

# CABINET

THURSDAY 13 SEPTEMBER 2021

## AN INTERIM SCHEME FOR MITIGATING RECREATIONAL IMPACTS FROM NEW RESIDENTIAL DEVELOPMENT ON THE NEW FOREST

Report of the Corporate Director – Chief Financial Officer

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### Recommendation

It is recommended that Cabinet approves in principle the development of a package of mitigation measures, including creating areas of Suitable Alternative Natural Green Space (SANG) and providing financial contributions towards the management of visitor pressures to assist in the mitigation of the impacts of the increasing Borough population on the New Forest National Park and notes that the detail will be brought back for approval at a later date.

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### Summary

Increased development leads to a number of environmental and other impacts which need to be mitigated to minimise harm. One of these impacts is from recreational pressures causing erosion and disturbance on the Solent and the New Forest Special Protection Area (SPA) and Special Area of Conservation (SAC).

Although Eastleigh Borough Council does not border the New Forest National Park there is evidence that residents of the Borough choose to visit the area from time to time and thus contribute towards erosion of the internationally important habitats and disturbance of the species they support. This evidence has been reinforced by technical research which has been commissioned by the local authorities in and around the New Forest. As a result of this new evidence, without suitable mitigation Natural England has advised that increased recreational impacts from the growth in resident numbers within the Borough are likely to have significant adverse effects on the protected sites and species and will maintain an objection to all new dwellings proposed within the Borough until appropriate and satisfactory mitigation is agreed.

This report seeks Cabinet approval for officers to negotiate proportionate and effective mitigation measures with Natural England and partner local authorities including the creation of Suitable Alternative Natural Green Space (SANG) to divert recreational pressures away from the New Forest, and financial contributions to managing those visitors that nevertheless will still choose to visit it, with the aim of minimising the impacts on the New Forest SAC and SPA to acceptable levels and thereby enabling new residential development to come forward in the Borough.

## **Statutory Powers**

The Conservation of Habitats and Species Regulations 2017 as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019.

Town and Country Planning Act 1990

## **Strategic Implications**

1. The decision in this report supports the Green Infrastructure, Housing and Health and Wellbeing objectives in the Corporate Plan 2015-2025. It is also key to the Climate and Environmental Emergency Action Plan and will have a significant positive impact on the environment.

## **Introduction**

2. Local Planning Authorities have a legal duty through the Conservation of Habitats and Species Regulations (2010) as amended (known as the Habitat Regulations) to ensure that planning applications do not have an adverse effect on designated sites supporting internationally important species and habitats. This includes Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) which are designated for certain bird species they support. A large proportion of the New Forest is designated as both an SAC and SPA.

## **Background**

3. Natural England has advised the Council that there is a likely significant effect from any additional residential development within the Borough on the New Forest SAC and SPA. This relates to the increase in population from new development which will generate additional visits to the New Forest. The Emerging Local Plan sets out the policy framework agreed with Natural England through policy DM11. This report is brought forward to enable the Council to put in place an agreed package of mitigation measures for the impacts of new residential development in the Borough.
4. A net increase in housing development and therefore an increase in population, leads to a number of environmental and other impacts which need to be mitigated wherever possible to minimise harm. In previous reports to Cabinet the Council has shown a real commitment to ensuring impacts are mitigated within the Borough and has sought to facilitate this mitigation by bringing forward nitrate mitigation schemes which developers can benefit from through the approval to purchase land across the Borough which will see environmental improvements.
5. Natural England now considers the impact of new residential development on the New Forest SAC and SPA to be significant enough that objections will be raised to all planning applications for new dwellings until satisfactory mitigation measures are put in place. Although Eastleigh Borough Council does not border the New Forest National Park there is clear evidence,

supported by recently commissioned technical research, that residents of the Borough generate a significant number of visits to the New Forest thereby contributing to the erosion of important habitats and the disturbance of important species.

