village of King's Somborne



2.3. In summary, the principal environmental features to be considered are:

- The King's Somborne Conservation Area (*Figure 2*).
- The 148 predominately Grade II listed buildings of the Parish of which 60 fall within the village of King's Somborne concentrated within the Conservation area including the medieval church of St Peter and St Paul.
- Flood Zones 2&3 associated with the winterbourne stream which is one of the tributaries of the River Test joining it at the Parish settlement of Horsebridge
- Sites of importance to Nature and Conservation (SINC) shown in *Figure 2*.
- Priority Habitat Inventory (Natural England) of Floodplain Grazing Marsh, Good quality semi-improved grassland and broadleaved deciduous woodland located to the southern and western edges of King's Somborne village.

### 3. Summary of the NDP proposal

- 3.1. The NDP has been developed through a programme of community consultation, public steering group meetings with Q&A sessions, attendances at various public events and workshops building on the original NDP survey to meet the needs of the community.
- 3.2. The Community vision is focussed on developing a sustainable vibrant community which provides for and supports people of all ages in the community whilst maintaining the character of the King's Somborne Parish, in particular, protecting and enhancing the natural and historic environment including the conservation area within the main village of King's Somborne, its listed buildings, and its numerous rural views.
- 3.3. The Policies of the NDP provide a subset to the TVBC Local plan that are particular to the character of the Parish and are centred around the preservation of landscape features, heritage buildings and sites whilst providing for sensitive development taking in to account the local distinctness and character supported by Design Guidance which is additionally catered for in the NDP. Copies of the proposed policies have been made available to TVBC to help inform the screening assessment.
- 3.4. The NDP recognises and endorses the TVBC Local Plan Hierarchy and in particular the features of Policy COM2 with regard to Rural Villages (King's Somborne and its settlement boundary as shown in *Figure 2* above) and the Countryside which caters for the other settlement that fall with the Parish as described in Table 7 of the Local Plan restricting development to protect the countryside and promote sustainable development in rural areas.
- 3.5. The NDP does not propose or anticipate any Rural Exception Affordable Housing or Community Led Development under TVBC Local Plan Policy COM 8 and COM9.
- 3.6. Due to the physical constraints of the settlement boundary of King's Somborne, the NDP has had to necessarily include site allocations for new development to meet the housing need in as sensitive manner as possible, building on King's Somborne's historic evolution along the valley floor. Particular emphasis has been made on ensuring that the sites chosen preserve, as far as is possible, the rural views, natural environment, and archaeological features whilst minimising any adverse impacts such as flood risk through careful location, SuDs and requirement for developers to endorse this and undertake additional measures to protect the environment and rural landscape.



3.7. Any development will be in accordance to TVBC Local Plan E1 for High Quality Development within the Borough and E2 to Protect, Conserve and Enhance the Land Scape Character of the Borough, and this is actively supported through the use of Design Guidance an integral part of the NDP. Moreover, developments are limited in size to ensure delivery of affordable homes (in accordance with TVBC Local Plan COM 7) and phased over the lifetime of the NDP.

#### 4. initial Assessment in Accordance with Schedule 1

Criteria	Assessment of KSPC NDP	Significant Environmental Impact? (Y/N)
The characteristics of plans and programmes, having regard, in particular, to:		
(a)the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources;	The KSPC NDP includes policies and guidance for development proposal in the village of King's Somborne only and that are entirely aligned to the Policies of the TVBC Local Plan and the National Planning Policy Framework ("NPPF"). The Policies are criteria based and support the protection of the character of the village and its surrounding countryside	N
(b)the degree to which the plan or programme influences other plans and programmes including those in a hierarchy;	The NDP will be a subset of the Local Plan. There are therefore no plans or programmes that need to be in conformity with it, nor will the NDP significantly influence other plans and programmes	N
(c)the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development;	The NDP solely supports sustainable development and it polices are aimed and protecting the village heritage and having a positive effect on the built environment of the Parish though enhancing the provision already made through the TVBC Local Plan and the NPPF	N
(d)environmental problems relevant to the plan or programme; and	One of the key environmental concerns is the propensity of flooding in the village of King's Somborne – and mitigating measures are catered for in a number of Policies in the NDP	N
(e)the relevance of the plan or programme for the implementation of Community legislation on the environment (for example, plans and programmes linked to waste management or water protection).	The NDP contains policies to protect and enhance the natural and built environment which includes biodiversity and water management and should therefore support any legislative measures implemented with regard to biodiversity and water management	N



