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 the above consultation and the extensive dialogue preceding the publication of these documents (hereafter referred to the DPD, SDP and IDP). Natural England has a number of comments to make on these documents as set out below.

DPD consultation

1. The first question to address is whether Natural England concurs with the conclusion of the HRA, namely that:

   *the mitigation approach [described in the LUC document] provides a satisfactory degree of certainty at this stage of the planning process that the mitigation package will successfully avoid adverse effects from the Local Plan Part 2,*

2. Whilst we support the broad approach set out in the LUC document, we advise that the mitigation approach described in the LUC document doesn't demonstrate that the SPD is capable of delivering sufficient mitigation. We advise that any conclusion of no likely significant effects on the European sites concerned is contingent on the content of the SPD. In particular the question we regard as relevant here is “*do the measures proposed in the SDP give sufficient confidence that, in broad terms the SPD will deliver sufficient mitigation to neutralise visitor pressures on the relevant SPAs?*”

3. In addition we advise the following modifications to policy DM2b are necessary to conclude no likely significant effect:

   *On sites of 50 or more dwellings, where there is physical capacity and there are suitable opportunities, the full direct mitigation requirements may best be met by provision of new SANGS on-site or close to the site, based on a standard of 8ha of SANGS per 1,000 population. The detail of the SANGS will need to be agreed with Natural England as part of the planning application process, and delivered in advance of housing occupation.*

SPD consultation

4. Turning to the SPD, we advise that the SPD does not give sufficient confidence that, in broad terms the measures proposed will deliver sufficient mitigation to neutralise visitor pressures on the relevant SPAs. To address this we advise the following:

   *Wardening*. It is unclear what funds will be provided for wardening. Table 28 sets out costs which are not clearly related to para 7.10. Does the first cell in the cost column mean that the total over the plan period for the wildlife ranger is £480k or £680k? Education is not mentioned in paras 7.10/7.11. It is in para 7.12, but not in the aggregate cost in 7.13. These points should
be clarified.

6. The SPD should also make reference to the intention that wardening provision should to continue into the next plan period.

7. Monitoring. We note that the figures in 7.13 do not appear to be consistent with those in para 7.8. If the total monitoring cost is £66k, each of 2265 dwellings will need to provide less than £500. This needs to be clarified.

8. We have reservations about some of the assumptions made with respect to visitor numbers likely to result from the plan’s housing, in particular calculation 1 in the LUC report (proportion of visitors to the NFNP visiting the SPA), and the assumption that all visitors to SANGS would be displaced from the SPA. We advise that these assumptions should be tested in the monitoring programme. In particular the monitoring programme should:
   - Provide for a robust estimate of the frequency of visit to the SPAs by typical residents of NFDC, and their dog ownership.
   - Provide for an estimate of whether visitors to the new mitigation measures are displaced for the SPAs. Include baseline data on existing Public Open Space subject to improvements.
   - Should also include some way to monitoring the efficacy of wardens (people engaged by the warden for example).
   - The SPD should recognise that monitoring will need to be undertaken in perpetuity (albeit potentially at a low level e.g. to ensure SANGs are still functional. At present all monitoring ceases at the end of the plan period. It may be appropriate to consider this as part of the ongoing management cost to “monitor” that the SANGs are still maintained at a suitable standard.
   - As we understand it, monitoring activities associated with the SDMP are costed within the SDMP, and embedded in the costings for the Coastal Warden. Table 28 should reflect this, and not make reference to the SDMP in the monitoring section (other than, probably, a separate row saying that SDPM monitoring is set out in the SDMP and cost is embedded in the Coastal Wardening costs). However, we presume this would not change the costs set out in Table 28, merely provide clarity over how the money was spent.

The SPD should be amended to address these points.

9. Finally on monitoring, the elements of the programme “Monitoring the condition of designated sites and of changes which impact on their health” and “Research and monitoring of visitor patterns and numbers to European designations (New Forest and coastal SPA/SAC)” has relevance across several local planning authorities. Moreover the sum provided by NFDC is likely to be too small to deliver meaningful monitoring of these matters on its own. We advise that para 6.72 is expanded to say that the intent is to undertake these monitoring projects in conjunction with other contributing local planning authorities.

10. Review. Para 5.41 describes the review mechanism. We advise that firstly, the last word of this paragraph should read “reviewed revised”. Further, to give sufficient confidence that the measures will be actively monitored and reviewed, we advise that the SPD includes reference to Natural England and other interested parties being involved with the monitoring and review process, with a formal meeting at least annually during the plan period.

11. Contributions. Table 31 is not clear what contribution will be expected from 'developments with no “SANGS” provision on site' towards 'On site informal open space allocation', and whether it will include contributions to future maintenance. Clarity over this is needed.

