New Forest District Council - Local Plan (Part 2)

Representation relating to Resumed hearings
“Habitat Mitigation Strategy and Related Matters”

Examination in Public before Mr Simon Emerson BSc DipTP MRTPI
21st January 2014

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1.0 Introduction

1.1 Since the last hearing sessions in February 2013 the Hampshire and Isle of Wight Wildlife Trust has been working with the New Forest District Council to address the issues raised by the Inspector. This work has been undertaken in partnership with the RSPB, Natural England and the New Forest Park Authority.

1.2 We are therefore disappointed that despite all the additional work we are still not in a position where we can be confident that the developments proposed in the Local Plan Part 2 will not have an adverse impact on the New Forest Natura 2000 sites. Whilst we believe that progress has been made to set out more clearly what mitigation measures could be provided we are still concerned that a level of uncertainty over the delivery of these measures still exists. In our response to the Local Plan Part 2 Modifications, we have set out these concerns in our letter to the Council dated 14th November 2013.

1.3 In line with the questions set in ID/18 this submission sets out our continued concerns.

2.0 Overarching Question (Question 2)

2.1 The Hampshire and Isle of Wight Wildlife Trust believe that the proposed combination of SANGS, Access and Visitor Management are an appropriate combination of measures to mitigate likely effects. We do not believe that monitoring is a mitigation measure but is essential tool to assess whether the proposed mitigation measures are being delivered and are effective.

3.0 Policy DM2b (Questions 3-8)

3.1 The Hampshire and Isle of Wight Wildlife Trust is pleased to see this policy now included within the modifications. We have looked at the question of whether this Policy DM2b should be linked to Policy DM2a (ID 18 Question 3) and agree that a short sentence explaining how this policy links to DM2a would provide clarity.

3.2 Regarding the second part of question 3 “Does it need to be made clear that the mitigation measures are relevant only for residential development”. We would say no and wish to see the first paragraph and the bullets in DM2b stay as it is currently written. This will enable the policy to be used in the wider context enabling the requirements of the Habitat Regulations to be considered for all planning applications where relevant. In our view this is important as whilst the in-combination recreation impacts are dealt with at a strategic level there may be other impacts arising from individual applications. Other impacts arising from individual development may not necessarily be just from residential development.

3.3 The broader policy wording in this first paragraph will enable all relevant individual development proposals to be assessed on a case by case bases at the more detailed planning application level.
3.4 In setting out the suite of mitigation measures listed in this policy DM2b it is recognised that these are in relation to the strategic mitigation measures for the in-combination impacts of recreation impacts. As such clarity that these are in relation to recreational impacts may provide beneficial. We have suggested amendments in red which may help clarify this.

“For the in-combination impacts arising from recreation impacts the required suite of strategic mitigation measures relating to the European Nature Conservation sites consist of the following measures ….”

3.5 Regarding the categories of SANGs provision (Question 5) the Hampshire and Isle of Wight Wildlife Trust still has concerns over the SANGs provision and the walking routes. We are still concerned that despite working with NFDC to find solutions the proposed SANGs provision will not be of sufficient size or quality to act as effective alternatives to the New Forest Natura 2000 sites.

3.6 The Wildlife Trust believes that existing open space can sometimes be changed in character to meet SANGs criteria and therefore are not concerned about the relationship between the categories of existing and new open spaces. However this is dependent on the size and nature of the existing open space and also dependent on the existing usage that this site already has. Before determining whether an open space is suitable as a SANG a detailed assessment needs to be made. We would expect to see an assessment of:

1. Whether the site is or is able to meet SANGs criteria. In particular if it is of a suitable size and natural quality to recreate or provide a similar visitor experience that they would get from visiting the New Forest.
2. Current existing use and whether any improvements would enable more visitors to use the site.
3. Whether the SANGs is deliverable and would be available to use prior to the occupation of the first dwelling that it is designed to mitigate.

3.7 Some of this work has been undertaken in the Mitigation Strategy; however we do not see sufficient detail to enable us to be confident that the proposed sites will meet SANGs criteria. The Wildlife Trust has asked New Forest District Council if they could produce a table showing how each site meets the SANGs criteria. To date this table has not been produced. However even with the information provided we cannot be confident that many of these small scale mitigation sites would be able to provide an effective alternative to the New Forest as most are under 1ha in size.

3.8 Regarding the category of walking routes the Wildlife Trust does not believe that these can be effective mitigation and therefore should not be included as a mitigation measure.
3.9 Regarding question 6 relating to the SANGS provision for large scale developments (over 50 dwellings) being onsite or close to the housing. The Wildlife Trust does not have a preference providing that the SANGS meet SANGS criteria and providing that they are linked to the development ie close by if not on site. It is the overall net increase in visitor numbers to the Natura 2000 sites that need avoiding or mitigating.

