



Habitats Regulations Assessment of the Boscombe and Pokesdown Neighbourhood Plan, Bournemouth

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Summary

This report is a plan level Habitats Regulations Assessment (HRA) of a Neighbourhood Plan for Boscombe and Pokesdown in Bournemouth. This HRA report has been prepared by Footprint Ecology, on behalf of Bournemouth, Christchurch and Poole Council.

HRA is a legal requirement for any formal planning document, and forms part of the evidence base for the Local Plan. HRA considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan or project, which could occur as a result of the plan or project being put in place, approved or authorised.

The Boscombe and Pokesdown Neighbourhood Plan area is a dense urban area of Bournemouth, comprising housing, shops and the Pokesdown mainline railway station.

The Boscombe and Pokesdown Neighbourhood Plan area falls within the 400m to 5km zone of influence for the Dorset Heathlands SAC and SPA, defined by the Dorset Heathlands Planning Framework. Recreation pressure is therefore identified as an impact pathway, in accordance with the Local Plan HRA and the Framework. The plan area is not in immediate proximity to the Dorset Heathlands. The distance from the European sites enables a conclusion that there are no identifiable impact pathways over and above recreation pressure on the Dorset Heathlands. Distance and urban focussed nature of the plan also rules out impacts on other European sites in the wider area.

The screening for likely significant effects only identified the impact pathway of recreation pressure as a result of the contribution of further housing within 5km of the Dorset Heathlands. The screening assessment identified a number of minor text changes that do not alter the conclusions of the HRA but could be added to make positive additions in relation to the natural environment. The appropriate assessment confirmed compliance with the Dorset Heathlands Planning Framework in relation to mitigating for recreation pressure, and recommended wording that should be added at an appropriate point within the Boscombe and Pokesdown Neighbourhood Plan. With the recommended text in place no adverse effects on European site integrity can be concluded.

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1. Introduction and Background Information

Context

- 1.1 This report is a plan level Habitats Regulations Assessment (HRA) of a Neighbourhood Plan for Boscombe and Pokesdown in Bournemouth. This HRA report has been prepared by Footprint Ecology, on behalf of Bournemouth, Christchurch and Poole Council.
- 1.2 Once adopted, the Neighbourhood Plan will become a formal planning document as part of the Bournemouth Local Plan, and it will be used to inform sustainable development within Boscombe and Pokesdown. It provides local policies that will be used in conjunction with those within the Bournemouth Local Plan. The Boscombe and Pokesdown Neighbourhood Plan has been written by representatives of the local community, with assistance from the Council and specialist advisors. It focuses on matters of importance to that community. Key themes are heritage, housing, work and shops and services.
- 1.3 Bournemouth, Christchurch and Poole Council is a new local planning authority that has recently been formed through the amalgamation of the three constituent local planning authorities. Planning matters for each of the former administrative areas of Bournemouth, Christchurch and Poole are currently still considered in accordance with the adopted Local Plans for each of the three areas. In time it is anticipated that the Local Plans will be reviewed and a new Local Plan for the new administrative area will be prepared.
- 1.4 HRA is a legal requirement for any formal planning document, and forms part of the evidence base for the Local Plan. HRA considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan or project, which could occur as a result of the plan or project being put in place, approved or authorised. In this instance, the HRA is undertaken at plan level, for a document that will form part of the Bournemouth Local Plan. HRA will also be required for development projects that will come forward in the future in accordance with the Boscombe and Pokesdown Neighbourhood Plan and Bournemouth Local Plan. An explanation of the HRA assessment process is summarised below and is also described in greater detail in Appendix 1.
- 1.5 This HRA for the Boscombe and Pokesdown Neighbourhood Plan looks at all aspects of the plan, both the policies and the supporting text. This HRA draws on some of the previous HRA undertaken within Dorset, including both Local Plan

HRAs and the progression of a strategic approach to protecting European sites from the impacts of recreation pressure.

- 1.6 When embarking on new HRA work, it is important to take stock and consider how well the measures put in place to protect European site interest have progressed, and what evidence there is available to support the continuation of such measures, or to indicate that they may need modification. This HRA therefore looks at the measures that are in place at a Local Plan level to protect European sites, and the current situation or progress made on those measures.
- 1.7 A HRA considers the implications of a plan or project for European wildlife sites, in terms of any possible harm to the habitats and species that form an interest feature of the European sites in close proximity to the proposed plan or project, which could occur as a result of the plan or project being put in place.
- 1.8 This HRA provides Bournemouth, Christchurch and Poole Council with the necessary information to enable compliance with the Conservation of Habitats and Species Regulations 2017, as amended (the Habitats Regulations) and the National Planning Policy Framework (NPPF) in relation to the protection of European wildlife sites. An explanation of HRA and the legal context is summarised below and also described in greater detail in Appendix 1.

Habitats Regulations Assessment process

- 1.9 A 'Habitats Regulations Assessment,' normally abbreviated to HRA, is the step by step process of ensuring that a plan or project being undertaken by, or permitted by, a public body will not adversely affect the ecological integrity of a European wildlife site. Where it is deemed that adverse effects cannot be ruled out, a plan or project must not proceed, unless exception tests are met. This is because European legislation, which is transposed into domestic legislation and policy, affords European sites the highest levels of protection in the hierarchy of sites designated to protect important features of the natural environment.
- 1.10 The relevant European legislation is the Habitats Directive 1992¹ and the Wild Birds Directive 2009², which are transposed into domestic legislation through the Conservation of Habitats and Species Regulations 2017, as amended. These Regulations are normally referred to as the 'Habitats Regulations' and were originally made into law in 1994. The 2017 update consolidated previous versions and corrects some minor errors in transposition. The 2017 Regulations were the subject of an amendment in 2018 through the Conservation of

¹ Council Directive 92/43/EEC

² Council Directive 2009/147/EC

Habitats and Species Planning (Various Amendments) Regulations 2018. Of relevance to Neighbourhood Planning is that the 2018 Regulations also made an amendment to the Neighbourhood Planning (General) Regulations 2012. A clarification was made to ensure that Neighbourhood Plans adhere to the Habitats Regulations with the same requirements as for Local Plans. Previously, the wording of the Neighbourhood Planning legislation differed from that applied to Local Plans.

- 1.11 The Habitats Regulations sets out a clear step by step approach for ‘competent authorities,’ which includes local planning authorities, when they are preparing, undertaking or approving any plan or project. In England, those duties are also supplemented by national planning policy through the NPPF. This national planning policy also refers to Ramsar sites, which are listed in accordance with the international Ramsar Convention. The NPPF requires decision makers to apply the same protection and process to Ramsar sites as that set out in legislation for European sites. Formally proposed sites, i.e. sites proposed for European designation and going through the designation process, and those providing formal compensation for losses to European sites, are also given the same protection. This report refers to all the above sites as ‘European sites’ for assessment purposes, as the legislation is applied to all such sites, either directly or as a result of policy.
- 1.12 The European Directives operate on the basis that sites are in place to serve as an ecologically functioning network, and ultimately it is the preservation of that network as a whole that is the overall aim of the European Directives. The network is often referred to as the Natura 2000 Network or ‘N2K.’
- 1.13 The duties set out within the Habitats Regulations apply to ‘competent authorities.’ These are any public body or individual holding public office with a statutory remit and function. The requirements are applicable in situations where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. In considering the HRA requirements, a competent authority must adequately apply the protective legislation for European sites, and where solutions are not available or evidence to support a solution is not robust, it may then necessary to consider a different policy approach.
- 1.14 In assessing the implications of any plan or project for European sites in close proximity, it is essential to fully understand the sites in question, their interest features, current condition, sensitivities and any other on-going matters that are influencing each of the sites. Every European site has a set of ‘interest features,’ which are the ecological features for which the site is designated or classified, and the features for which Member States should ensure the site is maintained

or, where necessary restored. Each European site has a set of 'conservation objectives' that set out the objectives for the site interest, i.e. what the site should be achieving in terms of restoring or maintaining the special ecological interest of European importance.

