

Draft New Forest International Nature Conservation Designations: Recreation 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 (SPD), as shown in the Annex to the report, be published for public consultation.**
- 2. That the Head of Planning Policy and Economic Development be given delegated authority to make changes of a minor nature to the draft SPD, in consultation with the Planning Portfolio Holder, prior to the publication for consultation.**

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 and feedback from previous consultation.
- 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, replacing the 2014 interim mitigation framework.

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 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 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), such as Mill Lane in Sherfield English, and has taken a proactive role in working with other authorities.
- 2.5 Since 2020, a series of reports² have been published that update the understanding of the recreation use of the New Forest, the extent of the zone where mitigation would be needed, and 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. The reports also set out the importance of a package of mitigation and monitoring measures, to include mitigation within the designated site itself.
- 2.8 It is essential to have regard to the latest evidence available in the application of the Habitats Regulations. Therefore, 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://www.testvalley.gov.uk/planning-services/planning/guidance/natureconservationdesignations>

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

- 2.9 The Council previously consulted on a draft SPD in 2021, based on the understanding of the evidence at that point in time. Further work has been undertaken to refine the evidence relating to on-designation mitigation and the cost of delivering appropriate mitigation. The feedback received from this consultation has helped inform the content of the draft SPD.

3 Corporate Objectives and Priorities

- 3.1 The Council's Corporate Plan 2023-27 sets out the five strategic priorities based on the results of community engagement. The Environment priority relates to a greener borough for our communities. As part of this, it is noted that the Council will take opportunities to further invest in and nurture the natural environment and biodiversity. The mitigation delivered through the SPD may contribute to the provision of high quality green infrastructure within the borough.

4 Consultations/Communications

- 4.1 It is a legal requirement to undertake public consultation on a Supplementary Planning Document for a minimum period of four 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 consult on the SPD as drafted in response to the latest evidence regarding recreational use of the New Forest (option 1) or not to produce an SPD (option 2) or to make amendments to the SPD as written and then approve that revised version (option 3).

Option 1 (recommended)

- 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.
- 5.3 Should the SPD become adopted, and part of the decision making framework, it provides greater weight in the decision making process in securing mitigation.

Option 2

- 5.4 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 (2014) does not reflect the latest evidence. 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.

Option 3

- 5.5 The drafted SPD reflects a sound evidence base relating to on-designation mitigation and the updated cost of delivering appropriate mitigation. The feedback received from the previous consultation has helped inform the content of the draft. It is considered that the content of the draft SPD is appropriate and does not require alteration. However, as this is a draft document recommended for consultation, there is scope to make amendments in response to representations made or other material factors, should this be necessary, to the final version.

6 Risk Management

- 6.1 A risk assessment has been undertaken. The evaluation of risks identifies some that are considered to be medium priority, including in relation to the level of detail provided within the document on the strategic mitigation package, and the timing of preparing this document relative to ongoing wider work with partners on a co-ordinated approach to on-designation mitigation. In this context, the Council will continue to work with relevant partners on this matter, including in progressing with joint work and seeking to implement an up to date mitigation framework as soon as possible.

7 Resource Implications

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

8 Legal Implications

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

9 Equality Issues

- 9.1 The Equalities Impact Assessment has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.

10 Other Issues

- 10.1 Community Safety - none
- 10.2 Environmental Health Issues - none
- 10.3 Sustainability and Addressing a Changing Climate – The draft SPD is intended to provide an update 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.

10.4 Property Issues - none

10.5 Wards/Communities Affected – The zones where mitigation is needed as a result of recreational impacts would not change as a result of the preparation of this SPD. The zones 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.

11 Conclusion

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

Background Papers (Local Government Act 1972 Section 100D)

[Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 \(2016\)](#)

[Statement of Community Involvement](#)

[New Forest SPA Mitigation – Interim Framework](#)

Confidentiality

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.

No of Annexes:

1

File Ref:

Pt4.1

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Report to:

Cabinet

Date:

2 October 2024