

Draft New Forest International Nature Conservation Designations: Recreational Mitigation Framework Supplementary Planning Document

Report of the Planning Portfolio Holder

Recommended:

- 1. That the Draft New Forest International Nature Conservation Designations: Recreational Mitigation Framework Supplementary Planning Document shown in Annex 1 to the report be published for public consultation.**
- 2. That the Head of Planning Policy & Economic Development be given delegated authority to make changes of a minor nature, in consultation with the Planning Portfolio Holder.**
- 3. That the New Forest SPA Mitigation - Interim Framework (October 2014) shown in Annex 2 to the report be applied to the updated zones, as indicated in Annex 3 to the report, rather than the zone as indicated in Figure 1 of the Framework until it is replaced by the adopted SPD.**

SUMMARY:

- A draft Supplementary Planning Document (SPD) is recommended to be published for public consultation. This provides a mitigation framework in relation to recreational impacts on the New Forest international nature conservation designations and is intended to replace the Council's interim mitigation framework (2014).
- The draft SPD has been prepared to respond to updated evidence that was published in 2020 and 2021.
- The options under consideration are whether or not to publish the draft SPD for public consultation.

1 Introduction

- 1.1** This report is proposing that the appended draft Supplementary Planning Document (SPD) is published for consultation. When finalised, the SPD will provide an updated mitigation framework in relation to recreational impacts on the New Forest international nature conservation designations.

2 Background

- 2.1** The Conservation of Habitats and Species Regulations 2017 (as amended) (referred to as the Habitats Regulations) include provisions that seek to ensure that plans and projects (including applications for planning permission) are not approved where they could harm the integrity of certain designated sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).

- 2.2 Policy E5 (Biodiversity) of the adopted Local Plan (2016) establishes that development likely to result in a significant effect on certain designations would need to satisfy the Habitat Regulations.
- 2.3 The New Forest includes a number of rare habitats and is home to rare species. As such, parts of the New Forest are designated as a SAC, SPA, and a Ramsar site (collectively referred to as international nature conservation designations in this report and the appended SPD).
- 2.4 Through the preparation of the now adopted Local Plan, it was recognised that additional development that could generate recreational activity has the potential of adverse effects on the New Forest international nature conservation designations. An interim mitigation framework¹ was approved in 2014 in relation to this matter and has been in use since this date. Since the introduction of the framework, the Council has secured land for mitigation, financial contributions to purchase sites for Suitable Alternative Natural Greenspace (SANG) and has taken a proactive role in working with other authorities.
- 2.5 In 2020 and 2021, a series of reports² were published that update the understanding of the recreation use of the New Forest, alongside information on the impact of this on the New Forest international nature conservation designations. This built on previous work considering these matters that informed the preparation of the interim mitigation framework.
- 2.6 These studies were commissioned jointly by six local planning authorities (including Test Valley Borough Council), Natural England and Forestry England. It involved a substantial amount of survey work over a 12 month period. It provides a sound basis for quantify the issue and has been well received by key stakeholders.
- 2.7 The reports re-affirmed a range of potential impacts from projected increases in visitors to the New Forest, including those arising from planned new development. High level recommendations were provided on potential ways to mitigate these impacts – this includes a recommendation that a strategic, proportionate and co-ordinated approach to mitigation is developed, which will require partnership working across a range of local authorities and stakeholders.
- 2.8 It is essential to have regard to the latest evidence available in the application of the Habitats Regulations. Therefore, in advance of the partnership work being completed it is appropriate for the Council to update its mitigation framework to account for the evidence. This includes having regard to the latest understanding of the location and types of development that would need to provide mitigation in relation to recreational impact on the New Forest international nature conservation designations.