- 1.15 The site conservation objectives are relevant to any HRA, because they identify what should be achieved for the site, and a HRA may therefore consider whether any plan or project may compromise the achievement of those objectives. Further information on European site interest and links to the conservation objectives can be found at Appendix 2 of this report. The European sites of relevance to this HRA are discussed in Section 2.
- 1.16 The review of England's wildlife sites and ecological networks is set out in the report to Defra in 2010 entitled 'Making Space for Nature',³ which was prepared by a group of national experts chaired by Professor Sir John Lawton. Within this report, it is identified that in order to make our ecological networks and wildlife sites capable of future resilience, there is a need for more wildlife sites, and that existing networks need to be bigger, better and more connected. The future health of designated sites is very much dependant on the future health of wider biodiversity and the ecological networks that sustain them. In planning for the long-term sustainability of designated sites, it is therefore necessary to protect and enhance wider biodiversity through the planning system as well as the designated sites.
- 1.17 The NPPF states that sustainable development is the achievement of social, economic and environmental aspirations, and these three dimensions of sustainable development are mutually dependant. For the natural environment, the NPPF advises that sustainable development should include protecting, enhancing and improving biodiversity, and moving from a net loss of biodiversity to achieving net gains. The recently published Defra 25 year plan⁴ sets out an ambitious programme for improving the natural environment, including the achievement of environmental net gains through development, of which biodiversity is an important part.
- 1.18 With these key Government messages in mind, a HRA of a plan such as a Neighbourhood Plan or Local Plan should not look at European sites in isolation, but rather it should consider whether the plan as a whole provides for the future

³ <https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today>

⁴ <https://www.gov.uk/government/publications/25-year-environment-plan>

ecological resilience of local biodiversity necessary to support designated sites, particularly in relation to the areas of habitat outside of designated site boundaries that are used by species for which a European site is designated, and the supporting functions provided for by wider biodiversity resources.

The Boscombe and Pokesdown Neighbourhood Plan

- 1.19 The Boscombe and Pokesdown Neighbourhood Plan has 11 policies. BAP10 sets out the site allocations for the Boscombe and Pokesdown Neighbourhood Plan area, which includes the combined wards of Boscombe East and Boscombe West. The plan area is shown in Map 1. There are a number of conditions set out within planning legislation that must be met for a Neighbourhood Plan to be made. The legislation and requirements are explained within the Boscombe and Pokesdown Neighbourhood Plan at Section 4 and includes the requirement to be compatible with EU obligations.
- 1.20 The Boscombe and Pokesdown Neighbourhood Plan area is a dense urban area of Bournemouth, comprising housing, shops and the Pokesdown mainline railway station. The very urban nature of the area offers limited opportunity for extensive green infrastructure, and the existing assets are small village green sites and public parks. The area is adjacent to the coast and the sandy beach is therefore an important public recreation space.
- 1.21 Given the urban nature of the area, the focus of the plan is towards improving the quality of homes, the high street and public realm. Nature conservation opportunities are relatively limited, but there will still be opportunities for some urban biodiversity focussed enhancements in new development and local projects. There are no designated sites in close proximity. The Boscombe and Pokesdown Neighbourhood Plan area is shown on Map 1, and Maps 2, 3 and 4 show the area in relation to European sites in the vicinity.
- 1.22 The Boscombe and Pokesdown Neighbourhood Plan will formally become part of the Bournemouth Local Plan, which includes currently adopted Bournemouth Core Strategy 2012, and the adopted Bournemouth Town Centre Area Action Plan 2013. Both the Core Strategy and Town Centre Area Action Plan have been the subject of plan level HRA. Policy CS33 of the adopted Core Strategy and its supporting text provides commitments to the Dorset Heathlands Planning Framework and the delivery of strategic mitigation measures for the Dorset Heathlands European sites, which are discussed in more detail in the appropriate assessment section of this report.
- 1.23 Bournemouth Christchurch and Poole Council is the competent authority under the Habitats Regulations for all planning documents that form part of the Local Plans for the authority, including the Boscombe and Pokesdown Neighbourhood

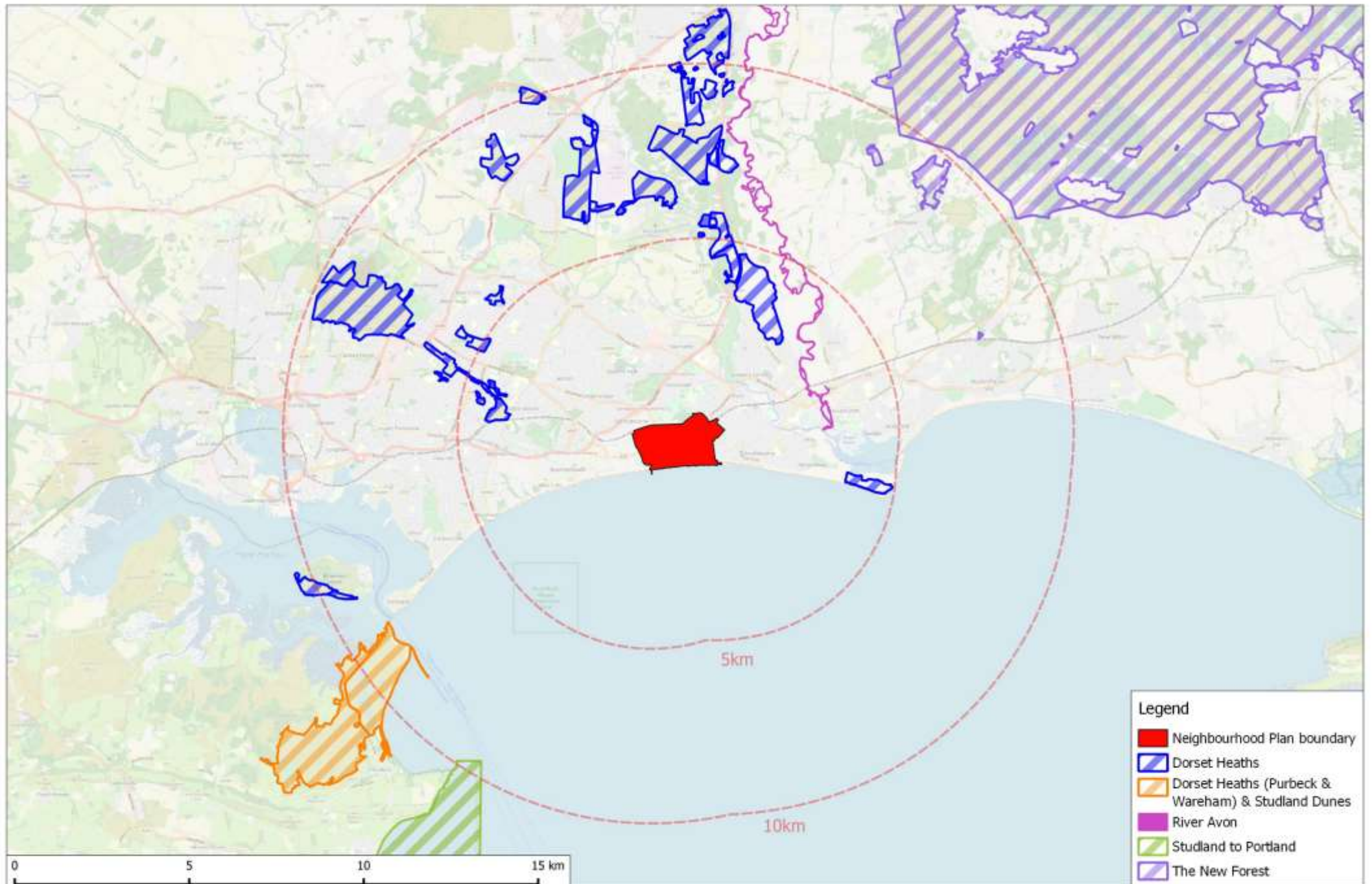
B o s c o m b e a n d P o k e s d o w n N e i g h b o u r h o o d P l a n
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Plan. Natural England is formally consulted on HRAs as the consideration as statutory nature conservation body. Natural England has worked closely with the individual Councils that have now formed the combined Bournemouth Christchurch and Poole Council over many years to develop strategic approaches to mitigating for new residential growth. Where plans and projects are compliant with these, Natural England is normally supportive, subject to resolution of any specific additional matters.

