

**HAVANT BOROUGH COUNCIL**



**SUBMISSION CORE STRATEGY**

**PUBLIC EXAMINATION  
HEARING SESSION 2  
7 and 8 SEPTEMBER 2010**

**STATEMENT 2**

**Conservation, Landscape and Countryside**

## **Core Strategy Justification**

### **Conservation, Landscape and Countryside**

#### **Question 9**

**Will the Havant Borough Core Strategy (HBCS) be effective in protecting the borough's environmental assets?**

#### **Introduction**

1. Protecting the borough's environmental assets is fundamental to achieving the vision for the future which widely recognises its sustainable, innovative and high quality design developments and the stewardship of its natural and built environment. The environmental assets range from local nature reserves and Sites of Importance for Nature Conservation (SINCs) to national Sites of Special Scientific Interest (SSSIs), AONBs, Listed Buildings to international Natura 2000 sites such as Special Protection Areas and RAMSAR sites. The wide range of habitat, landscape, archaeological and built heritage assets are of major significance and are the basis of the high quality environment that is the borough's unique feature.
2. A particular challenge for the borough is the need to balance the protection of the natural and built environment with the delivery of growth. The council recognises that such growth could lead to adverse effects upon sensitive designated sites as a result of increased and cumulative pressures and therefore mitigation and avoidance measures will be necessary to facilitate development.
3. National policy requires core strategies 'to provide for a high level of protection of the environment' (SEA Directive) by subjecting them to a series of Sustainability Appraisals (SA). Havant Borough Council has fully embraced this requirement and the HBCS has been heavily influenced in its development by the findings and recommendations of the Sustainability Appraisals undertaken at each stage of the consultation process and which have sought to avoid or reduce negative impacts.
4. Based on an initial Scoping Report in 2006 (SD04/07 and /08) the sustainability appraisal process has established a set of sustainable development objectives and criteria against which the HBCS can be qualitatively assessed. At each stage of the HBCS consultation process the accompanying Sustainability Appraisal has highlighted a number of key aspects that should be addressed in the next iteration. The various Sustainability Appraisals are referenced SD04/01 – SD04/08 and SD04/11 in the Core Document List.
5. The SA that accompanies each draft of the HBCS shows how the policies meet the assessment criteria in the SA, enabling amendments to be made in the subsequent draft to reduce or avoid potential impacts on the

environmental assets.

6. The SA that accompanied the first Issues and Options HBCS recommended that the Plan give further attention to the potential impacts of development on the quality of landscape, townscape and the historic environment; greenfield land and the borough's strategic gaps. Further work into these matters fed into the more detailed second round Issues and Options HBCS and in particular helped shape the formation of the three main development options for the borough.
7. The SA of the second round Issues and Options HBCS considered the positive and negative aspects of the three options and concluded that the third option, which recommended spatial dispersal of development, would be least likely to impact on sites of nature conservation, including International designated sites.
8. The Preferred Options HBCS was based on the 'dispersal' option and expanded the vision for the Core Strategy by presenting a set of objectives and proposed policies. The SA that accompanied this document recommended including further detail on how open space and green infrastructure would be incorporated within new development and further clarification as to the proposed extent of strategic gaps in the borough.
9. The Draft HBCS (June 2009) drew on the findings of the previous SA and presented a detailed spatial approach to development in the borough and was accompanied by a series of high level policies and more detailed Development Management policies. In particular it included a Green Infrastructure policy, gave increased emphasis to the value of trees in the borough, and further clarification of the role of gaps.
10. The SA to the Draft HBCS highlighted a number of factors that could give rise to potential sustainability effects including the loss of open space and supporting wildlife habitats as a result of development on greenfield locations such as Brockhampton West, Dunsbury Hill Farm and Cabbagefield Row, and from potential impacts of increased visitor numbers on International designated nature conservation sites.
11. The SA also proposed a set of mitigation measures and recommendations that could be taken forward to the Pre-Submission stage including the replacement and compensation of loss of greenfields and open space; avoidance of areas likely to be at risk from coastal flooding; the incorporation of measures to reduce the impact of air quality issues on the local populations living in particularly affected areas; visitor management and education to mitigate the impacts of tourism on internationally designated sites of nature conservation importance; and avoidance or compensation of loss to supporting habitats, with further text to be included within the proposals for the Strategic Sites.
12. The SA findings had a role in the deletion of four Strategic Sites from the Pre-Submission HBCS. The green infrastructure policy (CS11), the

primary environmental asset policy (CS10) and development management polices were also improved to enhance the effectiveness of the HBCS in protecting and mitigating negative impacts on the boroughs environmental assets.

