

Portland Neighbourhood Plan

Submission Draft Plan (December 2018)
Habitats Regulations Assessment

Portland Neighbourhood Plan Group

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Quality information

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1. Introduction

Background to the Project

- 1.1 AECOM has been appointed by Portland Neighbourhood Plan Group to assist in producing a report to inform Weymouth & Portland Borough Council's Habitats Regulations Assessment (HRA) of the potential effects of Portland Neighbourhood Plan (December 2018) on the Natura 2000 Network and Ramsar sites. The objectives of the assessment are to:
- Identify any aspects of the Neighbourhood Plan that would cause an adverse effect on the integrity of Natura 2000 sites, otherwise known as European sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs), protected SPAs (pSPAs) and, as a matter of Government policy, Ramsar sites), either alone or in combination with other plans and projects; and
 - To advise on appropriate policy mechanisms for delivering mitigation where such effects were identified.
- 1.2 The HRA of the Portland Neighbourhood Plan is required to determine if there are any realistic linking pathways present between a European site and the Neighbourhood Plan and where Likely Significant Effects cannot be screened out, an analysis to inform Appropriate Assessment to be undertaken to determine if adverse effects on the integrity of the European sites will occur as a result of the Neighbourhood Plan alone or in combination.

Legislation

- 1.3 The need for HRA is set out within Article 6 of the EC Habitats Directive 1992, and interpreted into British law by the Conservation of Habitats & Species Regulations 2017 (**Box 1**). The ultimate aim of the Habitats Directive is to *"maintain or restore, at favourable conservation status, natural habitats and species of wild fauna and flora of Community interest"* (Habitats Directive, Article 2(2)). This aim relates to habitats and species, not the European sites themselves, although the sites have a significant role in delivering favourable conservation status. European sites (also called Natura 2000 sites) can be defined as actual or proposed/candidate Special Areas of Conservation (SAC) or Special Protection Areas (SPA). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to Natura 2000 sites.

Box 1: The legislative basis for Appropriate Assessment

Habitats Directive 1992

Article 6 (3) states that:

"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)

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

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

- 1.4 It is therefore important to note that this report has two purposes:
- To assist the Qualifying Body (the Neighbourhood Plan Group) in preparing their plan by recommending (where necessary) any adjustments required to protect European sites, thus making it more likely their plan will be deemed compliant with the Conservation of Habitats and Species Regulations 2017 (as amended); and
 - On behalf of the Qualifying Body, to assist the Local Planning Authority to discharge their duty under Regulation 105 (in their role as ‘plan-making authority’ within the meaning of that regulation) and Regulation 106 (in their role as ‘competent authority’).
- 1.5 As ‘competent authority’, the legal responsibility for ensuring that a decision of ‘likely significant effects’ is made, for ensuring an ‘appropriate assessment’ (where required) is undertaken, and for ensuring Natural England are consulted, falls on the local planning authority and the Neighbourhood Plan examiner. However, they are entitled to request from the Qualifying Body the necessary information on which to base their judgment and that is a key purpose of this report.
- 1.6 The Habitats Regulations applies the precautionary principle to Natura 2000 sites (SAC and SPA). As a matter of UK Government policy, Ramsar sites are given equivalent status. For the purposes of this assessment candidate SACs (cSACs), proposed SPAs (pSPAs) and proposed Ramsar (pRamsar) sites are all treated as fully designated sites. In this report we use the term “European designated sites” to refer collectively to the sites listed in this paragraph.
- 1.7 Plans and projects can only be permitted having ascertained that there will be no adverse effect on the integrity of the site(s) in question. This contrasts with the SEA Directive which does not prescribe how plan or programme proponents should respond to the findings of an environmental assessment; merely that the assessment findings (as documented in the ‘environmental report’) should be ‘taken into account’ during preparation of the plan or programme. In the case of the Habitats Directive, plans and projects may still be permitted if there are no alternatives to them and there are Imperative Reasons of Overriding Public Interest (IROPI) as to why they should go ahead. In such cases, compensation would be necessary to ensure the overall integrity of the site network.
- 1.8 In 2018, the ‘People Over Wind’ European Court of Justice (ECJ) ruling¹ determined that ‘mitigation’ (i.e. measures that are specifically introduced to avoid or reduce the harmful effects of a plan or project on European sites) should not be taken into account when forming a view on likely significant effects. Mitigation should instead only be considered at the appropriate assessment stage. Appropriate assessment is not a technical term: it simply means ‘an assessment that is appropriate’ for the plan or project in question. As such, the law purposely does not prescribe what it should consist of or how it should be presented; these are decisions to be made on a case by case basis by the competent authority. An amendment was made to the Neighbourhood Planning Regulations in late 2018 which permitted Neighbourhood Plans to be made if they required appropriate assessment.
- 1.9 Over the years the phrase ‘Habitats Regulations Assessment’ has come into wide currency to describe the overall process set out in the Conservation of Habitats and Species Regulations from screening through to Imperative Reasons of Overriding Public Interest (IROPI). This has arisen in order to distinguish the process from the individual stage described in the law as an ‘Appropriate Assessment’. Throughout this report we use the term Habitats Regulations Assessment for the overall process.

Report Layout

- 1.10 **Chapter 2** of this report explains the process by which the HRA has been carried out. **Chapter 3** explores the relevant pathways of impact. **Chapter 4** summarises the Test of Likely Significant Effects of the policies and site allocations of the Plan considered ‘alone’ and ‘in-combination’. (The Test of Likely Significant Effects itself is undertaken in **Appendix C**). **Chapter 5** contains the Appropriate Assessment for any linking impact pathways that could not be screened out from potentially resulting in a Likely Significant Effect. **Chapter 6** contains the conclusion and a summary of recommendations.

¹ Case C-323/17

2. Methodology

Introduction

- 2.1 This section sets out the approach and methodology for undertaking the Habitats Regulations Assessment (HRA). HRA itself operates independently from the Planning Policy system, being a legal requirement of a discrete Statutory Instrument. Therefore there is no direct relationship to the National Planning Policy Framework (NPPF) and the 'Tests of Soundness'.

A Proportionate Assessment

- 2.2 Project-related HRA often requires bespoke survey work and novel data generation in order to accurately determine the significance of effects. In other words, to look beyond the risk of an effect to a justified prediction of the actual likely effect and to the development of avoidance or mitigation measures.
- 2.3 However, the draft MHCLG guidance² (described in greater detail later in this chapter) makes it clear that when implementing HRA of land-use plans, the Appropriate Assessment (AA) should be undertaken at a level of detail that is appropriate and proportional to the level of detail provided within the plan itself:
- 2.4 *"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."*
- 2.5 More recently, the Court of Appeal³ ruled that providing the Council (competent authority) was duly satisfied that proposed mitigation could be "achieved in practice" then this would suffice to meet the requirements of the Habitat Regulations. This ruling has since been applied to a planning permission (rather than a Plan document)⁴. In this case the High Court ruled that for "a multistage process, so long as there is sufficient information at any particular stage to enable the authority to be satisfied that the proposed mitigation can be achieved in practice it is not necessary for all matters concerning mitigation to be fully resolved before a

² MHCLG (2006) Planning for the Protection of European Sites, Consultation Paper

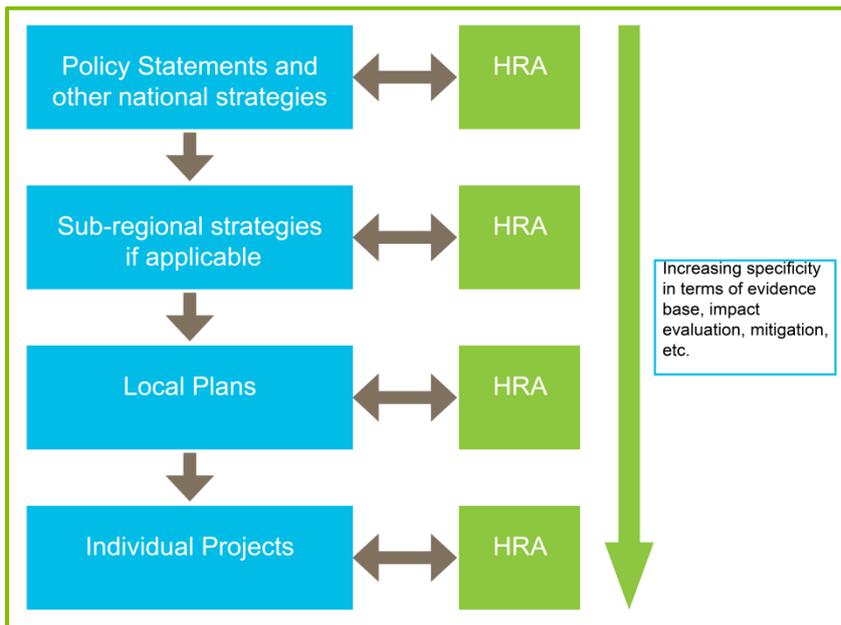
³ No Adastral New Town Ltd (NANT) v Suffolk Coastal District Council Court of Appeal, 17th February 2015

⁴ High Court case of R (Devon Wildlife Trust) v Teignbridge District Council, 28 July 2015

decision maker is able to conclude that a development will satisfy the requirements of reg 61 of the Habitats Regulations”.

- 2.6 In other words, there is a tacit acceptance that AA can be tiered and that all impacts are not necessarily appropriate for consideration to the same degree of detail at all tiers as illustrated in **Box 2**.

Box 2: Tiering in HRA of Land Use Plans



- 2.7 For a plan the level of detail concerning the developments that will be delivered is usually insufficient to make a highly detailed assessment of significance of effects. For example, precise and full determination of the impacts and significant effects of a new settlement will require extensive details concerning the design of the new housing sites, including layout of greenspace and type of development to be delivered in particular locations, yet these data will not be decided until subsequent stages.
- 2.8 The most robust and defensible approach to the absence of fine grain detail at this level is to make use of the precautionary principle. In other words, the plan is never given the benefit of the doubt (within the limits of reasonableness); it must be assumed that a policy/measure is likely to have an impact leading to a significant adverse effect upon an internationally designated site unless it can be clearly established otherwise.

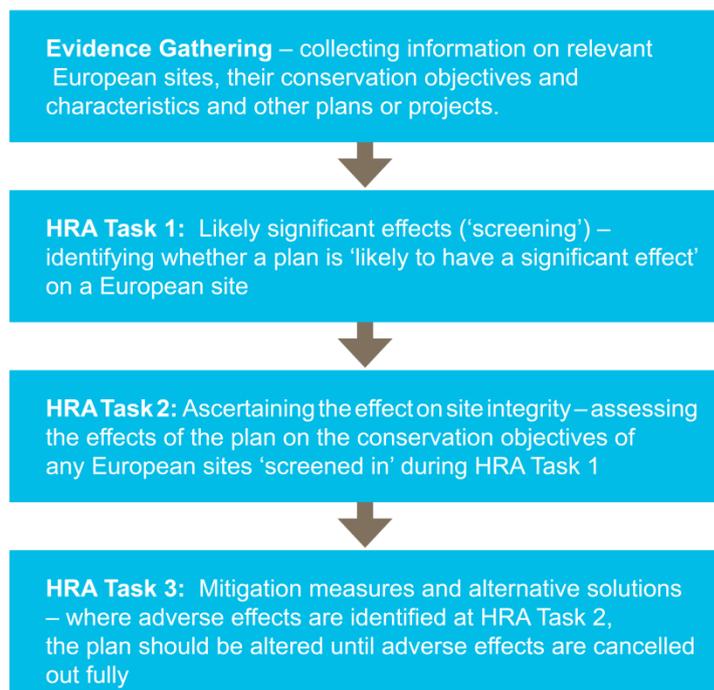
The Process of HRA

- 2.9 The HRA is being carried out in the continuing absence of formal central Government guidance. The former DCLG (now MHCLG) released a consultation paper on AA of Plans in 2006⁵. As yet, no further formal guidance has emerged from MHCLG. However, Natural England has produced its own informal internal guidance and Natural Resources Wales has produced guidance for Welsh authorities on “*the appraisal of plans under the Habitats Regulations*” as a separate guidance document aimed at complementing and supplementing the guidance/advice provided within Technical Advice Note 5: Nature Conservation and Planning⁶.
- 2.10 **Box 3** outlines the stages of HRA according to the draft MHCLG guidance (which, as government guidance applicable to English authorities is considered to take precedence over other sources of guidance). The stages are essentially iterative, being revisited as necessary in response to more detailed information, recommendations and any relevant changes to the plan until no likely significant effects remain.

⁵ MHCLG (2006) Planning for the Protection of European Sites, Consultation Paper

⁶ Welsh Government. Technical Advice Note 5, Nature Conservation and Planning (2009)
<http://gov.wales/topics/planning/policy/tans/tan5/?lang=en> [accessed 01/12/2016]

Box 3: Four-Stage Approach to Habitats Regulations Assessment



2.11 The following process has been adopted for carrying out the subsequent stages of the HRA.

Task One: Test of Likely Significant Effect

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

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

2.14 In evaluating significance, AECOM have relied on professional judgment and experience of working with the other local authorities on similar issues. The level of detail concerning developments that will be permitted under land use plans is rarely sufficient to make a detailed quantification of effects. Therefore, a precautionary approach has been taken (in the absence of more precise data) assuming as the default position that if a likely significant effect (LSE) cannot be confidently ruled out, then the assessment must be taken the next level of assessment Task Two: Appropriate Assessment. This is in line with the April 2018 court ruling relating to 'People Over Wind' where mitigation and avoidance measures are to be included at the next stage of assessment.

Task Two: Appropriate Assessment

2.15 European Site(s) which have been 'screened in' during the previous Task have a detailed assessment undertaken on the effect of the policies on the European site(s) site integrity. Avoidance and mitigation measures to avoid adverse significant effects are taken into account or recommended where necessary.

2.16 As established by case law, 'appropriate assessment' is not a technical term; it simply means whatever further assessment is necessary to confirm whether there would be adverse effects on the integrity of any European sites that have not been dismissed at screening. Since it is not a technical term it has no firmly established methodology except that it essentially involves repeating the analysis for the likely significant effects stage, but to a greater level of detail on a smaller number of policies and sites, this time with a view to determining if there would be adverse effects on integrity.

2.17 One of the key considerations during Appropriate Assessment is whether there is available mitigation that would entirely address the potential effect. In practice, the Appropriate Assessment takes any policies or allocations that could not be dismissed following the high-level Screening analysis and analyse the potential

for an effect in more detail, with a view to concluding whether there would actually be an adverse effect on integrity (in other words, disruption of the coherent structure and function of the European site(s)).

The Scope

2.18 There is no guidance that dictates the physical scope of an HRA of a plan. Therefore, in considering the physical scope of the assessment we were guided primarily by the identified impact pathways rather than by arbitrary “zones”, i.e. a source-pathway-receptor approach. Current guidance suggests that the following European sites be included in the scope of assessment:

- All sites within the Neighbourhood Plan area boundary; and
- Other sites shown to be linked to development within the Neighbourhood Plan boundary through a known “pathway” (discussed below).

2.19 Briefly defined, pathways are routes by which a change in activity within the plan area can lead to an effect upon a European site. In terms of the second category of European site listed above, MHCLG guidance states that the AA should be “*proportionate to the geographical scope of the [plan policy]*” and that “*an AA need not be done in any more detail, or using more resources, than is useful for its purpose*” (MHCLG, 2006, p.6).

2.20 Locations of European designated sites are illustrated in **Appendix A, Figure A1**, and full details of all European designated sites discussed in this document can be found in **Appendix B**, specifying their qualifying features, conservation objectives and threats to integrity. Table 1 below lists all those European designated sites included in this HRA.

