New Forest National Park Authority Infrastructure Funding Statement Covering the period 1 April 2021 – 31 March 2022

Published December 2022

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1. Introduction

- 1.1 In accordance with the Community Infrastructure Levy Regulations, any authority (including local planning authorities and parish councils) that receives a contribution from development through either the Community Infrastructure Levy or Section 106 planning obligations is required to prepare and publish an Infrastructure Funding Statement.
- 1.2 This report therefore provides a summary of the financial contributions the New Forest National Park Authority has secured through Section 106 legal agreements (including unilateral undertakings) from development for off-site infrastructure works, the delivery of affordable housing and mitigation measures for the internationally protected habitats of the New Forest and Solent coast. The report covers the period 1 April 2021 31 March 2022.
- 1.3 The information included in the report is updated annually, published on the National Park Authority's website and submitted to Government. This ensures up-to-date information on the amount of developer contributions received from new development and the projects where these contributions have been spent is readily available to local communities and other interested parties.

Section 106 planning obligations and developer contributions

- 1.4 Under Section 106 of the *Town and Country Planning Act 1990*, local planning authorities (including National Park Authorities) can enter into legal obligations with developers to mitigate the impacts of new development. These agreed legal obligations can include both physical on-site measures and financial contributions towards off-site infrastructure provision and mitigation measures.
- 1.5 Planning obligations assist in mitigating the impact of unacceptable development to make it acceptable in planning terms. National planning regulations state that planning obligations may only constitute a reason for granting planning permission if they are:
 - necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 1.6 These tests are set out as statutory tests in the Community Infrastructure Regulations 2010 (as amended by the 2011 and 2019 Regulations) and as policy tests in the Government's National Planning Policy Framework (NPPF)¹.

New Forest National Park Local Plan (2019)

1.7 The New Forest National Park Local Plan was formally adopted in August 2019. The Local Plan forms a key part of the statutory 'development plan' for the National Park and the policies set out in Table 1 are particularly relevant to this Infrastructure Funding Statement.

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¹ Paragraph 57, National Planning Policy Framework (2021)

Table 1: Relevant Local Plan policies

Local Plan Policy	Summary	
SP5: Nature conservation sites of international importance	Confirms that a contribution to the Authority's Habitat Mitigation Scheme for the New Forest sites and/or the Solent Recreation Mitigation Partnership's Scheme ('Bird Aware Solent') will enable measures to be put in place to mitigate the recreational impacts of new development.	
DP10: Open Space	New development is required to provide new public open space provision. Where this cannot be delivered on site (typically due to the small-scale of development within the National Park) a financial contribution to support off-site provision or enhancements will be sought.	
SP27: Affordable Housing Provision	At the discretion of the Authority, financial contributions in lieu of on-site affordable housing provision will be accepted on smaller development sites.	
SP38: Infrastructure provision and developer contributions	"Development proposals shall make provision for the infrastructure and measures necessary to ensure that the development is acceptable in planning terms. Where appropriate, financial contributions for the provision of off-site infrastructure and measures will be sought."	
	Within the context of development within the New Forest National Park, developer contributions may be required towards highway and transportation works; affordable housing; education provision; recreation provision; and nature conservation mitigation measures.	

- 1.8 Further details on the developer contributions sought within the New Forest National Park are set out in the Authority's adopted <u>Development Standards SPD</u> (2012), which sets out the level of financial contributions sought from new development towards affordable housing, public open space and transport.
- 1.9 In the context of planning within the New Forest National Park, developer contributions are also required to mitigate the impacts of new residential and visitor accommodation development on the internationally protected habitats of the Solent coast and the New Forest heathlands. Further details of these mitigation schemes can be found in the Authority's updated Habitat Mitigation Scheme (2020) and the Bird Aware Solent Strategy.
- 1.10 It is also important to note that alongside local planning policies, the process for seeking developer contributions from new development is guided by national planning policy and guidance. The Government's National Planning Practice Guidance (NPPG) resource includes a specific section on 'Planning Obligations' which sets out the national framework for seeking developer contributions.

2. Contributions available at 31 March 2021

2.1 Table 2 (below) sets out the level of developer contributions held by the National Park Authority as at 31 March 2021.

