

CABINET

Thursday, 24 March 2022

STRATEGY FOR SUITABLE ALTERNATIVE NATURAL GREEN SPACE

REPORT OF THE STRATEGIC PLANNING MANAGER

Recommendation:

It is recommended that:

- 1. Cabinet approves an interim strategy at Appendix 1 involving creating Suitable Alternative Natural Green Space (SANG) and financial contributions towards the management of visitor pressures as mitigation of the impacts of the Borough's increasing householder population on the New Forest National Park;**
 - 2. Cabinet approves the allocation of land east of Allington Lane totalling 14.3 hectares for the delivery of a new SANG, subject to the necessary planning approvals;**
 - 3. Cabinet approves the proposed developer contribution of £1,161 per dwelling to fund the implementation of the interim strategy.**
 - 4. Cabinet delegates an annual review of the developer contribution to the Executive Head of Environment in consultation with the Leader of the Council (as Cabinet Member for Planning and Property).**
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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 internationally protected New Forest Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar sites.

While Eastleigh Borough Council does not border the New Forest National Park, technical research commissioned by local authorities in and around the New Forest shows that residents of the Borough choose to visit the area from time to time and thus risk contributing towards erosion of the habitats and disturbance of the species they support. Mitigation is required to avoid significant adverse effects on the protected sites and species and to enable planning permissions to be granted, to support wider housing delivery objectives.

In September 2021 the Cabinet approved the principle of a package of mitigation measures to mitigate the impact. This paper sets out an interim strategy to address the

impact of new development until March 2027. It is based on the delivery of proportionate Suitable Alternative Natural Green Space (SANG) in the Borough to divert recreational pressures away from the New Forest protected areas, and financial contributions to managing the impact of those visitors that nevertheless will still choose to visit them. The SANG strategy will be focused on a new publicly accessible SANG on the One Horton Heath project site and adjoining former farmland to the north of Itchen Valley Country Park and improvements to the existing Itchen Valley Country Park. It will be funded by a contribution from all new residential development permitted 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 also supports the aims of the Climate and Environmental Emergency Action Plan by protecting important habitats.
2. The Council's Corporate Strategy (Housing) (2018) includes the aim of ensuring there is a planned housing supply to meet residents' requirements for new housing in the Borough. Policy DM11 in the emerging Local Plan commits the Council to implement a mitigation strategy to address the impact on the New Forest protected sites.

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 development does not have an adverse effect on designated sites supporting internationally important species and habitats. This includes Special Protection Areas (SPAs) which are designated for certain bird species they support and Special Areas of Conservation (SACs) and Ramsar sites which are designated for their habitat. A large proportion of the New Forest is designated as SAC, SPA and Ramsar sites (referred to in this report as the 'New Forest protected sites').
3. Recent research has defined a catchment area from within which 75% of visits to the New Forest protected sites originate. This catchment includes most of Eastleigh Borough. This research provides evidence for the first time that there is a potential impact from residents of new development in the Borough visiting these sites.
4. The Council has been working in partnership with adjoining authorities, Natural England, the Forestry Commission and other wildlife organisations on

a strategic approach to address increased recreational impacts associated with new residential development within the catchment of the protected sites. Until this strategic approach is delivered, an interim mitigation package is required for Eastleigh to provide a way forward in considering planning applications.

Background

5. The Council has recently undertaken a programme of land acquisition as part of its environmental and ecological strategy and as part of solar farm proposals. Areas of land have been purchased to address issues relating to biodiversity net gain, nitrates, phosphates, tree planting and woodland creation, solar energy and the impact of recreation on the New Forest protected sites. This has required close working between different teams in the Council including Planning, Ecology, the Countryside Service, Asset Management and Project Management and this will continue as the strategy is implemented.
6. This proactive approach enables the Council to develop a comprehensive approach across the Borough and to consider opportunities for land uses which meet a number of sustainability objectives. It provides a strategy for developers to contribute to and does not rely on developers' on-site provision to address strategic issues which often require a larger land area than can be accommodated on individual development schemes. This strategy will enable development to continue within the Borough whilst mitigating its environmental impact.
7. 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 protected sites based on additional visits from residents of new residential development. This is significant enough that objections are being raised by Natural England to all planning applications for new dwellings until satisfactory mitigation measures are put in place. Policy DM11 in the Emerging Local Plan commits the Council to implement a mitigation strategy to address the impact on the New Forest protected sites. This report seeks Cabinet approval for an interim strategy containing a package of mitigation measures for the impacts of new residential development in the Borough.
8. The Council has been working in partnership with adjoining authorities, Natural England, the Forestry Commission and other wildlife organisations on a strategic approach to address recreational impact. The first phase of this work created an evidence base on the visits undertaken to determine where visitors came from and why they visited. Around two thirds of Eastleigh Borough residents surveyed reported that they had visited New Forest protected sites in the last 12 months. The research found that across the whole area surveyed the visit rate per household declines dramatically with distance from the protected sites especially over the first few kilometres and the impact of each additional new house declines with distance. Eastleigh households made between 40-50% fewer visits than the average of all households within a 25-kilometre distance (an average of 25 visits per annum compared to 48 visits per annum across the area).