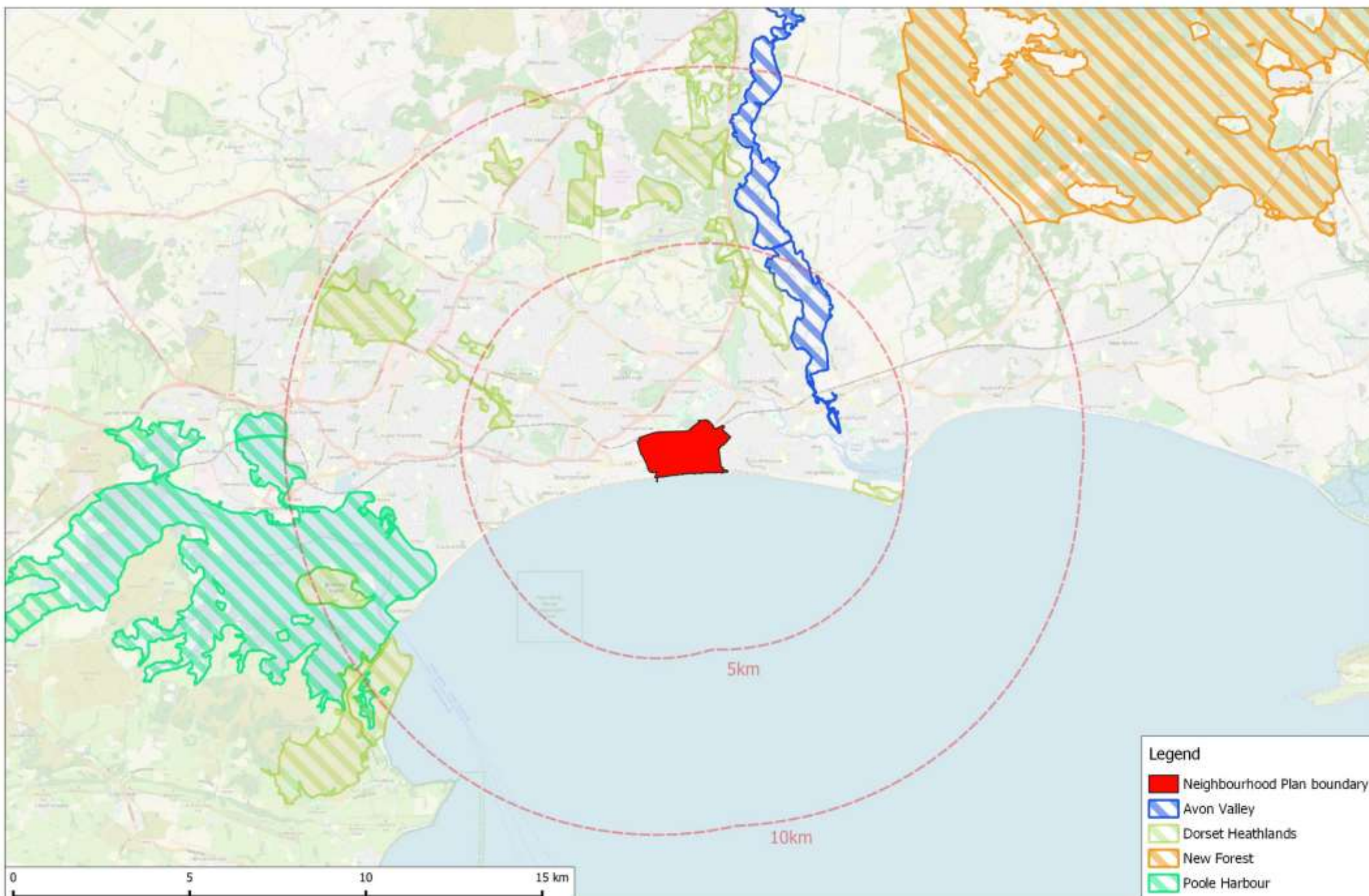
Map 1: Location of Neighbourhood Plan boundary.



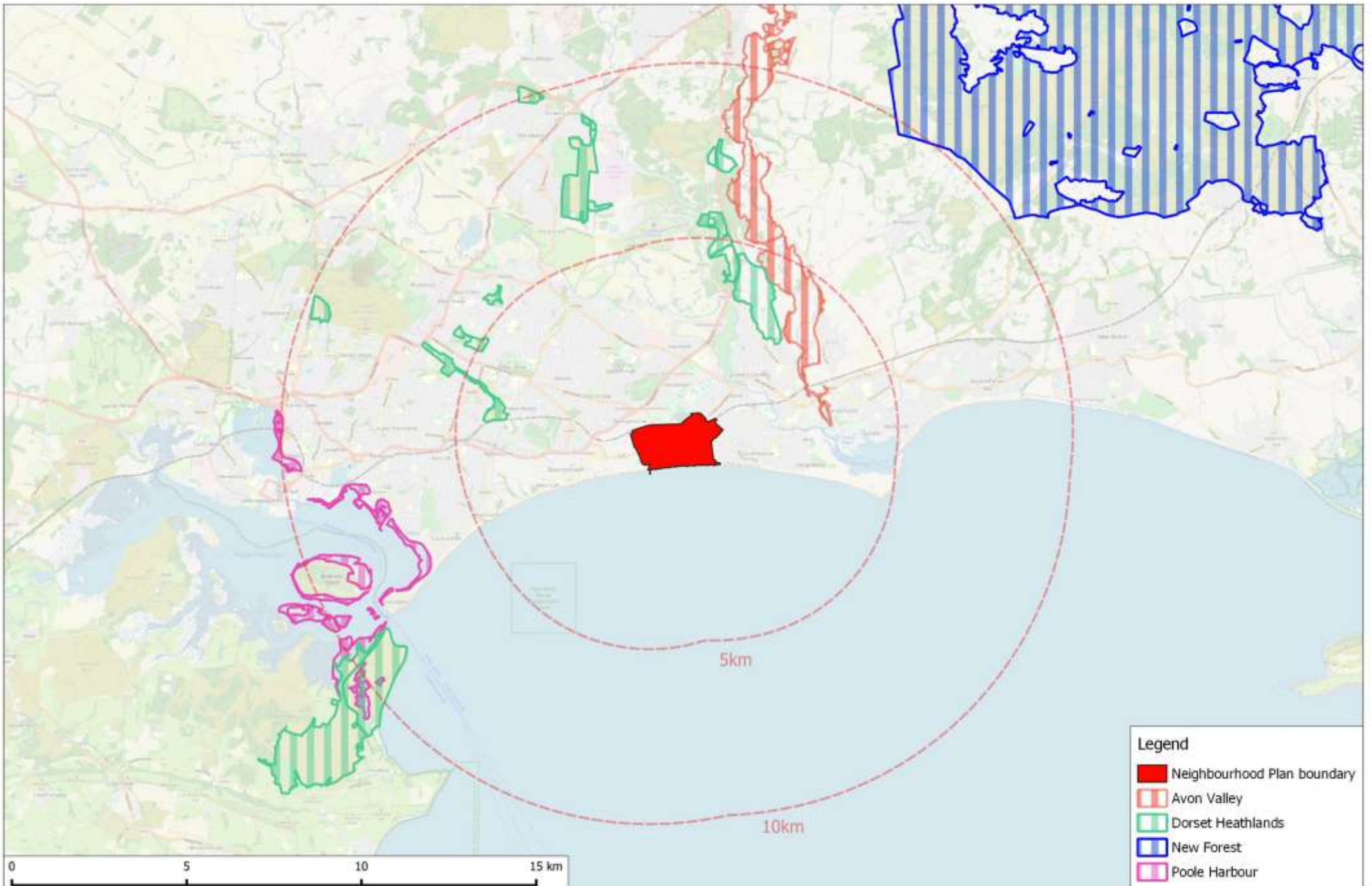
Map 2: Location of Special Areas of Conservation.



Map 3: Location of Special Protection Areas.



Map 4: Location of Ramsar sites.