Note that the inclusion of a European sites or pathway below does not indicate that an effect is expected but rather that these are pathways that will be investigated.

Table 1: Physical Scope of the HRA

European Designated Site	Location	Reason for Exclusion (pressures/ threats associated with the European site that could link to the Plan.)	Inclusion/ Other vulnerabilities	site
Chesil and the Fleet SAC and Chesil Beach and the Fleet Ramsar and Marine SPA	Within Portland Neighbourhood Plan area	- Water pollution - Public access/disturbance - Air pollution: risk of atmospheric nitrogen deposition	-	Changes in distribution of the little tern population due to predation, unsuitable nesting habitat and changes in prey availability - Fisheries: Commercial marine and estuarine - Invasive species - Natural changes to site conditions - Inappropriate coastal management
Isle of Portland to Studland Cliffs SAC	Within Portland Neighbourhood Plan Area	- Public access/disturbance - Water pollution	-	Under grazing - Inappropriate scrub control - Invasive species - Agricultural management practices - Habitat fragmentation - Inappropriate coastal management

⁷ As identified in the Site Improvement Plans or RAMS for European sites.

					-	Natural changes to site conditions
					-	Managed rotational burning
Studland to Portland SAC (Marine)	Portland	Adjacent to Portland Neighbourhood Plan area		No site vulnerabilities link to Plan.	-	Fisheries: commercial marine and estuarine
Crookhills Brick Pit SAC		At its closest located north-west of the Portland Neighbourhood Plan area	1.9 km	No site vulnerabilities link to Plan.	-	Change in land management
Lyme Bay and Torbay SAC (Marine)		At its closest located north-west of the Portland Neighbourhood Plan area	9.2 km	Public access/disturbance	-	Fisheries: commercial marine and estuarine

The ‘in Combination’ Scope

- 2.21 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 European designated site(s) in question.
- 2.22 When undertaking this part of the assessment it is essential to bear in mind the principal intention behind the legislation i.e. to ensure that those projects or plans which in themselves have minor impacts are not simply dismissed on that basis, but are evaluated for any cumulative contribution they may make to an overall significant effect. In practice, in combination assessment is therefore of greatest relevance when the plan would otherwise be screened out because its individual contribution is inconsequential. The overall approach is to exclude the risk of there being unassessed likely significant effects in accordance with the precautionary principle. This was first established in the seminal Waddenzee⁸ case.
- 2.23 For the purposes of this assessment, we have determined that, due to the nature of the identified impacts, the key other plans and projects with potential for in combination likely significant effects are those schemes that have the following impact pathways: Disturbance (including urbanisation and recreational pressure), changes in hydraulic conditions and loss of functionally linked land. The following plans have been assessed for their in combination impact to interact with the Neighbourhood Plan:
- West Dorset, Weymouth and Portland Adopted Local Plan (2015)
 - West Dorset, Weymouth and Portland Local Plan Review (Preferred Options)
 - North Dorset District Council (2016) North Dorset Local Plan Part 1
 - North Dorset District Council (2016) North Dorset Local Plan Part 2
 - Wessex Water (2018). Draft Final Water Resources Management Plan and
 - Wessex Water (2017) Drought Plan
- 2.24 It should be noted that, while the broad potential impacts of these other projects and plans will be considered, we do not propose carrying out full HRA on each of these plans – we will however draw upon existing HRA that have been carried out for surrounding regions and plans.

⁸ Waddenzee case (Case C-127/02, [2004] ECR-I 7405)

3. Pathways of Impact

3.1 The following pathways of impact are considered relevant to the HRA of the Plan:

- Direct land-take
- Recreational pressure
- Water quality and water resources
- Atmospheric pollution from atmospheric nitrogen deposition
- Construction related effects (dust/water runoff)

Direct Land-take

3.2 Within the Portland Neighbourhood Plan Policies EN5 – Historic Piers and BE6 – The Northern Arc apply to features that are within the boundaries of the Isle of Portland to Studland Cliffs SAC. There is the potential that these policies could result in the removal of land within the boundaries of the SAC for the purposes of these policies. Policy EN5 is for the restoration and enhancement of three historic piers along the coast of Portland. Details are not set out in this policy but the restoration process could require the construction of permanent or temporary roads for construction vehicles used in the restoration of the piers while the restoration process itself could involve permanent or temporary landtake if works are not confined to the superstructure; for example if enhanced footings are required for the piers these could involve temporary or permanent landtake from the SAC. In addition, Policy BE6 supports the improvement of the area around Osprey Quay, Castletown and Portland Port for business use and improving the economy of the Isle of Portland to “*cement the location as a vital employment zone for the benefit of the local people and the economic wellbeing of the Island*”. The boundary stated within the Neighbourhood Plan encompasses areas of the Isle of Portland to Studland Cliffs SAC. Any development opportunity brought forward within the boundaries of the SAC therefore has the potential to temporarily or permanently remove habitat from the SAC.

3.3 Case law has determined that the permanent loss of habitat for which a European site has been designated would constitute as an adverse effect on the integrity of that SAC. Therefore, this pathway of impact will be discussed further within the Appropriate Assessment.

Recreational Pressure

3.4 Recreational use of a European site has the potential to:

- Cause disturbance to sensitive species, particularly ground-nesting birds and (where relevant) wintering wildfowl.
- Cause damage through erosion and fragmentation;
- Cause eutrophication as a result of dog fouling; and
- Prevent appropriate management or exacerbate existing management difficulties;

3.5 Different types of European sites are subject to different types of recreational pressures and have different vulnerabilities. Studies across a range of species have shown that the effects from recreation can be complex.

3.6 It should be emphasised that recreational use is not inevitably a problem. Many European sites also contain nature reserves managed for conservation and public appreciation of nature.

3.7 HRAs of Local Plans tend to focus on recreational sources of disturbance as a result of new residents⁹.

⁹ The RTPI report 'Planning for an Ageing Population'(2004) which states that 'From being a marginalised group in society, the elderly are now a force to be reckoned with and increasingly seen as a market to be wooed by the leisure and tourist industries. There are more of them and generally they have more time and more money.' It also states that 'Participation in most physical activities shows a significant decline after the age of 50. The exceptions to this are walking, golf, bowls and sailing, where participation rates hold up well into the 70s'.

- 3.8 This section distinguishes between potential impacts on breeding birds (between March and August) and non-breeding birds (between August to May).

Breeding birds (February to August)

- 3.9 The Chesil Bank is situated on the West Dorset coast, stretching 29 km from West Bay to Portland, and is one of the five largest shingle beaches in Britain. The shingle bank provides nesting for internationally important populations of breeding little tern (*Stemula albifrons*), and although not designated features of the site, it also supports increasing numbers of breeding common tern (*Sterna hirundo*) and a small number of breeding ringed plover (*Charadrius hiaticula*).
- 3.10 Concern regarding the effects of disturbance on birds stems from the fact that they are expending energy unnecessarily and the time they spend responding to disturbance is time that is not spent feeding (this will apply all year round)¹⁰. Disturbance therefore risks increasing energetic output while reducing energetic input, which can adversely affect the 'condition' and ultimately survival of the birds. In addition, displacement of birds from one feeding site to others can increase the pressure on the resources available within the remaining sites, as they have to sustain a greater number of birds¹¹. Moreover, the more time a breeding bird spends disturbed from its nest, the more its eggs are likely to cool and the more vulnerable they, or any nestlings, are to predators.
- 3.11 The little tern colony at Chesil beach dropped from 100 pairs in 1997 to zero in 2009. This led to the creation of the Chesil Little Tern Project which helps to protect the colony¹². Little terns lay their eggs (2-3) within a small dip in the pebbles and incubate for 18 to 22 days before hatching. The fledglings will stay on the beach for several weeks being fed by the adults while practicing fishing and diving skills before the whole colony migrates south to Africa in August. The little tern project is a partnership managed by the RSPB and supported by Dorset Wildlife Trust, Natural England, The Portland Court Leet, The Crown Estate and the Chesil Bank & Fleet Nature Reserve. The project focuses on protection from predators and reducing recreational disturbance with the use of electric fencing and hides. Wardens and volunteers also monitor the birds around the clock to prevent predators and visitors disturbing the birds. The little tern project due to the localised nature of the colony, is a very effective method of guarding the terns at Chesil beach from recreational pressure (and predators) and has produced good results. It is estimated that in 2018 there were 25 successful fledglings.

Non-breeding birds (September to January)

- 3.12 The potential for disturbance may be different in winter than in summer, in that there are often a smaller number of recreational users. In addition, the consequences of disturbance at a population level may be reduced because birds are not breeding. However, activity outside of the summer months can still cause important disturbance, especially as birds are particularly vulnerable at this time of year due to food shortages. Disturbance which results in abandonment of suitable feeding areas can have severe consequences for those birds involved and their ability to find alternative feeding areas. Evans & Warrington¹³ found that on Sundays total water bird numbers (including shoveler and gadwall) were 19% higher on Stocker's Lake LNR in Hertfordshire, and attributed this to observed greater recreational activity on surrounding water bodies at weekends relative to week days displacing birds into the LNR. However, in this study, recreational activity was not quantified in detail, nor were individual recreational activities evaluated separately; and
- Tuite et al¹⁴ used a large (379 site), long-term (10-year) dataset (September – March species counts) to correlate seasonal changes in wildfowl abundance with the presence of various recreational activities. They found that shoveler was one of the most sensitive species to disturbance. The greatest impact on wildfowl numbers during these months was associated with sailing/windsurfing and rowing.

¹⁰ Riddington, R. *et al.* 1996. The impact of disturbance on the behaviour and energy budgets of Brent geese. *Bird Study* 43:269-279

¹¹ Gill, J.A., Sutherland, W.J. & Norris, K. 1998. The consequences of human disturbance for estuarine birds. *RSPB Conservation Review* 12: 67-72

¹² <https://www.dorsetwildlifetrust.org.uk/conservation-partnership/little-tern-project> [Accessed 25 March 2019]

¹³ Evans, D.M. & Warrington, S. 1997. The effects of recreational disturbance on wintering waterbirds on a mature gravel pitlake near London. *International Journal of Environmental Studies* 53: 167-182

¹⁴ Tuite, C.H., Hanson, P.R. & Owen, M. 1984. Some ecological factors affecting winter wildfowl distribution on inland waters in England and Wales and the influence of water-based recreation. *Journal of Applied Ecology* 21: 41-62

- 3.13 More recent research has established that human activity including recreational activity can be linked to disturbance of wintering waterfowl populations^{15 16}.
- 3.14 Human activity can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat or reducing their fitness in less obvious ways e.g. stress). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas and use of sub optimal areas etc.) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death¹⁷.
- 3.15 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e. 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage they also found that the density generally was lower along busier roads than quieter roads¹⁸. A study on Holt Heath noted reduced levels of fitness due to occupation of sub optimal habitats alongside roads amongst heathland species.
- 3.16 A recent study on recreational disturbance on the Humber¹⁹ assesses different types of noise disturbance on waterfowl referring to studies relating to aircraft (see Drewitt 1999²⁰), traffic (Reijnen, Foppen, & Veenbaas 1997)²¹, dogs (Lord, Waas, & Innes 1997²²; Banks & Bryant 2007²³) and machinery (Delaney et al. 1999; Tempel & Gutierrez 2003). These studies identified that there is still relatively little work on the effects of different types of water based craft and the impacts from jet skis, kite surfers, windsurfers etc. (see Kirby et al. 2004²⁴ for a review). Some types of disturbance are clearly likely to invoke different responses. In very general terms, both distance from the source of disturbance and the scale of the disturbance (noise level, group size) will both influence the response (Delaney et al. 1999²⁵; Beale & Monaghan 2005²⁶). On UK estuaries and coastal sites, a review of WeBS data showed that, among the volunteer WeBS surveyors, driving of motor vehicles and shooting were the two activities most perceived to cause disturbance (Robinson & Pollitt 2002)²⁷.

Other activities causing disturbance

- 3.17 Activities other than recreation may also lead to disturbance of wildlife.
- 3.18 Disturbing activities are on a continuum. The most disturbing activities are likely to be those that involve irregular, infrequent, unpredictable loud noise events, movement or vibration of long duration. The presence of people and dogs generate a substantial disturbance effects because of the areas accessed and the impact of a potential predator on bird behaviour. Birds are least likely to be disturbed by activities that involve regular, frequent, predictable, quiet patterns of sound or movement or minimal vibration. The further any activity is from the birds, the less likely it is to result in disturbance.

¹⁵ Footprint Ecology. 2010. Recreational Disturbance to Birds on the Humber Estuary

¹⁶ Footprint Ecology, Jonathan Cox Associates & Bournemouth University. 2010. Solent disturbance and mitigation project – various reports.

¹⁷ Riley, J. 2003. Review of Recreational Disturbance Research on Selected Wildlife in Scotland. Scottish Natural Heritage.

¹⁸ Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32: 187-202

¹⁹ Helen Fearnley Durwyn Liley and Katie Cruickshanks (2012) Results of Recreational Visitor Survey across the Humber Estuary produced by Footprint Ecology

²⁰ Drewitt, A. (1999) Disturbance effects of aircraft on birds. English Nature, Peterborough.

²¹ Reijnen, R., Foppen, R. & Veenbaas, G. (1997) Disturbance by traffic of breeding birds: evaluation of the effect and considerations in planning and managing road corridors. *Biodiversity and Conservation*, 6, 567-581.

²² Lord, A., Waas, J.R. & Innes, J. (1997) Effects of human activity on the behaviour of northern New Zealand dotterel *Charadrius obscurus aequilonius* chicks. *Biological Conservation*, 82,15-20.

²³ Banks, P.B. & Bryant, J.V. (2007) Four-legged friend of foe? Dog-walking displaces native birds from natural areas. *Biology Letters*, 3, 611-613.

²⁴ Kirby, J.S., Clee, C. & Seager, V. (1993) Impact and extent of recreational disturbance to wader roosts on the Dee estuary: some preliminary results. *Wader Study Group Bulletin*, 68, 53-58.

²⁵ Delaney, D.K., Grubb, T.G., Beier, P., Pater, L.L.M. & Reiser, H. (1999) Effects of Helicopter Noise on Mexican Spotted Owls. *The Journal of Wildlife Management*, 63, 60-76.

²⁶ Beale, C.M. & Monaghan, P. (2005) Modeling the Effects of Limiting the Number of Visitors on Failure Rates of Seabird Nests. *Conservation Biology*, 19, 2015-2019.

²⁷ Robinson, J.A. & Pollitt, M.S. (2002) Sources and extent of human disturbance to waterbirds in the UK: an analysis of Wetland Bird Survey data, 1995/96 to 1998/99: Less than 32% of counters record disturbance at their site, with differences in causes between coastal and inland sites. *Bird Study*, 49, 205.

