

**PLANNING & TRANSPORTATION PORTFOLIO HOLDER DECISION: 10
NOVEMBER 2016.**

**THE DESIGN AND IMPLEMENTATION OF HABITAT MITIGATION
PROJECTS USING DEVELOPERS' CONTRIBUTIONS AND
COMMUNITY INFRASTRUCTURE LEVY FUNDING**

1 INTRODUCTION

- 1.1 New Forest District Council, through its planning development control powers, collects contributions (through Section 106 agreements and the Community Infrastructure Levy (CIL)) to mitigate the recreational impacts of new developments on the European nature designated conservation sites.
- 1.2 This report seeks to approve a programme of projects and expenditure for 2016/17 and 2017/18 to implement the Council's adopted Mitigation Strategy for European Sites SPD and adopted Local Plan policies.

2 POLICY FRAMEWORK

- 2.1 Policy DM3 of the adopted Local Plan Part 2: Sites and Development Management Development Plan Document (DPD) sets out the Council's approach towards habitat mitigation. The four elements of the strategy can be summarised as:
 - Provision of new areas of publicly accessible natural green space.
 - Enhancement of existing green space and footpaths/rights of way.
 - Access management – measures include the provision of additional rangers for the New Forest SPA and Solent Coastal European sites.
 - Monitoring – the gathering of further information, including about the condition of European sites' habitats and species and visitor patterns, and to gain a better understanding of the effects of visitors and other factors influencing the condition of the protected sites; and the monitoring of progress in implementing the mitigation strategy.
- 2.2 In June 2014 the Council adopted its Mitigation Strategy for European Sites Supplementary Planning Document (SPD). This strategy lists specific projects and indicative timescales for the implementation of the strategy in accordance with policy DM3.

3 PROJECT PROPOSALS

- 3.1 Appendix 1 of this report details the programme of works that are intended to be implemented within the period 2016 - 2018.

4 FINANCIAL IMPLICATIONS

- 4.1 Habitat Mitigation Developer Contributions are collected for the sole purpose of implementing access management and monitoring schemes in accordance with policy

DM3 and can only be spent on this purpose. In accordance with the Council's Regulation 123 list, money collected via CIL will only be spent on habitat mitigation projects.

- 4.2 Before any contract is let it will be subject to a procurement exercise to ensure best value is achieved.

5 CONSULTATION INPUT

- 5.1 The projects in the programme of works are all contained in the adopted Mitigation Strategy SPD. The SPD was subject to statutory consultation and adopted by the Cabinet on 4 June 2014.

6 ENVIRONMENTAL IMPLICATIONS

- 6.1 Delivery of this programme of works will enable residential development to proceed in a way that will safeguard the protection of the European nature designated conservation sites. Implementation of this Mitigation Strategy is necessary to comply with the requirements of the Habitat Regulations.

7 CRIME AND DISORDER IMPLICATIONS

- 7.1 No project-specific implications.

8 EQUALITY AND DIVERSITY IMPLICATIONS

- 8.1 A good design and feasibility process will help ensure that schemes respond to the needs of the whole community rather than narrow sectors.

9 ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 9.1 Suitable mitigation must be in place prior the occupation of development to be in accordance with the Habitat Regulations. If the programme of works is not approved and the projects are not implemented it could result in a breach of responsibilities under the Conservation of Habitats and Species Regulations 2010. Further, Natural England may raise objection to further residential development in the District until suitable mitigation is delivered.

10 RECOMMENDATIONS:

- 10.1 That the programme of works set out in Appendix 1 is approved to be implemented; and
- 10.2 The Service Manager (Policy and Strategy), in consultation with the Portfolio Holder for Planning and Transportation, be authorised to make any amendments necessary to the programme of works during the course of the programme should schemes no longer become achievable or alternative projects are identified that are deemed more suitable.

11 PORTFOLIO HOLDER DECISION

I have agreed to the recommendations of this report.

Signed: CLLR E J HERON

Date: 10 NOVEMBER 2016

<p>FURTHER INFORMATION: Please contact</p> <p>Louise Evans Service Manager (Policy and Strategy) Tel: 023 8028 5588 E mail: louise.evans@nfdc.gov.uk</p> <p>Dean Brunton Senior Policy Officer (Implementation and Transportation) Tel: 023 8028 5588 E mail: dean.brunton@nfdc.gov.uk</p>	<p>BACKGROUND PAPERS</p> <p>Local Plan Part 2: Sites and Development Management DPD adopted March 2014 http://www.newforest.gov.uk/CHttpHandler.ashx?id=29256&p=0</p> <p>Mitigation Strategy for European Sites adopted June 2014 http://www.newforest.gov.uk/CHttpHandler.ashx?id=25958&p=0</p>
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Date on which notice given of this Decision - 10 November 2016

Last date for call-in - 17 November 2016

Appendix 1

Mitigation Strategy for European Sites

Programme of projects and expenditure: 2016 - 2017

This document sets out the programme of works and expenditure for 2016/17 to implement projects and actions which are set out in the Mitigation Strategy for European Sites.

The agreed strategy has four main elements. These are:

1. Provision of new areas of publicly accessible natural green space.
2. Enhancement of existing green space and footpaths/rights of way.
3. Access management – measures include the provision of additional rangers for the New Forest SPA and Solent Coastal European sites.
4. Monitoring – the gathering of further information, including about the condition of European sites' habitats and species and visitor patterns, and to gain a better understanding of the effects of visitors and other factors influencing the condition of the protected sites; and the monitoring of progress in implementing the mitigation strategy.