6. The Council has been working with adjoining authorities, Natural England, the Forestry Commission and other wildlife organisations to develop a strategic approach to the protection of the New Forest SAC and SPA from the effects of development including recreational disturbance. However, in the absence of a current agreed sub-regional strategic approach an interim mitigation package for Eastleigh now urgently needs to be developed to provide a way forward in considering planning applications.
7. Recreational impacts are currently considered on a site-by-site basis and there has until recently, been a lack of suitable and robust evidence of recreational impacts on the New Forest linked to the growth in housing against which to assess such impacts. Recent research has identified that 75% of all day visitors to the New Forest SAC and SPA come from within a zone of 13.8km around the boundaries and therefore that all further residential development within this catchment zone is likely to have significant adverse effects on the designated sites. This includes most of Eastleigh Borough. Although other local authorities including the New Forest District Council and Test Valley Borough Council have schemes of mitigation in place there is currently no strategic scheme of mitigation in place in Eastleigh – only an interim policy statement (June 2019) which pledges the Council's support to work with partners in seeking a strategic solution. We have now reached the position where Natural England has advised that all new residential development in Eastleigh is likely to have significant effects on the New Forest SAC and SPA without satisfactory mitigation.
8. There are two tried and tested approaches to mitigating the effects of recreational visits on international designated sites that are based primarily on the successful mitigation measures that have been in place to protect the Thames Basin Heaths SPA for the last decade. These consist of the creation of Suitable Alternative Natural Greenspace (SANG) to divert recreational pressures away from the designated sites, and Strategic Access Management and Monitoring (SAMM) of visitors who still choose to visit the designated sites. Under this model scheme of mitigation, all new residential development within 5km of the Thames Basin Heaths must make financial contributions to both SANG and SAMM. It is recommended that a similar approach be adopted by this Council to mitigate the effects of new residential development on the New Forest SAC and SPA.
9. The development of SANG would have a significant economic and health benefit for Borough residents. Dedicated recreational green space encourages healthier lifestyles and would also help to minimise travel outside of the Borough.

## Current position

10. Council officers have been in discussions with Natural England to seek the basis for an effective, robust and proportionate package of mitigation measures and work is ongoing with Natural England to assess the scale of impacts of new residential development within the Borough. Recent research conducted by consultants commissioned by the local authorities in and around the New Forest clearly demonstrates that the nearer new residential development is to the New Forest SAC and SPA the greater the number of visits to the designated sites it is likely to generate and vice-versa. 62% of all day visitors to the New Forest live within the first 5km around the designated sites. Eastleigh lies beyond this 5km zone and based on a telephone survey of 2000 households, Eastleigh ranked 9th in terms of mean visitor rates (circa 24.57 per annum) compared to e.g. New Forest District (105.27) and East Dorset (53.26) and Test Valley (33.07) and Winchester (18.6). The overall average was 48 visits per household per annum<sup>1</sup>. So Eastleigh households make between 40 to 50% less visits than the average.
11. It is therefore evident that the impact from new housing in the Borough, will not be as great as that from an adjacent district. There is no doubt however that there is an impact and with development across the Borough increasing, particularly with the One Horton Heath scheme being brought forward, it is imperative that the Council seeks to address these impacts as a matter of urgency to enable new residential development to come forward.
12. As previously asserted, it would be possible for a developer to pay contributions entirely to the New Forest National Park in order that they can use the funds to address impacts directly in the Park. However, there are no real areas of SANG that the Park can extend into and therefore the funding would need to be used to mitigate impacts on the existing area. This could include employment of further rangers, more land management and more education of users. It is considered more beneficial both to the National Park and to the Council's residents and businesses if recreational activity can predominantly remain in Borough. This would serve to boost the local economy, preserve the National Park and also impact positively on the environment with fewer longer journey trips out of Borough.
13. As Cabinet will recall, in March 2021 a recommendation to move to purchase additional land within the Borough was approved which looked to mitigate the impacts of nitrates from increased development. It is possible that a proportion of the purchased land could be repurposed to become a substantial SANG within the Borough. There are a number of options for the SANG location and further work will need to be carried out to identify the optimum site.

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<sup>1</sup> Liley,D., & Panter,c.,(2020). Recreation use of the New Forest SAC/SPA/Ramsar: Results of a telephone surveys with people living within 25km. Footprint Ecology

## **Proposal**

14. It is recommended that Cabinet approve, in principle, a package of mitigation measures that includes:
  1. The creation of SANG within the Borough, the size and location of which is to be agreed with Natural England proportionate to the scale and location of proposed new residential development in the Borough within the Local Plan Modifications and the scale of impacts this is likely to generate; and
  2. Equitable and proportionate financial contributions towards measures being implemented by the New Forest National Park Authority to manage and monitor visitor impacts on the New Forest recognising that the residents of the Borough will wish to continue to visit the New Forest because of its special landscapes and wildlife.
15. This approval will enable officers to negotiate the appropriate scale of SANG and financial contributions so as to effectively mitigate recreational impacts on the New Forest from new residential development. Recommendations will be presented to Cabinet