3.10 In relation to question 7 the Wildlife Trust supports Natural England in wishing to see this wording included. We feel that as Natural England have an overview of SANGS across Hampshire they should be involved in ensuring that the SANGS meet approved criteria.

3.11 In reflection of question 8 we would agree that it would be worth including a section in the policy stating that on site SANGS provision should be available for use prior to the occupation of new dwellings.

4.0 SANGS (Questions 9-18)

4.1 The Wildlife Trust believes that the Mitigation Strategy sets out clearly the area of the proposed SANGS but does not provide sufficient detail to enable assessment to be made of whether they meet the SANGS criteria and therefore the quality required to enable the site to be an effective alternative to the New Forest.

4.2 We do not agree with the HRA addendum that the TBH SANGS guidelines are limited in the extent in which they can be directly transferable to the New Forest Natura 2000 sites (section 4.91). The HRA itself has identified that the issues of recreational impact arise from the proposed residential development in the New Forest District Council Area needs mitigating (HRA addendum section 5.3). This conclusion has been gathered despite the New Forest being less fragmented than Thames Basin Heaths and despite the issues of tourism, which are a separate issue to be addressed.

4.3 As such we believe that the Thames Basin Heaths SANGS guidelines are appropriate to use. We agree that there is a need to set out clearly what is considered essential criteria and what is desirable. We agree that by identifying the essential criteria would provide developers the opportunity to put forward their own mitigation land should they wish to do so. Having the essential SANGS criteria clearly set out in the DPD would enable any developer proposals to be assessed.

4.4 We do not fully support the list of desirable attributes listed in 5.28 of the Mitigation Strategy. We agree with the first three bullet points and the last but have concerns over the ones relating to the size of SANGS and linking walking routes.

4.5 We do not agree that walking routes will form effective mitigation and should not form part of the SANGS criteria.
4.6 In our previous submission to the examination The Hampshire and Isle of Wight Wildlife Trust have submitted that we do not believe that small scale sites can reasonably be promoted as offering attractive alternative recreational facilities. This view still stands.

4.7 We disagree with the New Forest District Council’s view in the DPD and Mitigation Strategy that the SANGs approach used elsewhere would not be appropriate to the New Forest due to the proximity of the Natura 2000 sites to the housing development. We have cited in our previous submission and in our response to the modifications our reserve Testwood lakes in Totton which is very popular with local residents. This clearly demonstrates that reasonably sized SANGs can act as a mitigation measure.

4.8 We recognise New Forest Districts argument that at least the small scale SANGs will be able to be delivered over the plan period. However we do not agree with this position. Whilst they may be able to be delivered as open spaces we question the ability of these small scale sites to act as SANGs.

4.9 We also recognise that the small scale sites may offset some visits to the New Forest but do not consider they will be able to offset sufficient recreation visits to be an effective measure to avoid or mitigate recreational visits to the New Forest. This and other concepts promoted by the District Council lack the quantification necessary to determine whether the proposals are likely to be effective.

4.10 The HRA addendum sets out the guidelines for creating SANGS for Thames Basin Heaths and in this states it should be possible to complete a circular walk of 2.3-2.5km around the SANGS. Small scale SANGs of 1ha or less will not be able to provide this. We believe that a minimum of 10ha is required to provide a SANG that is of a sufficient size to accommodate a walk of this size. We have set out our reasoning for this in our previous submission to the examination.

4.11 Regarding the location and scale of SANGs we are not concerned that the location of all SANGs needs to be directly adjacent to the proposed development as it is the net increase of visitors to the New Forest that the SANGs aim to offset. However we believe that SANGs should be located within the vicinity of the new developments.

4.12 Regarding the developments listed in question 11 we believe that the size of these proposed SANGs are too small and as such will not enable them to be an effective SANG. In previous submissions to the New Forest District Council we have made representations to Policy TOT1 Land at Durley Farm Houndsdown. Within this allocation is a local wildlife Site (SINC) designated for its unimproved grassland and rare plants. The Wildlife Trust is concerned that the proposed SANGs allocation will have a detrimental impact onto this SINC and its biological interest. The policy states that “where encroachment onto this SINC is unavoidable appropriate compensation measures will be required involving the creation of compensatory habitats elsewhere of equivalent biological value”. We believe that this habitat and the rare plants that it contains will not be easily recreated elsewhere and as a result the habitat and rare plans it contains could be lost.
4.13 In relation to the delivery of SANGS, we have questioned the ability for delivery of SANGS in our response to the modifications. We see no information that the landowner’s have agreed that these can be used. We also question the timing of the SANGS in relation to the timing of the proposed development and have noted that the Infrastructure Delivery plan just sets out broad timings not related to development.

4.14 We are concerned that the New Forest District Council do not see SANGS as essential in the infrastructure delivery plan but just one of a number of priorities. We see no mention in either the Local Plan Part 2, the Infrastructure Delivery Plan or the Mitigation strategy that states that the SANGS will be provided prior to the occupation of the first houses.

4.15 We also have concerns that the SANGS provision is not directly linked to housing provision in relation to monitoring.

4.16 In answering the question “what are the consequences if some of the free standing SANGS do not get delivered” (question 18) the Trust would state that the consequences are that the other suite of mitigation measures would need to be more heavily relied upon or the developments not permitted.

4.17 The Trust has concerns that the mitigation measures heavily rely on the access management measures but these are not defined or quantified.

4.18 The HRA addendum states that “the provision of 30 ha of SANGS is only expected to offset 37% of additional visitors trips to the New Forest European sites. With the remainder to be addressed via other measures” (section 6.28 of the HRA addendum). This leaves 63% of additional visits to be offset by other measures.

4.19 We do not believe that access management measure alone should be used.

5.0 New and Enhanced walks (Questions 19-20)

5.1 In our response to the modifications (letter dated 14/11/2013) we have raised with New Forest District Council the effectiveness of walking routes as a mitigation measure. A number of the routes proposed include walking on roads. Visitor studies to heathlands identify that one of the attractions to walking in the heathlands is the ability to allow the dogs to be able to run freely. Having the ability to let a dog run freely is one of the criteria for SANGS. As such walking routes that use roads do not provide this.

5.2 We also question the ability of the walking routes to provide a 2.5km circular walk which is also one of the SANGS criteria.
6.0 Access Management/ Enhanced Ranger services (Questions 21-22)

6.1 The Hampshire and Isle of Wight Wildlife Trust are concerned that there is no evidence to show that progress has been made on developing a deliverable access management measures on the New Forest Natura 2000 sites.

6.2 The draft Mitigation Strategy sets out the New Forest District Councils aspirations to work with the New Forest Park Authority and sets out its calculations for contributions towards a wildlife ranger /warden. However there is no details of how a wildlife ranger /warden post will work in practice.

For example:
- Will the wildlife ranger /warden be working with other landowners in the New Forest such as the Forestry Commission.
- Will the wildlife ranger /warden be prioritising their work to the Natura 2000 sites area closest to the proposed NFDC development
- Will there be just one wildlife ranger /warden to cover all of the New Forest Natura 2000 sites.
- Is there any contingency plans if the Park Authority do not employ a wildlife ranger /warden post or if the monitoring shows that this post is not achieving its objectives

6.3 With SANGS only providing for 37% of the additional visits (section 6.28 of the HRA addendum) the majority of the additional visits are to be offset by the wildlife ranger /warden. As such it is critical that this is these questions are answered before we can be certain that this can be delivered and be an effective avoidance and mitigation measure.

7.0 Overall delivery/funding/monitoring (Questions 23-28)

7.1 The Hampshire and Isle of Wight Wildlife Trust is continuing to work with the Solent Disturbance Mitigation Project (SDMP) to identify and provide strategic avoidance and mitigation measures. We believe sufficient progress is being made to provide a level of certainty that avoidance and mitigation measures will be provided.

7.2 The Hampshire and Isle of Wight Wildlife Trust does not have this level of certainty with regards to avoidance/mitigation measure for recreational impacts to the terrestrial New Forest Natura 2000 sites. We see no links to ensure that the avoidance and mitigation measures will be in step with the delivery of housing. We have concerns that the avoidance / mitigation measures will need to be in place prior to the occupation of the new housing and we see no evidence to show that these will be.

8.0 Consequential matter- Formal open space (Questions 29)

8.1 The Hampshire and Isle of Wight Wildlife Trust recognises the issues of funding and are concerned that adequate funding of open space has not been provided in the past resulting in a shortfall of open space (as identified by the DPD).
8.2 The Wildlife Trust is concerned that there are no measures to make up this shortfall. The HRA addendum has suggested that the current shortfall in open spaces has been taken into account when calculating the number of visits to the New Forest to be offset. Whilst we do not fully agree with this approach the Wildlife Trust accepts the suite of mitigation measures proposed (with the exception of the walking routes) and the priority that the SANGS has to take over formal open space.

9.0 Habitat Regulations Assessment (Questions 30)

9.1 The conclusions of the HRA are based on the delivery of the proposed mitigation measures.

9.2 The Hampshire and Isle of Wight Wildlife Trust is concerned over the delivery of these measures and have set out our concerns in this submission.

10 In conclusion

10.1 The Hampshire and Isle of Wight Wildlife Trust feel that whilst progress has been made we are still in a position of not being able to have certainty that the issues and proposed mitigation measures have been quantified, can be delivered or be effective in mitigating the effects of the recreational impacts arising from the Local Plan Part 2. As such this leads the Wildlife Trust to the conclusion of the plan being unsound.