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## **Consultation: Draft Portsmouth Local Plan 2040 Regulation 19 Pre-Submission consultation**

Hampshire & Isle of Wight Wildlife Trust is an independent charity founded in 1961 and together with 46 others we are part of The Wildlife Trusts, the largest grass roots nature conservation federation in the UK with 900,000 members. Locally across Hampshire and the Isle of Wight we have over 28,000 members and we currently manage 5,000 hectares of land for wildlife, primarily nature reserves of local, national, and international importance.

We welcome the opportunity to comment on the draft Portsmouth Local Plan. While we are pleased to see the environment as a key issue in the Local Plan, we consider that the Local Plan in its current form suffers from a lack of development of key policies; it does not represent current best practice in policy, clarity and ambition, as based on robust evidence, to put nature into recovery across the district. This risks the soundness and legal compliance of the plan, including ensuring sufficient support for achieving the legal targets set out in the Environment Act 2021, and alignment with key provisions of the Levelling Up and Regeneration Act 2023.

The Wildlife Trusts are calling for at least 30% of land and sea to be restored for nature and climate by 2030, in line with national and international commitments. We welcome the commitment to protect 30% of land for nature by 2030 in the Council's Ecological Emergency Declaration of December 2021. In order to align with this ambition and with the UK's endorsement of the Kunming-Montreal Global Biodiversity Framework, we call on Portsmouth Council to fully embed and reflect this goal, and our legal target for nature's recovery by 2030 in its local plan, backed by mapping and sufficient, evidence-based policy mechanisms to ensure that the state of nature is turned around and wildlife starts to recover during this decade.

### **Core Policies PLP1: Design and Core Policy PLP2: Climate Emergency:**

We strongly welcome the inclusion and content of the Council's two core policies, **Core Policy PLP1: Design** and **Core Policy PLP2: Climate Emergency**. Both policies are crucial for ensuring the local plan aligns with the obligations of the Environment Act 2021 and Levelling Up and Regeneration Act 2023. We strongly welcome the references within **Core Policy PLP1: Design** to the National Model Design Code and the reflection of the important role of natural green infrastructure in delivering well designed beautiful places. Likewise, we welcome this citation given the National Model Design Code's detailed guidelines and emphasis on climate resilient sustainable design. Furthermore, we welcome the overarching provisions and topics included within **Core Policy PLP2: Climate Emergency**, as these will be essential for ensuring the plan supports delivery of the Environment Act targets.

However, we would recommend that **Core Policy PLP2: Climate Emergency** is updated to reflect the Council's declaration of a nature emergency<sup>1</sup>, to: "**Core Policy PLP2: Nature and Climate Emergencies**". This would reflect the dual emergency declarations already made by the Council, and help ensure compliance with the obligations of both the Climate Change Act 2008 and Environment Act 2021 in tandem.

To ensure these core policies, and their associated legal obligations, are reflected throughout the local plan, subsequent policies must provide suitably detailed, robust, and effective means by which these goals can be both defined and realised, in line with the latest related evidence. Below we provide recommendations to ensure these policies, and their associated aims, are fully reflected, embedded, and can ultimately be delivered, through the local plan. Without such amendments, in line with the latest evidence, the plan risks failing to meet its statutory objectives, including aligning with related national planning policy and legislation.

### **Biodiversity Net Gain**

We strongly support the proposition that development proposals within the strategic sites of Portsmouth City Centre and Lakeside, and the allocation site of Somers Orchard, will be permitted where they demonstrate a 20% net gain for biodiversity as accounted for in a Biodiversity Net Gain Plan.

However, to ensure that Biodiversity Net Gain truly halts nature's decline and puts it into recovery, we encourage the Council to amend draft **Development Management Policy PLP40: Biodiversity Net Gain** and set a target for development to go above and beyond the Government's 10% minimum Biodiversity Net Gain, instead aiming for at least 20% Biodiversity Net Gain across all new development.

Failure to integrate a 20% target risks the Plan's effective alignment with the Environment Act's legal target to halt species decline by 2030, and the enhanced duty within the Act for local authorities to conserve and enhance nature across their functions.<sup>2</sup> The original 2018 Defra impact assessment for BNG highlighted that a 10% enhancement would likely be inhibited in practice by a number of factors, including habitat degradation between initial assessment and construction completion, pressures from occupation (such as light and sound pollution) and the possible loss of gains over decades. As such, the impact assessment described 10% as the 'lowest level of net gain that the department could confidently expect to deliver genuine net gain, or at least no net loss, of biodiversity and thereby meet its policy objectives.'<sup>3</sup> The 2023 State of Nature report has presented evidence of a 16% decline in the average abundance of terrestrial and freshwater species in the UK since 1970 (an earlier 2019 assessment had put the figure at 13%)<sup>4</sup>.

To be commensurate with the scale of the challenge, the Council's ecological emergency declaration, and genuinely support progress towards the legal target to halt species decline in the UK by 2030 in the Environment Act 2021, it is imperative the Council follow other LPAs -

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<sup>1</sup> <https://democracy.portsmouth.gov.uk/ieListDocuments.aspx?CId=146&MId=4634&Ver=4>

<sup>2</sup> [https://www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpga\\_20210030\\_en.pdf](https://www.legislation.gov.uk/ukpga/2021/30/pdfs/ukpga_20210030_en.pdf) [102]

<sup>3</sup> [https://consult.defra.gov.uk/land-use/net-gain/supporting\\_documents/181121%20%20Biodiversity%20Net%20Gain%20Consultation%20IA%20FINAL%20for%20publication.pdf](https://consult.defra.gov.uk/land-use/net-gain/supporting_documents/181121%20%20Biodiversity%20Net%20Gain%20Consultation%20IA%20FINAL%20for%20publication.pdf)

<sup>4</sup> [https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report\\_2023\\_FULL-DOC-v12.pdf](https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report_2023_FULL-DOC-v12.pdf)

including Guildford and Worthing<sup>5</sup> - and adopt a more widely applicable 20% minimum requirement.<sup>6</sup>

We recommend Kent County Council's assessment (<https://kentnature.org.uk/wp-content/uploads/2022/07/Viability-Assessment-of-Biodiversity-Net-Gain-in-Kent-June-2022.pdf>) of the potential effect of a 15% or 20% Biodiversity Net Gain target on the viability of residential-led development in Kent. In summary a shift from 10% to 15% or 20% Biodiversity Net Gain did not materially affect viability in the majority of instances when delivered onsite or offsite. The biggest cost in most cases is to get to the mandatory, minimum 10% Biodiversity Net Gain. The increase to 15% or 20% Biodiversity Net Gain in most cases costs much less and is generally negligible and because the Biodiversity Net Gain costs are low when compared to other policy costs, in no cases are they likely to be what renders development unviable. In 2020 Defra reviewed five infrastructure projects and found that the costs for 20% BNG was around just 1% of the capital costs for all but one of these projects.<sup>7</sup>

