

NFNPA/PC 314/19

NEW FOREST NATIONAL PARK AUTHORITY

PLANNING COMMITTEE MEETING – 17 DECEMBER 2019

REVISED HABITAT MITIGATION SCHEME SPD - APPROVAL FOR CONSULTATION

Report by: Tony Spence, Policy Officer

Summary:

At the November meeting, the Planning Committee noted the timetable for bringing forward the Revised Habitat Mitigation Scheme as a Supplementary Planning Document (SPD) (report NFNPA/PC 310/19). It also noted that consultation on the draft Revised Scheme SPD was planned for early January 2020 to mid-February 2020. Approval is now sought for the draft Revised Habitat Mitigation Scheme SPD prior to the six-week public consultation commencing next month.

Report NFNPA/PC 310/19 also noted that a recommendation to the Authority meeting on 18 December would be sought for approval of the immediate application of the habitat mitigation measures and the higher developer contribution level included in the draft Revised Habitat Mitigation Scheme.

Details of the draft Revised Habitat Mitigation Scheme SPD can be found in Appendix 1. The mitigation measures identified have been informed by the input of the Habitat Mitigation Steering Group members (including Natural England, the RSPB and the Wildlife Trust), with the following being the key elements:

- Access management within the designated sites
- Alternative recreational greenspace sites and routes outside the designated sites.
- Education, awareness and promotion
- Monitoring and research
- In perpetuity funding

The most important revisions from the Authority's existing mitigation scheme (2012) are:

- recognition that mitigation is required for the full lifetime of the development, and, therefore, funding is required for this period as well;
- mitigation is required for all new residential and visitor accommodation throughout the National Park;
- the scale of development requiring mitigation is higher in the new Local Plan;
- the level of developer contribution needed to secure mitigation for each residential dwelling or visitor accommodation unit will rise.
- It will allow the employment of rangers to be secured each year and mitigation to be provided in-perpetuity.

Recommendation:

Members (a) approve the draft Revised Habitat Mitigation Scheme SPD for public consultation; and (b) recommend to the December Authority meeting to approve the immediate application of the habitat mitigation measures and the higher developer contribution level included in the draft Revised Habitat Mitigation Scheme for new planning applications that require mitigation.

1. Introduction

- 1.1 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. To satisfy these requirements an applicant can make a financial contribution to the Authority's Habitat Mitigation Scheme to secure the necessary mitigation measures to avoid any recreational impacts affecting the integrity of the New Forest Special Conservation Area (SAC) and Special Protection Area (SPA). This policy approach was supported in the Local Plan Inspectors' Report (July 2019).
- 1.2 A Habitats Regulations Assessment (HRA) was completed for the Local Plan and it concludes that, prior to mitigation, the potential for adverse in-combination recreational effects on the integrity of the 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 net new residential dwellings or visitor accommodation.

2. The draft Revised Habitat Mitigation Scheme

- 2.1 A draft Revised Habitat Mitigation Scheme was developed in 2017/8 in parallel with the new Local Plan and was submitted as part of supporting evidence for the Local Plan Examination in 2018/19. The draft Revised Scheme was developed in liaison with the Authority's Habitat Mitigation Scheme Steering Group which includes representatives from Natural England, Hampshire & Isle of Wight Wildlife Trust, the RSPB, and New Forest District Council, and revises the existing 2012 Habitat Mitigation Scheme that operated for proposals under the Authority's Core Strategy.
- 2.2 The HRA of the Local Plan supports the draft revised Habitat Mitigation Scheme and its diverse package of measures, and considers that it will provide effective mitigation for the recreational impacts of development coming forward under the Local Plan. Natural England also consider that this draft Revised Scheme is fit for purpose. The Local Plan Inspectors' Report (July 2019) confirmed that Local Plan Policy SP5: *Nature conservation sites of international importance*, (supported by the HRA's view of the revised Habitat Mitigation Scheme), was justified, effective and consistent with national policy.
- 2.3 Some updates of the draft Revised Scheme developed in 2017/18 have now been made to reflect the Local Plan's adoption, the Addendum to the Local Plan HRA, updated data and calculations for in-perpetuity funding, further Steering Group insights, and the representations received on the Revised Scheme during the Local Plan consultation. The main issues considered are reflected in paragraph 3.3 below.

3. Mitigation provided by the Revised Habitat Mitigation Scheme

- 3.1 The Revised Scheme focuses on mitigating the recreational impacts of planned development within the National Park on the New Forest SPA and SAC. The mitigation measures identified are proportionate to the scale of development within the National Park; and the proximity of new development to the protected sites. The majority of measures focus on managing visitors to the protected sites, rather than trying to deflect visits by providing or improving greenspace elsewhere. The Local Plan HRA supports the use of the diverse package of mitigation measures outlined in the Revised Scheme and recognises that new greenspace provision will be less effective as a mitigation

measure in the National Park. The following measures, therefore, make up the key elements of the revised Mitigation Scheme:

Access management within the designated sites¹: Facilities and physical changes 'on the ground' designed to reduce impacts, including changes to visitor focal points, signage and route waymarkers.

Alternative recreational greenspace sites and routes outside the designated sites: New and improved sites, routes and facilities chosen and designed to accommodate recreation, including close to where people live.

