



**The New Forest National Park**  
**Draft Revised Habitat Mitigation Scheme**  
(Revised from the initial Mitigation Scheme 2012<sup>1</sup>)

# **Mitigating recreational impacts**

## **on New Forest designated sites**

### **Supplementary Planning Document**

#### **December 2019**

#### **1. Executive Summary**

- 1.1 This draft Supplementary Planning Document (SPD) provides further guidance on policy SP5 in the New Forest National Park Local Plan (2019). SPDs provide further guidance for development on particular issues and this document focuses on development that could generate recreational impacts on the New Forest internationally designated nature conservation sites. As it is directly linked to a Local Plan policy, when adopted this SPD will be a material consideration in planning decisions (but will not be part of the development plan).
- 1.2 A significant part of the New Forest National Park is home to rare habitats and species and have been designated as a Special Area of Conservation (SAC) and a Special Protection Area (SPA). There are also areas designated as a Ramsar site (wetlands of international importance), which are treated as having the same level of protection. These internationally designated sites are all protected by the Conservation of Habitats and Species Regulations 2017 ('Habitats Regulations') which seek to ensure that development proposals do not harm the integrity of the protected sites.
- 1.3 This document provides supplementary guidance on the implementation of policy SP5: *Nature conservation sites of international importance* as it relates to the recreational impacts of development on the New Forest SPA, SAC and Ramsar sites (collectively referred to as the designated sites in this document). This draft SPD does not consider mitigation for other impacts on these and other internationally designated nature conservation sites, which will need to be considered separately.

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<sup>1</sup> Contained in Chapter 6 and Annex 5 of the Development Standards Supplementary Planning Document (2012)

1.4 A Habitats Regulations Assessment (HRA)<sup>2</sup> has tested whether the policies and proposed development in the adopted New Forest National Park Local Plan will have a likely significant effect on these internationally designated sites in the National Park. It concluded that prior to mitigation, in combination adverse effects on the integrity of the New Forest SPA and SAC from recreation pressure as a result of any residential or visitor accommodation development within the National Park cannot be ruled out. Consequently, **mitigation is required for all proposals for new residential and visitor accommodation** for their recreational impacts on these New Forest designated sites.

1.5 The Authority established a Habitat Mitigation Scheme in 2012 to support the implementation of policy CP1 in the previous Core Strategy (2010) which allowed applicants to make a financial contribution to secure a package of mitigation measures for the impacts of their proposed development. These measures ensured that there would be no adverse impacts on the integrity of these designated sites.

1.6 A draft revised Habitat Mitigation Scheme was developed in 2017/18 and formed part of the evidence base for the Local Plan Examination in 2018/19. 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. The Local Plan Inspectors' Report (July 2019) also noted that the HRA concludes that the Authority's Habitat Mitigation Scheme will adequately mitigate potential recreation pressures from development within the National Park and confirmed that Local Plan Policy SP5 was justified, effective and consistent with national policy.

1.7 The Revised Mitigation Scheme set out in this draft SPD is based on the framework for mitigation established in the 2012 Mitigation Scheme. The key elements of the Revised Scheme are:

- 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 mitigation and funding.

1.8 The main changes between the Revised Mitigation Scheme set out in the draft SPD and the 2012 Habitat Mitigation Scheme 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;

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<sup>2</sup> The Habitats Regulations Assessment (HRA) of the National Park Local Plan – Land Use Consultants Jan 2018. Addendum to the HRA of the Local Plan: Review of CJEU judgement in Case C-323/17 Sweetman v Coillte Teoranta. LUC July 2018

- the scale of development requiring mitigation is higher in the new Local Plan;
- It will allow the employment of rangers to be secured each year and mitigation measures to be provided in-perpetuity.
- the level of developer contribution needed to secure mitigation will rise to reflect these changes.

1.9 The Authority will be responsible for the delivery of the appropriate mitigation measures and may work with a range of other organisations to do so. Mitigation will primarily be secured within the National Park, but the Authority will not rule out measures outside the National Park which would prove to be effective mitigation for impacts on the designated sites within the National Park.

1.10 The Authority is consulting on this supplementary guidance and not on Local Plan Policy SP5, which has already been found to be justified, effective and consistent with national policy. The Authority will consider and will prepare a statement setting out how any issues raised have been addressed prior to the adoption of the SPD.

## 2. Introduction

- 2.1 The heart of the New Forest National Park, with its mosaic of ancient pasture woodland, lowland heath, lawns and wetlands and river systems is recognised to be one of the most important sites for nature conservation in the country and throughout Europe. The coastline and river estuaries also provide a diversity of natural habitats and support major populations of wintering waders and wildfowl.
- 2.2 A significant part of the New Forest National Park is home to rare habitats and species, especially birds, and have been designated as a Special Area of Conservation (SAC) and a Special Protection Area (SPA), giving them protection under the Conservation of Habitats and Species Regulations. There are also areas designated as Ramsar sites (wetlands of international importance), which are treated as having the same level of protection. The combination of these New Forest internationally designated areas will be collectively referred to as the designated sites in this document.
- 2.3 Over half of the land in the National Park is covered by these internationally important designations, the highest proportion of any Planning Authority in England. Much of these areas are also covered by a further national designation as Sites of Special Scientific Interest (SSSI), which are protected under the Wildlife and Countryside Act 1981.
- 2.4 The New Forest is one of the smallest National Parks and is under continuing pressure from new built development within the National Park and in surrounding areas, which is likely to result in many more people enjoying their recreation in these designated areas. It is, therefore, important to consider how development proposals could impact these areas and ensure they are not adversely affected.
- 2.5 Protection of these internationally designated sites is provided by the Conservation of Habitats and Species Regulations 2017 and they enjoy the highest level of statutory and government policy protection. Specific and stringent tests within the Habitats Regulations are set to ensure that no new development will affect the integrity of these sites. New development can, therefore, only proceed once it is ascertained that there will be no adverse effect on the integrity of these protected nature conservation sites<sup>3</sup>.
- 2.6 Under the precautionary principle, if it cannot be ascertained that a proposed development will not adversely affect the integrity of an internationally designated site (SPA, SAC, Ramsar), the proposal cannot proceed. However, if measures can be implemented to mitigate or avoid the likely significant effects, and it can be concluded by an appropriate assessment that there then would not be an adverse effect on the integrity of these sites, then the proposal can proceed.
- 2.7 Further protection of these rare habitats and species is provided by the National Planning Policy Framework (NPPF) which clarifies that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other

