

Title of meeting:	Cabinet
Date of meeting:	21 February 2023
Subject:	Milton Common Local Nature Reserve Mitigation and Management Framework
Report by:	Assistant Director of Planning and Economic Growth
Wards affected:	Milton and Baffins
Key decision:	Yes
Full Council decision:	No

1. Purpose of report

- 1.1. The purpose of this report is to present for adoption the Milton Common Local Nature Reserve Mitigation and Management Framework (2023). This updates and will supersede the Milton Common Local Nature Reserve Restoration and Management Framework, which was adopted by the City Council in 2015.
- 1.2. The updated Framework, appended to the report, redesigns the landscape and management plan of Milton Common to reflect changes that have occurred since 2015, such as the sea defence work. The evidence regarding recreational usage and existing habitat provision has also been updated and relevant changes legislation and guidance has been considered and included. Overall the proposed management framework now seeks a total contribution of £4,229,332 from developers in the area. This can be compared to the £3,411,520 that was being sought from developers in the area under the current 2015 Framework.

2. Recommendations

- 2.1. Cabinet members to approve and adopt the update to the Milton Common Local Nature Reserve Mitigation and Management Framework subject to any comments from Natural England being addressed.

3. Background

- 3.1. Portsmouth City Council (PCC) have prepared this updated Milton Common Local Nature Reserve Mitigation and Management Framework following Natural England's formal response to application 20/00204/FUL seeking '*Redevelopment of St James' Hospital; conversion of listed buildings/Chapel to provide 151 dwellings; new 2 & 3 storey housing to provide 58 dwellings (phased development) (Amended Scheme).*'

3.2. In a letter dated 26 September 2022, Natural England raised an objection to the above application *based on PCC's (draft) appropriate assessment dated 10 January 2022, the Draft HRA report dated 18 December 2020, and the Milton Common LNR Restoration and Management Framework dated 21 July 2015*. The letter stated that further information would be required to determine the impacts on designated sites and without the updated HRA, nutrient budget and agreed mitigation, Natural England advised the proposal would have a likely significant effect on the below designated sites and objected to the proposal. These designated sites referred to in the formal letter include:

- Solent and Dorset Coast Special Protection Area (SPA)
- Portsmouth Harbour SPA and Ramsar Site
- Chichester and Langstone Harbours SPA
- Solent Maritime Special Area of Conservation (SAC)
- Solent and Southampton Water SPA

3.3. The designated sites in closest proximity to the proposed development and potentially most at risk from the resulting recreational pressure are Chichester and Langstone Harbours SPA and Solent Maritime SAC (both to the east of the site). Chichester and Langstone Harbours Ramsar site and Langstone Harbour Site of Special Scientific Interest (SSSI) are also designated here, although were not highlighted within Natural England's letter.

3.4. Natural England stated the development *will lead to a net increase in an accommodation type and occupancy identified in the Solent Recreation Mitigation Strategy as having an impact on the notified features of the site at least in combination with other plans or projects*.

3.5. Any in-combinations effects resulting from an increase in recreational pressure from the proposed development could be mitigated through the Solent Recreation Mitigation Partnership (Bird Aware). This partnership was set up to coordinate efforts from fifteen local authorities along the Solent, Natural England, and other stakeholders to ensure the continued and ongoing protection of the three SPA's within the Solent region (Solent and Southampton Water, Portsmouth Harbour and Chichester and Langstone Harbours).

3.6. The Draft Habitats Regulations Assessment (HRA) submitted as part of application 20/00204/FUL (dated 19 December 2020) concludes that the proposal has the potential to cause an 'alone' impact (which cannot be mitigated through Bird Aware) to the designated sites. While Natural England agreed that mitigation could be provided through contributions to the Milton Common Access and Recreation Project, the Milton Common Local Nature Reserve Framework (2015) was considered outdated and therefore needed to be updated to *stipulate exactly how the restoration project will mitigate for potential 'alone' impacts of development proposals which contribute to it*.

- 3.7. This updated Framework therefore aims to achieve a similar output to that of the 2015 Framework, which focussed on enhancing nearby green infrastructure in order to divert recreational pressure away from the coast and towards inland sites. Milton Common represents a great opportunity to put this into practice given its proximity to the development site. By enhancing the Common to create a Suitable Alternative Natural Greenspace (SANG), it will divert recreational pressure away from the neighbouring coastline, SPA and SAC and reduce the pressure on these important habitats and the species that use them.
- 3.8. The updated Framework has been informed by visitor surveys undertaken between October and December 2022 to understand the existing user capacity of Milton Common and understand the level of site-specific mitigation and management measures required to account for the increased footfall resulting from the nearby proposed developments. It is also important for the updated Framework to recognise that the supporting habitat that certain areas of Milton Common itself provides to species who use the neighbouring SPA and SAC (predominantly Brent Geese) and protect these areas of the Common.
- 3.9. The updated Framework sets out the context of Milton Common, the existing baseline management measures that take place and proposes a number of new site-specific mitigation and management measures that will be implemented accordingly to account for the increase in potential visitor numbers. These measures will align with the 19 criteria for a Sustainable Alternative Natural Greenspace (SANG) produced by Natural England. The cost of these measures are explained and allow contributions to be made by developers to combat the alone impacts that new nearby developments could have on neighbouring designated sites.
- 3.10. The updated Framework identifies that a further £3,966,922 should be sourced from developer funding to mitigate the identified alone impacts. This amount accounts for the management cost the Council would already have intended to spend as the land owner and the £262,410 already collected under the previous iteration of the Framework (2015) for development at Gleave Close. Due to inflation since the first adoption of the framework it can be noted that this is a not insignificant increase in developer contribution when compared to a total cost to deliver the framework in 2015 which was £3,411,520, prior to an inclusive of the contribution from the development at Gleave Close.

