



Introduction and Purpose

This is a summary document of the above, which is available for public consultation until 21 February 2021. Any interested party can read the document in full and comment directly using the link below

<https://www.newforest.gov.uk/article/1938/Mitigation-Strategy>

This summary has been reviewed by officers involved in the Green Routes Project 'Spoke' group and comments added below.

The document is specific to the New Forest area outside of the National Park and related to the European sites; being the Special Area of Conservation (SAC), Special Protection Area (SPA) and Wetlands of International Importance (RAMSAR). It offers guidance under Local Plan policy ENV1: Mitigating the impact of development on International Nature Conservation sites on recreational impact only. Effects on air and water quality are not part of this draft guidance.

Mitigation has the main aspects below

- Publicly accessible alternative natural green space new provision (ANRG)
- Existing green space and footpath/right of way enhancement where new development is created
- Management of access and visitors, including provision of rangers at the European sites
- Monitoring to include visitor habits, site habitat and species condition and adjusting strategy accordingly.

The draft strategy is aiming to restore status quo; measures toward biodiversity net gain are separated from this document although the tight link between the two are acknowledged.

The most significant difference between the current and previous strategy is that ALL developments will be expected to contribute to access and visitor management, not just sites over 50 dwellings. Also, the previous 2ha informal open space set in previous policy CS7 cannot offset the 8ha mitigation requirement for sites over 50 dwellings. It is recognised that the significant increase in development will create further significant pressure on the New Forest, and any mitigation will not be 100% effective. Appropriate mitigation is key to the NFDC Infrastructure Delivery Plan and will be funded by developers. NFDC have a duty under the Conservation of Habitats and Species Regulations to ensure the impact of its Local Plan does not negatively affect the integrity of any European designated site. The Habitats Regulation Assessment, which was completed in preparation of the Local Plan Part 1: Planning Strategy highlighted potentially harmful effect on the European sites. The effects on Solent and Southampton Water sites and Isle of Wight Lagoons sites are also covered in a different Supplementary planning document.

There are many known benefits for residents in the creation of new green spaces, including better quality of life, closer opportunities for exercise that lead to better physical and mental health and general increase of attractiveness of a place. With new housing sites providing up to 50% affordable housing, this also ensures those on lower incomes or with limited mobility can enjoy the new provision.

For clarity, although the UK has left the EU the Conservation of Habitats and Species Regulation which are utilised in the Habitats Directive will continue once the transition period has passed. The (EU) Habitats Directive has been transposed into domestic legislation. NFDC as local planning authority have a duty under the Habitats Directive to assess any effects of development on the integrity of SPA/SAC/RAMSAR sites. If on initial screening that a significant impact is foreseen or likely, an Appropriate Assessment must be completed and the development only agreed to once those adverse effects have been addressed or further tests from the Directive (article 6(4)) can be met. NFDC work with Natural England from the pre-application process but it is the decision maker, NFDC that are responsible for compliance. The agreement to mitigation will be enforceable via Section 106 or Community Infrastructure Levy and placed as a condition on any decision notice of consent. The reverse is also the case, if there is no detailed provision of mitigation measures or agreement with that provided, a refusal notice would provide reason of 'non-compliance with policy ENV1', and consent for the development denied.

Requirement to mitigate for Residential developments

The requirement is extended to all forms of residential, including visitor overnight accommodation; new builds; change of use; sheltered housing; redevelopments and conversions plus increases in bed spaces at visitor accommodation, campsites, gypsy and traveller sites. This applies to development requiring a formal application, permitted development or prior approval schemes so catches all in the obligation. Any development form which seems unclear about whether the obligation is required will be expected to undergo an Appropriate Assessment, including likely need to consult Natural England.

The mitigation is not required for replacement dwellings or extending an existing dwelling unless resulting in additional unit.

Developments under permitted development are not allowed to start until the local planning authority have written to state works will not have adverse impact, or that the mitigation measures are adequate. This is due to be secured through the Prior Notification scheme already running.

Visitor accommodation increases and their impact will be monitored over the year to deal with lower capacity periods, and a financial contribution sought for off-site mitigation (developments less than 50 dwellings). The relevant monies will be charged according to the contribution table at the end of this report. The calculation will be based on highest occupancy level (recorded by Visit Britain as average 78% over 5 years) unless evidence is presented to suggest otherwise. Other types of visitor accommodation such as campsites will adhere to the same. Hotels are expected to provide contributions regardless of development size, noting the off-site need. This is mainly focussed on recreational visits but the document details business visitor developments being assessed on a case-by-case basis.

