

**Winchester District Local Plan Part 1
Joint Core Strategy Examination**

STRATEGY/VISION/SUSTAINABILITY - Policy DS1

DAY 1 – TUESDAY 30 OCTOBER [AM]



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

Representor No: 20220

Session/Issue 1:

- iii) Will the strategy satisfactorily and sustainably deliver the new development needed to meet the objectives over the plan period and, if not, why not and what needs to be changed?

The RSPB has raised concerns that the target of 11,000 new houses across the District may not be deliverable without impacts on the Solent European sites, in particular its three Special Protection Areas (SPAs): the Solent and Southampton Water, Portsmouth Harbour, and Chichester and Langstone Harbours.

Following the results of the Solent Disturbance and Mitigation Project (SDMP), a programme of strategic Solent-wide avoidance and mitigation measures is likely to be necessary in line with new housing around the Solent in order to protect these SPAs from damaging increases in recreational disturbance. These measures may necessitate a review in the quantum and/or distribution of new housing within Winchester and other districts around the Solent.

We welcome the acknowledgement of this important programme of work in Paragraph 7.29 of the Joint Core Strategy, which states that: *“A specific study is in progress to identify the recreational impacts of development on designated European sites around the Solent, which includes land in the south of the District. The Council will seek to implement the findings of this study where relevant to Winchester District, to ensure that any appropriate strategic avoidance and/or mitigation measures proposed are considered in the planning process.”* However, despite this commitment to implementing the research findings, the Joint Core Strategy does not provide the necessary flexibility in the housing numbers to take account of the uncertainty presented by this significant area of research.

South East Plan Policy NRM5 – Conservation and Improvement of Biodiversity, contains specific reference to the need for flexibility over housing numbers and distribution to address

uncertainties over potential impacts on European sites, which is particularly relevant to the Solent authorities given the current status of the SDMP. Policy NRM5 states that:

“iii. For example when deciding on the distribution of housing allocations, local planning authorities should consider a range of alternative distributions within their area and should distribute an allocation in such a way that it avoids adversely affecting the integrity of European sites. In the event that a local planning authority concludes that it cannot distribute an allocation accordingly, or otherwise avoid or adequately mitigate any adverse effect, it should make provision up to the level closest to its original allocation for which it can be concluded that it can be distributed without adversely affecting the integrity of any European sites.”

Accordingly, neighbouring Solent local authority, Fareham Borough Council, has included the following wording within Policy CS6 (The Development Strategy) of their recently adopted Core Strategy (September 2011):

“Development which would have an adverse effect on the integrity of protected European conservation sites which cannot be avoided or adequately mitigated will not be permitted. This will be informed by the results of ongoing surveys and research, including the Solent Disturbance and Mitigation Project, which may result in adjustments to the scale and/or distribution of development set out in policies CS7-CS13 and could reduce the overall level of development.”

Without a similar flexibility in the scale and distribution of new housing we consider that the planned new housing may prove undeliverable, and therefore Joint Core Strategy fails to meet the test of **effectiveness**. The approach is also not considered to be the most appropriate when compared with that of neighbouring local authorities, and it therefore not considered to be **justified**. It is furthermore **inconsistent with the approach set out under regional policy**, where uncertainty of impacts on a European site exists; and finally, it may also be **inconsistent with the requirements of the Habitats Regulations**, should the research response determine that

the desired level or distribution of houses cannot be delivered without impacts on the Solent SPAs.

Recommended Changes

In order to ensure that the Joint Core Strategy is sufficiently flexible in light of potential changing circumstances following the final results of the SDMP, and hence that the Plan is both consistent with regional policy and in compliance with the Habitats Regulations, we consider it is imperative that Policy DS1 provides sufficient flexibility to deal with the potential outcomes of the forthcoming research, including possible changes to the scale and/or location of housing development.

We therefore recommend that Policy DS1 be amended to state that “the level or distribution of new houses delivered across the District may be subject to adjustment following the results of the Solent Disturbance and Mitigation Project”.