



Report to the Partnership for South Hampshire Overview and Scrutiny Committee

Date: 20 September 2023
Report of: Simon Kennedy, PFSH Principal Strategic Environmental Planning Officer
Subject: NUTRIENT MITIGATION UPDATE

SUMMARY

The report provides the Joint Committee with an update on nutrient mitigation around the Solent, in particular following an announcement from government that it is seeking to remove nutrient neutrality as a planning consideration through an amendment to the Levelling up and Regeneration Bill. Notwithstanding that, **appendix 1** of this report provides a full supply and demand analysis of nutrient mitigation availability in South Hampshire.

RECOMMENDATION

It is RECOMMENDED that the Overview and Scrutiny Committee:-

- a) NOTES the contents of this report;
- b) NOTES that Joint Committee will be asked to NOTE the contents of the report; and
- c) consider any comments to be passed to the Joint Committee for consideration.

1. Background

- 1.1 The Nutrient Mitigation Update Report to Joint Committee on 4 April 2023, along with other reports provided to Joint Committee previously¹, provided a general background to nutrient neutrality in the Solent. Additionally, the Partnership for South Hampshire (PfSH) website provides a much fuller background to nutrient neutrality in the context of the Solent, which is updated as required.
- 1.2 On 29 August an announcement from government (Department of Levelling Up Housing and Communities) advised that it is seeking to remove nutrient neutrality as a planning consideration through an amendment to the Levelling up and Regeneration Bill².

2. Consideration of the proposed amendment to the Levelling up and Regeneration Bill relating to nutrient pollution.

- 2.1 Following the publication of the government press release on the morning of 29 August, a series of amendments have been proposed to the Levelling up and Regeneration Bill³.
- 2.2 The impact of these changes, should they be enacted in their current form, would be to effectively remove consideration of nutrient pollution from the planning process. The most relevant Members Explanation contained within the amendment is provided below.

“This amendment substitutes Schedule 13, which amends the Conservation of Habitats and Species Regulations 2017, to provide that certain authorities/bodies (when exercising duties or making decisions relevant to the regulations) must assume that nutrients in waste-water from proposed developments will not adversely affect habitats sites.”

- 2.3 The expected timeline for these changes to potentially come into effect is provided in table 1 below. At the time of writing (4 September) the amendment has not been heard or debated in the Lords. However, this process will have been completed by the date of both Overview and Scrutiny Committee and Joint Committee (26 September) and more information will be available at the time of both:

Period	Description
4 th – 8 th September	House of Lords considers the amendment
10 th September	Some certainty that the amendment will be included in the Bill
10 th Sept – End Oct	There could still be some minor changes to the amendment as the Bill is passed between the Lords and Commons in a ‘ping pong’ process

¹ [PfSH Joint Committee Meeting Page - Nutrient Neutrality Updates from 2019 - 2021](#)

² [DLUHC Press Release](#)

³ [HL Bill 142-IV\(f\) \(parliament.uk\)](#)

November	Royal assent of the Levelling Up and Regeneration Bill and certainty of any changes
Royal Assent – February 2024	The nutrient amendment is reliant on some regulatory changes which can only happen once the Act becomes law. It is estimated that this will be completed by end of February 2024.
Once regulatory changes have taken place	There will be no requirement for local planning authorities to assess nutrient impacts in either decision making or plan making.

2.4 It is important to note that until the Levelling Up and Regeneration Bill is enacted, and the regulatory changes have been made, local planning authorities should continue to abide by current guidance and case law.

3. Supply and Demand Analysis

3.1 It remains the case that there is a sufficient supply of strategic **nitrogen** mitigation options to aid the delivery of growth across the Solent region in the short term. Therefore any developers wishing to progress applications in the short term will have sufficient mitigation to do so.

3.2 It is likely that the proposed amendment to the Levelling up and Regeneration Bill may cause a small, short term, reduction in delivery of new homes across the sub-region. This would only be the case should developers feel it financially beneficial to await determination until after the requirements have fallen away. The proposed amendment would also likely result in a number of mitigation credits within the sub-region having no market to sell to, and therefore a potential financial liability to scheme providers.

3.3 At the time of writing this report, consideration must be given to the potential for the amendment to not pass through to enactment. Should this be the case then the current legal requirement for nutrient neutrality would remain.

3.4 **Appendix 1** provides a full supply and demand report as a continuation of previous supply and demand reports presented to Overview and Scrutiny Committee and Joint Committee. The appendix highlights the need for further mitigation to come forward to meet future demand should the Government's proposed amendments to the Levelling Up and Regeneration Bill do not come forward. For the time being however, no new mitigation will be progressed.

4. Next Steps

4.1 The Partnership for South Hampshire is engaged with the Department for Levelling Up, Housing and Communities to understand the following should the amendment be enacted:

- How any new laws or regulations will ensure the protection of our valuable environmental assets
 - Whether there will be any funding available from the Local Nutrient Mitigation Fund for environmental schemes or to off-set the financial liability of existing schemes.
- 4.2 Should the amendment not be enacted then there will be an acute need to deliver new mitigation quickly, something that the Solent sub-region is well equipped to do.

RECOMMENDATION

It is RECOMMENDED that the Overview and Scrutiny Committee:-

- a) NOTES the contents of this report;
- b) NOTES that Joint Committee will be asked to NOTE the contents of the report; and
- c) consider any comments to be passed to the Joint Committee for consideration.

Enquiries:

For further information on this report please contact:-

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Nutrient Mitigation Supply and Demand Analysis September 2023

Summary

The partnership and catchment-based approach to strategic nutrient mitigation in the Solent region, employed by the Partnership for South Hampshire local authorities, has facilitated an active nutrient mitigation market. This has resulted in sufficient mitigation to satisfy the short-term need for development in all catchments with the exception of phosphorus from development draining to the mid and upper Itchen.