In addition, concerning research cited by the Green Finance Institute has indicated that as low as 0.5% of applications could be delivering Biodiversity Net Gain due to abuse of the exemptions.<sup>8</sup> Significant non-compliance and failure to deliver Biodiversity Net Gain represents a serious risk to the environmental credentials of the Local Plan and its compliance with the provisions of the Environment Act 2021. To address this abuse, we recommend that the Council follow the example of Guildford in its local plan policy, and insert wording to prevent the abuse of exemptions.<sup>9</sup>

### **Trees and hedgerows**

We welcome and support the goals and inclusion of **Development Management Policy PLP41: trees and hedgerows**. Increasing tree cover will be vital for achieving the Council's Greener City Vision and ambition to double tree cover in the city over the next 25 years. Likewise, urban tree coverage will be vital for delivering key ecosystem services, such as enhancing local climate resilience through helping to mitigate the urban heat island effect. For the policy to deliver in line with the Council's vision and legal objectives, we recommend its ambition is increased in line with wider best practise, guidance and policies.

Seeking to maximise the ecosystem services delivered by trees and green infrastructure is essential for meeting legal air quality targets under the Environment Act, obligations and national policy direction to consider climate adaptation in planning, and aligning with the key missions and associated obligations under the Levelling Up and Regeneration Act 2023 - notably the missions to improve local health outcomes and pride of place.

Research, notably from Wycombe, has indicated a good level of ecosystem services is likely to be delivered at 25% canopy cover.<sup>10</sup> Testing shows that it should be possible for developments of around 35% (dependent upon development form). The CABI publication 'What makes an eco-town?' suggested canopy cover of at least 25% in residential areas in

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<sup>5</sup> [Biodiversity Net Gain progress report 7 Feb 2024.pdf \(wcl.org.uk\)](https://wcl.org.uk/Biodiversity-Net-Gain-progress-report-7-Feb-2024.pdf)

<sup>6</sup> <https://stateofnature.org.uk/wp-content/uploads/2023/09/TP25999-State-of-Nature-main-report-2023-FULL-DOC-v12.pdf>

<sup>7</sup> <https://randd.defra.gov.uk/ProjectDetails?ProjectID=20490&FromSearch=Y&Publisher=1&SearchText=NE0146&SortString=ProjectCode&SortOrder=Asc&Paging=10#Description>

<sup>8</sup> <https://legacy.greenfinanceinstitute.com/wp-content/uploads/2024/07/GFI-BNG-ROADMAP.pdf>

<sup>9</sup> <https://intercom.help/joes-blooms/en/articles/9281447-lpa-guide-guildford>

<sup>10</sup> <https://www.charteredforesters.org/wp-content/uploads/2016/11/Philip-Simpkin-Canopy-Cover-Targets-in-Planning-Policy-2016.pdf>

order to deliver the associated ecosystem service benefits.<sup>11</sup> We therefore recommend that the policy is amended to follow best practice and require 25% tree canopy coverage.<sup>12</sup> Likewise the requirement to replace lost trees at a ratio of 1:1 should be increased to 1:2, in order to mitigate against net loss from sapling die off. Compliance with best practise guidance and assessment procedure, should also be integrated, including British Standard 5837:2012 Trees – in relation to design, demolition and construction (or subsequent revisions), with the use of buffers which exclude damaging activity or other suitable protective measures. The Council should require a tree survey and an Arboricultural Impact Assessment (AIA) to be submitted. Where special techniques and tree protection methods will be necessary for successful implementation, details of them must also be included in the form of a Tree Protection Plan (TPP) and Arboricultural Method Statement (AMS).

Further supplementary planning documents and guidance should seek to maximise the multifunctional benefits of tree planting, including for nature recovery, drawing on relevant species and planting guidance.<sup>13</sup>

### **Strategic Policy PLP42: Solent Waders and Brent Geese Sites**

We welcome the inclusion of policy **PLP42 on Solent Waders and Brent Geese sites**. We especially welcome the references to, and inclusion of, the Solent Waders and Brent Goose Strategy as a key point of reference. It is crucial that the recommendations and key guidance within this strategy are properly and systematically reflected across the strategic allocations and sites within the plan. Particularly to ensure plans and measures are based on a spatial analysis of three years of up-to-date field survey data, and that the relevant mitigation best practice, as recommended within the Strategy, is followed.

### **Nature Recovery Network and Local Nature Recovery Strategies**

We welcome the reference to alignment with the Local Nature Recovery Strategy in draft **Strategic Policy PLP39: Biodiversity**, and the supporting text for Strategic **Policy PLP38: Green Infrastructure**. We particularly welcome the emphasis on support for delivering ecological networks and areas of high potential for nature restoration and recovery, including linking together protected sites, as this will be critical for delivering our national goal to halt species decline and facilitate species recovery under the Environment Act 2021, and in line with the key conclusions of the Lawton review.<sup>14</sup>

We welcome the commitment to establishing a local nature recovery network in the cited ecological emergency declaration of December 2021. To ensure this is given due and proper regard in relation to the obligations of the Environment Act 2021 and the Levelling Up and Regeneration Act 2023's requirement for LPAs "*to take account of*", local nature recovery priorities and measures in spatial planning<sup>15</sup>, we strongly recommend that the Council commits to the creation and maintenance of a functioning nature recovery network, as this is a key mechanism through which the biodiversity of the district can be protected and enhanced, and ensures this is fully reflected and embedded in the wording of **Strategic Policy PLP39: Biodiversity**. The Nature Recovery Network, now embedded within national policy through the Environment Act, is the key national mechanism to deliver nature's recovery and must be

<sup>11</sup> <https://www.designcouncil.org.uk/fileadmin/uploads/dc/Documents/what-makes-an-eco-town.pdf>

<sup>12</sup> <https://ukgbc.org/wp-content/uploads/2022/11/The-Nature-Recovery-and-Climate-Resilience-Playbook.pdf>

<sup>13</sup> <https://www.barchampro.co.uk/wp-content/uploads/2019/05/Species-Selection-FINAL.pdf> ;

<https://www.tdag.org.uk/our-guides.html>

<sup>14</sup> <https://www.gov.uk/government/news/making-space-for-nature-a-review-of-englands-wildlife-sites-published-today>

<sup>15</sup> [https://www.legislation.gov.uk/ukpga/2023/55/pdfs/ukpga\\_20230055\\_en.pdf](https://www.legislation.gov.uk/ukpga/2023/55/pdfs/ukpga_20230055_en.pdf)

clearly supported through the Local Plan, in order to support the delivery of local nature recovery priorities, the enhanced duty to conserve and enhance nature, and meet the Government's 25 Year Environment Plan targets.

