RSPB Respondent reference number: 550

New Forest District Council

**By email only:** sdcrepresentations@nfdc.gov.uk

15th November 2013

Dear Sir/Madam

**New Forest District (outside the National Park) Local Plan Part 2: Examination Public consultation on Main Modifications and Draft Mitigation Strategy, and Infrastructure Delivery Plan**

Many thanks for consulting the RSPB on the proposed modifications. At the Examination in Public and in previous responses we raised concerns regarding the ability of the Local Plan Part 2 to meet the infrastructure requirements necessary to prevent adverse effects on the New Forest and Solent European sites and, consequently, to satisfy the requirements of the Habitats Regulations.

Following the Inspectors Preliminary Conclusions on Compliance with the Habitats regulations (Note ID/5) we have welcomed the dialogue that the New Forest District Council (NFDC) has had with ourselves, Natural England, the Hampshire and Isle of Wight Wildlife Trust and the New Forest National Park Authority in an attempt to address these concerns.

We support the broad approach taken in the HRA addendum produced by LUC (Document NFDC 47 – Appendix 1) and believe that a combination of Suitable Alternative Natural Green Space (SANGS) and Access Management will be needed to provide effective mitigation.

However we still have significant concerns regarding the detail provided in the SPD and it is our view that it does not yet give sufficient confidence that the proposed measures can deliver the mitigation required to prevent adverse effects on the European designated sites.

These concerns are as follows:

**SANGS and Infrastructure Provision**

The HRA and its main modifications set out a calculation for the visitor numbers required to be offset as a result of the new housing allocations (NFCD47, Appendix 1, page 41, calculation 1). It has also calculated that 81.7 ha of SANGS will be required to mitigate this estimated growth in visitor numbers.
In paragraph 6 of document ID15 the Inspector states “I have seen no evidence to indicate why the SANGS sites chosen for allocation in the plan have been selected or whether they were considered against alternative sites.”

As the council is not proposing a standardised approach to SANGS we suggest that this question could be addressed in the Mitigation Strategy SPD (NFDC46) by the inclusion of a narrative to explain why the Council considers that each of these packages of measures (different for each location) will be effective. Many of the areas now identified as SANGS were listed under different designations in previous documents. More clarity is required to demonstrate that measures will be introduced to make these areas attractive enough to divert people from the New Forest and Solent European sites.

For example, Section 5.19 states: “The Council believes that 1ha is a size of natural green space that can be appropriately designed as SANGS”. The minimum accepted size for a SANGS around the Thames Basin Heaths is 2ha, as sites smaller than this are considered inadequate to have a diversionary effect. Given the attraction of the New Forest National Park this concern is particularly apposite in this case. We consider that, unless the Council is able to provide some evidence to support this assertion, this sentence should be deleted. The evidence could be provided if the Council produced individual “mitigation narratives”. These could explain why an individual site does not need to be at least 2ha in size (for example because it is actually an open space within a wider walk made up from a mixture of paths and spaces).

In the Schedule of Main Modifications, the asterisked text at the end of MM10 (NFDC45 - page 16) appears to suggest a watering down of the SANGS standards. If there is a 2ha per 1000 population of open space requirement then, when added to SANGS the figure should be 10ha, whereas this text seems to suggest that the maximum requirement would remain at 8ha. We oppose any reduction of the standards required.

Additionally the Strategy does not contain sufficient information on how deliverable the SANGS actually are. Information is required on who the landowners are at each proposed SANGS and whether agreement on this usage has been reached.

It will also be essential for Strategy to explain how measures that are to be provided in the National Park will be delivered. Assuming there are no mapping errors this issue arises in Map 2 (Marchwood), Map 5 (Lymington), Map 9 (Bransgore), and Map 10 (Ringwood).

We also have concerns over the timescales set out in the Mitigation Strategy SPD (NFDC46) which are very broad and, at the moment, give no certainty that all the SANGS will be delivered ahead of the occupation of the developments, as is required for mitigation.

Finally, some of the proposed infrastructure is in the form of walking route and Rights of Way enhancements. However it is not clear that many of the outlined routes in the documents will be sufficiently attractive to divert people from the New Forest, especially those that run largely alongside roads. Additionally we would like to see greater clarification on what mitigation measures will be provided on public rights of way above and beyond statutory requirements. In particular we would be interested in seeing measures along footpaths designed to protect habitats that are sensitive to disturbance.

**Access Management and Wardening**

The RSPB is concerned that insufficient progress has been made on ensuring that effective and deliverable Access Management measures are developed.