The total amount of mitigation delivery by 12 strategic schemes⁴ is approximately 23,000 nutrient credits (both total nitrogen and phosphorus), with the potential for a further 2,500 nutrient credits from three strategic schemes. The number of permissions equates to approximately 14,500 Kg/TN/Yr.

There is also the potential for strategic phosphorus mitigation schemes to come forward, which are all at different stages. As highlighted in the report to PfSH Joint Committee on the 11 July⁵ an Expression of Interest was submitted to DLUHC in May for funding to support the schemes. We await the outcome of this, in particular following the government announcement on 29 August that government is seeking to remove nutrient neutrality as a planning consideration through an amendment to the Levelling up and Regeneration Bill.

The upgrades to wastewater treatment works proposed in the Levelling Up and Regeneration Bill have a significant impact on the scale of unmet need for nutrient mitigation in the Solent sub-region. However, it is also clear that continued support may be required to ensure that sufficient supply of suitable mitigation comes forward so that planned development can continue across the impacted area to meet the residual need.

If the proposed wastewater treatment work upgrades do not come forward as expected, then the delivery of new mitigation in the Test and Itchen catchment will need to be substantially increased to meet the demands of future growth. The failure of the upgrades to come forward as indicated is likely to have a disproportionate and detrimental impact on rural communities and those areas served by poorly performing wastewater treatment works and may stall planned growth in these areas.

⁴ [Potential Nutrient Mitigation Schemes - Partnership for South Hampshire \(push.gov.uk\)](https://push.gov.uk)

⁵ [Public Pack\)Agenda Document for Partnership for South Hampshire \(PfSH\) Joint Committee, 11/07/2023 18:00 \(push.gov.uk\)](https://push.gov.uk)

In the event that the supply of strategic mitigation fails to keep up with demand, then growth would stall until new mitigation solutions come forward - it will be essential that supply is maintained above the level of demand to avoid a situation where planning permissions cannot be issued for sustained periods of time across the sub-region. While we wait for the Government's proposal to remove requirements for nutrient neutrality to be debated, there is a risk of creating uncertainty of nutrient mitigation supply. In the short term, this uncertainty could potentially stall housing growth if developers are not willing to purchase nutrient credits for new developments whilst the position in relation to nutrient neutrality requirements remains unclear.

Supply and Demand Analysis

1. It remains the case that there is a sufficient supply of strategic **nitrogen** mitigation options to aid the delivery of growth across the Solent region in the short term. There are twelve strategic mitigation sites listed on the PfSH website⁶ to guide developers to potential mitigation schemes. The supply of nutrient mitigation in the East Hampshire and Test and Itchen catchments remains constrained against the required demand. For calculations of strategic nutrient demand the figure is based on the receiving waste-water treatment works permit level for developments.
2. As well as further information becoming available as local plans progress, this report has started to further refine demand assessments. The PfSH Strategic Environmental Planning Officer (SEPO) Team have been able to assess detailed budgets for two local authorities in the East Hampshire catchment using the updated Crop Map of England (CROME) 2020. The CROME data ensures land use data is taken account of in these demand calculations using the Solent Nutrient Budget Calculators⁷. The data along with GIS maps received from the relevant authorities allows a more precise estimation of the required total nitrogen mitigation. The use of individual nutrient budgets for site trajectories increases the accuracy of assessments made for strategic nutrient mitigation. The PfSH SEPO team intend to undertake further site nutrient budgets in the next round of reporting for authorities that are progressing their local plans to a stage where site trajectory information is available.
3. It should be noted that there is no account made for sites that may be able to utilise their own on-site mitigation. Additionally, due to other factors unrelated to nutrient neutrality, demand may not be as high or come forward as quickly

⁶ <https://www.push.gov.uk/work/mitigation-schemes-available-to-developers/>

⁷ Solent Nutrient Budget Calculator Version 2.3 - [Natural England nutrient calculator and guidance - Partnership for South Hampshire \(push.gov.uk\)](#)

as anticipated. Therefore, the demand figure may be lower than shown or nutrient mitigation supply may last longer than anticipated.

East Hampshire Catchment – current supply and demand:

- The current supply and demand of total nitrogen mitigation is represented in figure 1. Where a supply of credits is indicated in figure 1, it relates to a mitigation site that is actively marketing credits to the development industry and has received confirmation from Natural England that the mitigation site is suitable in principle. Figure 1 shows that there is a current availability of approximately 4600Kgs/TN/Yr. The current available supply of total nitrogen mitigation in the catchment would be exhausted at the end of the 2025/26 financial year.

