

**New Forest National Park Local Plan 2016 – 2036 Examination
Statement of Common Ground – Landscape & Nature Conservation
Policy SP25: Land adjacent to the former Fawley Power Station**

September 2018

The parties to this Statement of Common Ground are:

- **New Forest National Park Authority**
 - **Fawley Waterside Limited**
 - **Natural England**
 - **New Forest District Council**
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1. Introduction

- 1.1 The New Forest National Park Authority is the statutory planning authority for the National Park and is responsible for the preparation of the Local Plan for the National Park area.
- 1.2 Fawley Waterside Ltd purchased the former Fawley Power Station site in 2015 and are currently developing their proposals for the comprehensive redevelopment of the site. They have also made representations on the Authority's Submission draft Local Plan, including on draft Policy SP25.
- 1.3 Natural England is the Government's adviser for the natural environment, responsible for promoting nature conservation and protecting biodiversity; and conserving and enhancing the landscape. Natural England is a statutory consultee on the Local Plan and accompanying Sustainability Appraisal/SEA and Habitats Regulations Assessment (HRA). Natural England submitted representations on the Submission draft Local Plan (January 2018).
- 1.4 New Forest District Council is the statutory planning authority for the areas of New Forest District outside the National Park and is responsible for the preparation of the Local Plan for the District. The District Council's Submission draft Local Plan (June 2018) includes policy coverage for the brownfield element of the former Fawley Power Station site that lies outside the National Park.
- 1.5 This Statement of Common Ground (SoCG) has been prepared jointly between the parties listed above. The intention of the SoCG is to inform the Inspectors and other parties about the areas of agreement between the National Park Authority, Fawley Waterside Ltd, Natural England and New Forest District Council on landscape and nature conservation matters.

2. Natural England's Regulation 19 Local Plan representations

- 2.1 Natural England submitted representations during the Regulation 19 consultation. In these, Natural England supported Policy SP3 (Major Development in the National Park) and Policy SP7 (Landscape Character).

2.2 Natural England's representations on policy SP25 (Land adjacent to the former Fawley Power Station) stated:

- There is potential for the proposals at Fawley to meet the major development tests. In order to meet the tests, the proposals will be required to provide substantive landscape, biodiversity and access enhancements that will more than offset any harm caused. Natural England welcome the caveated wording of Policy SP25.
- The policy should be expanded to include a need to mitigate any impacts to SPA bird interests caused through increased recreational use of the local marine environment.

2.3 In Summer 2018 the Inspectors appointed to examine the 'soundness' of the Local Plan published their list of examination matters, issues and questions. For draft Policy SP25 the Inspectors have asked the following questions:

- (i) Does the proposed development meet the major development test?
- (ii) How has the effect on international and national nature conservation designations been taken into account?
- (iii) Are the proposals to provide at least 30 ha of Suitable Alternative Natural Greenspace realistic, appropriate & consistent with national policy?

2.4 Following further dialogue between the National Park Authority, Fawley Waterside Ltd and Natural England in Summer 2018, the following areas of common ground have been agreed prior to the examination hearings.

3. Agreements between the parties

(i) *The Major Development Test and landscape impacts*

3.1 It is recognised by the parties that the New Forest National Park has the highest status of protection in relation to landscape and scenic beauty and that great weight should be given to their conservation (paragraph 115 of the NPPF, 2012). It is also common ground that the proposals for circa 120 dwellings and associated infrastructure set out in Policy SP25 of the Submission draft Local Plan constitute major development in the National Park and therefore the policy tests in paragraph 116 of the NPPF (2012) are relevant.

3.2 The major development test requires consideration of any detrimental effects on the National Park landscape and the extent to which they could be moderated. Natural England has stated that to meet the test, the proposals at the former Power Station site will be required to provide substantive landscape enhancements that will more than offset any harm caused. Policy SP25 reflects this in requiring, "...clear net positive public benefits being demonstrated in relation to the landscape and setting of the National Park."

3.3 It is common ground that the redevelopment of the site provides the opportunity to replace the existing large-scale Power Station buildings and structures with a more appropriate built form, thereby reducing the landscape impacts on the surrounding National Park. This would assist in moderating the impacts of the

redevelopment, consistent with the requirements of the third bullet point of the major development test. It also responds to Natural England's call for significant landscape enhancements to be delivered as part of the development. Further, Natural England has advised that the removal of the Power Station's main chimney would in itself, given its dominance in the landscape, provide a substantive landscape enhancement.

- 3.4 Policy SP25 also states the Authority will require the submission and approval of a whole-Estate Plan to show how the proposals integrate with the wider area. The parties agree that the redevelopment of the site provides the opportunity for landscape-scale enhancements, including extending grazing from the Crown Lands to the coast and these will be demonstrated through a Whole Estate Plan.

