

New Forest Consultative Panel

'Influencing the future of the New Forest through informed debate'

Membership

Agricultural & Allied Workers National Trade Group
Ashurst & Colbury Parish Council
Beaulieu Parish Council
Boldre Parish Council
Bramshaw Parish Council
Bransgore Parish Council
Breamore Parish Council
British Horse Society
Brockenhurst Parish Council
Burley Parish Council
Campaign to Protect Rural England
Camping & Caravanning Club
Caravan Club Ltd
Copythorne Parish Council
Defra
Denny Lodge Parish Council
East Boldre Parish Council
Ellingham Parish Council
English Heritage
Environment Agency
Exbury & Lepe Parish Council
Fawley Parish Council
Fordingbridge Town Council
Forestry Commission
Godshill Parish Council
Hale Parish Council
Hampshire & Isle of Wight Wildlife Trust
Hampshire Council for Voluntary Youth Services
Hampshire County Council
Hampshire Fed. of Women's Institutes
Hampshire Field Club & Archaeological Soc
Hordle Parish Council
Hyde Parish Council
Hylthe & Dibden Parish Council
Institute of Chartered Foresters
Landford Parish Council
Lymington & Pennington Town Council
Lyndhurst Parish Council
Marchwood Parish Council
Melchett Park & Plaitford Parish Council
Milford-on-Sea Parish Council
Minstead Parish Council
National Farmers Union
National Trust
Natural England
Netley March Parish Council
New Forest Access For All
New Forest Association
New Forest Beagles
New Forest Business Partnership
New Forest Commoners Defence Assoc'n.
New Forest District Council
New Forest Dog Owners Group
New Forest Equestrian Association
New Forest Friends of the Earth
New Forest Hounds
newforce
New Forest Pony Breeding & Cattle Society
New Forest Tourism
New Forest Village Shops Association
New Milton Town Council
Ramblers Association
Redlynch Parish Council
Ringwood Town Council
Romsey Extra Parish Council
Royal Forestry Society
R.S.P.C.A.
Salisbury District Council
Solent Protection Society
Sopley Parish Council
Sway Parish Council
Test Valley Borough Council
Totton & Eling Town Council
Verderers of the New Forest
Wellow Parish Council
Whiteparish Parish Council
Wiltshire County Council
Woodgreen Parish Council
Youth Hostels Association

2 January 2014

Dear Panel Members

Update on New Forest District (Outside of National Park) Local Plan Part 2 Examination – Compliance with the Habitats Regulations

You may recall that, at the NF Consultative Panel meeting on 7 November 2013, a request was made for an update in connection with the Local Plan Part 2 Public Examination and specifically concerns that some of the sites did not meet the requirements of the Habitats Regulations. The New Forest District Council has consequently submitted the attached briefing paper for members' information.

Queries in connection with the paper can be made by contacting Louise Evans, Principal Policy Planning e-mail - louise.evans@nfdc.gov.uk or tel. 023 8028 5345.

Yours sincerely

David Stone
Panel Support Officer
New Forest Consultative Panel

REPORT TO NEW FOREST CONSULTATIVE PANEL FROM NEW FOREST DISTRICT COUNCIL

UPDATE ON NEW FOREST DISTRICT (OUTSIDE THE NATIONAL PARK) LOCAL PLAN PART 2 EXAMINATION - COMPLIANCE WITH THE HABITATS REGULATIONS