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<sup>3</sup> Unless, under exceptional situations, there are imperative reasons of overriding public interest.

plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

### 3.0 The need for mitigation

3.1 The New Forest SPA is home to a number of very rare birds, including some of which nest on or near the ground during the spring and summer and the habitats of the New Forest SPA provide suitable feeding for the birds. The New Forest SAC is designated for a range of rare habitats, including European dry heaths, northern Atlantic wet heaths, oligotrophic waterbodies, and Molinia meadows and the rare species these habitats support. Given that the SPA and SAC cover wide expanses of the National Park and most of this is easily accessed by the public, there is a risk that the wide range of recreational activities could have adverse impacts on the habitats and species, albeit usually unintentionally.

3.2 A Habitats Regulations Assessment (HRA)<sup>4</sup> has tested whether the policies and proposed development outlined in the National Park Local Plan would have a likely significant effect on the internationally designated sites in the National Park. It details the key aspects and features of the designated sites and the types of impacts that could have a likely significant impact on them, including the recreational impacts from new households and visitor accommodation. A key conclusion of the HRA is:

- Prior to mitigation, in combination adverse effects on the integrity of the New Forest SPA and SAC from recreation pressure cannot be ruled out as a result of any residential or visitor accommodation development within the National Park.

3.3 Consequently, **mitigation is required for all proposals for new residential and visitor accommodation for their recreational impacts on these New Forest designated sites.**

3.4 The Habitats Regulations require that each proposal for new dwellings and visitor accommodation will require an appropriate assessment of the implications for the designated sites in view of the site's conservation objectives. As the competent authority under the Habitats Regulations, this will be carried out by the National Park Authority. The conclusion of the HRA of the Local Plan outlined in Paragraph 3.2 above will be used in the appropriate assessment undertaken by the Authority for all new proposed residential and visitor accommodation prior to considering any mitigation measures<sup>5</sup>.

3.5 A large increase in recreational visitors to the designated sites in the National Park is expected from new housing planned in all the areas surrounding the National Park. This increase in recreational pressure was considered in combination with the recreational impacts of development planned for in the

<sup>4</sup> The Habitats Regulations Assessment (HRA) of the National Park Local Plan – Land Use Consultants Jan 2018. Addendum to the HRA of the Local Plan: Review of CJEU judgement in Case C-323/17 Sweetman v Coillte Teoranta. LUC July 2018

<sup>5</sup> In line with the Court of Justice of the European Union (CJEU) judgment (Case C 323/17 People over Wind and Sweetman v Coillte Teoranta) that ruled that mitigation measures should be assessed within the framework of an Appropriate Assessment and that it is not permissible to take account of measures intended to avoid or reduce the harmful effects of the plan or project on a European site at the screening stage of HRA.

National Park Local Plan by the Local Plan's HRA when coming to its conclusions. To follow the Habitats Regulations requirements, the appropriate assessment required for proposals for new dwellings and visitor accommodation will also take this recreational pressure into account when considering the in-combination impacts on the designated sites.

- 3.6 Even when considering a single new dwelling or visitor accommodation unit where the additional incremental impact may appear small, the 'in-combination' test in the Habitats Regulations means that it is likely to have a significant effect on the protected sites in combination with the increase in recreational use from other development. **Consequently, the HRA concludes that every new proposal for residential or visitor accommodation throughout the National Park will require mitigation for their recreational impacts on the New Forest SPA and SAC.** Policy SP5 of the adopted New Forest National Park Local Plan (August 2019) reflects these conclusions of the HRA and ensures that development must comply with the Habitats Regulations.
- 3.7 Evidence provided by the Solent Recreation Mitigation Partnership (SRMP) also shows that prior to mitigation, likely significant effects cannot be ruled out on the Solent Maritime SAC, Solent & Southampton Water SPA, and Solent & Southampton Water Ramsar sites from any residential development within 5.6 km of these designated areas. Therefore, mitigation will also be required for the recreational impacts on these designated sites. In relation to these coastal Solent designations, mitigation can be provided through the separate SRMP Recreation Mitigation Strategy<sup>6</sup> and developers can make (in most cases) a contribution to this scheme to ensure mitigation for their proposals. Please see the separate Solent Recreation Mitigation Strategy Explanatory Note<sup>7</sup> for details of how to do this.

#### 4. The types of development that require mitigation

- 4.1 As the HRA of the Local Plan identifies, all net new residential development throughout the National Park will require mitigation to ensure that there are no significant recreational impacts on the designated sites.
- 4.2 The Authority considers that some age-related residential accommodation is just as likely to lead to recreational impacts on the designated sites as other forms of housing. Occupiers of retirement housing can often be just as active as those living in open market and affordable housing. Consequently, retirement accommodation will require mitigation unless the developer can provide conclusive evidence to demonstrate that the occupants will not add to recreational pressures in combination with other new and planned developments in the Local Plan and neighbouring areas. Each development proposal will be considered on a case by case basis, but certain types of residential care circumstances are identified as not requiring mitigation (these are consistent with the guidance provided by Natural England in Dorset). Please see Paragraphs 14.11 –14.12.

