



**HAVANT BOROUGH COUNCIL
LOCAL DEVELOPMENT FRAMEWORK**

CORE STRATEGY EXAMINATION

**SESSION 2:
CONSERVATION, LANDSCAPE AND COUNTRYSIDE**

Submission by Natural England (Respondent no. 06/07/01)

7 / 8 September 2010

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1. Introduction

- 1.1 Natural England is responsible for ensuring that England's natural environment, including its land, flora and fauna, freshwater and marine environments, geology and soils, are protected and improved. It also has a responsibility to help people enjoy, understand and access the natural environment. Natural England was established by the Natural Environment and Rural Communities Act 2006. It was formed by the amalgamation of three founder bodies:
- Countryside Agency, the landscape, access and recreation elements
 - English Nature
 - Rural Development Service, the environmental land management functions of Department for Environment, Food and Rural Affairs (Defra)
- 1.2 We received the powers of the founder bodies e.g. awarding grants; designating Areas of Outstanding Natural Beauty and Sites of Special Scientific Interest; managing certain National Nature Reserves; overseeing access to open country and other recreation rights; and enforcing the associated regulations.

2. Hearing question 23: Will the Core Strategy be effective in protecting the Borough's environmental assets?

- 2.1 In our responses to Havant Borough Pre-submission Core Strategy DPD, Natural England was generally content with the high level direction and objectives for the natural environment contained within the Strategy, but we expressed concerns in relation to several sections, particularly with regard to ensuring that European designated sites (SPA, SAC and Ramsar sites) are given the necessary protection through the life of the Strategy and beyond.
- 2.2 A key issue was the concern relating to the lack of flexibility in the policies to respond to potential restrictions on the acceptable scale and location of development, or mitigation requirements in respect of new development, following the results of the ongoing research into recreational disturbance through the Solent Disturbance and Mitigation Project. As recognised in the Habitats Regulations Assessment, *'The Core Strategy should secure sufficient flexibility for the spatial distribution of development to be adjusted in order to respond to the findings and recommendations of this (disturbance research) work once it is available'*. Therefore, without appropriate policy in place to fully reflect these possible future constraints on development, the plan cannot be considered to be effective and legally compliant.
- 2.3 Other key issues included the need for policies to secure green infrastructure provision, access management and other mitigation measures to avoid impacts on European sites, including through the requirement for developer contributions.
- 2.4 Our responses to the Pre-Submission Core Strategy raised concerns about the following policies:
CS6 Regeneration of the Borough
CS9 Housing

CS10 Protecting and Enhancing Special Environment and heritage of Havant Borough

CS11 Green Infrastructure

CS13 Flood and Coastal Erosion Risk

CS16 Strategic Site Delivery

CS19 Developer Requirements

DM1 Recreation and Open Space

DM9 Development in the Coastal Zone

and the lack of an AONB specific policy.

- 2.5 We recognise that the Council have been preparing this document in the absence of a complete understanding of the ecological impacts which may occur as a result of development within the Borough. The research needed to quantify the impact on European sites and to identify any necessary avoidance and mitigation measures has been underway through the Solent Disturbance and Mitigation Project for several years and is expected to be completed next year. The challenge for Havant Borough Council has been to produce a Core Strategy which is sufficiently flexible to allow them to demonstrate that it can be delivered, whilst providing certainty that harm to the European sites will be avoided.
- 2.6 Natural England welcomes Havant Borough Council's subsequent liaison on these issues and efforts to ensure our concerns are addressed.. We have discussed changes with other conservation organisations, including Chichester Harbour Conservancy, Hampshire & Isle of Wight Wildlife Trust and the RSPB.
- 2.7 This supplementary submission sets out Natural England's further recommendations, which we consider could address remaining deficiencies regarding the legal compliance and soundness of the Core Strategy and incorporates areas where the Council and Natural England have agreed amended wording which would either partly or fully address our concerns (these are summarised in Appendix 1).

3. Proposed Policy Changes

- 3.1 Comments on the new AONB policy and our comments on the Proposals Map are covered in Section 4 of this submission.
- 3.2 Natural England welcomes the recent Proposed Changes to Landscape Policies issued by Havant Borough Council on 10th August 2010. Following these changes, we have had additional discussions with the Council and have agreed further amendments, which better address the outstanding issues which in our view affect the soundness of the Core Strategy. The amendments which the Council has agreed are set out in column two of Appendix 1 to this submission. Column three of this Appendix indicates areas in which Natural England would commend alternative or additional amendments to the Inspector.
- 3.3 We are also fully aware of the proposed changes put forward by the Chichester Harbour Conservancy (CHC), Royal Society for the Protection of Birds (RSPB) and the Hampshire and Isle of Wight Wildlife Trust (H&IoWWT). Natural England agree

that the additional wording would give better flexibility and clarity in respect of delivery of development over the Core Strategy period and in respect of individual proposals which may impact protected sites. The wording proposed by the three conservation organisations would help to provide certainty of avoidance of unacceptable environmental impacts and hence aid the Inspector in finding the plan sound.