- 3.19 The factors that influence a species response to a disturbance are numerous, but the three key factors are species sensitivity, proximity of disturbance sources and timing/duration of the potentially disturbing activity.
- 3.20 The distance at which a species takes flight when approached by a disturbing stimulus is known as the 'tolerance distance' (also called the 'escape flight distance') and differs between species to the same stimulus and within a species to different stimuli.
- 3.21 The potential for apparent disturbance may be less in winter than in summer, in that there are often a smaller number of recreational users. In addition, the consequences of disturbance at a population level may be reduced because birds are not breeding. However, activity outside of the summer months can still cause important disturbance, especially as birds are particularly vulnerable at this time of year due to food shortages. Disturbance which results in abandonment of suitable feeding areas can have severe consequences for those birds involved and their ability to find alternative feeding areas. Several empirical studies have, through correlative analysis, demonstrated that out-of-season (October-March) recreational activity can result in quantifiable disturbance:
- Tuite et al²⁸ found that during periods of high recreational activity, bird numbers at Llangorse Lake decreased by 30% as the morning progressed, matching the increase in recreational activity towards midday. During periods of low recreational activity, however, no change in numbers was observed as the morning progressed. In addition, all species were found to spend less time in their 'preferred zones' (the areas of the lake used most in the absence of recreational activity) as recreational intensity increased;
 - Underhill et al²⁹ counted waterfowl and all disturbance events on 54 water bodies within the South West London Water Bodies Special Protection Area and clearly correlated disturbance with a decrease in bird numbers at weekends in smaller sites and with the movement of birds within larger sites from disturbed to less disturbed areas.
- 3.1 Human activity can affect birds either directly (e.g. through causing them to flee) or indirectly (e.g. through damaging their habitat). The most obvious direct effect is that of immediate mortality such as death by shooting, but human activity can also lead to behavioural changes (e.g. alterations in feeding behaviour, avoidance of certain areas etc.) and physiological changes (e.g. an increase in heart rate) that, although less noticeable, may ultimately result in major population-level effects by altering the balance between immigration/birth and emigration/death³⁰. The impact of disturbance on birds changes during the seasons in relation to a number of very specific factors, for example the winter below freezing temperature, the birds fat resource levels and the need to remain watchful for predators rather than feeding. These considerations lead to birds apparently showing different behavioural responses at different times of the year.
- 3.2 The degree of impact that varying levels of noise will have on different species of bird is poorly understood except that a number of studies have found that an increase in traffic levels on roads does lead to a reduction in the bird abundance within adjacent hedgerows - Reijnen et al (1995) examined the distribution of 43 passerine species (i.e. 'songbirds'), of which 60% had a lower density closer to the roadside than further away. By controlling vehicle usage they also found that the density generally was lower along busier roads than quieter roads³¹.

Mechanical/abrasive damage and nutrient enrichment

- 3.3 Most types of aquatic or terrestrial European site can be affected by trampling, which in turn causes soil compaction and erosion:
- Wilson & Seney (1994)³² examined the degree of track erosion caused by hikers, motorcycles, horses and cyclists from 108 plots along tracks in the Gallatin National Forest, Montana. Although

²⁸ Tuite, C. H., Owen, M. & Paynter, D. 1983. Interaction between wildfowl and recreation at Llangorse Lake and Talybont Reservoir, South Wales. *Wildfowl* 34: 48-63

²⁹ Underhill, M.C. et al. 1993. Use of Waterbodies in South West London by Waterfowl. An Investigation of the Factors Affecting Distribution, Abundance and Community Structure. Report to Thames Water Utilities Ltd. and English Nature. Wetlands Advisory Service, Slimbridge

³⁰ Riley, J. 2003. Review of Recreational Disturbance Research on Selected Wildlife in Scotland. Scottish Natural Heritage.

³¹ Reijnen, R. et al. 1995. The effects of car traffic on breeding bird populations in woodland. III. Reduction of density in relation to the proximity of main roads. *Journal of Applied Ecology* 32: 187-202

³² Wilson, J.P. & J.P. Seney. 1994. Erosional impact of hikers, horses, motorcycles and off road bicycles on mountain trails in Montana. *Mountain Research and Development* 14:77-88

the results proved difficult to interpret, it was concluded that horses and hikers disturbed more sediment on wet tracks, and therefore caused more erosion, than motorcycles and bicycles.

- Cole et al (1995a, b)³³ conducted experimental off-track trampling in 18 closed forest, dwarf scrub and meadow & grassland communities (each tramped between 0 – 500 times) over five mountain regions in the US. Vegetation cover was assessed two weeks and one year after trampling, and an inverse relationship with trampling intensity was discovered, although this relationship was weaker after one year than two weeks indicating some recovery of the vegetation. Differences in plant morphological characteristics were found to explain more variation in response between different vegetation types than soil and topographic factors. Low-growing, mat-forming grasses regained their cover best after two weeks and were considered most resistant to trampling, while tall forbs (non-woody vascular plants other than grasses, sedges, rushes and ferns) were considered least resistant. Cover of hemicryptophytes and geophytes (plants with buds below the soil surface) was heavily reduced after two weeks, but had recovered well after one year and as such these were considered most resilient to trampling. Chamaephytes (plants with buds above the soil surface) were least resilient to trampling. It was concluded that these would be the least tolerant of a regular cycle of disturbance.
- Cole (1995c)³⁴ conducted a follow-up study (in 4 vegetation types) in which shoe type (trainers or walking boots) and trampler weight were varied. Although immediate damage was greater with walking boots, there was no significant difference after one year. Heavier trampers caused a greater reduction in vegetation height than lighter trampers, but there was no difference in effect on cover.
- Cole & Spildie (1998)³⁵ experimentally compared the effects of off-track trampling by hiker and horse (at two intensities – 25 and 150 passes) in two woodland vegetation types (one with an erect forb understorey and one with a low shrub understorey). Horse traffic was found to cause the largest reduction in vegetation cover. The forb-dominated vegetation suffered greatest disturbance, but recovered rapidly. Higher trampling intensities caused more disturbance.

3.4 Walkers with dogs contribute to pressure on sites through nutrient enrichment via dog fouling and also cause greater disturbance to fauna as dogs are less likely to keep to marked footpaths and also tend to move in a more erratic manner. Sites being managed by nature conservation bodies and local authorities frequently resort to hardening eroded paths to restrict erosion but at the same time they are losing the habitats formerly used by sand lizards and burrowing invertebrates. Motorcycle scrambling and off-road vehicle use can cause more serious erosion, as well as disturbance to sensitive species. Boats can also cause some mechanical damage to intertidal habitats through grounding as well as anchor and anchor line damage.

Water Quality and Water Resources

3.5 Increased amounts of housing or business development can lead to reduced water quality of rivers and estuarine environments. Sewage and industrial effluent discharges can contribute to increased nutrients on European sites leading to unfavourable conditions. In addition, diffuse pollution, partly from urban runoff has been identified during an Environment Agency Review of Consents process and a joint Environment Agency and Natural England evidence review, as being a major factor in causing unfavourable condition of European sites.

3.6 The quality of the water that feeds European sites is an important determinant of the nature of their habitats and the species they support. Poor water quality can have a range of environmental impacts:

- At high levels, toxic chemicals and metals can result in immediate death of aquatic life, and can have detrimental effects even at lower levels, including increased vulnerability to disease and changes in wildlife behaviour. Eutrophication, the enrichment of plant nutrients in water, increases plant growth and consequently results in oxygen depletion. Algal blooms, which commonly result from eutrophication, increase turbidity and decrease light penetration. The decomposition of

³³ Cole, D.N. 1995a. Experimental trampling of vegetation. I. Relationship between trampling intensity and vegetation response. *Journal of Applied Ecology* 32: 203-214

Cole, D.N. 1995b. Experimental trampling of vegetation. II. Predictors of resistance and resilience. *Journal of Applied Ecology* 32: 215-224

³⁴ Cole, D.N. 1995c. Recreational trampling experiments: effects of trampler weight and shoe type. Research Note INT-RN-425. U.S. Forest Service, Intermountain Research Station, Utah.

³⁵ Cole, D.N., Spildie, D.R. 1998. Hiker, horse and llama trampling effects on native vegetation in Montana, USA. *Journal of Environmental Management* 53: 61-71

organic wastes that often accompanies eutrophication deoxygenates water further, augmenting the oxygen depleting effects of eutrophication. In the marine environment, nitrogen is the limiting plant nutrient and so eutrophication is associated with discharges containing available nitrogen;

- Some pesticides, industrial chemicals, and components of sewage effluent are suspected to interfere with the functioning of the endocrine system, possibly having negative effects on the reproduction and development of aquatic life; and
- Increased discharge of treated sewage effluent can result both in high levels of macroalgal growth, which can smother the mudflats of value to SPA birds and in greater scour (as a result of greater flow volumes).

3.7 At sewage treatment works, additional residential development increases the risk of effluent escape into aquatic environments in addition to consented discharges to the catchment. In many urban areas, sewage treatment and surface water drainage systems are combined, and therefore a predicted increase in flood and storm events could increase pollution risk.

Atmospheric Pollution (Atmospheric Nitrogen Deposition)

3.8 The main pollutants of concern for European sites are oxides of nitrogen (NO_x), ammonia (NH₃) and sulphur dioxide (SO₂). NO_x can have a directly toxic effect upon vegetation. In addition, greater NO_x or ammonia concentrations within the atmosphere will lead to greater rates of nitrogen deposition to soils. An increase in the deposition of nitrogen from the atmosphere to soils is generally regarded to lead to an increase in soil fertility, which can have a serious deleterious effect on the quality of semi-natural, nitrogen-limited terrestrial habitats.

Table 2: Main sources and effects of air pollutants on habitats and species

Pollutant	Source	Effects on habitats and species
Acid deposition	SO ₂ , NO _x and ammonia all contribute to acid deposition. Although future trends in S emissions and subsequent deposition to terrestrial and aquatic ecosystems will continue to decline, it is likely that increased nitrogen emissions may cancel out any gains produced by reduced sulphur levels.	Can affect habitats and species through both wet (acid rain) and dry deposition. Some sites will be more at risk than others depending on soil type, bed rock geology, weathering rate and buffering capacity.
Ammonia (NH ₃)	Ammonia is released following decomposition and volatilisation of animal wastes. It is a naturally occurring trace gas, but levels have increased considerably with expansion in numbers of agricultural livestock. Ammonia reacts with acid pollutants such as the products of SO ₂ and NO _x emissions to produce fine ammonium (NH ₄ ⁺) containing aerosol which may be transferred much longer distances (can therefore be a significant trans-boundary issue.)	Adverse effects are as a result of nitrogen deposition leading to eutrophication. As emissions mostly occur at ground level in the rural environment and NH ₃ is rapidly deposited, some of the most acute problems of NH ₃ deposition are for small relict nature reserves located in intensive agricultural landscapes.
Nitrogen oxides NO _x	Nitrogen oxides are mostly produced in combustion processes. About one quarter of the UK's emissions are from power stations.	Deposition of nitrogen compounds (nitrates (NO ₃), nitrogen dioxide (NO ₂) and nitric acid (HNO ₃)) can lead to both soil and freshwater acidification. In addition, NO _x can cause eutrophication of soils and water. This alters the species composition of plant communities and can eliminate sensitive species.
Nitrogen deposition	(N) The pollutants that contribute to nitrogen deposition derive mainly from NO _x and NH ₃ emissions. These pollutants cause acidification (see also acid deposition) as well as eutrophication.	Species-rich plant communities with relatively high proportions of slow-growing perennial species and bryophytes are most at risk from N eutrophication, due to its promotion of competitive and invasive species which can respond readily to elevated levels of N. N

deposition can also increase the risk of damage from abiotic factors, e.g. drought and frost.

Ozone (O ₃)	A secondary pollutant generated by photochemical reactions from NO _x and volatile organic compounds (VOCs). These are mainly released by the combustion of fossil fuels. The increase in combustion of fossil fuels in the UK has led to a large increase in background ozone concentration, leading to an increased number of days when levels across the region are above 40ppb. Reducing ozone pollution is believed to require action at international level to reduce levels of the precursors that form ozone.	Concentrations of O ₃ above 40 ppb can be toxic to humans and wildlife, and can affect buildings. Increased ozone concentrations may lead to a reduction in growth of agricultural crops, decreased forest production and altered species composition in semi-natural plant communities.
Sulphur Dioxide SO ₂	Main sources of SO ₂ emissions are electricity generation, industry and domestic fuel combustion. May also arise from shipping and increased atmospheric concentrations in busy ports. Total SO ₂ emissions have decreased substantially in the UK since the 1980s.	Wet and dry deposition of SO ₂ acidifies soils and freshwater, and alters the species composition of plant and associated animal communities. The significance of impacts depends on levels of deposition and the buffering capacity of soils.

- 3.9 Sulphur dioxide emissions are overwhelmingly influenced by the output of power stations and industrial processes that require the combustion of coal and oil. Ammonia emissions are dominated by agriculture, with some chemical processes also making notable contributions. As such, it is unlikely that material increases in SO₂ or NH₃ emissions will be associated with Local Plans. NO_x emissions, however, are dominated by the output of vehicle exhausts. Within a 'typical' housing development, by far the largest contribution to NO_x (92%) will be made by the associated road traffic. Other sources, although relevant, are of minor importance (8%) in comparison³⁶. Emissions of NO_x could therefore be reasonably expected to increase as a result of greater vehicle use as an indirect effect of the LDF.
- 3.10 According to the World Health Organisation, the critical NO_x concentration (critical threshold) for the protection of vegetation is 30 µgm⁻³; the threshold for sulphur dioxide is 20 µgm⁻³. In addition, ecological studies have determined 'Critical Loads'³⁷ of atmospheric nitrogen deposition (that is, NO_x combined with ammonia NH₃) for key habitats within European sites.

Local Air Pollution

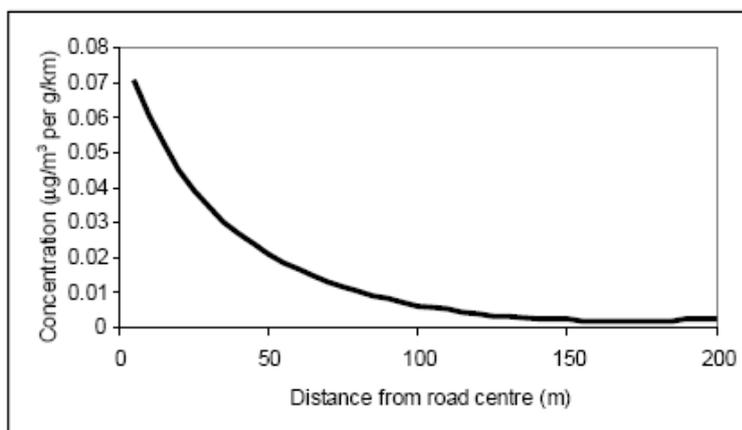
- 3.11 According to the Department of Transport's Transport Analysis Guidance, "Beyond 200m, the contribution of vehicle emissions from the roadside to local pollution levels is not significant"³⁸.

Plate 1. Traffic contribution to concentrations of pollutants at different distances from a road (Source: DfT)

³⁶ Proportions calculated based upon data presented in Dore CJ et al. 2005. UK Emissions of Air Pollutants 1970 – 2003. UK National Atmospheric Emissions Inventory. <http://www.airquality.co.uk/archive/index.php>

³⁷ The Critical Load is the rate of deposition beyond which research indicates that adverse effects can reasonably be expected to occur

³⁸ www.webtag.org.uk/archive/feb04/pdf/feb04-333.pdf



- 3.12 This is therefore the distance that has been used throughout this HRA in order to determine whether European sites are likely to be significantly affected by development under the Neighbourhood Plan.

Construction Related Activities (dust emissions, water run-off)

- 3.13 The Neighbourhood Plan supports initiatives that have the potential to affect local air quality at the SAC, through increased emission of dust during construction associated with topsoil stripping etc. This would have the potential for temporary localised impact on plant growth of calcareous grasslands that are a primary reason for the designation of the Isle of Portland to Studland Cliffs SAC. According to recent guidance from the Institute of Air Quality Management³⁹ *“an assessment will normally be required where there is...an ‘ecological receptor’ within: 50m of the boundary of the site; or 50m of the route(s) used by construction vehicles on the public highway...”*. This is based on a view that heavy dust soiling is most likely to adversely affect vegetation and this will rarely occur more than 50m from dust generating activities even in the absence of mitigation measures such as wetting. The dust has an effect by coating vegetation within 50m of construction works to such an extent that it disrupts photosynthesis and changing the botanical composition of the sward.
- 3.14 The supported initiatives within the Policies also carry the risk of effects on water quality including; spillage of fuels or other contaminating substances or leaching of substances (e.g. cement or grout) used in construction, which may negatively impact groundwater quality. This could lead to changes in qualifying habitats.
- 3.15 In practice, it is illegal to pollute watercourses (whether or not they are designated as European sites) under the Environmental Damage (Prevention and Remediation) (England) Regulations 2015 and Environmental Permitting (England and Wales) Regulations 2016 so any site where a risk exists will build protection measures into their construction and operational procedures. Each initiative brought forward will have to provide a Construction Environmental Management Plan (CEMP). The plan will be implemented during construction and will include best practice measures to ensure dust emissions and surface runoff does not adversely affect the SAC.