<sup>6</sup> See <http://www.birdaware.org/strategy>

<sup>7</sup> See <https://www.newforestnpa.gov.uk/planning/development-impacts-on-protected-areas/>

4.3 The HRA also identifies that new visitor accommodation throughout the National Park is likely to increase recreation on the internationally designated sites, and mitigation for this type of development will therefore be required. Although most visitor accommodation will host visitors that come to the National Park for recreation, it is accepted that a few exceptions may be considered, given that some types of visitor accommodation may be focused on people, such as business users, who are not visiting the National Park primarily for recreation. The Authority will consider the need for mitigation and the level of contribution in these exceptional circumstances on a case by case basis.

## **5. In-perpetuity effects and mitigation funding**

5.1 It is reasonable to require mitigation to last as long as the adverse impacts created by development are affecting the designated sites. For example, if a new house is built and is expected to last for 100 years, the recreational activities of the occupants of that house will also continue to add to recreational pressure on the designated sites for 100 years. This principle of providing mitigation over the lifetime of the development has been accepted by Natural England and has been brought forward in a number of other habitat mitigation schemes elsewhere in the country, including the SRMP Recreation Mitigation Strategy which covers parts of the New Forest. The Authority will use 100 years<sup>8</sup> as the period to define the ‘in-perpetuity’ period for which mitigation will be required.

5.2 The method required to fund this very long period of mitigation involves building up a financial reserve over the years until the end of the Local Plan period (2036), to have sufficient funds to pay for mitigation measures thereafter until the end of the 100 year period. Assumptions are required for inflation and interest rates, as the cost of mitigation measures will rise over the years in line with inflation, and the financial reserve accumulated will yield some interest income each year depending on the level of interest rates.

5.3 The amount of mitigation required after 2036 will be lower than during the plan period. This is because some of the mitigation implemented during the plan period will have a significant long-term effect, reducing the subsequent mitigation required in the future period.

5.4 The details of this ‘in perpetuity’ funding is outlined in Paragraphs 12.1 – 12.6 below.

## **6. Local Plan Policies**

6.1 Local Plan policy SP5 (Nature Conservation Sites of International Importance) reflects the Habitats and Species Regulations and requires development to avoid adversely affecting the integrity of the designated sites. Mitigation measures can be considered to ensure that adverse effects are avoided. The policy requires all new residential and visitor accommodation throughout the National Park to provide measures to mitigate the likely significant adverse effects of the development.

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<sup>8</sup> The reason for using 100 years (that reflects the ‘lifetime’ of a new dwelling) is that the Authority is using this time period to fully depreciate in its Accounts the houses it has already built.

6.2 Local Plan policy SP38 (Infrastructure Provision and Developer Contributions) confirms that development proposals must make provision for the measures necessary to ensure that development is acceptable in planning terms in the context of the New Forest National Park Local Plan. Within the context of development in the National Park, developer contributions may be sought towards nature conservation mitigation measures. Contributions will be secured through the appropriate mechanism – including the Community Infrastructure Levy (if introduced) and Section 106 agreements – as required by the National Planning Practice Guidance (NPPG).

6.3 Local Plan policy DP10 (Open Space) requires new development to make provision of public open space in the National Park. It should be noted that this public open space delivery – to be directed towards providing open space, sports pitches and children’s play areas – is separate from mitigation for the impact of new development on the protected habitats. The requirement for habitat mitigation is additional to the requirement for public open space.

## **7. Implementing Local Plan Policy SP5**

7.1 For development to comply with the Habitats Regulations, the Authority will need to be certain that there will be no adverse impacts on the integrity of any of the designated sites. To achieve this, the Authority will need to be certain that sufficient and effective measures to avoid or fully mitigate any likely significant adverse effects from a proposed development (either individually or in combination with other plans and projects) will be put in place.

7.2 As a method of demonstrating that adequate measures are put in place to avoid or mitigate significant adverse recreational effects on the designated sites the Authority has identified a package of appropriate mitigation measures in this Revised Habitat Mitigation Scheme. Financial contributions will be used by the Authority to implement these measures. The HRA of the Local Plan has confirmed that it is not a realistic prospect to create new accessible natural greenspace of a scale or character that would effectively deflect all potential additional visits from residents of new housing development away from the designated sites. It, therefore, supports the use of the more diverse package of measures set out in this revised Habitat Mitigation Scheme and concludes that these are capable of providing effective mitigation of the recreation pressures.

7.3 The initial mitigation scheme, established by the Authority in 2012, has now been revised to take account of the higher scale of planned future development, and to incorporate the in-perpetuity funding of mitigation measures required to last as long as the new developments. This draft SPD sets out the revised mitigation scheme to be applied to new developments within the National Park.

7.4 The Authority will consider financial contributions to the package of mitigation measures set out in this draft SPD from all net new dwellings and new visitor accommodation throughout the National Park to ensure that proposals can comply with the Habitats and Species Regulations. This approach is supported by Natural England.