9. The partnership is considering how to progress this work to agree a strategic approach and the structures needed to implement strategic measures. Some of the local authorities involved in the partnership have full mitigation strategies already in place including the New Forest National Park Authority. The approach will therefore need to address existing strategies and provide a proportionate solution to reflect the different levels of impact across the partnership area. Until this strategic approach is delivered, an interim mitigation package is required for Eastleigh to provide a way forward in considering planning applications. The interim strategy addresses impact to March 2027 to provide sufficient time for the wider strategic framework to be agreed, to undertake additional monitoring and surveys and in order to demonstrate the deliverability of the measures identified. The full strategy will refine the approach and the costings and will consider the effectiveness and delivery of measures from the interim strategy.

Interim strategy

10. Council officers have had ongoing discussions with Natural England while developing a package of mitigation measures to address impacts of new residential development within the Borough. The interim strategy involves two components; the delivery of Suitable Alternative Natural Greenspace (SANG) within the Borough to provide an attractive local alternative to visiting the designated sites, and financial payments to the New Forest National Park Authority. This will fund Strategic Access Management and Monitoring (SAMM) of visitors who still choose to visit the designated sites.
11. Research has shown that 75% of all day visitors to the New Forest protected sites 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 which generally falls between the 5-10 and 10-15km zones. The interim strategy will therefore apply to residential development within this catchment zone (i.e. up to 13.8km), shown in Appendix 2. This includes residential development that requires Reserved Matters approval.
12. There may be an impact from larger developments (covered by the Environmental Impact Assessment regulations) within the 13.8km-15km zone and applications for these should be screened to consider whether mitigation is required. There is also a potential impact from other development such as new hotels and development in C2 Use Class (residential institutions). This development is not covered by this interim strategy and proposals within the 13.8km catchment zone (and larger EIA development within 15km) will be assessed on a case by case basis.
13. One option discounted was for developers to pay contributions entirely to the New Forest National Park Authority to employ further rangers, for more land management and for the education of users directly in the National Park. It is considered more beneficial however, both to the National Park and to the Council's residents and businesses, if recreational activity can predominantly remain in Borough and so avoid impact on the New Forest. In addition to enabling new residential development to come forward, development of

SANG within the Borough would have a significant economic and health benefit for all Borough residents. Dedicated recreational green space encourages healthier lifestyles, helps to minimise travel outside of the Borough and boosts the local economy.

14. It is therefore recommended that Cabinet approve an interim strategy that includes seeking developer contributions for:
 - (a) The creation and ongoing maintenance of 27.1 hectares of SANG within the Borough made up of 14.3 hectares of new SANG land on Allington Lane and improvements to Itchen Valley Country Park; and
 - (b) The funding of the equivalent of one full-time ranger post in the New Forest National Park until March 2027 to address the impact of the residents from new development in the Borough who will wish to continue to visit the New Forest because of its special landscapes and wildlife.
15. The map at Appendix 3 shows the relationship between the area of proposed SANG land at Allington Lane and Itchen Valley Country Park, together with other land parcels currently in the Council's ownership.
16. Land east of Allington Lane that is part of the One Horton Health (OHH) development is currently considered open space and not required for development, and is therefore available for use as SANG. This is subject to full determination of land usage to ensure that the Council can bring forward this development. The OHH Project team have advised of the possibility of parts of this land being required for uses including to create a landscape buffer zone adjacent to residential development or wetland creation in order to mitigate nutrient impacts of development. If the amount of SANG being created in this area decreases, the Council will identify equivalent alternative locations for SANG creation in accordance with the strategy.
17. The total developer contribution required is £1,161 per dwelling, reviewable annually. Calculations for this figure are shown at Appendix 4. This will be index-linked, paid to the local planning authority on commencement of development and secured via a s106 legal agreement. The contributions will fund SANG projects and the funding of one ranger post and can be pooled.
18. The contributions are based on the costs involved in delivering a new SANG or improving the attractiveness of an existing green space including infrastructure and landscaping and associated costs, ongoing management and maintenance of the infrastructure, and monitoring. The Council will retain flexibility to use the contributions to deliver appropriate SANG in the Borough which may include improvements to deliver SANG on other sites not only Itchen Valley Country Park.
19. In the event that the Council is not able to create sufficient SANG at Land east of Allington Lane and Itchen Valley Country Park, there are other places in the borough which may be brought forward using Council land holdings. The Council's approach in the interim strategy is where possible to use land in its