13. The council considers that the HBCS will be effective in protecting the borough's environmental assets. It achieves this by proposing the spatial distribution of development that of the three proposed options will have the least likely impact on sites of nature conservation, including International designated sites. This is in accordance with the recommendations of the sustainability appraisals taken at each stage in the development of the Plan.
14. However, in order for the HBCS to be effective in protecting the environmental assets of the borough it has to be deliverable, flexible and able to be monitored.

### **Delivery Strategy**

15. Protection of the borough's environmental assets falls within the HBCS theme of 'Caring for our Borough'. The objectives of the theme have been developed in the Sustainability Appraisal process and the relevant policies are CS10 'Protecting and Enhancing the Special Environment and Heritage of Havant Borough', CS11 'Green Infrastructure'; CS12 'Efficient Use of Resources' CS13 'Flood and Erosion Risk' and CS14 High Quality Design.
16. A delivery strategy for 'Caring for our Borough' in Chapter seven of the HBCS states that the objectives will be achieved through a variety of means. As the policies only provide a framework for developers to follow, delivery must be achieved by working with developers, landowners and other organisations such as PUSH, Natural England, Chichester Harbour Conservancy, Hampshire and Isle of Wight Wildlife Trust, the RSPB and a range of other local organisations. This will enable a coordinated approach to meeting the policy criteria. National and International legislation covering the designated sites also plays a major role in delivery of the policy objectives.
17. Underpinning the HBCS is the principle that developers must consider the policies of the Plan in the round and meet all policy criteria relevant to a proposal. It is not appropriate for the HBCS to repeat the requirements of specific policies for each theme. All development must comply with the policies designed to protect the environmental assets. It is important to take the whole plan approach in the application of polices. The alternative of putting environmental protection criteria in individual policies is repetitious and likely to lead to inconsistency and a reduction in the effectiveness of the policy framework.

18. As an additional safeguard planning applications will be screened by HBC under the Environmental Impact Assessment Regulations.

### **Habitats Regulations**

19. In compliance with the European Union Directive 92/43 the Conservation (Natural Habitats etc.) Regulations 1994 Havant Borough Council commissioned UEA to undertake an Habitat Regulations Assessment Screening (SD09/01) of the Draft HBCS to ensure that there were no adverse effects that would make the Plan undeliverable. The Screening found that it was not possible to make a conclusion of no adverse effects in relation to air pollution, disturbance, water resources and abstraction, and loss of, or damage to, supporting habitats. Changes were subsequently incorporated into the Pre-Submission HBCS to address these issues and an Appropriate Assessment (AA) was required for all policies that would generate likely significant effects. The AA (SD09/02) concluded that all negative effects in relation to the conservation objectives of European Sites can be effectively removed provided the avoidance and mitigation measures recommended in the Assessment are adopted and implemented successfully.

### **Mitigation Measures**

#### **Green Infrastructure and the Solent Disturbance Mitigation Project**

20. PPG12 recognises that when a Core Strategy is being prepared less information may be available than would be ideal and states that the test should be whether there is a reasonable prospect of provision.
21. Havant Borough Council believes that sufficient evidence is currently available to show that there is a reasonable prospect of providing the green infrastructure necessary to enable the amount of development proposed for the borough over the Plan period.
22. Following publication of the Pre-Submission HBCS the PUSH Green Infrastructure Strategy (SD01/11a) referred to in Policy CS11 was adopted (23 June 2010) as a Policy Framework Document by the PUSH Joint Committee. It acknowledges that there is currently insufficient evidence to quantify the nature and scale of potential risks to the Natura 2000 network from planned growth and that it is therefore not possible to define with precision the quantum of alternative greenspace required to mitigate the risks of impact. To address this data gap PUSH has joined with Natural England and others to instigate new site specific research. Of particular relevance to the borough is the Solent Disturbance and Mitigation Project (SDMP) which attempts to better understand recreational impacts at coastal sites for birds. The final SDMP report is due to be published by the end of 2010 and will provide an evidence base to enable the Local Authorities to determine the type, location and scale of mitigation needs

required to address the risks to the Natura 2000 network.