- 3.4 Our concern in relation to CS6 Regeneration of the Borough was that there should be some recognition of the significant environmental constraints which may impact on the Council's ambition to achieve regeneration, particular in the area identified as South Hayling Island. We note that the Borough Council have not tabled any amendments to the policy. The issue could be properly dealt with by including the paragraph set out in the proposed changes put forward by CHC, RSPB and H&loWWT (Appendix 2). We would commend the wording to the Inspector.
- 3.5 We particularly welcome the changes to Policy CS9 Housing which have been put forward by the Borough (summarised in Appendix 1). This reflects the wording of the now defunct South East Plan Policy NRM5 and provides an appropriate policy caveat to ensure European site protection in the knowledge that further evidence will be forthcoming over the lifetime of the Plan. However, whilst Natural England appreciates the sentiment of the Policy, we do feel that clarity could be better achieved by modifying the wording, hence the proposed changes we have set out in column three of Appendix 1.
- 3.6 The Council's proposed changes to Policy CS10 Protecting and Enhancing Special Environment and Heritage of Havant Borough are also welcomed by Natural England. We are pleased to see a clearer and more robust link made to the work and findings of the Solent Disturbance and Mitigation Project in both the Policy and the supporting text, especially at 7.09 and 7.10. These changes help to highlight the potential need for mitigation, increasing the certainty of avoiding impacts to the European sites, whilst allowing the necessary flexibility whilst we await the results of the research. We have several suggested minor alterations which would fully address the issues raised in our submission, which are included in Appendix 1. We recognise that the proposed changes to this policy and supporting text by the conservation bodies would also be appropriate inclusions and would help to provide clarity, particularly during the period before the research is concluded
- 3.7 We support the changes to Policy CS11 Green Infrastructure which have been put forward by to the Council, to both the Policy and the supporting text (see Appendix 1). These fully address Natural England's concerns in relation to Green Infrastructure.
- 3.8 Policy CS13 Flood Risk and Coastal Erosion is suggested by the Council for amendment in line with Natural England advice. We therefore have no further changes to recommend although we recognise that the policy could be strengthened by inclusion of the text put forward jointly by the conservation organisations.

- 3.9 Policy CS16 Strategic Site Delivery is not currently proposed for any further amendment by the Council. Our concerns relate to the inclusion of the Havant Thicket Reservoir proposal, the need for which has yet to be proven and the impacts of which have not been fully considered by the Habitats Regulations Assessment. This Policy will be the subject of further written representations from Natural England for Session 5 of the EiP. It is therefore not considered in further detail here, however we would note that its inclusion does jeopardise the soundness of the plan as the proposal has not been demonstrated to be deliverable without harm to European Sites.
- 3.10 Policy CS19 Developer Requirements and supporting text has been the subject of suggested changes by the Borough Council. Natural England welcomes these changes, which are considered to help demonstrate deliverability; given that development which is likely to have a significant effect on a European site cannot proceed without appropriate avoidance and mitigation measures. Clearly indicating that the infrastructure needs will be interpreted broadly and may include measures necessary to offset impacts on European sites is a very useful addition to the supporting text. However, Natural England do consider that the Policy could be strengthened by the insertion of reference to “other European sites mitigation measures”, in order to ensure that the Council has the necessary flexibility to require contributions towards avoidance and mitigation measures which are recommended in response to the ongoing research. The proposed wording ensures that any measure found necessary could be implemented, not just those which could be rightly considered as falling within a “wide interpretation” of the ten points put forward in the Policy by the Council.
- 3.11 We welcome the Council’s proposed amendments to Policy DM1 Recreation and Open Space, as they begin to acknowledge some of the potential conflicts. However, we do suggest modified wording that would more fully address our concerns.
- 3.12 Natural England welcomes the Council’s proposed changes to Policy DM9 Development in the Coastal Zone. These are sufficient to address the concerns we originally raised, however the changes suggested by the joint conservation bodies are valid and add clarity and consistency to the document.

4. Hearing question 24: should there be a separate policy to protect the AONB? Are local designations still relevant? Are local designations still relevant and useful e.g. gaps?

- 4.1 Natural England’s previous, Pre-Submission comments related to issues of soundness relating to consistency with national or regional landscape policy and issues of legal compliance. We now welcome the Council’s proposal to include a specific AONB policy in the Core Strategy. The AONB covers approximately half of the coastline of the Borough and we consider that a separate policy is essential to conserve and enhance the AONBs special and locally distinctive qualities, in the face

of new development, and in accordance with PPS12 and paragraph 11 of the South East Plan.

- 4.2 We consider that the need for a separate policy within the Core Strategy has been further strengthened by the withdrawal of the South East Plan and the loss of Policy C3 (AONBs). Paragraph 11.8 of the South East Plan stated that: *'In planning terms they (AONBs) require the same focus on protection and positive land management as National Parks. Within the AONBs statutory Management Plans provide a policy and action framework which should influence and help determine planning, decision making, advice and resource allocation priorities for local authorities, government agencies and statutory undertakers. In particular, they should provide an underpinning for the development of AONB specific policy in local development frameworks (LDFs).'*' We consider this approach is still valid, although the Plan has been withdrawn.
- 4.3 We have been working with Chichester Harbour Conservancy and the Council on the wording of the policy, and our suggested further changes to the policy in order to make it sound are set out in Appendix 1 of this statement. We would commend these changes to the draft AONB policy to the Inspector, as set out in Appendix 1. This would address our previous concerns. We welcome the proposed amendment of the Proposals Map to include the AONB boundary.
- 4.4 Natural England supports comments on the policy made by the Chichester Harbour Conservancy. We would urge that they be given appropriate weighting as the JAC for the Chichester Harbour AONB. We would support the objective to permit development which meets the policy aims of the AONB Management Plan, as referred to in the proposed AONB Policy in the attached Appendix 1.

