

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

**INFRASTRUCTURE/DELIVERY/FLEXIBILITY/MONITORING AND
IMPLEMENTATION - Policy CP21**

DAY 7 – THURSDAY 8 NOVEMBER [AM]



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

Representor No: 20220

Session/Issue 12:

- iii) **[Flexibility]** - Is the CS reasonably flexible to enable it to deal with changing circumstances and, if not, what changes/contingencies would improve the ability to respond to new issues arising during the plan period, such as a lack of investment in major projects?

The RSPB objected to Policy CP21 due to concerns that it lacks a sound basis (and hence flexibility) for the introduction of developer contributions towards strategic avoidance/mitigation measures in order to protect the Solent and the New Forest SPAs from the effects of increased recreational pressure associated with the planned new housing across the Solent.

In the case of the Solent SPAs, a strategic mitigation approach is already under discussion between the Solent Local Planning Authorities, following the results of the joint local authority-funded research into the effects of increased recreational pressure on the Solent SPAs (the Solent Disturbance and Mitigation Project (SDMP)).

Paragraph 7.29 of the Joint Core Strategy includes a clear commitment to *“implement the findings of [the SDMP] where relevant to Winchester District, to ensure that any appropriate strategic avoidance and/or mitigation measures proposed are considered in the planning process.”* Yet CP21 fails to identify a key measure which is likely to be necessary, namely on-site access management measures around the Solent coast.

The Joint Core Strategy is less clear on its response to the issue of increased recreational pressure on the New Forest SPA, despite the Habitats Regulation Assessment (HRA) having highlighted the potential impacts of recreational disturbance on the New Forest arising from development within 20km of the National Park boundary – which includes a significant proportion of the 11,000 new houses proposed within the District (including the two strategic

allocations within the South of the District – North Whiteley and West of Waterlooville – which together will deliver 5,500 dwellings).

The HRA concludes that *“The contribution of the Core Strategy to the in combination effects of increased recreational activity on the New Forest SAC/SPA/Ramsar will be minimal”* and considers that general open space requirements and green infrastructure provision set out within the Core Strategy will provide adequate avoidance/mitigation of impacts. However, this approach is inconsistent with that of neighbouring local authorities’ core strategies, including those cited within Appendix 2 of the HRA. For example, the summary of neighbouring Fareham’s (adopted) Core Strategy approach to recreational disturbance reads as follows (our emphasis added):

*“Disturbance effects from recreational activity at Chichester & Langstone Harbours SPA/Ramsar, Portsmouth Harbour SPA/Ramsar, Solent & Southampton Water SPA/Ramsar, and **the New Forest SPA** are overcome through the delivery of alternative natural greenspace for recreation, **and access management measures at European sites, facilitated through developer contributions**. The detail of these measures is developed and promoted through the South Hampshire Green Infrastructure Strategy, Solent Disturbance and Mitigation Project and **New Forest Recreation Management Strategy**. They are strengthened by the plan’s commitment to flexibility in the rate, scale and distribution of development, to enable it to respond to the findings of new evidence and further assessments.”*

It is clear therefore that other local authorities have put in place provision to allow the collection of developer contributions towards the avoidance/mitigation of recreational pressures on both the Solent and New Forest European sites, including (in the case of the New Forest) contributions towards the New Forest Recreational Management Strategy.

We have therefore recommended that Paragraph 7.56 be amended to include specific reference to: “Other strategic avoidance/mitigation measures necessary to protect the European sites within and adjacent to the District”.

The RSPB has cautiously welcomed Proposed Modification 138, which in part addresses our objection to Policy CP21, by proposing the following additional wording (underlined): “...Green infrastructure, including recreation provision and measures necessary to protect European sites”.

As stated in our response to the Proposed Modifications consultation, we consider that this is a modest improvement. However, we are concerned that its meaning is obscured as a result of its inclusion as an extension to the Green Infrastructure bullet point, rather than as a standalone point specifically concerning European site protection, as we had recommended.

The term Green Infrastructure is a very broad term used to refer to a range of multi-functional, open spaces. Paragraph 7.18 of the Joint Core Strategy gives the following examples in the District: “The network includes green spaces such as parks and gardens on private or public land, and green links between spaces such as hedgerows and rights of way, as well as features such as blue corridors, green roofs/walls and ponds.” The term is also used in a number of policies in the Plan (e.g. SH3 and WT2) to describe recreational open space designed to attract people away from sensitive designated wildlife sites.

Due to the very broad definition of green infrastructure, including its use as a term to describe alternative recreation space designed to protect sensitive areas such as the Solent European sites, we consider that the proposed modification lacks clarity, and may well confuse two distinct means of European site protection towards which developer contributions may be required, i.e. alternative open space provision/enhancement and on-site (SPA) access management.

We are further concerned that the proposed modification fails to indicate that the measures may be required to protect sites, such as the New Forest Special Protection Area, which lie outside of the District. We had specifically recommended the inclusion of the words “*within and adjacent to the District*” in order to cover this point.

As such, we remain concerned that the CP21 could compromise the Council’s ability to seek developer contributions towards the full range of mitigation and avoidance measures necessary for new housing in order to comply with the Habitats Regulations, and therefore lacks the flexibility to deal with changing circumstances within the Plan period.

In respect of the New Forest, the approach is not considered to be **justified**, as it does not reflect the available evidence nor is it the most appropriate approach when compared with that of neighbouring local authorities; and, although commitments exist within the Joint Core Strategy to secure appropriate strategic avoidance and/or mitigation measures in response to the Solent disturbance research, without a sound basis to introduce this specific category of infrastructure provision we consider that the housing targets within the Core Strategy may not be **deliverable**, and therefore we consider that the Plan fails to meet the test of **effectiveness**. Furthermore, the Plan is also considered to be **inconsistent with the requirements of the Habitats Regulations**, as it does not make provision for the Council to seek contributions towards the delivery of necessary avoidance/mitigation measures in line with new housing.

Recommended Changes

In order to ensure that the Core Strategy provides a sound basis to implement necessary developer contributions towards strategic avoidance/mitigation measures so as to protect the Solent and the New Forest SPAs, we strongly recommend that Paragraph 7.56 includes specific reference to “*Other strategic avoidance/mitigation measures necessary to protect the European sites within and adjacent to the District*”.

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In respect of the New Forest, the approach is not considered to be **justified**, as it does not reflect the available evidence nor is it the most appropriate approach when compared with that of neighbouring local authorities; and, although commitments exist within the Joint Core Strategy to secure appropriate strategic avoidance and/or mitigation measures in response to the Solent disturbance research, without a sound basis to introduce this specific category of infrastructure provision we consider that the housing targets within the Core Strategy may not be **deliverable**, and therefore we consider that the Plan fails to meet the test of **effectiveness**. Furthermore, the Plan is also considered to be **inconsistent with the requirements of the Habitats Regulations**, as it does not make provision for the Council to seek contributions towards the delivery of necessary avoidance/mitigation measures in line with new housing.

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