



New Forest National Park

Draft Revised Habitat Mitigation Scheme Supplementary Planning Document (SPD)

Statement of Consultation

January 2020

1. Introduction

- 1.1 This statement sets out the work involved in preparing the draft SPD and how the Authority has involved key stakeholders in its preparation.
- 1.2 Regulation 12(a) of the Town and Country Planning (Local Planning) (England) 2012 regulations requires that this statement gives details of:
 - a) the persons the National Park Authority consulted when preparing the draft supplementary planning document;
 - b) a summary of the main issues raised by those persons; and
 - c) how those issues have been addressed in the draft supplementary planning document.
- 1.3 This consultation statement will be updated to reflect the main issues raised and how they have been addressed once the public consultation closes in February 2020. The updated consultation statement will accompany the revised SPD when it is presented for adoption.

2. SPD preparation and consultation on the draft revised scheme

- 2.1 In preparing a new Local Plan for the National Park the Authority recognised that a revision to its existing Habitat Mitigation scheme would be required to reflect:
 - the scale and type of mitigation needed to reflect the planned increase in development in the new Local Plan;
 - the area covered by the Scheme;
 - incorporating long term impacts and mitigation;
 - inflation adjustments to developer contributions; and
 - clarifying the requirements for visitor accommodation, age related housing, and permitted development.
- 2.2 A National Park Habitat Mitigation Steering Group has overseen the implementation of the mitigation measures in the 2012 Habitat scheme and this Group was consulted about the proposed revisions. The Steering Group has representatives from Natural England, Hampshire and Isle of Wight Wildlife Trust, the RSPB, and New Forest District Council.
- 2.3 The Authority decided a draft Revised Habitat Mitigation Scheme should be submitted as evidence to accompany the draft Local Plan at Examination. Consequently, the Authority worked with the Steering Group to develop the draft Revised Mitigation Scheme, which was submitted in January 2018 as part of supporting evidence for the Local Plan Examination.
- 2.4 The main issues raised during the Steering Group discussions and how these were addressed were as follows:

(a) *The need for mitigation*

- 2.5 It was advised that the revised Scheme should clarify that the mitigation measures set out focus on mitigating *recreational* impacts, rather than urban edge impacts); and that these are on all the Natura 2000 sites, including the Special Area of Conservation (SAC) and not just the Special Protection Area (SPA). This matter has been addressed in the title of the draft SPD and throughout the document.
- 2.6 Evidence in the Habitats Regulations Assessment of the Local Plan (January 2018, July 2018, see <https://www.newforestnpa.gov.uk/planning/development-impacts-on-protected-areas/>) concluded that increased recreational pressure on the New Forest designated sites cannot be ruled out from development anywhere in National Park. The Steering Group agreed that this needed to be emphasised. Consequently, the revised Scheme clarifies that developer contributions can be used to secure mitigation for the recreational impacts of developments throughout the whole of the National Park.

(b) *Key elements of the Scheme*

- 2.7 **Access Management** – The Steering Group questioned whether the revised Scheme should identify which parts of the designated sites would be most effective for signage. The Steering Group supported a spatial approach of managing recreation in the National Park, which is a key element of the separate New Forest National Park Recreation Management Strategy (RMS). It was recognised that the ongoing review of the RMS could provide significant opportunities for habitat mitigation in the future, but the RMS review would not be completed before the Local Plan was adopted. This point has therefore been addressed by providing a commitment in paragraph 8.6 to include these opportunities if they provide good mitigation in the future. The Steering Group meets annually to agree priorities so there is a mechanism for new measures to be implemented through this annual review.
- 2.8 **Alternative recreation sites and routes** – It was raised that dog specific training and off lead enclosed areas are effective mitigation measures in the Dorset Heathlands SPA. Therefore, these measures were included in paragraph 8.11 of the revised Scheme.
- 2.9 **Education, Awareness, and promotion** – The Steering Group called for a greater emphasis on ranger provision within the overall budget. It was considered that the ranger element is essential as it is very difficult to divert significant numbers of users from visiting the very special features of the New Forest Natura 2000 sites, so managing users on-site is critical. This is addressed in the draft Revised Scheme SPD with a higher proportion of the estimated annual budget being devoted to the employment of rangers and a commitment to two seasonal rangers each year, which is a strengthening of the ranger role from the existing scheme.