5. Conclusion

- 5.1 The changes put forward by the Council are sufficient to overcome Natural England's concerns in relation to policies:
CS11 Green Infrastructure
CS13 Flood and Coastal Erosion Risk
DM9 Development in the Coastal Zone
- 5.2 For the following policies, the Council's proposed amendments partially address the concerns raised by Natural England:
CS9 Housing
CS10 Protecting and Enhancing Special Environment and heritage of Havant Borough
CS19 Developer Requirements
DM1 Recreation and Open Space
Inclusion of new AONB Policy
For these policies, we have suggested amendments which would overcome our concerns and demonstrate that the Core Strategy is deliverable, and hence sound, in column 3 of Appendix 1.

- 5.3 Policy CS16 Strategic Site Delivery will be the subject of a further written submission from Natural England to Session 5 of the EiP hearing, but without changes, we believe, fundamentally undermines the soundness of the plan.
- 5.4 Policy CS6 Regeneration of the Borough has not been proposed for alteration by the Council. Natural England supports the wording put forward jointly by CHC, RSPB and H&IoWWT as appropriate for overcoming our concerns in relation to this policy.

Appendix 1

Havant Borough Council Core Strategy

Further Proposed Changes to Core Strategy Policies

Changes submitted by Natural England

Core Strategy Reference	Further proposed changes proposed by Havant Borough Council, 10 August 2010 (“Revision 2”) and additional changes made by email 16 August 2010	Amendments proposed by Natural England to the Borough Council’s changes. (Recommended amendments shown in bold italics)
Policy CS1 Health and Wellbeing Point 12	Replace point 12: <i>‘ In Chichester Harbour Langstone Harbour and along the Hayling Waterfront involves the modification of existing moorings and berths. New additional moorings and berths will not be permitted. New jetties and slipways will only be permitted where it can be demonstrated that they are for essential public use. ’</i>	<i>‘In Chichester Harbour Langstone Harbour and along the Hayling Waterfront involves the modification of existing moorings and berths. New additional moorings and berths will not be permitted. New jetties and slipways will only be permitted where it can be demonstrated that they are for essential public use. No new infrastructure or modifications will be permitted where it cannot be demonstrated that there will be no net loss of inter-tidal habitat and that disturbance or other damage to the international site features will be avoided. All development and modifications shall conserve and enhance the existing features for which the highly sensitive landscape and / or nature conservation areas have been identified.’</i>

<p>Policy CS8</p> <p>Community Safety</p> <p>Point 2</p>	<p>Amend wording of point 2: Insert 'or the landscape.' after ...designated habitats.</p>	
<p>Policy CS9</p> <p>Housing</p> <p>Point 1</p>	<p>Insert new wording at the end of point 1: <i>'Contribute to achieving a net total of 6,300 dwellings between 2006 to 2026, unless it is found that this level of housing cannot be distributed without adversely affecting the integrity of protected European conservation sites. Where adverse effects cannot be avoided or adequately mitigated provision will be made up to the closest level to the 6300 housing target for which it can be distributed without adversely affecting the integrity of any European sites.</i></p>	<p><i>'Contribute to achieving a net total of 6,300 dwellings between 2006 to 2026, unless it is found that this level of housing cannot be delivered without adversely affecting the integrity of protected European conservation sites. Where adverse effects cannot be avoided or adequately mitigated, provision will be made for the level of development for which it can be concluded that there will be no adverse effect on the integrity of any European sites, even if this level is below the 6,300 strategic target.</i></p>
<p>Policy CS10</p> <p>Protecting and Enhancing the Special Environment and Heritage of Havant Borough</p>	<p>Insert new wording at the end of point 2. Point 2 has been amended by removing the reference to the AONB Management Plan and replacing it with the following text:</p> <p><i>'Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research' .</i></p>	<p><i>'Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published findings and recommendations, and future related research' .</i></p>

Point 2	(A new policy has been included to cover the AONB).	
Paragraph 7.09	Amendment to supporting paragraph 7.09 'Research is under way' is replaced by <i>'The Solent and Disturbance Mitigation Project , coordinated by the Solent Forum is currently under way'...</i>	'Research is under way' is replaced by <i>'The Solent Disturbance and Mitigation Project, coordinated by the Solent Forum is currently under way...'</i>
Paragraph 7.10	Addition to the end of paragraph 7.10: <i>'Once established, the implementation and effectiveness of this strategic approach will be monitored and reviewed concurrently with reviews of the delivery of housing provision. Such measures are likely to require support from developer contributions. The necessary developer contributions may include a wide interpretation of the types of infrastructure set out in Table 9.1, depending on the research findings and the merits of individual proposals'.</i>	No further comment