2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to—		
Criteria	Assessment of KSPC NDP	Significant Environmental Impact? (Y/N)
(a)the probability, duration, frequency and reversibility of the effects;	The NDP contains policies focussed on protecting and enhancing the existing character of the village and surrounding countryside and its view. The proposed allocated sites necessary to meet the housing need have been carefully chosen to minimise the impact though sensitive preservation of the evolution of the village, being cognisant of its existing heritage features and the surrounding countryside	N
(b)the cumulative nature of the effects;	The NDP will add local detail to the NPPF and TVBC Local Plan and in respect of existing environmental designations and features. Accordingly, the cumulative effects arising from the introduction of the NDP are expected to be complimentary	N
(c)the transboundary nature of the effects;	There are no transboundary effects envisaged though the adoption of the NDP	N
(d)the risks to human health or the environment (for example, due to accidents);	There are no risks to human health envisaged though the adoption of the NDP	N
(e)the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected);	The NDP is catering for an area of 4,270 hectares which accounts for 6.8% of Test Valley and has a total population of 1600 (2016 data). The NDP however has a much tighter local focus of just 2.87 hectare of allocated sites in addition to any development under TVBC Local Plan policy COM2 and as a result the overall environmental effects will be extremely limited both spatially and in magnitude.	N
(f)the value and vulnerability of the area likely to be affected due to— (i)special natural characteristics or cultural heritage; (ii)exceeded environmental quality standards or limit values; or (iii)intensive land-use; and	<p>(i) the NDP includes policies to protect and enhance existing characteristics such as open countryside, SINC sites, agricultural land, trees and hedgerows and in particular the winterbourne that flows through the Parish as well as cultural heritage sites</p> <p>(ii) There are no exceeded quality standards or limit values envisaged though the adoption of the NDP</p> <p>(iii) There is no intensive land use impacted though the adoption of the NDP</p>	N



Criteria	Assessment of KSPC NDP	Significant Environmental Impact? (Y/N)
g)the effects on areas or landscapes which have a recognised national, Community or international protection status	As considered above and to be addressed in the HRA screening for likely significant effects on European sites, The NDP contains policies which are likely to have a positive effect on the natural and built environment generally.	N

- 4.1. The overall conclusion from the Schedule 1 Table above is that the proposed NDP for King's Somborne Parish is unlikely to have any significant environmental effects and therefore does not require a SEA. A Determination to the effect is recommended.
- 4.2. With regard to the HRA, a screening opinion is required to determine whether or not the King's Somborne Parish Council's NDP is likely to have any significant effect on a European Site
- 4.3. Notwithstanding that there are no European sites within the NDP area, Mottisfont BAT SAC does lie about 1km southwest of the extreme south westerly corner of the NPP area, but the proposed NDP is not envisaged to impact this in anyway.

King's Somborne Parish Council Neighbourhood Development Steering Group  
March 2018





## Annex B Natural England Response

Date: 16 April 2018  
Our ref: 241409  
Your ref: King's Somborne NDP Screening Opinion



Graham Smith  
Head of Planning  
Test Valley Borough Council  
Beech Hurst  
Andover SP10 3AJ

Customer Services  
Hornbeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

By email only: [planning@testvalley.gov.uk](mailto:planning@testvalley.gov.uk).

T 0300 060 3900

Dear Graham,

### King's Somborne Neighbourhood Plan – Screening Opinion SEA and HRA

Thank you for your consultation on the above dated 12 March 2018 which was received by Natural England on 12 March 2018.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

#### Screening Request: Strategic Environmental Assessment (SEA)

It is our advice, on the basis of the material supplied with the consultation, that, in so far as our strategic environmental interests are concerned (including but not limited to statutory designated sites, landscapes and protected species, geology and soils) are concerned, that there are unlikely to be significant environmental effects from the proposed plan.

