

## Annex to Cabinet Report 1<sup>st</sup> October 2014 New Forest SPA Mitigation – Interim Framework

1. The New Forest Special Protection Area (SPA) has been designated as a result of the presence of certain bird species. Those listed on the SPA data form comprise nightjar, Dartford warbler, woodlark, hen harrier, honey buzzard, wood warbler and hobby.
2. This framework seeks to provide an approach to be taken in considering proposals for net gains in dwellings (Use Class C3) in relation to the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) for the New Forest SPA designations and recreational pressures.
3. The focus of this framework relates to the approach for planning applications, although it should be recognised that proposals being considered for net gains in dwellings through the prior approval process will also need to have regard to the requirements of the above legislation.
4. Based on research undertaken on behalf of the Council<sup>1</sup>, the area indicated in Figure 1 is considered to represent the zone where new residential development has the potential of an in-combination effect on the New Forest SPA. Therefore, mitigation is likely to be required.
5. Where a net gain in dwellings is proposed within the zone identified in Figure 1, one of the below options would need to be used:
  - a) Put forward evidence to justify that the proposal would not lead to a likely significant effect when considered alone or in combination
  - b) Develop a bespoke mitigation package for the proposal, which would need to be subject to a site specific Habitat Regulations Assessment
  - c) Provide alternative natural green space for recreational use to a standard of 8ha per 1000 population, to be designed to divert visitors from the New Forest SPA<sup>2</sup>
  - d) Provide a contribution of £1,300 per dwelling towards off-site mitigation measures
6. The Council would need to agree the proposed approach to mitigation. In addition to mitigation measures, a contribution towards monitoring measures would be required (payable on occupation), this has been factored into the figure provided for option d).
7. It should be noted that significant residential development outside the zone in Figure 1 may also have a likely significant effect in combination. Such schemes will be considered on a case by case basis. Where a proposal is likely to have a