		Additional reference at paragraph 7.11 <i>'The Council is also committed to implementing the requirements of the North Solent Shoreline Management Plan when published'</i>
<p>Policy CS10</p> <p>Paragraph 7.03</p> <p>Point 2 and paragraph 7.12</p>	<p>Amend wording in paragraph 7.03: <i>'...a number of locally listed buildings, an Area of Outstanding Natural Beauty, 14 conservation areas...</i></p> <p>Amend wording in point 2 and paragraph 7.12. Reference to the AONB has been removed from the policy but remains in paragraph 7.12</p>	
<p>NEW CS POLICY covering the AONB</p> <p>New wording in 'where else to look' box</p>	<p>See suggested wording at end of table</p> <p>Insert new wording in 'where else to look' box:</p> <p><i>'National Parks and Access to the Countryside Act 1949: Provides</i></p>	<p>Welcome the inclusion of a separate AONB policy, with the recommended changes below.</p>

	<p><i>the legislative background to AONB designations’.</i></p> <p><i>CRoW Act 2000: ‘Brought in the requirement for local authorities to have a ‘duty of regard’ to AONBs and to produce an AONB Management Plan.’</i></p> <p>Include reference to CHC Design Guidelines for New Dwellings and Extensions & Chichester Harbour AONB Management Plan</p>	<p><i>‘CRoW Act 2000: Brought in the requirement for local authorities to have a ‘duty of regard’ to the purpose of AONBs and to produce an AONB Management Plan.’</i></p>
<p>Policy CS11</p> <p>Green Infrastructure</p> <p>End of point 4</p> <p>Source of GI definition</p> <p>Paragraph 7.18</p>	<p>Insert new wording at the end of point 4:</p> <p>...new green infrastructure <i>(including access management measures)</i> either through onsite provision...</p> <p>Amend source of GI definition to: <i>‘South East Green Infrastructure Framework 2009’</i></p> <p>Amend; insert new wording after final sentence</p> <p><i>‘Green infrastructure provision or contributions may be required</i></p>	

<p>Paragraph 7.20</p>	<p><i>in order to avoid impacts on European sites'</i></p> <p>Amend wording at paragraph 7.20: <i>'PUSH published its Green Infrastructure Final Strategy in June 2010, which identifies...'</i></p>	<p>No further comments</p>
<p>Policy CS13 Flood and coastal erosion risk</p> <p>Final paragraph</p>	<p>Insert new wording in the final paragraph: <i>'... ensure that development avoids areas at risk from coastal erosion and coastal flooding and that ...'</i></p>	<p>No further change recommended; the Borough Council's proposed change accords with Natural England's previous comment.</p>
<p>Policy CS 14 High Quality Design</p> <p>Paragraph 7.45</p> <p>'Where else to look' box</p>	<p>Amend wording in paragraph 7.45. Delete reference to 'Chichester Harbour Conservancy Documents' and add 'AONB Landscape Character Assessment and Design Guidelines for New Dwellings and Extensions' after 'AONB Management Plan'</p> <p>Amend wording in 'where else to look' box: Rename links to 'Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions' and Chichester Harbour AONB Management Plan' and add 'AONB Landscape Character Assessment'.</p>	
<p>Policy CS 19</p>	<p>Insert new wording at the end of point 6: <i>'Green infrastructure</i></p>	<p>Natural England preference would be to add point 11 to the policy 'other European sites mitigation measures' for the clarity and</p>

<p>Developer Requirements</p> <p>End of point 6</p> <p>Paragraph 9.26</p>	<p><i>(including access management measures)</i></p> <p>Insert the section in bold text:</p> <p><i>'The council will prepare a Supplementary Planning Document (SPD) setting out a framework of mechanisms that will be used to ensure that the timing of the contributions effectively provides the necessary infrastructure when it is needed. The infrastructure types and their general descriptions in Table 9.1 and Policy CS19 will be expanded upon in the SPD. The necessary developer contributions may include a wide interpretation of the types of infrastructure in order to respond to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research. The opportunities for multi-functional use of existing and proposed infrastructure must always be considered at the start of any development. The council will take a leading role in working with developers and infrastructure providers to deliver what is needed'.</i></p>	<p>flexibility that this would bring to the policy</p>
<p>Policy DM1 Recreation and Open Space</p> <p>Point 2</p>	<p>Insert new wording at point 2: <i>'2. ...another type of open space, for example Green Infrastructure, for which the Council's Open Spaces Plan has identified a deficit</i>'.</p>	

<p>New point 3</p>	<p>Insert new point 3: <i>‘3. If the land has been identified within the Hampshire and Isle of Wight Brent Goose Strategy as providing habitat for Brent Geese then it must be demonstrated that any impact on this habitat can be fully mitigated’.</i></p>	<p><i>3. If the land has been identified within the South East Hampshire Coast Brent Goose Strategy (2002) or the updated Solent Waders and Brent Goose Strategy (2010) as providing habitat for Brent Geese or waders then it must be demonstrated that any impact on this habitat can be fully mitigated.</i></p>
<p>Policy DM9</p> <p>Development in the Coastal Zone</p> <p>Point 1</p> <p>‘Where else to look’ box</p>	<p>Amend wording in point 1. Reference to the AONB has been removed.</p> <p>Amendments have been made to correctly identify the protected areas.</p> <p>Amend ‘where else to look’ box. Remove reference to AONB legislation.</p>	
<p>The Proposals Map</p>	<p>Proposals Map will be amended to include AONB boundary</p> <p>Proposals map has been amended to show Coastal Zone.</p>	