2. European sites and potential impact pathways

- 2.1 HRA is a step by step process, with the competent authority required to undertake a screening for likely significant effects on European sites, after determining that the plan or project in question is not one that is entirely necessary for site management. The Boscombe and Pokesdown Neighbourhood Plan is an urban area focussed plan, with key issues and opportunities in relation to housing, built heritage and the high street.
- 2.2 Within the step by step process of HRA, the screening for likely significant effects is an initial check to identify risks or uncertainties arising from the plan or project that could potentially be significant for the European sites. The screening for likely significant effects, as described in Appendix 1, simply identifies whether there are potential risks to European site interest features, and what those risks may be. All potential risks to European sites should be highlighted at the screening stage as far as possible.
- 2.3 A likely significant effect could be concluded on the basis of clear evidence of risk to European site interest, or there could be a scientific and plausible justification for concluding that a risk is present, even in the absence of direct evidence. The latter is a precautionary approach, which is one of the foundations of the high-level of protection pursued by EU policy on the environment, in accordance with the EU Treaty.⁵
- 2.4 The precautionary principle should be applied at all stages in the HRA process and follows the principles established in case law relating to the use of such a principle in applying the European Directives and domestic Habitats Regulations. In particular, the European Court in the 'Waddensee' case⁶ refers to "*no reasonable scientific doubt*" and the 'Sweetman' case⁷ the Advocate General identified that a positive conclusion on screening for likely significant effects relates to where there "*is a possibility of there being a significant effect*".
- 2.5 A new European Court of Justice Judgment in 2018⁸ which is now being referred to as 'People Over Wind,' clarified the need to carefully explain actions taken at each HRA stage, particularly at the screening for likely significant effects stage.

⁵ Article 191 of the Treaty on the Functioning of the EU. Previously Article 174 of the Treaty of the EC.

⁶ European Court of Justice case C - 127/02

⁷ European Court of Justice case C - 258/11

⁸ European Court of Justice case C - 323/17 being referred to as 'People Over Wind'

The Judgment is a timely reminder of the need for clear distinction between the stages of HRA, and good practice in recognising the function of each. The screening for likely significant effects stage should function as a screening or checking stage, to determine whether further assessment is required. Assessing the nature and extent of potential impacts on European site interest features, and the robustness of mitigation options, should be done at the appropriate assessment stage. This HRA report follows best practice in terms of the correct application of the legislation and stages of HRA.

- 2.6 In assessing the implications of any plan or project for European sites, it is essential to fully understand the ecology and sensitivity of the sites, in order to identify how they may be affected. Every European site has a set of ‘interest features’ which are the ecological features for which the site is designated or classified, and the features for which Member States should ensure the site is maintained or, where necessary restored.
- 2.7 Each European site also has a set of ‘conservation objectives’ for the site interest, i.e. what the site should be achieving in terms of restoring or maintaining the special ecological interest of European importance. Also relevant to the HRA is the consideration of how a plan or project may affect the achievement of conservation objectives for each European site.
- 2.8 The site conservation objectives are relevant to any HRA, because they identify what should be achieved for the site, and HRA may therefore consider whether any plan or project may compromise the achievement of those objectives. The background to conservation objectives and key considerations are explained in Appendix 2, and site interest features in Appendix 3.
- 2.9 The Habitats Directive requires competent authorities to ‘maintain and restore’ European sites. Where sites are meeting their conservation objectives, the requirement is to maintain this position and not allow deterioration. Where a site requires restoration, competent authorities should work to bring site interest features back to a status that enables conservation objectives to be met.
- 2.10 In addition to conservation objectives, Natural England produces Site Improvement Plans (SIPS) for each European site in England as part of a wider programme of work under the ‘Improvement Programme for England’s Natura 2000 sites.’ Each plan includes a set of actions for alleviating issues that are impeding the delivery of conservation objectives, with lead delivery bodies identified and indicative timescales. The SIPs can provide an additional useful reference for HRA work, identifying where there are site sensitivities.

Impact pathways

- 2.11 Potential impacts are the link between the plan or project and the European sites. The purpose of a HRA is to assess whether there is the potential for any 'interaction' between the plan or project, and the European site features. For this reason, the link is very often referred to as the 'impact pathway.' They are the route by which a plan or project may affect a European site (Figure 1). In undertaking a HRA of a plan or project it is necessary to gather information on the European sites that could be potentially affected, and information on the plan or project in question. This enables any impact pathways to be identified in order to inform the screening for likely significant effects.

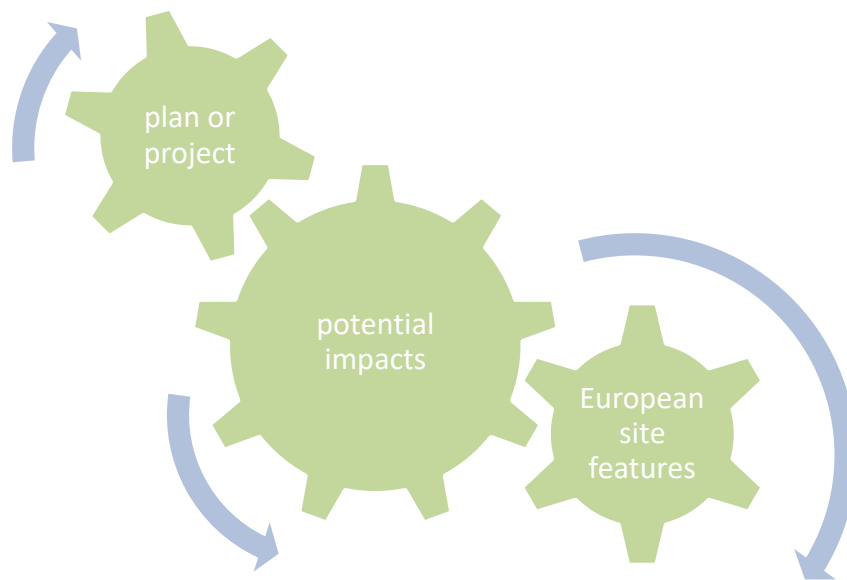


Figure 1: Impact Pathways

European site screening

- 2.12 A competent authority should identify all European sites at risk from a plan or project, and the site interest features for each. The relevant European sites within 5km of the plan area are illustrated on Maps 2, 3 and 4 and in Appendix 3 including their interest features. All other European sites are screened out due to distance preventing impact pathways. The following European sites, in

conformity with the local plan HRA, are relevant for this neighbourhood plan HRA:

- Dorset Heathlands SPA
- Dorset Heaths SAC

2.13 The following European sites are screened out from further assessment:

- Dorset Heaths (Purbeck and Wareham) and Studland Dunes SAC
- Dorset Heathlands Ramsar site
- Poole Harbour SPA (including new marine extension)
- Poole Harbour Ramsar site
- River Avon SAC.

2.14 These sites are in accordance with Natural England's ongoing advice in relation to the European sites of relevance, as discussed in Section 3 below.

3. Considerations to Inform Screening for Likely Significant Effects

- 3.1 This section explains the key documentation and strategies that are being used to inform the HRA conclusions for the assessment of the Boscombe and Pokesdown Neighbourhood Plan.

Strategic mitigation delivery through Local Plan HRA

- 3.2 The adopted Bournemouth Core Strategy draws on an extensive and continuously developing evidence base of HRA work in Dorset. The former five Dorset local planning authorities within south-east Dorset have worked closely and in partnership with Natural England over a number of years to develop a robust evidence base, HRAs and strategic mitigation strategies for both Poole Harbour and the Dorset Heathlands.
- 3.3 The Borough of Poole, Bournemouth Borough Council, Christchurch Borough Council (now Bournemouth Christchurch and Poole Council), East Dorset District Council and Purbeck District Council have worked together to develop a strategic framework for mitigating for potential recreation pressure arising from new residential growth. Additionally, Borough of Poole and Purbeck District Council have worked collaboratively on strategic mitigation for Poole Harbour, in terms of both recreation pressure and increased nitrogen inputs as a result of new development.
- 3.4 For the Boscombe and Pokesdown Neighbourhood Plan, it is only the strategic approach to mitigating for potential recreation pressure on the heathlands that is relevant, due to distance. The background context and strategic approach is described in plan level HRA reports and the joint strategy documents and are therefore not repeated here. The way in which a strategic approach works is that avoidance and mitigation projects to prevent adverse effects on European sites are funded from developments making a financial contribution on a proportionate basis to a pre-established strategic mitigation strategy. The strategy is implemented by the relevant local planning authorities in partnership with Natural England.

