

WORK PROGRAMME FOR 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 from January 2018 to March 2019 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 financial year 2018/19.

4 PROJECTS IMPLEMENTED 2017/17

- 4.1 Since the adoption of the strategy the following projects have been implemented:
 - Sandlehealth Recreational Walking Route

- North Milton Estate recreational mitigation land
- Merryfield/Heatherstone Grange recreational mitigation land
- King George Recreation Group Dog Exercise Area
- Lymington Recreational walks (Yaldhurst and Pennington)

5 MONITORING

5.1 In addition to the work of the People and Wildlife Ranger, in 2016/17 the Council purchased three visitor counters. Since their purchase, the counters have been displayed at the following locations (each for a 2 month period):

- Merryfield / Heatherstone Grange
- King George Recreation Ground
- Lymington (Yaldhurst and Pennington)
- North Milton
- Buttsash Woodlands
- Great Woar Copse / Ballard Lake, New Milton

5.2 Once a habitat mitigation project has been implemented the visitor counters will return to the same location during the same period of the year in order to record any differences in usage. It is hoped to show an increase in activity following implementation of the mitigation projects.

6 SOLENT RECREATION MITIGATION PARTNERSHIP

6.1 Since 2015, this Council has provided contributions to the Solent Recreation Mitigation Partnership (SRMP) in accordance with the Interim Mitigation Strategy. Since this time, contributions have ranged from £171 to £181 per dwelling (as the contributions have been index linked). In December 2017, PUSH endorsed a Definitive Mitigation Strategy which significantly increases the contributions to around £564 per dwelling depending on the size of the dwelling).

6.2 The actual contribution paid is based on a sliding scale and depends on the number of bedrooms provided as part of a development. The contributions will only be sought from those within 5.6km of the Solent SPA area.

6.3 The Council has continued to work with the SRMP and will continue to provide contributions towards the strategy. The new definitive strategy will provide the following:

- A team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc;
- Communications, marketing and education initiatives and an officer to implement them;
- Initiatives to encourage responsible dog walking and an officer to implement them;
- Preparation of codes of conduct for a variety of coastal activities;
- Site-specific projects to better manage visitors and provide secure habitats for the priority bird species;
- Providing new/enhanced greenspaces as an alternative to visiting the coast;
- A partnership manager to coordinate and manage all the above.

7 FINANCIAL IMPLICATIONS

- 7.1 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 is spent on habitat mitigation projects as a priority.

8 CONSULTATION INPUT

- 8.1 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 Cabinet recommendation on 4 June 2014.

9 ENVIRONMENTAL IMPLICATIONS

- 9.1 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.

10 CRIME AND DISORDER IMPLICATIONS

- 10.1 No programme-specific implications.

11 EQUALITY AND DIVERSITY IMPLICATIONS

- 11.1 A good design and feasibility process will help ensure that schemes respond to the needs of the whole community.

12 ANY ALTERNATIVE OPTIONS CONSIDERED AND REJECTED

- 12.1 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

13 RECOMMENDATIONS

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

14 PORTFOLIO HOLDER DECISION

I have agreed to the recommendations of this report.

Signed: CLLR E J HERON

Portfolio Holder Planning & Infrastructure

Date: 11 January 2018

Date on which notice given of this Decision - 11 January 2018

Last date for call-in - 18 January 2018

FURTHER INFORMATION: Please contact

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BACKGROUND PAPERS

Local Plan Part 2: Sites and Development
Management DPD adopted March 2014
<http://www.newforest.gov.uk/CHttpHandler.ashx?id=29256&p=0>

Mitigation Strategy for European Sites adopted
June 2014
<http://www.newforest.gov.uk/CHttpHandler.ashx?id=25958&p=0>

Appendix 1

Mitigation Strategy for European Sites

Programme of projects and expenditure: January 2018 - March 2019

This document sets out the programme of works and expenditure from January 2018 to March 2019 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
-	Merryfield Park	Sopley	Creation of new area of natural green space as part of approved planning permission (4ha)	Developer with NFDC support	Final remedial work early 2017/18	N/A (developer funded)
-	Crow Lane (policy RING3)	Ringwood	Creation of new area of natural green space as part of approved planning permission (3.8ha)	Developer with NFDC support	Design 2017/18 – implementation 2017/18 - 2018/19 ¹	N/A (developer funded)
-	Alexandra Road	Lymington	Creation of new area of natural green space as part of approved planning permission (1.89ha)	Developer with NFDC support	Design 2017/18 – implementation 2017/18 - 2018/19 ²	N/A (developer funded)

^{1/2} Planning condition prevents occupation of any dwellings on site until SANGS has been successfully delivered.

