



New Forest National Park Authority

Revised Habitat Mitigation Scheme  
Supplementary Planning Document (SPD)

Consultation Statement

July 2020

## **1. Introduction**

- 1.1 This statement sets out the work involved in preparing the SPD and how the Authority has involved key stakeholders and the public in its preparation. The statement covers the preparation of the initial draft SPD as well as the 6-week public consultation undertaken between January – February 2020.
- 1.2 Regulation 12(a) of the Town and Country Planning (Local Planning) (England) 2012 regulations requires this statement to give details of:
  - a) the persons the National Park Authority consulted when preparing the supplementary planning document;
  - b) a summary of the main issues raised by those persons; and
  - c) how those issues have been addressed in the supplementary planning document.
- 1.3 This Consultation Statement summarises the main issues raised during the final 6-week public consultation held on the draft SPD in early 2020 and how they have been addressed in the final version of the adopted SPD.

## **2. SPD preparation and consultation on the draft revised scheme (2018)**

- 2.1 The preparation of the new Local Plan for the National Park was undertaken between 2015 – 2019 and as part of this process the Authority recognised its existing Habitat Mitigation Scheme (2012) would require updating 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 The New Forest National Park Habitat Mitigation Steering Group has overseen the implementation of the mitigation measures identified in the 2012 Habitat Scheme and this Group was consulted about the proposed revisions. The Steering Group has representatives from Natural England, Hampshire & 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 in 2018/19. Consequently, the Authority worked with the Steering Group to develop the draft Revised Mitigation Scheme, which was published alongside the Regulation 19 Submission draft Local Plan in January 2018 for comment for a 6-week period; and subsequently submitted to the Secretary of State as part of supporting evidence for the Local Plan Examination in May 2018.
- 2.4 The main issues raised during the Steering Group discussions of the initial draft revised Habitat Mitigation Scheme SPD and how these were addressed were as follows:

(a) *The need for mitigation*

- 2.5 The Steering Group advised that the revised Scheme should clarify that the mitigation measures identified focus on mitigating *recreational* impacts, rather than urban edge impacts; and that these are on all the Natura 2000 sites of the New Forest National Park, including the Special Area of Conservation (SAC) and not just the Special Protection Area (SPA). This matter has been addressed throughout the revised SPD 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 advised that this needed to be emphasised. Consequently, the revised Mitigation Scheme SPD 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 the revised Habitat Mitigation Scheme 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 revised Habitat Scheme SPD with a higher proportion of the estimated annual budget being devoted to the employment of rangers and a commitment to strengthening 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 revised Habitat Mitigation Scheme SPD, 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 is addressed in paragraphs 14.11 and 14.12 of the revised Scheme SPD.
- 2.12 Land Use Consultants (LUC) were commissioned to undertake an independent Habitats Regulations Assessment (HRA) of the Authority's Regulation 19 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, "*...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 SPD, 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 SPD. The main issues raised were from Natural England, the Friends of the New Forest and the RSPB and are outlined in the table below.

<b>Respondent</b>	<b>Main Issues raised in 2018</b>	<b>How this has been addressed in the SPD</b>
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. The final consultation in early 2020 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 the 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>
RSPB	<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 final focused consultation in early 2020 provided a further 6-week opportunity for comment of the revised SPD.</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 Secretary of State for Examination in May 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 (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. Summary of the consultation undertaken during the preparation of the draft revised Habitat Mitigation Scheme SPD in 2018 - 2019**

- 3.1 The revised Habitat Mitigation Scheme SPD was originally 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 May 2018.
- 3.2 The revisions to the Scheme compared to the original Mitigation Scheme (2012) are based on the experiences of applying the existing Mitigation Scheme over 7 years; best practice developed in similar mitigation schemes; and the input of the Authority's 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 The final section of this Consultation Statement focuses on the final 6-week consultation on the draft SPD undertaken between January - February 2020.

### **4. Consultation on revised Draft Habitat Mitigation Scheme SPD (2020)**

- 4.1 The Authority took the decision that although the draft revised Habitat Mitigation Scheme SPD had been the subject of public consultation as part of the Local Plan Regulation 19 consultation in early 2018, the SPD should go through a final focused consultation following the adoption of the Local Plan.
- 4.2 In accordance with Regulation 12 of The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) and Policy SCI-3 in the Authority's Statement of Community Involvement (2013), the draft SPD was subject to a final 6-week period of public consultation. This took place between 8 January – 19 February 2020.