Nature recovery network mapping is about taking a strategic spatial approach to the natural environment, identifying areas of existing value, and looking for opportunities to create connections with new habitats that will benefit people and wildlife. Without such spatial mapping, it will not be possible to identify where interventions are required to create a nature recovery network and thus deliver the Government's environmental policy ambition.

Therefore, we strongly recommend that the Council prepare and use the Nature Recovery Network, and Local Nature Recovery Strategy, as foundational tools for the Local Plan to:

1. Identify areas within the local plan area that are of special importance within the context of the Nature Recovery Network, including: existing habitats that are of highest value, areas that buffer existing core habitat, and gaps within the existing ecological network that, if filled, would improve ecological connectivity and reduce fragmentation.
2. Assess, identify and prioritise opportunities for ecological enhancement through local land management plans and strategies.
3. Identify the best sites for development and those areas where development should be avoided. Sites of core importance to the Nature Recovery Network should be protected and development should not result in severance of ecological connectivity within the network.
4. Inform the design of any development in such a way that it makes a net contribution to the Nature Recovery Network.
5. Inform and target biodiversity net gain delivery and other nature-based solutions.
6. Inform the use of building standards that promote biodiverse developments within local plans (e.g. Building with Nature standards) to ensure that development targets action to most effectively contribute to restoring nature.
7. Send a clear market signal to developers of expectations for all future planning to contribute positively and meaningfully to nature's recovery.

The Nature Recovery Network and Local Nature Recovery Strategy should guide where development should not take place to avoid severance of the landscape and ecological corridors.

We welcome the statement that development proposals should take opportunities to contribute to - and deliver - the aims and objectives of the Local Nature Recovery Strategy (LNRS) where possible, and support the Green Grid.

However, the Council must strengthen this wording to ensure the policy aligns with, and fully reflects, the spatial priorities of the Nature Recovery Network, and the associated nature recovery objectives, as mapped.

To do this, we recommend the following wording changes:

### **Strategic Policy PLP39: Biodiversity**

1. *Development proposals will be permitted where they conserve and enhance biodiversity, giving particular regard to ecological networks and areas with high potential for priority habitat restoration or creation, [insert] as identified in the Local Nature Recovery Strategy (LNRS). Up-to-date ecological information should be submitted which demonstrates that development proposals:*



- a) Retain, protect and enhance features of biodiversity interest (including supporting habitat and commuting routes through the site and taking due account of any use by migratory species) and ensure appropriate and long-term management of those features;
- b) Contribute to the creation of larger improved wildlife habitats through the creation of linkages between sites to create and enhance local and regional ecological networks, *[insert] and deliver the spatial Local Nature Recovery Strategy priorities;*
- c) Protect and support recovery of rare, notable and priority species;
- d) Seek to eradicate or control any invasive non-native species present on site;
- e) Contribute to the protection, management and enhancement of biodiversity for example by supporting the delivery of green infrastructure and Biodiversity Action Plan targets, *[insert] the Local Nature Recovery Strategy priorities and measures,* and enhance Biodiversity Opportunity Areas; and
- f) Comply with the mitigation hierarchy as set out in national policy

...

e) Outside of designated sites:

- i. Development proposals should identify and incorporate opportunities to conserve, enhance, restore and recreate priority habitats and ecological networks. Development proposals should take opportunities to contribute and deliver on the aims and objectives of the relevant biodiversity strategies including the emerging Local Nature Recovery Strategy *[remove] where possible;*

We recommend these changes to ensure a clearer, more-direct regard is given to local nature recovery priorities in planning (as required by the Levelling Up and Regeneration Act 2023). The current, more generic, wording of the policy is not sufficient to ensure adequate consideration of the LNRS is embedded in the Plan, and that the associated measures, priorities and spatial elements of the LNRS are fully, and duly, considered.

For more information on Nature Recovery Network, we recommend reading the South East Nature Partnerships' 'Principles of Nature recovery Networks across the South East of England' document, available here: <https://hantswightlnp.files.wordpress.com/2021/07/joint-south-east-nrn-principles-senp.pdf>

### **Green infrastructure**

Ambitious green infrastructure policy is a vital component, particularly in an urban setting, for achieving alignment with the Environment Act's targets, as well as achieving the Levelling Up and Regeneration Act's associated missions, including on public health and pride of place. In line with **Core Policy PLP1 Design**, the relevant citation of the National Model Design Code, and recommendations of the Building Better Building Beautiful Commission,<sup>16</sup> suitably maximising green infrastructure is an essential component of well-designed places. Likewise ambitious policy on green infrastructure is essential in order to comply with the relevant directions of the NPPF and duties to consider climate change, notably climate adaptation. Green Infrastructure can, and should, support biodiversity, as well as both mitigation and adaptation efforts related to the climate crisis.

In order to fully comply with the associated policy directions and support the associated legal targets, we would like to see the Draft Local Plan adapt the green infrastructure policy to set high quality green infrastructure principles across the built footprints of new and existing areas.

<sup>16</sup> <https://www.gov.uk/government/publications/living-with-beauty-report-of-the-building-better-building-beautiful-commission>

This would lead to the increased sustainability of developments, boost climate resilience and public wellbeing, as well as increase value, support a resilient economy and desire to live in the area.

Therefore, we welcome the reference to the Building with Nature accreditation in the supporting text for draft **Strategic Policy PLP38: Green Infrastructure**. This accreditation brings together existing guidance and good practice to help recognise and deliver high-quality green infrastructure where wellbeing, biodiversity and water are core foundations.

To ensure the Local Plan aligns with current best practise, we recommend the Council follow the examples set by other LPAs, and the Welsh Government's wording in *Planning Policy Wales*<sup>17</sup>, in strengthening the local plans policy requirements to specifically recommend that **all** proposals for green infrastructure will be expected to be designed with the Building with Nature standards, or an equivalent standard set by the Council.<sup>18</sup> This will ensure sufficient quality control, and help ensure all green infrastructure is delivering maximum benefits for the health and wellbeing of residents, and for our nature recovery targets.