#### Neighbourhood Plan

Guidance on the assessment of Neighbourhood Plans in light of the SEA Directive is contained within the National Planning Practice Guidance<sup>1</sup>. The guidance highlights three triggers that may require the production of an SEA, for instance where:

- a neighbourhood plan allocates sites for development
- the neighbourhood area contains sensitive natural or heritage assets that may be affected by the proposals in the plan
- the neighbourhood plan may have significant environmental effects that have not already been considered and dealt with through a sustainability appraisal of the Local Plan.

#### Designated sites that Natural England has a duty to protect

*We have checked our records and;*

- **Mottisfont Special Area of Conservation (SAC)** is situated within 2.5km of the King's Somborne NDP Area. Based on the information provided, namely the proposed allocation of 2.87ha of development sites (in addition to any development under TVBC Local Plan policy COM2) within the Neighbourhood Plan, we advise that a Habitats Regulations Assessment (HRA) in relation to the designated site is required. This is to assess any likely significant effect

on sensitive sites due to potential loss of bat foraging habitat as a result of any development within the Plan.

- **River Test Site of Special Scientific Interest (SSSI)** lies adjacent to the west of King's Somborne NDP Area. This classic chalk stream is one of the most species-rich lowland rivers in England. In view of the winterbourne tributary which passes through King's Somborne village, we advise that the NDP acknowledges the designated status of the River Test and that development proposals within the NDP area should be assessed for impacts on the interest features for which the SSSI has been designated.

We are not aware of *any other significant* populations of protected species which are likely to be affected by the policies / proposals within the plan. It remains the case, however, that the responsible authority should provide information supporting this screening decision, sufficient to assess whether protected species are likely to be affected.

Notwithstanding this advice, Natural England does not routinely maintain locally specific data on all potential environmental assets. As a result the responsible authority should raise environmental issues that we have not identified on local or national biodiversity action plan species and/or habitats, local wildlife sites or local landscape character, with its own ecological and/or landscape advisers, local record centre, recording society or wildlife body on the local landscape and biodiversity receptors that may be affected by this plan, before determining whether an SA/SEA is necessary.

Please note that Natural England reserves the right to provide further comments on the environmental assessment of the plan beyond this SEA/SA screening stage, should the responsible authority seek our views on the scoping or environmental report stages. This includes any third party appeal against any screening decision you may make.

For any queries relating to the specific advice in this letter only please contact **Sarah Skinner** on **07813593588**. For any new consultations, or to provide further information on this consultation please send your correspondences to [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

Yours sincerely

Sarah Skinner

Adviser Planning and Sustainable Development  
Dorset, Hampshire and Isle of Wight Area Team

---

## Annex B Historic England Responses



Mr Graham Smith  
Head of Planning Policy  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover, SP10 3AJ.

Our ref: HD/P5240/  
Your ref:  
  
Telephone 01483 252040  
Fax

14<sup>th</sup> April 2018

Dear Mr Smith,

### **King's Somborne Neighbourhood Plan - SEA and HRA Screening Opinion**

Thank you for your e-mail of 12<sup>th</sup> March seeking the views of Historic England on whether or not the policies and proposals of the King's Somborne Neighbourhood Plan are likely to have significant environmental effects and therefore whether or not it should be subject to strategic environmental assessment.

According to the National Heritage List for England, the parish contains 104 listed buildings, including the Grade I Marshcourt School and five listed at Grade II\*, a conservation area, five scheduled monuments, a Grade II\* Registered Historic Park and Garden and potentially a number of locally important heritage assets (we do not know why the Parish Council's Screening Request/Opinion refers to 148 listed buildings in the parish). The Plan area is, therefore, a very sensitive historic environment which may be affected by any development promoted or allowed for by the Neighbourhood Plan.

Paragraph 3.6 of the Screening Request/Opinion refers to site allocations for new development, but there is no indication of the numbers of sites or new dwellings or where these sites are. There is, therefore, substantial potential for one or more of these sites to affect the significance of the heritage assets, including the special interest, character and appearance of the Conservation Area, within the parish.