- 7.5 The revised mitigation scheme set out in this draft SPD therefore enables developers to make a financial contribution towards measures that will ensure that significant adverse effects on the designated sites are mitigated. The offer of financial contribution towards mitigation measures, however, does not negate the requirement for an appropriate assessment to be undertaken by the Authority for the development proposal in relation to its recreational impacts.
- 7.6 As an alternative to making a contribution to this Scheme, applicants may wish to consider the potential impacts on the designated sites and propose their own appropriate measures to the Authority for assessment. Applicants will need to provide sufficiently detailed information about the potential ecological impacts of their proposed development on the designated features, species and habitats of the protected sites and their proposed mitigation measures to demonstrate conclusively to the Authority that it will comply with the Habitat Regulations and that there will be no likely significant adverse recreational effects on the designated sites. This evidence will have to demonstrate why their proposed mitigation will overcome the likely significant in- combination recreational effects identified in the HRA of the Local Plan for all new residential and visitor accommodation.
- 7.7 Some proposed developments in the National Park (due to their scale, type, or proximity of the proposed development in relation to the designated sites), will need, however, to consider their 'alone' impacts on the designated sites and avoidance or mitigation, or a contribution to this Scheme, may not be able to offset the likely adverse impacts.

## 8. Revised Habitat Mitigation Scheme

### Summary

- 8.1 This revised Habitat Mitigation Scheme replaces the initial Scheme that operated from 2012 and provided mitigation for development in the Authority's Core Strategy (2010). An updated scheme was required following the adoption of the National Park Local Plan in August 2019, which makes provision for a modest increase in the scale of planned future development compared to the previous Core Strategy and to incorporate the in-perpetuity funding of mitigation measures.
- 8.2 This revised Scheme has been developed by the Authority following liaison with Natural England and other relevant partners on the Authority's Habitat Mitigation Steering Group.

The key mitigation measures are:

**Access management within the designated sites<sup>9</sup>:** 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.

There will be a crossover of functions between these various elements

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<sup>9</sup> New Forest SPA, SAC and Ramsar sites (the combination of these are collectively referred to as the designated sites in the NPA's Habitat Mitigation Scheme – and do not include any Solent based designations)

## **Background to the mitigation measures**

### **New Forest Recreation Management Strategy**

- 8.3 Statutory organisations with a remit for managing recreation in the New Forest have jointly agreed 22 strategic actions which together protect the wildlife-rich landscape that people come to see and manage recreation for local people and visitors to enjoy. These actions include a wide range of initiatives aimed at current and future opportunities and issues. They address the needs and impacts of both local people and visitors from further afield.
- 8.4 The initiatives that are effective at mitigating the recreational impacts on designated sites of people moving into new development within the National Park are listed in the summary above and further explained below.
- 8.5 In all these initiatives the Authority will work with other organisations that have a remit for managing recreation in the designated sites, to develop key messages and ensure consistency. Opportunities will also be sought to co-ordinate the delivery of the work and avoid duplication.
- 8.6 It is expected that a number of significant opportunities will arise from the work updating the Recreation Management Strategy for improved visitor management in the future. The Habitat Mitigation Scheme Steering Group will look to incorporate those measures in due course that would perform good mitigation for the designated sites.

### **Access management within the designated sites**

- 8.7 The New Forest designated sites are very accessible. Walkers and horse riders have largely unlimited legal access to relatively flat countryside from a multitude of car parks and other access points, and cyclists have permitted use along over 100 miles of waymarked off-road routes.
- 8.8 Some areas are particularly vulnerable to recreational impacts (e.g. because of the type of habitat or presence of vulnerable species) and some activities are more likely to cause impacts (e.g. if people or dogs stray from the main tracks). It therefore follows that recreational impacts can be reduced by influencing where people go and what they do when they get there.
- 8.9 Access management measures within the designated sites that are appropriate for the scale of increased recreation resulting from new development within the National Park include:
- Improved signage and interpretation to encourage behaviours that reduce disturbance of ground nesting birds and impacts on protected habitats including bespoke messages at specific locations<sup>10</sup>

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<sup>10</sup> These locations will be informed by the latest evidence on visitor patterns and risk of harm to the protected birds and habitats of the New Forest designated sites.

- Small changes that encourage people to use agreed preferred routes (eg better signage or desire lines)
- Minor enhancements to existing, agreed visitor sites that attract people away from sites which are at greater risk of harm from recreation.

### **Alternative recreational greenspace sites and routes outside the designated sites**

8.10 Sites, routes and facilities outside the designated sites and within the National Park, or within adjacent local authority areas, can provide alternative locations for recreation. Large country parks with good parking and other facilities can accommodate significant numbers of people, smaller sites may be ideal for local communities and rights of way give opportunities for walks of varying lengths. The Recreation Management Strategy envisages an increase in the number of such alternatives, for use by both local people and visitors.

8.11 Improvements to existing sites, facilities and routes can also increase their use as alternatives to designated sites. For example, specific dog training and enclosed off lead areas can both reduce the need to use designated sites and improve the ability of walkers to control their dogs when they do visit designated sites.

8.12 Given the comparatively small scale of planned future development in the National Park, the provision of significant new sites and routes, and many improvements, are likely to be beyond the budget of this Scheme, but initiatives to mitigate the impacts of new development within the National Park could include:

- Enhanced signage on selected public rights of way within the National Park to encourage people to use them
- Minor surface treatment or removal of barriers such as stiles, so that the routes become known as good places to walk
- Provision of dog-friendly features, such as training or exercise (off the lead) areas in selected sites

### **Education, awareness and promotion**

8.13 Raising awareness of the things that make the New Forest special was the highest priority for many people who responded to public consultations during the development of the New Forest Recreation Management Strategy. Many of the negative impacts of recreation result from a lack of awareness rather than a lack of care.

8.14 It follows that by providing information about the protected species and habitats and the ways in which these are vulnerable to the effects of recreation within the designated sites, the behaviour of local people and visitors can be influenced so they can enjoy their recreational activities whilst avoiding any adverse effects.

8.15 The Authority is well equipped to lead and coordinate much of this work across the New Forest through its rangers, interpretation, education and

communications staff – and through forums and joint projects with other organisations. There are numerous opportunities to inform people throughout the year (both within and outside the designated sites), there are seasonal opportunities within the designated sites (especially during spring and summer when birds are nesting), and people who provide visitor accommodation can be trained and supported to talk to their customers.

