

Independent Examination of the Local Plan
Part 3: The Welborne Plan - 2014

**Issue 8: Green Infrastructure, Biodiversity and Landscape
(WEL29 – WEL35)**

Tuesday 21st October - 14.00



**STATEMENT ON BEHALF OF THE
ROYAL SOCIETY FOR THE PROTECTION OF BIRDS
(RSPB)**

Representor No: WP472

Question 8.2 - Is the Council's methodology and reasoning in relation to the SANGs provision sound? How will the SANGs be delivered and over what timescale? What is the basis for the figure of 84ha required for SANGs (representing only 70% of the SANGs standard)? The sites referred to in LP3 would result in up to 70.5ha of SANGS. Paragraph 8.21 explains that the shortfall will be met through a financial contribution towards mitigating impacts along the coast. What are the mechanisms for the identification and delivery of such mitigation measures?

The RSPB does not consider the Council's approach in relation to a part provision of SANGs (70%) and part contribution towards access management measures (30%) to be based on sound evidence or judgement.

As set out in our response to the Publication Plan consultation, we consider the basis for the partial provision of SANGs and access management in order to avoid/mitigation recreational pressures on the SPAs to be entirely illogical and lacking any credible evidential basis.

While we commend the attempts to design a scheme whereby the majority of residents' recreational needs would be accommodated within the site, and we would otherwise support the provision of large areas of wildlife-rich greenspace within a major development such as Welborne, the effectiveness of such greenspace (SANGs specifically) as an alternative to an attractive coastline such as the Solent is uncertain and currently only under trial (the Alver Valley in Gosport Borough) as part of the Solent-wide strategic mitigation measures. Therefore, we would question whether SANGs – even where they meet agreed standards taken from other European Site schemes – can be justified as a core component of the mitigation scheme for Welborne. But to suggest that those SANGs are provided to an arbitrarily discounted standard is totally unjustified.

The discounted SANG approach appears to be based on Natural England's concerns that SANGs may not be successful as an alternative to 'the obvious presence and attractiveness of the Solent coastline' (paragraph 8.21 of the Welborne Plan). Although we disagree with

the logic of the resulting discount to the SANGs standard for Welborne (surely providing something to a lower standard will only further reduce its effectiveness), Natural England's concerns about the attraction of the coast and the potential difficulty of providing an effective alternative to this are consistent with the findings of the Solent Disturbance and Mitigation Project (SDMP).

The visitor survey work carried out as part of the SDMP¹ reported that a third of interviewed visitors to the coast indicated that nothing could be done to make another site more attractive to them. The final SDMP report² concludes in relation to SANGs that "*if SANGs are to work in a coastal environment they will need to provide an alternative to the coast. Within the Solent area there may be a few areas that could come forward that are not designated and could provide additional space for recreation. Other options will be inland, where creating an alternative to the coast may be difficult.*"

Therefore the Welborne Plan's reliance on SANGs – the majority of which would appear to be of questionable quality – and a part payment to the strategic mitigation is not consistent with the results of the Solent-wide visitor surveys, or the recommendations of the final (Phase III) report that inland SANGs may have particular difficulty in discouraging people from visiting the coast.

While we recognise that Natural England have not updated their advice in relation to Welborne since the completion of the SDMP and the introduction of the Solent-wide mitigation strategy, we would like to reference recent correspondence between Natural England and the RSPB, when Natural England sought to confirm their position in relation to large developments and the recently adopted Solent strategic mitigation³. They stated:

¹ Fearnley, H., Clarke, R. T. & Liley, D. (2010). The Solent Disturbance & Mitigation Project. On-site visitor survey results from the Solent region. ©Solent Forum / Footprint Ecology.

² Liley, D. & Tyldesley, D. (2013). Solent Disturbance and Mitigation Project: Phase III. Towards an Avoidance and Mitigation Strategy. Footprint Ecology/David Tyldesley & Associates

³ Pers comm. Emails from Chris McMullan (Natural England Coastal Senior Adviser (South Coast of England)) to the RSPB of 24 July 2014 and 8 August 2014. [Currently awaiting permission from Natural England to submit this correspondence to the Welborne Plan Examination.]

“...our starting point [in relation to large developments] has been that there is an assumption that the strategic mitigation on its own is sufficient, whatever the development size and its proximity to the site, unless when looked at on a case by case basis, other specific risks are identified.”

“If specific local disturbance related issues are evidenced, then these would therefore need specific measures to address them.”

It is clear from this statement that Natural England expect all new housing within the Solent SPAs ‘zone of influence’ to contribute towards the strategic mitigation measures at the coast (ie wardening, dog control etc.), and that any additional mitigation measures in respect of larger developments such as Welborne should further respond to project-level evidence of any additional local disturbance issues that are not mitigated by the strategic measures.