We do also note that, according to the Screening Request/Opinion, "*particular emphasis has been made on ensuring that the sites chosen preserve, as far as is possible.....archaeological features whilst minimising any adverse impacts*" and that they have been "*carefully chosen to minimise the impact though sensitive preservation of the evolution of the village, being cognisant of its existing heritage features*". However, without knowing where the proposed sites are, we are not able to undertake our own assessment of the potential impact of the sites on heritage assets.



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH  
Telephone 01483 25 2020 HistoricEngland.org.uk

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Correspondence or information which you send us may therefore become publicly available.





We also note that the Request/Opinion indicates that the Plan will contain policies to protect and enhance the existing character of the village and “cultural heritage sites”. However, we are not clear if it is intended that the Plan will have a specific policy to conserve and enhance the heritage assets (designated and non-designated) in the Plan area.

Depending on how robust and comprehensive these policies are, they could be sufficient to ensure that, in principle, at least, no site within or outside the settlement boundary would be allowed to be developed if it would harm the significance or special interest, character and appearance of a heritage asset.

However, although we understand that the Council has been provided with a set of draft policies, Historic England has not, and we are therefore unable to ascertain whether or not these policies would provide sufficient protection for the heritage assets in the Parish.

At this stage, therefore, given the very sensitive historic environment of the Plan area, the fact that the Plan will allocate an unspecified number of sites for an unspecified number of dwellings in unspecified locations, and our inability to confirm that other policies of the Plan will be sufficient to protect the heritage assets of the Plan area from adverse effects, we cannot be confident that such adverse effects are not likely to occur and not be significant.

We therefore consider that the King's Somborne Neighbourhood Plan should be subject to strategic environmental assessment. However, when we see the draft Plan or are otherwise provided with more information, we would be happy to review our opinion.

We hope these comments are helpful. Please contact me if you have any queries.

Thank you again for consulting Historic England.

Yours sincerely,

---

Martin Small  
Principal Adviser, Historic Environment Planning  
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs and New Forest National Parks and  
Chichester)

E-mail: [martin.small@historicengland.org.uk](mailto:martin.small@historicengland.org.uk)



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Historic England

Mr Graham Smith  
Head of Planning Policy  
Test Valley Borough Council  
Beech Hurst  
Weyhill Road  
Andover, SP10 3AJ.

Our ref: HD/P5240/  
Your ref:  
  
Telephone 01483 252040  
Fax

2<sup>nd</sup> May 2018

Dear Graham,

**King's Somborne Neighbourhood Plan - SEA and HRA Screening Opinion**

Thank you for your e-mail of 25<sup>th</sup> April advising us of the proposed housing allocations in the draft King's Somborne Neighbourhood Plan in response to our opinion as to the need for the Plan to be subject to Strategic Environmental Assessment as set out in our letter of 14<sup>th</sup> April.

In that letter we concluded that given the very sensitive historic environment of the Plan area, the fact that, based on the information available to us at the time, the Plan would allocate an unspecified number of sites for an unspecified number of dwellings in unspecified locations, and our inability to confirm that other policies of the Plan would be sufficient to protect the heritage assets of the Plan area from adverse effects, we could not be confident that such adverse effects are not likely to occur and not be significant.

We therefore considered that the Neighbourhood Plan should be subject to strategic environmental assessment. However, we offered to review our opinion when we saw the draft Plan or were otherwise provided with more information.

You have now advised us that the Parish Council is proposing 33 - 42 dwellings over the plan period on five sites. You have also provided a map of the proposed sites and a copy of the draft Plan, in which we note Policy E9 - Conservation Area, Heritage Buildings and Heritage Sites.

According to our records, all five sites are within or within the setting of the King's Somborne Conservation Area and all but one (KS5) are within the setting of one or more listed buildings. Although the number of dwellings on each site may not be high, we consider that the development of these sites therefore has the potential to harm the special interest, character and appearance of the conservation area and significance of listed buildings, as we surmised in our previous letter.