- 4.3 In accordance with the requirements of the relevant national planning regulations and the commitments made within the Authority's Statement of Community Involvement, this final 6-week consultation included the following:
- Over 200 statutory and general consultees (Annex 1) were directly notified of the start of the consultation and provided a hyperlink to the draft SPD.
  - The revised draft Habitat Mitigation Scheme SPD was made available on the Authority's website and for inspection at Lymington Town Hall.
  - A press release was issued to local media outlets at the start of the consultation, summarising the role of the draft SPD, the consultation period, how comments could be submitted and where the document could be viewed. A formal press notice was also issued.
  - The consultation of the draft SPD was actively promoted through the Authority's social media channels, including Facebook (34,100 followers) and Twitter (15,400 followers).
- 4.4 During the final consultation of the draft SPD, responses were received from 25 individuals and organisations. The majority of respondents (14) offered support for the revised draft Habitat Mitigation Scheme, with the remaining 10 respondents objecting and one making a comment.
- 4.5 Representations of support were received from 4 parish councils, 2 individuals and neighbouring planning authorities including Bournemouth, Christchurch & Poole Council, Wiltshire Council, and New Forest District Council. Representations expressing overall support for the revised Habitat Mitigation Scheme SPD were also received from the Verderers of the New Forest, the Commoners Defence Association, the RSPB, Hampshire & Isle of Wight Wildlife Trust, and Natural England. Specific support was raised for: (i) the use of the Scheme for visitor accommodation; (ii) long-term In-perpetuity mitigation and funding; (iii) the package of mitigation measures in the Scheme and the focus on ranger services; (iv) in the longer term seeking a strategic mitigation solution for the New Forest; and (v) the use of new evidence when available in the future.
- 4.6 Representations objecting to the draft SPD were received from 2 parish councils, 3 individuals, Go New Forest, the National Trust, Friends of the New Forest, a camp site, and the Burley Food and Drink Festival.
- 4.7 In accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), the Authority is required to set out in this Consultation Statement, "*a summary of the main issues raised*" during the final consultation period; and "*how those issues have been addressed in the supplementary planning document*". The table on the following pages fulfils this requirement and focuses on the changes sought to the SPD in the representations received. It should be noted that the Authority is not required to list every single point raised during the consultation, only the main issues raised.



Objection raised	Modification suggested	NPA comment
<i>Effectiveness</i>		
Concern about the effectiveness of the mitigation measures	If there is no certainty under the precautionary principle that the mitigation will be effective, then permission should not be granted.	<p>The HRA of the Local Plan supports the package of mitigation measures contained in the Scheme and confirms that they “...are capable of providing effective mitigation of the recreation pressure.”</p> <p>Natural England supports the revised Scheme and concurs with the conclusion of the Local Plan HRA that this approach will help the NPA mitigate the potential in combination effects of increased recreation.</p> <p>In July 2019 the Inspectors of the Local Plan Examination concluded that Policy SP5, which relies on mitigation in the Scheme, is justified, effective and consistent with national policy.</p> <p>Other established Habitat Mitigation Schemes use similar mitigation measures, such as Solent Bird Aware and Dorset Heathlands.</p> <p>The Authority will consider ways to make information available to better demonstrate the implementation of the mitigation measures.</p> <p><b>No modification recommended</b></p>
Concern about the effectiveness of the mitigation measures	<p>Create more natural greenspace in line with the ‘Making Space for Nature’ Lawton Report 2010.</p> <p>Implement the Glover Report recommendation for a National Landscapes Ranger Service</p>	<p>The Lawton Report is a much broader national assessment of wildlife areas than required for the measures needed to mitigate impacts of a specific new development on the New Forest SPA and SAC.</p> <p>Government has not responded yet to the Glover Report. Its recommendations are focused on protected landscapes rather than specific mitigation of recreational impacts of development on internationally designated habitats. It is not within the NPA’s gift to implement a National Landscapes Ranger Service, but the NPA’s revised Mitigation Scheme increases ranger provision in the New Forest, funded through developer contributions.</p>

