

NFNPA/PC 310/19

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 19 NOVEMBER 2019

REVISED HABITAT MITIGATION SCHEME – SCOPE AND TIMETABLE OF SPD

Report by: Tony Spence, Policy Officer

Summary:

The Conservation of Habitats and Species Regulations requires all new applications to be assessed for their potential recreational impacts on the New Forest Special Protection Area (SPA) and Special Area of Conservation (SAC). The Authority established a Habitat Mitigation Scheme in 2012 to support the implementation of the Core Strategy which allows applicants to make a financial contribution to secure a package of mitigation measures to ensure that there will be no adverse impacts on the integrity of these designated areas.

A draft revised Habitat Mitigation Scheme was developed in 2018 in parallel with the new Local Plan and this was submitted as part of supporting evidence for the Local Plan Examination in 2018/19. The draft revised scheme reflects the modest increase in the scale of planned future development in the National Park and incorporates long term in-perpetuity funding of mitigation measures. The Habitats Regulations Assessment (HRA) of the Local Plan, which was also submitted as evidence for the Local Plan's Examination, supports the draft revised Habitat Mitigation Scheme and considers that it will provide effective mitigation for the recreational impacts of development coming forward under the Local Plan. The Local Plan Inspectors' Report (July 2019) also confirmed that Local Plan Policy SP5: *Nature conservation sites of international importance*, supported by the HRA's reference to the revised Habitat Mitigation Scheme, was justified, effective and consistent with national policy.

It is the intention of the Authority to bring forward this revised Habitat Mitigation Scheme as a Supplementary Planning Document (SPD). Details of the proposed timetable for doing this are outlined below, with the aim of formal approval in March 2020. However, until the revised Scheme is adopted as an SPD, the Authority believes that it should be using the revised mitigation measures and increased developer contribution level included in the draft revised Scheme for current applications. This approach reflects the conclusions of the Local Plan HRA. Natural England also supports this approach, as it is based on the HRA evidence, which the Authority will use when completing an appropriate assessment of the potential impacts of any new application.

Recommendation:

Members (a) note the timetable and proposed scope of the Supplementary Planning Document (SPD) for the revised Habitat Mitigation Scheme; and (b) note that the use of the habitat mitigation measures and the higher developer contribution level included in the draft Revised Habitat Mitigation Scheme will be reported to the Planning Committee in December with the aim of recommending their immediate application to the December Authority Meeting for approval.

1. Introduction

- 1.1 A significant part of the New Forest National Park is home to rare habitats and species, with over 50% being internationally designated as a Special Area of Conservation (SAC) and a Special Protection Area (SPA), and these enjoy protection under the

Conservation of Habitats and Species Regulations. Consequently, these internationally designated sites enjoy the highest level of statutory and government policy protection. Specific and stringent tests within the Habitats Regulations are set to ensure that no harmful development will affect the integrity of these areas.

- 1.2 Under the precautionary principle, if it cannot be ascertained that a proposed development will not adversely affect the integrity of a designated site, the proposal cannot proceed. However, if measures can be implemented to mitigate or avoid the likely significant effects on the designated sites and it can be concluded by an appropriate assessment that there will not be an adverse effect on the integrity of these sites, then the proposal can proceed.