23. HBC has worked with Natural England, Chichester Harbour Conservancy, RSPB and Hampshire and Isle of Wight Wildlife Trust to improve the policy wording for the protection of environmental assets and these are all set out in the Proposed Pre-Examination Schedule of Changes and confirmed in the Schedule of Changes. Among the proposed changes Policy CS10 is amended to require development to 'respond to the emerging evidence of the SDMP, the published recommendations, and future related research'
24. To begin the provision of GI prior to publication of the specific research, the PUSH strategy recommends several sub-regional initiatives and projects, including the potential for habitat creation at Hayling Island and Havant Thicket Reservoir. Details of individual projects, including responsibilities and timescales, will be identified through an Implementation Plan and monitored by the Sustainability and Community Infrastructure Delivery Panel. The PUSH Joint Committee (23<sup>rd</sup> June 2010) confirmed that the Delivery Panel has funding for 2010/11 to manage the programme of work necessary to secure the implementation of green infrastructure and that the process of appointing a green infrastructure co-ordinator is progressing.
25. In addition HBC has appointed consultants to review the council's Open Space Plan with a view to updating it in accordance with the requirements of PPG17 with the intention that it will feed into the Green Infrastructure evidence base.
26. The council has also proposed a change to Table 9.1 to include Access Management Measures within the definition of green infrastructure, together with a definition in the glossary. (see Proposed Pre-Examination Schedule of Changes)
27. The council has also given further protection to Brent Geese to ensure that development will only be allowed on areas identified in the Hampshire and Isle of Wight Brent Goose Strategy if it can be demonstrated that any impact on the habitat can be fully mitigated (see Proposed Pre-Examination Schedule of Changes)
28. For the above reasons the council considers that the HBCS will deliver protection of the borough's environmental assets.

### **Flexibility**

29. The policies of the HBCS are considered to be sufficiently flexible to accommodate external changes in circumstances. Section eight of the SA explains that monitoring enables the actual significant effects of implementing the HBCS to be tested against criteria set out in the SA to ensure that problems can be identified and future predictions made more accurately.

30. Natural England and other respondents have expressed concern that the HBCS does not secure sufficient flexibility for the spatial distribution of development to be adjusted to respond to the recommendations of disturbance research highlighting possible constraints on development posed by European sites. Following the revocation of the South East Plan HBC has proposed a change to Policy CS9 to accommodate flexibility in the borough's housing target to prevent adverse effects on the integrity of any International sites that cannot be avoided or adequately mitigated (see Schedule of Changes)
31. The council is revising its Annual Monitoring Report (AMR) to align the monitoring criteria with the SA monitoring criteria to ensure that the need for any policy amendments is identified.
32. The council considers that the HBCS is sufficiently flexible to protect the borough's environmental assets.

### **Monitoring**

33. The SEA Directive includes a specific requirement to monitor the significant environmental effects of plans. Monitoring indicators are set out in Table 8 of the SA and will be reported in the AMR. The AMR's core output and local indicators will be based on the indicators developed in the Scoping Report of 2006. This list will be re-assessed every year and new indicators added when necessary. All the policies in the HBCS were formulated to be SMART in line with the Government Good Practice Guide on LDF monitoring.
34. The council considers that the monitoring policies in the HBCS comply with national policy requirements.

### **Conclusion**

35. The council believes that the HBCS has iteratively evolved to provide a spatial plan that will protect the borough's environmental assets through the most appropriate distribution of development and through policies that are deliverable, flexible and able to be monitored.

### **Does the CS provide for adequate mitigation of environmental effects, with particular regard for habitats of national and international significance?**

36. The provision of adequate mitigation is central to the HBCS. A new criteria is proposed for Policy CS10 and additional wording inserted in criteria 1 of Policy CS9 to recognise that the potential impacts of development must be mitigated. The only issue is that the details of the necessary mitigation

have yet to be determined. This will be the output from the Solent Disturbance and mitigation project which is expected to report by the end of the year. In an ideal world it would be great to know what mitigation is required, however, the world cannot stop until this is finalised. The Appropriate Assessment has proposed that subject to the necessary mitigation there is currently no known reason why the development targets cannot be achieved. Therefore the council, with the effective agreement of the environment bodies is continuing with the HBCS on the basis that the policies of the HBCS set a framework that can deliver the necessary development and the necessary mitigation.

37. Central to the mitigation strategy is the green infrastructure (GI) strategy. The council is taking the opportunity to instigate what it feels would be an innovative approach in merging the traditional PPG17 approach to play, recreation and leisure with the wider perspective of GI. Whilst this study is just emerging, it is intended to engage with stakeholder on its evolution and its finding integrated into a Local Development Document.

