

5.7. Where harmful impacts are identified to be likely, development can only take place where that harm is avoided, or fully mitigated if it cannot be avoided. Avoidance of harm is best achieved by not locating high impact activities in sensitive locations, but within the Plan Area this cannot be wholly avoided. Where harmful effects cannot be ruled out, the requirements of the **Conservation of Habitats and Species Regulations 2017** can best be met by applying the Precautionary Principle to avoid or mitigate possible harm.

5.8. Mitigation measures will be applied until such time as it can be demonstrated (based on monitoring and review of the impact of mitigation measures through the Local Plan review process) that it can reasonably be concluded that development is unlikely to have a harmful effect on International Nature Conservation sites.

**Policy 10: Mitigating the impacts of development on International Nature Conservation sites**

i. Except as provided for in the first paragraph of Policy 9 (saved **Policy DM2: Nature Conservation, Biodiversity and Geodiversity**, development will only be permitted where the Council is satisfied that any necessary mitigation, management or monitoring measures are included as part of the proposal and will be implemented in a timely manner, such that, in combination with other plans and development proposals, there will not be adverse effects on the integrity of any of the following International Nature Conservation sites:

- the New Forest SAC, the New Forest SPA and the New Forest Ramsar site;
- the Solent Maritime SAC, Solent and Isle of Wight Lagoons SAC, the Solent and Southampton Water SPA, and the Solent and Southampton Water Ramsar site;

- the River Avon SAC, Avon Valley SPA and Ramsar site; and
- The River Itchen SAC.

For residential development adverse effects can be adequately mitigated by implementing approved measures relevant to the site location, including as set out in the **Mitigation for Recreational Impacts SPD** and in the **Solent Recreation Mitigation Strategy**<sup>34</sup>, and to be set out in the forthcoming **River Avon Nutrient Management Plan (2019 Update)**<sup>35</sup>. For non-residential developments, the requirement for mitigation will be considered on case-by-case basis with regard to the nature, scale and location of the proposed use. The approved mitigation measures for residential developments currently include:

- i. For developments providing 49 or fewer net additional units of residential accommodation, a financial contribution towards the provision of recreational mitigation measures as set out below and in the **Mitigation for Recreational Impacts SPD**:
- (a) Projects for the provision of alternative natural recreational green spaces and recreational routes: new or improved open space and recreational routes of a quality and type suitable to attract residents of new development within the

<sup>34</sup> <http://www.birdaware.org/strategy>

<sup>35</sup> Other mitigation strategies may be added in the future if necessary.

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| <p>Plan Area who might otherwise visit the International Nature Conservation sites for recreation; and</p> <p>(b) <u>Access and Visitor Management</u>: measures to manage the number of recreational visits to the New Forest and Solent Coast International Nature Conservation sites; and to modify visitor behaviour within those sites so as to reduce the potential for harmful recreational impacts; and</p> <p>(c) <u>Monitoring of the impacts of new development on the International Nature Conservation sites and establishing a better evidence base: to reduce uncertainty and inform future refinement of mitigation measures.</u></p> | <p>ii. For developments of 50 or more net additional residential dwellings:</p>  |
| <p>(a) <u>Direct provision by the developer of at least 8 hectares of natural recreational greenspace per 1,000 population located on the development site or directly adjoining and well connected to it; and</u></p> <p>(b) <u>A financial contributions towards Access and Visitor Management and Monitoring as set out above at i(b) and i(c).</u></p>  | <p>iii. Additionally for all residential developments within 5.6km of the Solent and Southampton Water SPA, as shown on Figure 5.1, a financial contribution is required towards a Solent-wide programme of visitor management, monitoring and development mitigation projects.</p> <p>iv. Additionally for residential developments within the catchment of the River Avon, a financial contribution or other appropriate mechanisms to achieve phosphorus-neutral development.</p> |

v. **Additionally for all residential developments, a financial contribution towards monitoring and, if necessary (based on future monitoring outcomes) managing or mitigating air quality effects within the New Forest SPA, SAC and Ramsar site.**

**Supporting text**

*Policy scope*

5.9. The primary focus of this policy is the mitigation of impacts of residential development on internationally designated nature conservation sites, as most of the development proposed in the Local Plan is for housing.

5.10. The mitigation requirements for residential development apply to all forms of new residential development resulting in the net gain of a self-contained dwelling. This includes new build homes, redevelopment, mixed-use schemes, changes of use including under Permitted Development rights, conversions, affordable housing, sheltered housing, extra care housing, second homes, visitor accommodation, and gypsy and traveller pitches.

5.11. Residential and institutional care homes (Use Class C2) are not considered likely to generate recreational impacts on International Nature Conservation sites, but may generate water quality impacts especially if located in the River Avon or Solent catchments.

5.12. Non-residential development may also generate impacts that require mitigation. The diversity of possible activities means it is not possible or practical to identify appropriate mitigation measures for every eventuality. Planning applications will need to include an assessment of the potential effects of the development proposed on International Nature Conservation sites, and include appropriate mitigation measures where adverse impacts cannot be screened out.

5.13. In general terms, for non-residential uses air quality and water quality impacts are more likely to be relevant issues for mitigation. The main exception is visitor or recreational activities, where recreational impacts of visitors are likely to require mitigation. Mitigation contributions will be required for hotel and visitor accommodation, and a unit of visitor accommodation will be treated as equivalent to a home for the purposes of calculating mitigation contributions, whether or not it is self-contained.

