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Respondent number DREP388

**Submission to the Examination in Public
of the Fareham Borough Council
Local Plan Part 2 – Development Sites & Policies Plan .**

**Issue 3 : The Natural Environment
(DSP7 to DSP16)**

**To be heard before
Mr David Hogger BA MSc MRTPI MCIHT**

1. Introduction and scope of this representation

- 1.1 This representation is made on behalf of the Hampshire and Isle of Wight Wildlife Trust (The Wildlife Trust). The representation sets out the Trust's concerns over the soundness of the Development Sites and Policies Plan in relation to Issue 3 (the Natural Environment) and provides a response to questions 3.4, 3.7, 3.8, 3.9 and 3.10 as set by the Inspector.

Question 3.4 Is the evidence in the Greenspace Study sufficiently up-to-date and accurate? It is not clear in paragraph 4.22 what the open space deficiency in the Borough is, or whether the two open space allocations will meet that deficiency. Should greater clarity be provided?

- 3.4.1 Hampshire & Isle of Wight Wildlife Trust have raised concerns over this in our response to the pre submission version.
- 3.4.2 We raised concerns that the recognition of a shortfall of open space is not being addressed and that Policy DSP 12 is only allocating two new areas of public open space and no more.
- 3.4.3 We note that no changes to this have been made in the submission version of the Development Sites and Policies Plan and therefore these concerns remain.
- 3.4.4 We believe this policy to be totally inadequate. It does not set out the size or quality of this open space and as such there is no indication of how these sites will be able to function as new public open spaces.
- 3.4.5 The Trust recognises that the accompanying text sets out the councils aspirations to explore opportunities to address open space deficits through a land management approach. However we question the timing of this and whether this approach will enable the shortfalls to be addressed or meet the needs of new development in terms of open space provision.
- 3.4.6 We note that the council has now produced a Green Infrastructure Strategy for Fareham (Examination library document DNE12). We welcome this document. However it is unclear from the list of projects what the priorities will be for these, specifically those that provide open space. Hampshire and the Isle of Wight would wish to see certainty that those projects with open space provision would come forward during the lifetime of the Development Sites and Policies Plan in line with the development proposals and identified shortfalls. At present we do not see this certainty.

Question 3.7 Is the Council's position with regard to the provision of essential green infrastructure sufficiently clear?

- 3.7.1 Hampshire & Isle of Wight Wildlife Trust welcomes the production of the Green Infrastructure Strategy for Fareham (Examination library document DNE12). However it is not clear which projects will be prioritized to meet the needs of Development Sites and Policies Plan.

Question 3.8 Is policy DSP14 justified and is the policies map correct with regard to the identification of 'uncertain' and important' sites for Brent Geese and /or Waders?

- 3.8.1 Hampshire & Isle of Wight Wildlife Trust welcome policy DSP14 (Supporting Sites for Brent Geese and Waders) and believe that it is justified.

- 3.8.2 Article 4 .4 of the Birds directive¹ provides for the protection of Annex 1 bird species and that “*member states shall take appropriate steps to avoid pollution or deterioration of habitats or disturbance affecting these birds*” it further goes on to states that “*outside of these protection areas member states shall also strive to avoid pollution or deterioration of habitats.*”
- 3.8.3 This makes it clear that it is not just the SPA’s that are important but also the supporting habitats.
- 3.8.4 The Solent Waders and Brent Goose Strategy 2010 (Examination library document DNE08) has mapped the sites where known records exist for Waders and Brent geese and have identified these as important . This follows on and updates the 2002 Brent Goose Strategy. Sites of uncertainly are also mapped to identify those sites where more data is required.
- 3.8.5 The Habitat Regulations Assessment (HRA) to the accompanying Fareham Development Sites and Policies Plan recognises the need for the protection of the Brent goose and wader species and that to help avoid and reduce adverse effects from development on these species certain measures would need to be included within the Development Sites and Policies Plan. It recommended Policy DSP14: Sites for Brent Geese and Waders be put in place which would protect sites of Importance to Brent geese and waders, and requires collection of additional survey data prior to development of Uncertain sites.
- 3.8.6 Hampshire & Isle of Wight Wildlife Trust have worked with the Fareham’s consultants on the HRA and support this policy and measures to protect the Brent geese and waders being included. We believe that this policy enables the plan to be sound on this point as it enables the impacts of the Brent geese and waders to be assessed.
- 3.8.7 Hampshire & Isle of Wight Wildlife Trust believe that the policies map is still incorrect with regards to Brent geese and waders sites. We have raised these concerns in our response to the pre submission version and find that the maps have not been altered.
- 3.8.8 The classifications given on the Fareham Development Sites and Policies Plan maps do not match the maps in the Solent Waders and Brent Goose Strategy 2010. For example, to the north of Daedalus, areas in the Solent Waders and Brent Goose Strategy listed as F76 and F17 are coloured important on the Fareham maps but are both shown as Uncertain for waders in the strategy.
- 3.8.9 It is also noted that DSD02 Schedule of Minor Changes to Publication version of the Development Sites and Policies Plan, states that a change to the maps has been made with the addition of 10 Brent Geese (Uncertain) sites. We cannot see these included within the submission version of Development Sites and Policies Plan We question and raise concerns that Fareham are not using the most recent data held by the Hampshire Biodiversity Information Centre collected since the 2010 Strategy publication.