	<p>Restoration of habitats should be included in the Scheme.</p> <p>Extend the CROW Act across the whole of the designated sites to improve protection and increase enforcement.</p> <p>A full HRA of all the designated landscapes of the Park is needed</p> <p>Build fences and more signage to avoid impacts</p>	<p>The New Forest HLS has delivered large scale habitat restoration in the New Forest and the measures identified in the Authority’s mitigation scheme will be proportionate to the small scale of development permitted in the National Park.</p> <p><b>See Recommended modification 1</b></p> <p>This proposal appears to be for managing recreation on a large scale across the whole National Park, and, thus, is not appropriate for the scale of mitigation required for development levels in the Local Plan.</p> <p>An HRA assesses the qualifying features (species and habitat) of the internationally designated sites and not landscape features. A full HRA has been completed for all development proposed for the next 20 years in the Local Plan. The HRA was fully considered at the Local Plan Examination in 2018 – 19 and the final Inspectors’ Report (July 2019) concluded that the Local Plan (and supporting assessments) were fully legally compliant.</p> <p>The building of fences on the Open Forest conflicts with open access rights and the movement of stock across the Forest.</p>
<i>Visitor businesses</i>		
<p>‘Taxing’ visitor accommodation businesses will limit development and be harmful to the visitor economy.</p> <p>The principle that existing and new visitor businesses and related development should contribute to the mitigation of negative impacts on the New Forest is supported, but the proposed financial mitigation contribution for visitor related</p>	<p>Revenue for recreation management could be raised from other sources such as charging at car parks - charge by use or visit to the sites.</p> <p>All users of the New Forest should contribute to recreation management.</p>	<p>The Scheme is not designed to tackle the wider recreation management of all visitors to the National Park, but instead provides specific measures to mitigate the impacts of <u>new</u> development on the New Forest SPA and SAC. Contributions are only sought in the Revised Mitigation Scheme from developments of <u>new</u> visitor accommodation to enable the development to secure mitigation for its own impacts. The wider recreation management for all those visiting the National Park will be done through the Recreation Management Strategy, which is currently under discussion by a range of New Forest organisations and stakeholders.</p> <p>The HRA of the adopted Local Plan concluded that new visitor accommodation development in the National Park could impact on the integrity of the New Forest’s Natura 2000 sites through increased recreation. New visitor accommodation in the National Park is likely to attract people who will want to enjoy recreation during their stay. As the Local</p>

<p>development is considered to be disproportionately high.</p>	<p>Raise revenue from basing council tax on holiday homes on purchase price.</p>	<p>Plan HRA identifies that both dwellings and visitor accommodation contribute to recreation pressure on the designated sites, the contribution for new visitor accommodation will be based on that for new dwellings. It will, however, be adjusted lower to reflect that serviced accommodation is not always fully occupied throughout the year. To ensure that mitigation is always sufficient and based on the precautionary principle set out in the Habitats Regulations, this adjustment is based on the highest annual level of occupancy. <b>See Recommended modification 10.</b></p> <p>As it has been accepted that a lower level of mitigation is needed for new visitor accommodation, the overall budget figures for the Scheme have been adjusted according – <b>See Recommendations 4,6,7,8,16.</b></p> <p>As an alternative to making a contribution to the Revised Scheme, applicants can complete their own ecological assessment of their impacts on the designated sites and propose their own mitigation measures to last the full lifetime of their development, and the Authority will need to be certain that these will comply with the Habitat Regulations for the development to proceed.</p> <p>Council Tax is not set or received by the NPA. The Mitigation Scheme focuses only on new development.</p>
<p>'Charging' visitor accommodation is unfair because:</p> <ul style="list-style-type: none"> <li>- There is a greater impact from residents</li> <li>- there is a lack of specific evidence to demonstrate that each new bedroom built will generate any actual new impacts.</li> <li>- Scheme doesn't consider impacts from areas outside the Park</li> </ul>	<p>Scheme should cover other tourism business that benefit from visitors</p> <p>Scheme should cover residents and tourism businesses outside the National Park</p>	<p>The HRA of the Local Plan confirms that adverse recreational impacts on the designated sites can't be ruled out from new visitor accommodation. The HRA forms the basis for the update to the Mitigation Scheme. <b>See Recommended Modification 9, 10.</b></p> <p>The Scheme is not designed to tackle the wider recreation management of all visitors to the National Park. This will be done by the Recreation Management Strategy, currently under discussion by a range of organisations and partners. Contributions are only sought from developments of <u>new</u> visitor accommodation to enable the development to mitigate its own impacts.</p> <p>The Scheme only applies to planning applications within the National Park, and new residential development is also covered. Impacts from new residential development and visitor accommodation outside the Park, however, will need to be addressed by</p>

