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Odiham and North Warnborough Neighbourhood Plan

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From:
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Memo

Subject: Habitats Regulations Assessment

Introduction

- 1.1 This memo is intended to inform the Habitats Regulations Assessment (HRA) decision undertaken by Hart District Council for the Odiham and North Warnborough Neighbourhood Plan.
- 1.2 The objective of this assessment is to identify any likely significant effects, and adverse effects on integrity if necessary, arising from the Proposed Development on international sites (Special Areas of Conservation (SACs), Special Protection Areas (SPAs)) including, as a matter of Government policy, Ramsar sites, either in isolation or in combination with other plans and projects, and to undertake appropriate assessment and advise on mitigation where necessary. The Thames Basin Heaths SPA which lies approximately 4.2 km east of the Neighbourhood Plan boundary. The need for HRA is set out within the Conservation of Habitats & Species Regulations 2017 (as amended; see Figure 1 below).

Conservation of Habitats and Species Regulations 2017 (as amended)

The Regulations state that:

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

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 purpose of the assessment under regulation 105... [which sets out the formal process for determination of ‘likely significant effects’ and the appropriate assessment].”

Figure 1: The legislative basis for Appropriate Assessment

Methodology

- 1.3 The first stage of any HRA is a Likely Significant Effect (LSE) test - essentially a risk assessment to decide whether the full subsequent stage known as AA is required. The essential question is: “Is the Plan, either alone or in combination with other relevant projects and plans, likely to result in a significant effect upon Habitats (previously European) sites?” and this decision must take into account other plans and projects. The objective is to ‘screen out’ those plans and projects that can, without any detailed appraisal, be said to be unlikely to result in significant impacts upon Habitats sites, usually because there is no mechanism for an interaction with Habitats sites.
- 1.4 Where it is determined that a conclusion of ‘no Likely Significant Effects’ cannot be drawn, the analysis must proceed to the next stage of HRA known as Appropriate Assessment. Case law has clarified that ‘Appropriate Assessment’ is not a technical term. In other words, there are no particular technical analyses, or level of technical analysis, that are classified by law as belonging to Appropriate Assessment rather than ToLSE. Appropriate Assessment refers to whatever level of assessment is appropriate to form a conclusion regarding effects on the integrity (coherence of structure and function) of Habitat sites in light of their conservation objectives.
- 1.5 By virtue of the fact that it follows the ToLSE process, there is a clear implication that the analysis will be more detailed than undertaken at the previous stage. 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 would take any policies or allocations that could not be dismissed following the high-level ToLSE analysis and evaluate the potential for an effect in more detail, with a view to concluding whether there would actually be an adverse effect on site integrity (in other words, disruption of the coherent structure and function of the Habitat site(s)).
- 1.6 In 2018 the Holohan ruling¹ handed down by the European Court of Justice included among other provisions paragraph 39 of the ruling stating that *‘As regards other habitat types or species, which are present on the site, but for which that site has not been listed, and with respect to habitat types and species located outside that site, ... typical habitats or species must be included in the appropriate assessment, if they are necessary to the conservation of the habitat types and species listed for the protected area’* [emphasis added].
- 1.7 In evaluating significance, AECOM will rely on professional judgement as well as the results of bespoke studies, supported by appropriate evidence/data, and previous stakeholder consultation regarding the impacts of development on the Habitat sites considered within this assessment.
- 1.8 Where necessary, measures will be recommended for incorporation into the Plan in order to avoid or mitigate adverse effects on Habitat sites. There is considerable precedent, both nationally and locally,

¹ Case C-461/17

concerning the level of detail that a Plan document needs to contain regarding mitigation for recreational impacts on Habitat sites, for example. The implication of this precedent is that it is not necessary for all measures that will be deployed to be fully developed prior to adoption of the Plan, but the Plan must provide an adequate policy framework within which these measures can be delivered.

- 1.9 In evaluating significance, AECOM has relied on professional judgement and the Local Plan HRA regarding development impacts on the Habitat sites considered within this assessment.
- 1.10 When discussing 'mitigation' for a Neighbourhood Plan document, one is concerned primarily with the policy framework to enable the delivery of such mitigation rather than the detail of the mitigation measures themselves since the Local Development Plan document is a high-level policy document. A Neighbourhood Plan is a lower-level constituent of a Local Development Plan.