³⁹ IAQM. (2016) *Guidance on the assessment of dust from demolition and construction*. The Institute of Air Quality Management. Version 1.1.

4. Test of Likely Significance

Introduction

- 4.1 The initial scoping of European designated sites illustrated in Table 1 identifies that some site are potentially vulnerable to:
- Direct land-take
 - Recreational pressure
 - Water quality
 - Water resources
 - Atmospheric pollution from atmospheric nitrogen deposition
 - Construction related activities (dust/run-off)
- 4.2 The full test of Likely Significant Effects for the Portland Neighbourhood Plan is presented in Appendix B. The assessment took into consideration the above potential vulnerabilities of the European sites included in Table 1.
- 4.3 After an initial investigation into linking impact pathways the following European sites have been screened out as having no linking impact pathways:
- Studland to Portland SAC (Marine). This site is offshore of the Isle of Portland adjacent to the Portland Neighbourhood Plan area. The site is designated for reefs and is only sensitive to changes in commercial marine and estuarine fisheries activities. The Neighbourhood Plan does not include any policies which have a linking impact pathway to fisheries activities and therefore no linking pathways to this site. This site is not discussed further within this HRA.
 - Crookhills Brick Pit SAC. This site is at its closest located 1.9 km north-west of the Portland Neighbourhood Plan area. The site is designated solely for its populations of great crested newt and is only sensitive to changes in land management. As this SAC is outside of the Portland Neighbourhood Plan area it contains no policies which would create a linking impact pathway to changes in land management. This site is not discussed further within this HRA.
- 4.4 The following sections therefore focus on Chesil and the Fleet SAC, SPA and Ramsar (including Marine SPA and SAC), Isle of Portland to Studland Cliffs SAC, and Lyme Bay and Torbay SAC (Marine) sites.

Summary of Test of Likely Significance ‘Alone’

- 4.5 Of the 34 Neighbourhood Plan policies three policies were considered to have the potential to result in a likely significant effect alone:
- Policy EN5 – Historic Piers. The historic piers are located on the coast of Portland. The Isle of Portland to Studland Cliffs SAC wraps around Portland. Therefore the majority of the historic piers are likely to be situated within or adjacent to the SAC. This presents potential for effects in isolation in regards to:
 - Direct land take from the SAC to enhance the piers
 - Construction related activities such as dust emissions
 - Water pollution from surface run-off
 - Policy EN8 – The Verne. The Verne is immediately surrounded by the Isle of Portland to Studland Cliffs SAC. Therefore any development of the land within The Verne has the potential to cause effects through construction activities. This presents potential for effects in isolation in regards to:
 - Construction related activities such as dust emissions

- Water pollution from surface run-off
 - Policy BE6 – The Northern Arc. The Northern ARC area is set within and immediately adjacent to the Isle of Portland to Studland Cliffs SAC. Therefore any development of the land within this area has the potential to cause effects in isolation through:
 - Direct land take – providing development within the boundaries of the Isle of Portland to Studland Cliffs SAC.
 - Construction related activities such as dust emissions
 - Water pollution from surface run-off.
- 4.6 Chesil & the Fleet SAC, Ramsar and Marine SAC and SPA and Lyme Bay & Torbay Marine SAC are at a distance from the above policies which means that ‘alone’ effects are not a linking pathway. Therefore only the Isle of Portland to Studland Cliffs SAC will be discussed within the ‘alone’ section of the Appropriate Assessment.
- 4.7 No housing is specifically allocated within the Neighbourhood Plan and the policies merely support the policies within the West Dorset, Weymouth and Portland Local Plan Review (Preferred Options). The Hardy Block policy supports development of the complex that reduces its mass and visual impact rather than allocating housing. The Policy within the Local Plan that allocates the development at this site; Port 3, allocates 384 dwellings in addition to the 554 dwellings that have had planning permission granted in 2004. The HRA for undertaken on the Local Plan concludes the allocation of 384 dwellings at the Hardy Block is *“unlikely to have any significant negative influence on European or Ramsar sites”*. As the Local Plan policy has undergone a HRA and concluded no likely significant effects and the Neighbourhood Plan policy supports a development with reduction in the number of dwellings it can be concluded within the Neighbourhood Plan HRA that the Policy HS4 Hardy Block will not cause likely significant effects upon European and Ramsar sites. The development contained within policies EN5, EN8 and BE6 will be discussed in the appropriate assessment.
- 4.8 Policies considered to have an effect on an European sites only ‘in combination’ with other plans and projects are discussed below.

Summary of Test of Likely Significance ‘In Combination’

- 4.9 Of the 34 Neighbourhood Plan policies, seven policies, were considered to have the potential to result in a likely significant effect in combination:
- Policy EN5 – Historic Piers. Provides support for the protection, conservation and/or enhancement of Portland’s Historic Piers, through renovation or alteration of the structures.
 - Policy EN8 – The Verne. Provides support for the restoration and redevelopment of existing buildings and structures for business/tourism or potentially housing.
 - Policy BE3 – New Employment Premises. Provides support for the development of new employment premises within or adjacent to settlement areas.
 - Policy BE4 – New Business Centres. Provides support for the conversion, adaptation and use of redundant buildings for start-up businesses, small business hubs and trading centres.
 - Policy BE6 – The Northern Arc. Provides support for a comprehensive strategic planning approach to realise the economic and employment potential of areas within the Plan area.
 - Policy ST1 – Sustainable Tourism Development. Provides support for the extension to or expansion of existing tourist uses both within and outside the settlement boundaries of the Plan area.
 - Policy ST3 – Tourist Trails. Provides support for the creation of a network of tourist and leisure trails throughout the Plan area.

- 4.10 The above policies provide for the following realistic potential linking impact pathways that could result in likely significant effects on European sites in combination:
- Recreational pressure: as a result of new employment premises, business centres and tourist premises as well as an increase in tourism through greater accessibility to the SACs. (Policies: EN5, EN8, BE6, ST1 and ST3)
 - Air quality: as a result of new businesses, increase journey's to work and increased tourism. (Policies: EN8, BE3, BE4, BE6 and ST1)
 - Water quality and resources: increased demand for water and increased effluent as a result of increased accommodation and business uses. (Policies: EN8, BE6, and ST1).
- 4.11 All remaining policies are development management policies that do not provide impact pathways that could potentially link to European sites.
- 4.12 Each of the above policies will be discussed further within the 'in combination' section of the appropriate assessment in relation to the following European sites.

Chesil & The Fleet SAC, Ramsar and Marine SAC and SPA

- 4.13 Chesil and The Fleet SAC, SPA and Ramsar is located within the Portland Neighbourhood Plan area north-west of the Isle of Portland and south of Weymouth. They have been identified to be vulnerable to **increased disturbance through recreational pressure, water pollution and air pollution through increases in atmospheric nitrogen deposition.**

Isle of Portland to Studland Cliffs SAC

- 4.14 The Isle of Portland to Studland Cliffs SAC is located within the Portland Neighbourhood Plan area within the north of the island and also fully surrounding the coast of the island. The SAC has been identified to be vulnerable to **increased disturbance through recreational pressure and water pollution.**

Lyme Bay & Torbay Marine SAC

- 4.15 Lyme bay and Torbay marine SAC is located at its closest point, approximately 9.2 km north west of the Isle of Portland. This SAC has been identified to be vulnerable to **increased disturbance through recreational pressure.**

5. Appropriate Assessment

- 5.1 The only European site identified to have linking impact pathways for 'alone' effects was the Isle of Portland to Studland Cliffs SAC therefore the following impact pathways will be focused on this SAC alone.

Direct Land Take 'Alone'

- 5.2 Both of the policies EN5 – Historic Piers and BE6 – The Northern Arc are allocations within the boundaries of the Isle of Portland to Studland Cliffs SAC.
- 5.3 The policy EN5 has allocated three 17th century piers for protection, conservation or enhancement for use socially and economically. There is the potential for adverse impacts upon the integrity of European sites, through the removal of land designated as SAC to conserve and enhance historic piers and bring them back into commercial or tourist usage. In addition the Neighbourhood Plan supports the strategic planning of The Northern Arc, Policy BE6 for creating a more efficient and effective business environment, as well as, accommodating other uses as appropriate within this area. The area defined within the Policies Map encompasses areas which are designated as SAC, however, no specific proposals have been brought forward within this policy and therefore direct land take cannot be fully assessed at this stage.
- 5.4 Portland Neighbourhood Plan has no specific policy which ensures protection of European sites, however, the West Dorset, Weymouth and Portland Local Plan (2015) Policy ENV2 states that “*European and International wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, in accordance with national and international legislation, national policy and, where relevant, any local strategy to prevent further deterioration in the condition of these sites.*” This is the over-riding policy consideration where development may cause a significant adverse impact upon the integrity of a European site. In addition to this Policy ENV1 also states in relation to the landscape, seascape and sites of geological interest; “*All development proposals should be sensitively sited and designed and, where necessary, include appropriate mitigation measures to reduce any adverse impacts on the character and quality of the landscape and seascape*”. The Neighbourhood Plan must comply with the Local Plan and any revisions thereof, and therefore these policies together provide protection from adverse impacts to the integrity of the SAC.
- 5.5 **However, it is recommended that a policy is included within the Neighbourhood Plan which supports the Local Plan policies for the protection of European sites such as “Any development brought forward regarding enhancement of the piers for social or economic use must ensure that it can be implemented without any adverse effect upon the integrity of the European sites. Proposals that will adversely affect the integrity of European sites will not be supported.”**
- 5.6 Should this Policy be introduced into the Neighbourhood Plan it can be concluded that the Plan will not have an effect on the integrity of the Isle of Portland to Studland Cliffs SAC in isolation regarding direct land take from the SAC.

Construction Related Effects 'Alone'

- 5.7 Construction related effects include emissions of dust from machines and processes during construction and surface run off of water and pollutants from the site directly or indirectly into the SAC.
- 5.8 Policies EN5, EN8 and BE6 have the potential to cause impact through the emission of dust and the run off of surface water and pollutants during the construction of development at each of these sites.
- 5.9 The Isle of Portland to Studland Cliffs SAC is vulnerable to emissions of dust (specifically regarding the calcareous grassland habitat) and water pollution.
- 5.10 The Historic Piers (EN5), The Verne (EN8) and The Northern Arc (BE6) are all located either within or immediately adjacent to the Isle of Portland to Studland Cliffs SAC and as such are sufficiently close to the European site to result in changes in water quality as a result of direct water pollution from site runoff during the construction or operational phases of the development. This is also close enough to the SAC to have potential risk from dust emissions. At the Plan level it is not possible to undertake any further assessment of these impacts stemming from these development sites as this would require the provision of detailed design and construction details. As such this will be deferred to the individual planning application level and

is not appropriate to assess at the Neighbourhood Plan level. This will not provide any deliverability issues as careful planning of the development could potentially ensure that the developments do not affect water quality from runoff or from dust emissions. Overarching West Dorset, Weymouth and Portland Local Plan Review (Preferred Options) Policy ENV11 states “*Development that could generate water, land or air pollution will only be permitted if it can be demonstrated that the effects on health, the natural environment, living conditions and amenity can be mitigated to the appropriate standard*”. Nonetheless, **it is recommended that Policies EN5, EN8 and BE6 are amended to ensure that the development is carefully designed and planned to ensure that no adverse effects on the integrity of European sites occurs as a result of water pollution stemming from site runoff or dust emissions during construction or the operational stage of each of the developments.**

Recreational Pressure ‘in Combination’

- 5.11 The West Dorset, Weymouth and Portland Local Plan Review is proposing to deliver 15,880 new homes over the plan period up to 2036 and across West Dorset, Weymouth and Portland, as stated in Policy SUS1 – The Level of Housing and Employment Need. Two sites have been allocated for residential development within the West Dorset, Weymouth and Portland Adopted Local Plan (2015); Osprey Quay (Policy PORT1) with a total of 35 dwellings and Former Hardy Complex with a total of 348 dwellings (Policy PORT2). These allocations have been through a HRA within the West Dorset, Weymouth and Portland Adopted Local Plan (2015) for which the HRA concluded “*that the Local Plan was unlikely to result in significant effects upon protected sites*”. Within the Local Plan Review (2018) the number of dwellings at Osprey Quay has increased to 68.
- 5.12 No quantum of housing is specifically allocated within the Portland Neighbourhood Plan. The Neighbourhood Plan supports a range of development in Policy EN8 – The Verne including residential, enterprise and tourist schemes that “*show due respect for the heritage of the location and the quality and character of the environment*”. The Policy BE6 – The Northern Arc also supports a range of development through comprehensive and strategic planning that will “*provide the opportunity to achieve a much over-due rationalisation of land uses in the interests of creation a more efficient and effective business environment, as well as accommodating other uses as appropriate, in a unique and stunning location...*” Although these policies do not provide a quantum of housing or tourist accommodation/development they still support development of this nature and therefore have the potential, in combination with other plans and projects to increase recreational pressure within the SAC. As the Neighbourhood Plan is merely supporting the housing which has already been allocated within the Local Plan rather than allocating additional sites and quantum of housing and the Local Plan has been through the process of HRA concluding no effect. The following analysis is set by the parameters of this conclusion.
- 5.13 In addition to this Policies EN5 – Historic Piers and ST3 – Tourist Trails and ST4 – Marine Berths for Tourists also have the potential to increase recreational pressure on the SAC, through increasing number of places for tourist boats to stay within the Neighbourhood Plan area, encouraging tourism and increasing access to the European site. However, these are all within the context of Policy ST1 – Sustainable Tourism Development. By definition sustainable tourism development will not include tourism that damages the European sites, and this is specifically reflected in the policy which states that tourism development will only be supported if it “*avoids conflict with the prevailing strategic policies designed to protect the environment, ecology and mineral reserves*”. Nonetheless, **it is recommended that Policy ST1 is expanded slightly to include the specific qualification that support will not be given to any tourism development that will adversely affect European sites.**
- 5.14 The South West Coastal Path runs the length of the Isle of Portland to Studland Cliffs SAC. Over 1 million people walk some of the South West Coastal Path between Poole and Lyme Regis each year. Visitor numbers for individual locations are not generally available, although it is likely that recreational pressure is locally high. Portland is also renowned for its sport climbing, with over 900 routes of varying difficulty⁴⁰. Chesil and the Fleet SAC, Ramsar and SPA is also a highly visited site for walking, bird watching, fishing and boating and is located immediately adjacent to the north-west of Portland and provides the only land bridge and carriage way for entering and exiting the island. Both of these sites have the potential to be affected by an increase in recreational pressure within Portland.
- 5.15 Lyme Bay and Torbay SAC (marine component) is approximately 9.2 km west of Portland. Although some coastal European sites have a catchment of over 10km, the development supported within the Portland

⁴⁰ <https://rockandsun.com/climbing-locations/uk/portland/> [Accessed 20 March 2019]

Neighbourhood Plan is likely to focus the increase in recreational pressure upon Portland Isle itself and therefore at the distance of the SAC it is unlikely to lead to an impact.