<ul style="list-style-type: none"> <li>- Other tourism businesses benefit but aren't 'charged' eg. cafes, pubs</li> <li>- Why should funding come from just a few visitor accommodation providers?</li> <li>- Doesn't account for visitor accommodation losses</li> <li>- Should not fund recreation management of National Park in this way</li> </ul>		<p>neighbouring planning authorities. A number of neighbouring planning authorities – including New Forest District Council, Dorset Council, Bournemouth, Christchurch &amp; Poole Councils and planning authorities along the Solent Coast - seek contributions from new visitor accommodation development. Under the draft NFDC Mitigation Scheme all new visitor accommodation anywhere in New Forest District is required to contribute towards mitigation measures to address potential impacts on the New Forest's Natura 2000 sites.</p>
<p>The NFNPA, its statutory partners and official consultees will not on their own have the ability to deliver a successful scheme.</p>	<p>Using Go New Forest's various communication platforms and channels could change the nature of the communication with a very significant proportion of the New Forest's residential, day visitor and staying visitor audiences. The reach for the mitigation scheme could become available to a majority of all visitors to the forest each year.</p>	<p>The offer to use Go New Forest's communication channels is welcomed. Opportunities to improve the implementation of mitigation measure are important. The Steering Group could consider opportunities for partnership working to deliver mitigation. <b>See Recommended modification 14.</b></p>
<p><i>Monitoring and measures</i></p>		
<p>Lack of specific measurable monitoring criteria</p>	<p>More measurable criteria needed for monitoring. There needs to be more baseline data evidence to justify the mitigation measures</p>	<p>More measurable criteria for monitoring the implementation of the mitigation measures will be used. <b>See Recommended modification 2 and 5.</b> The HRA of the Local Plan contains the evidence that demonstrates the impacts on the designated sites.</p>
<p>Mitigation does not have specific measurable targets.</p>	<p>Mitigation needs to be specific, measurable, achievable, realistic, with time bound targets. Definitions of 'integrity' and 'significant' impacts need to be explained.</p>	<p>More measurable criteria for monitoring the implementation of the mitigation measures will be used. <b>See Recommended modification 2.</b> The Habitats Regulations uses these terms but does not define them. The HRA of the Local Plan assessed the impacts of development in the National Park using these terms.</p>

Mitigation should not be based on the solutions in the Thames Basin Heaths (TBH)		The HRA of the Local Plan considered the impacts on the specific qualifying features of the New Forest SPA and SAC. The mitigation measures relate to the New Forest are different to the TBH – for example TBH relies primarily on the creation and use of new SANGs. The New Forest mitigation does not use this approach and the mitigation approach is tailored to the specific circumstances of development in the New Forest and the features of the Natura 2000 sites. The future implementation of the revised Mitigation Scheme will also be informed by the emerging evidence of visitor patterns and mitigation measures for the New Forest contained in research from Footprint Ecology commissioned by a consortium of local planning authorities in and around the New Forest.
Lack of specific measures identified in the Recreation Management Strategy	The RMS needs clearly defined projects, timescales, costs and funding	The RMS continues to be developed with partners. Any measures that are included in the RMS in the future that could be used for mitigation in the Scheme can be considered. The RMS is separate to the Authority’s revised Mitigation Scheme.
<i>Others</i>		
Difference between contributions for dwellings and visitor accommodation	Contribution should be based on a ‘per bedroom’ basis for both visitor accommodation and dwellings.	The HRA of the adopted Local Plan concluded that impacts on the integrity of the New Forest Natura 2000 sites could not be ruled out for any residential development or visitor accommodation due to increased recreational pressure. The contribution for new visitor accommodation will be based on that for new dwellings. It will, however, be adjusted lower to reflect that serviced accommodation is not always fully occupied throughout the year. To ensure that mitigation is always sufficient and based on the precautionary principle set out in the Habitats Regulations, this adjustment is based on the highest annual level of occupancy. <b>See Recommended modification 10.</b>
Concern that there is no ‘net gain’ for wildlife or nature	Achieve a net gain for nature and wildlife.	The Habitats Regulations require that developments don’t affect the integrity of the internationally designated sites. They do not require a net gain. This is a separate requirement, which still needs to be delivered by new development and there are separate planning policies for this in the Local Plan and the NPPG/NPPF.
There is a lack of co-ordination with New Forest District – this is critical as the greatest pressure		Each planning authority is responsible for ensuring compliance with the Habitats Regulations, and NFDC have devised their own Mitigation Scheme.