Initiatives included in the Scheme:

- Rangers, seasonal rangers, apprentices and trained volunteers who focus on engaging with people who are using, or are likely to use, the designated site for recreation. They will operate throughout the National Park and beyond, but especially at locations where there is a high risk of disturbance to ground nesting birds and potential harm to protected habitats. Costs include staff time, specially equipped mobile units, interactive activities, training events, interpretation materials and exhibits.
- Dog-specific mitigation measures to promote responsible dog walking on the designated sites or encourage people to walk in other areas during the bird nesting season. These measures include events, liaison with vets and puppy training classes, the development and management of a charter for commercial dog walkers, and information and advice to dog walkers.
- Awareness raising and education through high profile communications activity using all available channels (print, website, video, film, social media etc.) to promote the need to protect the designated sites birds and habitats and how this can be achieved. Examples include news releases, articles in publications, videos about protected species, website development, guided walks and themed events, advice for new homeowners, training for tourism businesses, engagement through social media, and advertising events.
- Interpretative projects that encourage behavioural change to reduce the impacts of recreation. These include exhibitions at visitor centres and elsewhere, education programmes and other interpretative projects, and can range from a simple information leaflet about ground nesting birds to a new interactive exhibition at a visitor facility, that is also popular with local people.

8.16 Moreover, opportunities will be sought to co-ordinate this work and avoid duplication with other organisations who have a responsibility or mandate to deliver mitigation for the impacts on the internationally designated sites in the New Forest.

8.17 Many of these measures focus on encouraging behavioural change and the revised Mitigation Scheme SPD plans to reach a large number of people with appropriate messages and other forms of engagement, including face to face relationships with rangers. Even if only a small proportion of the overall level of engagement leads to permanently responsible behaviour of visitor to the designated sites then the revised Mitigation Scheme will provide suitable mitigation for the potential recreational impacts of new development.

## 9. Monitoring and research

9.1 Monitoring of the revised Mitigation Scheme needs to consider aspects as diverse as monitoring the implementation of the mitigation measures; the number and behaviour of people using the designated sites; the condition of those sites, and the species they support.

9.2 The mitigation provided by the Scheme is based on the 'precautionary principle', whereby if it cannot be proved that a proposed development (and the resulting recreational activity) will not adversely affect the integrity of a designated site, the proposal cannot proceed. Therefore, mitigation is required as existing evidence (in the Local Plan's HRA), cannot rule out likely significant recreational impacts on the designated sites.

9.3 Focused monitoring and research that is proportionate to the Scheme will, if funding permits, include:

- Review by the Steering Group (who oversee and monitor the implementation of the Scheme and has representatives from the RSPB, Hampshire Wildlife Trust, Natural England, New Forest District Council) of the implementation and effectiveness of the mitigation measures. New measures and innovative approaches will be considered in the future if they present a good opportunity to provide effective mitigation.
- Small scale visitor surveys to gain insights into recreational demand and behaviour at different sites, both within and outside the designated sites. These will include face-to-face interviews by rangers, observation and automated people counters.
- Support for surveys of key bird species, especially where these studies also try to assess recreational impacts.
- Collation or purchase, and analysis of data to inform access management.

9.4 The future implementation of the Authority's revised Mitigation Scheme will also be informed by the emerging evidence of visitor patterns and mitigation measures contained in research from Footprint Ecology commissioned by a consortium of local planning authorities in and around the New Forest. The primary aim of this research is to inform the longer-term development of a cross-boundary comprehensive mitigation strategy, but emerging results of this work will further inform the nature and type of measures that could be reviewed by the Habitat Mitigation Scheme Steering Group for use as effective mitigation for recreational impacts in the future.

9.5 The emerging research findings by Footprint Ecology support the three broad elements of the Authority's Revised Habitat Mitigation Scheme as set out in this draft SPD, namely 'Access Management within the designated sites', 'Alternative recreational greenspace sites and routes outside the designated sites', and 'Education awareness and promotion'.

## 10. Implementation

10.1 Implementation will involve oversight, coordination and monitoring of agreed mitigation measures. Although this will require staff time it will only represent a small proportion of the annual cost of the Scheme.

10.2 The revised Scheme allows for a contingency of changing rates of development, and for new innovative mitigation approaches to be brought forward during the Local Plan period.

## 11. Annual budget for mitigation measures

Estimated annual budget of the Scheme, based on predicted levels of development, is as follows:

<u>Mitigation Measure</u>	<u>Annual Budget</u>
<b>Access management within the designated sites</b>	
Facilities and physical changes 'on the ground' designed to reduce impacts, including visitor focal points, signage and route waymarkers.	£3,000
<b>Alternative recreational greenspace sites and routes outside the designated sites</b>	
New and improved sites, routes and facilities chosen and designed to accommodate recreation, including close to where people live.	£10,000
<b>Education, awareness and promotion</b>	
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).	£33,000
<b>Monitoring and research</b>	
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.	£6,400
<b>Implementation</b>	
Staff and other costs associated with oversight, coordination and monitoring of agreed mitigation measures.	£2,000
<b>Total Annual Budget</b>	<b><u>£54,400</u></b>

11.1 Some funded activities will achieve outcomes for more than one of the above mitigation measures. The activities carried out and their cost will also vary

between years. It should be noted that these estimated annual budget figures are based on a consistent level of development coming forward each year. However, it is likely that the level of development (and the resulting funds available) will vary over time given the profile of development within the National Park.