BACKGROUND

1. The Local Plan Part 2: Sites and Development Management for New Forest District outside the National Park sets out the detailed proposals and policies required to implement the planning strategy for the area agreed through the Council's Core Strategy (adopted in 2009). The Plan includes the allocation of a limited amount of greenfield land for new development required to meet the local need for additional housing and for employment land.
2. On 12 July 2012, the Council submitted the Local Plan Part 2 to the Secretary of State for the process of Public Examination. Hearing sessions were held in early 2013 and the Inspector has issued a number of notes setting out his preliminary findings on the 'soundness' of the Plan. In April 2013 the Inspector suspended the Examination to enable further work to be undertaken to ensure compliance with the Habitat Regulations and to allow for a period of consultation on modifications to the submitted plan. The Inspector was not satisfied that the submitted Plan adequately delivered measures to mitigate the recreational impacts arising from new housing development on sensitive European nature conservation sites (the New Forest SPA/SAC/Ramsar site and the Solent and Southampton Water SPA/SAC/ Ramsar sites).
3. In response to the Inspector's concerns, the Council have sought advice from Land Use Consultants to help develop an appropriate mitigation strategy for the plan area. A Steering Group was set up to oversee the development of the mitigation strategy. This Steering Group comprised, as well as NFDC and LUC, representatives of Natural England, New Forest National Park Authority (NFNPA), the Royal Society for the Protection of Birds (RSPB), the Hampshire and Isle of Wight Wildlife Trust.
4. This work resulted in a new policy for inclusion in the Local Plan Part 2 and a draft Mitigation Strategy for European Sites Supplementary Planning Document. During October and November 2013, public consultation took place on these and other changes to the Plan (Main Modifications). Comments received on the plan changes will be considered by the Inspector and taken into consideration in his final report on the 'soundness' of the Plan. Further Hearing sessions are likely in January 2014. The District Council hopes to be able to adopt the plan by summer 2014.

THE STRATEGY FOR MITIGATING THE IMPACTS OF RESIDENTIAL DEVELOPMENT ON EUROPEAN NATURE CONSERVATION DESIGNATIONS

5. The Habitats Regulations require a precautionary approach to be taken when assessing the potential for harmful effects on sensitive European designated sites arising from development. For the New Forest District Council Local Plan area (and indeed for the wider area around the New Forest and south Hampshire coast), a primary concern is the pressures which may arise from additional recreational activity, associated with new housing, on the protected nature conservation sites. (It has been estimated that the 4575 dwellings proposed in the Plan Area (New Forest District outside the National Park) between 2006 and 2026, could generate around 81,000 additional visits a year to the New Forest and coastal European sites.)
6. The Habitats Regulations Assessment of the Local Plan has concluded that, adopting the precautionary approach, potentially harmful recreational impacts on the New Forest SSA/SPA/Ramsar site (New Forest European sites) and the Solent and Southampton Water SPA/Ramsar site/ Solent and Isle of Wight Lagoons SAC/Solent Maritime SAC (Solent Coastal European sites) arising from planned residential development, need to be addressed. To enable the planned residential development to proceed the Habitats Regulations require that appropriate mitigation measures are in place to ensure that the proposed development does not have a harmful impact on the integrity of protected European nature conservation sites.
7. Arising out of the new work that has been done, the Council has proposed a new policy, Policy DM2b: Mitigation of Impacts on European Nature Conservation Designations, for inclusion in the Local Plan. This policy proposes an approach to mitigation comprising three main elements. These are:
 - a) Measures to provide alternative opportunities for local recreational activities which may otherwise take place in European sites;
 - b) Measures to manage the visits that continue to be made to the European sites, to reduce the impacts of those visits on the designated sites; and thirdly
 - c) Monitoring measures to determine how effective measures a) and b) are at addressing the affects of recreational pressures arising from the new development.
8. The implementation of the necessary mitigation measures will be funded by the developers of new housing development. Some of the required mitigation measures, such as areas of suitable alternative natural green space (SANGS) will be provided on site as part of the housing development. Other mitigation projects will be funded through financial contributions from developers. A provisional estimate is that the average cost of the mitigation measures will be in the order of some £4000 per new dwelling.

9. The Local Plan Inspector will be examining this new policy and representations made on it in the re-opened the Local Plan Examination. The further Hearing sessions will be held between 21 and 23 January 2014. The Hearing session on 21 January will deal with the issue of mitigation of recreational impacts and compliance with the Habitats Regulations.
10. The mitigation strategy outlined in Policy DM2b is expanded on in the draft Mitigation Strategy for European Sites Supplementary Planning Document (SPD). The SPD explains in some detail the approach to mitigation which the Council considers appropriate for this area and gives details of the specific mitigation measures and projects proposed for each settlement and across the plan area. This document was consulted on in October/November 2013. The Council is considering the comments received and will revise the draft document as appropriate, having particular regard to the findings of the Local Plan Examination Inspector. The final version of the SPD will be adopted by the Council following adoption of the Local Plan Part 2.
11. Full details of the emerging Local Plan Policy and the draft Mitigation Strategy for European Sites Supplementary Planning Document can be viewed on New Forest District Council's web site at: <http://www.newforest.gov.uk/index.cfm?articleid=14767> .