5.14. The general (rather than site specific) recreational impacts of employees can be screened out, as there is a net commuting outflow from the district<sup>36</sup>.

Mitigation of recreational impacts from residential development

5.15. The Plan Area has easy access to the New Forest National Park and to the Solent coast. International Nature Conservation sites in these areas require the highest levels of protection. A growing local population and the large numbers of summer visitors increase the pressures on sensitive habitat areas.

5.16. The New Forest Special Protection Area is home to a number of very rare birds which nest on or near the ground during the spring and early summer, and the habitats of the New Forest SPA provide suitable feeding for the birds. The New Forest Special Area of Conservation is particularly important for the diversity of its habitats and the range of rare and scarce species which it supports. It is designated for a range of rare habitats, including European dry heaths, northern Atlantic wet heaths, oligotrophic waterbodies, and Molinia meadows. On the Solent,

recreational walking and dog-walking can adversely affect breeding, ground nesting or over-wintering birds.

5.17. Management measures include a ranger service and the provision of advice and information to visitors to enable visitors to enjoy the New Forest and the Solent coast in ways that have less impact on habitat sites and protected species, especially in sensitive periods such as the nesting season, and ongoing habitat monitoring. Mitigation measures focus on the provision of natural green spaces which are conveniently accessible to the future residents of a development, that provide a suitable recreational alternative to divert some visits which may otherwise have been made to the New Forest and Solent Coast International Nature Conservation sites.

*The GreenWay Project*

5.18. The **Mitigation for Recreational Impacts SPD**<sup>37</sup> sets out a programme of measures and projects collectively branded the **GreenWay Project**, to relieve recreational pressures on sensitive habitats by:

- Enhancing existing green spaces
- Enhancing the extensive network of walking routes that exist outside of the sensitive areas
- Providing Rangers to help manage sensitive areas, and to inform and influence visitor behaviour

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<sup>37</sup> [www.newforest.gov.uk/article/17031/Local-Plan-Review-supporting-documents-and-evidence-base](http://www.newforest.gov.uk/article/17031/Local-Plan-Review-supporting-documents-and-evidence-base)

<sup>36</sup> Census 2011

- Providing natural green spaces as part of new residential development.
- 5.19. Contributions are required for all new dwellings located anywhere in the Plan Area to fund a package of mitigation measures. For developments of 50 or more homes, the natural recreational greenspace element will be provided in kind by the developer on land either on or directly adjoining the site. The 50-home threshold reflects Natural England advice and the practical limitations of achieving a suitable layout to meet recreational mitigation requirements on sites below this threshold. A financial contribution to the monitoring and recreational management elements of the GreenWay Project will also be required, and for the in-perpetuity management and maintenance of the mitigation land.
- 5.20. The design, management and maintenance of recreational mitigation areas is important to ensure that they are, and remain, safe and attractive areas for recreational walking and dog exercising. Working with Natural England the Council has established design guidelines and parameters for recreational mitigation land, to ensure it provides effective mitigation by creating attractive recreational walking and dog-walking routes and spaces. The design guidelines are set out in the **Mitigation for Recreational Impacts SPD**, and suitable arrangements are illustrated in the **Strategic Site Allocation Policy** concept master plans, forming part of an integrated approach that will also meet Local Plan objectives to provide net gains for biodiversity and for landscape protection and enhancement (**Policy 1: Achieving sustainable development; Policy 14: Landscape character and quality**).
- 5.21. To be effective and used, recreational mitigation land must also be safe and appear safe to use. Woodland areas may be acceptable if under a high level of management, but densely wooded areas may not be attractive to users concerned about their personal safety.

5.22. It will not generally be appropriate to use for recreational mitigation purposes land that has existing species or habitat value, unless it can be demonstrated that its existing habitat value would not be compromised by increased public and dog access.

5.23. In some instances it will not be possible to provide recreational mitigation land on or adjoining sites of 50 or more homes, for example on redevelopment sites in existing built up areas. In these circumstances the developer should put forward the required 8 hectares per 1,000 population of land for recreational mitigation in an alternative location that will provide equivalent benefits to the settlement where the site is located, preferable in close proximity to the site.

5.24. In all circumstances developers may put forward their own, alternative mitigation measures, provided that they fulfil the requirements of the Habitat Regulations, and are demonstrated to be sufficient by supporting evidence and justification including a project level Appropriate Assessment. Alternative proposals and supporting evidence must be submitted as part of the planning application to inform its determination, setting out enforceable delivery and in-perpetuity maintenance arrangements. Prior consultation with the Council and Natural England is recommended.

#### *Bird Aware Solent*

5.25. **Bird Aware Solent** is the 'brand' name of the Solent Recreation Mitigation Partnership, which comprises fifteen Solent local authorities including New Forest District, the New Forest National Park Authority, Natural England, the Royal Society for the Protection of Birds, the Hampshire and Isle of Wight Wildlife Trust, and the Chichester Harbour Conservancy. The Strategy aims to manage disturbance of birds over-wintering and breeding in the Solent from increasing coastal recreational activities. It seeks to do this through a series of projects and management measures including a ranger service which actively encourage all coastal