- 5.16 In addition to this West Dorset, Weymouth and Portland Adopted Local Plan (2015). states that *“Internationally designated wildlife sites (including proposed sites and sites acquired for compensatory measures), will be safeguarded from development that could adversely affect them, unless there are reasons of overriding public interest why the development should proceed and there is no alternative acceptable solution.”* This is the over-riding policy consideration where development may cause a significant adverse impact upon the integrity of a European site. In addition to this Policy ENV1 also states in relation to the landscape, seascape and sites of geological interest; *“Appropriate measures will be required to moderate the adverse effects of development on the landscape and seascape”*. The Neighbourhood Plan must comply with the Local Plan and any revisions thereof, and therefore these policies together provide protection from adverse impacts to the integrity of the SAC.
- 5.17 Each of the European sites in question are also managed appropriately for visitor pressure. Chesil and the Fleet is managed by relevant European Marine Sites authorities including Weymouth and Portland Borough Council which have a management scheme⁴¹ which operates alongside Ilchester Estates’ Management Plan and Natural England advice under the Habitats Directive.
- 5.18 The overarching Local Plan Policy ENV2 gives protection to European sites. However, as stated in paragraph 5.5 of this report **it is recommended that a policy is added to the Neighbourhood Plan which supports Local Plan Policy ENV2.**
- 5.19 Should this Policy be introduced into the Neighbourhood Plan it can be concluded that the Plan will not affect the integrity of the Isle of Portland to Studland Cliffs SAC, Chesil and the Fleet SAC, SPA and Ramsar (including marine component) and Lyme bay to Torbay SAC (marine component) in combination with other plans and projects regarding recreational pressure.

Water Resources and Water Quality

- 5.20 Increased amounts of housing or business development can lead to reduced water quality of rivers and estuarine environments. Sewage and industrial effluent discharges can contribute to increased nutrients on European sites leading to unfavourable conditions. In addition, diffuse pollution, partly from urban run-off has been identified during an Environment Agency Review of Consents process and a joint Environment Agency and Natural England evidence review, as being a major factor in causing unfavourable condition of European sites.
- 5.21 As the quantum of development to be provided by the Portland Neighbourhood plan is in conformity with the overarching West Dorset, Weymouth and Portland Adopted Local Plan (2015) (which has been subject to HRA that concluded no adverse effects on integrity), impact pathways relating to increase water demand and increased water treatment provided by the additional business/housing, that could result in an increase in water abstraction and increased effluent has been addressed at a higher tier level within the West Dorset, Weymouth and Portland Adopted Local Plan and is also addressed at a wider level within the Revised Draft Final Water Resources Management Plan (2019) by Wessex Water who supply and treat water in the Portland area. That document includes a statement in section 11.1.1 that *‘Our final planning scenario consists of demand management schemes (e.g. metering and water efficiency measures) and as these will not result in any new development or water abstraction, and will be largely implemented within urban areas, the Plan is not likely to have a significant effect, alone or in combination, on the integrity of any European sites’*.
- 5.22 It can therefore be concluded that the Plan will not affect the integrity European sites regarding water resources and water quality.

Air Quality

- 5.23 The following plan policies have the potential to cause an ‘in combination’ effect upon the European sites within 200m of journey to work routes:

- Policy EN8 – The Verne

⁴¹ <http://publications.naturalengland.org.uk/publication/2967759> [Accessed 21 March 2019]

- Policy BE3 – New Employment Premises
- Policy BE4 – New Business Centres
- Policy BE6 – The Northern Arc
- Policy ST1 – Sustainable Tourism Development

- 5.24 According to the Department of Transport's Transport Analysis Guidance "*Beyond 200m, the contribution of vehicular emissions from the roadside to local pollution levels is not significant*". This is because traffic exhausts are situated only a few inches above the ground and are horizontal to it. Such that the vast majority of emitted pollutants are never dispersed far and are very quickly deposited. This distance is also related to the mix of the exhaust gases, the small dimension of the exhausts and the velocity of the exhaust gasses leaving the exhaust.
- 5.25 Portland is an island south of Weymouth in Dorset which is connected to the mainland by a pebble bank known as Chesil Beach. This small strip of land between the mainland and Portland carries the sole land entry and exit road: the Portland Beach Road or B354.
- 5.26 The road is immediately adjacent to Chesil and the Fleet SAC and Chesil Beach and the Fleet Ramsar. Both of which are designated for habitat features. Annual drift line vegetation, vegetation on stony banks, lagoonal specialist species and saltmarsh. According to www.magic.gov.uk the main habitat types within 200m of the B354 are saline lagoon, mudflat and coastal vegetated shingle. The habitat types are currently classed (by Natural England with reference to all the following Chesil and the Fleet SSSI units: 1, 2 and 37⁴²) as 'Favourable' (unit 1 and 37) and 'Unfavourable Recovering' (unit 2) The reason behind the impact classification for unit 2 is due to fluctuating populations of little tern and ringed plover that breed on the beach within this unit, however the vegetated shingle within this unit is classified as 'Favourable'. According to Air Pollution Information System (APIS)⁴³ the nitrogen critical load for the habitat type perennial vegetation of stony banks (which is part of the coastal vegetated shingle habitat classification) is 8 – 15 Kg/N/ha/yr. The minimum nitrogen deposition calculated for this habitat at this site is 8.4 Kg/N/ha/yr and the maximum is 16 Kg/N/ha/yr, with an average of 9.65 Kg/N/ha/yr. All of these deposition rates are above the minimum critical load. The impact of exceedance within this habitat is an increase in tall grasses, decrease in prostrate plants, increased nitrogen leaching, soil acidification and loss of typical lichen species.
- 5.27 The Isle of Portland to Studland Cliffs SAC is also immediately adjacent to the B354 to the east of Easton Lane, west of King Barrow disused quarries. MAGIC states that the main habitat type immediately adjacent to the road at King Barrow quarry is lowland calcareous grassland. The habitat types are currently classed (by Natural England with reference to Isle of Portland SSSI unit 55⁴⁴) as 'Unfavourable Recovering'. The reason behind the impact classification for Unit 55 is due to invasive cotoneaster and high levels of scrub. However, a three year scrub control plan is in operation and therefore was attributed the 'recovering' assessment. Other herb indicator species are in 'Favourable' condition. According to APIS the nitrogen critical load for the habitat type semi-natural dry grassland and scrubland facies on calcareous substrates is 15 – 25 KG/N/ha/yr. The minimum nitrogen deposition calculated for this habitat at this site is 7.14 KG/N/ha/yr and the maximum is 15.26 Kg/N/ha/yr with an average of 11.92 Kg/N/ha/yr. All but the maximum nitrogen deposition rates are well below the minimum critical load.
- 5.28 A total of 348 dwellings at the Former Hardy Complex and 35 dwellings at Osprey Quay have been allocated within the Adopted Local Plan (2015); however, the number of dwellings has increased within the Preferred Options stage of the Local Plan Review (2018) to 68 dwellings. This change in number is relatively small compared to housing in Dorset as a whole. The Adopted Local Plan was concluded to not cause significant adverse effect upon European sites for the planned 15,880 dwellings within West Dorset. As the 383-416 dwellings are a very small fraction of 15,880 and since the Neighbourhood Plan is not allocating further housing it can be concluded that the Neighbourhood Plan itself will not contribute to a significant adverse effect on the integrity of these two SACs in combination with other plans and projects.

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<https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S1002654&ReportTitle=Chesil%20&%20The%20Fleet%20SSSI> [Accessed 26 March 2019]

⁴³ <http://www.apis.ac.uk/src/select-a-feature?site=UK0017076&SiteType=SAC&submit=Next> [Accessed 26 March 2019]

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<https://designatedsites.naturalengland.org.uk/ReportUnitCondition.aspx?SiteCode=S1000128&ReportTitle=Isle%20Of%20Portland%20SSSI> [Accessed 27 March 2019]

6. Conclusions and Recommendations

- 6.1 This assessment undertook both screening and Appropriate Assessment of the policies and any allocations within the Portland Neighbourhood Plan
- 6.2 The European designated sites, considered within the Appropriate Assessment for impact pathways that could not be screened out at the screening stage were:
- Isle of Portland to Studland Cliffs SAC
 - Chesil and the Fleet SAC
 - Chesil Beach and the Fleet Ramsar and Marine SPA
 - Lyme Bay and Torbay Marine SAC
- 6.3 Impact pathways considered were: direct landtake, effects from construction activities e.g. dust and surface runoff, recreational pressure, air quality and water quality.
- 6.4 It has been concluded that the Portland Neighbourhood plan will not affect the integrity of European sites in relation to direct land take due to the overarching provisions in the West Dorset, Weymouth and Portland Adopted Local Plan (2015) and the Local Plan Review (Preferred Options Stage, 2018) with which all new housing in the Neighbourhood Plan will need to comply. However, **it is recommended that a policy is included within the Neighbourhood Plan which supports the Local Plan policies for the protection of European sites such as "Any development brought forward regarding enhancement of the piers for social or economic use must ensure that it can be implemented without any adverse effect upon the integrity of the European sites. Proposals that will adversely affect the integrity of European sites will not be supported."**
- 6.5 Similarly, it is recommended that Policy ST1 (Sustainable Tourism Development) is expanded slightly to include the specific qualification that support will not be given to any tourism development that will adversely affect European sites.
- 6.6 It has also been concluded that the Portland Neighbourhood Plan will not affect the integrity of European sites in relation to recreational pressure for the same reasons as in paragraph 6.4. As with the impact pathway direct land take, **it is recommended that a policy (as above) is provided within the Neighbourhood Plan which supports the overarching Local Plan European sites protection policy ENV2.**
- 6.7 In terms of construction activities such as dust and pollution from surface run off, the Plan has the potential to cause a likely significant effect at the screening stage, however, it is not possible to undertake any further assessment of these impacts stemming from these development sites at the Neighbourhood Plan level, as this would require the provision of detailed design and construction details. As such this will be deferred to the individual planning application level and is not appropriate to assess at the Neighbourhood Plan level. This will not provide any deliverability issues as careful planning of the development could potentially ensure that the developments do not affect water quality from runoff or from dust emissions. **It is, however, recommended that Policies EN5, EN8 and BE6 are amended to ensure that the development is carefully designed and planned to ensure that no adverse effects on the integrity of European sites occurs as a result of water pollution stemming from site runoff or dust emissions during construction or the operational stage of each of the developments.**
- 6.8 With regards to water quality, as the quantum of development to be provided by the Portland Neighbourhood plan is in conformity with the overarching West Dorset, Weymouth and Portland Adopted Local Plan (2015) (which has been subject to HRA that concluded no adverse effects on integrity), impact pathways relating to increase water demand and water treatment provided by the additional business/housing, that could result in an increase in water abstraction and increased effluent has been addressed at a higher tier level within the West Dorset, Weymouth and Portland Adopted Local Plan (2015) and is also addressed at a wider level within the Draft Final Water Resources Management Plan (2018) by Wessex Water who supply and treat water in the Portland area. It can therefore be concluded that the Portland Neighbourhood Plan will have no significant adverse effects upon European sites.

- 6.9** Policy EN2 (Renewable Energy Development) can be screened out as posing no likely significant effect because a) the Neighbourhood Plan Group does not have the authority to permit renewable energy proposals and b) the policy explicitly states that such development will only be supported if there are no unacceptable effects on sites of ecological importance. However, **it is recommended that this wording is strengthened to include: “Development proposals will be supported provided the proposals do not affect the integrity of European sites of conservation importance in line with the Local Plan Policy ENV2 and the Conservation of Habitats and Species Regulations 2017 (as amended).”**
- 6.10 Finally, with regard to air quality, the Adopted Local Plan was concluded not to cause a significant adverse effect upon the integrity of European sites for the planned 15,880 dwellings within West Dorset. As the 383-416 dwellings allocated in Portland, within the Local Plan and supported by the Neighbourhood Plan are a very small fraction of 15,880 allocated for West Dorset as a whole, and (most significantly) since the Neighbourhood Plan is not allocating further housing it can also be concluded that the potential increase in journeys to work through an increase in housing on the island will not contribute to a significant adverse effect on the integrity of these two SACs in combination with other plans and projects.
- 6.11 Provided the above recommendations are included within the Neighbourhood Plan it can be concluded that the Plan document will not result in an adverse effect on the integrity of any European sites either alone or in combination.

Appendix A European Site Background Information

Chesil and the Fleet SAC and Chesil Beach and the Fleet Ramsar and Marine SPA

Introduction

The Fleet, on the south coast of England, is the largest example of a lagoonal habitat in England and has features of both lagoonal inlets and percolation lagoons. It is bordered by the fossil shingle barrier beach structure of Chesil Beach, through which sea water percolates into the lagoon, but most of its water exchange occurs through the narrow channel that links it to Portland Harbour. Chesil Beach is a large (28 km-long), relatively undisturbed shingle bar, and is one of two representatives of Annual vegetation of drift lines on the south coast of England. The inner shore of the beach supports extensive drift-line vegetation dominated by sea beet *Beta vulgaris* ssp. *maritima* and orache *Atriplex* spp.

Conservation Objectives⁴⁵

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

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

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

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

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

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

Qualifying Features

The following features are reasons for designation as an SAC:⁴⁶

Annex 1 habitats that are primary reason for selection of this site:

- Coastal lagoons
- Annual vegetation of drift lines
- Perennial vegetation of stony banks
- Mediterranean and thermo-Atlantic halophilous scrubs (*sarcocornetea fruticosi*)

Annex 1 habitats present as a qualifying feature, but not a primary reason for selection of the site:

- Atlantic salt meadows (*Glauco-Puccinellietalia maritimae*)

The following features are reasons for designation as an SPA:

During the breeding season:

⁴⁵ <http://publications.naturalengland.org.uk/publication/6443620974460928> [Accessed 25 February 2019]

⁴⁶ <http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0017076> [Accessed 25 February 2019]

- Little Tern *Sterna albifrons*, 55 pairs representing up to 2.3% of the breeding population in Great Britain (Count as at 1997)

This site also qualifies under Article 4.2 of the Directive (79/409/EEC) by supporting populations of European importance of the following migratory species:

Over winter:

- Dark-bellied Brent Goose *Branta bernicla bernicla*, 3,182 individuals representing up to 1.1% of the wintering Siberia/Western Europe population (5 year peak mean 1991/2 – 1995/6)

The following features are reasons for designation as a Ramsar:⁴⁷

Criterion 1 – The Fleet is an outstanding example of rare lagoon habitat and is the largest of its kind in the UK. In Europe lagoons are classified as a priority habitat by the EC Habitats and Species Directive. The site also supports rare salt marsh habitats.

Criterion 2 – The Fleet supports 15 specialist lagoonal species – more than other UK site – and five nationally scarce wetland plants as well as ten nationally scarce wetland animals. Chesil Bank is one of the most important UK sites for shingle habitats and species.

Criterion 3 – The site is the largest barrier-built saline lagoon in the UK, and has the greatest diversity of habitats and of biota.

Criterion 4 – The site is important for number of species at a critical stage in their life cycle including post-larval and juvenile bass *Dicentrarchus labrax*.

Criterion 6 – Species/populations occurring at levels of international importance

Qualifying species/population (as identified at designation)

Species with peak counts in winter:

- Dark bellied brent goose – 1460 individuals representing an average of 1.4% of the GB population (5 year peak mean 1998/9 – 2002/3).

Species/populations identified subsequent to designation for possible future consideration under Criterion 6

Species with peak count in winter:

- Mute swan – 1169 individuals representing an average of 3.1% of the population (5 year peak mean 1998/9 – 2002/3)

Criterion 8 – The site is important as a nursery for bass *Dicentrarchus labrax*.