Question 3.9 Is the approach encapsulated in policy DSP15 the most appropriate strategy in the circumstances and is it compatible with the approach adopted by nearby local planning authorities?

- 3.9.1 Hampshire & the Isle of Wight Wildlife Trust welcomes this policy and believe that it is the most appropriate strategy. The evidence undertaken by Solent Disturbance and Mitigation Project (SDMP) and set out in our response to 3.10 demonstrates that avoidance and mitigation measures are required.
- 3.9.2 We believe that a strategic approach to mitigation as set out in policy DSP15 and its accompanying text of providing this mitigation through financial contribution to the strategic measures is the right approach.

¹ Directive 2009/147/EC on the Conservation of Wild Birds.

- 3.9.3 In our response to the pre-submission version of Development Sites and Policies Plan we asked for the policy or the accompanying text to also set out the councils commitment to delivery of this mitigation. This has not been done to date.

Question 3.10 What is the Solent Disturbance and Mitigation Project and how much weight should be attached to it? Is it appropriate to refer to it in the policy (DSP15)? Should it be included in the Glossary of Terms?

- 3.10.1 The Solent Disturbance and Mitigation Project (SDMP) was originally set up in response to concerns that the proposed 80,000 additional housing (SE plan figures) for South Hampshire and the Isle of Wight would lead to increased recreational impacts on the overwintering bird populations of the Solent European designated SPA's.
- 3.10.2 This was a partnership project between all the South Hampshire planning authorities, harbour authorities, Isle of Wight Council , Hampshire County Council and the nature conservation organisations (RSPB, Hampshire & Isle of Wight Wildlife Trust and Natural England)
- 3.10.3 The SDMP aimed to gather the evidence to make this assessment by looking at current and future effects of recreational impacts and whether these would lead to "a likely significant effect".
- 3.10.3 A series of studies were carried out to inform this assessment. Phase I collated and reviewed information on housing, human activities and birds around the Solent, and reviewed the potential impact of disturbance on birds. Phase II involved a programme of major new data collection to (i) estimate visitor rates to the coast from current and future housing, (ii) measure the activities and distances moved by people on the shore and intertidal habitats, and (iii) measure the distances and time for which different bird species respond to different activities. A non- technical summary of these studies and results can be found in Appendix 1 of our representation. Full details of these studies can be found on the Solent forum web site under the following link.
- http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/
- 3.10.4 The studies found that housing growth across the Solent would lead to an in combination "Likely significant effect" on the overwintering bird populations of the Solent European designated SPA's. Without mitigation this would be against the requirements of the Conservation of Habitat and Species regulations (2010 as amended).
- 3.10.5 Natural England undertook a peer review of the evidence and following this, wrote to the each of Planning Authorities with their advice. A copy of this letter is attached as Appendix 2. In this Natural England advised
- "that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided."*
- 3.10.6 Further work has been undertaken in identifying mitigation measures² Using the Towards the Avoidance and Mitigation Strategy document as a starting point, the SDMP has progressed this further. an Interim Solent Recreation Mitigation Strategy is in the process of being

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

A copy of this Document is listed as LD11 in theLP3 Welborne Examination library but has not been submitted to the Fareham Development Sites and Policies Plan Examination library. A copy of this can be downloaded from the Solent forum link above.

developed which will act as the strategic framework for all the Solent Local Authorities. This sets out an interim package of mitigation measures which include a team of rangers who will work on the ground to reduce disturbance by influencing the behaviour of visitors, initiatives to encourage responsible dog walking, a pilot project to test the effectiveness of providing alternative recreation opportunities and SANGS (Suitable Alternative Natural Green Space) in a coastal environment.

