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Dear David

**Submission to the New Forest National Park Authority local plan inquiry 2016-2036
Natural England Position Statement on urban edge impacts, 400m zone and site allocations**

Urban Edge and Recreational Impacts within 400m of International Heathlands

The proximity of the European sites (SPA and SAC) raises considerations on the requirements of the Habitats Directive 1992 for these sites to be maintained or, where necessary, restored at a favourable conservation status (Article 3 (1)). Determination of planning applications should be undertaken with regard to the requirements of the Habitat and Species Regulations 2017 and legislative and policy considerations on the protection, conservation and enhancement of the interest features of the SSSI and Ramsar site.

There is considerable documented information showing that urban development in the area around lowland heathland has an adverse effect on the quality of heathland interest features underlying the designation of the European sites, Ramsar site and SSSIs. Key references can be found at

http://webarchive.nationalarchives.gov.uk/20140605090108/http://www.naturalengland.org.uk/regions/south_west/ourwork/heathlands/default.aspx

In summary the main adverse impacts on designated heathland sites from near-by development can be summarised as follows:

- Degradation and loss ecologically supportive environments outside the designated site boundary. For example the loss of habitats used by nightjar for foraging (nightjars travel away from the heaths to feed).
- Increased incidence of arson, and this is especially damaging during summer when the habitats and wildlife are most vulnerable.
- Disruption to the hydrology of heathland wetland through drainage interception and enriched urban water discharges.
- Increased use of heathland for off road cycle and motorcycling, causing soil erosion, destruction of sand lizard egg laying sites, disturbance and damage to heath habitats.
- Increased recreational use, especially by dog walkers, leading to disturbance of ground nesting birds, with disturbance to the SPA interest species Dartford warbler, nightjar and woodlark being of particular significance, and habitat change from heath to grassland through enrichment by dog faeces.
- Predation by domestic cats on reptiles and ground nesting birds.

- Presence of more people and greater recreational use leading to more difficulties in managing the heaths effectively for their designated interests e.g. opposition to the introduction and management of free roaming livestock for habitat management, and necessary management such as the removal of tree and scrub invasion and access management.
- Increased degradation of the heathland habitats due to the dumping of garden and other waste by nearby property owners. This physically smothers the heath vegetation and enriches the soil, changing the habitat.

Many of these urban effects can operate synergistically to influence the designated interest features of the heathland at any one site. For example fire removes heathland vegetation cover which fragments the habitat, focuses animals such as birds and reptiles into smaller areas and increases the vulnerability of the remaining and probably smaller population to predation and other pressures. Urban edge and recreational effects have been shown to decline in frequency of occurrence with increased distance from the heaths. For example, it has been shown that the general trend in the proportion of people visiting heaths declines with distance from the heath. Similarly, there is a clear link between fire frequency and the proximity of urban development. It is Natural England's view, based on the evidence currently available, that urban edge and recreational effects are likely to be most marked for residential development within 400m of heathland. Further, it is harder to reduce the impact of residential development in close proximity to heathlands, due to factors such as the difficulty in providing alternative open space that would successfully attract residents away from the neighbouring heath and providing measures for permanently preventing cat predation of ground nesting birds.

A review of the evidence base for the 400m zone around the Dorset Heaths is set out in the Footprint Ecology report entitled, "Evidence to support Appropriate Assessment of development plans and projects in south-east Dorset".

<https://www.footprint-ecology.co.uk/reports/Liley%20et%20al.%20-%202006%20-%20Evidence%20to%20support%20the%20Appropriate%20Assessment%20of%20.pdf>

The 400m zone is now widely adopted for the protection of international heathlands from urban edge effects through an increase in residential units. In relation to the Dorset Heaths and Thames Basin Heaths the difficulty in effectively demonstrating that urban edge and recreational effects can be avoided has led to policies that exclude additional residential development, other than certain types of C2 residential accommodation (eg purpose built schemes for the frail elderly), within 400m of the heaths. While within 400m of the Wealden Heaths Phase II SPA only a very limited level of windfall development has been considered through the Habitat Regulation Assessment which provides for an additional 43 units (equating to a 1.5% increase in residential units within 400m) of which the remaining 7 units have been reserved through an SPD for gypsy and traveller accommodation that can't be placed outside 400m.