Thames Basin Heaths SPA

- 1.11 With respect to heathland birds specifically, Liley and Clarke² found that the density of European nightjar *Caprimulgus europaeus* was directly related to the amount of surrounding development, with sites surrounded by higher levels of development supporting fewer nightjars. The species' breeding success appears to be much higher at less visited sites³, with path proximity correlating strongly with nest failure, up to 225m from the path edge. Similarly, woodlark *Lullula arborea* and Dartford warbler *Sylvia undata* are also affected significantly by disturbance. Mallord⁴ estimated that, for 16 sites in southern England, 34% more woodlark chicks would be raised if all sites were free from disturbance⁵. Although Dartford warblers do not appear to be as sensitive to human disturbance (possibly as they are not ground nesting), their breeding parameters are still affected by disturbance levels from humans and their pets⁶.
- 1.12 Natural England's Site Improvement Plan (SIP) for Thames Basin Heaths SPA identifies public access as the most important pressure / threat to the site, potentially impacting breeding birds. The SIP states that '*Parts of the Thames Basin Heaths... are subject to high levels of recreational use... This is likely to be affecting the distribution and overall numbers of ground-nesting Annex 1 birds (and breeding success) ... There is also concern at the growing use of parts of the complex by commercial dog walkers and desire to control this.*' Natural England's Supplementary Advice on the Conservation Objectives for the Thames Basin Heaths SPA acknowledges that all three qualifying bird species are sensitive to disturbance and notes that disturbance from human activity is particularly significant at the SPA as many parts of the site are in close proximity to urban areas and there is high pressure from new residential development.
- 1.13 In 2005, English Nature (predecessor of Natural England) commissioned a study of visitor access patterns (Liley, et al., 2005) at 26 key access locations across the Thames Basin Heaths SPA to provide a baseline of recreational pressure. This established that the site had a core recreational catchment of 5km i.e. at least 75% of local resident visitors lived within 5km of the SPA (actually 88%). In 2012/13 a repeat visitor survey⁷ was undertaken which identified that 94% of postcodes fell within 5km of the SPA. A further survey in 2018⁸ reaffirmed the 5km core catchment.
- 1.14 The South East Plan policy NRM6 requires new development to mitigate any adverse impacts on the Thames Basin Heath SPA. A zone of influence of 5km linear distance from the SPA boundary for all residential schemes has been set. Policy NRM6 also notes that larger developments (i.e. those of over 50 developments) up to 7 km from the SPA could have an impact and should be screened in for

² Liley, D. & Clarke, R. T., 2002. The impact of human disturbance and human development on key heathland bird species in Dorset. Sixth National Conference (eds Underhill JC & Liley D). Bournemouth, RSPB.

Liley, D. & Clarke, R. T., 2003. The impact of urban development and human disturbance on the numbers of nightjar *Caprimulgus europaeus* on heathlands in Dorset, England. *Biological Conservation*, 114(2), pp. 219-230.

³ Murison, G., 2002. The impact of human disturbance on the breeding success of the nightjar *Caprimulgus europaeus* on Heathlands in South Dorset, England, s.l.: English Nature.

⁴ Mallord, J., 2005. Predicting the consequences of human disturbance, urbanisation and fragmentation for a woodlark *Lullula arborea* population., Norwich, UK: PhD Thesis, University of East Anglia.

⁵ Liley, D., Jackson, D. & Underhill-Day, J., 2005. Visitor Access Patterns on the Thames Basin Heaths, Peterborough: English Nature Research Report 682.

⁶ Murison, G., 2007. The impact of human disturbance, urbanisation and habitat type on a Dartford warbler *Sylvia undata* population, s.l.: Doctoral Dissertation, University of East Anglia

⁷ Fearnley, H. & Liley, D., 2013. Results of the 2012/13 visitor survey on the Thames Basin Heaths Special Protection Area (SPA), s.l.: Natural England Commissioned Reports Number 136. 107pp.

⁸ Southgate, J., Brookbank, R., Cammack, K. & Mitchell, J., 2018. Visitor Access Patterns on the Thames Basin Heaths SPA: Visitor Questionnaire Survey 2018, s.l.: Natural England Commissioned Report. 82pp.

appropriate assessment. Such developments must be mitigated through the provision of Suitable Alternative Natural Greenspace (SANG) and contributions to the Strategic Access Monitoring and Management (SAMM). Policy NBE3 of the Hart Local Plan makes similar provisions.

- 1.15 In undertaking a first screening stage the assessment may take into account mitigation that may form part of the proposals⁹ and which would normally be dealt with during the Appropriate Assessment phase.
- 1.16 The following table examines every policy in the Odiham and North Warnborough Neighbourhood Plan to determine whether any pose the potential for likely significant effects on the Thames Basin Heaths SPA.

Policy	Policy summary	Test of Likely Significant Effects
Policy 1 – Spatial Plan for the Parish	<p>Over the Neighbourhood Plan period, the focus for growth will be the villages of Odiham and North Warnborough as the two principal settlements in the Parish.</p> <p>The settlement boundaries of Odiham, North Warnborough, RAF Odiham and Broad Oak are defined on the Policies Map. Proposals for development within each of these boundaries will be supported, provided that they accord with National Policy, the relevant applicable Hart Local Plan and the policies of the Neighbourhood Plan.</p> <p>Development proposals outside settlement boundaries will be required to conform to National Policy, the policies of the relevant applicable Local Plan and the policies of the Neighbourhood Plan in respect of the control of development in the open countryside.</p>	This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.
Policy 2 – Housing Development Sites	<p>This policy allocates the following sites for housing development, where development will be supported, provided it adheres to other statutory, Local Plan and Neighbourhood Plan policies and specified development principles:</p> <ol style="list-style-type: none"> i. 0.3 ha - Land at Longwood, Odiham – approx. 9 dwellings (Site i) ii. 0.64 ha - Land at 4 Western Lane, Odiham – approx. 15 dwellings (Site ii) iii. 0.28 ha - Land at Crumplins Yard – approx. 8 dwellings (Site iii) iv. 0.96 ha - Land at Albion Yard, North Warnborough – approx. 12 dwellings v. 1.00 ha - Land at Dunleys Hill, Odiham – approx. 30 dwellings (Site v) vi. 1.52 ha - Land at Hook Road, North Warnborough – approx. 15 dwellings (Site vi) vii. 2.58 ha - Land next to Crownfields, Odiham – approx. 30 dwellings (Site vii) 	<p>This policy identifies site locations and the proposed number of dwellings for development within the NP area.</p> <p>This policy has the potential to have an adverse effect on the is therefore screened in for appropriate assessment for recreational pressure impacts on the Thames Basin Heaths SPA.</p>
Policy 3 – Local Gap	<p>The Neighbourhood Plan designates a Local Gap, as shown on the Policies Map, at:</p> <ul style="list-style-type: none"> • Odiham to North Warnborough <p>Development proposals within the Local Gap that will lead to the visual coalescence or will damage the integrity and will not be supported.</p>	This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.

⁹ The English High Court in Hart District Council, R (on the application of) v Secretary of State for Communities & Local Government & Ors [2008] EWHC 1204

Policy	Policy summary	Test of Likely Significant Effects
Policy 4 – Housing Mix	<p>Proposals for housing development will be supported, provided they accord with other statutory, local and Neighbourhood Plan policies and make provision for:</p> <ul style="list-style-type: none"> • A mix of dwelling sizes and types on development sites, and • A mix that reflects the requirements set out in the table in paragraph. • 3.30 below, or more up to date evidence of needs adopted by the • District Council; and • Affordable housing in accordance with the relevant adopted Hart District Council policy at the time. 	This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.
Policy 5 – General Design Principles	<p>Development, including alterations and extensions to existing buildings, will be supported, provided that it is in accordance with other statutory, local and Neighbourhood Plan policies and the following general design principles:</p> <ol style="list-style-type: none"> i. Development shall complement and be well integrated with neighbouring properties in the immediate locality in terms of scale, density, massing, separation, layout, materials and access; ii. Architectural design shall reflect high quality local design references in both the natural and built environment and reflect and reinforce local distinctiveness; iii. The height of new buildings shall be in keeping with neighbouring properties and roofscapes shall be well articulated to avoid bulky, featureless appearance. Proposals shall demonstrate how heights of development will not be over-bearing or dominant in the existing street scene; iv. Strong building lines shall be respected and soft landscaped front gardens and landscaped front boundaries should be retained or enhanced; v. Development shall seek to retain existing mature hedging and established trees and to enhance landscaping to provide for biodiversity. Any existing mature trees or hedging that are unavoidably removed should be replaced elsewhere on the site; vi. Development shall consider and where possible retain or enhance views both within settlements and out towards the countryside and proposals shall explain how this is achieved; vii. Development affecting the transitional edges between a settlement and countryside shall be softened by landscaping to complement the character of the adjacent or surrounding countryside; viii. Parking on development sites shall be well integrated so as not to dominate the public realm and shall adhere to Hart District Council's adopted parking standard or guidelines; ix. Development which affects any heritage asset shall respect the significance of the asset and shall demonstrate how local distinctiveness is reinforced; x. Development shall be designed to incorporate appropriate energy saving measures; and 	This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.