- 3.10.7 The SDMP has been renamed into the Solent Recreational Mitigation Partnership (SRMP). The development of Interim Solent Recreation Mitigation Strategy is being co-ordinated by Solent Recreation Mitigation Partnership Initiation Officer on behalf of the partnership. The implementation of the strategy will be overseen by councillors and officers of the local planning authorities.
- 3.10.8 The Hampshire and Isle of Wight Wildlife Trust is a member of the SRMP partnership and supports the strategic approach being taken.
- 3.10.9 We believe that significant weight should be given to this strategic approach to mitigation as it provides a consistent mitigation framework across the Solent. In doing so it will enable more effective mitigation as contributions towards the mitigation will be pooled. It will enable sufficient funding for such things as the rangers which each individual authority may not have enough funds to pay for, particularly as the mitigation measures will need to be in perpetuity. By taking a strategic approach it also enables development to be permitted without the need for all developers to individually provide the evidence on recreational impacts to inform application level Habitats Regulations Assessments.
- 3.10.10 We believe that the inclusion of this policy makes the plan sound on this point as it enables the in combination recreational impacts arising from new residential development to be mitigated for.

Appendix 1



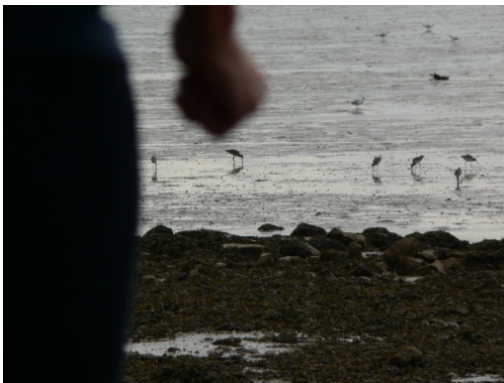
Solent Disturbance and Mitigation Project: Non-technical Summary

Ralph Clarke, Helen Fearnley, Durwyn Liley,
Richard Stillman & Andy West

Date: 10th February 2012

Overview

The wider Solent, from Hurst Castle in the west to Chichester Harbour in the east, and including the Isle of Wight is internationally important for its wildlife interest. There are a number of designations that include three Special Protection Areas (SPAs): the Solent and Southampton Water SPA, Chichester and Langstone Harbours SPA and Portsmouth Harbour SPA. One reason that these sites are important is for their wintering waterfowl (different at each) that includes geese, ducks and wading birds. The protection afforded by the SPA designation has particular consequences, as any plans or projects – such as development – can only go ahead if it can be shown that there will be no adverse effects on the SPA, or in exceptional circumstances.



Local authority strategic plans must be subject to detailed assessment to ensure that there are no adverse effects on the integrity of the SPAs. New housing results in a potentially larger local population, and this can bring particular pressure on sites through increased recreational use. The coast provides a particular draw and attraction for many people, and is a popular and legitimate destination for a variety of recreational pursuits. Numerous studies have shown that recreational pressure can have adverse impacts on

the bird interest of coastal sites, and a potential conflict therefore exists. There is a need to understand recreational access in relation to the spatial distribution of housing, and need to link this to an understanding of how recreation can impact the designated bird interest of the key sites.

This Solent Mitigation and Disturbance Project looks at, and will address the impacts of disturbance on wintering waterfowl. By ‘disturbance’ we are considering the impacts of unintentional disturbance, resulting from recreation and the presence of people in and around the SPA. The impacts of disturbance are more than birds simply flying away when approached – although this is perhaps the most obvious and visible impact. The effects can be more subtle. Birds wishing to feed will distribute themselves according to prey abundance and how easy it is for them to feed. Areas that are repeatedly disturbed are therefore likely to be avoided. The impacts of disturbance therefore include the combined effects of avoidance of otherwise suitable habitat, and then the energetic costs of lost feeding/increased flight etc. when they are ‘disturbed’.