As for green infrastructure as mitigation for new developments, the Council should recognise that meeting the Suitable Accessible Natural Greenspace (SANG) calculations is the minimum requirement and does not fully mitigate potential impacts to all sites of ecological importance. Developments near nature reserves increase the footfall, which third parties have to bear the cost of. These sites for wildlife, whether they are designated or not, will play a key role in the ecological network and upcoming LNRS.

Therefore, when assessing the ecological impacts of new development, the Council must go beyond draft **Strategic Policy PLP39: Biodiversity** and require a complete appraisal on impacts of both designated and non-designated wildlife sites (e.g. local nature reserves) and sufficient mitigation measures in line with accredited best practise guidance.

We welcome the prospective inclusion of an Urban Greening Factor (UGF) within the supporting text of **Strategic Policy PLP38: Green Infrastructure** and the associated green infrastructure strategy. This will be a vital policy for supporting urban greening in the city through new development, in addition to Biodiversity Net Gain, where initial habitat baselines are low. We welcome the interim provision that until such time as the City Council publishes additional guidance, applicants should use Natural England's Urban Greening Factor as set out in its Green Infrastructure Framework using surface cover types and factors. We would recommend that the Council's related planning policy follows the model of the London plan urban greening factor, Policy G5.<sup>19</sup> However, given the significant and severe issues of green space and greenery deprivation in Portsmouth, in order to address the scale of nature decline and deliver the relevant public health and pride of place outcomes needed, we recommend setting a higher target minimum score than 0.3 for commercial development and 0.4 for

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<sup>17</sup> <https://www.gov.wales/sites/default/files/publications/2024-07/planning-policy-wales-edition-12.pdf> p139  
<https://www.buildingwithnature.org.uk/newsblog1/2023/11/28/delivering-high-quality-green-infrastructure-in-wales-a-briefing-for-developers-planners-and-placemakers>

<sup>18</sup> <https://static1.squarespace.com/static/5c45e569c3c16a9eac56d244/t/60c8c0d9388d15329745f4d8/1623769306004/BwN+key+literature+%26+references+guide+v1.0+SJ+Feb21.pdf>

<sup>19</sup> <https://www.london.gov.uk/programmes-strategies/planning/implementing-london-plan/london-plan-guidance/urban-greening-factor-ugf-guidance> ; <https://www.london.gov.uk/programmes-strategies/planning/london-plan/the-london-plan-2021-online/chapter-8-green-infrastructure#policy-g5-urban-greening-171016-title>

residential developments, as well as ensuring it encompasses all types and sizes of development within the city.

### **Strategic Policy PLP43: Recreational Disturbance on International Nature Designations & Development Management Policy PLP45: Open Space**

We welcome the inclusion of policies intended to address recreational disturbance on areas with international nature designations and encourage the provision of open space within new development. However, we are concerned that these do not go far enough to fully integrate relevant mitigation, alternative green space provision, management and monitoring best practise in line with the obligations of relevant policy and legislation.

We would recommend that the draft **Policy PLP43: Recreational Disturbance on International Nature Designations** should consider recreational impacts and disturbance on both designated and non-designated wildlife sites, which is currently missing from the policy wording. A failure to fully consider non-designated sites risks environmental damage to key nature recovery sites, potentially conflicting with the priorities to be outlined in the Local Nature Recovery Strategy.

We welcome relevant wording in **Strategic Policy PLP38: Green Infrastructure** that: *“development that does not provide onsite green infrastructure ... will only be permitted where sustainable alternative green infrastructure provision of an equivalent standard is provided in close proximity to the development”*. However, we are concerned that the current draft does not include specific wording on the provision of Suitable Alternative Natural Greenspace (SANG) or relevant Strategic Access Management and Monitoring (SAMM) projects and requirements. This is a particularly concerning omission, given the predicted impacts of key strategic allocations, such as Tipner West, on SPAs.

To ensure a compliant and adequate level of protection for designated sites, the Council must include - and integrate fully - a more detailed policy for the provision of alternative greenspace that is both functional, and of a standard that provides viable habitat alternatives for those areas under pressure on the coast, drawing on SANG and SAMM guidance.

We recommend the Council mirror the effective policy wording of other authorities, such as Surrey Heath<sup>20</sup> and Guildford<sup>21</sup>, to ensure suitable alternative greenspace provision and strategic access management and monitoring mitigation. A failure to do so, given the direct implications of the Plan for protected areas, designated and non-designated sites, risks serious implications for both the soundness and legal compliance of the Plan with regards to the key environmental duties and considerations required.

To address this concerning deficiency, we recommend the following wording:

- (1) *Permission will only be granted for development proposals where it can be demonstrated that doing so would not give rise to adverse effects on the ecological integrity of a Special Protection Area (SPA), whether alone or in combination with other development. Where one or more adverse effects on the integrity of the SPA will arise, measures to avoid and mitigate these effects must be delivered and secured in perpetuity. These measures are unlikely to be acceptable unless agreed with Natural England.*

<sup>20</sup> <https://www.surreyheath.gov.uk/planning-and-building-control/planning-policy/thames-basin-heaths-special-protection-area/sang-and-samm-mitigation>

<sup>21</sup> [https://www.guildford.gov.uk/newlocalplan/media/29891/The-Guildford-borough-Local-Plan-strategy-and-sites-2015-2034/pdf/Guildford Borough Local Plan \(2015-2034\) \(Web Version\) \(Reduced\)1.pdf](https://www.guildford.gov.uk/newlocalplan/media/29891/The-Guildford-borough-Local-Plan-strategy-and-sites-2015-2034/pdf/Guildford%20Borough%20Local%20Plan%20(2015-2034)%20(Web%20Version)%20(Reduced)1.pdf)



(2) The following principles apply:

- a) There is an “exclusion zone” set at 400m linear distance from the SPA boundary. Permission will not be granted for development that results in a net increase in residential units within this zone. Proposals for other types of development within this zone must undertake Habitats Regulations Assessment to demonstrate that they will not harm the integrity of the SPA.
- b) There is a “zone of influence” between 400m and 5km linear distance from the SPA boundary. Where net new residential development is proposed within the zone of influence, avoidance and mitigation measures must be delivered prior to occupation of new dwellings and in perpetuity. Measures must be based on a combination of 1) the provision, improvement and/or maintenance of Suitable Alternative Natural Greenspace (SANG) and 2) Strategic Access Management and Monitoring (SAMM).
- c) Residential development of over 50 net new dwellings that falls between five and seven kilometres from the SPA may be required to provide avoidance and mitigation measures. This will be assessed on a case-by-case basis and in consultation with Natural England.