<p>comes from outside the borders of the National Park</p>		<p>The future implementation of the revised Mitigation Scheme will be informed by the 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 serve as an appropriate joint evidence base to inform the longer-term development of a cross-boundary comprehensive mitigation strategy.</p> <p>The NPA employs a People &amp; Wildlife Ranger through an SLA with NFDC funded through the Green Way project as part of their Mitigation Scheme. This provides opportunity for coordination of information and delivery between the two organisations.</p>
<p>Campsites, especially those located on the designated sites, cause impacts.</p>	<p>Mitigation measures must tackle recreation resulting from all campsites, including pop up ones</p>	<p>This Scheme only relates to new development (not existing). New campsites are covered by the Scheme and the recognition that campsites can cause impacts is noted. <b>See Recommended modification 12.</b></p>
<p>The Steering Group is ineffective and ill defined</p>		<p>The Habitat Mitigation Steering Group includes the Government’s nature conservation advisor, Natural England, two highly informed and experienced wildlife organisations, the RSPB and Hampshire &amp; Isle of Wight Wildlife Trust, New Forest District Council (who also operate a similar Mitigation Scheme) and specialists from the National Park Authority. It is considered that the range of skills and experience within this Group means that it is more than capable of overseeing the implementation of the Scheme. The responsibility for all decisions relating to the Habitats Regulations lies with the competent authority, which in this case is the National Park Authority. The Steering Group provides advice to the Authority.</p>
<p>It is unacceptable to assume that some parts of the SSSI may be less sensitive to recreation.</p>		<p>We are not considering the SSSI. The Habitat Mitigation Scheme focuses on impacts on the New Forest’s Natura 2000 sites – rather than the national level SSSIs. However, whilst in principle all the New Forest SPA and SAC should be treated the same, access points and species locations will vary within these areas. The SSSI condition surveys undertaken by Natural England do pick up on recreational impacts on SSSI units and the mitigation measures set out in the Scheme will also benefit these habitats.</p>

<b><i>Suggested modifications from responses supporting the Scheme</i></b>		
<b>Issue raised</b>	<b>Modification suggested</b>	<b>NPA comment</b>
	A proportionate sum should be paid by 'pop up' camping sites as a contribution to the mitigation of their significant impact on the New Forest	New campsites are covered by the Scheme. A proposed modification is to include the approach to temporary campsites. <b>See Recommended Modification 12.</b>
	If this strategy is to be effective, easily accessible funding to support alternative sites should be available to Parish / Town Councils.	In principle this is acceptable, but as the competent authority the NPA would need certainly that the mitigation measures would be implemented and managed in-perpetuity. This may be easier when the NPA itself is implementing the mitigation measures.
	The impact of affordable housing should be specified in the Scheme. Affordable housing on rural exception sites will have an impact on habitats, as well as possibly taking out commoning land.	All new dwellings are covered in the Scheme. The Authority has always sought habitat mitigation contributions from affordable housing and rural exception sites and will continue to do so.
	Section 9 could refer to the need for an appropriate joint evidence base to be agreed between neighbouring authorities including Bournemouth Christchurch Poole as part of a potential cross border strategy. This will need to take into account recreational impacts on the National Park and Dorset Heathlands.	Comments noted. A consortium of local planning authorities in and around the New Forest commissioned evidence of visitor patterns and mitigation measures from Footprint Ecology. The primary aim of this recently published research is to serve as an appropriate joint evidence base to inform the longer-term development of a cross-boundary comprehensive mitigation strategy. The HRA of the Authority's Local Plan considered impacts from development within the National Park and on the Dorset Heathlands. <b>See Recommended Modification 3.</b>
	It will be necessary to develop a strategic scheme involving the surrounding authorities. This would have to be bespoke for the New Forest, but lessons can be learned from similar	Comments noted. The future implementation of the revised Mitigation Scheme will be informed by the 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 serve as an appropriate joint evidence base to inform the longer-term development of a cross-boundary comprehensive mitigation strategy. The NPA will work with neighbouring

	schemes, for example in Thames Basin Heaths.	planning authorities with the aim of developing a strategic approach to habitat mitigation measures.
Concern that only a proportion of new housing outside the National Park, but within easy reach of it, is contributing to mitigation for recreation and therefore fully legally compliant.	We strongly advocate a strategic approach to mitigation for recreational impacts on the New Forest's Natura 2000 features, with measures tailored to the unique needs of the area.	Comments noted. The future implementation of the revised Mitigation Scheme will be informed by the 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 serve as an appropriate joint evidence base to inform the longer-term development of a cross-boundary comprehensive mitigation strategy. The NPA will work with neighbouring planning authorities with the aim of developing a strategic approach to habitat mitigation measures.
Support for the requirement for the scheme to fund and make provision for the monitoring of mitigation measures and that the results of this monitoring is used by the Habitat Steering Group to regularly review and agree mitigation projects and priorities	We would welcome further clarity on how this could be secured and incorporated into the scheme in a definitive way.	Comments noted. The Authority's Habitat Mitigation Scheme will be revised in future and is monitored on an annual basis, so amendments can be made (with advice from the Steering Group) in the future. <b>See Recommended Modification 2.</b>
	Consider both increasing the period to 120 year maximum recommended in planning law and investigate ways of establishing a mitigation pot that does not draw down on the core funds	The figure of 100 years is greater than that adopted by a number of other mitigation schemes and is supported by Natural England. No change.
	We welcome the commitment to increased ranger presence in the revised scheme. We consider that this may need to be further increased in the future	Comments noted. The Authority's Habitat Mitigation Scheme will be revised in future and is monitored on an annual basis, so amendments could be made in future. Rangers are the main focus of the Scheme.