ownership (where this does not conflict with other competing land uses) and to improve existing greenspace.

20. The interim strategy will also provide an opportunity for developers to deliver their own bespoke mitigation package as an alternative to the financial contribution. This will need to be agreed by the Council in consultation with Natural England and must demonstrate that the measures contained provide additional capacity and deliver an appropriate alternative to visits to the protected sites.

SANG requirements

21. Natural England published revised guidance on SANGs in August 2021. In summary a single SANG must be a minimum size of 4ha, offer a range of informal recreational activities such as dog walking, running and spending time in nature including a choice of 2.3 - 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 with little intrusion from artificial structures to provide a similar countryside experience as visiting parts of the New Forest.
22. The amount of SANG required to mitigate the impact of new development 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 (based on the original SANG scheme for the Thames Basin Heaths SPA where 75% of all day visitors originated within 5km). While some parts of the Borough are within the New Forest's 5km zone of impact measured in a straight line, they are separated by Southampton Water. Much of Eastleigh Borough, including the One Horton Heath development site, is 10-15km away with alternative destinations closer by. As the research shows that the level of trips reduces with distance away from the New Forest, it is not appropriate to base the interim strategy on this standard. It is instead based on both the number of additional households and the number of additional visits to deliver proportionate mitigation to address the impact, as explained below.
23. The Footprint Ecology research includes a variety of data which can be used to estimate the additional visits from the Borough. Taking a precautionary approach based on the highest estimate (from the telephone survey undertaken across the subregion including Eastleigh residents), the average number of visits from each household in the Borough is 25 visits each year. This is just under one quarter of the average number from households in New Forest district (105 visits) which is predominantly within the 0-5km zone. The interim strategy is therefore based on a 25% contribution toward the total SANG required, equating to 2ha/1,000 of additional population. The Council expects 13,500 new residents to be living in the Borough by 2027. Therefore a total of 27.1 hectares of SANGs (new or improved existing greenspace) is required to address the impact of development to March 2027.

Natural England view

24. The Council considers that this interim strategy is effective, robust and proportionate. It is based on a reduction in the level of SANG provision per household to reflect evidence showing a decrease in visits with distance away from the New Forest protected sites. While Natural England support the provision of SANG in the Borough, they have advised using the 8ha/1,000 population standard to calculate the SANG requirement to address the impact on the New Forest. They advise that this is the most precautionary approach and it ensures effective SANG provision. This would require the same area of SANG per 1,000 population in Eastleigh Borough as in for example New Forest district.
25. The 8ha/1,000 population standard is based on research at Thames Basin Heaths about the density of people using SANG and providing a level of 'semi-naturalness'. This standard has provided the starting point for the interim strategy which has subsequently been refined as it does not reflect the distance from the protected sites and the number and type of trips that would be diverted. The Council does not consider that the 8ha/1,000 standard provides a proportionate approach based on recent evidence.
26. The Council will continue to work with Natural England to develop the full strategy. This will consider the effectiveness of the measures within the interim strategy and use monitoring and survey data to supplement the existing evidence base.

SANG sites

27. The proposed SANG sites within the Borough are located east of Allington Lane and at Itchen Valley Country Park, and on land shown in Appendix 3 (page 12) of the attached strategy (See Appendix 1).
28. Council officers have considered the scope to repurpose land previously identified solely for nitrates mitigation to deliver new SANG within the Borough. This follows confirmation from Natural England that this would not reduce the number of nitrate credits available on the land. An area of land east of Allington Lane has been identified which will deliver 14.3 hectares of new SANG. This is considered suitable for a new SANG to deliver greenspace close to new development.
29. The new SANG will provide public recreational space and improved links into the wider footpath network. It comprises part of the One Horton Heath site (approximately 5 hectares currently designated in OHH plans an area of ecological mitigation, consistent with this proposed use) and adjoining farmland in Council ownership (10 hectares). The land includes Hearts Copse, a 3.3 hectare SINC, criteria 1A Ancient Semi-natural woodland. There is an existing public right of way through the sites between Burnetts Lane and Allington Lane (West End FP3).
30. The components required to deliver SANG on the site following the removal of debris and tree safety work have been identified. This will include a circular