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We do note that, according to the Screening Request/Opinion, *"particular emphasis has been made on ensuring that the sites chosen preserve, as far as is possible.....archaeological features whilst minimising any adverse impacts"* and that they have been *"carefully chosen to minimise the impact though sensitive preservation of the evolution of the village, being cognisant of its existing heritage features"*.

We also note Policy E9 - Conservation Area, Heritage Buildings and Heritage Sites, which requires that *"Any developments must not change the character or nature of the Conservation Area and must preserve the setting and significance of individual heritage assets and listed buildings"*

However, we are still concerned that the development of the proposed sites would harm the significance of designated heritage assets, and would therefore be in direct conflict with Policy E9.

Three of the proposed development sites are on greenfield sites within the Conservation Area. We have not been able to visit the sites and, unfortunately, we cannot find an up-to-date Conservation Area Character Appraisal for the Conservation Area (which we would recommend as an important part of the evidence base for the Neighbourhood Plan), but we note that the 1987 Conservation Policy for King's Somborne states:

*"Certain open areas are identified within and adjacent to the conservation area as being important to the character of the village. Because of this, it is improbable that development will be permitted on them. The Borough Council would therefore wish to see them retained and enhanced accordingly where appropriate"*.

These important open spaces are difficult to see clearly on the map in the Policy Statement on the Borough Council's website, but certainly appear to include the proposed development sites KS5 and SHLAA 208, and quite possibly the other proposed development sites. If this is so, then the Borough Council has already recognised the harm to the character and appearance of the Conservation Area that development of these sites would cause.

In addition, although the Screening Request/Opinion refers to archaeological features, we are not entirely sure what consideration has been given to potential archaeological remains. Has, for example, the Hampshire Historic Environment Record and/or the Borough Council's Archaeological Adviser been consulted in respect of these sites ?

In summary, therefore, the additional information provided as regards the location of the proposed allocation sites confirms our suspicion that they would impact upon the significance of heritage assets. We therefore remain of the opinion that Policy H6/the proposed allocations should be subject to Strategic Environmental Assessment.



Historic England, Eastgate Court, 195-205 High Street, Guildford GU1 3EH

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As we believe that the proposed allocation sites have not previously been subject to SEA e.g. through the local plan process, we believe that a proportionate, focused, SEA of the Neighbourhood Plan is required. The SEA should demonstrate why these sites have been selected rather than other potential sites, and would result in a more robust Plan.

Pending the outcome of that SEA, we are very concerned at the proposed allocation of any sites identified as being important to the character and appearance of the village and conservation area and we would therefore be likely to object to their inclusion in the Plan.

We hope these comments are helpful. Please contact me if you have any queries.

Yours sincerely,

Martin Small  
Principal Adviser, Historic Environment Planning  
(Bucks, Oxon, Berks, Hampshire, IoW, South Downs and New Forest National Parks and  
Chichester)

E-mail: [martin.small@historicengland.org.uk](mailto:martin.small@historicengland.org.uk)



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## Annex B Environment Agency Response

**From:** Lines, Charlotte A. [mailto:charlotte.lines@environment-agency.gov.uk]  
**Sent:** 11 April 2018 16:33  
**To:** Smith, Graham  
**Cc:** Lax, Laura  
**Subject:** RE: Kings Somborne NP

Hi Graham,

From an initial scan we would have concerns if development is allocated in this flood zone without the Sequential Test being undertaken, it also appears that one of the site's is within 8m of the River Test any works within 8m may require a flood risk activity permit from us.

In accordance with the National Planning Policy Framework (NPPF) para 100-102, we recommend the Sequential Test is undertaken when allocating sites to ensure development is directed to the areas of lowest flood risk.

The Sequential Test should be informed by the Local Planning Authorities Strategic Flood Risk Assessment (SFRA).

It is important that the Plan also considers whether the flood risk issues associated with these sites can be safely managed to ensure development can come forward. Without this understanding we would not be sure how the emerging NP could demonstrate compliance with the NPPF.