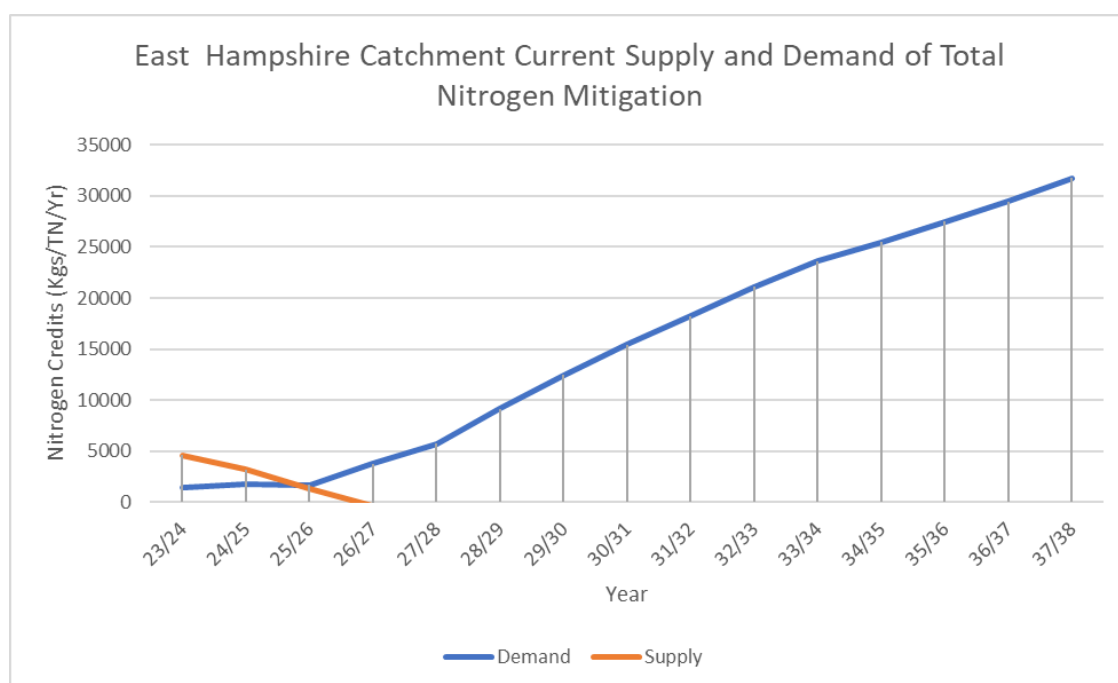


Figure 1 – Current Supply and Demand of Total Nitrogen in the East Hampshire Catchment

- The unmet demand for mitigation is approximately 31,800Kgs/TN/Yr to 2037/38. This reduction in anticipated demand since the 4 April 2023 Joint Committee Report⁸ is partly due to authorities progressing local plans and providing detailed site trajectories, the use of CROME data to complete detailed nutrient budgets for two authorities, and the inclusion of supply at Heaton Farms. This decrease in demand also accounts for the increase in time in which supply will be available.

⁸ [\(Public Pack\)Agenda Document for Partnership for South Hampshire \(PfSH\) Joint Committee, 04/04/2023 18:00 \(push.gov.uk\)](#)

East Hampshire Catchment – projected supply and demand

6. As highlighted in previous reports, development in the East Hampshire Catchment is predominantly served by waste-water treatment works at Peel Common and Budds Farm. Both wastewater treatment works employ a level of technology comparable to the technically achievable limit set out in the Levelling Up and Regeneration Bill (LURB)⁹.
7. Over the last four years a number of strategic mitigation schemes have come forward in the East Hampshire catchment, with an average delivery rate of 3,052Kgs/TN/Yr. As highlighted in Figure 2, should mitigation come forward at a similar rate then the mitigation supply will continue to keep up with demand.

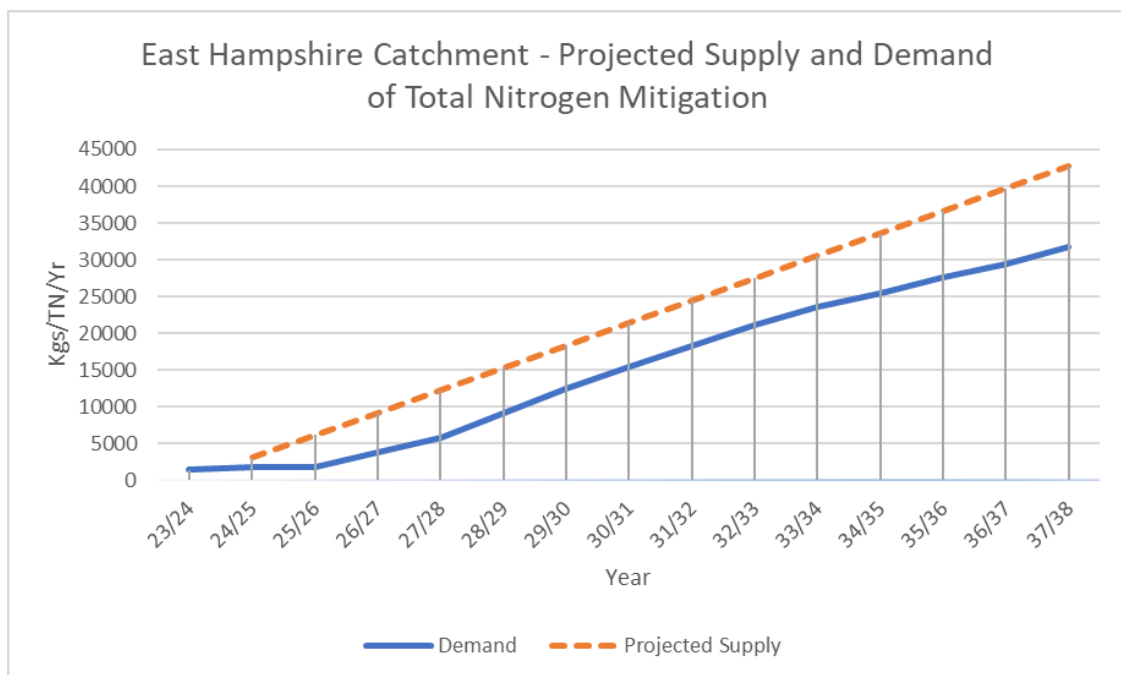


Figure 2 – Projected Supply and Demand of Total Nitrogen in the East Hampshire Catchment

East Hampshire Catchment – emerging supply and demand

8. Figure 3 below shows that there is a potential emerging supply of approximately 5,400Kgs/TN/Yr. This means that the emerging supply would be exhausted mid 2026/2027 financial year.