Table 2: Contributions available at 31 March 2021 received in preceding years

Infrastructure / measure	Contributions available at 31 March 2021	
Affordable Housing	£583,818	
New Forest SPA Habitat Mitigation	£113,569	
Solent SPA Habitat Mitigation	Pooled contributions held by the Bird Aware	
C C	Solent habitat mitigation scheme*	
Transport	Pooled contributions held by Hampshire	
	County Council for local transport schemes #	
Public open space, sport & recreation	£59,457	
TOTAL	£756,843	

^{*}Solent SPA habitat mitigation contributions are transferred to the Bird Aware Solent mitigation project on a quarterly basis and so are not in the direct control of the National Park Authority.

- 2.2 Developer contributions secured through Section 106 agreements in the National Park are legally ring-fenced for specific uses/forms of infrastructure. This means they must be used for the purposes set out in the relevant legal agreement. Unlike funding received through the Community Infrastructure Levy (CIL) which the National Park Authority does not operate the priority for the use of received Section 106 contributions is not at the discretion of the Authority.
- 2.3 It is important to note that other than for the affordable housing and the New Forest SPA Habitat Mitigation contributions, the National Park Authority itself is not directly responsible for the expenditure of the following contributions:
 - Solent SPA Habitat Mitigation contributions have been sought since 2015/16 from new residential development within 5.6 kilometres of the Solent's internationally protected sites. Contributions within the 5.6-kilometre catchment area from across the 14 planning authorities in the area are pooled to be spent on the delivery of the 'Bird Aware Solent' habitat mitigation scheme and further details can be found here.
 - Although the Authority is the sole statutory planning authority for the National Park area, it is not responsible for highways (or education and social care). The two 'highway authorities' for the National Park area are Hampshire County Council (for the 95% of the land area of the National Park that lies within Hampshire) and Wiltshire Council (for the remaining 5% of the National Park located within the county of Wiltshire). Transport contributions are therefore transferred to the relevant highway authorities to be spent on schemes within the National Park area.
 - The National Park Authority does not own or manage any public open space, sport or recreational facilities in the National Park. This responsibility

^{*}Transport contributions are transferred to the local highway authority and so are not in the direct control of the National Park Authority.

- typically rests with the local town and parish councils in the National Park and therefore contributions received towards open space provision are made available for the relevant town or parish council to draw down on and spend on open space projects in the locality of the new development.
- 2.4 For developer contributions towards affordable housing, it is necessary to build up a fund of pooled contributions to enable the delivery of off-site affordable housing. Affordable housing contributions have previously been spent on the delivery of two affordable dwellings for local people at Bransgore.
- 2.5 Table 2 confirms that the total of developer contributions held by the National Park Authority as at 31 March 2021 stood at just over £750,000. Of the total contributions held at the start of the Infrastructure Funding Statement reporting period, it is also important to note that the habitat mitigation contributions for the Solent coast and New Forest habitats were earmarked for specific projects. Both the New Forest and Solent mitigation schemes have published strategies setting out future spending priorities. The Solent contributions are pooled from development across the sub-region to fund the implementation of the Bird Aware Solent Mitigation Strategy, which is subject to separate annual reporting. The implementation of mitigation measures funded by the financial contributions towards the New Forest Habitat Mitigation Scheme (2020) is overseen by a Steering Group that meets annually to agree priorities for the following year.

3. Contributions received in 2021 – 2022

Table 3 - Contributions received in 2021 - 2022

Infrastructure / measure	Contributions received in 2021 – 2022		
Affordable Housing	£301,100		
New Forest SPA Habitat Mitigation	£70,635		
Solent SPA Habitat Mitigation	£7,686		
Transport	£33,786		
Public open space, sport & recreation	£0		
TOTAL	£413,207		