- 11.2 The above figures will therefore be used as a guide by the Authority's Habitat Mitigation Steering Group as it plans and reviews the implementation of the Scheme, to allocate the funding available between the different mitigation measures in line with the proportions of the budget outlined above. It should also be recognised, as highlighted in Paragraph 7.6, as an alternative to making a contribution to this Scheme, some applicants may propose their own appropriate measures to the Authority for assessment. If the proposed mitigation measures can demonstrate that they will comply with the Habitat Regulations then there may be no requirement to secure mitigation through this Revised Scheme's measures. If this is the case, the overall budget for mitigation measures will be reduced, reflecting the lower level of development that requires mitigation from the Scheme.

## **12. In 'perpetuity' mitigation**

- 12.1 Funding must be available to ensure that mitigation will last as long as the designated sites continue to be affected by the recreational effects from the development. As people will continue to enjoy their recreation on the designated sites for the lifetime of a dwelling, then mitigation will be required for the same period, and not just until the end of the Local Plan period. Development will, of course, continue after the end of the Local Plan period in 2036, but that further development will require, and will need to fund, its own mitigation.
- 12.2 The revised Mitigation Scheme set out in this draft SPD, therefore, includes a provision for funding mitigation measures after 2036 when the developer contributions from new homes in the Local Plan will come to an end. This involves building up a financial reserve during the Local Plan period (until 2036), so that there are sufficient funds to pay for mitigation after this date for the rest of the lifetime of the developments.
- 12.3 A proportion of the money received each year from developer contributions will be transferred into an in-perpetuity fund, which will operate like an "investment" fund, as it will grow from new developer contributions until 2036, and from interest received on its holdings each year. The amount received in interest payments over an extended period will have a significant effect on the amount of money available for the mitigation measures. The inflation rate will also affect both the cost of the mitigation measures over time (such as the salary of rangers), and the level of developer contributions which are adjusted for inflation each year. Part of the future monitoring of the Scheme will involve assessing how the in-perpetuity fund is performing and making adjustments if required.
- 12.4 Given that some mitigation delivered in the Scheme up until 2036 will have long term impacts, such as the development of permanent new areas or routes for



recreation and measures to generate permanent behavioural change, not all of the mitigation measures in the Scheme will continue at the same level after 2036.

12.5 The 'in-perpetuity' period is defined as 100 years in the National Park. This is because the Authority considers this to be the lifespan of a dwelling. The Authority is currently using this period to depreciate the houses it owns in its accounts.

12.6 This in-perpetuity principle is used in other mitigation schemes for impacts on designated sites and is supported by Natural England.

### **13. Cost of mitigation measures after the end of the Local Plan period (2036)**

The level of mitigation measures required between 2036 and 2136 and their estimated budgets are as follows:

<b><u>Mitigation Measure after 2036</u></b>	<b><u>Annual Budget<sup>11</sup></u></b>
<b>Access management within the designated sites</b>	
Maintenance of facilities and physical changes 'on the ground' designed to reduce impacts, including visitor focal points, signage and route waymarkers.	£1,000
<b>Alternative recreational greenspace sites and routes outside the designated sites</b>	
Maintenance of previously created or improved sites, routes and facilities chosen and designed to accommodate recreation, including close to where people live	£3,300
<b>Education, awareness and promotion</b>	
Reduced number of 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, web-based information and social media campaigns.	£14,500
<b>Monitoring and implementation</b>	
Monitoring the implementation and effectiveness of the mitigation measures to inform improvements to these where appropriate. Implementation will still involve some staff costs.	£3,000
<b><u>Total Annual Budget (after 2036)</u></b>	<b><u>£21,800</u></b>

<sup>11</sup> Expressed in current prices – however, these figures will need to be adjusted by inflation as they are required to reflect prices in 2036 (the cost of the measures will rise due to inflation up to 2036), when the measures will be required to start.

## **14. Developer contributions**

14.1 The level of developer contribution for each net new residential or visitor accommodation unit is made up of two elements – a contribution to funding the mitigation during the Local Plan period, and a contribution to the ‘in-perpetuity’ fund to finance the longer term mitigation beyond the end of the Plan period in 2036.

### Residential development

14.2 The amount of contribution required to enable a developer to ensure that appropriate mitigation is secured through this Revised Habitat Mitigation Scheme SPD for each net new dwelling is £3,512

**The developer contribution is £3,512 per dwelling**

### Inflation

14.3 As the costs of delivering mitigation measures rises over time, the Authority will increase the level of developer contribution sought in line with inflation each year. For the increased level of contribution to be implemented on 1<sup>st</sup> January each year, the Authority will use the official inflation figures for the previous September released by the Government.

### Calculation of developer contribution

14.4 The overall developer contribution is required to fund both the mitigation measures required during the Local Plan period, but also the longer-term mitigation measures beyond the end of the Local Plan period in 2036. The costs of providing the mitigation measures in the two separate periods are as follows:

- Plan period

14.5 The total cost of the measures in the Revised Scheme during the Plan period until 2036 is £924,800, which is £54,400 per year (as detailed in Paragraph 11). The developer’s contribution needed to fund the mitigation measures is the total cost of the measures divided by the number of dwellings planned for in the Local Plan (adjusted for dwellings already with planning permission or delivered), together with the expected level of development of visitor accommodation during the Local Plan period (which is in line with the trend over the last 10 years). In total this Mitigation Scheme includes provision to mitigate the impacts of 740 additional dwellings and visitor accommodation bed-spaces. This means, therefore, that the developer contribution for each net new dwelling or unit of visitor accommodation equates to £1,250 for the Plan period mitigation.

