14 November 2013

Dear Sir

Modifications to the New Forest District Council Local Plan Part 2  Site and Development Management

Our response to the proposed modifications are based on the following submitted documents all dated September 2013

- NFDC 45 - Schedule of Main Modifications
- NFDC 46 Drat Mitigation Strategy for European sites SPD
- NFDC 48 Draft Infrastructure Delivery Plan
- NFDC 47 Habitat Regulations Assessment
- NFDC 49 Draft Sustainability Appraisal of Main Modifications

The Trust has raised concerns at the Examination in Public and previously that the HRA concluded “no significant effect” based on a series of assumptions, set out in paragraph 1.11 of the HRA.

We believed that these recommendations had not been acted upon and that there was no quantification of the scale or character of provision that was required in order to satisfy these recommendations. We also believed that there was insufficient certainty that appropriate provisions would be implemented.

The Trust is therefore pleased to see that following the Inspectors Note ID/9 (Inspectors Preliminary Conclusions on Compliance with the Habitats Regulations) further work has been undertaken to address the concerns.

The Trust has welcomed NFDC’s approach to work with the Hampshire and Isle of Wight Wildlife Trust, Natural England, RSPB and the New Forest Park Authority. We have appreciated being part of the discussions. We have fully supported the approach taken for the HRA addendum but still have significant concerns over the proposed mitigation measures to offset recreational impacts on the New Forest.

The Trust is as keen as NFDC to find solutions that will enable the proposed development to be achieved without having an adverse effect on the integrity of the European designated sites.

However the Wildlife Trust sadly is still not in a position where we can be confident that the development proposed in the Local Plan Part 2 will not have an adverse impact on the European designated site.
Whilst we believe that progress has been made to set out more clearly what mitigation measures would be provided, we are still concerned that a significant level of uncertainty over the deliverability of these measures still exists. We have set out these concerns below.

1. No certainty of delivery of the Access Management measures such as Wardening
2. No certainty that the proposed SANGS and open spaces sites can be delivered or whether they will be effective.
3. No certainty the walking routes and Rights of Way improvement proposals will act as effective mitigation measures.
4. The Infrastructure Delivery Plan does not provide the level of certainty that the proposed mitigation measures will be delivered.

1. **No certainty of delivery of the Access Management measures such as Wardening**

Hampshire and Isle of Wight Wildlife Trust have serious concerns that there is no evidence to show that progress has been made on developing deliverable Access management measures on the New Forest European designated sites.

The HRA of the submission document and main modifications sets out its calculations for the number of visits to the New Forest that need to be offset. It calculated that in addition to the mitigation for SANGs it will be essential for NFDC to support access management measures within the New Forest National Park and along the Solent coast. (section 6.26).

It has calculated that **81.7 ha of SANGs provision is required to accommodate all estimated visitor growth to the New Forest European sites** (section 6.25 calculation 7).

However it recognises that NFDC are proposing to only provide for 30 ha of SANGS. As such it states that **the majority of the visits will need to be offset via access management measures**.

Access management measures are included in the suite of mitigation measures proposed within the new Local plan policy DM 2b Mitigation measures on the European designated sites (modification reference MM10). The Trust welcomes this. We also welcome the local plan recognition that “an important component of the mitigation strategy will be the management of recreation visits to designated sites” and that “Management measures will include access management, increased Wardening and information provision with the objective of avoiding or minimising the impact of these visitors on the sensitive sites” (Modification reference MM10 Section 2.11(l)).

The details of Access management are set out in the Mitigation Strategy SPD. However despite the Council acknowledging the need for Access Management measures and providing details of how they propose to achieve this we see no evidence to demonstrate that these measures will actually happen.

It is noted that the Infrastructure Delivery Plan states that “As funding of the warden does not fall under the definition of infrastructure it has not been included within this IDP. As no specific mitigation projects beyond appointing wardens relating to the Solent and Southampton Water have been identified, no costs have been identified and neither has a timetable been identified Therefore there is no basis for the council to include them within Appendix A at this time” (Infrastructure Delivery Plan Section 3.1.11).

To be an effective mitigation measure the Wildlife Trust would wish to see Wardening or other access measures in place prior to the occupation of development. We see no evidence that this would be the case other than the councils commitment to collect contributions towards a warden or other access management measures.
The Wildlife Trust would wish to see evidence to demonstrate that the New Forest District Council has had discussions with the New Forest Park Authority or other landowners of the New Forest and that these discussions have a realistic delivery timescale of getting access management measures in place prior to the occupation of development.

Without this we believe the Local Plan part 2 is still unsound as it will still not be able to demonstrate that housing development can be delivered without having an adverse effect on the European designated sites of the New Forest.