In conclusion, on the basis of the SDMP evidence and Natural England’s current position in relation to large developments, we consider that the Welborne Plan is **unsound** as it is **not justified** when considered against reasonable alternatives (ie full contribution towards the Solent strategic mitigation and other evidence-based local measures) and the available evidence (ie the SDMP).

We consider that soundness of the Plan would be improved were it to remove all reference to reliance on on-site measures (ie SANGs) and instead set out a requirement for the Welborne development to make a full contribution towards the SRMP mitigation and any further local measures needed to fully protect the Solent SPAs, subject to the results of the detailed visitor modelling that will be required as part of the project-level assessment for Welborne.

The following suggested amendments to Policy WEL30 would be in line with Natural England's recent advice in relation to large developments and the Solent mitigation strategy, and would ensure the soundness of the Plan:

WEL30 - Avoiding and Mitigating the Impact on Internationally Protected Sites and Off-site Green Infrastructure

Development proposals shall be accompanied by a full assessment of the potential impacts on habitats and biodiversity of all sites of national and international importance that may be adversely impacted through the development of Welborne. This assessment shall consider the impacts in combination with other nearby sites allocated for development as identified in the accompanying Habitats Regulations Assessment. The assessment shall set out the on-site and off-site measures proposed in order to avoid or mitigate potential impacts on these internationally protected sites.

~~Unless an alternative strategy is agreed by the Council and Natural England, (which might require more or less green infrastructure) in order to avoid or mitigate potential impacts on the internationally protected sites on the Solent, it is expected that around 84 hectares of suitable alternative natural green space (SANGS) shall be provided either on or immediately adjoining the site. The 84 hectares is based on 6,000 dwellings and could increase or decrease if the number of homes delivered changes.~~

~~The figure represents 70% of the SANGS standard of 8 hectares of natural green space per 1,000 population, applied to the anticipated peak population at Welborne of around 15,000.~~

~~As a starting point, a full financial contribution shall also will be required towards implementing the Solent Disturbance and Mitigation Strategy. It is anticipated that This shall will provide for the mitigation of the majority of potential recreational impacts on the internationally protected sites along the Solent coastline. However, if specific local~~

disturbance-related issues are evidenced through the project-level assessment, these may need further specific measures to address them. that cannot be achieved solely through the delivery of on and off-site green infrastructure at Welborne.

~~The Council will continue to work with Winchester City Council to determine the appropriate uses of the natural greenspace within their area and the management that will be required. It is expected that a financial contribution will be required from the Welborne development to lay out and help fund ongoing management of these areas.~~

Question 8.3 - Is there any substantive evidence that the development should contribute to the protection of the New Forest SPA from increased recreational disturbance?

The Habitats Regulations Assessment (HRA) of the Welborne Plan identifies the potential for recreational impacts arising from the new development on the interest features of the New Forest – including impacts on three breeding Annex 1 birds: woodlarks, nightjars and Dartford warblers, for which there is substantial evidence demonstrating impacts from disturbance (summarised in section 5.3 of the HRA). However, the HRA fails to support this assessment with any evidence from the available visitor surveys, stating only that ‘visitor survey data has not been forthcoming’.

While we appreciate that the raw visitor data may not have been available to the HRA report authors, we consider that the referenced report assessing visitor patterns within the New Forest⁴ presents sufficient summarised information on which to base at least a broad assessment of likely impacts arising from the Welborne development.

This assessment confirms that the New Forest attracts regular visitors from a wide geographical area. Using existing visitor survey data (c.3800 interviews giving home postcodes of people visiting the National Park) it reveals that most day visitors and a large

⁴ Sharp, J., Lowen, J. & Liley, D. (2008). Changing patterns of visitor numbers within the New Forest National Park, with particular reference to the New Forest SPA. Unpublished report, Footprint Ecology. © Footprint Ecology Ltd.

proportion of the total number of visitors come from within 20km (straight-line distance) of the National Park boundary; albeit with visitor rates declining with distance.

It predicts an increase in 1.05 million visits per annum as a result of new housing development within 50 km of the New Forest in the period 2006-2026. As might be expected, much of these additional visits will be as a result of development relatively close to the National Park boundary, with an estimated 764,000 of this total coming from within 10 km of the boundary. However, it predicts that development at a distance of 10-20km from the National Park boundary will still account for an additional 168,000 visitor days per annum. At its closest point, the Welborne development is approximately 14 km from the New Forest SPA, therefore falling within this distance range.

The report highlights that the relatively low Annex 1 bird densities within the New Forest requires further assessment, to help determine the level of impact on their populations arising from this additional visitor pressure. However, based on the robust evidence of the effect of recreational pressures on the three species from elsewhere, it would be appropriate to apply the precautionary principle and conclude, as the HRA does, that an impact cannot be ruled out and therefore that mitigation is required.

