

New Forest International Nature Conservation Designations: Recreation Mitigation Supplementary Planning Document

Report of the Planning Portfolio Holder

Recommended:

- 1. That the New Forest International Nature Conservation Designations: Recreation Mitigation Supplementary Planning Document (SPD), appended as Annex 1, be adopted and replace the New Forest SPA Mitigation – Interim Framework (2014).**
- 2. That the Head of Planning Policy and Economic Development be given delegated authority, in consultation with the Planning Portfolio Holder, to make changes of a minor nature to the SPD prior to publication.**

SUMMARY:

- The New Forest International Nature Conservation Designations: Recreation Mitigation Framework is recommended for adoption as a Supplementary Planning Document (SPD).
- It provides a basis for securing mitigation for relevant developments that are likely to contribute to a significant effect on the named designations, to enable compliance with the Habitat Regulations.
- The SPD has been prepared to replace the council's 2014 interim mitigation framework, taking account of relevant legislation and evidence.
- The key options under consideration are whether to adopt the SPD, not to adopt the SPD, or to adopt an amended version of the SPD.

1 Introduction

- 1.1** This report is recommending that the appended Supplementary Planning Document (SPD) is adopted. If adopted, it will provide an updated framework for securing mitigation in relation to recreational impacts on the New Forest international nature conservation designations. The SPD would replace the approved interim mitigation framework (2014).

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.
- 2.4 Through the preparation of the adopted Local Plan, it was recognised that additional development could generate recreational activity has the potential of adverse effects on the New Forest international nature conservation designations. An interim mitigation framework 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, including Eastleigh Borough Council to enable Home Wood to be brought forward as SANG.
- 2.5 Since 2020, a series of reports have been published that update the understanding of the recreational 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 and it provides a sound basis for quantifying 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.

- 2.9 In order to be in compliant with the Habitat Regulations, mitigation needs to be identified and delivered in an appropriate timeframe. Should mitigation not be identified, this could have a critical impact in terms of relevant planning applications being determined. The SPD sets out the type of mitigation that will be identified and delivered, with officers continuing to explore opportunities to bring this forward.
- 2.10 The council will continue to work with relevant partners, including progressing with joint work and seeking to implement an up to date mitigation framework as soon as possible. The SPD (Annex 1) is an interim mitigation framework with the intention that it will apply until a co-ordinated strategic approach is agreed and in line with the New Forest Partnership Plan, at which point the SPD would be reviewed to determine if it needs to be updated.

3 Corporate Objectives and Priorities

- 3.1 The council's Corporate Plan 2023-27 sets out five strategic priorities based on community engagement. The environment priority relates to a greener borough for our communities. As part of this, 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 In accordance with legal requirements and the council's adopted Statement of Community Involvement, consultation was undertaken on the draft SPD for a period of four weeks from 18 October to 15 November 2024.
- 4.2 There were 13 responses to the public consultation. A summary of the consultation comments and officer responses is appended to this report as Annex 2. This included a response from Natural England, the statutory consultee for nature conservation matters.
- 4.3 The key matters raised are summarised below:
- Support for recognition of the latest evidence and the recommendations for joint working towards a strategic approach.
 - Ensuring appropriate evidence is available to justify the approaches set out in the SPD, including the scale of Suitable Alternative Natural Greenspace (SANG) sought.
 - Request to add in reference to the duty to further the purposes of National Parks.
 - Ensuring the provision of mitigation for the New Forest international nature conservation designations does not have negative implications for other receptors (e.g. other green spaces or ecological interests).
 - Suggestion of an exemption for smaller sites from providing mitigation.
 - Proposals to update evidence to take account of the implications of the coronavirus pandemic on visitor patterns.
 - Providing examples to help readers understand some of the terminology, such as permitted development.
 - Recommendations to make amendments to the guidance for the provision of SANG.

- 4.4 In light of the responses received, a number of alterations have been made to the SPD. The types of changes are summarised within Annex 2 and incorporated into the SPD proposed for adoption (Annex 1).
- 4.5 Additional changes have been made to the document to update references and clarify the wording within the document, for example through some minor updates to the process flowcharts to increase the consistency of language used for the two identified routes.

5 Options

- 5.1 The options available are whether to adopt the SPD as appended to this report (option 1), not to adopt the SPD (option 2), or to make amendments to the SPD as appended and then approve that revised version (option 3).

6 Option Appraisal

Option 1 (recommended)

- 6.1 The SPD has been prepared having regard to the latest evidence and taking account of the responses received as part of the public consultation, including from the relevant statutory consultee. It 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.
- 6.2 Should the SPD become adopted, and part of the decision making framework, it will provide greater weight in the decision making process in securing mitigation.

Option 2

- 6.3 If the SPD is not adopted, 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

- 6.4 The appended SPD reflects a sound evidence base relating to on-designation mitigation and the updated cost of delivering appropriate mitigation. It has been prepared taking account of the feedback received from public consultation. It is considered that the content of the SPD is appropriate and does not require substantive alteration. The second recommendation would allow for changes of a minor nature, for example to improve the presentation of the document, prior to publication.

7 Risk Management

- 7.1 An evaluation of the risk indicates that the existing risk controls in place mean that no significant risks have been identified at this time.

8 Resource Implications

- 8.1 Implementation of the adopted SPD will be incorporated into the council's business and statutory responsibilities. This can be met within existing council resources.
- 8.2 The council will be responsible for collecting the mitigation contributions in respect of relevant planning proposals. The relevant amounts for those contributions are set out in Table 1 of the SPD, in Annex 1.
- 8.3 Any recommended expenditure on delivery of mitigation through, for example, land purchases, using those accumulated contributions will be subject to the council's Financial Procedure Rules and reported as required.

9 Legal Implications

- 9.1 If adopted as an SPD, the document would 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 this status, the relevant regulations have been complied with.

10 Equality Issues

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

11 Other Issues

- 11.1 Community safety – none.
- 11.2 Environmental health issues – none.
- 11.3 Sustainability and addressing a changing climate - The 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.
- 11.4 Property issues – no direct impacts.
- 11.5 Wards/Communities affected - The zones where mitigation is needed for recreation impacts would not change as a result of this SPD. The zones (indicated in Appendix 1 of the SPD, appended as Annex 1) 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.

12 Conclusion

- 12.1 It is considered that the SPD (Annex 1) should be adopted to provide an updated mitigation framework in relation to recreation 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 New Forest SPA Mitigation – Interim Framework National Planning Policy Framework New Forest Partnership Plan Recreation use of the New Forest reports by Footprint Ecology (2020 and 2021) and New Forest Strategic Access Management and Monitoring Strategy report by Footprint Ecology (2023)			
<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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