The Dorset Heathlands Planning Framework

- 3.5 In summary, the strategic approach in place for the Dorset Heathlands Planning Framework is as follows. The strategy has two mitigation strands for residential development. These are the provision of Site Access Management and

Monitoring (SAMM) on the heathland sites, provision of Suitable Alternative Natural Greenspace (SANG)/Heathland Infrastructure Projects (HIPs) as a viable draw away from the European sites. SAMM is provided for by S106 developer contributions collected into a central funding pot delivering strategic projects. SANGs/HIPs are provided for by Community Infrastructure Levy (CIL) contributions collected into a central funding pot unless the applicant is able to propose a SANG or HIP as part of its development. This normally only applies to the largest residential developments coming forward. HIPs have a wider remit than SANGs as there are occasions when it is most beneficial to create or enhance heathland infrastructure that serves multiple purposes, such as habitat linkages, European site buffering or activity specific recreation provision such as mountain biking tracks.

- 3.6 Even where strategic approaches would in principle accommodate a potential development, Natural England advises that there is a need for regular review of the strategies and their rolling programmes of mitigation projects. Furthermore, where a development poses a greater risk due to its size, it is imperative that a check is made that timely mitigation can still be delivered by the strategic approaches.
- 3.7 Reliance upon strategic approaches does not negate the need for a clear record of assessment, and this is particularly pertinent since the clarification of HRA stages within the recent European Court Judgment described in section 2 of this report.
- 3.8 A number of larger residential planning applications have highlighted the need for a more consistent process of checking that mitigation can be delivered strategically for large sites, and furthermore of checking that any risks over and above those covered by the strategic approaches are adequately recorded and assessed for impacts.

Site Improvement Plans

- 3.9 The SIP for Dorset Heathlands identifies recreational disturbance from public access as being a key issue that can be attributed to new development. Actions include those now being taken forward as part of the strategic mitigation schemes.

Natural England's advice

- 3.10 Natural England has recently held discussions with Bournemouth Borough Council (prior to the recent authority amalgamation), and advised that whilst the

principle of mitigation provision for recreation pressure for forthcoming plans and projects would be in accordance with the requirements of the Habitats Regulations, there was uncertainty in the effective and timely delivery of strategic SANG or HIP.

- 3.11 Natural England has been liaising with Bournemouth Borough Council (prior to amalgamation) to advise on what might constitute suitable strategic SANG and HIP provision in the Borough, to meet the offsite mitigation requirements. Since the adoption of the Dorset Heathlands Planning Framework, a number of SANG and HIP enhancement projects have been funded and fulfilled. However, Natural England advised that, with increased development coming forward, the Borough Council should look to provide a new strategic SANG with capacity for a number of the larger developments provided for within the Local Plan and forthcoming Neighbourhood Plans. A strategic SANG site at Hick's Farm, a Council owned farm, is the preferred option to meet this need. Natural England is supportive of a strategic SANG in this location.

Potential impact pathways for the screening assessment

- 3.12 A competent authority should consider all potential risks to each European site interest feature as a result of the development proposed.
- 3.13 The Boscombe and Pokesdown Neighbourhood Plan area falls within the 400m to 5km zone of influence defined by the Dorset Heathlands Planning Framework. Recreation pressure is therefore identified as an impact pathway, in accordance with the Local Plan HRA and the Framework. The plan area is not in immediate proximity to the Dorset Heathlands. The distance from the European sites enables a conclusion that there are no identifiable impact pathways over and above recreation pressure on the Dorset Heathlands. Distance and urban focussed nature of the plan also rules out impacts on other European sites in the wider area.
- 3.14 The presence of a recreation pressure impact pathway leads to a conclusion that there are likely significant effects arising as a result of the Boscombe and Pokesdown Neighbourhood Plan. The appropriate assessment section below provides a check of the strategic approach for recreation pressure on the Dorset Heathlands.

4. Screening for Likely Significant Effects

- 4.1 Once relevant background information and potential impact pathways are understood, and relevant HRA and mitigation progress has been considered, the HRA progresses to the screening for likely significant effects stage, fully informed by the background research undertaken. Table 1 below records the conclusions drawn and recommendations made on a policy by policy check of the Boscombe and Pokesdown Neighbourhood Plan.
- 4.2 During the screening stage of HRA, text changes are often recommended in the screening table where there is a clear opportunity to avoid impacts on European sites through policy strengthening, but only where this relates to simple clarifications, corrections of terminology or improved instructions for project level HRA, for example. Furthermore, where there are opportunities to strengthen policies and supporting text in relation to European sites and the wider supporting natural environment these are also highlighted, even if their inclusion does not specifically alter a conclusion of no likely significant effects on European sites.
- 4.3 Any risks that need more detailed scrutiny, or mitigation measures that need further checks for their effectiveness, should be considered within the appropriate assessment, drawing on evidence and available information to justify conclusions.

Table 1: LSE screening of the Boscombe and Pokesdown Neighbourhood Plan

| Plan section or policy | Description | Initial LSE screening | Recommendations and opportunities |
|--|--|--|--|
| Section 1 – This document | Opening context relating to the focus of the plan and explanation of the neighbourhood plan forum | No LSE – Informative only | N/A |
| Section 2 – Executive summary | Summarising the full plan and listing the 11 policies | No LSE – Informative only | N/A |
| Section 3 – Background | Further explanation of the forum, the statutory role of the plan, its area and timeframe | No LSE – Informative only | N/A |
| Section 4 – Meeting the basic conditions | Detailed description of the legislative and policy conditions that a neighbourhood plan needs to meet. | No LSE – Informative only | N/A |
| Section 5 – About our area: character areas | Detailed description of the seven character areas within the boundary of the plan. Provides a summary of land use, public realm and heritage, management of the area and any opportunities | No LSE – Informative only. The opportunities relate to preservation of historic assets and improving the appearance of the urban area, particularly the public realm, along with housing issues and requirements | N/A |
| Section 6 – Our vision, aims and objectives | Explanation of the consultation process to develop the vision, followed by the vision itself, which is for the 20 year period up to 2026. The vision has 9 aims and four themes. | No LSE – the vision does not in itself result in development but provides a qualitative overview of aspirations for the area. The very urban nature of the plan area and lack of proximity to designated sites prevents any opportunities for directly conserving or enhancing designated sites. | Aim 4 could make reference to the biodiversity value of green infrastructure and could refer to the contribution new housing will make to the strategic approach to protecting European sites from increasing recreation pressure. |
| Section 7 – Our policies – Heritage theme text | Sets out the approach to making the best of the natural and built environment | No LSE – relates to the natural and built assets of the plan area | Whilst the title refers to both the natural and built environment, the text predominantly covers the built environment only. Here there is therefore opportunity to make reference to the biodiversity value of green infrastructure |