	Proposals map will be amended to show designations: <i>'SPA, SAC, SSSI, Ramsar, SINCs and Local Wildlife sites'</i> .	
Glossary	Amend AONB definition <i>'Is a nationally important landscape designated for its outstanding landscape value, with the primary purpose of conserving and enhancing natural beauty. AONBs have been confirmed by Government as having the highest status of protection in relation to landscape and scenic beauty'</i> .	Agree with proposed changes.
New CS Policy: Chichester Harbour Area of Outstanding Natural Beauty (AONB)	<p>Development will be permitted where it:</p> <ul style="list-style-type: none"> Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting; is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area; Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan) ; and Does not detract form the policy aims of the Chichester Harbour AONB Management Plan. <p>Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.</p> <p>Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less harm and that the benefits of the development clearly outweigh any adverse impacts.</p> <p>Development proposals that would be significantly detrimental to the special qualities of the Chichester Harbour AONB and its settings will not be permitted.</p>	<p>Development will be permitted where it:</p> <ul style="list-style-type: none"> Carefully assesses the impact of individual proposals, and their cumulative effect, on the Chichester Harbour AONB, and its setting; is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area; Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan) ; and Meets the policy aims of the Chichester Harbour AONB Management Plan. <p>Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.</p> <p>Development should not undermine the integrity of rural gaps, or the predominantly open and undeveloped character of the AONB.</p> <p>Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less <i>harm</i> and there is a case for overriding public interest which outweighs the landscape value of the area as set</p>

	<p>Supporting text</p> <p>Chichester Harbour AONB is a unique landscape comprising sheltered open water areas with contrasting narrow channels. The movement of the tide exposes bare mudflat and saltmarsh creating a wide, open and remote wilderness. The undeveloped character of the harbour is almost unique on the south coast and its status as a Ramsar wetland, a Special Protection Area, a Candidate Special Area of Conservation and a Site of Special Scientific Interest reflect its European importance to nature conservation. The largely flat hinterland includes highly productive farmland, as well as woodlands and hedgerows that contribute to the rural character of the area. The flatness of the landscape makes the AONB particularly vulnerable to visual intrusion from inappropriate development, both within or adjacent to the boundary, which can often be seen from significant distances across inlets, the main harbour channels, or open countryside. The Borough Council will have particular regard to these characteristics in determining development proposals affecting the AONB.</p>	<p>out in national policy, coupled with deliverable, long-term mitigation of the impacts.</p> <p>Development proposals that would be significantly detrimental to the special qualities of the Chichester Harbour AONB or its setting will not be permitted.</p> <p>Supporting text</p> <p>Chichester Harbour AONB is a unique landscape comprising sheltered open water areas with contrasting narrow channels. The movement of the tide exposes bare mudflat and saltmarsh creating a wide, open and remote wilderness. The undeveloped character of the harbour is almost unique on the south coast and its status as a Ramsar wetland, a Special Protection Area, a Candidate Special Area of Conservation and a Site of Special Scientific Interest reflect its European importance to nature conservation. The largely flat hinterland includes highly productive farmland, as well as woodlands and hedgerows that contribute to the rural character of the area. The flatness of the landscape makes the AONB particularly vulnerable to visual intrusion from inappropriate development, both within or adjacent to the boundary, which can often be seen from significant distances across inlets, the main harbour channels, or open countryside. The Borough Council will have particular regard to these characteristics in determining development proposals affecting the AONB.</p> <p>Chichester Harbour Conservancy has produced an AONB Management Plan, which is adopted by Havant Borough Council, Chichester District Council, West Sussex County Council and</p>
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	<p>Chichester Harbour Conservancy has produced an AONB Management Plan, which is endorsed by Havant Borough Council, Chichester District Council, West Sussex County Council and Hampshire County Council. The Conservancy has also produced an AONB Landscape Character Assessment and Design Guidelines for New Dwellings and Extensions, both of which have been endorsed by the Borough Council. The AONB Management Plan and its supporting documents identify the distinctive features and characteristics of the landscape and provide the framework for the management and ongoing spatial planning of Chichester Harbour AONB. Proposed development affecting the AONB should be of the highest design quality and applicants are encouraged to seek pre-application advice from Chichester Harbour Conservancy.</p>	<p>Hampshire County Council. The Conservancy has also produced an AONB Landscape Character Assessment and Design Guidelines for New Dwellings and Extensions, both of which have been endorsed by the Borough Council. The AONB Management Plan and its supporting documents identify the distinctive features and characteristics of the landscape and provide the framework for the management and ongoing spatial planning of Chichester Harbour AONB. Proposed development affecting the AONB should be of the highest design quality and applicants are encouraged to seek pre-application advice from Chichester Harbour Conservancy.</p>
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Appendix 2:

Havant Borough Council Core Strategy

Proposed Further Changes to Core Strategy Policies

Jointly submitted by Chichester Harbour Conservancy, the Hampshire & Isle of Wight Wildlife Trust and the RSPB

All new suggested text and deleted is indicated in bold and underlined. Red text indicates further amendments to policy changes proposed by Havant Borough Council (Havant Borough Council Proposed Changes to Landscape Policies – Revision 2, 10 August 2010); blue text indicates additional changes (and justifications) to further policies or supporting text, as proposed by the three conservation bodies.