(c) *Visitor accommodation*

2.10 The need for visitor accommodation to provide mitigation was supported by the Steering Group. This matter was also highlighted in the HRA of the Authority's Local Plan review and has subsequently been included in the draft Revised Habitat Scheme, with the details highlighted in paragraphs 14.7 to 14.10.

(d) *Age related accommodation*

2.11 The Steering Group supported the Authority's view that some age-related accommodation is just as likely to lead to recreational impacts on the designated sites as other forms of housing. Consequently, retirement dwellings 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. This was addressed in paragraphs 14.11 and 14.12 of the draft Revised Scheme SPD.

2.12 Land Use Consultants (LUC) were commissioned to undertake an independent Habitats Regulations Assessment (HRA) of the Authority's submission draft Local Plan (see <https://www.newforestnpa.gov.uk/planning/development-impacts-on-protected-areas/>.) In relation to Policy SP5 of the Local Plan: *Nature conservation sites of international importance*, the HRA assessed whether the mitigation measures included in the accompanying draft Revised Scheme would ensure development would not have an impact on the integrity of the designated sites.

2.13 The HRA concluded that, '*...it is not a realistic prospect to create new accessible natural greenspace of a scale and character that would effectively deflect all potential additional visits from the residents of new housing development away from the New Forest or Solent coast European designations, as new greenspace could not recreate the vast open character and visitor experience of the New Forest or an alternative coastal experience which draws people from such a large area. We therefore support use of the more diverse packages of measures set out in NFNPA's revised Habitat Mitigation Scheme (our emphasis) and in the Solent Recreation Mitigation Partnership's scheme and believe that these are capable of providing effective mitigation of the recreation pressure that might otherwise occur as a result of the development proposed in the Local Plan in combination with that provided in New Forest District and other neighbouring authorities.*'

2.14 This HRA of the Local Plan, the Submission draft Local Plan (including Policy SP5), together with the draft Revised Habitat Mitigation Scheme, were then subject to a 6-week public consultation between 17 January – 28 February 2018. This consultation was undertaken in accordance with the National Park Authority's adopted Statement of Community Involvement (2013) and the requirements of the national planning regulations.

2.15 A total of 645 representations were received on the proposed Submission draft Local Plan 2016 – 2036 during the statutory 6-week consultation period, made by a total of 188 respondents. However, there were only a very few

comments received about the draft Revised Habitat Mitigation Scheme. The main issues raised were from Natural England, the Friends of the New Forest, and the RSPB and are outlined in the table below.

Respondent	Main Issues raised	How this has been addressed in the SPD
Natural England	Natural England considered the draft revised Mitigation Scheme 'fit for purpose' but made a number of suggestions to make it more comprehensive. These included a comment that there was too great an emphasis on the SPA and it proposed more focus on the other Natura 2000 designations.	The Authority has included a greater focus on the New Forest SAC in the draft document, including a description of the qualifying features.
	Support for the RMS and the potential for this to generate mitigation opportunities in the future.	This has been reflected in paragraphs 8.3 to 8.6 of the revised Scheme.
	Sought clarification that the rangers would operate throughout the National Park.	This has been included.
	Suggested the work of the rangers to be focused on damage to the protected habitats as well as avoiding disturbance and impacts on the protected birds.	This has been included in the revised Scheme.
Friends of the New Forest	The previous scheme (2012) was inadequate and it has now been radically amended. The previous inadequate scheme has in part contributed to the deterioration of the New Forest SPA and no additional financial allowance has been made in the new scheme to correct this.	The HRA of the draft Local Plan concluded that the revised Scheme will provide effective mitigation; Natural England consider it fit for purpose; and the Local Plan Inspectors endorsed the revised Scheme as part of the evidence in finding the Local Plan to be sound in July 2019.
	A request to the Examination Inspectors to allow discussion of Draft Revised Habitat Mitigation Scheme as part of the inquiry.	There was a discussion at the Examination Hearing Session about mitigation for development in the Local Plan and compliance with the Habitat Regulations. This current consultation provides a further opportunity for comment on the revised Scheme.