#### **Question 10a**

#### **Should there be a separate policy to protect the Area of Outstanding Natural Beauty (AONB)?**

38. Yes. As the South East Plan has been revoked a new AONB policy is proposed to replace Policy C3 of the South East plan. This will afford greater protection to the local distinctive qualities and characteristics of the Chichester Harbour AONB. A proposed AONB policy and supporting text is shown in the proposed Pre-Examination Schedule of Changes

#### **Question 10b Is the wording adequate?**

39. Improvements in negotiation with the environment bodies have been ongoing on the precise wording of the proposed policy. Whilst everyone may still have outstanding issues the council believes that it has proposed wording that is appropriate in setting a locally relevant framework without repeating national policy.

#### **Are local designations still relevant and useful?**

40. Havant has a variety of local designations for biodiversity, heritage and landscape including Sites of Importance for Nature Conservation (SINCs), Conservation Areas, local listed buildings and land identified as gaps between settlements that maintain their separate identities and the distinctive landscape character.
41. National planning policy allows local designations where they are locally justified. The council believes these designations are essential to maintaining and enhancing the natural and built heritage of the borough and are all seen as playing a critical role in the well-being of the borough's residents and visitors.
42. The fact that they are local gives them resonance with the local community. Local designations provide a focus for people to get involved

in their area, rather than national and international designations which people may feel are beyond their scope and the responsibility of national and international bodies. It is around the local designations that volunteering usually grows and are fundamental to a bigger society and sustainable communities. The issue for the Development Plan is whether these really important local designations are sound and justified.

43. The designation of SINCs is through a rigorous assessment by ecologists at HCC and verified with the local wildlife trust. SINCs are considered to be scientifically sound.
44. Conservation Areas are locally designated with the involvement of the local community and again these follow established criteria for designation.
45. The council believes that local designations have an extremely important role in creating sustainable communities; as an environmental asset; for place making; and as a focus for social cohesion.

#### **Is the policy hierarchy correct and justified?**

46. Proposed change number 56 now shows the addition of a criteria to policy CS10 that sets out the appropriate nature conservation hierarchy.

#### **Should the gaps policy be retained?**

47. The previous government took a stance on strategic gaps by deleting them from the South East Plan (SEP) and this principle continued with their deletion from the New Forest District Core Strategy. The SEP did not rule out the concept of gaps where they could be robustly justified. What was not considered is the social cohesion aspect of gaps. Gaps are one of the most locally coveted planning designations. They have a prominent role in a community's identity. Planning policy should be sustaining the identity of local communities and using strong policy to secure retention of physical and perception gaps between separate settlements. HBC commissioned a rigorous study that concluded that the borough's few and narrow open areas between the existing communities are a sensitive and important part of the character of the borough. Gap policy does more than countryside policy as it controls development that may be appropriate in respect of countryside policy but not in a sensitive gap. Gaps can have other positive aspects such as in retaining open land adjacent to urban areas which can be used for new/enhanced recreation and other green infrastructure purposes. Gap policy doesn't preclude development that wouldn't adversely affect the function of the gap and be otherwise acceptable in planning terms. The council strongly believes that the gaps policy is fundamental to place making in the borough and should be retained.
48. Urban extension sites into existing gaps will be necessary to meet the housing requirement for the borough. Where this is necessary a minimum gap necessary to maintain physical and perceptible separation will be

maintained. The exact boundaries of the gaps will be defined with local involvement through the Development Delivery (Allocations) Plan.

### **What evidence justifies their defined boundaries?**

- 49 Whilst the council believes there is a strong localism position on the principle of gaps, the detailed position on gap boundaries is more difficult. The principle of gaps is considered to be in accordance with the coalition government's intended policy programme, as set out in the Coalition Statement: 'Our Programme for Government' published in May 2010. This confirms that the government will create a new designation – similar to SSSIs – to protect green areas of particular importance to local communities. The proposals map shows the old gap boundaries, with the areas now included in Strategic sites deleted, plus the Asda and B& Q sites deleted, as these were never realistic. However, the detailed assessment undertaken by Kirkam Associates (SD09/15) that was promoted in the Allocations Issues and Options plan are not shown. It has always been the intention to test the detailed the gap boundaries in the Development Delivery (Allocations ) Plan once the principle is agreed through the HBCS.