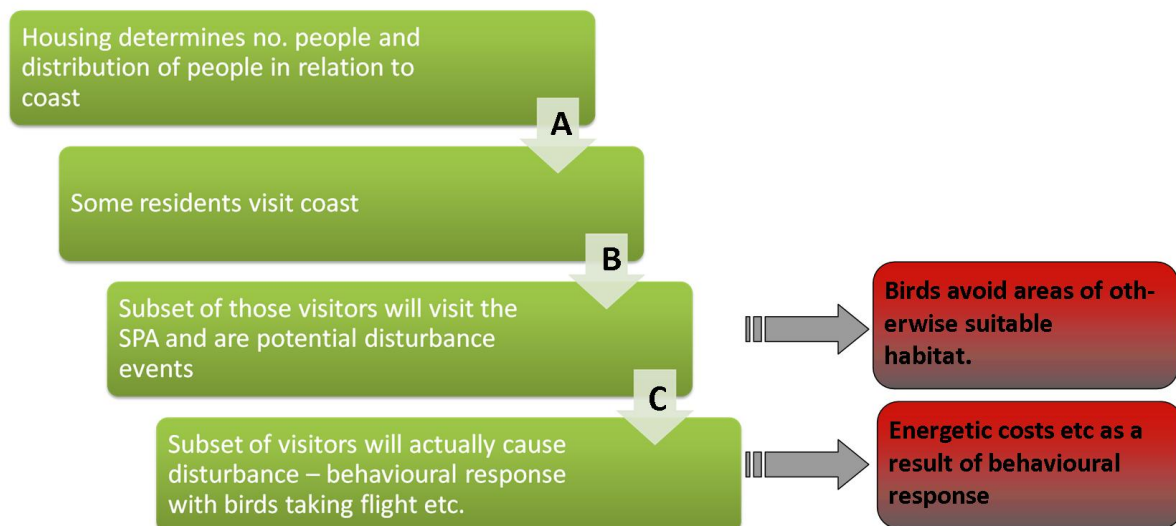
In order to assess the impacts of disturbance on the Solent we therefore need to understand the context, in other words the distribution and abundance of the birds’ food, the tidal coverage (i.e. the opportunities for birds to feed), the area of suitable habitat and the energetic demands on the birds (the amount of food they need to eat). With this context, and an understanding of how birds respond to the presence of people, it is possible to predict where birds will choose to feed and at what level disturbance will compromise the ability of the SPA populations to survive the winter .

In terms of housing we also need to understand how visitor access patterns on the Solent are linked to where people live. The issue is of course more complex than determining how many local residents visit the coast. The closer people live to the coast, the more likely they will visit, so the spatial distribution of housing is likely to be an important factor in determining access. New

development closer to the coast will result in higher access levels. The types of use are also likely to be important as different activities may result in different levels of disturbance. Activities undertaken by local residents are likely to depend on the range of opportunities for access in the general area and the physical characteristics of the coast; for example an urban sea-front will attract different types of user to extensive mudflats in a rural location. The presence of open sand is likely to be a draw for many. The presence of visitor facilities and infrastructure, the amount of parking spaces for example, will also relate to the levels of visitor use. It is therefore necessary to determine how the distribution of housing relates to access patterns, and therefore how new housing will result in different levels of recreational use along the Solent shoreline.

Phase I of the project involved desk studies, a review of existing datasets and made recommendations for further work. These recommendations formed the basis of the later stages of the work. Within the Solent Disturbance and Mitigation Project the aim is to produce a model to predict recreational use of sites in relation to housing. A model will also be developed to explore the extent to which disturbance affects the ability of birds to survive the winter. This model will incorporate the important context of prey availability and the availability of different areas for birds to feed over a tidal cycle. Using the visitor and bird models together, it will be possible to test different housing scenarios and, as necessary, different scenarios of access management and other measures that could be put in place should any issues be identified.

The various steps that link housing to disturbance impacts are shown in the flow chart below. The red cells indicate the potential impacts of disturbance, which the bird model will assess. The green cells highlight the visitor elements.



In order to develop the models a number of distinct data sets and information need to be collected. These include three surveys especially commissioned for this project:

- An **on-site visitor survey**, which interviewed people that were visiting the coast at a sample of locations (20 locations) during January/February 2010. This survey mapped people’s routes and asked specific questions about the activities undertaken and reasons for visiting the site where interviewed. These survey results provide the detail for part B of the flowchart.

