

# Appropriate Assessment

Applicable to development in Christchurch Local Plan area

Application Ref: 8/25/0059/FUL

Address: Silverways Silver Way Christchurch BH23 4LJ

Site Proposal: Extension to existing nursing home



In accordance with the Conservation of Habitats and Species Regulations 2017 (“The Habitats Regulations) and findings of People Over Wind & Sweetman v Coillte Teoranta (Case C-323/17), Bournemouth, Christchurch and Poole Council (BCP Council) has concluded that, in the absence of mitigation the above application will have a likely significant effect on the European wildlife sites identified below (including Ramsar sites where relevant), arising from identified impact pathways.

In accordance with the Habitats Regulations, this document provides an appropriate assessment, which includes checking and confirming that avoidance and mitigation measures can be secured to prevent adverse effects on the integrity of the European sites identified below. This project level appropriate assessment has been undertaken to check that the proposal provides the necessary measures to prevent adverse effects on site integrity in accordance with the following strategic mitigation schemes:

- Dorset Heathlands Planning Framework Supplementary Planning Document (SPD); and
- Dorset Heathlands Interim Air Quality Strategy.

These strategic mitigation schemes set out avoidance/mitigation measures that are supported by an extensive and tested evidence base which has been scrutinised at various levels from planning appeals, public consultation processes and Habitats Regulations Assessments prepared for local plans or projects.

The proposal is assessed against the likely significant effects as follows:

Designated site	Applicable plan area	Likely Significant Effect?	Adverse effects caused by:
<ul style="list-style-type: none"> <li>• Dorset Heathlands SPA</li> <li>• Dorset Heathlands Ramsar</li> <li>• Dorset Heaths SAC</li> <li>• Dorset Heaths (Purbeck &amp; Wareham) &amp; Studland Dunes SAC</li> <li>• New Forest SAC</li> <li>• New Forest SPA and Ramsar</li> </ul>	<p><b>BCP</b> (Bournemouth, Christchurch &amp; Poole)<sup>1</sup></p>	<p><b>No</b></p>	<p>The proximity of urban development and its related effects including recreational pressures, arson, enrichment etc. which arise from this development, requires measures to avoid and mitigate the effects. The impact of residential development on these sites and the suitability and robustness of avoidance and mitigation measures has already been considered as set out in the adopted Dorset Heathlands Planning Framework 2020 - 2025 SPD, and its underpinning evidence base and plan level HRA work.</p> <p>The SPD confirms that certain types of specialist purpose-built nursing homes where residents are no longer active will not have a significant effect on the Heathlands and do not need to provide mitigation. Residents of these developments would not be expected to leave the property to access heathland, either alone or with the support of a family member/carer.</p> <p>Therefore, it can be concluded that the proposed additional residents of this nursing home will not be active in the sense of being able to visit the heathland. Therefore, given the proposed residents falling within Class C2- nursing home use, no mitigation is required to pass the appropriate assessment required by the Habitat Regulations.</p> <p>The proposed extension would provide 10 additional bedrooms to the facility which would be for residents that require 24 hour close care.</p>

<sup>1</sup> Area covered by latest local plan – B: Bournemouth Core Strategy (2012), C: Christchurch and East Dorset Local Plan (2014), P: Poole Local Plan (2018)

			<p>Residents would therefore not be expected to leave the property to access the New Forest, either alone or with the support of a family member/care.</p> <p>In this case the specialised C2 care home use does not require a financial contribution for mitigation of the New Forest Impacts.</p> <p>On this basis, the proposed extension would introduce accommodation that would not have a likely significant effect, alone or in combination with other projects on the Dorset Heathlands in the absence of mitigation.</p>
• River Avon SAC	Christchurch	Yes	<p>An adverse effect on integrity is anticipated as a result of the increase in total phosphorus loading due to the proposed housing developments on the River Avon SAC, as advised by Natural England. The upgrading of the Christchurch Waste Water Treatment Works by 2030 will reduce the nutrient load affecting the River Avon SAC but will not eliminate it entirely. Mitigation to remove the equivalent phosphates from the River Avon will be required until 2030, followed by the removal of a smaller phosphate load that will not be removed following the upgrade of the Waste Water Treatment Works.</p>

Having concluded that the application will have a likely significant effect in the absence of avoidance and mitigation measures on the above European wildlife sites, this document represents the Appropriate Assessment undertaken by BCP Council as Competent Authority in accordance with requirements under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Article 6 (3) of the Habitats Directive and having due regard to its duties under Section 40(1) of the NERC Act 2006 to the purpose of conserving biodiversity. Consideration of European wildlife sites is a matter of government policy set out in the National Planning Policy Framework.

## Part 1: Compliance with strategic approaches

The starting point for this appropriate assessment is to check that the proposed development can be mitigated by compliance with the three strategic mitigation schemes set out above.

*TABLE 1: Can the following strategic schemes mitigate the adverse effects of this planning application?*

The proposed development provides the following contributions towards the strategic mitigation schemes listed above:

### Impact: An additional 10 bedrooms to care home

Mitigation Strategy	Applicable plan area	Scheme	Specific Project	Cost per home	This application is mitigated by
Phosphate Neutrality	Christchurch	Credits Scheme	Developer calculates the phosphorous load (measured in kg/TP/yr) which is checked and agreed by Council. Credits from Bickton Fish Farm, Barford or Britford Trout Farm, to the equivalent nutrient load generated by the development purchased.	Based on nutrient load of the development (various factors influence total load)	<p>✓ Mitigation through credits purchased from either of the sites offsetting the nutrient load into the River Avon SAC</p> <p>Total phosphorous load to be mitigated by credits =2.43kg/TP/yr</p>

Does the development plan, applicant's evidence or the Council's advisors indicate that additional bespoke mitigation measures are necessary? **No**

If yes, complete Part 2. If no, go to Part 3.

## Part 2: Bespoke Mitigation Requirements

Table 2 sets out particular issues and mitigation measures that are additional to those covered in Table 1 and are not therefore covered by strategic mitigation schemes. These issues were highlighted by the development plan, applicant's evidence or the Council's advisors.

TABLE 2: What bespoke measures mitigate the adverse effects of this planning application?

Issue	Proposed Mitigation measures
n/a	

Have the proposed mitigation measures in Table 2 above been agreed with Natural England as providing effective mitigation and will be secured by legal agreement to enable a conclusion of no effect? **N/A**

## Part 3: Conclusion

Based on the assessment undertaken in Table 1 and if relevant Table 2, the Council is able to assess the application against the designated sites as follows:

Designated site affected	Document setting out adverse effect and mitigation strategy	Compliance with mitigation requirements		Confirmation that applicant has avoided / mitigated adverse effects on integrity for all features secured through the payment of CIL/S111/S106 and where necessary legal measures, enabling adherence to the relevant mitigation strategy
		Table 1	Table 2	
River Avon SAC	BCP Council Position Statement 25 <sup>th</sup> October 2023	✓	n/a	Yes Mitigation secured via Grampian planning condition requiring credits to be purchased to offset the agreed nutrient load. Applicant has provided evidence of availability of the credits prior to planning permission being granted

### Conclusion

**The Council as Competent Authority can therefore conclude that following appropriate assessment and with the necessary mitigation measures secured, there will be no adverse effect on the integrity of the designated sites identified above.**

### Signatures

Case officer signature...TH

Date.....05/12/2025.....