Environmental Vulnerabilities Relevant to the Plan⁴⁸

- Water pollution
- Changes in species distribution
- Public access/disturbance
- Fisheries: Commercial marine and estuarine
- Invasive species
- Natural changes to site conditions
- Air pollution: risk of atmospheric nitrogen deposition
- Inappropriate coastal management

⁴⁷ <http://jncc.defra.gov.uk/pdf/RIS/UK11012.pdf> [Accessed 25 February 2019]

⁴⁸ <http://publications.naturalengland.org.uk/publication/5436996537286656> [Accessed 25 February 2019]

Crookhills Brick Pit SAC

Introduction

Crookhill Brickpit is a disused brickpit which has important geological features (exposure of Lower and Middle Oxford Clay). The site contains several ponds that support **Great crested** newts *Triturus cristatus*, including one pond which has been recorded to have one of the highest counts of the species in Dorset. The site also contains a variety of habitats used by the great crested newt in the terrestrial phase, including grassland, scrub and quarry spoil.

Conservation Objectives⁴⁹

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

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

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

Qualifying Features⁵⁰

The following features are reasons for designation as an SAC:

- Great crested newt

Environmental Vulnerabilities Relevant to the Plan⁵¹

- Change in land management

⁴⁹ <http://publications.naturalengland.org.uk/publication/5649075949010944> [Accessed 25 February 2019]

⁵⁰ <http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0030349> [Accessed 25 February 2019]

⁵¹ <http://publications.naturalengland.org.uk/publication/6640766080253952> [Accessed 25 February 2019]

Isle of Portland to Studland Cliffs SAC

Introduction

Isle of Portland to Studland Cliffs, including the detached peninsula of Portland, with St Albans Head to Durlston Head, forms a single unit of cliffed coastline some 40 km in length. The cliffs are formed of hard limestones, with chalk at the eastern end, interspersed with slumped sections of soft cliff of sand and clays. The cliffs support species-rich calcareous grassland with species that are rare in the UK.

Conservation Objectives⁵²

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

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

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

Qualifying Features⁵³

The following features are reason for designation as an SAC:

Annex 1 habitats that are a primary reason for selection of this site:

- Vegetated sea cliffs of the Atlantic and Baltic Coasts
- Semi-natural dry grassland and scrubland facies on calcareous substrates (Festuco-Brometalia) (important orchid sites)

Annex 1 habitats resent as a qualifying feature, but not a primary reason for selection of this site

- Annual vegetation of drift lines

Annex 2 species that are a primary reason for this site:

- Early gentian

Environmental Vulnerabilities Relevant to the Plan

- Under grazing
- Inappropriate scrub control
- Invasive species
- Agricultural management practices
- Public access/disturbance
- Water pollution
- Habitat fragmentation
- Inappropriate coastal management
- Natural changes to site conditions
- Managed rotational burning

⁵² <http://publications.naturalengland.org.uk/publication/5124023511941120> [Accessed 25 February 2019]

⁵³ <http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0019861> [Accessed 25 February 2019]

Studland to Portland SAC (Marine)

Introduction

This site lies off the south coast of Dorset and contains numerous areas of reef in many forms, which exhibit a large amount of geological variety and biological diversity. Features of particular interest within the Studland Bay to Ringstead Bay area include a series of limestone ledges (up to 15m across) protruding from shelly gravel at Worbarrow Bay, which support a rich sponge and sea fan community; dense brittlestar beds (*Ophiothrix fragilis*) on shale reefs extending from Kimmeridge; a unique reef feature, known as St Albans ledge, extending out over 10km offshore and subject to strong tidal action; and an area of large limestone blocks known as the “seabed caves”. The Portland Reefs are characterised by flat bedrock, limestone ledges (Portland stone), large boulders and cobbles. On the western side of Portland Bill, rugged limestone boulders provide deep gullies and overhangs. Mussel beds (*Mytilus edulis*) are found to occur in very high densities on bedrock associated with strong currents to the southeast of Portland Bill.

Conservation Objectives⁵⁴

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the ‘Qualifying Features’ listed below), and subject to natural change;

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

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

Qualifying Features⁵⁵

The following features are reason for designation as an SAC:

Annex 1 habitats that are a primary reason for selection of this site:

- Reefs

Environmental Vulnerabilities Relevant to Plan⁵⁶

- Fisheries: commercial marine and estuarine

⁵⁴ <http://publications.naturalengland.org.uk/publication/6554772136001536> [Accessed 25 February 2019]

⁵⁵ <http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0030382> [Accessed 25 February 2019]

⁵⁶ <http://publications.naturalengland.org.uk/publication/6460646937853952> [Accessed 25 February 2019]

Lyme Bay and Torbay SAC (Marine)

Introduction

This site is situated mostly within the Western English Channel and Celtic Regional Sea and lies off the south coast of England off the counties of Dorset and Devon. The site comprises of two main areas containing Annex I 'reef' and 'sea cave' habitat. The reef features extend over a large area. Unlike other sites within the Lyme Bay and Torbay site, they do not extend directly out from the coast but occur as outcropping bedrock slightly offshore. The softer sediment habitats are commonly found between the bedrock or cobble / boulder areas. Examples of the classical wave-eroded sea caves are found at all the sites of different levels and rock types.

Conservation Objectives⁵⁷

With regard to the SAC and the natural habitats and/or species for which the site has been designated (the 'Qualifying Features' listed below), and subject to natural change;

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

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

Qualifying Features⁵⁸

The following features are reason for designation as an SAC:

Annex 1 habitats that are a primary reason for selection of this site:

- Reefs
- Submerged or partially submerged sea caves

Environmental Vulnerabilities Relating to Plan⁵⁹

- Fisheries: commercial marine and estuarine
- Public access/disturbance

⁵⁷ <http://publications.naturalengland.org.uk/publication/4715163420721152> [Accessed 26 February 2019]

⁵⁸ <http://jncc.defra.gov.uk/ProtectedSites/SACselection/sac.asp?EUCode=UK0030372> [Accessed 26 February 2019]

⁵⁹ <http://publications.naturalengland.org.uk/publication/5932217985400832> [Accessed 26 February 2019]

Appendix B Policy Screening

Policy	Description	Test of Likely Significant Effects (Alone)	Test of Likely Significant Effects (In Combination)
Policy No. Port/EN1 – Prevention of Flooding and Erosion	Development proposals, in areas designated by the Shoreline Management Plan to be protected ('hold the line'), specifically to prevent coastal erosion or flooding and protect local property and businesses will usually be supported. In other areas, where economically significant features or infrastructure are at risk, essential flood defence proposals should satisfy the requirements of Local Plan Policy ENV 5.	No Likely Significant Effect This policy is supporting the Shoreline Management Plan (SMP) and not providing for it. The SMP is a planning document which will in itself have been subject to an HRA. The policy also does not provide for any locations.	
Policy No. Port/EN2 – Renewable Energy Development	Development proposals for energy generating infrastructure using renewable or low carbon energy sources, including wind and tidal power, will be supported provided there will be no unacceptable effects on the: <ul style="list-style-type: none"> i. visual impact in the immediate locality and the wider area ii. amenity of nearby dwellings iii. landscape, countryside and shore iv. highway safety and traffic generation v. migratory bird routes vi. sites of ecological, geological and archaeological importance. Proposals for installations will need to include specific assessments related to these criteria and assessments of the planning considerations relating to specific renewable technologies set out in national guidance. Proposals for wind farms and wind turbines of an appropriate scale and in accordance with the policies of the Development Plan will be supported. Community-based renewable and low carbon energy generation initiatives will be encouraged.	No Likely Significant Effect Development proposals for energy generating infrastructure may in themselves present an impact pathways for likely significant effects upon European sites. However, this policy does not provide for specific allocation sites for new infrastructure, rather states support for these projects within in the district provided there will be no unacceptable effects on sites of ecological importance. Ultimately, it is not in the power of the Neighbourhood Plan Group to consent such developments, which can only be done by the local planning authority. This statement protects ecological sites of importance from harm, however, it is suggested that this wording is strengthened to include: <i>"Development proposals will be supported provided the proposals do not affect the integrity of European sites of conservation importance in line with the Local Plan Policy ENV2 and the Conservation of Habitats and Species Regulations 2017 (as amended)."</i> Each proposal brought forward will have to undergo a project level HRA if required to assess the impact upon internationally designated sites of conservation.	
Policy No. Port/EN3 – The Portland Quarries Nature Park	Proposals that further the creation of a 'Quarries Nature Park' within the areas shown on Map 6 are supported provided: <ul style="list-style-type: none"> i. they are in keeping with the character and amenity of its surroundings; 	No Likely Significant Effect The reversion of the quarries sites to nature reserves are unlikely to cause significant dust generation and therefore this can be screened out as an Alone effect.	

	<ul style="list-style-type: none"> ii. there is safe and appropriate access for potential users; iii. any infrastructure is appropriately sited; iv. they adopt high levels of sustainability in design and construction; v. damage to ecologically important sites is avoided, or if avoidance is not possible, appropriate mitigation and compensation is put in place in accordance with Local Plan Policy ENV2; and vi. they do not compromise safeguarded Portland Stone reserves. 	<p>Although the creation of the nature parks do not to provide specific mitigation for development on Portland, these parks may provide areas of natural greenspace that have the potential to divert <i>some</i> of the recreational pressure away from the coastal European sites. The policy also states that the creation of the nature parks will only be supported where damage to ecologically important sites is avoided or appropriately mitigated/compensated (in accordance with Policy ENV2 of the Local Plan). Therefore this is a positive policy and can be screened out of further assessment.</p>
<p>Policy No. Port/EN4 – Local Heritage Assets</p>	<p>Development proposals that maintain or enhance the character and setting of any designated or non-designated heritage asset and enables the asset to be used in an appropriate manner will be supported. Any renovations or alterations of buildings or structures identified as heritage assets requiring planning permission should be designed sensitively, and with careful regard to the heritage asset’s historical and architectural interest and setting.</p> <p>Development proposals in proximity to a heritage asset should provide a clear assessment of the significance and impact of the proposal on the asset and its setting and justify the design approach taken.</p>	<p>No Likely Significant Effect</p> <p>This policy does not allocate sites to be developed, merely supports the maintenance or enhancement of local heritage assets. The exact assets to be renovated have not been specified and therefore cannot be assessed at this level.</p> <p>Development of heritage assets and development in proximity to heritage assets will have to comply with other policies within this Neighbourhood Plan and the Local Plan e.g. Policy ENV2 to ensure no adverse effect on the integrity of European sites. Any development bought forward would need a project level HRA to ensure compliance, if European sites are to be affected.</p>
<p>Policy No. Port/EN5 – Historic Piers</p>	<p>Development proposals to protect, conserve and/or enhance the historic piers of Portland will be supported. The renovation or alteration of structures should be designed sensitively, and with careful regard to the pier’s historical interest and setting, as well as the need to avoid any significant harmful impact on designated wildlife sites and the Jurassic Coast World Heritage Site.</p>	<p>Potential Likely Significant Effects</p> <p>Although this policy does not allocate sites to be developed, rather supports the conservation and/or enhancement of historic piers in Portland. The piers are situated along the Portland Coastline which, in the majority, is designated as a European Site. Therefore there is potential to cause an impact through pathways such as:</p> <ul style="list-style-type: none"> • Direct land-take • Construction related effects (dust) • Water quality (surface water runoff) <p>There are also ‘in combination’ effects that could potentially cause a likely significant effect including:</p> <ul style="list-style-type: none"> • Recreational pressure

	<p>These impact pathways and this policy will therefore be further discussed within the appropriate assessment</p>
<p>Policy No. Port/EN6 – Defined Development Boundaries</p> <p>Map 7 defines the Defined Development Boundaries (DDBs) of Portland. Development or redevelopment proposals within the DDBs will be supported, subject to compliance with the other policies in the Neighbourhood Plan.</p>	<p>No Likely Significant Effect</p> <p>This policy merely defines the boundaries of where development within Portland will be supported. The policy is also subject to compliance with other policies within the Neighbourhood Plan.</p>
<p>Policy No. Port/EN7 – Design and Character</p> <p>Development proposals will be expected to be of a design which:</p> <ol style="list-style-type: none"> i. complements the prevailing size, height, scale and mass, materials, layout, density and access of the existing surrounding development; ii. be of high quality design and use locally appropriate materials and colours; iii. demonstrates that the development reflects and reinforces, as far as is possible, the existing character of the locality as identified in the Portland Heritage and Character Assessment and applies the principles set out in the conservation area appraisals where appropriate; and iv. wherever possible, incorporates and enhances existing landscape features as part of an appropriate level of landscaping. 	<p>No Likely Significant Effect</p> <p>The policy refers to the design and character considerations of the developments rather than specifying development proposals itself. Therefore there are no impact pathways within this policy.</p>
<p>Policy No. Port/EN8 – The Verne</p> <p>Proposals to achieve sustainable re-use of the Verne through the restoration and redevelopment of buildings, will be supported provided that the renovation or alteration of existing buildings and structures is designed sensitively, and with careful regard to the historical and architectural interest and setting. If any demolition is proposed of buildings which date from the original construction period, robust justification should be provided to demonstrate why these buildings and structures (or parts of) cannot be retained within the scheme. Any extension or new build should be:</p> <ol style="list-style-type: none"> i. sensitive to the setting of the site; ii. designed to a high quality and respect the distinctive character of the site; and iii. of a scale and massing that is subservient to the existing buildings. 	<p>Potential Likely Significant Effects Alone</p> <p>Potential Likely Significant Effects ‘in Combination’</p> <p>This policy proposes the sustainable reuse of the Verne site through restoration and redevelopment of the buildings. Supporting text for the policy states:</p> <p>“...<i>On its own, [the Verne] is not a site that is particularly suitable for housing. We would not rule out re-use for residential purposes; a need for key worker housing with the re-opening of the Verne Prison, or a live/work development for instance has some potential. As do enterprise and tourism schemes that show due respect for the heritage of the</i></p> <p>Residential or tourism schemes could also potentially have an impact ‘in combination’ through the pathways:</p> <ul style="list-style-type: none"> • Recreational pressure • water resources • Air quality (increased tourism or journeys to work)

	<p><i>location and the quality and character of the environment”.</i></p> <p>The Verne is surrounded by the Isle of Portland to Studland Cliffs SAC and therefore any development within the Verne could have an impact upon this site including</p> <ul style="list-style-type: none"> • Construction related activities (dust emission) • Water quality (surface water runoff) <p>This policy will therefore be discussed further within the appropriate assessment</p>
<p>Policy No. Port/EN9 – Public Realm Improvements</p> <p>Proposals to improve the public realm through the introduction of high quality pavements, signage, street furniture and public art installations will be supported. Development proposals, where appropriate, should show how they contribute to enhancing the quality of the public realm and the distinct characteristics of their location, with reference to current guidelines.</p>	<p>No Likely Significant Effect</p> <p>This policy is to improve the public realm e.g. pavements etc. Dependent on the location of the infrastructure this policy could link to the Natura 2000 network. However, this policy does not supply a location or type of improvement and therefore no linking pathways can be identified.. Proposals brought forward should undergo a HRA, if required, to ensure no impacts on European Sites.</p>
<p>Policy No. Port/BE1 – Protecting Existing Employment Sites and Premises</p> <p>Outside the ‘key employment areas’ defined on map 9, development proposals that result in the loss of existing employment sites and premises will be supported, but only if:</p> <ol style="list-style-type: none"> any redevelopment or change of use proposals comply with Policy ECON3 of the Local Plan; and in order to demonstrate that there is no viable alternative employment or community use, the site/premises have been vacant for over 18 months, during which time it has been actively marketed at the current market rate. 	<p>No Likely Significant Effect</p> <p>This policy does not prescribe development only supports the loss of employment facilities outside of defined areas if certain criteria are followed. The policy does not present any pathways of impact which would have an effect on European sites.</p>
<p>Policy No. Port/BE2 – Upgrading of Existing Employment Sites and Premises</p> <p>Proposals which lead to the improvement, modernisation or upgrading of current employment sites and premises will be welcomed and supported, subject to:</p> <ol style="list-style-type: none"> there being no significant adverse impacts on the amenity of neighbours, visitor attractions and facilities and the character of the area; it will not have an unacceptable adverse impact on the transport network and parking conditions; 	<p>No Likely Significant Effects</p> <p>This policy does not prescribe development merely show support for proposals for the updating of existing premises rather than new premises if certain criteria are followed. The policy also has a criteria which says “will not have any other unacceptable environmental impact”</p>