Core Strategy Reference	Further Proposed Changes	Additional CHC/ Wildlife Trust/RSPB Proposed Changes
Policy CS1 Health and Wellbeing Replace point 12	<i>'In Chichester Harbour Langstone Harbour and along the Hayling Waterfront involves the modification of existing moorings and berths. New additional moorings and berths will not be permitted. New jetties and slipways will only be permitted where it can be demonstrated that they are for essential public use. <u>No new infrastructure or modifications will be permitted where it cannot be demonstrated that there will be no net loss of inter-tidal habitat and that disturbance or other damage to the international site features will be avoided. All development and modifications shall conserve and enhance the existing</u></i>	

<p>Insert new point 7</p>	<p><i><u>features for which the highly sensitive landscape and / or nature conservation areas have been identified.</u></i></p>	<p>Suggest additional amendment to point 7 to avoid potential conflict with the protection of the European sites from recreational disturbance:</p> <p><i><u>‘Contributes effectively to the opportunities for increasing cycling for all types of trips, creating and improving linkages within the borough, particularly along the stream corridors and along the coast between Emsworth, Havant and the borough boundary near Broadmarsh in accordance with the council’s Walking and Cycling Strategy and in accordance with the protection of designated nature conservation interests.’</u></i></p>
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<p>Insert new wording at end of paragraph 3.56</p>		<p>Suggest the following amendments to highlight other important on-site mitigation measures which may be appropriate:</p> <p><u><i>‘Where impacts cannot be avoided, mitigation schemes measures will be put in place as necessary, for example, these may take the form of on-site access management measures such as information boards to help visitors understand the local area and its wildlife, or measures to manage, screen or divert visitors from sensitive areas.’</i></u></p>
<p>Policy CS6</p> <p>Regeneration of the Borough</p> <p>Insert new wording to the end of the policy</p>		<p>Request the following additional text to clarify the approach to the assessment of impacts ahead of the results of the disturbance research:</p> <p><u><i>‘Proposals which could impact on nearby nature conservation sites will be assessed on a case-by-case basis ahead of the Solent Disturbance and Mitigation Project, to ensure no adverse effects on the integrity of the</i></u></p>

		<u><i>designated interest features, as set out under Policy CS10 and its supporting text.'</i></u>
<p>Policy CS8</p> <p>Community Safety</p> <p>Amend wording of point 2.</p>	<p>Insert 'or the landscape.' after ...designated habitats.</p>	
<p>Policy CS9</p> <p>Housing</p> <p>Insert new wording at the end of point 1</p>	<p>...between 2006 to 2026, <u><i>unless following further research (eg the results of the Solent Disturbance and Mitigation Project) it is found that this level of housing cannot be distributed without adversely affecting the integrity of protected European conservation sites. Where further assessments show that part of the Core Strategy target cannot be delivered without adverse effects, which cannot be avoided or adequately mitigated, then the plan will only make provision for the level and location of development for which it can be concluded that there will be no adverse effect on will be made up to the closest level to the 6300 housing target for which it can be distributed without adversely affecting the integrity of any European sites, even if this level is below the 6,300 strategic target.</i></u></p>	

Amend wording of point 4

Insert new point 10

4. Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.

Suggest additional point 10:

'Ensures protection of the European nature conservation site interests in line with policy CS10 and its supporting text.'

		(See suggested inclusion of new para 7.11 below.)
<p>Policy CS10 Protecting and Enhancing the Special Environment and Heritage of Havant Borough</p> <p>Insert new wording at the end of point 2</p> <p>Amendment to supporting paragraph 7.09</p>	<p>Point 2 has been amended by removing the reference to the AONB Management Plan and replacing it with the following text:</p> <p><i>'Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published <u>findings</u> and recommendations, and future related research'.</i></p> <p>(A new policy has been included to cover the AONB).</p> <p>'Research is under way' is replaced by <i>'The Solent and Disturbance Mitigation Project, coordinated by the Solent Forum'</i> is currently under way...</p>	

<p>Insert new wording to point 3</p>		<p>Suggest additional text to recognise the need to also protect off-site designated site features within the Borough:</p> <p><i>3. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest, <u>including off-site features such as brent goose feeding sites and wader roosts (as identified in the Brent Goose Strategy (2002) or the updated Solent Waders and Brent Goose Strategy (2010))</u></i></p>
<p>Amendment to supporting paragraph 7.10</p>		<p>Suggest additional amendment to para 7.10 to recognise that it is not only housing development that could lead to increased recreational pressure:</p> <p><i>'It is anticipated that strategic mitigation/avoidance measures will be necessary across South Hampshire, in order to prevent additional recreational pressure on the European sites from the cumulative effects of increased</i></p>

<p>Insert new paragraph to following supporting paragraph 7.10</p>		<p><u>housing new development in the sub-region.</u></p> <p>And inclusion of new para to follow current para 7.10, to address current uncertainties of impacts:</p> <p><u>'In the interim, the Council will carry out case-by-case assessment of all new development which could impact on the European site interests. Mitigation measures may be required to avoid or reduce impacts. However, where uncertainty of the impacts or the effectiveness of mitigation measures exists, development will not be permitted, irrespective of conformity with other policies in the Core Strategy, unless otherwise in compliance with Regulation 62 (in relation to overriding public interest) of the Conservation of Habitats and Species Regulations 2010.'</u></p>
<p>Policy CS10</p> <p>Amend wording in paragraph 7.03</p>	<p>...a number of locally listed buildings, an Area of Outstanding Natural Beauty, 14 conservation areas...</p>	