	<p>In relation to permitted development rights, the Habitat Regulations requires that written approval is needed from the planning authority to confirm no adverse effect on site integrity and we would welcome a clear reference to this</p>	<p>Agreed. It is important to include this clarification in the revised Scheme. <b>See Recommended Modification 13.</b></p>
	<p>Natural England has written Supplementary Advice notes on the Conservation Objectives for the New Forest designated sites which could help applicants identify activities and proposals that may have adverse impacts on designated features – reference to these could be made.</p>	<p>Agreed. It would be helpful to include this in the revised Scheme. <b>See recommended modification 15.</b></p>
	<p>In order that a developer looking for guidance in the early stages of planning is made aware of their obligations we suggest that the special interest features should be listed, to reflect the complexity of the site and highlight the mitigation that will be needed.</p>	<p>Agreed. It would be helpful to include this in the revised Scheme. <b>See recommended modification 15.</b></p>
	<p>It is crucial to evaluate the success of the measures. If the measures in place are found to be failing or not properly implemented, there must be some redress; development must halt and further steps taken to mitigate the impacts.</p>	<p>Monitoring needs to be robust. The Authority’s Habitat Mitigation Scheme can be revised in future and is monitored on an annual basis, so amendments can be made in future. <b>See recommended modification 2.</b></p>

The developer contribution rate is considered to be too low.	The developer contribution should be higher	The contribution figure is not an arbitrary figure but is instead based on the mitigation measures identified and the cost of funding these in-perpetuity. It has also been assessed as part of the Whole Plan Viability Assessment and the Habitats Regulations Assessment for the NPA's adopted Local Plan (2019).
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In a separate and recent consultation with Natural England about the potential development of new visitor accommodation, it questioned whether the Authority could monitor and enforce any pet restrictions over the 100-year lifetime of the development. Upon reflection, the Authority does not believe that this would be possible, and hence a further amendment has been made to the draft Revised Scheme SPD in **Modification 11**.

## Recommended Modifications to the Revised Scheme SPD

(New wording in **bold**; deletions with a strikethrough)

1. Add to Paragraph 8.9 to read: “Small changes that encourage people to use agreed preferred routes (e.g. better signage or desire lines) **or provide opportunities to restore habitats.**”
2. Paragraph 9.3 to be amended to read: “New measures and innovative approaches will be considered in the future if they present a good opportunity to provide effective mitigation. **Measurable criteria will be used for monitoring the implementation and effectiveness of the mitigation measures. Mitigation measures may be amended based on monitoring evidence of their effectiveness.**”
3. Paragraph 9.4 to be amended to read: "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 **serve as an appropriate joint evidence base to** inform the longer-term development of a cross-boundary comprehensive mitigation strategy, but ~~emerging~~-results of this work..."

Paragraph 9.5 to be amended by deleting ‘emerging’: “*The ~~emerging~~ research findings by Footprint Ecology...*”

4. As the mitigation required for visitor accommodation has been adjusted, amend the Table in Paragraph 11 as follows:

<u>Mitigation Measure</u>	<u>Annual Budget</u>
Access management within the designated sites	
Facilities and physical changes ‘on the ground’ designed to reduce impacts, including visitor focal points, signage and route waymarkers.	<del>£3,000</del> <b>£2,900</b>
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.	<del>£10,000</del> <b>£9,600</b>
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).	<del>£33,000</del> <b>£31,800</b>
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.	—£6,400 <b>£6,300</b>
<b>Implementation</b>	
Staff and other costs associated with oversight, coordination and monitoring of agreed mitigation measures.	—£2,000 <b>£1,900</b>
<b>Total Annual Budget</b>	<b><u>£54,400</u></b> <b><u>£52,500</u></b>

5. Amend Paragraph 11.1 to read: “The activities carried out and their cost will also vary between years. **Given the importance of monitoring the implementation and effectiveness of the mitigation measures it is expected that a greater proportion of the budget may be spent on new monitoring equipment and frameworks in the early years of the Scheme.**”
6. As the mitigation needed for visitor accommodation has been adjusted, amend the table in Paragraph 13 to read:

<u>Mitigation Measure after 2036</u>	<u>Annual Budget<sup>1</sup></u>
<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>£960</b>
<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>£3,175</b>
<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>£14,000</b>
<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>£2,900</b>

<sup>1</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.