	<ul style="list-style-type: none"> iii. wherever appropriate, it reflects the maritime and industrial character of the area in which it is located; and iv. it will not have any other unacceptable environmental impact. 	<p>This policy does not present any pathways of impact which would have an effect on European sites.</p>	
<p>Policy No. Port/BE3 – New Employment Premises</p>	<p>Development proposals to create new employment premises within or adjacent to settlement areas will generally be supported provided they can be shown to benefit the local economy, except where:</p> <ul style="list-style-type: none"> i. there would be a significant adverse impact on neighbours as a result of noise, light pollution, increased traffic levels, increased flood risk or inadequate provision of parking; ii. the development would result in significant adverse environmental or highway problems; iii. appropriate access cannot be provided; or iv. the development would result in the loss of one or more dwelling-houses. 	<p>No Likely Significant Effects ‘Alone’</p> <p>This policy does not allocate specific sites for development of new employment facilities, however, due to the nature of European sites within the area, any new business within Portland could cause air quality issues due to increased journeys to work for the new developments.</p> <p>The increase in journeys to work is likely to be small and therefore each business premises contribution would be too small for a likely significant effect alone.</p>	<p>Potential Likely Significant Effects ‘in Combination’</p> <p>However, the only access road into Portland is the Portland Beach Road (A354) which is at its closest point adjacent to the Chesil & The Fleet SAC, SPA and Ramsar site. This SAC is sensitive to nitrogen deposition and therefore ‘in combination’ with other plans, projects and policies an increase in employment could lead to an increase in nitrogen deposition within the SAC.</p>
<p>Policy No. Port/BE4 – New Business Centres</p>	<p>The conversion, adaptation and use of redundant buildings for start-up businesses, small business hubs and training centres and will be supported.</p>	<p>No Likely Significant Effects ‘Alone’</p> <p>This policy does not allocate specific sites for the adaption and use of redundant buildings for new business facilities, however due to the nature of European sites within the area any new business within Portland could cause air quality issues due to the increase journeys to work for the new businesses.</p> <p>The increase in journeys to work is likely to be small and therefore each business premises contribution would be too small for a likely significant effect alone.</p>	<p>Potential Likely Significant Effects ‘in Combination’</p> <p>However, the only access road into Portland is the Portland Beach Road (A354) which is at its closest point adjacent to the Chesil & The Fleet SAC, SPA and Ramsar site. This SAC is sensitive to nitrogen deposition and therefore ‘in combination’ with other plans, projects and policies an increase in employment could lead to an increase in nitrogen deposition within the SAC.</p>
<p>Policy No. Port/BE5 – Facilitating Home Working</p>	<p>The extension of existing homes and provision of outbuildings to support home working may be acceptable, provided:</p> <ul style="list-style-type: none"> i. the scale and design of the development is sympathetic to the character of the existing buildings and surrounding area; 	<p>No Likely Significant Effect</p> <p>This policy supports the extension of existing residential buildings to facilitate the current owners to provide work from home space for the residents.</p>	

	<ul style="list-style-type: none"> ii. the outbuilding or extension will remain available for business use ancillary to the primary use as a dwelling; and iii. the development would not result in a significant adverse impact on the environment, residential amenity or cause harm by increased traffic movements. 	<p>This policy does not provide for an increase in population due to increased dwelling space nor does it provide for increased journeys to work. Therefore this policy does not present pathways of impact that would affect European sites.</p>	
<p>Policy No. Port/BE6 – The Northern Arc</p>	<p>A comprehensive strategic planning approach, based on a private, public and community sector partnership, that will realise the economic and employment potential of the area designated on Map 10 is supported.</p>	<p>Potential Likely Significant Effect Alone</p> <p>This policy prescribes comprehensive strategic approach to planning within the Northern Arc (shown on Map 10 in the NP). This area is set within and immediately adjacent to The Portland to Studland Cliffs SAC.</p> <p>Supporting text for the policy states: “A comprehensive plan will provide the opportunity to achieve much over-due rationalisation of land uses in the interests of creating a more efficient and effective business environment, as well as accommodating other uses as appropriate in a unique and stunning location that should attract new enterprises”</p> <p>Therefore this policy supports development proposals for businesses within this area. This has the potential to cause an effect on European sites through the following pathways in isolation:</p> <ul style="list-style-type: none"> • Direct land take • Construction related activities (dust emission) • Water quality (surface run off) 	<p>Potential Likely Significant Effect ‘in Combination’</p> <p>In addition to the Alone effects the policy has the potential to cause an effect on European sites through the following pathways in combination with other plans, project and policies:</p> <ul style="list-style-type: none"> • Air quality • Recreational pressure
<p>Policy No. Port/HS1 – Housing Mix</p>	<p>New residential development should favour small dwellings. Development proposals on major housing sites, of 10 or more dwellings or on sites of 0.5ha. or more, must contain an appropriate mixture of house types and sizes and show how they</p>	<p>No Likely Significant Effect</p> <p>This policy merely prescribes the mix of housing that any new development should adhere to rather than prescribing development itself.</p>	

	<p>contribute to meeting the current housing needs of the neighbourhood area by referring to an up-to-date assessment of housing need on Portland.</p>	<p>No impact pathways are identified.</p>
<p>Policy No. Port/HS2 – Community Housing Assets</p>	<p>Proposals for community housing schemes on ‘affordable housing exception sites’, will be supported where the proposed development is:</p> <ul style="list-style-type: none"> i. adjacent to, or well-located to an existing DDB; and ii. where there is evidence of a local need for this type of development; and iii. where all the following criteria are met: <ul style="list-style-type: none"> a. the development is on a small site; b. the site is not a statutory or non-statutory designated area of ecological or geological value; c. the development would not have an adverse impact on neighbouring uses or the openness of the countryside; d. the development meets the design requirements of policy Port/EN8; e. the development includes sustainable design, construction and operational elements; f. local occupancy and principle residency clauses are in place and, in perpetuity, for all affordable dwellings; g. the land is held in trust as a community asset; and h. the dwellings remain affordable. 	<p>No Likely Significant Effects</p> <p>This policy is a development management policy relating to community housing and the policy only supports rather than allocates development and does not provide any location or quantum of development. Therefore no impact pathways have been identified.</p>
<p>Policy No. Port/HS3 – Second Homes</p>	<p>New open market housing, including replacement dwellings and residential conversions, with a restriction to ensure its occupancy as a Principal Residence, will be supported whenever it is deemed appropriate by the Local Planning Authority, after consultation with the Town Council. Where a principle residence condition is applied, sufficient guarantee must be provided of such occupancy restriction through the imposition of a planning condition or legal agreement.</p>	<p>No Likely Significant Impact</p> <p>This policy does not prescribe new development merely states that where new housing is developed that there must be some guarantee that the housing will be used as a primary residence rather than a second home.</p> <p>No pathways of impact are identified</p>
<p>Policy No. Port/HS4 – Hardy Block</p>	<p>Development proposals that involve reducing the mass and visual impact of the Hardy block and enhancing the overall character of Castletown in accordance with the Portland Heritage Character Assessment will be supported.</p>	<p>No Likely Significant Effect</p> <p>The Hardy Block is allocated land for housing within the West Dorset, Weymouth and Portland Local Plan (2015) within PORT 3 – Former Hardy Complex. Within the HRA for the Local Plan the site was screened out for likely significant effects on European sites. The HRA states:</p>

	<p><i>“Policy unlikely to have any significant negative influence on European or Ramsar sites. The development of the Castle Town Link Road may require a Conservation Regulations Assessment”</i></p> <p>Therefore as the policy was screened out at the Local Plan stage the policy can also be screened out at the Neighbourhood Plan stage, as this NP policy does not allocate rather supports what is in the Local Plan.</p>
<p>Policy No. Port/TR1 – Improving Public Transport Links</p> <p>Opportunities for public transport links to be improved or developed between settlements and other destinations on the Island and between Portland and the mainland will be supported.</p>	<p>No Likely Significant Effects</p> <p>Improving public transport through Portland and between Portland and the mainland should reduce the number of journeys being made by private cars. This may therefore have an overall positive effect of reducing air quality issues.</p>
<p>Policy No. Port/TR2 – Improving the Transport Infrastructure</p> <p>Improvements to the transport infrastructure and network in the interests of safety, increasing choice and/or reducing congestion are supported. Development proposals and schemes that serve to take through-traffic away from the areas and roads on Portland that are regularly congested will be supported provided they will not have an unacceptable environmental impact</p>	<p>No Likely Significant Impact</p> <p>This policy does not allocate infrastructure projects merely supports infrastructure projects which will reduce congestion within Portland. At this stage we have not been given location or sufficient detail of the schemes. Each scheme should undergo a HRA if required in order to ensure no likely significant effects on European sites</p>
<p>Policy No. Port/TR3 – Reducing Parking Problems</p> <p>All development proposals must make adequate provision for off-street parking taking into consideration the type of development, the accessibility of the location, and, as regards residential development, the prevailing parking standards of Weymouth and Portland Borough Council as set out in Policy COM9. Existing public car parking areas will be safeguarded, and their capacity maintained, unless it can be demonstrated that they are no longer needed or suitable alternative provision is made. Development proposals specifically to provide additional public car parking areas will be supported provided the need in that location is demonstrated and:</p> <ul style="list-style-type: none"> i. there is no significant negative impact on habitats and biodiversity; ii. the loss of or damage to trees and hedgerows is minimised and if necessary mitigated; iii. visual impact is minimised; iv. nearby residential amenity is protected; and v. electric charging points are provided. 	<p>No Likely Significant Impact</p> <p>This policy does not allocate development of additional public parking, merely supports proposals that are brought forward should certain criteria be fulfilled.</p> <p>It is suggested that the wording for environmental protection should be enhanced. Such as:</p> <p><i>“development proposals will be supported provided the proposals do not affect the integrity of European sites of conservation importance in line with the Local Plan Policy ENV2 and the Conservation of Habitats and Species Regulations 2017 (as amended).”</i></p>
<p>Policy No. Port/TR4 – Increasing Travel Links</p> <p>Development proposals that improve accessibility or improve links to or extend the network of footpaths, bridleways and cycle-routes</p>	<p>No Likely Significant Effect</p>

	<p>will be supported if they do not result in unacceptable harm to the natural environment.</p>	<p>This policy does not allocate projects or areas for improvements to the pedestrian network; this policy merely supports improving access to footpaths and bridleways around Portland.</p> <p>Any scheme would need to be carefully designed to ensure it does not increase recreational activity within the European sites.</p>
<p>Policy No. Port/SS1 – Reinforcing Local and Neighbourhood Centres</p>	<p>Development proposals affecting the following ‘local’ centres (as identified in the Local Plan):</p> <ul style="list-style-type: none"> • Easton (delineated on Map 11c); and • Fortuneswell (delineated on Map 11d); <p>Will be considered against Policy ECON4 of the Local Plan.</p> <p>Development proposals within the following ‘neighbourhood’ centres:</p> <ul style="list-style-type: none"> • Castletown (delineated on Map 11a); and • Chiswell (delineated on Map 11b); <p>that add to the diversity of facilities and services and enhance the vitality and viability of the centres will generally be supported.</p> <p>The loss of existing business premises (Use Classes A1, A2, A3, A4, A5, B1, and C1) within neighbourhood centres will be resisted unless an equivalent replacement facility is provided within the centre, or where it is demonstrated that the continued operation of a business or service is no longer financially viable. If a specific business or service is no longer financially viable, a use from the range of acceptable Use Classes should be sought for the premises. Any proposals that would result in the loss of existing publicly available car parking spaces within a local or neighbourhood centre must provide at least an equivalent number of spaces in an equivalent location that serves the local or neighbourhood centre. Proposals for any new or replacement shop fronts should be designed in accordance with the relevant policy in the Local Plan (ENV14) and any Shopfront Design Guidance for Weymouth and Portland.</p>	<p>No Likely Significant Effect</p> <p>This policy does not prescribe or allocate development. Merely support development proposals within the Local Centres as described within the Local Plan that would add to the diversity of facilities and services and enhance the vitality and viability of the centre.</p>
<p>Policy No. Port/CR1 – Protecting Recreation Spaces</p>	<p>The following sports and recreational buildings and land (identified on Map 12) are very important to the local community because of their sports and recreational value. They should be afforded protection in accordance with Local Plan Policy COM5;</p>	<p>No Likely Significant Effect</p> <p>This policy supports the retention of sports and recreational buildings and land. Therefore no pathways of impact have been identified.</p>

	<ul style="list-style-type: none"> • Atlantic Academy Sports Field • Grove Cricket Bowl • Grove Playing Fields • Grove Sports Stadium • Islanders Club for Young People • Osprey Leisure Centre • Osprey Quay School Playing Field • Portland Beach Skatepark • Portland Boxing Club • Portland United Football Ground • Royal Manor School Tennis Courts and Sports Field • Red Triangle Cricket Ground • St Georges School Playing Fields • Weston Road Sports Field • Weston Street Playing Fields - East and West • West Weare MUGA • Weymouth and Portland National Sailing Academy • YMCA Reforme 	<p>The retention and enhancement of recreational spaces has the potential to divert recreational activity away from the SAC.</p>
<p>Policy No. Port/CR2 – Local Green Space</p>	<p>The areas listed below and identified on Map 13 are designated as Local Green Spaces and will be protected from development due to their particular local significance and community value: (See Below)</p> <p>Proposals for development on this land that is not ancillary to the use of the land for amenity or recreational purposes will be resisted. Development proposals which lead to the loss of, damage to or adverse impact on these local green spaces will not be supported.</p> <ul style="list-style-type: none"> • Chiswell Walled Garden • Church Lane • Easton Gardens • Grove Governor’s Community Garden • Gooseberry Field • Ladymead Garden • Liberty Square • Reap Lane • Southwell Green • Victoria Gardens • Victoria Square Entrance • Westcliff Play Area • Weston Green • West Weares 	<p>No Likely Significant Impact</p> <p>This policy supports the protection and retention of Local Green Spaces and therefore no pathways of impact have been identified.</p> <p>The retention of recreational spaces has the potential to divert recreational activity away from the SAC. It can also be argued that the loss of functioning green space could increase recreational activity of the SAC so this is a positive policy.</p>