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| Plan section or policy | Description | Initial LSE screening | Recommendations and opportunities |
|--|--|---|---|
| | | | and could refer to the contribution new housing will make to the strategic approach to protecting European sites from increasing recreation pressure. |
| BAP1: The scale and density of development | Policy and supporting text set out the need to protect historic buildings and ensure new development reflects the character of the area | No LSE – the policy does not trigger any impact pathways in terms of policy content. | N/A |
| BAP2: Good design for the 21 st century | Seeking to secure high standards of sustainable urban design | No LSE – the policy does not trigger any impact pathways in terms of policy content. | N/A |
| BAP3: Shopfronts | Seeking to retain original shopfronts, with replacements designed to match building character | No LSE – the policy does not trigger any impact pathways in terms of policy content. | N/A |
| BAP4: Open spaces | Seeking to retain original shopfronts, with replacements designed to match building character | No LSE – the policy does not trigger any impact pathways in terms of policy content. | Policy already provides reference to increasing biodiversity. |
| BAP5: Safe routes | Providing safe routes, which are pavements and paths with good lighting and safe road crossings | No LSE – the policy does not trigger any impact pathways in terms of policy content. | N/A |
| Section 8 – Our policies – Housing theme text | Explains the demographics of the area including households, density etc | LSE – the principle of a net increase in new dwellings triggers the need to adhere to the strategic approach to preventing an increase in recreation pressure on European heathlands. | Consider in appropriate assessment section |
| BAP6: The number and type of new homes | Providing for between 123 and 183 new homes (market dwellings) per year, with affordable housing being provided in addition and in accordance with Local Plan policies | LSE – the principle of a net increase in new dwellings triggers the need to adhere to the strategic approach to preventing an increase in recreation pressure on European heathlands. | Consider in appropriate assessment section |
| BAP7: The quality of new homes | Technical and design standards for new homes | No LSE – the type of new homes does not remove the need to adhere to | N/A |

Boscombe and Pokesdown Neighbourhood Plan
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| Plan section or policy | Description | Initial LSE screening | Recommendations and opportunities |
|--|--|--|-----------------------------------|
| | | the strategic mitigation requirements for new dwellings/units | |
| BAP8: Managing our houses in multiple occupation (HMOs) and bedsits | Managing the number and quality of HMOs in the area | No LSE – the type of new home does not remove the need to adhere to the strategic mitigation requirements for new dwellings/units | N/A |
| Section 9 – Our policies – Work, shops and services theme text | Seeking to improve the quality of the high street; retail and businesses | No LSE – the text does not trigger any impact pathways in terms of text content. | N/A |
| BAP9: Managing our high street and businesses | Qualitative policy seeking to improve the high street | No LSE – the policy does not trigger any impact pathways in terms of policy content. | N/A |
| Section 10 – Our policies – site allocations theme text | Setting out the background in relation to chose site allocations for new development | No LSE – the location of new homes does not remove the need to adhere to the strategic mitigation requirements for new dwellings/units | N/A |
| BAP10: Site allocations | Site allocations SA2, SA4, SA5, SA6 described in terms of key requirements for each site | No LSE – the location of new homes does not remove the need to adhere to the strategic mitigation requirements for new dwellings/units | N/A |
| Section 11 – Our policies – projects, implementation and monitoring theme text | Explanation of the purpose of monitoring plan performance to ensure aims and objectives are met, along with a table of monitoring indicators. | No LSE – the text and monitoring table does not trigger any impact pathways in terms of text content. | N/A |
| BAP11: Priority improvement projects | Key projects to be taken forward by the Boscombe and Neighbourhood Plan Forum to support plan implementation | No LSE – the policy does not trigger any impact pathways in terms of policy content. | N/A |
| Section 12 – Appendix - Basic conditions statement | A statement in accordance with legal requirements for neighbourhood planning documents and a table of justifications against each requirement, and | No LSE – Informative only | N/A |

Boscombe and Pokesdown Neighbourhood Plan
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| Plan section or policy | Description | Initial LSE screening | Recommendations and opportunities |
|--------------------------------------|---|---------------------------|-----------------------------------|
| | a table of contribution towards the Local Plan and sustainable development for the area | | |
| Section 12 – Appendix – All policies | A list of all policies within the plan | No LSE – Informative only | N/A |

6. Appropriate Assessment

- 6.1 The screening for likely significant effects of the Boscombe and Pokesdown Neighbourhood Plan identified one matter for appropriate assessment, that the increased housing proposed would contribute towards recreation pressure on the Dorset Heathlands European sites and would need to adhere to the strategic approach to avoiding and mitigating these potential impacts.
- 6.2 Recent discussions between the South East Dorset local planning authorities and with Natural England have highlighted the need to ensure that appropriate assessments for residential developments coming forward in South East Dorset are adequately checking and recording compliance with the strategic mitigation approaches in place. Whilst the strategic approaches have been developed at the Local Plan level to ease the burden of lower tier HRAs and provide robust, co-ordinated and consistent mitigation, lower tier plan and project level HRA remains a requirement of the legislation, and should still be undertaken by the competent authority as a meaningful check that the strategic approach provides the right mitigation for the plan or project in question.
- 6.3 The Boscombe and Pokesdown Neighbourhood Plan area lies within 5km of the Dorset Heathlands. Strategic mitigation for Dorset Heathlands SAMM will be required for all net increases in dwellings. Payments will be calculated as per adopted tariffs and secured through legal agreements.
- 6.4 Strategic provision for Dorset Heathlands SAMM enables a conclusion of no adverse effects in relation to access management on the European sites.
- 6.5 The Boscombe and Pokesdown Neighbourhood Plan provides for 123 to 183 additional new dwellings per year at market value, and further affordable housing is also likely to come forward during the plan period. It is important to therefore check that the strategic approach for SANG/HIP delivery is able to accommodate this development. Strategic SANG/HIP provision needs to be checked to provide confidence that there will be SANG/HIP capacity necessary to support the quantum of residential development coming forward and that this will be delivered prior to commencement of development.
- 6.6 Once a strategic SANG/HIP check confirms that there is adequate and timely capacity, payment will be provided from CIL contributions.
- 6.7 The housing coming forward will be constrained by the dense urban setting and will not be able to provide its own SANG/HIP. Any housing coming forward is therefore reliant upon Bournemouth Christchurch and Poole Council to deliver a

strategic SANG and/or HIP that meets the necessary requirements in terms of quality, quantity, location and visitor infrastructure.

- 6.8 The former Bournemouth Borough Council has been developing a proposal for a strategic SANG at Hicks Farm for some time. The farm is owned as freehold by the Council, located within green belt on the northern edge of the Throop conservation Area. Historically run as a dairy farm Hicks Farm is now run with both short term leases for equine use and as grazing land for the Council's own conservation grazing stock. The farmhouse and some of the immediate outbuildings are Listed Buildings.
- 6.9 The delivery of a strategic SANG at Hicks Farm forms part of a Heritage Lottery Fund (HLF) project. The Council is working with the HLF to develop a project under their 'Resilient Heritage' programme, which will include measures to secure a sustainable farm business into the long term, increased public access, restoration of buildings of heritage importance and a significant focus on learning and engagement. The latter will include a learning centre to provide education on the local history of the Lower Stour and its villages, biodiversity, sustainable farming and local food production and landscape restoration. It is intended that there will be significant community involvement and volunteering opportunities.
- 6.10 During the development of the HLF project, short term leases will be retained on the farmhouse and some of the land. Delivery of a strategic SANG is likely to encompass approximately 40 ha. This provides capacity for residential developments coming forward within the Bournemouth area, and the residential development within the Boscombe and Pokesdown Neighbourhood Plan will utilise some of that capacity.
- 6.11 As planning applications come forward, the Council will identify through project level HRA that capacity remains available at the strategic SANG. The Council has planned for the Hicks Farm SANG to be the main strategic SANG for housing coming forward in the near future. If in the event that capacity is reached before housing comes forward in the Boscombe and Pokesdown Neighbourhood Plan area, the Council will be working towards providing additional strategic SANG and/or HIP capacity, which will need to be assessed and agreed with Natural England. For the purpose of this HRA for the Boscombe and Pokesdown Neighbourhood Plan, capacity for strategic SANG is confirmed as being available at Hick's Farm.
- 6.12 The Council is finalising a masterplan for Hicks Farm, to support their HLF project and change of use to SANG. Recent detailed discussions between the

Council, Natural England and the Council's legal advisers have enabled good progress to be made with the progression of the Hick's Farm SANG proposal. This gives confidence that the SANG will be in place in time for housing proposals coming forward as part of the Boscombe and Pokesdown Neighbourhood Plan to be accommodated. Project level HRA provides an additional point at which SANG capacity can be assessed, and if Hick's Farm does not provide the necessary SANG capacity, housing cannot be approved unless an alternative SANG/HIP is established by the Council and agreed by Natural England.