- In perpetuity period

14.6 The total cost of the measures in the Mitigation Scheme beyond the Plan period (2037 and until 2136) is £21,800 per year (rising by inflation each year). To

calculate the developer contribution required to finance this amount after 2036 involves determining how large a financial reserve needs to be built up by 2036 to have sufficient funds to cover the mitigation costs every year thereafter until 2136. Adjustments for inflation and interest rates will also need to be made. The level of contribution needed for this in-perpetuity funding is £2,262 per dwelling. The details of these calculations can be found in Appendix 1.

### Visitor accommodation

14.7 New visitor accommodation caters for visitors coming to enjoy recreation in the National Park. New visitor accommodation throughout the National Park is likely to increase recreation levels on the designated sites, and thus mitigation for this type of development will be required (whether for serviced accommodation, such as hotels, or for the various forms of self-catering accommodation). This is the conclusion of the Habitats Regulations Assessment of the Local Plan, which endorsed the use of this revised Habitat Mitigation Scheme to provide effective mitigation.

14.8 As this type of development could lead to as much recreation on the designated sites as new dwellings (and possibly more), the contribution for new visitor accommodation will be the same as for new dwellings. A contribution will be sought for each new additional bedroom for new, or extensions to, hotels and other serviced visitor accommodation, and will be determined on a case by case basis for each unit of self-catering visitor accommodation.

The contribution level will be £3,512 per new additional bedroom for serviced visitor accommodation.
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14.9 There may be opportunities for on-site mitigation measures at visitor accommodation, such as a permanent restriction on pets, and provision of key behavioural, and species and habitat protection information. Under these circumstances the Authority may consider a reduced contribution.

14.10 New camping and caravan pitches and holiday chalets are restricted in the Local Plan, but any new additional pitches would require mitigation, and the contribution level to the scheme would be the same as above (£3,512) per pitch or chalet.

### Age related housing

14.11 The Authority considers that some age-related accommodation is as likely to lead to recreational impacts on the designated sites as other forms of housing. Often occupiers of retirement housing can be just as active as those living in open market and affordable housing. Indeed, many in retirement have more time available for recreation than those of working age. Consequently, retirement dwellings will require mitigation unless the developer can provide conclusive evidence to demonstrate that the occupants will not add to recreational pressures on the designated sites in combination with other new and planned developments in the National Park and surrounding areas. The level of contributions to attain mitigation from this Habitat Mitigation Scheme will

be considered on a case by case basis, but will depend on how active the residents are likely to be.

14.12 Developments within the C2 class (i.e. residential care homes, hospitals, nursing homes, boarding schools, residential colleges and training centres) will be considered on a case by case basis. However, the types of C2 residential accommodation that would not require mitigation measures<sup>12</sup> are where:

- the occupiers are infirm elderly who require full time care, and this is provided on-site and 24 hours a day. This level of care provision will be above that provided by an on-site wardening service, such as that provided for sheltered accommodation; and
- Accommodation is for disabled people, where the residents' disabilities mean that they will not have any impact on the protected heaths.

#### Mitigation requirements for Permitted development

14.13 Developments covered by prior approval and permitted development (contained in the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) are granted planning permission by central government and, therefore, a planning application is not required. These developments, however, must still comply with the Habitats Regulations, which are separate requirements from the application for planning permission. The Habitats Regulations contain specific and stringent tests that are set to ensure that no new development will affect the integrity of internationally designated nature conservation sites. New development can, therefore, only proceed once it is ascertained that there will be no adverse effect on the integrity of these protected nature conservation sites.

14.14 Advice should be sought from the Authority at the earliest opportunity. Mitigation measures, if required, can be attained by a financial contribution to this Scheme, or if able to do so, the developer can propose their own mitigation measures to the Authority, who will need to be certain that these measures will ensure that no adverse impacts will affect the integrity of the designated site.

#### Replacement dwellings and residential extensions

14.15 It is considered that replacement dwellings and extensions to existing dwellings will not require mitigation provided by this draft SPD. This is because they don't create a new household and it is considered that they will not have a likely significant effect on the designated sites.

#### Process of making a financial contribution

14.16 The legal requirement to ensure that new development does not impact on the integrity of protected nature conservation sites comes from primary legislation, rather than national planning policy (NPPF) or guidance (NPPG). Therefore ensuring compliance with the relevant legislation is not a matter to be weighed

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<sup>12</sup> Based on Natural England guidance – see The Dorset Heathlands Planning Framework 2015-2020 Appendix D

in the planning balance or something that is open to negotiation. The Authority is clear that financial contributions towards habitat mitigation measures are justified to ensure legal compliance. Given this, securing financial contributions from all developments in the National Park – including from developments below the thresholds set out in the NPPG for seeking financial contributions – is justified.

14.17 In accordance with the tests set out in the Community Infrastructure Levy Regulations 2010, a contribution sought must be necessary, directly related, and fairly and reasonably related in scale and kind to the development. In time, the Authority will consider whether to support appropriate habitat mitigation through the Community Infrastructure Levy (CIL).

14.18 The Authority intends to levy a charge of £3,512 per net new residential dwelling. This broad level of financial contribution has also been factored into the viability assessment undertaken as part of the Authority's Local Plan review process for the Local Plan's Examination and so has already been factored into viability considerations. Any contribution will need to be contained within a planning agreement, whether this is through a Section 106 agreement or unilateral undertaking. Please contact the Authority to agree the appropriate method.

14.19 The Authority will maintain records of approved developments and the mitigation projects in the Scheme supported by developer contributions. This will be published as part of the Authority's annual Infrastructure Planning Statement, with the first of these statements due to be published by December 2020.