<p>Policy No. Port/CR3 – Allotments</p>	<p>Proposals that result in harm to or loss of existing allotments on Portland will not be supported unless:</p> <ul style="list-style-type: none"> a) replacement provision is made, of at least equivalent quality, and located at reasonable convenience for the existing plot holders; or b) overriding community benefits are achieved. <p>Proposals for new allotments and the extension of existing sites, where appropriate will be supported</p>	<p>No Likely Significant Effects</p> <p>This policy supports the retention of existing allotments on Portland unless certain criteria are fulfilled. Therefore, no pathways of impact have been identified. This is a positive policy</p>
<p>Policy No. Port/CR4 – Site of Open Space Value</p>	<p>Areas of incidental open space within residential areas that contribute to local amenity, character and/or green infrastructure should be protected from development except in very special circumstances where:</p> <ul style="list-style-type: none"> i. new and appropriate alternative provision can be demonstrated to compensate for localised loss of public amenity and community wellbeing; or, ii. it can be demonstrated that any damage to green infrastructure and/or local character can be rectified or the existing situation enhanced. 	<p>No Likely Significant Effect</p> <p>This policy supports the retention and protection of existing incidental open spaces within residential areas. Therefore, no pathways of impact have been identified. This is a positive policy</p>
<p>Policy No. Port/CR5 – New Community Facilities</p>	<p>Proposals that provide additional community, social or recreation facilities for the direct benefit of young people are supported where it is demonstrated, through direct engagement with recognised local youth organisations, that there is a local need and young people have been consulted and involved in developing the proposal</p>	<p>No Likely Significant Effect</p> <p>Depending on the facility and its location it could divert recreational activity away from the European sites. However, facilities should be designed and located sensitively so that the facilities would not cause likely significant effects upon European sites.</p>
<p>Policy No. Port/CR6 – Community and Visitor Events</p>	<p>The temporary use of buildings and open spaces for organised-events will be supported provided that the proposed temporary use:</p> <ul style="list-style-type: none"> i. does not cause any significant adverse environmental problems; ii. would not have significant harmful impacts on the amenities of neighbouring residents; iii. would not have significant harmful impacts on the wider visitor experience; and iv. there is clear community and neighbour support for the period of use proposed. 	<p>No Likely Significant Effect</p> <p>This policy supports the temporary usage of buildings and open spaces for organised-events. This policy has an environmental protection clause. However, to ensure robustness of the policy the wording should be strengthened to: <i>“ Does not affect the integrity of European sites or cause adverse environmental impacts to other lesser designations, habitats and species within Portland and the surrounding area.”</i></p>

<p>Policy No. Port/ST1 – Sustainable Tourism Development</p>	<p>Sustainable tourism development proposals, including extensions to or expansion of existing tourism uses, are supported in principle where they are proportionate to their location in scale and type. Proposals relating to land outside the settlement boundary will need to demonstrate that the use proposed:</p> <ol style="list-style-type: none"> i. promotes the unique characteristics of the area; ii. will not lead to significant loss or damage to any of the Island’s natural assets including landscape character, amenity, historic environment, views, ecology and wildlife corridors, archaeological or geological values of the coast, shoreline, beaches, adjacent coastal waters, and countryside; and iii. avoids conflict with the prevailing strategic policies designed to protect the environment, ecology and mineral reserves. 	<p>No Likely Significant Effects Alone</p> <p>This policy does not present any location for the tourist developments and therefore no impact pathways for alone effects can be identified. Developments brought forward should be subject to HRA, if necessary to ensure no effects upon European sites during construction.</p>	<p>Potential Likely Significant Effect ‘in Combination’</p> <p>This policy supports the development of tourism within Portland. Due to the nature of the Europeans sites in the area, increased tourism has the potential to cause likely significant effects to Europeans sites in combination through the following pathways of impact:</p> <ul style="list-style-type: none"> • Recreational pressure • Air quality • Water resources
<p>Policy No. Port/ST2 – Beach Huts</p>	<p>Proposals for replacement beach huts at West Weares, Church Ope Cove and Portland Bill that match the footprint of existing huts, and minor extensions to the rear of beach huts on the Beach Hut fields at Portland Bill (see map 15), will be supported where they:</p> <ol style="list-style-type: none"> i. are of a single-storey design which is in keeping with the traditional character and topography of the site; ii. do not result in a disproportionate increase in the ridge height or include loft storage areas; iii. are finished in timber, that is stained or painted to match the hut it is replacing or extending; iv. have no significant impact on the existing and essential character of the site; v. are for day-time recreation use with non-permanent residence; and, vi. avoid any significant negative impact on the biodiversity, landscape and setting of the site and the surrounding area. <p>Where some impact is unavoidable, it will be satisfactorily mitigated. Further extensions to previously extended beach huts will not be supported, except in special circumstances, neither will the provision of further patio, decking or veranda areas or ‘garden’ enclosures. Development proposals to provide additional beach huts will not be supported.</p>	<p>No Likely Significant Effects</p> <p>Although the beach huts are located adjacent to the Isle of Portland to Studland Cliffs SAC the construction of the replacement beach huts due to the materials used e.g. wood, it is unlikely that these materials would generate significant amounts of dust or surface water run-off.</p> <p>In addition to this as the construction of beach huts are only replacements for existing huts, the replacements of huts will not increase the number of tourists and therefore no impact pathways are likely to occur from this Policy.</p>	

<p>Policy No. Port/ST3 – Tourist Trails</p>	<p>Proposals that further the creation of a network of tourist and leisure trails will be supported provided:</p> <ol style="list-style-type: none"> i. the construction and appearance of new paths, tracks or links are appropriate in scale and sensitive to the character of the locality; ii. they avoid sensitive ecological areas and habitats; iii. they avoid any significant negative impact on the biodiversity, landscape and setting of the surrounding area; and iv. they provide for improved accessibility for wheelchairs and those with impaired mobility. <p>Signage and interpretation facilities should be in keeping with the established standards for local tourist trails; and, where appropriate, they further links to the strategic cycle network of the area.</p>	<p>No Likely Significant Effect ‘Alone’</p>	<p>Potential Likely Significant Effect ‘in Combination’</p>
<p>Policy No. Port/ST4 – Marine Berths for Tourists</p>	<p>Development proposals that enable the provision of new and additional marine berths and facilities at Osprey Quay, Castletown and Portland Port in the interests of increasing tourism are encouraged if there will be no harmful impact on:</p> <ol style="list-style-type: none"> i. landscape character; ii. wildlife, biodiversity or protected habitats; iii. the setting and character of heritage and historical assets; and iv. security and commercial operations in the area. 	<p>Potential Likely Significant Effects Alone</p>	<p>Potential Likely Significant Effect ‘in Combination’</p>
		<p>Castle Town, Osprey Quay and Portland Port are all less than 50m from Chesil and the Fleet SAC or Isle of Portland to Studland Cliffs SAC and therefore there is the potential to cause likely significant effects alone through the construction activities through the following impact pathways:</p> <ul style="list-style-type: none"> • construction activities (dust emission) • water quality (surface water runoff) 	<p>Increasing tourist trails within Portland due to the nature of the European sites surrounding Portland could potentially cause a likely significant effect through recreational pressure.</p> <p>Increasing tourism within these areas of Portland could potentially cause a likely significant effect through recreational pressure as the locations mentioned are within 50m of one or more SACs.</p>

Appendix C Figures

THIS DRAWING IS TO BE USED ONLY FOR THE PURPOSE OF ISSUE THAT IT WAS ISSUED FOR AND IS SUBJECT TO AMENDMENT

- LEGEND**
- Portland Parish
 - Parish Buffer - 10km
 - Ramsar
 - Special Area of Conservation (SAC)
 - Special Protection Area (SPA)

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Purpose of Issue
DRAFT

Client
PORTLAND NEIGHBOURHOOD PLAN GROUP

Project Title
PORTLAND NEIGHBOURHOOD PLAN HRA

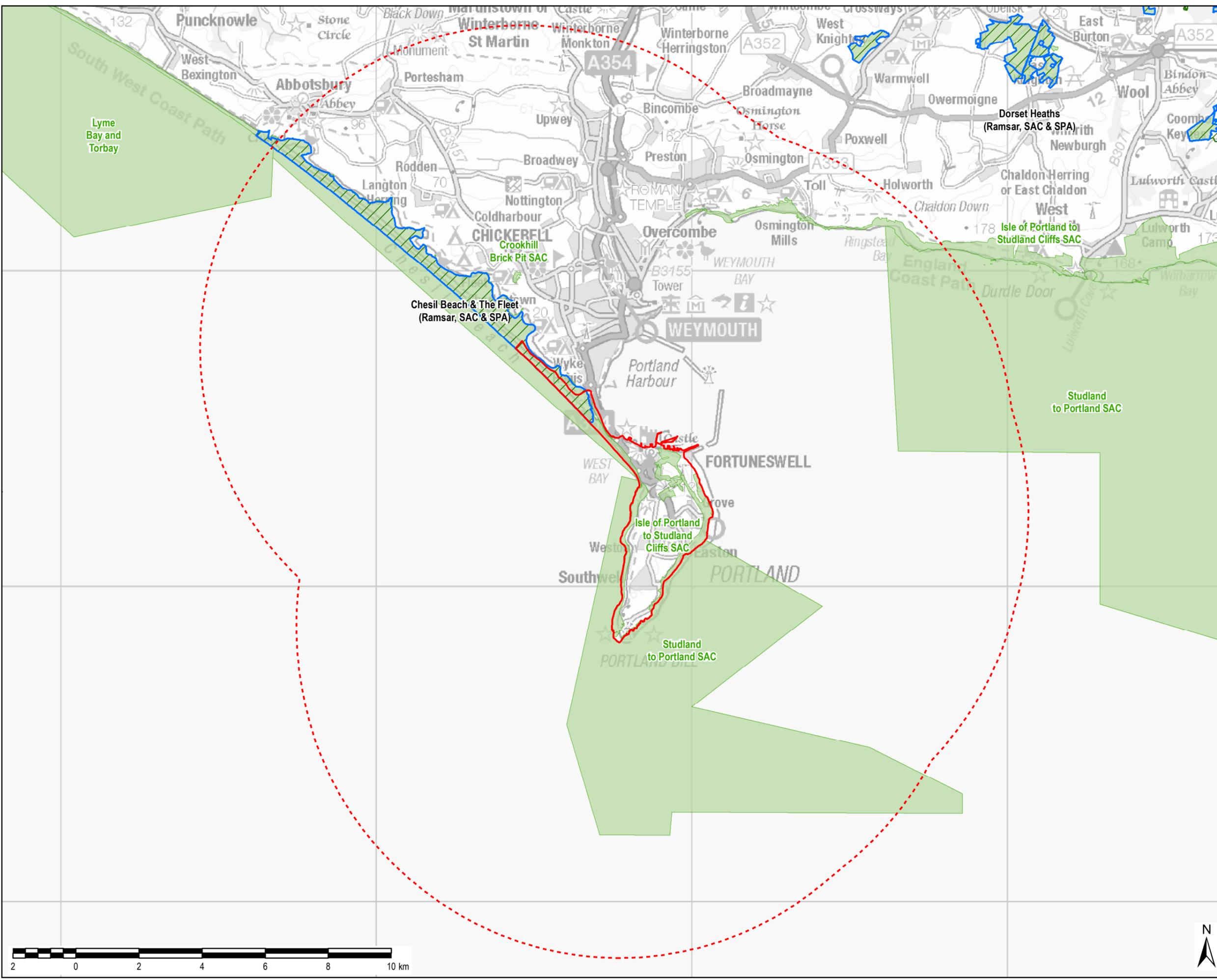
Drawing Title
PORTLAND PARISH AND EUROPEAN SITES IN 10KM

Drawn CN	Checked JW	Approved AK	Date 28/03/2019
AECOM Internal Project No. 60571087		Scale @ A3 1:110,000	

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Drawing Number
FIGURE 1

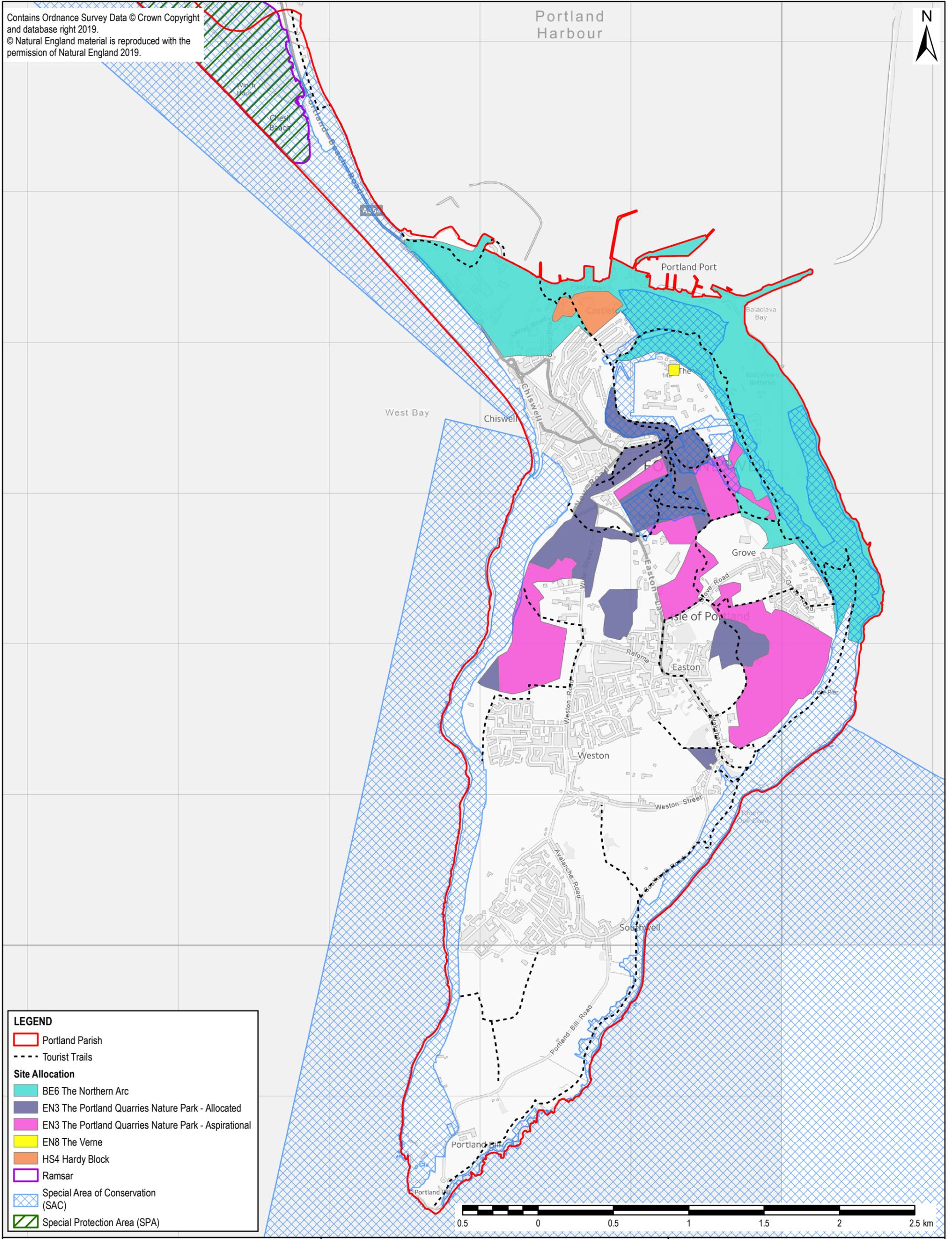


File Name: I:\5004 - Information Systems\60571087 - Neighbourhood Plan_CRB_2018_202202_Maps\Portland HRA\Figure 1 - Designated Sites.mxd



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Portland Harbour



LEGEND

- Portland Parish
- Tourist Trails
- Site Allocation**
- BE6 The Northern Arc
- EN3 The Portland Quarries Nature Park - Allocated
- EN3 The Portland Quarries Nature Park - Aspirational
- EN8 The Verne
- HS4 Hardy Block
- Ramsar
- Special Area of Conservation (SAC)
- Special Protection Area (SPA)

Project Title/Drawing Title

PORTLAND NEIGHBOURHOOD PLAN HRA

SITE ALLOCATIONS

Client PORTLAND NEIGHBOURHOOD PLAN GROUP		
Drawn CN	Checked JW	Approved AK
Date 03/04/2019	Scale @ A3 1:22,500	Purpose of Issue DRAFT
Drawing Number FIGURE 2		Rev 01

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