Policy	Policy summary	Test of Likely Significant Effects
	<p>xi. Development shall integrate wherever possible with existing pathways and cycleways and should not restrict transit for cyclists or pedestrians, including those with limited mobility</p>	
<p>Policy 6 – Odiham Conservation Area</p>	<p>Policy 6 is designed to preserve the appearance and nature of the Odiham Conservation Area and provides guidance for development in the following areas:</p> <ul style="list-style-type: none"> i. Sustaining significant views that contribute to the character and appearance of the Conservation Area. ii. Conserving and enhancing character zones. iii. Following historic precedent for variety and character. iv. Protecting existing open green space. v. Respecting common building lines. vi. Respecting the significance of heritage assets in the Conservation Area street scene. vii. Protecting the distinct setting that the Deer Park and Crown Field (also known as Close Meadow) provide to the Conservation Area and the important views that they afford from the village to the countryside. viii. Specifying building materials for buildings and boundaries. ix. Protecting the future growth and longevity of any trees in the vicinity of a development site 	<p>This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.</p>
<p>Policy 7 – North Warnborough Conservation Area</p>	<p>Policy 7 is designed to preserve the appearance and nature of the North Warnborough Conservation Area and provides guidance for development in the following areas:</p> <ul style="list-style-type: none"> i. Sustaining significant views that contribute to the character and appearance of the Conservation Area (CA). ii. Respecting the character of the CA with respect to open spaces. iii. Conserving and enhancing character zones. iv. Following historic precedent for variety and character. v. Protecting existing open green space. vi. Respecting common building lines. vii. Respecting the significance of heritage assets in the Conservation Area street scene. viii. Specifying building materials for buildings and boundaries ix. Protecting the future growth and longevity of any trees in the vicinity of a development site 	<p>This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.</p>
<p>Policy 8 – Basingstoke Canal Conservation Area</p>	<p>Policy 8 is designed to preserve the appearance and nature of the Basingstoke Canal Conservation Area (CA) and provides guidance for development in the following areas:</p> <ul style="list-style-type: none"> i. Reinforcing the character of the CA ii. Sustaining significant views that contribute to the character and appearance of the CA. iii. Respecting the character of the CA with respect to open spaces. iv. Protecting existing open green space. v. Specifying building materials for buildings and boundaries 	<p>This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.</p>

Policy	Policy summary	Test of Likely Significant Effects
	vi. Protecting the future growth and longevity of any trees in the vicinity of a development site	
Policy 9 – Odiham High Street	<p>Proposals for new or extended retail development in Odiham High Street, will be supported if they accord with other statutory, local and Neighbourhood Plan policies.</p> <p>Appropriate ground floor uses within Odiham High Street include retail, financial and professional services, cafes and restaurants, drinking establishments and community facilities.</p> <p>Uses that complement ground floor uses will be appropriate on upper floors.</p> <p>Development proposals for the provision, alteration or replacement of shop fronts and signs in the High Street of Odiham Village Centre will be supported provided:</p> <ul style="list-style-type: none"> i. They do not require the loss of an existing shop front of heritage value; and ii. The design, colour, materials and details of alterations to and replacements of shop fronts and signage sustain or enhance the character of the building and surrounding shop frontages and are in keeping with the Odiham Conservation Area; and iii. Separate access to upper floors is preserved where this exists. 	This is a development management policy. The policy does not allow for residential development and therefore recreational pressure is not a consideration. The Policy poses no potential for significant adverse effects on the Thames Basin Heaths SPA.
Policy 10 – Education	<p>The Neighbourhood Plan safeguards land adjoining Robert May’s School, as shown on the Policies Map for educational purposes. Development proposals for educational uses of the land will be supported, provided that:</p> <ul style="list-style-type: none"> 1. The use is confined to outdoor recreational facilities; and 2. A legal obligation is made to secure the shared use of such facilities with the local community. 	This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.
Policy 11 – Local Green Spaces	<p>The Neighbourhood Plan designates the following locations as Local Green Spaces, as shown on the Policies Map:</p> <ul style="list-style-type: none"> 1. Site 11.i Close Meadow 2.9 ha 2. Site 11.ii Kitchen Garden 0.35 ha <p>Proposals for any development on the land will not be supported other than in very special circumstances.</p>	This policy preserves existing green spaces which help to alleviate recreational pressure on Habitats sites. The policy poses no potential for significant adverse effects on the Thames Basin Heaths SPA.
Policy 12 – The Natural Environment	<p>Development proposals will be supported provided they comply with other statutory, local and Neighbourhood Plan Policies and the following principles:</p> <ul style="list-style-type: none"> i. They protect and enhance wildlife areas, including Sites of Special Scientific Interest and locally designated Sites of Importance to Nature Conservation, and contain measures to deliver and sustain biodiversity net gain in accordance with national and local requirements; ii. They do not adversely affect the distinctive local character of the open landscapes of the Parish or harm valued public views and vistas; iii. They protect and where possible enhance footpaths and public rights of way; 	This is a positive environmental policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.

