

LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE, STUBBINGTON, FAREHAM

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 New Forest National Park Authority on the points raised by the appeal Inspector.

Points requiring clarification

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

NPA comment: Yes, the Footprint Ecology research reports focus on the potential recreational impacts on the New Forest’s designated site arising from planned new development. Any other impacts will need to be considered as part of the HRA and appropriate assessment undertaken as part of the determination of the application and appeal.

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?*

NPA comment: Page 67 of the on-site [Footprint Ecology Visitor Survey Report](#) shows that the catchment area of 13.8 kilometres around the New Forest designated sites is the distance within which 75% of all short visits from home take place. This issue is explored in more detail in [Footprint Ecology’s ‘Zone of Influence’ report](#) (2021) - Section 3 of which sets out the justification for the use of the 75% percentile for considering impacts, an approach adopted in strategic mitigation schemes elsewhere in the country.

The zone of influence (or catchment area) of 13.8 kilometres is determined in a straight-line distance (i.e. as the crow flies). Travel distances were considered by Footprint Ecology and Section 5 of the ‘Zone of Influence’ report confirms that the straight-line distance is the most appropriate method for calculating the potential visits and impacts to the New Forest.

The survey data shows that there were regular visits from Fareham residents to the New Forest and that the mean number of visits per annum for Fareham was 15.33.

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?*

NPA comment: New development in Fareham and within the 13.8 kilometre 'zone of influence' will contribute, in-combination with other day visitors arising from new development, to potential recreational impacts on the New Forest's designated sites (SAC, Spa and Ramsar). A summary of the potential recreational impacts on the designated sites can be found in Footprint Ecology's Report entitled '[Impacts of recreation and potential mitigation approaches](#)' (2020). The HRA of the proposed development submitted by the appellant calculates that the number of visits from the whole development to the New Forest would be approximately 7,580 per annum. Natural England confirm that impacts must be mitigated in-perpetuity. Therefore, taking 100 years as reflecting the in-perpetuity period (as assumed in the National Park Authority's own Habitat Mitigation Scheme), then the total visits that require mitigation would be $7,580 \times 100 = 758,000$ visits over the lifetime of the proposed development. This level of impact, when considered in-combination with other planned development in the zone of influence, means impacts cannot be ruled out. The HRA information submitted by the appellant is based on the Footprint Ecology research reports (2021) and appears to make a series of reasonable assumptions.

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?*

NPA comment: It is important to highlight that, at this point, there is no agreed mechanism or formula for deciding on a pro-rata approach for financial contributions towards the National Park Authority's own Habitat Mitigation Scheme (2020) from developments in neighbouring local planning authority areas. The Footprint Ecology 'zone of influence' report was published earlier this year and the project Steering Group (made up of the relevant local planning authorities, Natural England and Forestry England) are working through the next steps. Although there is not yet an established formula agreed across the zone of influence, the overall approach suggested by the appellant does not appear unreasonable.

The [National Park Authority's Habitat Mitigation Scheme](#) (2020) includes details on how the level of financial contribution was calculated and the costed package of mitigation measures that will be delivered. This package of mitigation measures is considered to be appropriate mitigation by Natural England and was found sound by the Inspectors examining the Authority's draft Local Plan and supporting evidence base in Summer 2019.

The proposed contribution from the appeal scheme in Fareham is based on a proportion of the standard contribution level of the Authority's adopted mitigation scheme. This is based on the frequency of visits to the New Forest designated sites from Fareham compared with those of new residents in the New Forest National Park. The contribution, therefore, reflects the fact that new residents in Fareham will visit the designated sites in the New Forest less often than new residents in the New Forest National Park. As an overall approach, there is some logic to this and it draws on the published research on visitor patterns.

The typical annual expenditure of the Authority's Habitat Mitigation Scheme is outlined in Section 11 of our SPD. Any new contribution will be spent on the measures outlined in similar proportions to those outlined in this Section. The Scheme also has the ability of reassess each measure and consider new measures to help deliver the mitigation needed in an effective manner over time. In addition, a number of the mitigation measures contained within the Authority's mitigation scheme have the scope to be 'scaled up' if required.

In terms of the mechanism for securing any financial contributions towards mitigation measures within the designated sites, we would highlight that the National Park Authority is not the planning authority for this application and is not the 'competent authority' under the Habitats Regulations for the appeal. There have been cases previously of neighbouring planning authorities transferring received financial contributions to the Authority to be spent on mitigation measures within the New Forest's designated sites. In these cases the relevant planning authority (and competent authority) secured the contributions and they were then transferred to the National Park Authority, ring-fenced for mitigation measures. We are content with this approach, which is consistent with the framework for the Bird Aware Solent mitigation scheme for example, whereby planning authorities negotiate and secure necessary contributions which are then transferred to be spent on agreed mitigation measures.

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?*

NPA comment: The precautionary principle is established as part of the legal framework around the application of the Habitats Regulations, whereby the competent authority must be certain that the measures put in place will be sufficient to mitigate the potential impacts. Measures to address potential impacts on the integrity of designated sites are required by law and as the National Park Authority does not currently apply CIL we are content to leave it to others to respond to this point.