	<p>The discussion on the overall need for mitigation and how resources secured could contribute to the bigger picture is inadequate. There is vagueness in the description of the problems, the mechanisms used to mitigate, targets for effectiveness of actions and alternative actions.</p>	<p>The revised Scheme has been prepared with the input of the Steering Group members and sets out a clear approach to mitigating the potential impacts from new development <u>within</u> the National Park. The Steering Group will monitor the effectiveness of the measures over time and has the ability to amend these if alternative mitigation measures are available. The Authority is also working with partners and neighbouring planning authorities on the preparation of a more strategic approach to habitat mitigation, but this draft revised Scheme focuses on mitigating the impacts of the planned level of development within the Park.</p>
	<p>Would like the Authority to lead in securing a rational sub national mitigation scheme.</p>	<p>This is addressed in paragraph 14.22 and 14.23 of the revised Scheme.</p> <p>As outlined above, the Authority is working with partners to develop a more strategic mitigation approach, but that is a medium-term goal and this revised scheme instead supports the recently adopted National Park Local Plan and the modest planned scale of development it provides for.</p>
<p>RSPB</p>	<p>RSPB made a request for a wider consultation on the contents and operation of the Draft Revised Habitat Mitigation Scheme and wanted this to form part of the discussion, with Policy SP5, at the Local Plan Examination Hearing Sessions.</p>	<p>There was a discussion at the Examination Hearing Session about mitigation for development in the Local Plan. This current consultation provides a further 6-week opportunity for comment of the revised Scheme.</p>
	<p>The RSPB is seeking a strong ranger presence and access management as it considered these to be the most effective forms of mitigation for the New Forest National Park. The RSPB believes that a larger ranger team may be required.</p>	<p>The Authority has addressed this through the commitment to increased ranger provision in the revised Scheme. Education and awareness raising (which includes the provision of rangers) is the main focus for the revised Scheme budget in paragraph 11. Paragraph 9.3 confirms that the Steering Group will continue to monitor the implementation and effectiveness of the mitigation measures (including the rangers) and make changes if necessary.</p>

- 2.16 The revised Scheme was submitted as supporting evidence alongside the Submission draft Local Plan to the Planning Inspectorate for Examination in 2018. Policy SP5 and the supporting revised Habitat Mitigation scheme were considered during the Hearing Sessions of the Examination of the Local Plan.
- 2.17 The Inspectors Report into the Examination of the National Park Local Plan (24 July 2019) concluded that Policy SP5 was justified, effective and consistent with national policy and this conclusion had been informed by the evidence in the HRA.
- 2.18 Finally, a presentation on the draft Revised Mitigation Scheme SPD was given to the Authority's Annual Planning Agents meeting on an Agents' Panel on 9 October 2019. The presentation informed Agents of the main changes in the Mitigation Scheme.

3. Conclusions

- 3.1 The revised Habitat Mitigation Scheme SPD has been prepared in parallel with the review of the New Forest National Park Local Plan. The Authority consulted on the draft revised Scheme in early 2018 as part of the Regulation 19 Local Plan consultation and it was submitted as a supporting document to the Local Plan Examination in 2018/19.
- 3.2 The revisions to the Scheme are based on the experiences of applying the existing Mitigation Scheme over the last 7 years; best practice developed in similar mitigation schemes; and the input of the Habitat Mitigation Steering Group members. With the adoption of the National Park Local Plan in August 2019 it is important that the revised Mitigation Scheme follows on. The revised Scheme has been endorsed by the HRA of the Local Plan, is supported in the Local Plan Inspectors' Report, and Natural England consider it fit for purpose.
- 3.3 This consultation statement summarises the engagement to date and will be updated to reflect the representations made during the final 6-week consultation period. The revised Scheme focuses on the planned new development within the National Park and in the longer term the Authority will continue to liaise with partners and neighbouring planning authorities to prepare a longer term, strategic approach to habitat mitigation measures.