- 3.1 As shown in Table 3, during 2021 2022, the National Park Authority received just over £413,000 in financial contributions from new development, secured through either Section 106 agreements or unilateral undertakings.
- 3.2 The scale of developer contributions received by the National Park Authority in 2021 2022 was higher than the preceding reporting year. Development in the previous April 2020 to March 2021 reporting period was impacted by the Covid-19 pandemic and also the new requirement for all net new residential development to demonstrate 'nutrient neutrality'. This is required to ensure compliance with the Habitats Regulations and resulted in a significant slow-down in new development in the South Hampshire sub-region in 2020 2021. Nutrient mitigation schemes are now available and this is helping in the delivery of planned development in the National Park and surrounding areas.
- 3.3 Developer contributions towards habitat mitigation measures to address recreational pressures for both the Solent coast and the New Forest Special Protection Area (SPA) and Special Area of Conservation (SAC) are required to ensure legal compliance. They are therefore sought from all net new dwellings and visitor accommodation permitted in the National Park, unlike other forms of contributions where various site size thresholds apply. During 2021 2022, habitat mitigation contributions towards the New Forest's internationally designated sites were also sought from seasonal campsite uses under the requirements for the Habitats Regulations, which increased the overall level of New Forest Habitat Mitigation contributions compared to the previous year. In addition to the campsite payments, the development consented at Walhampton Arms (application reference 20/00073) for an additional 6 guest rooms contributed £16,434 towards New Forest habitat mitigation.
- 3.4 In the 2021 2022 reporting year, the biggest single financial contributions received overall were the affordable housing and transport contributions from the redevelopment the former Redmayne Engineering site in Brockenhurst (application reference 20/00236 the New Forest habitat mitigation and open space contributions were received in 2020 21 and reported in last years' Infrastructure Funding Statement). The permission granted for the former Redmayne Engineering site contributed £301,100 towards off-site affordable housing delivery; and £33,786 toward local transport schemes.

4. Contributions spent in 2021 – 2022

Table 4 – Contributions spent in 2021 – 2022

Infrastructure / measure	Contributions spent in 2020 - 2021	
Affordable Housing	£52,807	
New Forest SPA Habitat Mitigation	£28,614	
Solent SPA Habitat Mitigation	£7,686 transferred to the Bird Aware Solent habitat mitigation scheme	
Transport	£33,786 transferred to Hampshire County Council for local transport measures	
Public open space, sport & recreation	£0	
TOTAL	£122,893	

4.1 Table 4 illustrates that during 2020 – 2021 a total of £122,893 of contributions were spent on infrastructure or habitat mitigation measures within the National Park. This includes spend of contributions received in previous years and is an increase from the £101,983 spent in the 2019 – 2020 financial year.

Affordable Housing

4.2 £52,807 in received developer contributions towards affordable housing was spent as part of the pre-commencement work for the two affordable dwellings at Burley. The scheme – which has full planning permission – is based on the model established by the National Park Authority for the two affordable dwellings completed in Bransgore, whereby financial contributions towards affordable housing are pooled and spent on dwellings managed by the National Park Authority for local people in identified affordable housing need.

New Forest SPA Habitat Mitigation

- 4.3 The spending of received financial contributions towards mitigating the impacts of increased recreational pressures associated with new development is done in accordance with the Authority's adopted habitat mitigation scheme (2020). The scheme is overseen by a steering group comprising representatives from the National Park Authority, Natural England, the RSPB, the Hampshire & Isle of Wight Wildlife Trust and New Forest District Council. During 2021 2022 a total of £28,614 was spent on mitigation measures, including the following. The Authority's Habitat Mitigation Scheme Annual Implementation Report for 2022 sets out details of all the expenditure and the developer contributions received.
 - Seasonal Rangers: Habitat mitigation contributions have been used for the seasonal ranger resource working in the New Forest designated nature conservation sites. Two seasonal rangers were employed during the 2021-22 reporting period at a total cost of £16,117. Additional ranger provision has been identified as being key to addressing increased recreational pressures associated with planned new development (housing and other forms of overnight accommodation, including campsites).

- <u>Communications</u>: An important mitigation measure is the regular delivery of interpretation information, publications, website and social media development - £5,000.
- Volunteers: A contribution was made during 2021 2022 towards a new Ambassador initiative to get more volunteers involved in looking after the Forest, including the distribution of the New Forest Code, reporting of incidents and recording verge parking - £5,000.
- New information leaflets £500.
- Monitoring: Data collection system for monitoring footfall for alternative recreation routes - £2,000.