Education, awareness and promotion: Initiatives that enhance people's understanding of protected species and vulnerable habitats and encourage responsible recreation, e.g. through ranger activities, education programmes, events, exhibitions, publications, films, web-based information, and social media campaigns.

Monitoring and research: Collating data and evidence to assess the implementation and effectiveness of the mitigation measures and providing information to inform revisions to the Scheme where necessary.

In perpetuity funding is required to ensure that mitigation will last as long as the effects of new development, because people will continue to enjoy recreation on the designated sites for the lifetime of a new dwelling, and not just until the end of the Local Plan period.

3.2 Details of these mitigation measures and the draft Revised Habitat Mitigation Scheme SPD can be found in Appendix 1.

3.3 There have been several important changes from the 2012 Mitigation Scheme contained in the Revised Scheme. These include:

- **Mitigation is required for all net new residential and visitor accommodation throughout the National Park.** This was the conclusion of the HRA of the Local Plan. The revised Scheme also outlines the approach to age-related accommodation and to development coming forward under permitted development rights (which our existing Mitigation Scheme does not address).
- **The scale of development requiring mitigation is higher** in the new Local Plan; The level of housing delivery until 2036 in the new Local Plan is higher than that in the previous Core Strategy.
- **Mitigation is required for the full lifetime of the development;** It has been recognised that mitigation should last as long as the impacts created by development are affecting the designated sites. The principle of providing mitigation over the lifetime of the development (in-perpetuity) has been accepted by Natural England and has been brought forward in other habitat mitigation schemes elsewhere, including the Solent Recreation Mitigation Partnership's (SRMP) Recreation Mitigation Strategy which covers parts of the National Park. The Authority will use 100 years as the period to define the 'in-perpetuity' period for which mitigation will be required.
- **The level of developer contribution will rise;** The developer contribution is required to fund both the mitigation measures needed during the Local Plan period, but also those required for the in-perpetuity impacts

¹ New Forest SPA, SAC and Ramsar sites (and does not include any Solent based designations)

until the end of the 100 year period. Consequently, this will mean there will be a rise in the overall level of developer contribution from the level that operated in the 2012 Scheme of £1,250 per dwelling to £3,512 per dwelling or new additional bedroom of visitor accommodation. The viability of this higher contribution level for development in the Local Plan was tested as part of the Whole-Plan viability evidence (Three Dragons) for the Local Plan's Examination and so has already been factored into viability considerations

It is difficult to directly compare the contribution level with other Mitigation Schemes elsewhere, as most are mitigating larger levels of development and have a much greater emphasis on creating or improving alternative greenspaces to deflect recreational pressures. However, the Authority's proposed new financial contribution level is a significant increase from the contribution currently sought and will ensure the delivery of measures tailored to the specific circumstances in the National Park.

- **Rangers will be employed every year;**

The revised Scheme will allow the employment of rangers every year.

4. The timetable for bringing forward the Revised Habitat Mitigation Scheme SPD

- 4.1. Public consultation on the draft Habitat Mitigation SPD is planned for a 6-week period from the beginning of January 2020 to mid-February 2020. Following consideration of the representations received, the aim is to present an updated Mitigation Scheme for adoption at the Authority Meeting in March 2020.

5. The immediate use of measures and contribution level in the Revised Scheme

- 5.1 Until the Revised Scheme SPD is adopted, 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 that require mitigation.
- 5.2 The Authority must conduct an appropriate assessment for every proposal for net new dwellings or additional visitor accommodation in the National Park. This should be based on available, published information - which includes the conclusions of the Local Plan HRA endorsing the use of the Revised Scheme to provide effective mitigation for recreational impacts. It is therefore recommended that the revised mitigation measures and developer contribution figure are applied immediately. Natural England supports this approach.

6. Future opportunities for Strategic Mitigation

- 6.1 This Revised Habitat Mitigation Scheme was developed in parallel with the Local Plan review and focuses on mitigating the impacts of planned development within the National Park. The mitigation measures identified build on the approach taken over the last 7 years since the Authority's existing mitigation scheme was adopted.
- 6.2 Updating our own Habitat Mitigation Scheme is an immediate priority to ensure that the development planned for in our newly adopted Local Plan (August 2019) is appropriately mitigated. Alongside this short-term work, Authority officers are working with neighbouring planning authorities, Natural England and the specialist consultants Footprint Ecology on research to assess the wider impacts of planned development on the New Forest SPA and SAC. This research is due to be completed in early 2020 and will provide a framework for discussions around the preparation of a more strategic, cross-boundary approach to habitat mitigation. This future work will be taken forward

working alongside our neighbouring authorities and may ultimately replace our own National Park Habitat Mitigation Scheme in due course.

RECOMMENDATION:

Members (a) approve the draft Revised Habitat Mitigation Scheme SPD for public consultation; and (b) recommend to the December Authority Meeting to approve the immediate application of the habitat mitigation measures and the higher developer contribution level included in the draft Revised Habitat Mitigation Scheme for new planning applications that require mitigation.

- Contact:** Tony Spence, Policy Officer
Tony.Spence@newforestnpa.gov.uk
Tel: 01590646687
- Papers:** NFNPA/PC 314/19 – cover paper
- Equality Impact Assessment:** No impacts have been identified.
- Appendix 1:** draft Revised Habitat Mitigation Scheme SPD