<u>Total Annual Budget (after 2036)</u>	<u>£21,800</u> <u>£21,035</u>
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7. Amend Paragraph 14.5 to read: “The total cost of the measures in the Revised Scheme during the Plan period until 2036 is **£892,500** ~~£924,800~~, which is **£52,500** ~~£54,400~~ per year (as detailed in Paragraph 11).” And amend “~~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.”
8. Amend Paragraph 14.6 to read: “*The total cost of the measures in the Mitigation Scheme beyond the Plan period (2037 and until 2136) is £21,800 **£21,035** per year.*”
9. Amend Paragraph 14.7 to read: “New visitor accommodation caters for visitors coming to enjoy recreation in the National Park. **“It can’t be ruled out that** new visitor accommodation throughout the National Park **will** ~~is likely to~~ increase recreation levels on the designated sites...”
10. Paragraph 14.8 to be amended to read: “As **the Local Plan HRA identifies that both dwellings and this type of development contribute** ~~could lead to as much recreation pressure on the designated sites as new dwellings (and possibly more)~~, the contribution for new visitor accommodation will be ~~the same as~~ **based on that** for new dwellings. **This will be adjusted to reflect that serviced accommodation is not always fully occupied throughout the year. To ensure that mitigation is always sufficient<sup>2</sup> and based on the precautionary principle set out in the Habitats Regulations, this adjustment is based on the highest annual level of occupancy<sup>3</sup>.** **Consequently, a contribution will be sought for each new additional bedroom for new, or extensions to, hotels and other serviced visitor accommodation on the following basis: and will be determined on a case by case basis for each unit of self-catering visitor accommodation.**

The contribution level will be <del>£3512</del> <b>£2,739</b> per new additional bedroom for serviced visitor accommodation.
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**All other types of visitor accommodation, including self-catering, will be determined on a case by case basis and regard will be given to the occupancy of the accommodation provided.”**

11. Amend Paragraph 14.9 by deleting: ~~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.~~
12. Amend Paragraph 14.10 to read: “New camping and caravan pitches and holiday chalets are restricted in the Local Plan, but any new additional pitches

<sup>2</sup> 13 To comply with the Habitats Regulations the Authority must ensure it can ascertain that any development will not adversely impacts on the integrity of the protected sites.

<sup>3</sup> 14 Highest annual level of bedroom occupancy for England for the last 5 years is 78%, as recorded by Visit Britain

would require mitigation, and the contribution level to the scheme would ~~be the same as above (£3,512) per pitch or chalet.~~ **also be determined on a case by case basis and have regard to the occupancy level of the accommodation provided. New temporary ('pop-up') campsites will be considered on a case by case basis, but where planning permission is not needed, evidence of compliance with the Habitats Regulations (showing no in-combination recreational impacts on the integrity of the designated sites) is still required. Mitigation can be secured by a contribution to this Revised Habitat Mitigation Scheme."**

13. Paragraph 14.13 to be amended to read: "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. **The Habitat Regulations require that development must not be begun or continued before the developer has received written notice of approval from the Authority that there will be no adverse effect on the designated site's integrity (see National Planning Practice Guidance).**"
14. Amend Paragraph 14.20 to read: "The successful implementation of measures is important and will be co-ordinated by the National Park Authority. **Opportunities for partnership working to deliver mitigation will be explored."**
15. Amend Paragraph 7.6 by inserting footnote 9 to read "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 <sup>9</sup> 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."

Footnote 9 to read: "**Natural England has written Supplementary Advice notes on the Conservation Objectives for the New Forest designated sites (SPA and SAC) which help identify activities and proposals that may have adverse impacts on designated features. See** <http://publications.naturalengland.org.uk/publication/5727577884852224?category=6528471664689152>  
<http://publications.naturalengland.org.uk/publication/5816333400801280?category=6528471664689152>

16. As the mitigation needed for visitor accommodation has been adjusted, amend Appendix 1 Section "Building an in-perpetuity investment fund" to read: "The amount of money needed to pay for the mitigation measures after 2036 will be ~~£31,758~~ **£30,644** per year (~~£21,035~~ ~~£21,800~~ cost of measures in 2018, adjusted by 2% inflation until 2036) and this will rise by inflation each year thereafter." And amend "The investment fund will need to grow sufficiently by 2036 to enable the Scheme to pay for the ~~£31,758~~ **£30,644** (and rising with inflation)." And amend "This required mitigation amount means that the investment fund will need to be ~~£2,240,732~~ ~~£2,322,197~~" and amend "To

achieve this each new dwelling and visitor accommodation unit bedroom will need to contribute £2,262.” Amend the Table to read:

		2020	2021					2036
1	Fund value at start of year	£0	£98,458 <b>£95,004</b>					£2,133,693 <b>£2,058,841</b>
2	Interest rate	0.65%	0.75%					2.5%
3	Interest income	£0	£738 <b>£713</b>					£53,342 <b>£51,471</b>
4	Developer contribution	£98,458 <b>£95,004</b>	£100,427 <b>£96,904</b>					£135,162 <b>£130,420</b>
5	Fund value at end of year	£98,458 <b>£95,004</b>	£199,624 <b>£192,621</b>					£2,322,197 <b>£2,240,732</b>