Solent SPA Habitat Mitigation

- 4.4 The Solent Recreation Mitigation Strategy <u>annual reports</u> provide more detail on the spending of the contributions received. The 2022 Annual Report sets out the value of the developer contributions received by the partnership in 2021 2022, and details of all expenditure.
- 4.5 During 2021 2022, planning permission was granted for a total of 3,403 net new dwellings within the 5.6 kilometre 'catchment area' of the Solent's protected habitats. This includes 12 net new dwellings within the New Forest National Park within the Solent's identified visitor catchment area, which were delivered through a combination of the full application route and national permitted development rights. In total, the Bird Aware Solent Mitigation Scheme received £1,306,331 in developer contributions from across the sub-region, including £7,686 from developments within the National Park. Set out below is an overview of the mitigation projects supported in the 2021 22 reporting year through the use of pooled developer contributions. Further details can be found in Solent Recreation Mitigation Strategy Annual Report 2022.
 - Team of full time and seasonal rangers: The key mitigation measure is a team of rangers who cover the coast. The rangers aim to reduce bird disturbance by helping people to better understand the importance of the over-wintering birds and their vulnerability to disturbance. They advise people on how small changes in their behaviour can be hugely beneficial to the birds. A full ranger team was employed in 2021/22. During the 2021/22 winter period, the ranger team completed 656 site visits and engaged with a total of 8,298 people whilst out on the coast £282,039.
 - Monitoring: Monitoring the effectiveness of the mitigation measures is vital.
 During this reporting period the last of the planned monitoring activities for
 the initial 5 years of operation took place. These included pedestrian
 counters at strategic points along the coast, disturbance monitoring (with
 and without a ranger present), inland visitor surveys and carpark counts with
 vantage point surveys. The majority of this work has been supported by
 Footprint Ecology, a consultancy with specialist experience in mitigation

work. The Partnership has recruited a Monitoring Officer (hosted by Hampshire & Isle of Wight Wildlife Trust) who joined the Team in April 2022. This post holder will oversee future monitoring work, monitor the effectiveness of the site-specific projects and help create bespoke monitoring programmes for smaller scale site interventions - £42,943.

- Information, Marketing and Communications: A Campaigns & Engagement Officer was employed in Summer 2021, with an emphasis on campaigns. The Bird Aware website was updated to incorporate analytics to show how users are interacting. Further online resources have been developed to support social media campaigns. In October 2021 the Great Solent Birdwatch returned for its third year. The event proved hugely popular and 9,070 individual birds from 83 different species were recorded over the course of the week. The Bird Aware Coastal Code was totally rewritten in 2021. It now contains just 4 key messages which have been made as succinct as possible, backed up by appropriate visual images. Codes of Conduct for beach cleaning (finalised), non-motorised watersports, and wildlife photography are also in various stages of production. Another area of mitigation undertaken with Natural England in 2021/22 was to provide input into the signage that will accompany the England Coast Path through the Solent area. This led to 56 signs being created incorporating Bird Aware messages and information - £44,825
- 4.6 Developer contributions in 2021/22 were also spent on the Partnership Coordination Officer post (£34,543). The partnership is also investing a proportion of the developer contributions received in order to create an investment pot which will fund the mitigation measures in-perpetuity. The Bird Aware Solent mitigation scheme has also set aside £2 million every 5 years to fund a series of capital projects designed to further the aims of the strategy through the provision of visitor management techniques, enhanced bird habitats, enhanced strategic recreational space or public engagement and education initiatives. Owing to the far-reaching impacts of Covid, coupled with other unforeseen impacts such as a seawall breach at one site, the supported projects have been slower to materialise than originally expected. Work is now underway on several of the mitigation sites and it is anticipated several will be completed in the 2022/23 reporting year.

Transport

4.7 Following changes in national planning policy, the National Park Authority is only able to negotiate financial contributions towards transport infrastructure from larger developments. Given the typical profile of development in the protected landscape of the New Forest National Park, transport contributions are not usually triggered by the vast majority of new developments. In the 2021 – 2022 reporting year the Authority received £33,786 in transport contributions, which was transferred to Hampshire County Council. This contribution was from the redevelopment of the former Redmayne Engineering site in Brockenhurst for 9 new dwellings on a brownfield site near the village centre.