The Schedule of Main Modifications, MM10 (page 11) 2.11i, states in relation to the requirement of 81.7 ha of SANGS that “this approach would be neither the most appropriate for the Plan Area nor likely to be deliverable.” While we agree that Access Management will be needed in addition to
SANGS: It would be helpful for the Council to explain here, in a few sentences, why it has reached this conclusion, in particular in relation to the appropriateness of this approach.

The NFDC has identified only 30 ha of SANGS and is proposing that the shortfall will be offset by means of Access Management. We accept that the unique situation of the NFDC and the proximity of the New Forest National Park to the plan area mean that this approach is necessary. However despite the acknowledgement by the council that these measures are needed there appears to be very little detail of how and when they will be brought forward. For example it is unclear what funds will be provided for wardeniing, how wardeniing will be provided in the New Forest National Park Authority’s area (NFDC46, Section 6.59), what discussions have been had with the appropriate landowners or what part education will play (NFDC46, Section 7.12). Moreover there appears to be an intention to bring the SANGS measures forward first followed by Access Management measures. We consider that these two strands of mitigation should be brought forward together and ahead of the occupation of new developments.

We would also like to see contributions to Access and Visitor Management “On sites of 50 or more dwellings” (NFDC45, MM10, Policy DMb2, page 13) as we consider that there is uncertainty that these sites would be able to mitigate all the generated recreation through SANGS provision alone.

The Schedule of Main Modifications, MM10 (NFDC45, page 11) 2.11h, also states that: “it is logical to assume that the overall number of recreational trips to the European sites is not increased by being close to the coastal sites as well as the New Forest sites”. We are not convinced that this assertion is justified and would request the Council to provide some definite evidence in support of this statement.

We would further recommend that the SPD should make clear that wardeniing provision should continue into the next plan period.

**Monitoring**

In previous responses (for example in our Submission to the Inspectors Matters and Questions) we have highlighted the importance of effective monitoring programme.

The Local plan should include monitoring to determine both whether introduced measures have succeeded and what changes are required if they are not. This will require monitoring of the European designated habitats and species, of the people visiting the SPA and of the effectiveness of the SANGS and Access Management measures (including wardeniing).

We would like to see more detail on how the funding for this monitoring will be provided and whether these monitoring projects will be undertaken in conjunction with other planning authorities.

We would also like to see more detail in regard to the habitats and species monitoring. In particular we would like to see detail of how changes in visitor numbers and distribution will be linked to changes in populations of key indicator species. In this connection it is worth noting that the New Forest National Park Authority are currently undertaking comprehensive studies of the three Annex 1 Heathland birds (Dartford warbler, woodlark and nightjar). These surveys could be used as a baseline for the monitoring work.

**The Infrastructure Delivery Plan (IDP) - NFDC48**

Additionally we have a number of specific points relating to the IDP as follows:

**Section 3.1.1:** We do not consider that the Council has demonstrated how their proposed changes to open space provision can be squared with the requirements on Core Strategy Policy CS7, which they must be in conformity with.
**Section 4:** Funding. More detail is required on whether these costs can be met without an undue impact on the viability of the housing that has still to be delivered. This is particularly important given that the last houses to be built are being expected to help cover the historic shortfall in developer contributions. If not all of the mitigation can be delivered, there needs to be certainty that sufficient funding can be delivered to enable the mitigation to be effective.

**Appendix A:** In a point linked back to section 4, we note that all the habitat mitigation schemes listed (except nm5 and fo1) have no funds allocated towards them at all (and there is a £5,000 shortfall on fo1). There is therefore a shortfall of £3,860,000 (99% of the total) in terms of the costs. The Council will need to demonstrate how this will be dealt with.

**Appendix B:** We consider that the entry on “Heathlands Mitigation” on page 9 of Appendix B should be in Appendix A as it is an essential piece of mitigation. In order for it to fit comfortably there it will need to be fleshed out further, with information about estimated cost, allocated funds, and shortfall, none of which are currently present.

**Conclusion**

The RSPB considers that considerable progress has been made in the approach to securing effective mitigation.

Unfortunately, however, until the additional details discussed in this response are brought forward we cannot consider that the requirements of the Habitats Regulations have been satisfied. Therefore we consider that the Local Plan is still **unsound.**

We hope that this additional information required to give certainty to the effectiveness and deliverability can be brought forward prior to the examination.

Please do not hesitate to contact me if you wish to discuss any of these matters further.

Yours sincerely

Dr Richard Black
Conservation Officer