⁹ [HL Bill 84—II \(parliament.uk\)](#) (Clause 153, page 178)

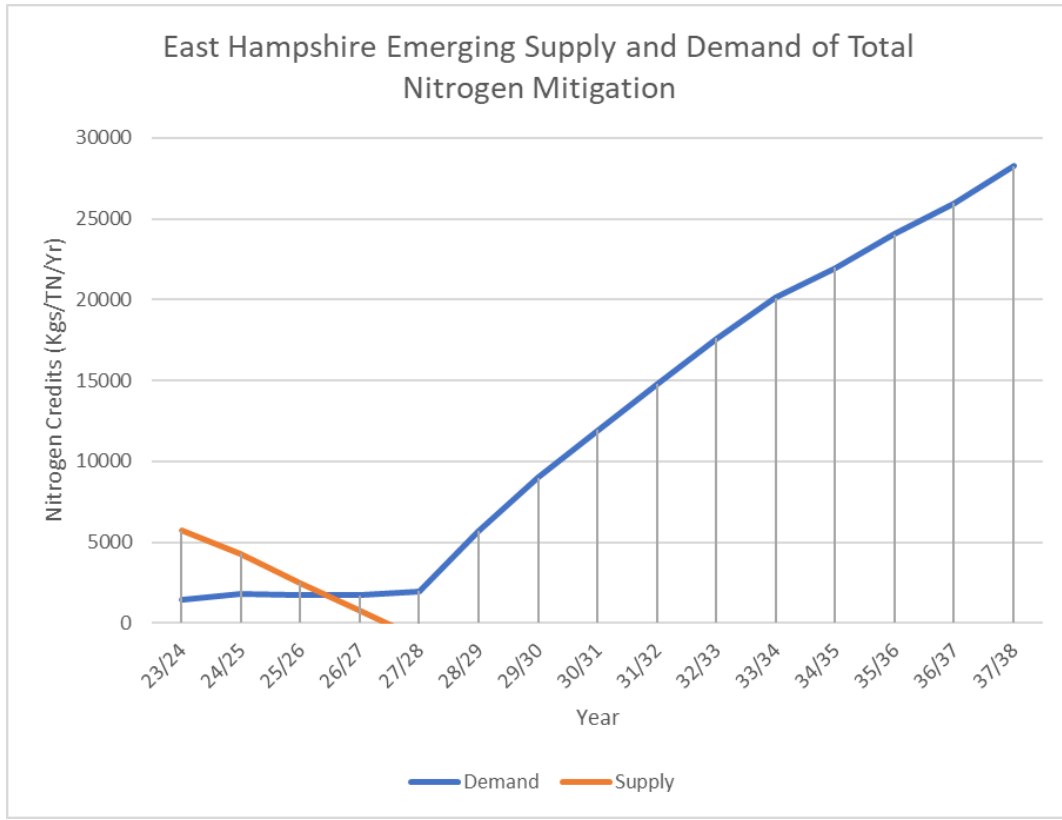


Figure 3 – Emerging Supply and Demand of Total Nitrogen in the East Hampshire Catchment

9. The projections shown in Figure 3 are supported by two emerging total nitrogen mitigation schemes. The two emerging strategic mitigation schemes have been granted planning permission and are expected to be delivered in the 2023/2024 financial year:
 - Interceptor wetland at Shalfleet sewage treatment works
 - Interceptor wetland at Knowle sewage treatment works
10. Both schemes are anticipated to provide around 1,100Kgs/TN/Yr in total for the 2023/2024 financial year and are likely to be fully operational in the next six – twelve months.
11. In the previous two reporting periods Meon Marsh was included as an emerging strategic mitigation scheme. Due to operational delays the scheme is not expected to be fully effective until at least autumn 2024 and therefore, due to this uncertainty, has not been including in the emerging list in this reporting period.

Conclusion from analysis of supply and demand of nutrient mitigation in East Hampshire Catchment

12. The East Hampshire Catchment provides sufficient nutrient mitigation for development to continue in the short term.
13. In the long term (up until 2037/38) the supply of mitigation will need to continue to come forward at the current rate in order for demand to be met in the East Hampshire Catchment.

Test and Itchen Catchment – Current Supply and Demand of Total Nitrogen Mitigation

14. The current supply and demand of total nitrogen mitigation is highlighted in figure 4. Where a supply of credits is indicated in figure 4 this relates to a mitigation site that is actively marketing credits to the development industry and has received confirmation from Natural England that the mitigation site is suitable in principle.