- **Bird fieldwork** was undertaken during the winter 09/10 at twenty locations (the same as used in the visitor survey) and recorded how birds responded to disturbance, assessing the distance at which birds responded to different activities, how they responded (for example whether they took flight or not) and whether there were any indications that the distribution of birds was such that disturbed areas were avoided. These results provide the information for step C in the flowchart and the data will also provide the parameters necessary for the bird model.
- A **household survey**: a postal survey sent at random to 5000 addresses around the Solent; the survey asks about access to coastal sites and will therefore provide the information relating to A and B in the flow chart.

Modelling work will comprise the production of a **visitor model** and a **bird model**. Once the modelling has been completed, later work will involve detailed consideration on the implications for planning policy and the mitigation measures that might be required. The various components of the Project (underlined and emboldened above) are described in detail below.



On-site Visitor Fieldwork

On-site visitor surveys were conducted during the winter 2009/2010 to assess the level and type of visitor use at selected locations along the Solent coastline. Counts of people and interviews were conducted at 20 locations around the Solent coastline (including the north shore of the Isle of Wight). These locations were spaced around the coastline at strategic points (gateways, car-parks etc.) where recreational users could be intercepted and interviewed. These locations were usually on the seawall or beach. A total of 16 hours of visitor surveys were carried out at each location, split equally between weekend (8 hours) and a weekday (8 hours). A total of 784 interviews were conducted, accounting for 1,322 people and 550 dogs. The average group size was 1.7 people.

There were differences in visitor numbers between survey locations, with the highest visitor numbers recorded at Emsworth (1088 visitors were recorded using the site over 16 hours) while Lymington (Boldre/Pylewell) was the least busy (33 visitors counted over 16 hours). Visitor numbers per day were typically highest on weekend compared to weekdays. Holiday makers accounted for 6% of the total number of visitors recorded (80 visitors). Visitors undertook a wide range of activities, with walking (without a dog) and dog walking the two most frequently recorded activities (44% and 42% of interviews). Across all sites and activities, visits were typically short, with 89% lasting less than two hours. The main modes of transport used to reach sites were by car and on foot, and the proportion of people arriving by each mode varied between sites. Across all sites (excluding the data for holiday makers), 51% of interviewees arrived by car and a further 46% arrived on foot. Home postcodes were used to identify the distance between interviewee's home and the location where interviewed. Half of all visitors arriving on foot lived within 0.7km, while half of all visitors arriving by car lived more than 4km away. Only 9% of foot visitors lived more than 2km away compared to 80% of all car visitors.

Route data were collected for each interview, with lines drawn directly on maps during the survey. These route data were analysed to determine which activities took place below Mean High Water Mark (MHWM) and how far different groups go out into the intertidal, the area particularly used by feeding waterfowl during the winter. Around one in seven (14%) of the mapped routes involved groups going onto intertidal habitats and 50m below MHWM, and these groups included visitors who were bait digging, dog walking, jogging, cycling and those out on a family outing.

Bird Fieldwork

Fieldwork at twenty different locations was conducted during the period December 2009 to February 2010. A total of 44 different bird species (including waders, ducks, geese, herons, cormorants, divers, grebes and rails) were recorded.

Visitor rates were 12.9 groups, 20.4 people and 6.7 dogs per hour, averaged across all sites. A wide range of activities were recorded, but four activities – dog walking, walking, cycling and jogging – were noteworthy in accounting for the majority (91%) of observations. Dog walking was the most frequently recorded single activity, involving 41% of observations.



Across all the sites, a total of 2,507 potential disturbance events were observed, where the event coincided with birds being present within a predefined count area. These events generated 4,064 species specific observations, i.e. observations of a single species of bird within 200m of the activity. Around one in five (17%) resulted in disturbance, i.e. a change in behaviour of birds within the focal area. Disturbance included birds simply becoming alert (4% of observations), walking or swimming away (3%), a short flight of less than 50m (2%) or a major flight (8%).

Most human activity involved people staying on the shore/sea-wall rather than on the intertidal or on the water. The majority (81%) of species-specific observations involved recreational activities that were shore-based, a further 15% involved activities on the intertidal and 4% were water-based.