(3) The following principles apply to the provision of SANG:

- a) A minimum of 8 hectares of SANG land (after discounting to account for current access and capacity) should be provided per 1,000 new occupants.
  - b) Developments must fall within the catchment of the SANG that provides avoidance, except developments of fewer than 10 net new residential units.
  - c) The Council will collect developer contributions towards avoidance and mitigation measures, including SANG (unless bespoke SANG is provided) and SAMM.
  - d) Developments may secure or provide bespoke SANG. Proposals for new SANGs are unlikely to be acceptable unless agreed by Natural England. Large developments may be required to provide bespoke SANG.
- (4) Where further evidence demonstrates that the integrity of the SPA can be protected using different distance thresholds or with alternative measures (including standards of SANG provision different to those set out in this policy), the Council will agree these in consultation with Natural England.

### **Nutrient Neutrality, Rivers, and Water Quality**

We welcome and strongly support the inclusion of nutrient neutrality in **Strategic Policy PLP44: Nutrient Neutrality in International Nature Designations**. We strongly welcome the emphasis on local delivery mechanisms and mitigation, as well as ensuring appropriate mitigation is secured through legal agreements and delivered prior to first occupation.

However, in order to fully address the evidence outlined regarding the scale of the problem and support the Council's wider goals for a greener Portsmouth, we would recommend that the policy goes further and integrates a stronger preference for nitrate mitigation schemes that will deliver wider environmental benefits, especially for biodiversity. The “stacking” of nutrient and Biodiversity Net Gain benefits offers a valuable route to deliver this. The opportunities for the creation and improvement of habitats, as part of mitigation proposals, should be as identified through the Government’s forthcoming Nature Recovery Network and the Local Nature Recovery Strategy.

Hampshire and Isle of Wight Wildlife Trust is well positioned to deliver Biodiversity Net Gain and mitigation for nitrates, prioritising significant added value. We are currently one of the only organisations delivering an established nitrates mitigation programme and provide other nature-based solutions services. We would be pleased to discuss these in more detail.

Portsmouth has two designated main rivers: Great Salterns Drain and Farlington Marshes Gutter. No rivers are currently achieving good chemical status in England and only 14% of

designated rivers are meeting 'good' ecological status.<sup>22</sup> Water quality remains a significant issue of concern locally, we have high levels of contaminants recorded in Portsmouth Harbour and advice not to swim off Southsea.<sup>23</sup> In 2023, a Southern Water sewer storm outflow on the south-east coast of Portsea Island spilled 85 times into the Solent/Langstone Harbour for a total of 1232.63 hours.<sup>24</sup> This problem is likely to significantly worsen due to climate change, with rising sea levels and extreme weather, having detrimental impacts on the health and well-being of Portsmouth residents.

This is indicative of the current state of play with our water and drainage infrastructure that frequently fails and which is unable to meet existing requirements or adhere to licensed conditions. Given the current lack of confidence in effective and timely investment in our critical water infrastructure, this plan must ensure that it does not add further to the acute pressures faced by the district's water environment.

We welcome key elements within **Development Management Policy PLP32: Sustainable Drainage Systems**, including reducing surface runoff, hard landscaping, support for the drainage hierarchy and SuDs. However, draft policies do not go far enough to achieve sufficient safeguards for water-based habitats and ecosystems.

We strongly recommend that a separate water quality policy is created to have more detail on the protection and enhancement of rivers that new developments must meet. This should include an initial emphasis on prohibiting new development that is within or adjacent to river corridors and their tributaries. Development in the riparian environment is not sustainable and contributes to the existing issues facing our river systems, further reducing their capacity to function naturally. This will be an essential tool in combatting climate change.

A well-functioning floodplain and associated habitats are integral to the sustainable management of water resources, water quality, flooding and building in climate resilience, particularly in the face of climate change, extreme weather and sea level rise. Where development in a riparian setting is fundamentally unavoidable, we suggest the following wording:

*1) Development that is within or adjacent to river corridors and their tributaries will be required to conserve and enhance:*

*The natural characteristics of the river, its springs, headwaters and associated species*

- A) *Water sources and water quality*
- B) *The river corridor's ecosystem, geodiversity and ecological connectivity*
- C) *The natural functioning of the river through the seasons*

*This should take into account:*

- A) *The local biodiversity and geology;*
- B) *Natural Buffers (minimum 20m) to prevent incidents of polluting run-off and protect biodiversity;*
- C) *Increased public access to the river corridor and the associated impacts of this increase;*

<sup>22</sup> <https://www.gov.uk/government/publications/state-of-the-water-environment-indicator-b3-supporting-evidence/state-of-the-water-environment-indicator-b3-supporting-evidence>

<sup>23</sup> <https://www.hampshirechronicle.co.uk/news/24330542.hampshire-beaches-rivers-contaminated-sewage-spills/> ; <https://www.portsmouth.co.uk/news/environment/poor-water-quality-hurting-portsmouths-economy-as-survey-reveals-impact-on-uk-coastal-communities-4532552>

<sup>24</sup> [Sewage Map | The Rivers Trust](#)

- D) *Marginal vegetation and the ecological value of the area including its role as an ecological network;*
- E) *Aquatic and riparian vegetation of the river environment;*
- F) *The varying size and associated habitats within a corridor which, in order to avoid uncertainty, are defined as the habitats immediately surrounding the waterbody that contribute toward its character and ecology including but not exhaustively flood plains, water meadows, wet woodland, reedbeds, fens, mires, bankside vegetation and other smaller waterbodies within close proximity and/or sharing the same topography and geology.*

Our research has suggested buffer strips of 8 metres near rivers are not sufficient, and we recommend a minimum of 20 metres to prevent incidents of polluting run-off and protect biodiversity.

### **Sustainable development**

We welcome and support the inclusion of **Development Management Policy PLP33: Sustainable Construction and Onsite Renewable Energy**. In particular, we strongly support the specification that development proposals should incorporate swift boxes, something we have long supported and been calling for. Micro nature enhancement and support measures such as swift boxes, bee bricks and hedgehog highways are “no regrets” measures that can help support nature at very minimal cost, particularly per unit on volume sites.

Such measures have significant support from across the industry, notably through the Future Homes Hub ‘Homes for Nature’ commitment, which has seen 21 volume housebuilders, responsible for more than 90,000 homes a year, commit to install a bird nesting brick or box for every new home built, as well as hedgehog highways as standard for every new development taken through planning from September 2024. In addition, home builders are encouraged to incorporate additional features, such as bat roosts, insect bricks and hibernacula. To reflect this wider industry support and mobilisation, we recommend this policy is strengthened to incorporate swift boxes, bee bricks and hedgehog highways as standard requirements, in order to support the development industry in what it is already committed to deliver and to fulfil the Council’s objectives for a greener Portsmouth and align with its ecological emergency declaration.