Appropriate Mitigation to address adverse impacts

The preparation work on the Local Plan gives inconclusive evidence but has taken a cautious approach. A report in 2008 called 'Changing patterns of visitor numbers within the New Forest' suggested the strong need to create a tailored package of measures as the New Forest offer was considered unique. New mitigation measures include

- Monitoring – detailed work of indicator species Nightjar, Woodlark and Dartford Warbler and others to understand low densities, visitor patterns and levels and their changes, in combination with access management
- Visitor model refinement – incorporating route data which has accounted for distribution of pathways and interest points, noting any change in species distribution which can be linked to visitor pressure.
- Car-parking – management to help redistribute visitor numbers
- Access and visitor management – Less sensitive areas to be promoted, pathway enhancements in those areas and public messaging such as keeping dogs on leads where necessary.
- Alternative green space – alternatives must be considered for their innate ability to deter a visit to the European sites.

This report stated that the visitors most easily deterred from a visit are those that do not require an overnight stay with sites being nearer to home. Dog walking destinations should have off-road parking provision and have various routes around places that the dog is expected to gain the most from. Further survey work was commissioned by NFDC in conjunction with the National Park Authority and others relevant in the area, back in 2018-19. There was a suggested increase of 11.4% visits from new development within a 25km radius before the Local Plan period expires (2036).

The Local Plan is due to provide 10,420 homes before 2036 so policy ENV1 creates greater obligations than the previous policy (CS7) had, with informal open space requirement within that being additional to any mitigation land defined by new policy ENV1.

Alternative Approach to Mitigation - Any developer intending to use a different approach will be expected to fully demonstrate its effectiveness and NFDC evaluate it through the Appropriate Assessment process. It should have no lesser impact than the mitigation strategy and be robustly evidenced.

Infrastructure Delivery Plan – This plan was prepared during the Local Plan preparation and identifies mitigation infrastructure for new development, plus cost and possible funding sources and considers mitigation as a 'critical delivery priority'.

Mitigation Components for new developments –

- Sites over 50 dwellings to provide ANRG
- Existing green spaces to be enhanced
- Recreational walking route enhancement
- Access management to include ranger delivery of education methods and communication.

Calculating the mitigation required – NFDC have used a New Forest visitor study from 2018-19 to equate numbers of visits to a European site per household and applied an additional 20% as a precaution. Through the numbers of planned additional dwellings, recreational pressure is expected to be 750,240 additional visits, of which 165,240 would potentially be from new housing where on-site provision was not possible. Additional pressures would be placed from town's that provide further housing within their Neighbourhood Plans.

Provision of greenspace for developments over 50 dwellings – Provision for alternative greenspace is set out in the policy ENV1 as 8ha per 1,000 population.

Well-designed green spaces, as detailed in appendix 4 (see link) will be an integral part of the development and provide setting, with appropriately sized spaces across the site. They should have safe pathways and links being attractive and well surfaced, have secure boundaries to roads to enable dogs off lead, retention and creation of wildlife habitats, have seating, bins and signage.

Off-site provision for 50 dwellings or less – This will be covered by way of contribution to the on-going maintenance costs. A programme of projects will be separately created and respond to changing circumstances, having a 5-year rolling status to keep monitoring project delivery dates, keeping pace with development delivery and updating with visitor habit changes. The projects document will be reviewed and agreed annually by NFDC for the duration of the Local Plan period.

Enhancement of existing green space as ANRG – Improvements to function of current open space plus use of land in other uses currently will need to maximise the diversion possible to be of purpose, particularly for dog walking which is an activity well recognised for damaging habitats. The areas must also be of significant draw to non-dog walkers.

Enhancement of Recreational Walking Routes – A strong network of Rights of Way cross the whole plan area and serve many strategic residential sites allocated in the Local Plan. Way marking, benches, dog exercise trails, appropriate bins and improved accessibility by replacing stiles and surfacing are several methods to aid use of these routes. Interpretation boards with local information provision will also increase the interest level in using these routes. Appendix 3 on the above link provides full detail of proposed enhancements. The routes are a mix of privately and publicly owned land with NFDC working with the County Countryside Access team to achieve the aims of mitigation.

Access and Visitor Management – Wildlife rangers are to be employed to help educate and discourage inappropriate behaviour of visitors. A 'People and Wildlife' Ranger position was established by NFDC in 2015, however this initiative is being monitored. The position would promote ANRG's to new developments and on interpretation boards, plus introduce regulation of harmful behaviours through Public Space Protection Orders, with provision of Dog Control Areas, and then enforce against them. The existing Ranger is wholly and in perpetuity funded by developers' contributions. NFDC will continue to work closely with the National Park Authority and Forestry Commission to highlight potential access management.

Monitoring – Careful monitoring is essential to inform necessary change to the strategy, as the long-term effectiveness of these measures is unknown. Monitoring will be a set charge against each additional dwelling and covers both implementation and effectiveness of the strategy. NFDC Annual Monitoring Report will demonstrate its success or otherwise, against certain performance criteria for each measure. Development management will co-ordinate implementation of mitigation measures as residential development is delivered. Effectiveness will be measured as detailed in the NFDC document appendix 2 (above link). Condition of the sites themselves will also be monitored and reflect the wider issues as well as visitor activity.