2. The need for mitigation

- 2.1 Policy SP5 of the adopted New Forest National Park Local Plan (August 2019) sets out the requirements necessary for all development to comply with the Conservation of Habitats and Species Regulations.
- 2.2 An HRA was completed as evidence to support the Local Plan at its Examination in 2018/19 and it concludes that, prior to mitigation, the potential for adverse in-combination recreational effects on the integrity of New Forest SAC and SPA cannot be ruled out for any new residential development or visitor accommodation throughout the National Park. **Consequently, for development to proceed, mitigation is required for all proposals for new residential dwellings or visitor accommodation.**
- 2.3 Under Policy SP5 a developer can either propose measures which, in the opinion of the Authority, will fully mitigate its recreational impacts on the designated sites, or it can make a financial contribution to the Authority's Habitat Mitigation Scheme to secure appropriate mitigation. The Authority's draft revised Habitat Mitigation Scheme was developed with assistance from the Habitat Mitigation Scheme Steering Group which includes representatives from Natural England, Hampshire and Isle of Wight Wildlife Trust, the RSPB, and New Forest District Council, and expands on the 2012 Habitat Mitigation Scheme that operated for proposals under the Authority's Core Strategy.
- 2.4 The HRA of the Local Plan confirms that reliance can be placed on Policy SP5 and the Authority's draft Revised Habitat Mitigation scheme to adequately mitigate potential recreation pressure from development within the National Park.
- 2.5 The draft revised Mitigation Scheme was submitted as a supporting document to the Local Plan Examination in 2018/19. The Local Plan Inspectors' Report (July 2019) concluded that Policy SP5, supported by the HRA's reference to the revised Habitat Mitigation Scheme, was justified, effective and consistent with national policy.

3. Mitigation provided by the revised Habitat Mitigation Scheme

- 3.1 An SPD for an updated draft revised draft Habitat Mitigation Scheme will be presented to the Planning Committee meeting in December 2019 to be approved for the purposes of public consultation.
- 3.2 There will be several important changes from the 2012 Mitigation Scheme contained in the revised Scheme. These include the recognition that mitigation is required for the full lifetime of the development, and, therefore, funding is required for this. Also, mitigation is now required for all new residential and visitor accommodation and this

will apply throughout the whole of the National Park. Furthermore, the revised Scheme will allow employment of rangers to be secured each year.

4. Cost of mitigation and level of developer contribution

4.1 The cost of the mitigation measures in the draft Revised Scheme are similar with those in the 2012 Scheme. The cost of including the funding for in-perpetuity mitigation measures, however, is significant (the Authority will plan for 100 years, being the lifetime of a new dwelling). Consequently, this will mean there will be a substantial rise in the overall level of developer contribution from the level that operated in the 2012 Scheme. The calculations for this are being updated and details will be presented at the December Planning Committee.

5. Timetable for adoption as a Supplementary Planning Document

5.1 The timetable for developing and bringing forward an SPD for the Revised Habitat Mitigation Scheme will be as follows:

- Planning Committee November 2019: Report sets out the timetable for the SPD for the revised Mitigation Scheme and some of the key headlines (this report).
- Planning Committee December 2019: The Committee is asked to formally approve the SPD of the revised Mitigation Scheme for the purposes of a 6 week public consultation.
- Consultation on the SPD of the revised Scheme from beginning of January 2020 to mid-February 2020:
- Full Authority meeting March 2020: SPD of the final revised Habitat Mitigation Scheme presented for formal adoption.

5.2 Until the SPD of the Revised Scheme is adopted, the Authority believes that it should be using the revised mitigation measures and the higher developer contribution level included in the draft revised Scheme for current applications, rather than relying on the existing Mitigation Scheme established in 2012. This approach reflects the most up to date evidence and conclusions of the Local Plan HRA; is supported by Natural England, and the Planning Inspectors of the Local Plan Examination considered the draft revised scheme as part of the evidence to support Policy SP5.

RECOMMENDATION

Members (a) note the timetable and proposed scope of the Supplementary Planning Document (SPD) for the revised Habitat Mitigation Scheme; and (b) note that the use of the habitat mitigation measures and the higher developer contribution level included in the draft Revised Habitat Mitigation Scheme will be reported to the Planning Committee in December with the aim of recommending their immediate application to the December Authority Meeting for approval.

Contact: Tony Spence, Policy Officer
Tony.Spence@newforestnpa.gov.uk
Tel: 01590646687

Papers: NFNPA/PC 310/19

Equality Impact Assessment: No impacts have been identified.