4. Reasons for recommendations

- 4.1. The designated sites which surround large parts of Portsea Island are highly important for nature conservation and the whole ecosystem and it is therefore important to implement measures to protect them. Whilst the in-combination impacts of nearby development is currently resolved through Bird Aware, the absence of an up to date strategy to mitigate the 'alone' impacts of this development risks the protecting the integrity of these internationally protected nature conservation sites and future development sites being brought forward.

- 4.2. With this Framework in place, Officers believe Natural England will be able to withdraw their objection to the current development in this area in regard to alone impacts on nature conservation designated sites. They would also be unlikely to object to any further proposed development in the area.
- 4.3. It is important to provide new homes for local people within Portsmouth. In the 2012 Saved Policies MT3 and MT4 from the Portsmouth City Local Plan (2006) identify the potential for the St James' site to deliver new homes. Policy MT3 (land to the east of St James Hospital) was allocated for a mix of new mental health care development and housing. Policy MT4 states that proposals that retain and re-use the hospital itself will be permitted provided they preserve the integrity and appearance of the listed main building and its setting; and that the surrounding highway network could satisfactorily accommodate the additional traffic. As St James' is yet to be redeveloped, the site, along with the former Langstone Campus forms a draft allocation within the emerging Portsmouth Local Plan 2038. This site allocation will remain in the emerging plan following the Regulation 18 Consultation Stage undertaken in October 2021.
- 4.4. The works identified in the updated Framework, in a similar way to that already forming part of Council policy from the 2015 Framework, will upgrade Milton Common to provide a Suitable Alternative Natural Greenspace through the introduction of an enhanced path network, new infrastructure and bramble, scrub and grassland management. This will all allow for a much enhanced visitor experience and will direct walkers, dog walkers, runners and others users to Milton Common rather than the neighbouring coastline.
- 4.5. The current Framework, as well as describing a mitigation strategy for local growth, is also the management plan for this open space. Having been advised that key background evidence and consequently management objectives and limitations, are out of date the Council needs to ensure that the Framework is updated to reflect the necessary changes to the management strategy to guide ongoing stewardship of the site.
- 4.6. The St James' application (20/00204/FUL) is currently at appeal against non-determination under s78(2) of the Town and Country Planning Act 1990. An inquiry is planned to commence on 12 April 2023. By adopting the Framework, it can then be submitted to the inspector as part of the appeal.
- 4.7 Under the Conservation of Habitats and Species Regulations 2017 prior to granting planning permission for a plan or project the Council must consider if a plan or project is likely to have a significant effect on a European Site (providing it is not directly connected with or necessary to the Site's management) whether alone or in combination with other plans or projects. If there is a positive screening assessment the council is under a duty to carry out an appropriate assessment.
- 4.8 In the light of the conclusions of the appropriate assessment, the Council shall agree to the project only after having ascertained that it will not adversely affect the integrity of the European Site. That is the case where no reasonable scientific doubt

remains as to the absence of such effects. As part of the appropriate assessment the Council takes into account any proposed mitigation.

4.9 The Milton Common Local Nature Reserve Mitigation and Management Framework sets out the mitigation for the alone impacts on the SPA and SAC resulting from impacts of specific large developments in the Milton area, including St James' Hospital application (20/00204/FUL). The Framework provides evidence that the alone impacts on the designated sites resulting from the development at St James can be mitigated against through developer contributions that will fund the works outlined in the updated Framework to provide a SANG style mitigation scheme.

5. Integrated impact assessment

5.1. An Equality Impact Assessment is not required as the recommendations do not have a disproportionate negative impact on any of the specific protective characteristics as described in the Equality Act 2010.

6. Legal implications

6.1. The legal implications in relation to the appeal are explained above.

7. Director of Finance's comments

7.1. There are no direct financial implications of approving the recommendations within this report. The cost of the management measures will be at the expense of the developer and at no extra cost to Portsmouth City Council.

Signed by:

Appendices: Draft Milton Common Management Framework 2023

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by on

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Signed by: