The Authority welcomes the opportunity to respond to the Inspector’s pre-hearing questions (ID-18). As per the Inspector’s request, we have avoided repeating comments made in our response to the consultation on the draft Habitat Mitigation Strategy SPD and the Addendum to the Habitats Regulations Assessment (HRA).

**Habitat Mitigation Strategy and related matters**

We note that the Inspector clarifies that the draft SPD Mitigation Strategy seeks to illustrate how the Council intends to apply policy DM2b in practice, and that it helps test the likely effectiveness and delivery of the policies in the plan. We would suggest, however, that an important way of raising confidence in the effectiveness and delivery of the Mitigation Strategy would be to provide more detail of how these will be achieved in the Local Plan Part 2: Sites and Development Management DPD itself. This DPD will, once adopted, form part of the statutory ‘development plan’ for the District, unlike the Mitigation Strategy SPD which is not itself in front of the Inspector for approval and it will not be bound by his recommendations. For instance, greater clarity in the DPD of what is expected from developers to ensure that their application complies with the Habitats Regulations, describing exactly what features will be required in a SANG, or outlining the practical process for delivering mitigation measures, would increase confidence in the overall delivery and effectiveness of the Mitigation Strategy and give the guidelines more weight in decision making.

**Question 2: Is the suggested combination of SANGs, Access and Visitor Management and Monitoring an appropriate combination of measures to mitigate likely effects? Will what is proposed be effective and is there sufficient confidence about delivery? (The focus is not whether there are other approaches, but whether the selected approach is one that is justified.)**

We welcome the commitment in paragraph 5.37 of the draft Mitigation Strategy SPD to ensure that appropriate mitigation measures are implemented in step
with new residential development and would suggest this commitment is also stated in the Local Plan Part 2. The Authority broadly supports the use of a combination of measures for mitigation – including provision of SANGs, access and visitor management and monitoring. We believe that the effectiveness and suitability of mitigation measures are central to the success of the Mitigation Strategy and would certainly welcome the inclusion of a clear methodology for evaluating and monitoring the effectiveness of the proposed measures.

**Question 9:** Whilst the function of SANGS is clear (to divert trips which might otherwise take place to protected sites) is the size/nature/quality of sites to serve as SANGS sufficiently clear?

- How will developers or the Council assess whether any land offered as SANGS would be effective as SANGS?
- The SPD (paragraph 5.28) lists likely attributes of SANGS. Are these the most appropriate to make SANGS effective?
- Should essential attributes be listed in the plan for effectiveness?

The work commissioned by the Council from Land Use Consultants (LUC) during the summer of 2013 included a review of the approaches taken to SANG provision elsewhere in the country (paragraph 4.87 – 4.90 of Addendum to HRA, August 2013). This included listing the essential attributes of SANGs endorsed by Natural England. However, paragraph 5.28 of the Council’s draft Mitigation Strategy SPD appears to rather dilute this list of essential SANG attributes, by altering the attributes and stating that they are only ‘desirable’.

The Authority is aware that Natural England and the District Council have been working on a more detailed assessment of each site specific mitigation proposal which may help, but in response to the Inspector’s question our view is that the list of essential SANG attributes should be listed in the plan for effectiveness. This is consistent with our call for the DPD itself to include more detail on delivery, rather than delegating it to a SPD. Clearly stated essential attributes are particularly relevant if a SANG is to be delivered by a developer, such as for on-site provision as outlined in Policy DM2b.

**Question 21:** What confidence is there that appropriate access management measures will be put in place?

The Authority confirms its willingness to work with New Forest District Council to operate a ranger service on behalf of the Council’s mitigation strategy. This could complement our existing ranger team and since November 2013 we have discussed the possibility of this with colleagues at the District Council in more detail. A more detailed role profile has been developed and, subject to funding, this service could be delivered in 2014.

**Question 22:** Table 28 in the SPD (p64) shows the likely time frame for the Wildlife Ranger and Coastal Warden as 2014-2018 and 2014-2026 respectively. Does this mean that the Ranger/Wardens will start in 2014? Do they need to and is there the money available to make this happen?

As outlined above, we have discussed the details of an additional ranger resource with New Forest District Council staff and we remain willing to support
this post. Our view is that this resource should be delivered in parallel with new development and the ranger resource should be operational as soon as possible and preferably before the ground nesting season of 2014.

**Question 23**: The SPD (paragraph 5.37) states that through the monitoring process the Council will ensure that the appropriate mitigation measures are implemented in step with development of new residential development. Given that over half of the overall residential development over the plan period has already been built (SPD paragraph 7.8) without any mitigation what does this mean in practice? Is a catching-up exercise necessary? Am I correct in understanding that, as set out in the SPD, the total scale of mitigation has been assessed on the total number of dwellings expected to be built over the whole plan period (including those already built/permittied)?

The Authority supports the Council’s approach to provide mitigation for the full quantum of development proposed over the Plan period 2006 – 2026 (circa 4,500 dwellings). The Council’s adopted Core Strategy (2009) and associated Habitats Regulations Assessment (2009) state that mitigation is required for the full level of housing to ensure compliance with the Habitat Regulations.

**Question 28**: Monitoring effectiveness of the mitigation strategy is part of the strategy. Given likely uncertainties about delivery and effectiveness should the plan make clear that progress will be monitored on an annual basis and the overall effectiveness will be reviewed in time to inform the planned Local Plan Review (i.e. within 2-3 years)?

We agree that the delivery and effectiveness of the mitigation strategy should be monitored on an annual basis.

**Question 30**: Is the conclusion of the Habitat Regulations Assessment, Sept 2013 justified?

The conclusion in the HRA of no likely significant effects on the SPA relies on the proposed scale of mitigation to offset a forecasted number of visits. There is a risk to this conclusion, therefore, if the assumed number of visits proves to be an under-estimate (which we believe may be the case) or housing development levels are higher than expected. We recommend that contingency plans should be considered and included within the total mitigation identified within the Local Plan Part 2 DPD to account for this possibility.

Please get back to me if you have any queries relating to the Authority’s written representations, or require any further clarification on the points raised.

Yours sincerely

David Illsley
Policy Manager