Amend Appendix 1 Section “Funding the mitigation measures after 2036” to read: “the investment fund will have **£2,240,732** ~~£2,322,197~~ in 2036, and the amount of money needed to pay for the mitigation measures after 2036 will be **£30,644** ~~£31,758~~ per year (and this will rise by inflation each year).” Amend the Table to read:

		2037	2038					2135
1	Fund value at start of year	£2,322,197 <b>£2,240,732</b>	£2,347,700 <b>£2,265,341</b>					£9,469 <b>£9,054</b>
2	Cost of mitigation measures	£31,758 <b>£30,644</b>	£32,393 <b>£31,257</b>					£9,403 <b>£9,073</b>
3	Fund value after mitigation costs	£2,290,439 <b>£2,210,088</b>	£2,315,307 <b>£2,234,084</b>					£66 <b>-£19</b>
4	Interest income on remaining fund	£57,264 <b>£55,252</b>	£57,883 <b>£55,852</b>					£2 <b>£0</b>
5	Fund value at end of year	£2,347,700 <b>£2,265,341</b>	£2,373,190 <b>£2,289,936</b>					£68 <b>-£19</b>

## Annex 1 – List of organisations notified of the draft SPD consultation (2020)

Coal Authority  
Historic England  
Natural England  
Environment Agency  
Marine Management Organisation  
Highways England  
Utility Companies

West Hampshire Clinical Commissioning Group  
NHS England

Dorset Council  
Southampton City Council  
Bournemouth, Christchurch & Poole Council  
Wiltshire Council  
Hampshire County Council  
New Forest District Council  
Test Valley Borough Council

Action Hampshire  
Age Concern Hampshire  
Associated British Ports  
Beaulieu Estate  
Bournemouth International Airport Ltd  
Cadland Estate  
Calshot Activities Centre  
Calshot Residents' Association  
Campaign for National Parks  
Christchurch Bicycle Club  
Community First New Forest  
Country Land and Business Association  
Cranborne Chase & West Wilts Downs AONB  
Enterprise M3 LEP  
Exbury Estate  
ExxonMobil Chemical Ltd  
Federation of Small Businesses  
Friends, Families and Travellers  
Fordingbridge Society  
Forestry England  
Friends of Brockenhurst  
Friends of the New Forest  
Go New Forest  
Hampshire Chamber of Commerce  
Hampshire and Isle of Wight Wildlife Trust  
The Showmen's Guild of Great Britain Western Office  
Solent Forum  
Solent LEP  
Solent Protection Society  
Somerley Estate  
Southampton Airport  
Sport England  
SSE  
Swindon & Wiltshire LEP  
The Caravan Club Ltd  
Tourism South East  
Verderers of the New Forest

Hampshire Association of Local Councils  
Hampshire Field Club & Archaeological Society  
Hampshire Fire & Rescue Service (New Forest Group)  
Hampshire Gardens Trust  
Hampshire Outdoor Centres  
Hampshire Scouts  
Hamptworth Estate  
Homes and Communities Agency  
Lepe Country Park  
Lymington & District Chamber of Commerce & Industry Limited  
Lymington Harbour Commissioners  
Lymington Society  
Jackson Planning  
Meyrick Estate  
National Farmers' Union  
National Grid  
National Trust  
Network Rail  
New Forest Access for All  
New Forest Access Forum  
New Forest Association of Local Councils  
New Forest Business Partnership  
New Forest Centre  
New Forest Commoners' Defence Association  
New Forest Equestrian Association  
New Forest Friends of the Earth  
New Forest Hounds  
New Forest Runners Club  
New Forest Sports Council  
New Forest Transition  
New Forest Trust  
Pylewell Estate  
Ramblers Association (New Forest Branch)  
Ringwood Chamber of Commerce  
Royal Society for the Protection of Birds (RSPB)  
Sandy Balls Estate  
The Showmen's Guild of Great Britain Central Office

Wilts & Dorset Bus Co Ltd  
Wiltshire Association of Local Councils  
Wiltshire Fire & Rescue  
Wiltshire Wildlife Trust  
UK Youth

Cadland Estate  
Bisterne, Pylewell & Sowley Estates  
Exbury Estate  
Somerley Estate  
Hamptworth Estate  
Beaulieu Estate  
Hinton Admiral Estate



Local Planning Agents (60+)  
All Town & Parish Councils within the National  
Park and adjacent (40+)