Management of ANRG – Future open space will need freehold transfer to the District Council at nil cost to ensure the long-term availability to the public. This is in addition to the contribution requirements for monitoring and other mitigation measures. If the landowner does not wish to transfer the land to NFDC, they can use a charitable body such as Hampshire and Isle of Wight Wildlife Trust or a management company to maintain the land to the agreed standard, in perpetuity. These alternatives would be by legal agreement, have a legally binding management plan and a financial penalty if NFDC must intervene.

Brownfield land development in urban areas – Mitigation proposals for these sites of 50 dwellings or more should be provided during the planning application stage. There is recognition that these may not have the on-site land for ANRG, so a contribution will be required instead.

Delivery of ANRG through Local plan strategic site allocations – It is expected that 1ha of land is the likely minimum for a site providing 50 dwellings or more, to enable functional design to encourage use. The NFDC full document details tables of occupancy assumptions for various dwelling sizes and appropriate ANRG calculations. Using such tables, the New Milton allocations are as follows –

Local Plan allocations

Land east of Brockhills Lane – 130 dwellings = 3 ha of ANRG

Land south of Gore Road – 160 dwellings = 4 ha of ANRG.

Neighbourhood Plan allocations

Land south of the Station (75 units) and Station Road/Spencer Road site (60 units) are incorporated into a table of sub-area of Coastal Settlements development, so have been included in the additional need of 23.6ha for the totalled 1,080 dwellings provided.

Local Plan saved policy for publicly accessible land as follows –

Policy NMT11 – west of Fernhill Lane – 0.3-0.62ha

Policy NMT12 – South of Lymington Road, north of Chestnut Avenue (enabling development site) – 0.3ha

Implementation and Funding – On-site ANRG's must be ready for use at the stage of first occupation of the development. Ownership and management of the ANRG will form part of the planning permission granted and secured by legal agreement.

Ongoing management will include the usual bin emptying, inspection and maintenance of trees, repair of surfacing and other infrastructure plus habitat management to create ideal biodiversity levels.

Monitoring on-site compliance – The fee paid through Section 106 legal agreement for monitoring will fund site inspections plus officer time for a minimum number of visits during and post construction defect period, prior to land transfer when the land is at the appropriate standard.

Off-site mitigation projects – An initial group of projects will be identified for implementation by 2025 as funding becomes available. The remaining ones will be assessed on likely delivery effectiveness and costs, then scoped accordingly. The first 5-year programme has a collective total of £420,000 per year for identified projects to include design and maintenance. It is expected a similar sum will be required per annum for the remaining projects across the plan period.

CIL monies are required to be spent on mitigation but if any development is granted CIL relief, such as affordable housing units, the following financial contributions secured by legal agreement will be required, revised annually in line with RPI -

| Tenure | Occupancy (assumed) | Contribution per unit (all off-site provision) |
|------------|---------------------|---------------------------------------------------|
| 1 bedroom | 1.4 | £2,630 |
| 2 bedroom | 2.1 | £3,472 |
| 3 bedroom | 3 | £5,115 |
| 4+ bedroom | 3.75 | £5,786 |

Access Management Costs – These are not considered mitigation infrastructure measures therefore not payable by CIL. These will be secured by legal agreement. They range from £320 for a 1 bed unit to £857 for 4+beds and covers the Ranger plus leaflet resources required.

Monitoring Cost – Calculated at £460,000 over the whole plan period and a charge of £63 will be levied per unit.

Contribution Summary

| LESS THAN 50 DWELLINGS | | | | | 50 DWELLINGS OR MORE | | | | |
|------------------------|--------------------|---------------|------------|--------|----------------------|--------------------|---------------|------------|-------|
| Bedrooms | Offsite Mitigation | Access Manage | monitoring | TOTAL | Bedrooms | Offsite Mitigation | Access Manage | Monitoring | TOTAL |
| 1 | £2,630 | £320 | £63 | £3,013 | 1 | n/a | £320 | £63 | £383 |
| 2 | £3,472 | £480 | £63 | £4,015 | 2 | n/a | £480 | £63 | £543 |
| 3 | £5,155 | £686 | £63 | £5,904 | 3 | n/a | £686 | £63 | £749 |
| 4+ | £5,786 | £857 | £63 | £6,706 | 4+ | n/a | £857 | £63 | £920 |

SUGGESTED RESPONSE

Para 2.27 – We are very glad to see the requirements extend to those developments that are permitted development and prior approval schemes.

Para 2.38 – Business visitor development should be identified through NNDR evidence or similar, as it could be used as a loophole to the mitigation.

Para 6.4 – Do NFDC intend on passing management of ANRG to local councils? If so, will the land be up to the standard defined before any transfer? Will detailed management plans also be forthcoming which would ensure mowing, hedge cutting etc. methods are clearly defined for biodiversity net gain?

Appendix 4 – There seems a general assumption in the document that recreation only extends to pedestrians with or without dogs, yet leisure cycling is also known to be impactful to sites.

We understand that cycling routes should form part of the Local Cycling and Walking Infrastructure Plan and this needs to be mentioned or detailed as an appendix to take account of the activity, as it is conspicuous by its absence.