## **Potential SANG sites**

16. Members are aware that the Council now owns significant land assets that may be suitable for a SANG or SANGs. A plan is attached at Appendix A showing the current areas that officers would evaluate to determine the final recommended sites.
17. In considering using land which has been recently acquired for nitrate mitigation as SANG, officers have received assurances from Natural England that there would be no negative impact on the number of nitrate credits available on the land, or in seeking to simultaneously mitigate the emerging issue of phosphate generated through development. The work proposed by officers will identify optimum schemes across all land parcels within the Council's control to determine the most effective way to mitigate all of these emerging environmental impacts.
18. Natural England has recently reviewed its guidance on SANG and has just published revised guidance (August 2021). The criteria for SANGs is set out within this revised guidance. It is generally calculated based on a requirement of 8ha per 1,000 additional population. However, this standard applies to new developments within the greatest zone of impact (5km for the Thames Basin Heaths SPA). Officers believe there is a good case for negotiating reduced SANG requirements given the distance of proposed new development in the Borough from the New Forest and the lower level of visits generated per household in the Borough compared to neighbouring local authority areas. The proposed One Horton Heath development for example lies between 12 and 14km from the New Forest and therefore on the outermost edge of the 13.8km catchment zone of visitors.

19. In summary a single SANG must be a minimum of 4ha, offer a range of informal recreational activities including a choice of 2.5km circular walks, be designed to be perceived as safe, have way-markers, be well linked to footpaths and make provision for a car park. A semi-natural looking landscape with plenty of variation is desirable. SANGs may be provided by the enhancement of existing sites, including those already accessible to the public that have a low level of use and could be enhanced to attract more visitors. However, improvements to existing areas of publicly accessible open space would need to demonstrate a significant diversion of people from the New Forest to the improved open space to satisfy Natural England's test for SANGs. The opportunities for improving existing open space as an alternative to, or support of SANGs, is being discussed with Natural England currently.
20. If Cabinet approves the principle of creating SANG, officers will continue to plan and negotiate SANG provision with Natural England and the aim will be for recommendations to be brought back to Cabinet for consideration and ratification early next year to finalise site areas, locations and outline designs and costings. This additional work may include consideration on the charge for SANG credits if a developer chooses to mitigate a developments impact on the New Forest through contributing towards the creation and ongoing management of the strategic SANG in perpetuity (a minimum of 80 years). This process could be formalised through the adoption of a Mitigation for Recreational Impacts Supplementary Planning Document (SPD). This SPD could be used to formalise the Council's approach to nutrient mitigation, including nitrates and phosphates.

### **Financial Implications**

21. Initially there are no financial implications of the work required to identify and cost suitable SANG as the assessments will be funded from existing resources. The development of the designated SANG site(s) will require financial investment and this will be the subject of a business case in the further report to be brought to Cabinet in the new year. However, at this stage, it is anticipated that the costs of creating, managing and monitoring SANG sites will be fully funded from developer contributions.
22. Additionally, there will be a requirement to pay contributions to the management and monitoring of visitors to the New Forest undertaken by the New Forest National Park Authority, in recognition that Eastleigh residents will continue to visit the New Forest and in growing numbers as residential development progresses, and therefore potentially adversely impact the New Forest SAC and SPA without these management interventions. Again, at this stage, it is anticipated that these contributions too will be fully funded from developer contributions.

### **Risk Assessment**

23. There is no initial risk with using land already in the Council's control. The risk of not introducing this scheme is that housing delivery could stall within the Borough as planning application decisions will not be issued.

## **Equality and Diversity Implications**

24. The Equality Act is not relevant to the decision in this report.

## **Climate Change and Environmental Implications**

25. The proposals contained within this report will have a positive impact on the environment by setting aside land in perpetuity to address nitrate issues within the region. The management of this land can help to store and lock in carbon. Furthermore, by seeking to provide SANG to encourage residents to stay within the Borough for their recreational visits, there will be a reduction in car journeys to the New Forest (and other destinations).

## **Conclusion**

26. The Council, in implementing its planning functions, has a number of legal requirements to satisfy. This includes obligations in relation to certain nature conservation designations. With regard to the Habitats Regulations and the New Forest SAC and SPA, mitigation is required as a result of the in-combination effect of new housing through recreational pressures. As such an interim mitigation package has been proposed to provide a way forward in considering applications in the short term.
27. It is recommended that Cabinet approve the principle of creating SANG within the Borough through using land within the Council's ownership and making equitable and proportionate financial contributions to visitor management and monitoring schemes within the New Forest.

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Appendices Attached: None

## **LOCAL GOVERNMENT ACT 1972 - SECTION 100D**

The following is a list of documents which disclose facts or matters on which this report or an important part of it is based and have been relied upon to a material extent in the preparation of this report. This list does not include any published works or documents which would disclose exempt or confidential information.

None.