

ADOPTION OF THE MITIGATION FOR RECREATIONAL IMPACTS ON NEW FOREST EUROPEAN SITES: SUPPLEMENTARY PLANNING DOCUMENT

1. RECOMMENDATIONS

1.1 That the Cabinet agree that:-

- a. The “Mitigation for Recreational Impacts on New Forest European Sites” be adopted as a Supplementary Planning Document (SPD).
- b. Prior to publication, the final editing of the document (attached in Appendix 1 to this report) be agreed by the Chief Planning Officer in consultation with the Portfolio Holder for Planning, Regeneration and Infrastructure.

2. INTRODUCTION

2.1 The purpose of this report is to seek approval, for the adoption of the Mitigation for Recreational Impacts on New Forest European Sites Supplementary Planning Document (SPD) in support of the adopted Local Plan 2016-2036 Part 1: Planning Strategy (July 2020), and in particular Policy ENV1: Mitigating the impacts of development on international nature conservation sites. The document is a guidance document. The policies it relates to have already been adopted by the Council when adopting the Local Plan 2016-2036 Part 1: Planning Strategy.

2.2 The Supplementary Planning Document was subject to a six-week period of public consultation from 9th January to 21st February 2021, following Cabinet approval for publication for consultation in December 2020.

3. BACKGROUND

3.1 In June 2014 the Council adopted its ‘Mitigation Strategy for European Sites: Recreational Pressure from Residential Development’. This provide additional guidance to the implementation of Policy DM3 of the Local Plan Part 2 Sites and Development Management Development Plan Document adopted in 2014. This policy has now been superseded by Policy ENV1 in the recently adopted Local Plan 2016-2036 Part 1: Planning Strategy (July 2020). While the approach to mitigating the recreational impacts of new development on the New Forest’s internationally designated nature conservation sites was confirmed in the local plan review, some changes were required to the Council’s strategy for mitigation of recreational impacts, not least in recognition of the significantly higher levels of development that are now being planned for around the New Forest.

3.2 The purpose of the Supplementary Planning Document is to give additional guidance on the implementation of Policy ENV1 and specifically the elements in relation to the recreational impacts on the New Forest European Sites. It will assist the development industry in understanding the Council’s requirements and expectations, and the measures that will need to be secured to satisfy the local planning authority, as the competent decision-making authority,’ to meet the requirements of the Conservation of Habitats and Species Regulations 2017, including for development that is ‘permitted development’ under the General Permitted Development Order. The Supplementary Planning Document also sets out the ways in which the Council will monitor the effectiveness of the mitigation measures.

- 3.3 A preliminary draft of this Supplementary Planning Document was published for public consultation in June 2018 to accompany the publication of the pre-submission Local Plan 2016 -2036: Part 1: Planning Strategy. The comments made during that earlier consultation were also taken into account as part of the preparation of the revised draft SPD consulted on this year, together with the outcome of the Local Plan Examination and results of the recently published New Forest Visitor Study (2020).
- 3.4 Following Cabinet's approval on 2nd December 2020, the SPD was subject to a six-week period of public consultation from 9th January to 21st February 2021. Together with publishing the document on the Council's website and issuing of a news release, all contacts on the Local Plan Database were notified of the consultation inviting them to comment.
- 3.5 After the close of the consultation, an update was given to Environment Overview and Scrutiny Panel on 11th March 2021 to report the initial findings and explain the next steps towards adoption.