- 6.13 This HRA therefore recommends that the following text is incorporated within the Boscombe and Pokesdown Neighbourhood Plan. Project level HRA and the provision of strategic SANG/HIP capacity will be the responsibility of Bournemouth Christchurch and Poole Council.
- 6.14 *Residential development will need to adhere to the Dorset Heathlands Planning Framework, which includes developer contributions towards measures to mitigate for further recreation pressure on the Dorset Heathlands, which are recognised as being of international wildlife importance. Contributions include funding for measures to manage access within the European sites, and measures to provide other suitable Alternative Natural Greenspaces (SANGs) and/or Heathland Infrastructure Projects (HIPs). As residential development proposals come forward for approval by the Council, project level HRA will be undertaken by the Council to confirm that the proposals will be accommodated within this strategic approach, including available capacity within strategic SANG and/or HIP.*
- 6.15 In conclusion, with the recommended text in place at an appropriate point within the Boscombe and Pokesdown Neighbourhood Plan, there is certainty that strategic provision for Dorset Heathlands will be secured. No adverse effects on European site integrity can therefore be concluded.

7. Conclusions

- 7.1 This HRA report of the Boscombe and Pokesdown Neighbourhood Plan records a screening for likely significant effects, and an appropriate assessment of identified risks through the key impact pathway of recreation pressure. The following is concluded:
- 7.2 The screening for likely significant effects only identified the impact pathway of recreation pressure as a result of the contribution of further housing within 5km of the Dorset Heathlands.
- 7.3 The screening assessment identified a number of minor text changes that do not alter the conclusions of the HRA but could be added to make positive additions in relation to the natural environment.
- 7.4 The appropriate assessment confirmed compliance with the Dorset Heathlands Planning Framework in relation to mitigating for recreation pressure, and recommended wording that should be added at an appropriate point within the Boscombe and Pokesdown Neighbourhood Plan.
- 7.5 In adopting this HRA report as their formal record of HRA, Bournemouth Christchurch and Poole Council considers its duties as competent authority under the Habitats Regulations to be fulfilled.

Competent authority sign off

- 7.6 It is recommended that a hard copy of this HRA report is retained on file with dated signatures from officers with the required level of authority to act on behalf of Bournemouth Christchurch and Poole Council as competent authority.
- 7.7 This record of HRA has been considered and approved by the following officers of the Council:

8. Appendix 1 - The Habitats Regulations Assessment Process

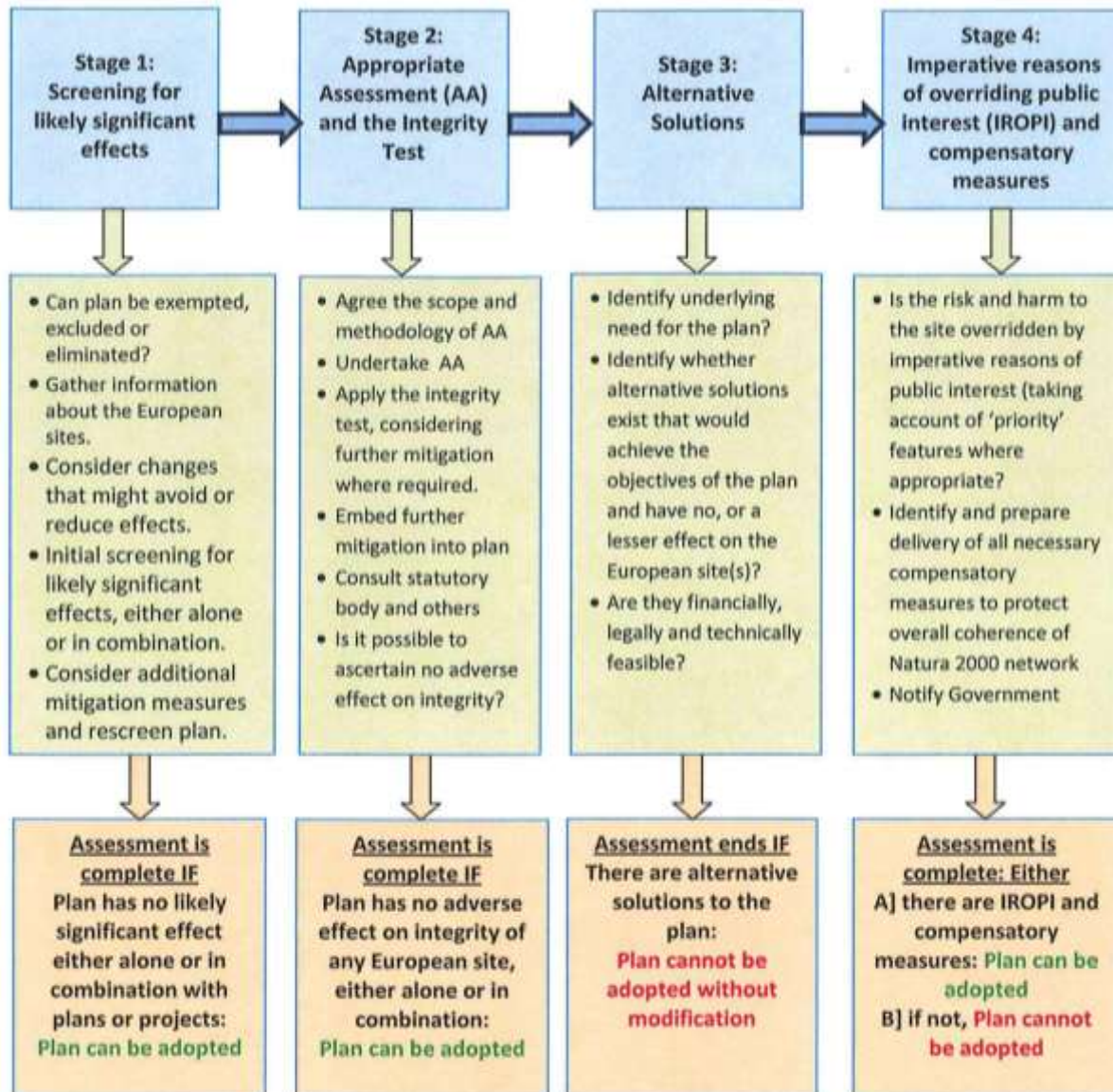
- 8.1 The designation, protection and restoration of European wildlife sites is embedded in the Conservation of Habitats and Species Regulations 2017, as amended, which are commonly referred to as the 'Habitats Regulations.'
- 8.2 The Habitats Regulations are in place to transpose European legislation set out within the Habitats Directive (Council Directive 92/43/EEC), which affords protection to plants, animals and habitats that are rare or vulnerable in a European context, and the Birds Directive (Council Directive 2009/147/EC), which originally came into force in 1979, and which protects rare and vulnerable birds and their habitats. These key pieces of European legislation seek to protect, conserve and restore habitats and species that are of utmost conservation importance and concern across Europe. Although the Habitats Regulations transpose the European legislation into domestic legislation, the European legislation still directly applies, and in some instances, it is better to look to the parent Directives to clarify particular duties and re-affirm the overarching purpose of the legislation.
- 8.3 European sites include Special Areas of Conservation (SACs) designated under the Habitats Directive and Special Protection Areas (SPAs) classified under the Birds Directive. The suite of European sites includes those in the marine environment as well as terrestrial, freshwater and coastal sites. European sites have the benefit of the highest level of legislative protection for biodiversity. Member states have specific duties in terms of avoiding deterioration of habitats and species for which sites are designated or classified, and stringent tests have to be met before plans and projects can be permitted, with a precautionary approach embedded in the legislation, i.e. it is necessary to demonstrate that impacts will not occur, rather than they will. The overarching objective is to maintain sites and their interest features in an ecologically robust and viable state, able to sustain and thrive into the long term, with adequate resilience against natural influences. Where sites are not achieving their potential, the focus should be on restoration.
- 8.4 The UK is also a contracting party to the Ramsar Convention, which is a global convention to protect wetlands of international importance, especially those wetlands utilised as waterfowl habitat. In order to ensure compliance with the requirements of the Convention, the UK Government expects all competent authorities to treat listed Ramsar sites as if they are part of the suite of designated European sites, as a matter of government policy, as set out in the

National Planning Policy Framework. Most Ramsar sites are also a SPA or SAC, but the Ramsar features and boundary lines may vary from those for which the site is designated as a SPA or SAC.

