

Recreational Disturbance – Round Table Session

Referring to Natural England consultation letter which provides a link to the background work by Footprint Ecology.

Extract from NE Consultation letter.....

“It is considered that a financial contribution, based on a robust and agreed methodology, directed towards measures at the designated sites e.g. via the New Forest National Park Authority’s Habitat Mitigation Scheme, is a means that will enable the Authority to deliver site specific mitigation measures on behalf of the applicant. Such an approach would provide a certain and robust means to addressing the effects of recreational disturbance via direct measures at the protected sites. Some detail on how this money will be used as part of the Scheme is advised to ensure you as competent authority can be satisfied the recreational impact from this development will be appropriately addressed and secured in perpetuity. “

Set out below are the comments of the appellant on the points raised by the inspector.

Points requiring clarification

1. *Is it just recreational disturbance – no other harm alleged from proximity of development?*

Appellant Comments: No other potential impacts have been identified by Natural England, the appellant or Fareham Borough Council on the New Forest SPA/SAC and Ramsar site.

2. *How is the Natural England catchment distance arrived at ? As the crow flies ? Does it adequately take account of travel distances ? What does the survey data show about trips from Fareham ?*

Appellant Comments: The 13.8 kilometre radius which Natural England have arrived at has been derived from the distance at which 75% of all day visits to the New Forest are made based on the Footprint Ecology visitor survey data. This distance is based on a linear or “as the crow files” measurement from the address of the interviewee.

The Visitor Survey identified that approximately 1% of all interviewees were from Fareham whilst the telephone survey identified that interviewees from Fareham on average visited the New Forest 15.33 times per year. The only Hampshire authorities with lower numbers in terms of percentage in the visitor survey were Havant, Gosport, Portsmouth, Isle of Wight and Winchester. In the telephone survey the only Hampshire authorities with a lower number of visits per annum was Portsmouth, Gosport and Havant. It should also be noted that the majority of the visits per annum from Fareham in the telephone interview came from the 15 out of the 117 interviewees which visited more regularly than once a month. Therefore, this mean that approximately 13% of interviewees accounted for 83% of the estimated visits per annum from Fareham.

The Fareham Borough Council Appropriate Assessment for the emerging local plan (submitted to PINS) references the 2021 Footprint Ecology report which discusses the Zone of Influence to be established as a result of their work. The Council’s AA states: in paras 6.4.18 and 6.4.18

“In February 2021 Footprint Ecology produced a follow up report to the New Forest surveys providing clarification and advice relating to an appropriate ‘zone of influence’ or ‘catchment area’ within which visitors from new development are likely to have a significant impact on the New Forest SAC/SPA/Ramsar (Liley & Caals, 2021). Using the 75th percentile for visitors traveling from home (derived from the straight-line distance from the interviewee postcode to survey location) a 13.79km

zone of influence was defined from the SAC/SPA/Ramsar boundary. This essentially marks out the zone from within which most visitors originate.”

The 2021 Footprint Ecology report does however recommend that the zone of influence should be modified to exclude the following local authorities: Fareham, Gosport and the Isle of Wight. This is to take into account the particular geographic barrier of Southampton Water and the Solent. In these Boroughs, it is recommended that large developments of around 200 or more dwellings within 15km of the SAC/SPA/Ramsar boundary should be subject to project HRA and that mitigation may be required. This could be either through the provision of very high-quality local greenspace or a reduced per dwelling contribution to the strategic mitigation scheme.

It should also be noted that Fareham Borough Council support the position set out in the 2021 Footprint Ecology report that the Zone of Influence should be amended to exclude Fareham Borough. This has been raised in their letter to Natural England of 6th October 2021 and in subsequent communications between the appellant and Fareham Borough Council.

3. Taking into account the evidence put by NE and the scale and location of development, what would the likely impact of the proposed development be ?