12. Additional information. In order to draw a conclusion of no likely significant effect additional information is needed about the measures proposed. Completing the following proforma for the site specific measures will, we believe, provide sufficient information to allow an adequately robust consideration of the efficacy of the measures proposed.
<table>
<thead>
<tr>
<th>Name of data field</th>
<th>Source/description of information</th>
<th>Example information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Ref</td>
<td>Use existing</td>
<td>To1a (that part of To1 marked in orange)</td>
</tr>
<tr>
<td>Name</td>
<td>Use existing</td>
<td></td>
</tr>
<tr>
<td>Description</td>
<td>Need to expand on existing description so as to allow a better judgement on likely efficacy.</td>
<td>X ha of land along the river Y. Provide X number of bridges over river, clear a path along to the western end of this area (200m) form vegetation and litter, stable and secure path where none exists at present.</td>
</tr>
<tr>
<td>Justification</td>
<td>Need to expand on existing justification so as to allow a better judgement on likely efficacy.</td>
<td>Bridges will allow a) greater ease of access by local residents to this area, b) greater circularity.</td>
</tr>
<tr>
<td>Cost</td>
<td>Use existing. (Need to be clear whether this includes land purchase and at what rates).</td>
<td>£200,000 including land purchase</td>
</tr>
<tr>
<td>Likely Time frame</td>
<td>Use existing (include any constraints on this over and above finance, as it’s not clear why timeframes have been chosen.)</td>
<td>2017-2021. Significant local consultation planned for park design will preclude implementation for 3 years</td>
</tr>
<tr>
<td>Certainty of delivery</td>
<td>Is the land in the control of the of the council? If not a description of the reasons the council believe that delivery is secure.</td>
<td>Land controlled by council. Confirmation within NFDC that this land will be released for this use, subject to internal financial transfer. Informal agreement has been agreed to creation of new access point at west end with Landowner X.</td>
</tr>
<tr>
<td>Population catchment</td>
<td>Simple GIS analysis of population within 400m of measure.</td>
<td>2,000 people</td>
</tr>
<tr>
<td>Anticipated visitor numbers PA.</td>
<td>Best guess as to the number of visits the measure will result in, and any reasons to think the measures will be particularly [in]effective.</td>
<td>3,000 visits pa. Dog proof fencing should result in particularly high proportion of visitors being dog walkers so reducing the most disturbing visitors to the SPAs.</td>
</tr>
<tr>
<td>Current visitor usage</td>
<td>Confirmation (for new sites) that land provides negligible recreational use at present. For existing sites/routes, suggest “unknown” until baseline use is known.</td>
<td>No use. Site inaccessible.</td>
</tr>
<tr>
<td>Other proposed land use.</td>
<td>Other proposed land uses if any. i.e. will it double as sports fields etc. (so as to confirm that any purchase price is split appropriately).</td>
<td>None.</td>
</tr>
</tbody>
</table>

We hope that this information can be provided in good time to allow us to provide advice on the likely significant effect (or not) of the DPD prior to examination. The critical rows are:
Description, Justification, Certainty of delivery and Population catchment. The other rows either repeat existing data or are ‘nice to have’ rather than necessary.

**Advisory matters not critical to the Habitats Regulation Assessment conclusion.**

13. In addition we advise that whilst not critical to the Habitats Regulation Assessment, the following points may improve the SPD and should be considered:

14. The council may wish to make clear in the SPD that should other offsite mitigation measures be put forward that are likely to be more effective for equal or lower cost than those proposed, these will be considered. We further advise that NFDC should (if not already doing so) actively engage with local communities to determine the most cost effective provision of measures.

15. It would be very helpful if the maps of the mitigation proposals showed the SPAs.

16. We note that developments of over 50 dwellings will not be directly contributing to mitigating impacts on the Solent SPA. As part of the Habitats Regulation Assessment for these larger developments, NFDC will need to ensure that sufficient funds are available to mitigate for the impacts on this SPA prior to grant of planning permission.

17. We suggest that the term “Ranger” is used instead of “Warden”, as this has more positive connotations. I understand that the Solent Mitigation Project steering group has agreed that it would use the term ‘ranger’ wherever possible.

**IDP consultation.**

18. Natural England has not cross referenced the IDP with the SDP to ensure all relevant measures in the SPD are reflected in this document, but trust that they are. However, we welcome the commitment within the IDP (table 1) that Habitat Mitigation is to be treated as the highest priority of all projects.

**Conclusion.**

Significant progress has been made towards making the local plan Habitats Regulation Assessment compliant. The suggested changes to the proposed plans, coupled with the additional information requested will, in our view, be sufficient to allow a sufficiently robust judgement to be made on whether the Local Plan Part 2 is HRA compliant.

For any correspondence or queries relating to this consultation only, please contact Charles Routh on 07990 773630. For any new consultations or issues, please contact consultations@naturalengland.org.uk.

We really value your feedback to help us improve the service we offer. We have attached a feedback form to this letter and welcome any comments you might have about our service.

Yours sincerely

Charles Routh
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