Policy	Policy summary	Test of Likely Significant Effects
	<ul style="list-style-type: none"> iv. They contain measures that will help to mitigate the impacts of, and adapt to, climate change; v. It can be demonstrated that they include sustainable drainage design features to manage the risk of surface water flooding within their boundary and elsewhere in the Parish; vi. They include measures to enhance biodiversity in public spaces, for example, improving habitat condition or increase habitat area or connectivity, creating new habitats or installation of wildlife features (e.g. nest boxes); vii. Where applicable, they include mitigation measures where flooding from any source could occur on the site to ensure that any development on that site is safe from flooding and surface water retention and shall not increase the flood risk elsewhere from that site, including: <ul style="list-style-type: none"> a. Sites shall be developed so as not to increase or be likely to increase surface water run off rates and discharge volumes leaving the site; b. Any development shall employ a suitable range of Sustainable Drainage Systems (SuDs) measures in a SuDs treatment train; c. Any development shall avoid high flood or surface water areas of sites must be avoided for development in accordance with the sequential approach; d. Measures shall be employed to prevent internal flooding and to divert flood waters and surface water away from the development site itself; and e. Internal areas shall be designed to incorporate raised finished floor levels and under floor voids where appropriate; viii. Development affecting land alongside watercourses shall ensure the following: <ul style="list-style-type: none"> a. There shall be no adverse effects from increased runoff or access causing bank erosion and increased pollution and sedimentation; b. There shall be no adverse impact adversely on the quality of the water; c. Any adjoining development shall provide a minimum 10 metre buffer zone alongside the Basingstoke Canal and the River Whitewater, which buffer zones must be free from built development including artificial lighting, hard-surfacing, domestic gardens and formal landscaping; and 	

Policy	Policy summary	Test of Likely Significant Effects
	d. Avoidance of increased access, especially by dogs.	
Policy 13 – Assets of Community Value	Development proposals that will result in either the loss of, or significant harm to, an Asset of Community Value will be resisted, unless it can be clearly demonstrated that the operation of the asset, or the ongoing delivery of the community value of the asset, is no longer financially viable.	This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.
Policy 14 – Dunleys Hill Open Space	Land at Dunleys Hill as shown on the Proposals Map is allocated for public open space to be delivered as a planning gain from the housing development defined in Policy 2 v. Proposals for the layout and construction of the public open space will be supported subject to the following criteria: i. Vehicular access into the site and parking shall be consistent with the principles set out for the development of the proposed housing site to the north in Policy 2v of this Plan; and ii. Associated car parking spaces should be sensitively designed and surfaced to respect the location of the public open space and within the designated local gap; and iii. Any associated recreational or maintenance buildings or structures should be essential to the operation of the open space and should comply with the design principles set out in Policy 5 of this Plan.	This is a development management policy and poses no potential for significant adverse effects on the Thames Basin Heaths SPA.