gravel surfaced path, 10-15 car parking spaces, benches and signage, with boundary treatment as required to include enclosed fencing and designed to screen the SANG and maintain its character. The capital and initial set up costs of creating this new SANG on Council owned land is approximately £2.0 million. In addition to funding these costs, the calculation includes management and contingency costs and annual costs for maintenance in perpetuity (for 80 years). In order to fund both the initial and ongoing costs for this period, the total cost increases to approximately £5.6 million.

31. Alongside the creation of new SANG, there is scope to increase the recreational capacity of existing greenspaces so they can function as SANG or increase the amount of SANG available. Itchen Valley Country Park is an existing open space at the centre of the Borough with public access. The Country Park contains a mix of water meadows, woodland and meadows, it is suitable and very popular for dog walking, and provides a range of walking routes and circular trails. It has scope to increase its capacity through improvements to make it more attractive for visits otherwise made to the New Forest, notably for families looking for a destination for a half or full day out.
32. The Itchen Valley Country Park Masterplan identified improvements to both increase the overall capacity and to extend the season and increase its attractiveness in the winter months. Contributions will bring forward improvements to increase the amount of SANG available including new car parking spaces, improvements to existing footpaths and new signage and interpretation boards. The interim strategy will contribute £704,000 to implementing these improvements. A planning application for the proposals in the Masterplan will be submitted in Summer 2022.
33. At this stage, the area of SANG identified will address the impact of development to March 2027, including approved residential development that requires Reserved Matters approval. Further SANG will be required to address development beyond this time period and the Council will continue to bring forward a pipeline of land when the interim strategy is in place.
34. The contribution collected includes costs for monitoring to check the implementation of the measures and their costs and to assess their effectiveness. This will include the costs to install automatic counters within SANGs to provide information on visitor numbers and staff costs to check and analyse the data. There is scope to undertake a survey of the number of visits made to the New Forest protected sites by Eastleigh residents to supplement the recent survey findings.
35. The contribution required to deliver SANG is based on costings from other Eastleigh projects and other similar schemes with allowances included where necessary. The Council will reconsider the SANG contribution in 12 months' time to take into account updated costs once the detailed design has been finalised. This will be part of a general review of mitigation requirements and reflect new national guidance on the delivery of mitigation land which is expected to be published within the next year.

Financial Contributions to the New Forest Ranger Provision

36. The interim strategy focuses strongly on the delivery of more local and convenient alternatives to visiting New Forest protected sites. However it is recognised that residents of new development in Eastleigh Borough will want to visit the New Forest protected sites due to their scenery, wildlife interest and views.
37. There is currently a limited programme of access management in place within the National Park to address the impact from residents of new development. Appropriate measures could range from the management of paths and tracks and parking revisions to the provision of rangers. Further work is required at a partnership level to assess the specific measures required and level of contributions needed to mitigate the impact of people travelling from further afield including Eastleigh borough. Until a comprehensive strategy is agreed by all authorities, the Council is proposing a similar approach to New Forest District Council who have a higher number of annual visits (approximately 37,500 compared to 28,000 visits) and collect contributions to employ one full-time ranger alongside other access management infrastructure. The interim strategy therefore proposes funding the equivalent of one ranger post including salary and additional costs for 5 years.
38. The funding of this post is intended to supplement the existing ranger team employed by the National Park Authority who will manage the post. Rangers provide face to face interactions with visitors, prepare resources, undertake visitor surveys and potentially get involved in practical projects. This level of funding will be guaranteed for the period of the interim strategy. The funding will be ringfenced to be spent on ranger provision, however the National Park Authority will have flexibility to decide whether to use the funding on a full time ranger post or two seasonal rangers.
39. This contribution is a precautionary approach to reflect the growth planned and the number of visits from the Borough. This contribution will be refined in the full strategy and reflect ongoing work by the partnership on the strategic approach.
40. The New Forest National Park Authority has provided a formal response that welcomes the proposal and is supportive of the proposed ranger role within the New Forest's designated sites. Based on their experience of similar roles, they have advised that the costs of delivering the role is £45,000. They will work with the Council to set up a Service Level Agreement and report back to confirm that the ranger has been employed and is in post and the activities undertaken.