<p>Amend wording in point 2. & paragraph 7.12</p>	<p>Reference to the AONB has been removed from the policy but remains in paragraph 7.12</p>	
<p>NEW CS POLICY covering the AONB</p> <p>Insert new wording in 'where else to look' box</p>	<p>See suggested wording at end of table</p> <p><i>'National Parks and Access to the Countryside Act 1949: Provides the legislative background to AONB designations'.</i></p> <p><i>CRoW Act 2000: 'Brought in the requirement for local authorities to have a 'duty of regard' to <u>the purpose of AONBs</u> and to produce an AONB Management Plan.'</i></p> <p>Include reference to CHC Design Guidelines for New Dwellings and Extensions & Chichester Harbour AONB Management Plan</p>	
<p>Policy CS11</p> <p>Green Infrastructure</p>	<p>...new green infrastructure <i>(including access management</i></p>	

<p>Insert new wording at the end of point 4</p> <p>Amend source of GI definition</p> <p>Amend wording at paragraph 7.20</p>	<p><i>measures</i>) either through onsite provision...</p> <p>Amended to: 'South East Green Infrastructure Framework 2009'</p> <p>PUSH published its Green Infrastructure <i>Final Strategy in June 2010</i>, which identifies...</p>	
<p>Policy CS13</p> <p>Flood and Erosion Risk</p> <p>Insert new wording in the final paragraph</p> <p>Insert new policy wording</p>	<p>...'ensure that development avoids areas at risk from coastal erosion <i>and coastal flooding</i> and that ...'</p>	<p>Recommended additions from Pages 65-67 of Habitats Regulations Assessment (relating to waste water treatment) should be included to strengthen Policy CS13.</p>
<p>Policy CS 14</p> <p>High Quality Design</p>		

<p>Amend wording in paragraph 7.45</p> <p>Amend wording in 'where else to look' box</p>	<p>Delete reference to 'Chichester Harbour Conservancy Documents' and add 'AONB Landscape Character Assessment and Design Guidelines for New Dwellings and Extensions' after 'AONB Management Plan'</p> <p>Rename links to 'Chichester Harbour AONB Design Guidelines for New Dwellings and Extensions' and 'Chichester Harbour AONB Management Plan' and add 'AONB Landscape Character Assessment'.</p>	
<p>Policy CS15 Concentration and Distribution of Development within the Urban Areas</p> <p>Insert new point 4</p>		<p>Request the following additional text to recognise the potential need to review the spatial distribution of development following the results of the SDMP and to clarify the approach to the assessment of impacts ahead of the results of the disturbance research:</p> <p><i><u>'However, it is recognised that the spatial distribution of development may need to be reviewed following the results and recommendations of the Solent Disturbance and Mitigation Project, in order to fully protect the European sites. In the interim, all development proposals that could impact on the European site interests will be assessed on a case-by-case basis, as set out under Policy</u></i></p>

		<u><i>CS10 and its supporting text.'</i></u>
<p>Policy CS16</p> <p>Strategic Site Delivery</p> <p>Insert new text to end of policy</p>		<p>Request the following additional text to recognise the potential need to review the approach to the delivery of housing within the strategic sites following the results if the SDMP and to clarify the approach to the assessment of impacts ahead of the results of the disturbance research:</p> <p><u><i>'The quantum and/or location of new housing development within the strategic sites may need to be reviewed following the results and recommendations of the Solent Disturbance and Mitigation Project in order to protect the European site interests. In the interim, all development proposals that could impact on the European site interests will be assessed on a case-by-case basis, as set out under Policy CS10 and its supporting text.'</i></u></p>
<p>Policy CS17</p> <p>Effective Provision of Infrastructure</p> <p>Insert new policy wording</p>		<p>Recommended additions from Pages 65-67 of Habitats Regulations Assessment (relating to waste water treatment) should be included to strengthen Policy CS17.</p>

<p>Policy CS 19</p> <p>Developer Requirements</p> <p>Insert new wording at the end of point 6</p> <p>Insert new heading</p> <p>Insert new policy wording</p>	<p>Green infrastructure (including access management measures)</p>	<p>Suggest instead adding new heading as follows to avoid confusion between general, multifunctional GI and mitigation measures, including alternative open space and access management of the European sites:</p> <p><u><i>'11. Access management or other European site mitigation measures.'</i></u></p> <p>Also request additional policy wording as follows to clarify the strict requirements for the long-term funding of mitigation measures in respect of the European sites:</p> <p><u><i>'In the case of mitigation measures necessary for the protection of the European sites (such as Green Infrastructure or access management measures), the Council will require that developer contributions fund the costs of the measures for the lifetime of the development.'</i></u></p>
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<p>Policy DM1</p> <p>Recreation and Open Space</p> <p>Insert new wording at point 2</p> <p>Insert new point 3</p>	<p><i>2. ...another type of open space, for example Green Infrastructure, for which the Council's Open Spaces Plan has identified a deficit.</i></p> <p><i>3. If the land has been identified within the South East Hampshire Coast and Isle of Wight Brent Goose Strategy (2002) or the updated Solent Waders and Brent Goose Strategy (2010) as providing habitat for Brent Geese <u>or waders</u> then it must be demonstrated that any impact on this habitat can be fully mitigated.</i></p>	
<p>Policy DM4</p> <p>Static Holiday Caravan Development</p> <p>Insert new policy point</p>		<p>Recommend inserting additional policy criterion to recognise that static holiday homes could contribute to recreational pressure of European sites or impact on landscape:</p>