In addition, we are pleased to see the requirement for new homes to meet a **water efficiency standard** of 110 litres per person per day in the draft. However, this is not commensurate with the scale of the challenge, or the level of ambition required in water efficiency standards to mitigate against the significant issues predicted with water supply and demand. As the Government’s Plan for Water set out in 2023, we face a significant water supply shortfall in the coming decades.<sup>25</sup> Waterwise identified the critical need to reduce water use, in their UK Water Efficiency Strategy to 2030 report. This stated that, if there was no action, England faces a potential water deficit, by 2050, of over 4,000 Ml/d (million litres a day). To secure future water supplies, over half of that deficit must be met by reducing water use and leakage, including nearly 1,000 Ml/d from water efficiency measures.<sup>26</sup>

Efficiency standards of 110 litres per person per day are already being noted as insufficient. The Government in its Plan for Water indicated plans “to consider mandating a new minimum water efficiency standard for new homes in England of 105 litres per person per day and 100

<sup>25</sup> [https://assets.publishing.service.gov.uk/media/6492c8b35f7bb7000c7fae61/plan\\_for\\_water.pdf](https://assets.publishing.service.gov.uk/media/6492c8b35f7bb7000c7fae61/plan_for_water.pdf)

<sup>26</sup> [https://database.waterwise.org.uk/wp-content/uploads/2022/09/J37880-Waterwise\\_Water\\_Efficiency\\_Strategy\\_Inners\\_Landscape\\_WEB.pdf](https://database.waterwise.org.uk/wp-content/uploads/2022/09/J37880-Waterwise_Water_Efficiency_Strategy_Inners_Landscape_WEB.pdf)

*litres per person per day where there is a clear local need, such as in areas of serious water stress.”*

To compliment the Government’s commitment to review Building Regulations in order to prevent new development causing issues with water supply, the Future Homes Hub conducted a review of the options and feasibility of tightening water efficiency regulations with wide-ranging input from across the industry. Its final report recommends a target of 100 litres per person per day by 2030, and 90 in water stressed areas.<sup>27</sup> This would be tightened to 90 as standard by 2035 and 80 litres per person per day in water stressed areas. The feasibility of building to these standards is evidenced in detail, building on previous research and evidence behind such specifications in the former Code for Sustainable Homes.<sup>28</sup>

Most of England is already classified as seriously water stressed<sup>29</sup>, and as such, urgent action must be taken. We recommend that the Council amend the draft policy to 90 litres or less per person per day. To help achieve this, in line with industry recommendations, we strongly recommend that **Development Management Policy PLP32: Sustainable Drainage Systems specifications** is amended to further support grey-water recycling and rain harvesting technologies, including mandatory water butts.<sup>30</sup>

We welcome the inclusion of **overheating** within the policy and the requirement for major development to produce a Sustainability Statement incorporating thermal comfort. Likewise, we welcome referral to the Good Homes Alliance tool and guidance on overheating in new homes. To ensure adaptation concerns are considered to the same degree as energy, we recommend the Plan draw on the example of the “cooling hierarchy” in the London Plan Policy SI 4 Managing heat risk,<sup>31</sup> whereby major development proposals should demonstrate through the Sustainability Statement how they will reduce the potential for internal overheating and reliance on air conditioning systems in accordance with the following cooling hierarchy. Policies should be added to look favourably on and encourage the installation of relevant adaptation and resilience measures, such as external wooden shutters, awnings and blinds. In addition to requiring dynamic thermal modelling associated tools and methodologies, it should be specified that datasets must be used to ensure that all new development is designed for the climate it will experience over its design life and future climate scenarios, not just present conditions.<sup>32</sup> Part O of building regulations only requires current climate scenarios be used (in the dynamic method), meaning that buildings are not being properly assessed for their whole lifespan, whereas London’s TM 49 weather data uses more up to date figures than TM 59.<sup>33</sup>

### **Strategic Site Allocation Policy PLP3: Tipner West & Horsea Island East**

<sup>27</sup> [https://irp.cdn-website.com/bdbb2d99/files/uploaded/Water%20Ready\\_A%20report%20to%20inform%20HM%20Government-s%20roadmap%20for%20water%20efficient%20new%20homes.pdf](https://irp.cdn-website.com/bdbb2d99/files/uploaded/Water%20Ready_A%20report%20to%20inform%20HM%20Government-s%20roadmap%20for%20water%20efficient%20new%20homes.pdf)

<sup>28</sup> <https://database.waterwise.org.uk/wp-content/uploads/2019/10/Advice-on-water-efficient-homes-for-England061118.pdf>

<sup>29</sup> [https://database.waterwise.org.uk/wp-content/uploads/2022/09/J37880-Waterwise\\_Water\\_Efficiency\\_Strategy\\_Inners\\_Landscape\\_WEB.pdf](https://database.waterwise.org.uk/wp-content/uploads/2022/09/J37880-Waterwise_Water_Efficiency_Strategy_Inners_Landscape_WEB.pdf) p.39

<sup>30</sup> [https://irp.cdn-website.com/bdbb2d99/files/uploaded/Water%20Ready\\_A%20report%20to%20inform%20HM%20Government-s%20roadmap%20for%20water%20efficient%20new%20homes.pdf](https://irp.cdn-website.com/bdbb2d99/files/uploaded/Water%20Ready_A%20report%20to%20inform%20HM%20Government-s%20roadmap%20for%20water%20efficient%20new%20homes.pdf); <https://ukgbc.org/wp-content/uploads/2022/11/The-Nature-Recovery-and-Climate-Resilience-Playbook.pdf>

<sup>31</sup> [https://www.london.gov.uk/sites/default/files/the\\_london\\_plan\\_2021.pdf](https://www.london.gov.uk/sites/default/files/the_london_plan_2021.pdf)

<sup>32</sup> <https://ukgbc.org/wp-content/uploads/2022/11/The-Nature-Recovery-and-Climate-Resilience-Playbook.pdf>  
see page 82

<sup>33</sup> <https://ukgbc.org/wp-content/uploads/2023/12/UKGBC-NAP-Scorecard-Final.pdf>



We strongly object to the current content of **Strategic Site Allocation Policy PLP3: Tipner West & Horsea Island East**.