Appropriate Assessment

- 1.17 The assessment of the Neighbourhood Plan policies presented in the table above identifies that there is one policy (Policy 2 – Housing Development Sites) within the Neighbourhood Plan that will result in likely significant (adverse) effects on the Thames Basin Heaths SPA. Policy 2 is taken forward for appropriate assessment.
- 1.18 None of the sites in the plan are within 5km of the Thames Basin Heaths SPA. However, Natural England’s advice is that large developments (50 dwellings or more) within 5-7km of the Thames Basin Heaths SPA may need mitigation for recreational pressure. A number of the site allocations are within the 7km buffer. Although no individual site exceeds the 50 dwelling threshold, three adjacent sites (Sites i, ii and v) do provide for more than 50 dwellings in total and, in line with the HRA of the adopted Neighbourhood Plan, would result in adverse effects on the integrity of the Thames Basin Heaths SPA if not adequately mitigated. The Crownfields site (site vii) includes a 60 bed high-dependency nursing home. However, given the physical limitations of the residents there will be no adverse effect on the SPA from this site through recreational pressure.
- 1.19 Natural England advise that mitigation for the Thames Basin Heaths SPA should comprise of both the provision of suitable alternative natural greenspace (SANG) and a contribution to the Strategic Access Management and Monitoring (SAMM) of the SPA. Details of the mitigation strategy for Hart District are available on the Council website: [Planning guidance | Hart District Council](#).
- 1.20 The ONWP States at paragraph 2.23 that for Site v (Land at Dunleys Hill), the Public Open Space shall effectively serve as mitigation for housing growth across all three affected development sites (sites i, ii and v). Policy 2v further states that ‘*The public open space shall be provided in accordance with Policy 14 as a planning gain arising from, and consequent to, any residential housing development at the site*’. It will be provided in accordance with Policy 14 as a planning gain arising

from, and consequent to, any residential housing development at the site. The allocation of Dunleys Hill (site v) for residential development is contingent on the remaining 3.48ha of the site being allocated as public open space. This open space will therefore fulfil the SANG requirements of the mitigation strategy for the 54 dwellings across all three adjacent sites. The 54 dwellings would require approximately 1ha of SANG between them but it is noted that a 1ha SANG would be too small to meet other SANG requirements. However, it should also be noted that in general Natural England do not apply the same strict SANG requirements to development in the 5-7km zone that they apply to development within the 5km zone so there is much greater room for flexibility. Nonetheless the full area of Public Open Space will be required to serve as adequate mitigation. Site v is the largest of the three sites and the major contributor to exceedance of the 50 dwelling threshold. If this development does not come forward, then the 50 dwelling threshold is not reached and the mitigation is not required.

- 1.21 Natural England indicated their agreement of the suitability of the proposed Public Open Space to meet the SPA mitigation requirements in this respect when it was first raised, in their response to the *161955 Pre application consultation for Odiham Neighbourhood Plan Habitat Regulations Assessment* dated 26-Aug-2015. It is an aspect of this agreement with Natural England that (a) the Public Open Space is functioning before the 50th house (across the three sites) is occupied, and (b) the land is managed in this condition in perpetuity. **AECOM recommend that Policy 2 is updated to include the requirement for the land to be managed as a public open space in perpetuity.**
- 1.22 A contribution to the monitoring element of the SAMM will be required from all three sites (assuming that they all come forward) in line with the current SAMM pricing structure and with policy NBE3 (Thames Basin Heaths Special Protection Area) of the Hart local plan (Strategy and Sites) (2032). The contribution will be paid by the developer towards monitoring in the event that all three of the sites come forward and in combination would deliver 50+ new dwellings. In the event that the 50 dwelling total is not breached then a SAMM contribution would not be required.
- 1.23 It is therefore concluded, when mitigation is considered, that the policy poses no potential for an adverse effect on the integrity of the Thames Basin Heaths SPA.**
- 1.24 Since the requirement for strategic mitigation around Thames Basin Heaths SPA is explicitly based on the cumulative housing growth expected within 5km (and 5-7km) of the SPA, the mitigation requirements and assessment documented above are inherently in combination with other plans and projects within the zone of influence around the SPA.
- 1.25 Natural England were consulted on a copy of this HRA and responded by email to Hart District Council on 12th June 2024 concurring with its conclusions. They also commented that *'Natural England recommend that links, if not already present, are established so that there is the opportunity to have connectivity between this parcel [the Public Open Space at site v] and other local green spaces in the vicinity so that residents can benefit from extended walking routes in the area. There also needs to be a management plan for this open space which must show how the land will be costed, funded and managed/maintained for in-perpetuity, for the lifetime of the proposed development'*. Such a management plan will therefore need to be produced to accompany the planning application for site v.