<p>Insert new supporting text</p>		<p><u><i>‘3. The development would not otherwise impact on designated landscape or nature conservation interests.’</i></u></p> <p>Recommend additional supporting text to clarify the approach to the assessment of impacts ahead of the results of the SDMP:</p> <p><u><i>‘Static holiday caravan sites are frequently associated with the coastal area, and therefore extensions or enhancement to such sites could lead to increased recreational pressures on the European sites. It is recognised that the results and recommendations of the Solent Disturbance and Mitigation Project may lead to the need to restrict and/or mitigate the effects of new tourist development, including static caravan sites. In the interim, all development proposals that could impact on the European site interests will be assessed on a case-by-case basis, as set out under Policy CS10 and its supporting text.’</i></u></p>
<p>Policy DM9 Development in the Coastal Zone</p> <p>Amend wording in point 1</p>		

<p>Amend wording to correctly identify the protected areas</p> <p>Insert new policy wording</p>	<p>Reference to the AONB has been removed.</p> <p>Amendments have been made</p>	<p>Recommend further amendments to ensure protection of designated sites:</p> <p><i><u>'5. Upgrades existing footpaths and ensures that public access is retained and provided to connect existing paths along the waterfront where appropriate, where it can be demonstrated that it will not result in increased recreational disturbance to designated sites.'</u></i></p> <p><i><u>8. Provides recreational opportunities that do not adversely affect the character and appearance of the coast, or impact on designated nature conservation interests.</u></i></p>
<p>Policy DM9</p> <p>Development in the Coastal Zone</p> <p>Amend 'where else to look' box</p>	<p>Remove reference to AONB legislation.</p>	
<p>The Proposals Map</p>		

<p>Amend boundary to include AONB boundary</p>	<p>Proposals Map will be amended</p>	
<p>The Proposals Map</p> <p>Amend to show Coastal Zone</p> <p>Amend to show designations</p> <p>Amend to show brent goose and wader sites</p>	<p>Proposals map has been amended</p> <p>Proposals map will be amended to Show SPA, SAC, SSSI, Ramsar, SINCs and Local Wildlife sites</p>	<p>Further recommend the Proposals Map included the brent goose and wader sites from the new Wader and Brent Goose Strategy (2010).</p>
<p>Glossary</p> <p>Amend AONB definition</p>	<p><i>'Is a nationally important landscape designated for its outstanding landscape value, with the primary purpose of conserving and enhancing natural beauty. AONBs have been confirmed by Government as having the highest status of protection in relation to landscape and scenic</i></p>	

	<i>beauty</i> '.	
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Policy CS

Chichester Harbour Area of Outstanding Natural Beauty (AONB)

Development will be permitted where it:

- Carefully assesses the impact of individual proposals, and their cumulative effect, on the **Chichester Harbour AONB**, and its setting;
- is appropriate to the economic, social and environmental well-being of the area or is desirable for the understanding and enjoyment of the area;
- Conserves and enhances the special qualities of the Chichester Harbour AONB (as defined in the Chichester Harbour AONB Management Plan) ; and
- ~~Meets Does not detract form~~ the policy aims of the Chichester Harbour AONB Management Plan.

Opportunities for remediation and improvement of damaged landscapes will be taken as they arise.

~~Development should not undermine the integrity of rural gaps, or the predominantly open and undeveloped character of the AONB.~~

Proposals that have an adverse effect will not be permitted unless it can be demonstrated that they cannot be located on alternative sites that would cause less *harm and there is a case for overriding public interest which outweighs the landscape value of the area as set out in national policy, coupled with deliverable, long-term mitigation of the impacts.* ~~and that the benefits of the development clearly outweigh any adverse impacts.~~

Development proposals that would be significantly detrimental to the special qualities of the Chichester Harbour AONB ~~or and~~ its settings will not be permitted.

Supporting text

Chichester Harbour AONB is a unique landscape comprising sheltered open water areas with contrasting narrow channels. The movement of the tide exposes bare mudflat and saltmarsh creating a wide, open and remote wilderness. The undeveloped character of the harbour is almost unique on the south coast and its status as a Ramsar wetland, a Special Protection Area, a **Candidate** Special Area of Conservation and a Site of Special Scientific Interest reflect its European importance to nature conservation. The largely flat hinterland includes highly productive farmland, as well as woodlands and hedgerows that contribute to the rural character of the area. The flatness of the landscape makes the AONB particularly vulnerable to visual intrusion from inappropriate development, both within or adjacent to the boundary, which can often be seen from significant distances across inlets, the main harbour channels, or open countryside. The Borough Council will have particular regard to these characteristics in determining development proposals affecting the AONB.

Chichester Harbour Conservancy has produced an AONB Management Plan, which is **adopted endorsed** by Havant Borough Council, Chichester District Council, West Sussex County Council and Hampshire County Council. The Conservancy has also produced an AONB Landscape Character Assessment and Design Guidelines for New Dwellings and Extensions, both of which have been endorsed by the Borough Council. The AONB Management Plan and its supporting documents identify the distinctive features and characteristics of the landscape and provide the framework for the management and ongoing spatial planning of Chichester Harbour AONB. Proposed development affecting the AONB should be of the highest design quality and applicants are encouraged to seek pre-application advice from Chichester Harbour Conservancy.