

NFNPA 588/19

**NEW FOREST NATIONAL PARK AUTHORITY
AUTHORITY MEETING – 18 DECEMBER 2019**

DRAFT REVISED HABITAT MITIGATION SCHEME - APPLICATION OF MEASURES AND CONTRIBUTION LEVEL

Report by: Tony Spence, Policy Officer

Summary:

At its 17 December meeting, the Planning Committee was asked to recommend to the full National Park Authority meeting that the Authority approves the immediate application of habitat mitigation measures and the higher developer contribution level included in the draft Revised Habitat Mitigation Scheme for planning applications.

Policy SP5: *Nature conservation sites of international importance* of the adopted National Park Local Plan (August 2019) sets out the requirements necessary for all development to comply with the Conservation of Habitats and Species Regulations. The Habitats Regulations Assessment (HRA) of the Local Plan concludes that, prior to mitigation, the potential for adverse recreational effects on the integrity of the New Forest internationally designated sites cannot be ruled out for any new residential development or visitor accommodation. For development to proceed, therefore, mitigation is required for all proposals for new residential dwellings or visitor accommodation.

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 ensure the Mitigation Scheme would be consistent with the new Local Plan, a draft Revised Scheme was developed in 2017/8 and formed part of the supporting evidence for the Local Plan's Examination in 2018/19. This draft Revised Scheme was developed following liaison with the Authority's Habitat Mitigation Scheme Steering Group (including Natural England, Hampshire and Isle of Wight Wildlife Trust, the RSPB, and NFDC), and revises the existing 2012 Habitat Mitigation Scheme that operated for proposals under the Authority's Core Strategy.

The Local Plan's HRA supports the use of the draft Revised Scheme and its diverse package of measures and considers that it will provide effective mitigation. Natural England also considers that this draft Revised Scheme is fit for purpose. The Local Plan Inspectors' Report confirmed that Policy SP5 (supported by the HRA's view of the revised Scheme), was justified, effective and consistent with national policy.

The Authority's draft Revised Habitat Mitigation Scheme Supplementary Planning Document (SPD) is due to be published for public consultation in January 2020 and the aim is to adopt the updated Scheme at the full Authority meeting in late March 2020. Until the Revised Mitigation Scheme SPD is adopted, the Authority believes that it should be using the mitigation measures and increased developer contribution level included in the draft Revised Scheme for current applications. Now that the Local Plan has been adopted, the use of the most recent evidence, including the information and conclusions of the Local Plan's HRA (which endorses the use of the Revised Scheme), to assess new applications is considered appropriate. Natural England supports this approach.

Recommendation:

Members 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: *Nature conservation sites of international importance* 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).
- 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 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. 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 following liaison with the Authority's Habitat Mitigation Scheme Steering Group which includes representatives from Natural England, the 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 Some updates of the draft Revised Mitigation Scheme that was developed in 2017/18 have now been made to reflect the adoption of the Local Plan, the Addendum to the Local Plan HRA, updated data and calculations for the in-perpetuity funding, further Steering Group insights, and representations received on the Revised Scheme during the Local Plan consultation. The main issues considered from these have been 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 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.

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

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 new residential and visitor accommodation within the National Park:** This was the conclusion of the HRA 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 until the end of the 100 year period. This will mean there will be a rise in the overall level of developer contribution from £1,250 per dwelling that operated in the 2012 Scheme 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. The Authority's proposed new financial contribution level is a significant increase from the contribution currently sought and will ensure the delivery of measures is

tailored to the specific circumstances in the National Park and provide these in perpetuity.

- **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. There will be public consultation on the draft Revised Habitat Mitigation Scheme SPD from the beginning of January 2020 to mid-February 2020. Following consideration of representations received, the aim is to present an updated version at the Authority meeting 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. 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.

RECOMMENDATION:

Members 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.

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Papers: NFNPA 588/19 – cover paper
Appendix 1: draft Revised Habitat Mitigation Scheme SPD

Equality Impact Assessment: No impacts have been identified.