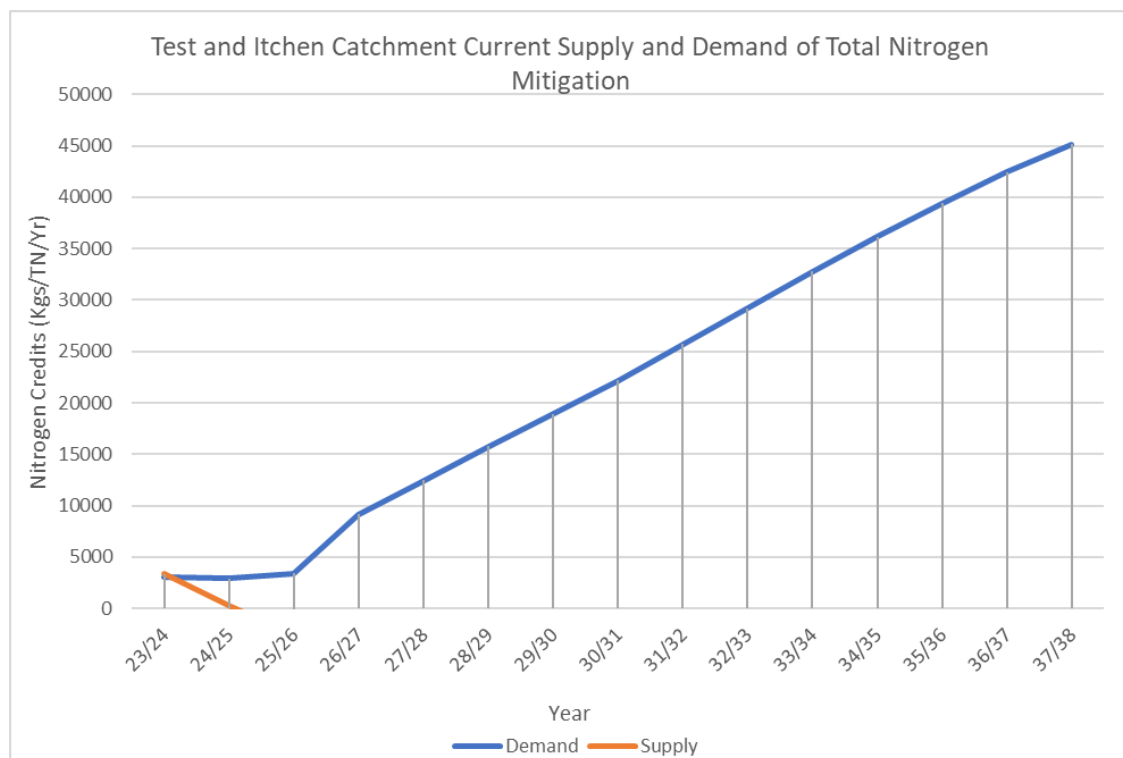


Figure 4 – Current Supply and Demand of Total Nitrogen in the Test and Itchen Catchment

15. Figure 4 shows there is a current availability of 3351Kgs/TN/Yr of strategic mitigation in Test and Itchen catchment. Since the previous report 2200Kgs/TN/Yr has been used and no further schemes have come forward in the catchment. The currently supply of mitigation is expected to be exhausted at the beginning of the 2024/2025 financial period.

16. The unmet demand for nutrient mitigation has increased to 45,000Kgs/TN/Yr since the last reporting period. This is due to two reasons. Firstly, the availability of more accurate information on strategic site trajectories as local plans progress. Secondly, the supply of strategic mitigation in the catchment decreasing with no further emerging mitigation sites coming forward. However, the SEPO Team will seek to do further CROME analysis of allocated sites within the Test and Itchen catchment which may result in a reduction of strategic demand within the next reporting period.

Test and Itchen Catchment – Proposed upgrades for waste water treatment works for total nitrogen

17. A number of waste-water treatment works will benefit from the proposed upgrades and the removal of total nitrogen and total phosphorus anticipated to take place through the Levelling Up and Regeneration Bill (LURB) in 2030. Figure 5 calculates the impacts of the proposed upgrades to waste water treatment works and its impact on the anticipated strategic demand.

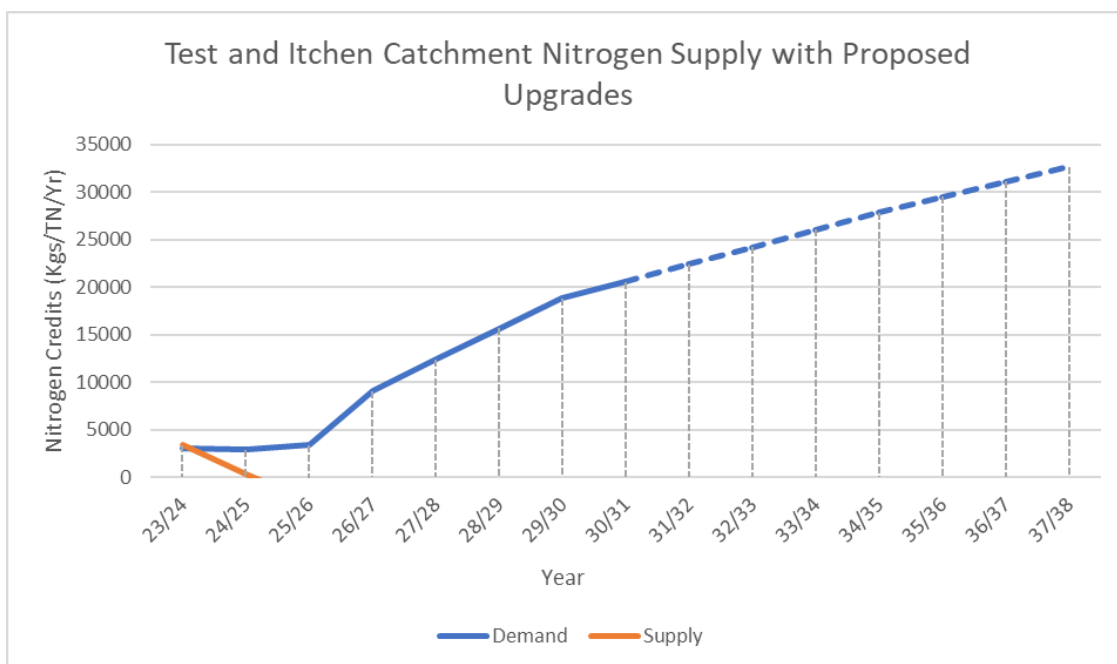


Figure 5 – Current supply and demand of Total Nitrogen in the Test and Itchen Catchment – Impact of the proposed upgrades to waste water treatment works

18. Figure 5 shows that due to the proposed upgrades only becoming effective in 2030 there is no impact on short term supply and demand. However, the impacts of the proposed upgrades are significant in reducing the unmet need in the catchment from approximately 45,000Kgs/TN/Yr to 32,500Kgs/TN/Yr.
19. As highlighted in the April 23 Joint Committee Report, some of the proposed upgrades equate to around a 25% reduction in overall demand, with some areas experiencing around a 60% reduction.

Test and Itchen Catchment – projected supply and demand

20. Over the last three years a number of strategic mitigation schemes have come forward in the Test and Itchen catchment, with an average delivery rate of around 3,470Kgs/TN/Yr. As can be seen in Figure 6 should mitigation come forward at a similar rate then the mitigation supply will continue to keep up with demand. Figure 7 shows that if waste water treatment upgrades proceed supply will exceed the projected likely demand.