(ii) *Impact on international and national nature conservation interests*

- 3.5 The former Fawley Power Station is located in an environmentally sensitive location, adjacent to the internationally designated sites of the Solent (SPA, SAC and Ramsar site) and close to the New Forest (SPA, SAC and Ramsar site). National planning policy recognises the value of these designations and the protection they are afforded through *The Conservation of Habitats and Species Regulations 2017*.
- 3.6 The Authority's Submission draft Local Plan has been subject to a Habitats Regulation Assessment (HRA) which considered all of the proposed policies and allocations, including Policy SP25. The HRA recommended that additional wording be added to Policy SP25 to include a requirement to undertake bird surveys to confirm the status of SPA / Ramsar species at the site. The parties confirm that bird surveys are underway and this policy requirement can be met.
- 3.7 Alongside the conclusions of the HRA process, paragraph 115 of the NPPF (2012) states that the conservation of wildlife is an important consideration and should be given great weight in National Parks. It is common ground that the redevelopment of the Power Station provides the opportunity to deliver significant wildlife and biodiversity enhancements to offset any harm.
- 3.8 The *Fawley Waterside Access and Nature Conservation Plan* (2018) contains proposals for landscape-scale creation, restoration and long term management of extensive areas of important wildlife habitat, extending over almost 400 hectares. The proposals include the creation of a saline lagoon extending over 8 hectares, linking with the adjacent saltmarsh and coastal grazing marshes habitats which would benefit the Solent Maritime SAC. In addition, the proposed mitigation measures for the Solent European Sites include contributions towards the existing Solent Recreation Mitigation Project (SRMP). It is common ground between the parties that these measures will assist in meeting the requirement in Policy SP25 for clear net positive benefits to be demonstrated in relation to habitat enhancements to ensure net gains in biodiversity.
- 3.9 It is common ground between the parties that Fawley Waterside Ltd are able to provide a very significant level of habitat mitigation, habitat creation, landscape restoration and greenspace provision sufficient to meet and exceed the

minimum requirements of the relevant policies of the National Park Authority and District Council Local Plans, including NFNPA Policy SP25 and NFDC Policy SS4. If it is necessary at planning application stage to vary the proposals set out in the *Fawley Waterside Access & Nature Conservation Plan (2018)* to fully mitigate the proposed development in its final form, it is common ground that there is scope to do so.

(iii) *Provision of Suitable Alternative Natural Greenspace (SANGs)*

- 3.10 It is common ground between the parties that the scale of residential development proposed for the former Power Station (circa 1,500 dwellings as set out in the respective Submission draft New Forest National Park and District Local Plans) generates a requirement for accessible natural greenspace provision at the level of at least 8 hectares per 1,000 population (at least 30 hectares subject to final housing numbers and mix). The new greenspace provision will form part of a package of mitigation measures which also includes habitat enhancement, access improvements and ranger provision.
- 3.11 It is common ground between the parties that the new greenspace provision will be within the National Park area given the constrained nature of the brownfield element of the former Power Station site located within New Forest District Council's planning area. The parties agree that the minimum quantum of SANGs required by local planning policies (circa 30 hectares) is deliverable. The proposals for circa 40 hectares of SANG provision set out in the *Fawley Waterside Access & Nature Conservation Plan (2018)* exceed the minimum requirements and can be varied depending on the final form of the development. Natural England also considers that the wider access and habitat enhancement benefits proposed will complement the SANG provision and further enhance the natural greenspace resource within the locality.

4. Conclusions

- 4.1 The National Park Authority, Fawley Waterside Ltd, Natural England and New Forest District Council agree that the proposals in Policy SP25 of the Submission draft Local Plan constitute major development and the tests in paragraph 116 of the NPPF are applicable. It is also agreed that the redevelopment of the site can deliver significant landscape-scale enhancements, helping to moderate the impacts of the development on the National Park landscapes and protected habitats.
- 4.2 The wording of Policy SP25 requires clear net positive benefits to be demonstrated in relation to the landscape and setting of the National Park; public access improvements; the provision of suitable greenspace for recreation; and habitat enhancements to ensure net gains in biodiversity. The parties agree that this policy wording sets an appropriately high bar for development across the whole of the Power Station site.
- 4.3 Policy SP25 also requires the submission and approval of a whole-Estate Plan to show how the proposals integrate with the wider area. The parties agree that the landownership in the area surrounding the Power Station site enables significant benefits to be delivered in relation to landscape character and habitat

enhancements. The *Fawley Waterside Access and Nature Conservation Plan* (2018) highlights the range of benefits that can be delivered. It is common ground that the redevelopment of the Power Station provides the opportunity to deliver significant landscape, wildlife and biodiversity enhancements to offset any harm.

5. Signatures

Policy Manager
New Forest National Park Authority

CEO
Fawley Waterside Ltd

Planning and Conservation Senior Advisor
Natural England

Service Manager – Policy & Strategy
New Forest District Council