Cost of mitigation

41. The cost of the interim strategy is £1,161 per dwelling, to be paid by developers, index linked and secured through s106 agreement. Calculations and components of this cost are set out in summary a below and in further detail in Appendix 4.

42. The SANG component comprises capital items and associated costs to set up the new SANG at Land east of Allington Lane, maintenance and management in perpetuity (80 years), an allowance for works at Itchen Valley Country Park including visitor signage, interpretation and welcome.
43. The SAMM (Strategic Access Management and Monitoring) component to be spent in the New Forest National Park itself comprises £45,000 per year for the duration of the interim strategy as agreed with the National Park Authority.
44. There are additional monitoring costs of £50,000 per year for the duration of the interim strategy. These are in addition to the ongoing on-site monitoring costs and will specifically inform the full strategy. These include installation of automatic counters to provide accurate visitor numbers and other costs to administer and analyse surveys to supplement existing evidence on the attractiveness of local greenspace and the New Forest protected sites.

Financial Implications

45. The development of the designated SANG site(s) will require financial investment and following Cabinet approval a detailed design and business plan will be drawn up informed by ecology surveys and assessments. However, at this stage, it is anticipated that the costs of creating, managing and monitoring SANG sites will be fully funded from developer contributions.
46. Additionally, there is 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 new Eastleigh residents will still visit the New Forest and in growing numbers as residential development progresses, and therefore potentially adversely impact the New Forest protected sites without these interventions. The Council has committed to providing the funding for a ranger post for the time period of the interim strategy subject to the approval of this strategy. Again, at this stage, it is anticipated that these contributions too will be fully funded from developer contributions.
47. The costs of mitigation to be borne by developers are set out in summary form below with more detail given in Appendix 4 to this report. Calculations are based on 5648 dwellings over the period of the Strategy (5yrs).

Summary of costs	Total cost	Cost per dwelling
Deliver a new SANG: Land at Allington Lane	£5,579,146	£988
Improvements to existing Country Park	£704,000	£125
New Forest ranger funding (45,000 for 5 years)	£225,000	£40

Additional Monitoring costs	£50,000	£9
Total cost	£6,558,146	£1,161

Risk Assessment

48. The interim strategy uses 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. The strategy can be put in place without consultation.
49. When determining whether a planning application can be granted, the Council is the competent authority and will consider the impact of development. There is however a risk of objection and legal challenge via judicial review from a third party as the strategy does not have Natural England support. There is a legal requirement for the Council to take into consideration Natural England's view. The Council has considered Natural England's view in forming this interim strategy and has set out the reasoning for a different approach to providing SANG. The Council will consider Natural England's view on individual planning applications.
50. Delivering the full SANG standard as suggested by Natural England would place extra financial burden on developers. This could threaten the viability of their development, or reduce their contributions for other important mitigations: highways, community infrastructure, air quality, public art etc. The Council's approach helps to mitigate this risk by introducing an interim strategy which is robust and proportionate and places lower burden on developers.
51. The proposed SANG land identified in this strategy at the One Horton Heath site is currently designated for ecological mitigation. If final determination of land use (e.g. for wetland creation, landscape buffering, footpaths, parking) is incompatible with SANG creation, the Council will identify equivalent land in other an location within the Borough, e.g. at Windhover Meadows, for SANG creation.

Equality and Diversity Implications

52. An Equality Impact Assessment was undertaken on the Local Plan and its proposed modifications. The interim strategy implements a requirement set out in the Local Plan policy and has no equality and diversity implications. The detailed design will consider suitable car parking provision, safe walkways and disabled access to address any potential impacts.

Climate Change and Environmental Implications

53. The proposals contained within this report will have a positive impact on the environment. 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. Furthermore the approach proposed aims to prevent harm to important habitats from development.

Conclusion

54. 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, SPA and Ramsar sites, 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.
55. It is recommended that Cabinet approve the interim strategy and the principle of creating SANG within the Borough through using land within the Council's ownership at land east of Allington Lane and making equitable and proportionate financial contributions to visitor management and monitoring schemes within the New Forest.

DICCON BRIGHT
STRATEGIC PLANNING MANAGER

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Appendices Attached: 2

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.

Appendix 1 Interim Mitigation Strategy to address recreation impacts on New Forest protected sites

Appendix 2 New Forest mitigation catchment zone (13.8km) and screening zone (13.8-15km)

Appendix 3 Map of proposed SANG land east of Allington Lane and at Itchen Valley Country Park, also showing other Council land holdings.

Appendix 4 SANG contributions calculations and Business Case