Public open space, sport and recreation provision

- 4.8 The National Park Authority liaises with town and parish councils regarding the spending of received contributions towards public open space, sport and recreation facilities. As with transport contributions, the Authority is only able to seek developer contributions towards public open space, sport and recreation provision/enhancements from certain developments. During 2021 2022 no public open space contributions were either received or released.
- 4.9 During the 2021 22 reporting year the Authority resolved to grant planning permission on several of the site allocations in the adopted New Forest National Park Local Plan (2019). The site allocations at Whartons Lane, Ashurst and Church Lane, Sway are both due to include new on-site public open space provision for the benefits of new residents and the existing community.

5. Contributions available for future years

Table 5: Contributions available as at 31 March 2022

Infrastructure / measure	Contributions available at 31 March 2022
Affordable Housing	£832,110
New Forest SPA Habitat Mitigation	£155,590
Solent SPA Habitat Mitigation	Pooled contributions held by the Bird Aware
	Solent habitat mitigation scheme
Transport	Pooled contributions held by Hampshire
	County Council for local transport schemes
Public open space, sport & recreation	£59,475
TOTAL	£1,047,175

- 5.1 During the 2021 2022 year of this Infrastructure Funding Statement, the National Park Authority received £413,207 in developer contributions (Table 3); and released/spent £122,893 towards local infrastructure projects and habitat mitigation measures (Table 4). The total level of contributions held by the National Park Authority therefore rose compared to the position at 31 March 2021 (see Table 2). It should be noted that some of the contributions received in 2020 2021 were spent within the same reporting year. Table 5 sets out what was held by the Authority at the end of March 2022.
- 5.2 As well as reporting on the developer contributions received and spent between April 2021 March 2022, the Infrastructure Funding Statement is required to set out the priorities for spending in the future. These are set out below for the main areas of infrastructure provision sought in the National Park.

Affordable housing

- 5.3 The delivery of affordable housing for local people in identified housing need is a key element of the adopted Local Plan and accords with the Authority's statutory duty to foster the socio-economic wellbeing of local communities living within the National Park. Successive development plans dating back prior to the designation of the New Forest National Park in 2005 have required new development to support the delivery of affordable housing, through either onsite provision or financial contributions to enable off-site delivery.
- 5.4 Received developer contributions towards affordable housing have previously been used to fund the delivery of new affordable housing in the National Park. This has included the release of funds to New Forest Villages Housing Association to support new provision at Foxhills in Ashurst; and the use of contributions to fund the construction of two new affordable homes at Bransgore (application reference 14/00664).
- 5.5 Following the successful delivery of the affordable dwellings at Bransgore in September 2018, the Authority granted planning permission for two affordable dwellings on land adjacent to Park Lodge, Burley (application reference 18/00517 see images below). The intention is to use received affordable

housing contributions to support this development. During the 2021-22 reporting period contributions were released to support pre-development work for the consented scheme at Burley.



New Forest SPA Habitat Mitigation

- 5.6 The National Park Authority has sought developer contributions towards a package of measures to mitigate the impacts of increased recreational pressures associated with new development (residential and visitor accommodation) on the New Forest SPA and SAC since 2012. In July 2020 the Authority's revised Habitat Mitigation Scheme SPD was formally adopted following public consultation. The revised scheme sets out the package of mitigation measures that will be funded by developer contributions through the Local Plan period to 2036 and is supported by Natural England. It sets out the overall proportions that the funds will be spent on details can be seen at https://www.newforestnpa.gov.uk/planning/development-impacts-on-protected-areas/.
- 5.7 Ultimately, as the 'competent authority' under the Habitats Regulations, the decision on what mitigation measures to prioritise rests with the National Park Authority. However, the implementation of the Habitat Mitigation Scheme is also overseen by a Steering Group comprising representatives of the National Park Authority, Natural England, the RSPB, the Hampshire & Isle of Wight Wildlife Trust and New Forest District Council. The Steering Group typically meets annually to review the mitigation measures implemented in the preceding year; and to agree priorities for the next year.
- 5.8 The following broad mitigation projects have been agreed for the 2022 2023 year to address the potential impacts of increased recreational pressures from new development on the New Forest designated sites.
 - Communication activities to promote key messages: To include key messages in new publications, through social media channels and on the website. Estimated funding - £5,000.
 - Seasonal rangers: Two seasonal rangers are to be employed in Spring and Summer 2022, coinciding with the main ground nesting bird season and the peak times for recreational visits to the New Forest's designated sites. The intention is to retain one ranger for winter months and this role will operate through to Spring 2023.