Many thanks,  
Charlotte

**Charlotte Lines | Principal Planning Officer Sustainable Places West | Solent and South Downs Area  
| Environment Planning and Engagement | Environment Agency | Romsey | Canal Walk | Romsey |  
SO51 7LP |  
Tel: 02084745838  
[charlotte.lines@environment-agency.gov.uk](mailto:charlotte.lines@environment-agency.gov.uk) (or [PlanningSSD@environment-agency.gov.uk](mailto:PlanningSSD@environment-agency.gov.uk))**

Andrew Brock  
King's Somborne Neighbourhood Plan Group

BY EMAIL ONLY

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Web site [www.testvalley.gov.uk](http://www.testvalley.gov.uk)

**Contact:** Mr Graham Smith  
**Telephone:** 01264 368000  
**E-mail:** [planningpolicy@testvalley.gov.uk](mailto:planningpolicy@testvalley.gov.uk)  
**Your ref:**  
**Our ref:** pp11.5  
**Date:** 23.05.2018

Dear Andrew

**King's Somborne Neighbourhood Plan  
Request for Screening Opinion for Strategic Environmental Assessment (SEA)  
and Habitats Regulations Assessment (HRA)**

I write in response to your request for a screening opinion for Strategic Environmental Assessment in relation to the proposed King's Somborne Neighbourhood Plan. This request was received by the Council on the 12<sup>th</sup> March 2018.

Regulation 9 of the Environmental Assessment of Plans and Programmes Regulations 2004 requires that the responsible authority (Test Valley Borough Council) shall determine whether or not a plan is likely to have significant environmental effects. As part of making this assessment, the responsible authority shall —

- (a) take into account the criteria specified in Schedule 1 to these Regulations; and
- (b) consult the consultation bodies.

The Regulations advise that where the responsible authority determines that the plan is unlikely to have significant environmental effects (and, accordingly, does not require an environmental assessment), it shall prepare a statement of its reasons for the determination. This statement will be published on our website in due course. Natural England, Environment Agency and Historic England, as the statutory consultation bodies for the Regulations, were consulted on this SEA screening request. The consultation started on 12<sup>th</sup> March 2018 for a five week period, ending on 16<sup>th</sup> April 2018.

Having reviewed the letter and document that you provided, the consultation responses from Natural England, Environment Agency and Historic England and the criteria within Schedule 1 of the Regulations, it is the Council's opinion that the

proposed Neighbourhood Plan is likely to have significant environmental effects. On this basis, a proportionate and focussed Strategic Environmental Assessment would be required for the proposed King's Somborne Neighbourhood Plan.

With regards to the Habitats Regulations Assessment and whether an Appropriate Assessment is required, the Council concludes that a likely significant effect cannot be ruled out as a result of the proposed Neighbourhood Plan and therefore a HRA is required. This is supported by the response from Natural England. You are advised to seek professional guidance on this matter including whether this results in implications for the scope of the SEA.