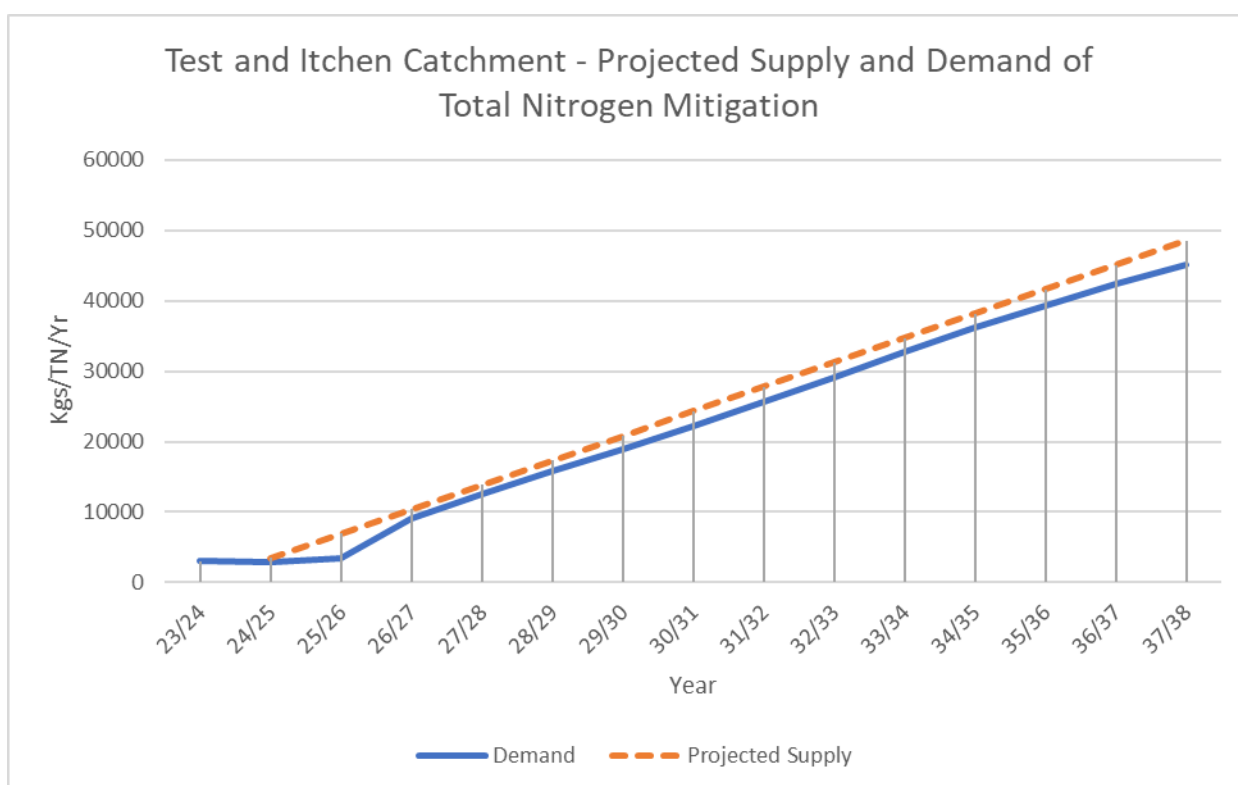


Figure 6 – Projected Supply and Demand of Total Nitrogen in the Test and Itchen Catchment

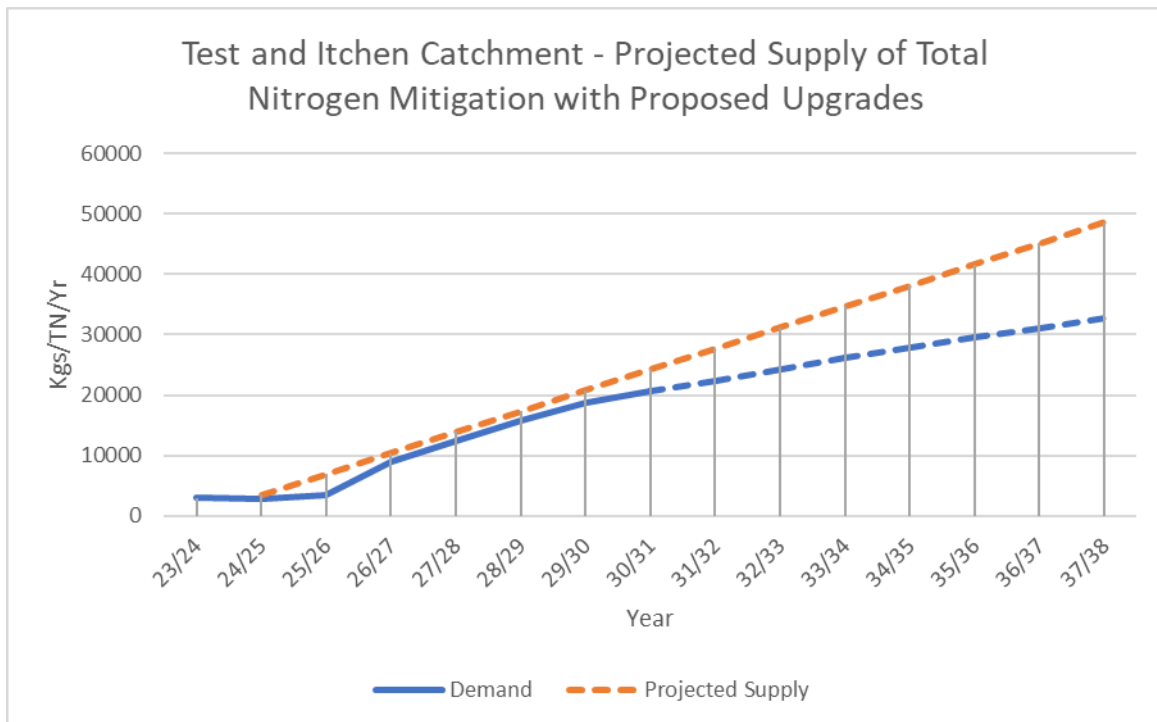


Figure 7 – Projected Supply and Demand of Total Nitrogen in the Test and Itchen Catchment – Impact of the proposed upgrades to waste water treatment works

Conclusion from analysis of supply and demand of total nitrogen mitigation in Test and Itchen Catchment

21. The supply of total nitrogen mitigation remains sufficient for sustainable development to continue in the short term, with supply likely to be exhausted at the beginning of the 2024/2025 financial year.

