

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

NORTH WHITELEY – Policy SH3

DAY 4 – FRIDAY 2 NOVEMBER [AM]



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

Representor No: 20220

Session/Issue 6:

- iii) Are the mitigation proposals for European designated sites appropriate and deliverable?

Due to its proximity to the Solent and Southampton Water Special Protection Area (SPA), without appropriate and robust mitigation, it is accepted that the North Whiteley development would place unsustainable recreational pressures on the wintering and passage wildfowl and wader populations for which the site is internationally designated. However, the RSPB has raised concerns regarding the adequacy of the mitigation proposals for the North Whiteley strategic allocation, and the strength of Policy SH3 as a sound basis to deliver the necessary measures and ensure appropriate protection of the European site.

The Joint Core Strategy acknowledges that work is ongoing to develop a comprehensive assessment of the current and future impacts of recreational disturbance on the Solent Special Protection Areas. This 3-year programme of work – the Solent Disturbance and Mitigation Project (SDMP) – is close to completion and the Solent Local Authorities are already in the process of drawing up a programme of potential strategic mitigation measures to deliver in line with new housing. While this work will be informative to the application-level assessment of the impacts of the North Whiteley development, any Solent-wide mitigation resulting from the SDMP is unlikely to provide adequate mitigation for the recreational pressures arising from large scale developments such as the North Whiteley scheme, and therefore bespoke, complementary mitigation will be required (in agreement with Natural England) and the scheme will need to be assessed on its own merits.

Accordingly paragraph 3.52 of the Joint Core Strategy sets out the need for a “*full package of measures to be implemented to either avoid or mitigate harmful impacts*”, which will need to be consistent with the Solent Disturbance and Mitigation Project, including possible “*further off-site measures to mitigate potential impacts*”. Paragraph 3.53 additionally refers to the need

for “*separate areas for dog-walking, in recognition of the sites [sic] proximity to protected European sites*”.

We broadly welcome these requirements. However, it is clear from the results of the visitor surveys carried out as part of the SDMP that dog-walkers are not the only recreational group visiting the Solent coast and other SPA areas. Indeed, walkers without dogs constituted the larger proportion of surveyed visitors (walking was the most popular activity – 44% of surveyed visitors; and dog-walking was the second most popular activity – 42% of surveyed visitors). Therefore, it is important that on-site alternative semi-natural open space is attractive to both of these key user groups, and not just dog-walkers. This will require open spaces of significant size and quality to provide an attractive alternative to the nearby the SPA.

We are further concerned that the important matter of recreational disturbance to the Solent and Southampton Water SPA is not reflected in Policy SH3 itself. Indeed, Policy SH3 does not make any reference to the need to mitigate recreational pressures on nearby internationally designated areas. The first bullet point refers to the need to “*protect and enhance the various environmentally sensitive areas within and around the site, avoiding harmful effects or providing mitigation as necessary.*” However, it goes on to clarify that “*This will include any measures as necessary to mitigate the impact of noise and light pollution of the adjoining areas.*” It makes no reference to the critical issue of recreational disturbance.

Nor does policy SH3 give any indication that the housing numbers may need to be reviewed based on the results of the project level assessment of impacts on habitats and biodiversity. Indeed, paragraph 3.50 suggests that “*The final figure may exceed 3,000 [dwellings].*” Given that the package of measures necessary to avoid/mitigate the effects of 3,000 houses is still subject to assessment under the Habitats Regulations, we consider that any suggestion in the Core Strategy that this number may yet be exceeded is inappropriate and also contradicts paragraph 3.52, which states that: “*The full package of measures should demonstrate that*

harmful impacts on any European site would be avoided or adequately mitigated, otherwise the scale of the development would need to be reduced accordingly.”.

Finally we consider that Policy SH3 must state that the package of SPA avoidance and mitigation measures must be agreed with Natural England and provided in perpetuity, in order to ensure full compliance with the Habitats Regulations.

In conclusion, for the reasons set out above, we do not consider that Policy SH3 sets out an **effective** policy that would bring forward a **deliverable** scheme with the appropriate mitigation measures necessary to satisfy the strict tests of the Habitats Regulations. Therefore, it is our view that the Joint Core Strategy is unsound on this issue, and further **may not be in compliance with the Habitats Regulations**.

Recommended Changes

In order to ensure that the North Whiteley scheme is deliverable in light of the requirements of the Habitats Regulations, and therefore to ensure the overall soundness of the Joint Core Strategy, we strongly recommend the following additions to Policy SH3:

- The need to provide on-site semi-natural open space of an exceptionally high standard to avoid increased recreational pressure on the European sites, particularly from walkers and dog-walkers.
- The semi-natural open space to significantly exceed the general open space/green infrastructure standards.
- Provision of any additional on-site and off-site avoidance/mitigations measures as required following project level Habitats Regulations Assessment and/or the final results of the Solent Disturbance and Mitigation Project.

- All avoidance/mitigation measures to be agreed with Natural England and provided in perpetuity.
- Final housing numbers to be determined by the project level Habitats Regulations Assessment.