¹ Available: <https://testvalley.gov.uk/planning-and-building/guidance/solent-southampton-water-special-protection-area>

² Available: <https://testvalley.gov.uk/planning-and-building/planningpolicy/evidence-base/evidence-base-environment>

- 2.9 One of the key implications for the Council is that the evidence has demonstrated that the catchment of those developments which are likely to contribute to a likely significant effect is extended from 13.6km to 13.8km, with an additional zone identified where proposals will need to be screened in terms of the potential to contribute to a likely significant effect³. Revisiting the Council's position also gives opportunity to consider other matters such as updating the indexing (using the Retail Price Index) of mitigation; and clarify the position on the types of development that may be contributing to a likely significant effect (such as tourist accommodation and residential institutions (Use Class C2)).

3 Corporate Objectives and Priorities

- 3.1 The Council's Corporate Plan 2019-2023 sets out four strategic priorities, relating to growing the potential of town centres, communities, people and the local environment. This matter relates most directly to the local environment priority – the mitigation delivered through the draft SPD may contribute to the provision of high quality green infrastructure. It also has some links to growing the potential of people to be able to live well and fulfil their aspirations. This is in terms of creating communities that have the right infrastructure to support the delivery of homes within the Borough.

4 Consultations

- 4.1 It is a legal requirement to undertake public consultation on a SPD for a minimum period of 4 weeks. This would be undertaken in accordance with the Council's adopted Statement of Community Involvement.

5 Options

- 5.1 The options available are whether to prepare a SPD in response to the latest evidence regarding recreation use of the New Forest (option 1) or to not produce a SPD (option 2).

Option 1

- 5.2 If an SPD is prepared, with the first stage being publishing a draft for public consultation, this will provide up to date guidance to applicants and the opportunity to contribute to a strategic mitigation package in order to satisfy the requirements of the Habitats Regulations.

³ Relating to a zone 13.8km to 15km from the designation boundaries, Natural England has advised taking a precautionary approach and using the relevant Environmental Impact Assessment (EIA) screening thresholds to consider whether there is a likely significant effect.

Option 2

- 5.3 If a SPD is not prepared, the Council would rely on the policies of the adopted Local Plan in conjunction with the Habitat Regulations to determine the relevant planning applications. The interim mitigation framework would also be used for the area to which it relates, which is not the full zone where mitigation would now be sought. This would necessitate site by site consideration of this matter, with the expectation of bespoke mitigation measures being delivered by applicants to address this matter. This approach has the potential to be more resource intensive in terms of the need for consideration of each mitigation package for individual planning applications within the zones where mitigation may be required.

6 Resource Implications

- 6.1 Undertaking the public consultation exercise can be met within existing resources.

7 Legal Implications

- 7.1 Once adopted as an SPD, the document will form part of the Council's suite of planning documents and would be a material consideration in the determination of planning applications. In order to achieve the status the relevant Regulations have to be complied with.

8 Equality Issues

- 8.1 An EQIA screening has not identified any potential for unlawful discrimination or adverse impact.

9 Other Issues

- 9.1 Community Safety – None.
- 9.2 Environmental Health Issues – None.
- 9.3 Sustainability and Addressing a Changing Climate: The draft SPD is intended to provide an updated mitigation framework to ensure that new development does not contribute to an in-combination adverse effect on the international nature conservation designations of the New Forest.
- 9.4 Property Issues – None.
- 9.5 Wards/Communities Affected: The zones where mitigation may be needed as a result of recreational impacts (as identified in the draft SPD) cover all or part of the following Wards: Ampfield and Braishfield; Blackwater; Chilworth, Nursling and Rownhams; Mid Test; North Baddesley; Romsey - Abbey; Romsey - Cupernham; Romsey - Tadburn; and Valley Park.

10 Conclusion

- 10.1 It is considered that the Draft SPD (Annex 1) should be published for public consultation. This will provide a mitigation framework in relation to recreational impacts on the New Forest international nature conservation designations that may arise from certain new developments.

<u>Background Papers (Local Government Act 1972 Section 100D)</u> Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 (2016) Statement of Community Involvement (2017, and addendum 2020) New Forest SPA Mitigation – Interim Framework			
<u>Confidentiality</u> It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.			
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