Solent SPA Habitat Mitigation

- 5.9 The fifteen local planning authorities within the Solent's 5.6km catchment area continue to pool developer contributions. A budget has been set for 2022/23 totalling £2,104,000 to fund the implementation of mitigation measures and associated costs including the part-time Partnership Manager. Further details are available in Appendix 3 of the Annual Report 2022 and the headlines are set out below. Please note, this does not list the full range of mitigation measures due to be funded in 2022/23.
 - Team of full time and seasonal rangers: The ranger team remain a core part of the mitigation package and the Bird Aware Solent rangers complement the work undertaken by other rangers along the Solent coast - £287,000.
 - Campaigns and engagement: To include the employment of a full time Campaigns & Engagement Officer role. In 2022/23 this will include the use of targeted campaigns to further grow the reputation and sphere of influence of the Bird Aware Solent scheme, both locally and nationally - £60,000
 - Monitoring: Undertaking the next phase of data collection to monitor the effectiveness of the mitigation. In the 2022/23 year this includes funding for independent consultancy support in undertaking a review of the monitoring of the Bird Aware Solent mitigation scheme - £140,000.
 - Dog initiatives: The implementation of initiatives to encourage responsible dog walking on the coast to avoiding bird disturbance. This includes the employment of a full time 'Dog Initiatives', which recognises the importance of engaging dog walkers on the Solent coast. The aim in 2022/23 is to launch 'Coast and Country Canines' and to grow a supportive network for the dog community - £52.000
 - Site specific projects: A total of £2 million is set aside over a number of years to fund capital projects designed to further the aims of the strategy through the provision of visitor management techniques, enhanced bird habitats, enhanced strategic recreational space or public engagement and education initiatives £400,000.

Public open space, sport and recreational facilities

- 5.10 In accordance with Policy DP10 of the adopted National Park Local Plan (2019), new residential development is required to either provide on-site open space provision, or financially contribute towards off-site provision and/or enhancement in the locality of the development.
- 5.11 The developer contributions received by the Authority are made available for local town and parish councils. Over the years, the Authority has released over £275,000 towards local open space infrastructure, including the wildplay projects at Stanford Rise, Sway; Clare Lodge, Bransgore and Whartons Lane, Ashurst; and new play equipment at the Coles Mead recreation ground, Lyndhurst; and the Highwood Road play area in Brockenhurst.

5.12 The Authority will continue to make the received open space contributions available for the relevant town and parish councils to support the delivery of costed open space enhancement. The contributions are linked to the locality of the development.

6. Section 106 Monitoring Fees received 2021 – 2022

- 6.1 The Community Infrastructure Levy (Amendment) (England) (No.2) Regulations 2019 enable local planning authorities to charge a monitoring fee to cover the cost of the monitoring and reporting on delivery of the Section 106 obligation. Monitoring fees can be used to monitor and report on any type of planning obligation, for the lifetime of that obligation.
- 6.2 The regulations allow monitoring fees to be established using a number of options. However, in all cases, monitoring fees must be proportionate and reasonable and reflect the actual cost of monitoring. Local planning authorities are required to report on monitoring fees in their Infrastructure Funding Statements.
- 6.3 National Park Authority members approved the introduction of Section 106 monitoring fees (as enabled by the relevant Regulations) in December 2019. The monitoring fees introduced in 1 January 2020 and therefore applicable across this reporting period of April 2021 March 2022 are set out below.

	Band 1: 1-5 dwellings or up to 1ha of land	Band 2: 6-10 dwellings or up to 3ha of land	Band 3: 11-49 dwellings or up to 10ha of land	Band 4: 50+ dwellings or more than 10ha of land
Percentage increase	0%	20%	40%	80%
Monitoring fee per covenant	£284	£284 x 1.2 = £340.80	£284 x 1.4 = £397.60	£284 x 1.8 = £511.20

6.4 In the Infrastructure Funding Statement reporting period of April 2021 – March 2022 the Authority received £3,124 in Section 106 monitoring fees.