Appendix 1

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

Ref	Name	Location	Description	Lead Agency	Timescale	Approx Cost
Fo2	Sweatfords Water	Fordingbridge	Extension of boardwalk, to enhance biodiversity, and improve accessibility by creating a safer pedestrian route.	NFDC	Design 2017/18 – Implementation 2018/19	£- ³
Hd3	Buttsash Woodland	Hythe	Enhancement of existing footpath routes to encourage safe routes and circular walks.	NFDC / HCC	Design 2017/18 – Implementation 2018/19	£50,000 ⁴
To3	Testwood Rec (first phase):	Totton	Landscape informal footpath routes around recreation ground, creating areas of natural planting and enhanced biodiversity interest (meadow, long grasses)	NFDC	Design 2017/18 – Implementation 2018/19	£50,000.00
Nm3	Ballard Lake (first phase):	New Milton	Extension of boardwalk, to enhance biodiversity, and improve accessibility by creating a safer pedestrian route.	NFDC	Design and Implementation 2018/19	£40,000
Fa1	QE2 Recreation Ground	Fawley	A designated area for off-lead dog exercise activities will be created within the recreation ground. Information boards explaining the purpose of the dog exercise area at the entrance to the site, to avoid any inappropriate use, will be provided.	NFDC	Design 2017/18 – Implementation 2018/19	£50,000.00
Fa2	Dark Lane:	Fawley	Sections of gravel footpath need some improvements including removal of ruts. Vegetation along Dark Lane requires cutting back. Links from the walk to the recreation ground will be improved.	HCC	Design and Implementation 2018/19	£30,000.00
Ri1	Avon Valley/Town Centre	Ringwood	Improve signposting and route-marking improved along the route, with clearer signage and improvements to the accessibility of the existing right of way. Some clearance of vegetation and improvements to the footpath surface will be required.	HCC	Design and Implementation 2018/19	£80,000.00
Nm3	Walkford Walk	New Milton	Improvements to some paths around PROW walk.	HCC	Design 2018/19 – Implementation 2019/20	£20,000.00
Fo1	Puddleslosh Route	Fordingbridge	Information/interpretation board provided (Whitsbury Road) to show local network of routes. New signposting and route markers will be installed.	HCC	Design 2018/19 – Implementation 2019/20	£30,000.00

³ 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.

⁴ This budget will supplement Buttsash Woodland Restoration project from NFDC capital funds.

Appendix 1

Ref	Name	Location	Description	Lead Agency	Timescale	Approx Cost
-	Various	Various	Audit and initial concept design of open space enhancement schemes contained in adopted Mitigation Strategy across District	NFDC	2017/18	Upto £10,000 ⁵

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 2019 (original contract until 2018 but option taken to extend for a further year.)	£39,830 per annum
DWM02	Solent Recreation Mitigation Partnership	Provide contributions to Solent Recreation Mitigation Partnership (SRMP) ⁶ to fund Definitive 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 £40,000 per annum

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
Support for small scale 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.

⁵ Work undertaken by Council's Landscape and Design Team

⁶ 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) - £24,582
- 2017/18 (to date) - £16,395

Appendix 1

Name	Description	Lead Agency	Timescale	Cost												
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											
	Example programme subject to change in timetable requirements	2017/18				2018/19				2019/20						
		Q1				Q2	Q3	Q4	Q1	Q2	Q3	Q4	Q1	Q2	Q3	Q4
	QE2 Recreation Ground, Fawley							✓ ✓								✓ ✓
	Avon Valley, Ringwood								✓ ✓							
	Testwood Place, Totton								✓ ✓							
	King George Recreation Ground											✓ ✓				
	North Milton Estate	✓ ✓											✓ ✓			
	Merryfield Park, Bransgore										✓ ✓					
	Pennington Recreation ground & Alexandra Road, Lymington	✓ ✓											✓ ✓			
	Whitsbury Road, Fordingbridge							✓ ✓								✓ ✓
	Ringwood - Avon Valley walk									✓ ✓						
	Buttsash Woodlands, Hythe	✓ ✓												✓ ✓		
	Gore Road / Fawcetts Field area, New Milton							✓ ✓								✓ ✓
	Ballard Lake / Great Woar Copse, New Milton						✓ ✓		✓ ✓						✓ ✓	
Bartley Park and Totton Recreation Ground, Totton				✓ ✓								✓ ✓				