The Council's decision to abandon the original Tipner West 'super-peninsula' option following the Regulation 18 consultation (which received over 9,000 objections from members of the public) was a positive step. However, the new plans for the site still involve substantial loss of protected land. The draft allocation for Tipner West, as set out in the Pre-Submission draft plan, would lead to the direct and permanent loss of between 2.1 and 6.5 hectares of the protected sites, including Portsmouth Harbour SPA and Ramsar site. At worst, it would result in the loss of an area of the internationally important land more than three times that area. This is in addition to the indirect effects and loss of functionally linked habitat, including essential feeding and roosting areas for the protected populations of wintering waterbirds such as Brent Geese and Black-tailed Godwits.

This proposal risks establishing a gravely damaging precedent for delivering local development needs at the expense of nationally and internationally important wildlife assets across the UK. Hampshire and Isle of Wight Wildlife Trust is adamant that the proposed development, which consists of a housing development and a marine employment hub, does not justify compromising the integrity of the globally significant wildlife habitats found in the Solent's SPAs and Ramsar Wetland Sites. These sites include Portsmouth Harbour SPA and a Ramsar site that is partially within and immediately adjacent to the current allocation boundary.

In collaboration with RSPB, we have sought to persuade the Council to choose a design option that would not compromise the integrity of the protected sites. For example, we created a shared vision of a "nature positive" design for the site that could achieve the marine employment hub and the original number of homes desired through gradual densification (see Pre-Submission Draft Portsmouth Local Plan Habitats Regulations Assessment (HRA) (para 8.72-73). We are, however, disappointed that the Council changed the project parameters (most notably the decision to consolidate the entire development onto the Tipner West site) and ruled out this 'nature positive' option on financial and operational viability grounds (HRA para 8.73).

We believe the Council's justification (as legally required for this scale of harm) that there are no less damaging alternatives and 'imperative reasons of overriding public interest' is flawed, and risks rendering the Local Plan both unsound and non-compliant with legal protections. Furthermore, the Council's proposals for Tipner West clearly conflict with the legal goals set out in the Environment Act, whose targets and enhanced duties require public bodies to further biodiversity protection and recovery. The proposed development would result in significant habitat loss and degrade vital ecosystems that support both wildlife and climate resilience.

### **Adverse effects test (Regulation 105(1))**

We agree with the assessment that both remaining development options for Tipner West would have a negative impact on the integrity of the SPA/Ramsar sites, simply due to the magnitude of the anticipated immediate loss of the protected areas. We agree, therefore, with the general conclusion of the HRA's Appropriate Assessment section that, regarding Policy PLP3, adverse effects cannot be completely eliminated and that, in order for the draft Plan to move forward with adoption, the "derogation tests" (outlined in regulations 107 & 109 regarding land use plans) must be passed. However, we do not believe that the Appropriate Assessment has sufficiently evaluated the scope and specific character of the derogation tests.



Despite the amount of information gathered by the Tipner West Regeneration promoter team on behalf of the Council, we are concerned that the Appropriate Assessment only provides a cursory impact assessment that does not go beyond calculating the area of habitat loss to determine the extent of the damage. The failure to evaluate the functional significance of the habitat - that would be lost in the context of species and ecosystems - is particularly problematic, as it obscures the importance of these places both temporally and spatially to Ramsar and SPA species. Additionally, it disregards the possibility that species populations of nearby SPA/Ramsar site populations may be connected to the impacted areas, making it impossible to assess whether unfavourable consequences may occur in relation to sites and populations outside of Portsmouth Harbour.

## **Derogation Tests (Regulations 107(1) & 109)**

A proper assessment of alternative solutions requires a clear understanding of the predicted damage from the proposals. Weighing public interest against harm to protected sites is only possible if the level of harm is accurately understood. Additionally, compensatory measures can only be determined if the affected habitats, species, and ecological processes are fully quantified. Without a thorough account of adverse effects, the derogation case cannot be lawfully considered.

Moreover, there are significant flaws in the Council's derogation case, detailed in Chapter 8 of the HRA. These issues, in our view, have led to the flawed conclusion that the development in Policy PLP3 could qualify as an exception under the stringent legal tests set by the Habitats Regulations.

The derogation tests set a high bar for justifying exceptions where impacts on protected sites cannot be mitigated. They are designed to allow only indispensable projects to proceed, based on social or economic public interests, with necessary compensatory measures in place. While we recognize that some details may be lacking at the plan stage, the wording of the derogation tests for local plans (Regulations 107 & 109) is consistent with those for other plans and projects (Regulations 64 & 68). Thus, each of the three tests must be fully satisfied based on the best available information.

### **1 - No Alternative Solutions**

The HRA assessed the individual elements of the Tipner West regeneration scheme. Whilst subdividing can aid the alternatives assessment, this method is counterproductive for identifying broader alternative solutions for the overall project objective. The HRA acknowledges (para 8.14) that this approach is highly theoretical, as the elements would not logically proceed in isolation or meet the overarching need individually. Additionally, some assessed elements (e.g., site decontamination) do not independently cause adverse effects on protected sites, making their inclusion questionable.

By not considering the scheme holistically, we believe the Council's alternatives test overlooks key less damaging solutions, such as:

- Alternative sites for the project, potentially across multiple locations.
- Modifications to existing marine employment sites in the region.
- Design options for Tipner West that minimize habitat loss but were dismissed on viability grounds.
- Alternative funding or development options to support the marine hub or other project elements.

A broader approach to alternatives is essential to satisfy Regulation 107, alongside a better understanding of the adverse effects of the Tipner West proposals.

## **2 - Imperative Reasons of Overriding Public Interest (IROPI)**

The HRA divides the IROPI case into three issues:

1. Flood risk to human health and safety.
2. Contamination leachate risk to the SPA/Ramsar sites.
3. Creation of a marine hub for the Solent.

While the first two issues are compelling drivers for the Council's support of Tipner West's regeneration, their scale and urgency are debatable. Moreover, alternative land-use options, such as purely residential or other mixed-use developments, could address these risks without harming protected sites. Similar risks at other Solent brownfield sites have been managed without adverse effects on protected areas.

Therefore, we argue that only the third issue—the creation of a marine hub for the Solent—is relevant to the IROPI assessment. The other two concerns are secondary benefits of any large-scale regeneration at Tipner West. This aligns with the supporting text of draft Policy PLP3, which emphasizes that "the principal driver behind this allocation is the creation of a new marine hub" (HRA paras 4.16 & 4.20).

Regarding the marine hub, we note that the justification relies heavily on reports from 2015. Given their age, we are concerned that the evidence supporting this component of the development may be outdated, especially in light of economic and societal shifts post-Covid. Furthermore, we struggle to identify the imperative and overriding public need that the marine hub would fulfil or any exceptional problem it would solve. The hub is described as an "opportunity" (para 4.7 draft PLP), with the risk being missed "growth potential" and compromised "inward investment to the UK" (para 4.6 draft PLP). However, this does not appear to constitute an essential, justified or urgent public need.