Itchen Catchment – supply and demand of phosphorus mitigation

22. Due to the way in which development impacts phosphorus levels in the Itchen, and the need to deliver mitigation where the impact of mitigation is upstream of proposed development, two assessments have been made of in relation to supply and demand of phosphorus in the Itchen. An assessment has made in relation to the supply and demand of nutrient mitigation for development draining to Chickenhall. In addition, a separate assessment has been made for phosphorus mitigation to development draining to remaining waste water treatment works in the Itchen.
23. In some areas of the Upper Itchen, including a small part of the East Hampshire District Council administrative area, development primarily drains to package treatment plants and septic tanks due to the lack of mains sewerage. Although there is little planned development in these areas without a phosphorus solution it is unlikely that development will be able to suitably mitigate against phosphorus in the short to medium term.

Itchen Catchment – Development draining to Chickenhall Waste water treatment works

24. Development draining to Chickenhall waste water treatment works is primarily within the Eastleigh administrative area, part of Test Valley and part of south Winchester areas. The data used to calculate the supply and demand of nutrient mitigation for development that drains to Chickenhall WWTW assumes the programmed upgrade to the permit limit¹⁰ will take place by March 2025. Figure 8 provides an analysis of the current supply and demand of phosphorus mitigation to Chickenhall waste water treatment works.

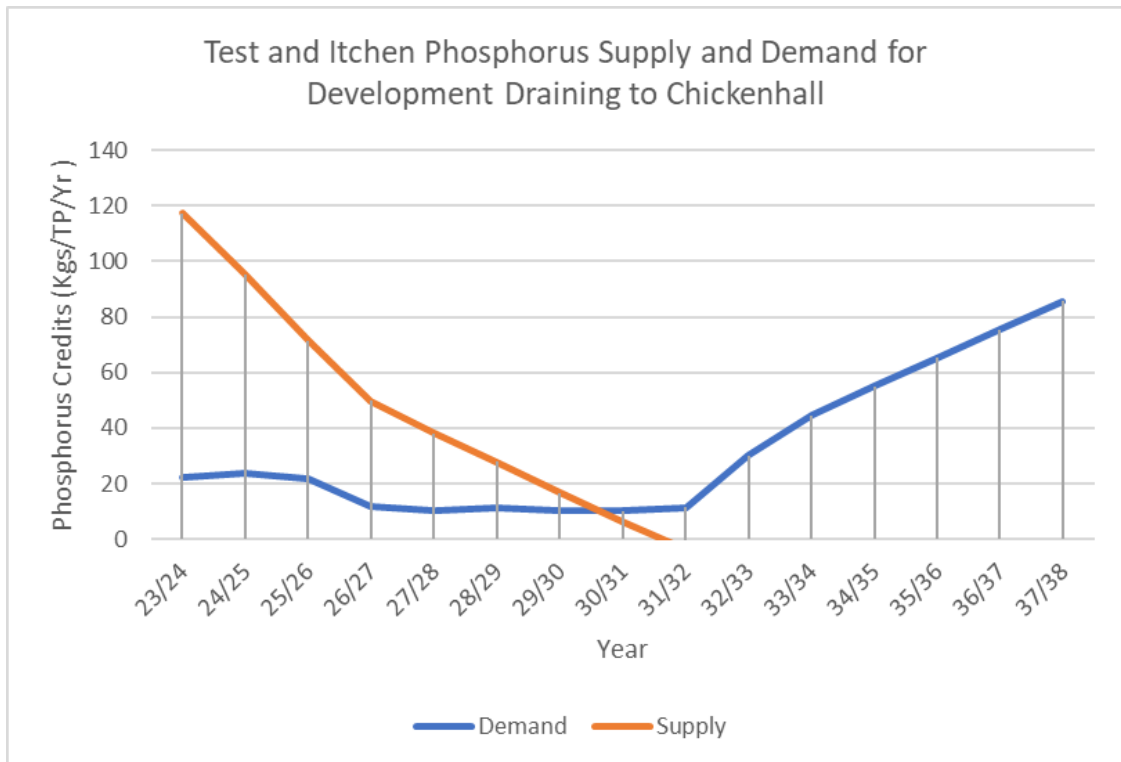


Figure 8 – Current Supply and Demand of Phosphorus for Development Draining to Chickenhall

25. As highlighted in the 4 April Nutrient Mitigation update the supply of mitigation for Chickenhall waste water treatment works is entirely from the Eastleigh Borough Council strategic mitigation scheme. The precise quantum of phosphorus mitigation is still to be formally agree with Natural England, however, for the purposes of this report it is anticipated that the supply of mitigation will not be exhausted until mid 2030/31 financial year.
26. The shortfall of phosphate mitigation is estimated to be around 85Kgs/TP/Yr for planned development to Chickenhall waste water treatment works up until 2037/38.

¹⁰ Reduction from 1ml/l to 0.6ml/l

Itchen Catchment – Development draining to Chickenhall Waste water treatment works – Further Proposed Waste Water Treatment Works Upgrade

27. Although an upgrade to the permit limit for Chickenhall WWTW's is accounted for in figure 8. It is anticipated that Chickenhall will be upgraded to a tighter permit limit¹¹ in 2030 as indicated in the LURB. Figure 9 provides an indication of the impact of this further upgrade.