In general, across all species, and for most individual species, disturbance tended to occur when the activity was relatively close to the birds (e.g. within 50m), and birds tended to respond less the further away the activity was. The level of disturbance recorded was therefore determined by how people behaved and where they went, rather than the actual volume of use. Activities that took place on the intertidal were more likely to result in disturbance (a change in behaviour by the birds), with 41% of observations resulting in disturbance. A range of different activities took place on the



intertidal, but one activity (dog walking) was particularly common, involving over half of all intertidal observations and also responsible for a disproportionate amount of the disturbance recorded: 27% of disturbance events involving major flight were caused by dogs off leads on the intertidal.

There was variation between species in terms of the response to different activities; oystercatcher and wigeon were the two species where the highest proportion of observations involved the birds being disturbed.

The data describing the distances at which the birds responded will be used within the visitor modelling to derive an effective 'area disturbed' by each activity. This area will vary between activities and reflect the length of time people spend in the area, the length of their route and the distance at which the birds respond.

Household Survey

The household survey involved a postal questionnaire which was sent to 5000 households (selected at random) within 25km of the Solent coastline. The questionnaire and reminders were sent between October and December 2010. The questionnaire contained three sections which asked about the general visiting patterns of the household as well as detailed information of their recent coastal visits with the final section eliciting demographic information.

A total of 1382 completed questionnaires were returned and 42% of these households had made a coastal visit the week prior to completing the survey. Only 4% of households stated they never visited the coast. Dog owning households made more coastal visits than non dog owning households.

We estimated from the returned questionnaires that the responding households made 153,433 visits to the Solent coastline, making on average 133 annual coastal visits across four different sections. Walking and enjoying the scenery were the most frequently stated activities undertaken during a visit. In terms of where the visitors go, 47% of responses stated they remained on the river bank or sea wall while an additional 39% venture onto the beach/mudflat and 15% actually took place on the water.

Households were asked to state what influenced their choice of visit location with 'sea views and attractive scenery', 'feel safe', 'ability to do a range of different walks/routes' and 'the presence of wildlife' all rated the most attractive features.

Just over half (52%) of all coastal visits by households were made by car and 39% were made by foot. Of the households which made visits by car half travelled less than 9.5km to their destination. Of those households who made their visit by foot half lived within 1km of their visit destination.

Visitor Model

Using the household survey data, a model was developed to generate predictions of the number of visitors to each section of the coast, split into those that visit by car and those that visit on foot. The model uses the number of houses surrounding each section of coast to derive the predictions, allowing the effect of additional housing development in the region to be calculated. The model predicts that currently around 52 million visits are made to the Solent coastline each year by

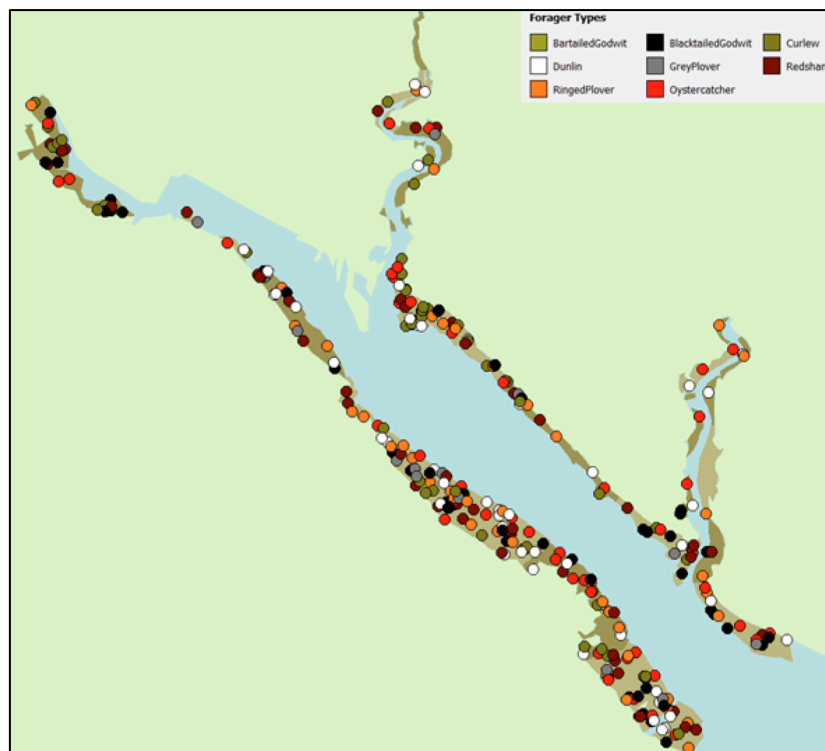
households living with a 30km radius of the coastline between Hurst Castle and Chichester Harbour (including the north shore of the Isle of Wight). Data on future housing were provided by local authorities throughout the Solent region. Using these data, the model predicts that visitor numbers to the Solent coast will rise by around 8 million household visits, to a total of 60 million, an overall increase of 15%.