New Forest International Heathlands

Natural England considers the New Forest international heathlands as relatively more resilient to urban edge effects than the complex of more fragmented sites that comprise the Dorset Heaths, Thames Basin Heaths and Wealden Heaths. The key factor that contributes to this resilience is the relatively large scale of the surviving heathland blocks within the New Forest which together support approximately 3 times the extent of the Dorset Heaths. The relatively lower edge to area ratio of the larger New Forest heathland blocks mean that urban edge effects are likely to be much less significant than the smaller fragmented sites typical of other heathland areas. LUC Habitats Regulations Assessments for the New Forest also identifies that as a National Park the New Forest has a more developed system of habitat and visitor management than Dorset Heaths. Other factors that help mitigate the impacts of the urban edge effects on heathlands within the New Forest include the relatively low level of existing development within 400m of the heaths.

Given these factors Natural England is satisfied that the approach to new residential development within 400m of the New Forest SPA and SAC, as set out in the LUC Habitats Regulations Assessment (HRA) of the New Forest National Park Local Plan 2016 – 2036, is justified. However, it is important to note that urban edge effects are cumulative and therefore the scope for continuing to increase residential development within 400m is limited. Further, given the permanent and cumulative effects of residential development in close proximity to the International Heathlands it is our view that the Local Plan is justified in restricting the overall quantum of development within the National Park.

Site Allocations within 400m

Natural England supports the findings of the Local plan HRA that it is not possible to rule out the potential for urban edge effects (such as cat predation or fly-tipping) from the residential allocations within 400 m of New Forest SPA by reliance on the NFNPA's current Habitat Mitigation Scheme. Allocations that do not benefit from a previous residential use within the 400m zone are likely to be particularly problematic in terms of demonstrating through an appropriate assessment that there will be no adverse effect on integrity on the international heathlands. Natural England therefore supports the approach to the limited number of proposed housing site allocations within the Local Plan.

- **Policy SP23 – Land at the former Lyndhurst Park Hotel, Lyndhurst**

Although within 400m of the international heathlands the site benefits from its former use as a hotel which limits the scope for a proposal to increase recreational pressure on the adjacent heathlands and would not lead to the degradation, or loss of ecologically supportive habitats (eg loss of nightjar foraging areas located off the heaths). Natural England, however, supports the HRA conclusion and policy wording that additional urban edge effects (eg cat predation) will need to be avoided through use of legal covenants and arrangements for grounds maintenance. Proposals for the site will need to be supported by an appropriate assessment.

- **Policy SP33 - Gypsies, Travellers and Travelling Showpeople**

Natural England has no objection to the allocation of a single additional permanent gypsy and traveller pitch within the existing Forest View site and supports the policy wording.

Windfall development within 400m

The Local plan allows for up to 400 new residential units within the National Park during the plan period, at an average rate of 20 units per year. The conclusion that windfall development will not give rise to adverse effects on the integrity of New Forest SAC or SPA, either individually or in combination with other windfall developments within 400m of the New Forest SAC and SPA, is based on the expectation that while a significant proportion of the 400 additional windfall developments are likely to be within 400m they will be small scale with a wide distribution. In light of the scale of the New Forest heaths Natural England has accepted the conclusions of the HRA on this basis and subject to the Policy SP5 caveat that, "Avoidance or mitigation may not be possible in some cases due to the scale, type, or proximity of the proposed development in relation to the designated site, and so the Authority will assess each case on its merits". In our view this caveat would need to apply for any windfall residential development proposed in a particularly sensitive locality, for example in close proximity to SPA nesting bird interests, where urban edge effects (such as cat predation) are likely to be more significant than envisaged by the HRA. As mentioned in the supporting policy text in determining the merits of each windfall proposal the competent authority will need to pay particular attention to avoid clusters of new windfall development that would require a more detailed appropriate assessment of potential urban edge effects. Further, we advise that the findings of the HRA can only be relied on for a maximum of 400 new residential units delivered

across the plan period. Natural England would also wish to see the policy reviewed if the rate of development significantly and consistently exceeded the rate of 20 units per year envisaged by the HRA.

Natural England notes that following the CJEU judgment in Case C- 323/17 People Over Wind and Sweetman v. Coillte Teoranta all windfall development requiring mitigation measures to avoid harm to the international sites, including developer contributions to the NPA's Habitat Mitigation Scheme to mitigate the recreational impacts, should be subject to an appropriate assessment by the competent authority. In our view this additional level of scrutiny will provide a further assurance that windfall proposals within 400m of the international heathlands will not lead to unanticipated site specific adverse impacts not considered by the local plan HRA.

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