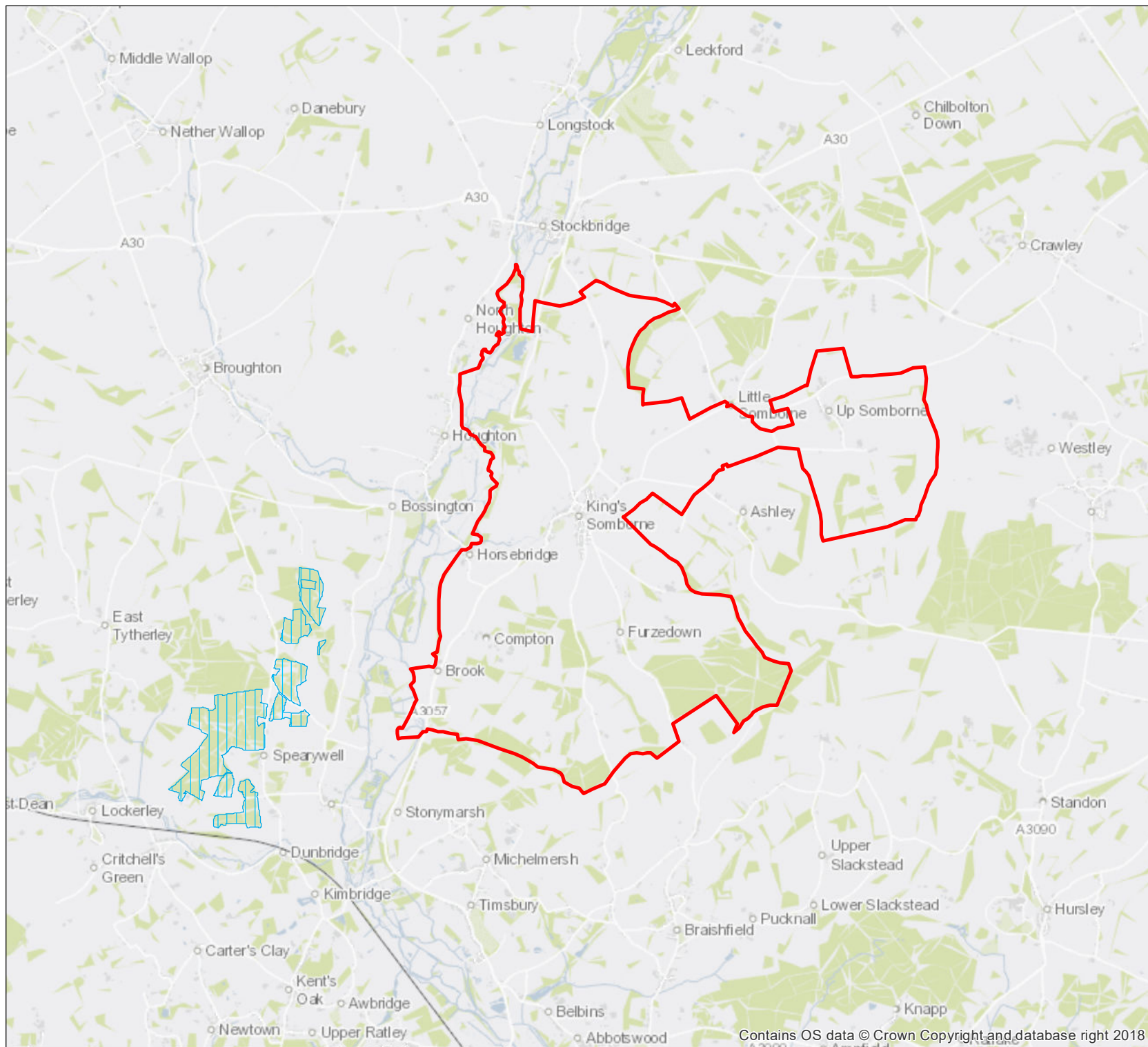
You are advised that if the anticipated vision and scope of policies for the Neighbourhood Plan are subject to significant change, it would be appropriate to review the Screening Opinion and the position regarding the Habitat Regulations Assessment.

Yours sincerely

Graham Smith  
Head of Planning Policy

**Map 1** King's Somborne NDP and Mottisfont Bats SAC boundary







## KING'S SOMBORNE NEIGHBOURHOOD DEVELOPMENT PLAN

### SHADOW HABITATS REGULATIONS ASSESSMENT

Map 1 - King's Somborne Neighbourhood Development Plan Boundary and Mottisfont Bats SAC

Client:	King's Somborne Parish Council
Date:	September 2018
Status:	Final

#### KEY

-  King's Somborne Neighbourhood Development Boundary (King's Somborne Parish Boundary)
-  Mottisfont Bat SAC

Scale at A4: 1:75,000  
0 750 1,500 3,000 Metres



**ECOSA**

Ecological Survey & Assessment

ECOSA Ltd., Ten Hogs House, Manor Farm Offices,  
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**Map 2** Location of Proposal Housing Sites within the King's Somborne NDP



# KING'S SOMBORNE NEIGHBOURHOOD DEVELOPMENT PLAN

## SHADOW HABITATS REGULATIONS ASSESSMENT

Map 2 - Location of Housing Development Sites

Client: King's Somborne Parish Council

Date: September 2018

Status: Final

### KEY

NDP Development Sites

Scale at A4: 1:5,500

0 50 100 200 Metres



**ECOSA**

Ecological Survey & Assessment

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