Bird Model

The on-site bird and visitor field work, and the visitor model measured current visitor rates and the response of birds to visitors, and predicted how visitor rate may change in the future. The bird fieldwork showed how birds responded to disturbance (e.g. by taking flight, stopping feeding or avoiding disturbed areas), but did not show whether or not disturbance was causing more birds to die than would have done so in the absence of disturbance. Understanding whether disturbance reduces the number of birds that survive is important as survival influences the number of birds that can be supported within a site.

The link between disturbance and survival was predicted using a detailed computer model of birds and disturbance within Southampton Water. The model created a virtual environment within the computer incorporating the intertidal invertebrate food supply of the birds, the exposure and

covering of this food through the tidal cycle, disturbance from human activities, and the energy requirements and behaviour of the birds as they avoid humans and search for food. The model incorporated the costs that birds incur when avoiding human activities (e.g. increased density in non-disturbed areas, reduced time for feeding and increased energy demands when flying away), but also their abilities to compensate for these costs (e.g. by feeding for longer or avoiding more disturbed areas).



In the absence of disturbance, all wader species modelled (Dunlin, Ringed Plover, Redshank, Grey Plover, Black-tailed Godwit, Oystercatcher and Curlew) were predicted to have 100% survival throughout the course of winter. Disturbance from current housing was predicted to reduce the survival of Dunlin, Ringed Plover, Oystercatcher and Curlew. Increased visitor numbers as a result of future housing was predicted to further reduce the survival of Dunlin and Ringed Plover. The model therefore provided evidence that current and future disturbance rates within Southampton Water may reduce wader survival.

Hypothetical simulations were run to explore how intertidal habitat area, energy demands of the birds and the frequency of different activities may influence the survival of waders within Southampton Water. The survival rates of Dunlin, Ringed Plover, Oystercatcher and Curlew were predicted to be decreased by any reduction in intertidal habitat area (e.g. due to sea level rise) or increases in energy demands (e.g. due to disturbance at roosts or cold weather). Wader survival was predicted to increase if intertidal activities were moved to the shore. This meant that the disturbance from these activities was restricted to the top of the shore rather than the whole intertidal area, and so the proportion of intertidal habitat disturbed was reduced.

Current visitor rates varied widely throughout the Solent, but were relatively high within Southampton Water. The highest percentage increases in visitor rates due to future housing were on the Isle of Wight (50-75%). Wader survival was predicted to be decreased in Southampton Water when daily visitor rates to coastal sections were greater than 30 per hectare of intertidal habitat. The potential impact of visitors on wader survival throughout the Solent was calculated by comparing visitor densities throughout the Solent (daily numbers per hectare of intertidal habitat) to the visitor densities predicted to decrease bird survival within Southampton Water. This highlighted sections of the Solent coastline within which bird survival may be being reduced by disturbance from visitors.

The area of overlap between an activity / development and the distribution of birds is often used as a measure of the impact of the activity on the birds, with 1% overlap often taken as the threshold for impact (although this 1% overlap does not necessarily mean that an activity will have an adverse effect on the survival or body condition of birds). The percentage of intertidal habitat disturbed was calculated as an indication of the potential impact of disturbance on the birds. The average value across the Solent was 42%.

Acknowledgements

Picture credits: all ©Footprint Ecology (D. Liley) except for the bait digger, ©James Lowen (http://www.pbase.com/james_lowen)

Appendix 2

Date: 31 May 2013



PUSH Planning Officers Group
Solent Forum

Customer Services
Hornbeam House
Crewe Business Park
Electra Way
Crewe
Cheshire
CW1 6GJ

T 0300 060 3900

BY EMAIL ONLY

Dear Mike and Karen

Planning applications affecting Solent Special Protection Areas (SPA)

As you will be aware Natural England have been working closely with the Solent Forum, PUSH, and the Local Planning Authorities around the Solent to identify suitable measures to avoid impacts on Solent and Southampton Water SPA, Portsmouth Harbour SPA, and Chichester and Langstone Harbours SPA ('the Solent' SPAs) from increases in recreational disturbance caused by new residential development. This follows the completion of Phase II of the Solent Disturbance and Mitigation Project (SDMP), which reported that there is a Likely Significant Effect associated with the new housing planned around the Solent.

Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided.

Natural England has yet to provide its formal advice on the full package of avoidance measures, recommended by Phase III of SDMP (though we anticipate providing this advice shortly). The range of measures which are put forward will need to be agreed across the Solent authorities and secured as a coherent package, if it is relied to be upon to avoid the likelihood of a significant effect arising from the scale of housing proposed in current development plans. Whatever the detail of the overall package, it is likely to take some time for it to be agreed and put in place by all of the LPAs involved. Thus to minimise the risk of a consequent delay to housing development, our advice is that an interim arrangement be considered.

Though the scale of housing development planned for in the Solent area is substantial, our understanding is that only a relatively small proportion of it is likely to come forward in planning applications in the next two or three years. Any permissions granted within this period are unlikely to be occupied for a year or more after that. Thus it is likely that any effect from permission granted henceforth would rise gradually and would not start immediately, and certainly not before the winter of 2014/15. Thus time is available for mitigation or impact avoidance delivery mechanisms to be developed and put in place, to avoid effects on the SPA before they could arise.

The SDMP Phase III has identified a number of measures which can be deployed quickly, if the will is there, and with low risk in terms of both delivery and effectiveness. These include wardening and a Solent dog project. Our expectation is, subject to the scale of housing likely to be permitted in the next two to three years, that these quick win measures could be made sufficient to address at least the potential increase in visitor numbers on the scale anticipated in this timescale. Moreover, they

are capable of being integrated subsequently into the full package of strategic measures and will be helpful in informing its design.

We expect that, if the will is there, an interim scheme of development contributions for the quick win measures could be put in place across all the Solent authorities within a small number of months. This is because:

- These measures are not infrastructure. They do not need to be funded through CIL. Therefore they would not have to wait for inclusion in CIL policy documents.
- Encouraging progress is already being made towards the recruitment of a delivery officer, who could put the measures in place
- The SDMP Steering Group, chaired by the Solent Forum, which includes planning authority officers, has already indicated a large measure of acceptance of the 'zone of influence' in which residential development is linked to activity levels in the Solent SPAs.
- Some of the authorities have already started to require contributions for measures to avoid the likelihood of significant effects arising.
- There is information from implementation of similar measures in other locations which can be used straightforwardly to estimate the costs in the Solent.

Indeed these factors suggest that the Solent authorities could agree planning obligations to secure funding contributions for avoidance measures, even for planning applications which come forward before an interim scheme is in place, because they can be confident that the level of contributions will be set and the scheme put in place in the timescale required. On the basis that this would secure the necessary avoidance or mitigation measures for housing granted permission in an interim period (unless there are other issues to be addressed), it would be open to your authorities then to conclude that the applications for which funding contributions are secured in this period are not likely to have a significant effect on the Solent SPAs.

In effect therefore, what we are proposing is a three phase approach in managing the risks of impact on the Solent SPAs:

- First, a short period from now, in which planning applications are processed on a case by case basis, in which a funding contribution is secured but not set at a specific level, pending the agreement of an interim contributions scheme.
- Second, hopefully a short number of months away, after an interim contributions scheme has been set. During this second phase the interim contributions scheme and the quick win measures would be implemented and alongside this the full package of measures would be developed
- Third, perhaps in two or three years time, the full package of avoidance measures would be introduced, with a reviewed contributions scheme.

Clearly, this phased approach would require the willing participation of the planning authorities, as it would require effort on their part to see it through within an agreed timetable. It also requires the number of houses likely to be permitted over the coming few years to be profiled, as the scale of avoidance measures and phasing both need to be linked to this profile. If the will and this profile information is there, it should be necessary at no point to refuse planning permission on strategic (non case specific) grounds relating to recreational disturbance on the SPA.

I offer the advice in this letter in the spirit of partnership. I do hope that you will consider the way

forward that I have described. Natural England stands ready to help as far as it can in finding a suitable way forward.

Yours sincerely

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