2. No certainty that the proposed SANGS and open spaces sites can be delivered or whether they will be effective

The Hampshire and Isle of Wight Wildlife Trust acknowledges the progress that has been made towards the provision of SANGS.

However the Wildlife Trust does not agree with the New Forest District Council that the SANGS approach used elsewhere would not provide the most appropriate approach to mitigation to the impacts on the New Forest. We recognise the District Councils close proximity to the New Forest and the need to have access management measures in additions to SANGS. But differ from the councils view that large SANGS would not work at encouraging visitors to these rather than use the New Forest. We have first hand evidence that large scale SANGS close to the New Forest can act as an attractive alternative destination for dog walkers and other visitors. Whilst not an official designated SANG the Wildlife Trusts Reserve Testwood Lakes acts as an attractive alternative nature green space. This site in Totton is very popular with locals and regularly used. We have provided more details on this in our submission to the EIP hearing session “Have the requirements to the Habitat Regulations been satisfied” It is raised again here as the Mitigation Strategy SPD clearly states that this approach will not work and we clearly differ in this view.

The Mitigation Strategy SPD states that the council believes that 1ha is the size of natural green space that can be appropriately designed as SANGs. (section 5.19) and acknowledge that in some locations smaller areas will provide a valuable contribution to the overall package of mitigation. The Wildlife Trust questions this. Whilst we recognise that the provision of smaller sites may attract some visitors away from the New Forest but question how effective these small sites will be to act as SANGs.

The Wildlife Trust also questions how deliverable are the proposed sites are. The proposed sites contain no information about who the landowner’s are and therefore whether the landowner’s agree to them being used as SANGs.

There is also the question about timescales for delivery. It is noted that the Mitigation Strategy SPD sets out the likely timeframe but for a number of proposed sites these timescales are broad. This leads to uncertainty of whether they will be in place prior to the occupation of housing development.

It is noted that the Infrastructure Delivery Plan lists the proposed SANGs sites together with a summary of the mitigation proposed for each. However this IDP plan does not set out timescales for delivery, leading again to the conclusion of no certainly of delivery prior to the occupation of the housing development.

To address our concerns the Wildlife Trust would wish to see each site accompanied by a pro-forma setting out such details as landownership and proposed timescales. We would also wish to see each site assessed against the SANGS guidance to identify the suitability of the site to meet the SANGS standards. Table 1 (section 5.1) in the Mitigation Strategy SPA sets out the expected performance of the proposed elements of the mitigation strategy. A similar table to this could be used to assess the individual sites.
Without the certainly over the effectiveness and deliverability of the proposed SANGS, we believe the Local Plan part 2 is still unsound. It still cannot demonstrate that housing development can be delivered without having an adverse effect on the European designated sites of the New Forest.

3. No certainty the walking routes and Rights of Way improvement proposals will act as effective mitigation measures

The Wildlife Trust is concerned about the effectiveness of the proposed walking routes. A number of these appear to be using the road network. We therefore question whether they will be attractive alternatives to the New Forest.

We also question how the District council proposes to enhance the footpaths/rights of way to make them an attractive alternative destination. Those footpaths that are designated public Rights of Way have statutory requirements to maintain them in a suitable condition for public access. Mitigation measures will therefore need to be over and above the statutory requirements.

4. The Infrastructure Delivery Plan does not provide the level of certainty that the proposed mitigation measures will be delivered

The Infrastructure Delivery Plan, in appendix A, lists the proposed SANGS sites and provides a summary of the proposed habitat mitigation. This does not include realistic timescales for delivery. For example the proposals for the North East of Bartley Park is for the provision of 4.23ha of new informal open space. The timescale for phasing is listed as 2011-2026. With such a broad timescale there is no certainly that these mitigation measures will be in place prior to the occupation of the housing development.

The Wildlife Trust also questions the priority given to these proposals. In section 3.19 of the Infrastructure Delivery Plan it states that “the individual projects listed in the mitigation strategy are all contained within Appendix A of this IDP under the heading habitat mitigation and their implementation is a high priority for the council”. The Trust would point out that if they are to act as mitigation measures to offset recreation impacts to the New Forest, then they should not be just high priority but essential. If they are not delivered and housing development is permitted without the appropriate mitigation measures in place then this would be against the Conservation of Habitat and Species Regulations 2010

In conclusion

As previously stated the Trust is as keen as NFDC to find solutions that will enable the proposed development to be achieved without having an adverse effect on the integrity of the European designated sites. In order to make this Local Plan Part 2 sound, we hope that the level of detail requested to provide certainly or deliverability and effectiveness of the mitigation measures can be given prior to examination. If you wish to discuss any of these matters further then please do not hesitate to contact us.

Yours Sincerely

Dr Pauline Holmes
Senior Planning Ecologist (Policy)