- 8.5 It should be noted that in addition to Ramsar sites, the National Planning Policy Framework also requires the legislation to be applied to potential SPAs and possible SACs, and areas identified or required for compensatory measures where previous plans or projects have not been able to rule out adverse effects on site integrity, yet their implementation needs meet the exceptional tests of Regulation 64 of the Habitats Regulations, as described below.
- 8.6 The step by step process of HRA is summarised in the diagram below. Within the Habitats Regulations, local planning authorities, as public bodies, are given specific duties as 'competent authorities' with regard to the protection of sites designated or classified for their species and habitats of European importance. Competent authorities are any public body individual holding public office with a statutory remit and function, and the requirements of the legislation apply where the competent authority is undertaking or implementing a plan or project, or authorising others to do so. Regulation 63 of the Habitats Regulations sets out the HRA process for plans and projects, which includes development proposals for which planning permission is sought. Additionally, Regulation 105 specifically sets out the process for assessing emerging land use plans.
- 8.7 The step by step approach to HRA is the process by which a competent authority considers any potential impacts on European sites that may arise from a plan or project that they are either undertaking themselves, or permitting an applicant to undertake. The step by step process of assessment can be broken down into the following stages, which should be undertaken in sequence:
- Check that the plan or project is not directly connected with or necessary for the management of the European site
 - Check whether the plan or project is likely to have a significant effect on any European site, from the plan or project alone
 - Check whether the plan or project is likely to have a significant effect on any European site, from the plan or project in-combination with other plans or projects
 - Carry out an Appropriate Assessment
 - Ascertain whether an adverse effect on site integrity can be ruled out
- 8.8 There is a continual consideration of the options available to avoid and mitigate any identified potential impacts. A competent authority may consider that there is a need to undertake further levels of evidence gathering and assessment in order to have certainty, and this is the Appropriate Assessment stage. At this

point the competent authority may identify the need to add to or modify the project in order to adequately protect the European site, and these mitigation measures may be added through the imposition of particular restrictions and conditions.

- 8.9 After completing an assessment, a competent authority should only approve a project or give effect to a plan where it can be ascertained that there will not be an adverse effect on the integrity of the European site(s) in question. In order to reach this conclusion, the competent authority may have made changes to the plan, or modified the project with restrictions or conditions, in light of their Appropriate Assessment findings.
- 8.10 Where adverse effects cannot be ruled out, there are further exceptional tests set out in Regulation 64 for plans and projects and in Regulation 107 specifically for land use plans. Exceptionally, a plan or project could be taken forward for imperative reasons of overriding public interest where adverse effects cannot be ruled out and there are no alternative solutions. It should be noted that meeting these tests is a rare occurrence and ordinarily, competent authorities seek to ensure that a plan or project is fully mitigated for, or it does not proceed.
- 8.11 In such circumstances where a competent authority considers that a plan or project should proceed under Regulations 64 or 107, they must notify the relevant Secretary of State. Normally, planning decisions and competent authority duties are then transferred, becoming the responsibility of the Secretary of State, unless on considering the information, the planning authority is directed by the Secretary of State to make their own decision on the plan or project at the local level. The decision maker, whether the Secretary of State or the planning authority, should give full consideration to any proposed 'overriding reasons' for which a plan or project should proceed despite being unable to rule out adverse effects on European site interest features, and ensure that those reasons are in the public interest and are such that they override the potential harm. The decision maker will also need to secure any necessary compensatory measures, to ensure the continued overall coherence of the European site network if such a plan or project is allowed to proceed.



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Figure 2: Outline of the assessment of plans under the Habitat Regulations

9. Appendix 2 –Conservation Objectives

- 9.1 As required by the Directives, 'Conservation Objectives' have been established by Natural England, which should define the required ecologically robust state for each European site interest feature. All sites should be meeting their conservation objectives. When being fully met, each site will be adequately contributing to the overall favourable conservation status of the species or habitat interest feature across its natural range. Where conservation objectives are not being met at a site level, and the interest feature is therefore not contributing to overall favourable conservation status of the species or habitat, plans should be in place for adequate restoration.
- 9.2 Natural England has embarked on a project to renew all European site Conservation Objectives, in order to ensure that they are up to date, comprehensive and easier for developers and consultants to use to inform project level HRA s in a consistent way. In 2012, Natural England issued now a set of generic European site Conservation Objectives, which should be applied to each interest feature of each European site. These generic objectives are the first stage in the project to renew conservation objectives, and the second stage, which is to provide more detailed and site-specific information for each site to support the generic objectives, is now nearing completion.
- 9.3 The new list of generic Conservation Objectives for each European site includes an overarching objective, followed by a list of attributes that are essential for the achievement of the overarching objective. Whilst the generic objectives currently issued are standardised, they are to be applied to each interest feature of each European site, and the application and achievement of those objectives will therefore be site specific and dependant on the nature and characteristics of the site. The second stage, provision of the more supplementary information to underpin these generic objectives, provides much more site-specific information, and this detail will play a fundamental role in informing HRAs, and importantly will give greater clarity to what might constitute an adverse effect on a site interest feature.
- 9.4 Natural England advises that HRAs should use the generic objectives and apply them to the site-specific situation, using the supplementary advice where published. This should be supported by comprehensive and up to date background information relating to the site.
- 9.5 For SPAs, the overarching objective is to:

9.6 *'Avoid the deterioration of the habitats of qualifying features, and the significant disturbance of the qualifying features, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving the aims of the Birds Directive.'*

9.7 This is achieved by, subject to natural change, maintaining and 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 populations of the qualifying features.
- The distribution of the qualifying features within the site.

9.8 For SACs, the overarching objective is to:

'Avoid the deterioration of the qualifying natural habitats and the habitats of qualifying species, and the significant disturbance of those qualifying species, ensuring the integrity of the site is maintained and the site makes a full contribution to achieving Favourable Conservation Status of each of the qualifying features.'

9.9 This is achieved by, subject to natural change, maintaining and restoring:

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

Conservation objectives inform any HRA of a plan or project, by identifying what the interest features for the site should be achieving, and what impacts may be significant for the site in terms of undermining the site's ability to meet its conservation objectives.

Supplementary advice for the Dorset Heathlands European sites can be found at the following links:

SPA: <http://publications.naturalengland.org.uk/publication/5808199001178112>

SAC: <http://publications.naturalengland.org.uk/publication/5711678738006016>

10. Appendix 3 – European Site Interest Features

| Site Name | SAC | SPA | Ramsar |
|---|---|--|---|
| <p>Dorset Heaths SAC, Dorset Heathlands SPA and Ramsar site</p> | <p>Northern Atlantic wet heaths with <i>Erica tetralix</i>⁺, temperate Atlantic wet heaths with <i>Erica ciliaris</i> and <i>Erica tetralix</i>⁺, European dry heaths⁺, depressions on peat substrates of the <i>Rhynchosporion</i>⁺, <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils, Calcareous fens with <i>Cladium mariscus</i> and species of the <i>Caricion davallianae</i>[*], Alkaline fens, Old acidophilous oak woods with <i>Quercus robur</i> on sandy plains</p> <p>Southern damselfly⁺; great crested newt.</p> | <p>Breeding nightjar, Dartford warbler, woodlark. Wintering hen harrier, merlin.</p> | <p>Ramsar criterion 1: Contains particularly good examples of (i) northern Atlantic wet heaths with cross-leaved heath <i>Erica tetralix</i> and (ii) acid mire with <i>Rhynchosporion</i>, largest example in Britain of southern Atlantic wet heaths with Dorset heath <i>Erica ciliaris</i> and cross-leaved heath <i>Erica tetralix</i>.</p> <p>Ramsar criterion 2: Supports 1 nationally rare and 13 nationally scarce wetland plant species, and at least 28 nationally rare wetland invertebrate species.</p> <p>Ramsar criterion 3: high species richness and ecological diversity of wetland habitat types and transitions;</p> <p>lies in one of the most biologically-rich wetland areas of lowland Britain.</p> |