<sup>1</sup> Open Spaces Residents Survey 2013-2014, Qa Research, 2014

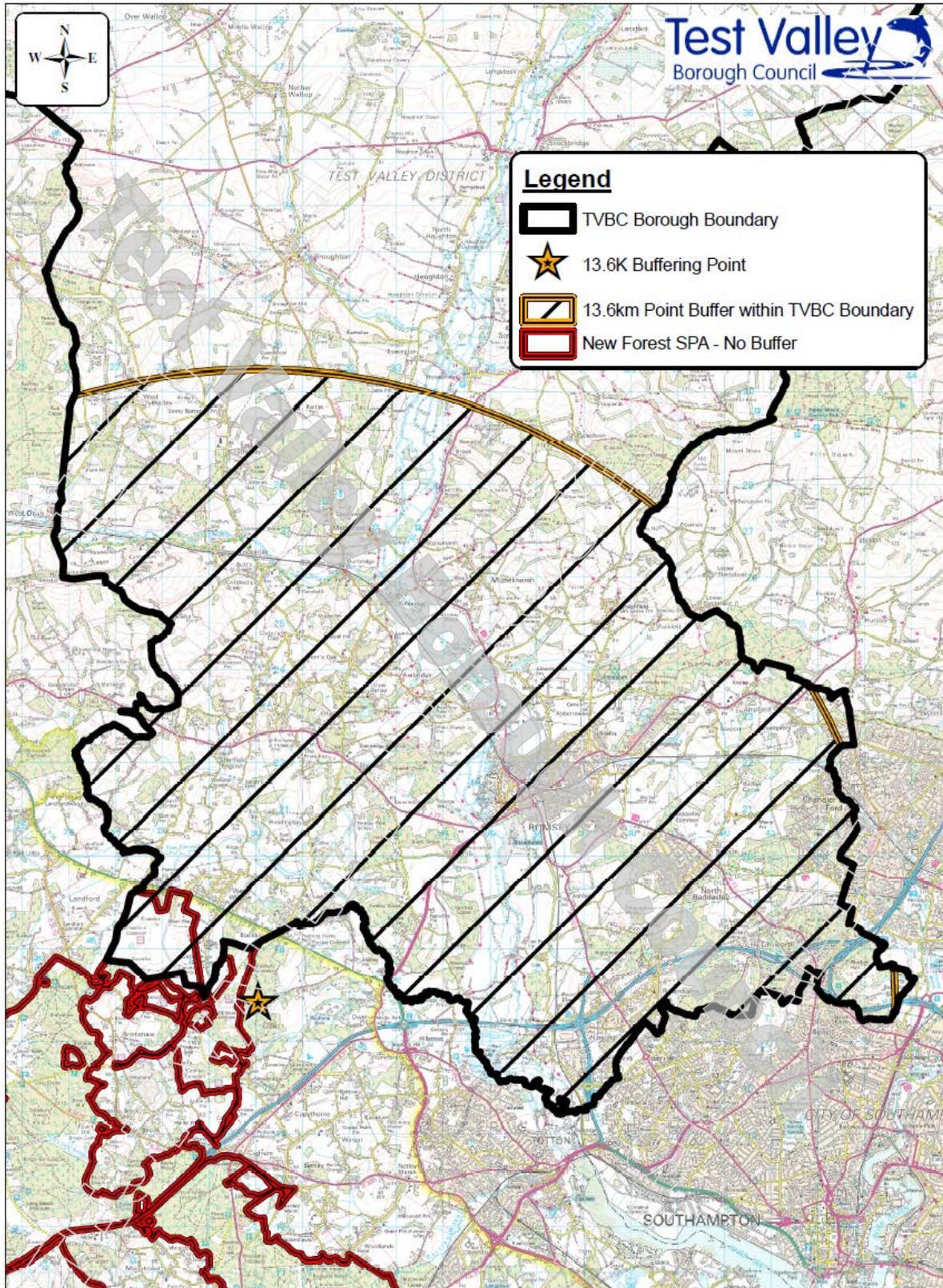
(<http://www.testvalley.gov.uk/assets/files/6150/Test-Valley-residents-survey-2013-report-V3F.pdf>).

<sup>2</sup> Such provisions would need to be designed seeking advice from the Borough Council and Natural England. The figure relates to the net area of usable space and is in addition to public open space requirements. This option is unlikely to be appropriate for smaller sites given the scale of provision it would be likely to generate.

significant effect on its own (i.e. not just in combination), a bespoke mitigation package may be required.

8. In relation to option d) contributions would fund projects that have the capacity to reduce disturbance of the species for which the New Forest SPA is designated. This could include providing alternative natural green space for recreational use, access management and / or education of users of the New Forest SPA.
9. The initial project that contributions would be used for comprises the enhancement of Foxbury Plantation to develop its role as a destination for visitors looking to experience the New Forest and increase the potential duration of visits. Contributions would be used alongside other funding streams to improve the accessibility of the site and the facilities available for visitors. This project has been identified by New Forest National Park Authority within its Development Standards Supplementary Planning Document (SPD) and through the New Forest Landscape Partnership Scheme.
10. The contributions will be pooled to enable delivery of identified projects and the completion of monitoring work.
11. Section 106 agreements would be the preferred method of securing financial contributions and the in perpetuity availability of any alternative natural green space provided by the development. Unilateral undertakings can also be used where appropriate. The Council is considering how mitigation measures would be secured in the future with the implementation of the Community Infrastructure Levy (CIL).
12. Contributions towards the mitigation package are to be paid on commencement of development. This is to enable mitigation measures to be in place in time for occupation. Any provisions should be provided so as to be available in time for the first occupation of the site. There may be some scope for phasing of mitigation in line with occupation rates for larger sites, this would be considered on a site by site basis.
13. As mitigation measures need to be secured in perpetuity (as required by the legislation), not all of the contribution will be spent in the short term. Therefore, it would not be appropriate for the application of any clawback provisions for contributions.

**Figure 1: Indicative zone of where a likely significant effect in combination is anticipated for the New Forest SPA**



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