4. MAIN ISSUES RAISED IN THE CONSULATION

- 4.1 There were 40 respondents to the consultation.
- Local residents and interest groups (20)
 - Town and Parish Councils (6)
 - Other organisations, including the New Forest National Park Authority and Hampshire County Council Public Health (7)
 - Developers and Landowners (7)
- 4.2 The comments ranged from specific points of detail on the operation of the document to more general views on how the mitigation projects planned to be delivered will function. Comments made include those on the advice to developers on the design of mitigation projects, and those seeking further involvement of Town and Parish Councils and other local groups in the programme of off-site mitigation projects.
- 4.3 There was broad support of the overall strategy and its ambitions, including recognition of the wider benefits the mitigation strategy will deliver. There were however both positive and negative views made on particular elements of the strategy, and some concerns about the types of project it looks to deliver.
- 4.4 Some of comments received were outside of the scope of the document and included wider concerns on the management of the New Forest area itself including car parking, and the future development levels allocated through the Council's Local Plan.
- 4.5 The full representations received, together with a schedule setting out the response to the comments made can be viewed on the website at:
- i. Full comments: https://www.newforest.gov.uk/media/2063/Draft-Rec-Mit-SPD-2021-Schedule-of-FULL-Responses-FINAL/pdf/Draft_Rec_Mit_SPD_2021_Schedule_of_FULL_Responses_FINAL.pdf?m=637546162034170000
 - ii. Responses to the comments: https://www.newforest.gov.uk/media/2064/Draft-Rec-Mit-SPD-2021-Summary-of-Responses-Council-Comment-FINAL/pdf/Draft_Rec_Mit_SPD_2021_Summary_of_Responses_Council_Comment_FINAL.pdf?m=637546162037130000

5. HOW CONSULTATION RESPONSES HAVE BEEN TAKEN IN TO ACCOUNT

5.1 The comments referred to above have been reviewed by officers and taken into account in preparing the final version of the Supplementary Planning Document. A Consultation Statement has also been prepared providing further details of this and can be viewed on the Council's website at:
https://www.newforest.gov.uk/media/2065/Consultation-Statement/pdf/Recreational_Mitigation_SPD_2021_Consultation_Statement.pdf?m=637546980813030000. Whilst minor amendments have been made, the approach to mitigation set out in the document has remained largely unchanged. The main amendments can be summarised as:

- Scope of document – clarification that the focus of the Supplementary Planning Document is to mitigate impacts from new development in the New Forest District (Outside the National Park) and how this relates to the Access and Visitor Management mitigation the strategy provides.
- Status of document – clarification of the document's status as guidance in support of Local Plan Policy ENV1.
- Level of detail – section 5 of the document rationalised to simplify the document.
- Involvement of local groups – acknowledgment that the Council will where possible look to work with local communities, including Town and Parish Councils to discuss future mitigation projects and their management.
- Monitoring requirements – updates to the information for how elements of this will be collected and reported.

6. NEXT STEPS

6.1 Subject to the agreement of Cabinet to adopt this Supplementary Planning Document, the document accompanied by a Consultation Statement and Adoption Statement will be published as soon as practicable in final form.

6.2 Following adoption, there is also a statutory 3-month period for legal challenges, during which any person with sufficient interest in the decision to adopt the Supplementary Planning Document may apply to the High Court for permission to apply for judicial review of that decision.

7. FINANCIAL IMPLICATIONS

7.1 The measures set out in this report will be funded by Developers' contribution requirements set out in the Supplementary Planning Document. This will help ensure that new development funds the necessary infrastructure to achieve a sustainable development in accordance with the Local Plan, without being a burden on public finances.

8. CRIME & DISORDER IMPLICATIONS

8.1 There are none.

9. ENVIRONMENTAL IMPLICATIONS

9.1 The Supplementary Planning Document aims to ensure that all new development is achieved to a high standard of design, is sustainable, and can be achieved without an adverse impact on European Nature Conservation sites.

10. EQUALITY & DIVERSITY IMPLICATIONS

10.1 There are none.

11. DATA PROTECTION IMPLICATIONS

11.1 There are none

12. PORTFOLIO HOLDER COMMENTS

12.1 I support the adoption of this Supplementary Planning Document which provides important guidance on the implementation of our Local Plan policy (ENV1) which seeks to mitigate the recreational impacts arising from new residential development on the New Forest's important nature conservation sites. Our approach not only helps protect the New Forest but provides important local benefits to our residents by providing assessable natural green spaces to enjoy close to their homes, contributing to the health and well-being of our community while providing places for nature to thrive.

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Background Papers:

Published documents