#### The implementation of the Scheme

14.20 The successful implementation of measures is important and will be co-ordinated by the National Park Authority. The Authority will report on the implementation of the mitigation measures through the Annual Monitoring Report and the annual Infrastructure Planning Statement. The mitigation package will be reviewed to identify whether any amendments are required in light of the level of development, the effectiveness of measures, and any changes to planning legislation and procedures. For instance, if the level of development is greater than expected in the Local Plan, then the level of mitigation will need to rise accordingly (and vice versa).

14.21 The Authority's Habitat Mitigation Steering group will review the implementation of the Scheme on a regular basis, particularly to ensure that mitigation is effective, and that the assumptions that underpin the in-perpetuity funding (ie. Inflation, interest rates etc) remain valid.

#### Strategic approach to preventing adverse effects

14.22 This SPD sets out a package of mitigation measures to address the planned level of future development within the National Park. It does not address the significantly greater scale of residential development planned in areas outside

the National Park boundary and this is the responsibility of neighbouring planning authorities. However, the Authority will continue to work with Natural England and other neighbouring local authorities (as well as a range of relevant stakeholders) to develop a longer-term strategic approach to prevent adverse effects on the internationally designated nature conservation sites in the New Forest.

- 14.23 The Authority's work with neighbouring authorities on this may involve adapting the mitigation measures in this SPD to assist in the development of strategic mitigation measures required in the future, such as considering the scale of the access management measures. This could also mean considering the funding of measures located outside the National Park, but which will provide good mitigation for the designated sites within the National Park.

## **Appendix 1: Calculations of the “in-perpetuity” funding.**

As explained in Section 12 above, funding must be available to ensure that mitigation will last as long as the potential recreational impacts on the designated sites from the development, and in the case of the National Park this will be 100 years. Therefore, a mechanism for funding mitigation measures after 2036 is required when the developer contributions from new homes and visitor accommodation in the adopted Local Plan will come to an end. This involves building up a separate financial reserve (an investment fund) during the Local Plan period (until 2036), so that there will be sufficient funds available to pay for mitigation after this date for the rest of the lifetime of the developments.

### **Building an in-perpetuity investment fund**

A proportion of the money received each year from developer contributions will be transferred into an in-perpetuity fund, which will operate like an “investment” fund. This fund will grow from new developer contributions until 2036, which will rise each year in line with inflation, and from interest received on its holdings each year. The amount of money needed to pay for the mitigation measures after 2036 will be £31,758 per year (£21,800 cost of measures in 2018, adjusted by 2% inflation until 2036) and this will rise by inflation each year thereafter. Inflation is assumed to be 2% throughout the full 100 year period as this is the official target of the Bank of England.

As the investment fund slowly builds up, it will attract interest income on the balance held in the bank, and this will add a further amount to the total in the fund each year. Future projections of interest rates used are in line with the Authority's wider Treasury Strategy with a slow rise in interest rates forecast over the next decade, reaching 2.5% in 2031, where it is assumed to remain at that level as a longer-term average.

The investment fund will need to grow sufficiently by 2036 to enable the Scheme to pay for the £31,758 (and rising with inflation) needed for the mitigation measures for the remaining 100 years. This required mitigation amount means that the investment fund will need to be £2,322,197 in 2036 to pay for the mitigation for the remaining period after the local Plan has ended (and no more contributions are collected). To achieve this each new dwelling and visitor accommodation unit (bedroom) will need to contribute £2,262.

The Solent Recreation Mitigation Partnership's Recreation Mitigation Strategy has also adopted the use of in-perpetuity funding and mitigation, and the Authority's Revised Scheme shares a similar methodology to this.

The following table shows the calculations of how the in-perpetuity fund will increase during the period until the end of the Local Plan in 2036. Space only allows for part of the whole spreadsheet containing the full calculations of the in-perpetuity funding to be shown in the two tables below (details upon request). Row 1 shows the investment fund at the start of each year. Row 2 shows the level of interest rates which will be assumed to be applied to the investment fund, with the interest income shown in Row 3. Row 4 shows the amount of funds it is assumed that will be received from developer contributions during each year, and the fund value at the end of the year in Row 5 = Row 1 + Row 3 + Row 4. As outlined in Paragraph 14.3, the amount of developer

contribution will rise in line with inflation each year. Therefore, Row 4 will rise by 2% each year.

		2020	2021						2036
1	Fund value at start of year	£0	£98,458						£2,133,693
2	Interest rate	0.65%	0.75%						2.5%
3	Interest income	£0	£738						£53,342
4	Developer contribution	£98,458	£100,427						£135,162
5	Fund value at end of year	£98,458	£199,624						£ 2,322,197

### Funding the mitigation measures after 2036

As outlined above, the investment fund will have £2,322,197 in 2036, and the amount of money needed to pay for the mitigation measures after 2036 will be £31,758 per year (and this will rise by inflation each year). The table below shows how the investment fund will slowly be used over the period beyond the Local Plan to pay for mitigation measures. The fund will fall by the amount spent on mitigation measures each year (Row 2), so that the remaining fund is reduced (Row 3). The fund, however, will still attract interest income so that Row 4 = Row 3 x 2.5%. The interest income is added to the remaining fund to give the total fund value at the end of each year (Row 5 = Row 3 + Row 4). In this manner, the investment fund will be sufficient to provide for the mitigation costs until the end of the Mitigation Scheme.

		2037	2038						2135
1	Fund value at start of year	£2,322,197	£2,347,700						£9,469
2	Cost of mitigation measures	£31,758	£32,393						£9,403
3	Fund value after mitigation costs	£2,290,439	£2,315,307						£66
4	Interest income on remaining fund	£ 57,261	£57,883						£2
5	Fund value at end of year	£2,347,700	£2,373,190						£68

As outlined in Paragraph 14.3, the cost of mitigation measures is assumed to rise in line with inflation each year. Therefore, Row 2 will rise by 2% each year.