At present there is no clear cross-authority approach to the mitigation of potential impacts on the New Forest SPA, although the New Forest District Council is preparing a mitigation strategy for its own district, based largely on the delivery of SANGs. We understand that Natural England are also working with neighbouring authorities, such as Wiltshire and Southampton to ensure that their planning policies include measures to protect the SPA. However, it is unclear why their advice has not yet extended to other authorities within the 20km radius, such as Fareham.

Based on the available evidence (as highlighted above), we agree with the recommendations of the HRA that new housing delivered as part of the Welborne Plan will need to consider mitigation measures in respect of the New Forest (in addition to the

Solent), and therefore the Council should commence close dialogue with the New Forest National Park '*to establish whether, and at what point, any financial contribution towards implementing the RMS [Recreation Management Strategy] would be required*' in addition to mitigation measures to protect the Solent (paragraph 7.3.3 of the HRA).

Similar to the Solent, the New Forest clearly has a strong draw due to its special qualities. Although residents of the Welborne development are likely to visit less often than residents of housing closer to the New Forest, this pattern of weekly or monthly visits (when residents perhaps have more time to travel further afield and are seeking a different experience) is unlikely to be replaced by measures such as alternative open space within the development. Therefore, similar to our advice in relation to the Solent, and in line with the recommendations of the New Forest visitor patterns report, we consider that mitigation measures will need to be targeted within the Forest to minimise the effect of residents who choose to visit the National Park.

Therefore, we consider that a proportionate contribution towards the New Forest Recreation Management Strategy (RMS) would be the most effective means of protecting the New Forest SPA from the effects of increased recreational pressure arising from the Welborne development. The level of contribution should be determined based on further project-level assessment and discussion with the New Forest National Park Authority and Natural England.

Without an appropriate reference to this requirement within the Plan itself (rather than only in the HRA), we consider that the Welborne Plan is **unsound** as it is **not justified** when considered against the available evidence concerning the likelihood of increased recreational disturbance to the New Forest SPA as a result of the development.

We consider that soundness of the Plan would be improved were it to include the following text within Policy WEL30:

A contribution towards the New Forest Recreation Management Strategy will be determined based on further project-level assessment, in order to ensure that additional visitor pressure on the New Forest Special Protection Area is also appropriately mitigated.

8.5 Does policy WEL31 provide sufficient protection for important habitats and species?

The policy refers to both an ecological assessment and a biodiversity assessment – are they the same thing?

We are concerned that Policy WEL31 does not adequately provide protection for wintering birds, forming part of the Solent SPA populations, utilising areas within and around the development site.

As set out in our response to the Publication Draft Plan consultation, we are concerned that only one winter's bird survey (2010/11) has so far been carried out of areas within and immediately adjacent to the development site. This survey revealed periodic use of one area by significant numbers of curlews (up to 50 individuals), which are likely to constitute part of the Solent SPAs wintering population.

Given the tendency for year-on-year fluctuations in the SPA bird numbers (in particular brent geese) and associated changes in the sites outside of the SPAs that they utilise, it will be important that additional winter surveys are undertaken to assess the full extent of use of the area by the SPA birds. However, Policy WEL31 makes no reference to wintering birds or any such surveys.

The Solent Waders and Brent Goose Strategy⁵ recommends a minimum of three current years' surveys to assess the importance of such sites. We would, therefore, like to see a clear reference to this requirement within Policy WEL31 in order to allow full project-level assessment of the use of the development site and surrounding areas by SPA birds and any

⁵ King D (2010): *Solent Waders and Brent Goose Strategy 2010*. Hampshire and Isle of Wight Wildlife Trust.

requirement to avoid/mitigate potential direct or indirect impacts on these birds as a result of the development.

This is in line with draft Policy DSP14 (Supporting Sites for Brent Geese and Waders) of the Fareham Development Sites and Policies Plan, which makes reference to the Solent Waders and Brent Goose Strategy survey methodology.

Without a clear reference to the need for further wintering bird surveys within Policy WEL31, the Plan is considered to be **unsound** as it is inconsistent with requirements to promote the protection and recovery of priority species populations, as set out within the National Planning Policy Framework (paragraph 117).

To ensure that the Plan is sound, we recommend the inclusion of the following amendments to paragraph 8.33:

Initial survey work has indicated that a number of protected species are present on the site including great crested newts, reptiles, breeding and wintering birds, badgers, dormice, and possibly bats. Further survey work will need to be undertaken to confirm presence and extent of populations and their distribution across the site, as well as the occurrence of priority habitats and features in order to assess the potential impacts of the proposals, and to detail appropriate avoidance, mitigation and compensation measures which will need to be designed into any proposals and implemented. Surveys must include 3 years of winter bird surveys to determine the use of the development site and surrounding areas by SPA birds. These surveys, and any resulting mitigation measures, should be carried out with reference to the Solent Waders and Brent Goose Strategy and Policy DSP14 of the Fareham Development Sites and Policies Plan.