Finally, we could not find any assessment weighing the wider conservation importance of the protected sites against the proposed public need, making it difficult to justify overriding these environmental interests.

## **3 – Compensatory Habitat Concerns**

The final part of the Council's derogation case provides little assurance that suitable compensatory habitat can be secured or delivered, even if the first two tests are met. While the total amount of potentially available habitat may seem significant, without specific details on locations, site sizes, ecological functionality, current status, condition, and cost, it is difficult to conclude that the compensatory measures for Policy PLP3 would be adequate. Given ongoing efforts to secure mitigation and compensation land for other Solent projects, there is a strong risk that the identified sites may not be available when needed.

Moreover, we believe that the full scope of adverse effects requiring compensation has not been determined. Despite significant ecological data collection, the promoter team has not shared an assessment of the ecological function of the habitat expected to be lost, nor have they evaluated the potential indirect and cumulative effects from the Tipner West scheme and nearby developments in the draft Plan. As a result, the objectives, target features (affected habitats and species), and the ecological processes needing compensation remain unclear.

Additionally, we have repeatedly expressed concerns about the SPA compensation metric used by Portsmouth City Council, which we believe is fundamentally flawed both mathematically and ecologically. Despite assurances that it would only be used for options appraisal, it continues to be relied upon in the HRA as the primary method for calculating compensation requirements. Further errors persist, such as the assumption that all SPA habitats are in "good" condition, which misrepresents the ecological reality and artificially lowers the calculated compensation needs.

Given these issues, we have no confidence in the draft HRA's compensation figures and strongly disagree with the Council's stance that further details can be deferred to a future planning application.

We believe the Pre-Submission Draft Plan proposals are not legally compliant because the Habitats Regulations have not been correctly applied in the following areas:

1. **Assessment of Adverse Effects:** There has been insufficient assessment to accurately determine the scale and nature of the adverse effects of draft Policy PLP3 on the integrity of the SPAs/Ramsar sites (Regulation 105(1)), which is necessary to evaluate the subsequent derogation tests.
2. **Derogation Tests (Regulations 107(1) & 109):**
  - **Alternatives:** The assessment of potentially less damaging alternatives to achieve the project objective is inadequate.
  - **IROPI:** There is insufficient evidence of an imperative or overriding public need for the development.
  - **Compensation:** There is a lack of evidence to demonstrate that suitable compensatory habitat can be secured or delivered.

Additionally, we consider the Draft Plan to be unsound under the National Planning Policy Framework (Para 35(b) 'justified'), as Draft Policy PLP3 does not present an appropriate strategy for this key development site and fails to consider all reasonable alternatives for its regeneration that would meet local development needs.

If Policy PLP3 proceeds without modification, we are seriously concerned that it would not only cause irreversible damage to the Portsmouth Harbour SPA and Ramsar sites but also set a dangerous precedent, weakening the interpretation of the Habitats Regulations (particularly the derogation tests) across the UK. Please see our proposed modifications, which we believe are essential to ensure that draft Policy PLP3 complies with the Habitats Regulations and the tests of soundness, and to ensure the scheme is ultimately deliverable.

Furthermore, we are concerned the Council's draft policy for Tipner West goes against the Environment Act legal duty to take actions to further the protection and recovery of biodiversity by allowing between 2.1ha and 6.5ha of direct loss of part of Portsmouth's most important area for wildlife (plus additional impacts on surrounding wildlife areas), including vital feeding and roosting areas for wintering waterbirds. These mudflats are also essential for storing carbon and helping us deal with the changing climate. Therefore, the draft plan risks failing the soundness test because Policy PLP3 is not justified and does not comply with legislation protecting Portsmouth Harbour or the Council's legal duties to take action to further biodiversity.

This is the first time a local plan has tried to make the case for an exception under the laws that are designed to protect these special areas, allowing irreversible damage to Portsmouth Harbour where nature is already under pressure. A 'Portsmouth Precedent' for damaging wildlife risks paving the way for many other damaging developments elsewhere to follow, and

fundamentally undermines the declared objectives of the Council's nature emergency declaration.

### **Development Management Policy PLP36: Coastal Zone**

We welcome the official inclusion of a development management policy designed to deliver sustainable development in the coastal zone. However, in line with **Core Policy PLP2: Climate Emergency**, and both existing duties and national policy to consider climate change adaptation, we recommend this policy be strengthened to include specific reference to climate adaptation and the need for development in the coastal zone to be safe from coastal change for its lifetime, in line with relevant and up-to-date climate and erosion data. Paragraph 152 of the NPPF underlines that planning should take full account of flood risk and coastal change. Paragraph 153, footnote 53 makes clear that local planning authorities are expected to adopt proactive strategies to mitigate and adapt to climate change, in line with the Climate Change Act 2008.

The NPPF is also clear that development should be safe from flood risk and coastal change for its lifetime (see paragraphs 159 and 172), so local policy on coastal development and climate adaptation should reflect these time horizons (planning practice guidance defines development lifetimes as 75 years for non-residential and at least 100 years for residential development).

To ensure the Local Plan is aligned with national policy and associated legal duties, we recommend that specific wording is inserted to ensure that development is steered away from, or likely to be refused in, areas of high coastal erosion risk, as evidenced by the latest and up-to-date climate change forecast data, unless sufficient mitigation can be put in place to show the development is not vulnerable throughout its anticipated lifetime in all modelled scenarios.

### **Site Allocations and Recreational Disturbance and Impacts**

In planning for the housing needs of the district, the Council must be confident that the environment can accommodate the cumulative effects of development at this scale. Environmental limitations must be considered, such as the water and drainage infrastructure being overwhelmed as mentioned in the Nutrient Neutrality, Rivers and Water Quality sections above.

In addition to environmental limitations, the ecological map (and when in place the LNRS) should also be referred to when deciding site allocations so there are no conflicts between new developments and plans for landscape recovery needed to reach the Government's biodiversity targets.

The Council has the opportunity to deliver ambitious green infrastructure and creation and enhancement of nature which goes above and beyond the minimum 10% Biodiversity Net Gain. Currently we feel there is a lack of ambition to deliver nature's recovery through the proposed strategic developments.

We hope that you will find our comments helpful and, if you have any questions or wish to discuss these matters further, please do not hesitate to contact us. I also ask that you keep the Trust informed of the progress and outcome of this plan.

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