1. Provision of new areas of publicly accessible natural green space.

Ref	Name	Location	Description	Lead Agency	Timescale	Approx Cost
Nm2	North Milton Estate	New Milton	Enhancements in landscape quality and biodiversity of existing open spaces and creation of pleasant walking routes connecting with wider footpath network.	NFDC	Completion 2016/17	-
-	Merryfield Park	Bransgore	Creation of new area of natural green space as part of approved planning permission	Developer with NFDC support	Design 2016/17 – implementation 2017/18	N/A (developer funded)

2. Enhancement of existing green space and footpaths/rights of way.

Ref	Name	Location	Description	Lead Agency	Timescale	Approx Cost
To4	King George's Recreation Ground	Totton	Provision of an off-lead dog exercise area within recreation ground.	NFDC	Design 2016/17 – Implementation early 2017/18	£70,000

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Ref	Name	Location	Description	Lead Agency	Timescale	Approx Cost
as2	Sandleheath walking routes	Sandleheath	Promote circular walks by improved sign-posting of walks. Improved linkages between Sandleheath Industrial Estate and Hurley Farm along Bridleway 780 and footpaths 715/ 781.	HCC ¹	Design 2016/17 – Implementation late 2016/17, early 2017/18	£40,000
ly2	Pennington walking routes	Lymington	Improved links and signing of circular walking route using the public rights of way network in the Pennington area.	HCC	Design 2016/17 – Implementation 2017/18	£30,000
ly3	Yaldhurst walking routes	Lymington	Creation of a circular walking route by improvements to linkages, accessibility and signing of the public rights of way network in the Yaldhurst area.	HCC	Design 2016/17 – Implementation 2017/18	£30,000
Fo2	Sweatfords Water	Fordingbridge	Extension of boardwalk, to enhance biodiversity, and improve accessibility by creating a safer pedestrian route.	NFDC	Design 2016/17 – Implementation 2017/18	£- ²
Hd3	Buttsash Woodland	Hythe	Enhancement of existing footpath routes to encourage safe routes and circular walks.	NFDC	Design 2016/17 – Implementation 2017/18	£50,000 ³
-	Various	Various	Audit and initial concept design of open space enhancement schemes contained in adopted Mitigation Strategy across District	NFDC	2016/17	Upto £10,000 ⁴

3. Access management – measures include the provision of additional rangers for the New Forest SPA and Solent Coastal European sites.

Ref	Name	Description	Lead Agency	Timescale	Approx Cost
DWM01	People and Wildlife Ranger	Contract with New Forest National Park Authority to provide the 'People and Wildlife Ranger'. Ranger helps provide awareness of recreational mitigation through educational activities and onsite interaction. Ranger also provides input in to monitoring site usage.	NFNPA	Appointment 1 April 2015 to 31 March 2018 with option to extend for a further year.	£39,830 per annum
DWM02	Solent Recreation Mitigation Partnership	Provide contributions to Solent Recreation Mitigation Partnership (SRMP) ⁵ to fund Interim Mitigation Strategy and funding of Ranger team to provide education and mitigation activities across the Solent SPA.	SRMP	Ongoing. Monies paid to Partnership on a quarterly basis.	Approx £30,000 per annum

¹ Service Level agreement in place with Hampshire County Council until October 2017 to design, tender and project management the delivery of recreational walking route projects identified in the Council's Mitigation Strategy SPD. The fee per annum is £21k per annum which is based on standard design fees of 15%. The SLA contains an option to extend the agreement by a further year.

² Project design funding. Initial funding for project from public open space maintenance budget and other developer contributions. Mitigation monies will be used for phase 2 environmental and biodiversity enhancements.

³ This budget will supplement Buttsash Woodland Restoration project.

⁴ Work undertaken by Council's Landscape and Design Team

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4. **Monitoring – the gathering of further information, including about the condition of European sites’ habitats and species and visitor patterns, and to gain a better understanding of the effects of visitors and other factors influencing the condition of the protected sites; and the monitoring of progress in implementing the mitigation strategy.**

Name	Description	Lead Agency	Timescale	Cost																																																																																																																								
Visitor Counters	Purchase of 3 visitor counters to provide baseline data on existing user activity and to subsequently monitor the impact of mitigation projects on level of use	NFDC	One off purchase	£4,500 (fixed)																																																																																																																								
Visitor Counters	Funding of an annual programme of visitor counter placements for 2/3 month period per annum. (✓ = 1 counter):	NFDC	3 year service contract from 2016/17. Continued monitoring during lifetime of strategy at agreed locations.	£1,260 per annum. Total cost for 3 year period £3,780																																																																																																																								
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Solent	Contribution to Hampshire and Isle of Wight Wildlife Trust towards Solent Waders and Brent	HloWWT	3 year	£2,000 (for																																																																																																																								

⁵ Contributions are index linked and is fixed per dwelling (currently £176 per dwelling). The following contributions have been paid to the partnership

- 2014/15 – £344.00
- 2015/16 – £28,378.00
- 2016/17 (to date) - £13,184.00

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Name	Description	Lead Agency	Timescale	Cost
Waders and Brent Goose Strategy	Goose Strategy. The strategy includes site survey work to establish supporting habitats in the Solent area, including within New Forest District. Surveys of key species such as Brent Geese and Waders are identified as a monitoring requirement in the Mitigation Strategy SPD. The work proposed by the Wildlife Trust will meet some of the information needs of the Council and some offer of financial support from the monitoring contributions would be appropriate. The full cost of the study is £49,200 with the Council contributing £2,000			NFDC)
Support for projects small scale monitoring projects	Financial support (of up to £500) for studies/ survey work by others which will enhance baseline data knowledge of species/populations or visitor use of sites, or help assess impact of mitigation projects.	Others supported by NFDC	Annual	Up to £2000 p.a.