Appellant Comments: It is difficult to quantify what the impact of the visits from the proposals in isolation might be. However, if you extrapolated the 15.33 visits per annum per person figure from the telephone survey this would indicate an additional 7,579.15 visits per annum based on 2.4 persons per dwelling across 206 units. The total number of visits to the New Forest is estimated to be between 5,000,000 and 6,000,000 in the Footprint Ecology reports. On that basis the proposals could result in an increase of 0.2% of visits to the New Forest annually. Given the size of the New Forest SPA/SAC and Ramsar site (approximately 29,213 ha) it is unlikely that this alone would have a likely significant effect. It should also be noted that the telephone interview that approximately half of respondents visits once a month or less than once a month and the visits per annum is increased by those fewer individuals who visit more frequently. The 2.4 persons per dwelling figure also has inherent limitations as this does not account for those moving within the 13.8 kilometre Zone of Influence. Therefore, this is likely to be an overestimate of the actual number of new residents in the Zone of Influence.

4. If there are impacts in combination how can appropriate mitigation be arrived at ? How is any sum arrived at ? How will it be spent ? The UU is made out to Fareham BC, does Fareham have an appropriate scheme to direct funding to and would it provide adequate mitigation ? Shouldn't any money, if required, go to the New Forest NP ?

Appellant Comments: There are a number of different approaches which have been taken for mitigating recreational impacts on European sites. This normally always includes some level of mitigation undertaken at the European site itself which is the approach undertaken across the Solent SPAs and in part at the Thames Basin Heaths SPA. The proposed contribution would go towards the various measures set out in the New Forest National Park Authority (NFNPA) strategy including access management, alternative recreational greenspace sites, educational activities and monitoring. The sum proposed has been arrived at by comparing the number of visitors from the New Forest National Park Authority to the designated sites (which accounted for 20% of all visitors in the Visitor Survey or 211.3 visited per annum in telephone survey). This compares with 1% or 15.33 visits per annum from Fareham Borough. This is relatively 5% or 7% the number of visits from the NFNPA. However, to provide a precautionary, but proportionate approach the contribution arrived at was 10% of the figure which the NFNPA requires.

The NFNPA have confirmed that their Habitat Mitigation Scheme can be “scaled up” if required and the proposed contribution would go towards increased provision of previously agreed measures. The NFNPA have indicated that there is logic to the approach which the appellant has put forward. It has also been confirmed that the NFNPA have previously been involved with cases of neighbouring planning authorities transferring financial contributions to spend on mitigation measures on the New Forest designated sites.

5. *In light of potential difficulties in arriving at an appropriate sum (if necessary), would a potential overpayment taking account of the “precautionary principle”, comply with the CIL regs ?*

Appellant Comments: Based on the comparison between numbers of visitors we estimated that between a 5% and 7% contribution would be appropriate towards the New Forest National Park Authority’s mitigation scheme. However, based on a precautionary basis the current proposed contribution is 10% of the full value of the NFNPA scheme. This is specified within paragraph 4.13 of the recently submitted Shadow HRA on the issue. However, should it be considered a further overpayment is required to further secure the precautionary principle the appellant would be happy to review this.

Further Comments from the Appellant

It is understood that it is Fareham Borough Council’s view that the Fareham should be excluded from the Zone of Influence in accordance with the 2021 Footprint Ecology report and, therefore, any need for mitigation. An e-mail from Fareham Borough Council to PINS on 25th October reaffirmed this position stating the following:

‘The primary position of Fareham Borough Council remains as stated in our letter to Natural England dated 6th October, that mitigation against recreational disturbance on the New Forest designations is not necessary.’

However, should the inspector, as the competent authority, consider mitigation is necessary then it is understood that the proposed approach set out by the appellant has been deemed appropriate by Fareham Borough Council. Since the submission of the HRA it has also been confirmed by NFNPA that they are able to receive the proposed payment, that the proposed payment is proportional and that the mitigation measures within their scheme can be scaled up in line with the additional payment. Therefore, should the inspector conclude that mitigation is necessary then the proposed approach can provide certainty that appropriate mitigation can be implemented for the proposed scheme.