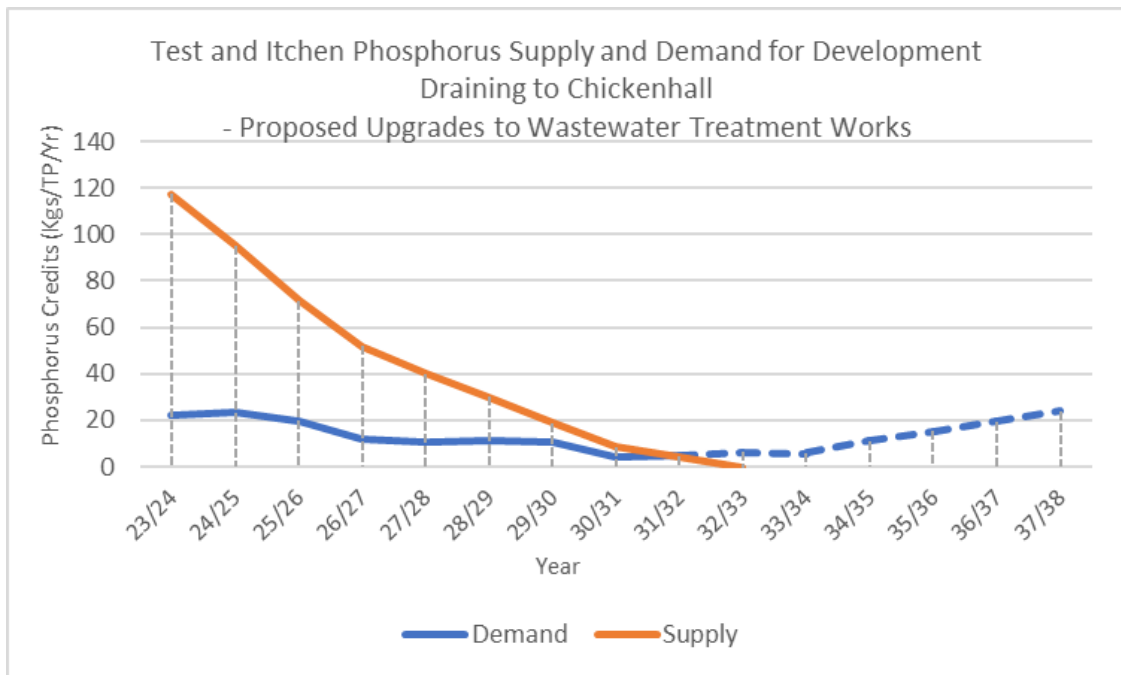


Figure 9 – Anticipate Supply and Demand of Phosphorus for Development Draining to Chickenhall with proposed 2030 waste water treatment works upgrades

28. The proposed upgrades to Chickenhall waste water treatment works extends the availability of phosphorus mitigation supply to the end of the 2031/2032 financial year as well as reducing the shortfall up until 2037/37 to 24Kgs/TP/Yr.

Conclusions from analysis of supply and demand of phosphorus mitigation from development draining to Chickenhall wastewater treatment works

29. There is sufficient supply of strategic phosphorus mitigation to satisfy demand in the short to medium term for development draining to Chickenhall waste water treatment works. As highlighted in the previous report there is the possibility of increasing the amount of mitigation available over the long term.

¹¹ Reduction from the planned 0.6ml/l to 0.25ml/l

Supply and demand of phosphorus mitigation for development draining to remaining waste water treatment works in the Itchen Catchment

30. Figure 10 shows the estimated supply and demand of phosphorus mitigation for development draining to all other waste water treatment works in the Itchen. The demand calculations include a proposed upgrade to the Harestock waste water treatment works in 2025. The supply of strategic phosphorus mitigation remains extremely low and will only mitigate a small proportion of the existing backlog of development in the Itchen catchment.

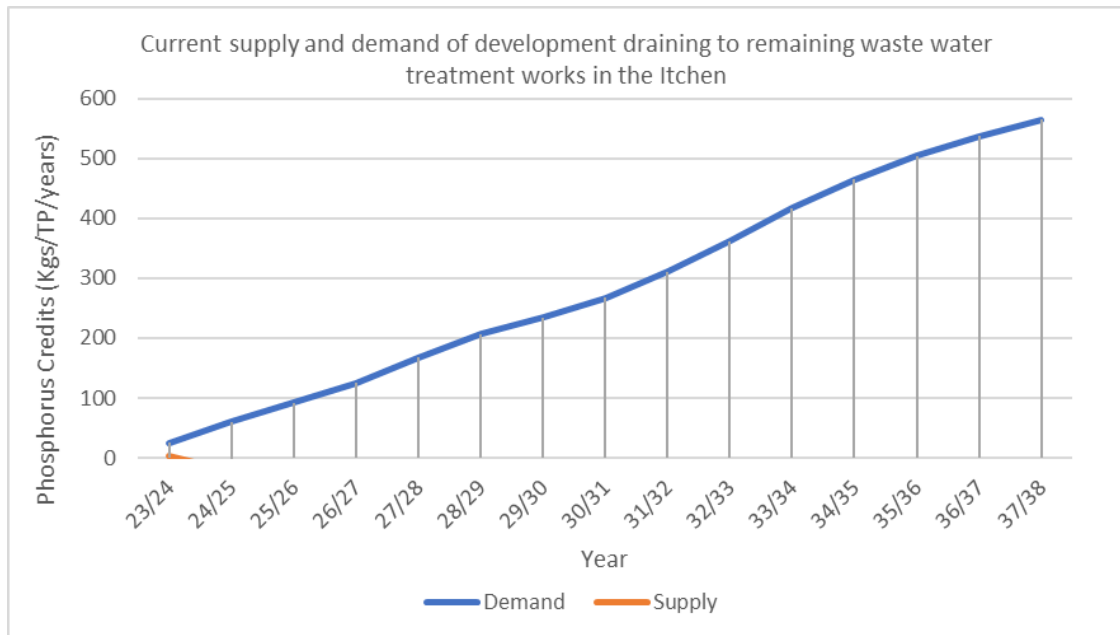


Figure 10 – Current Supply and Demand of Phosphorus for Development Draining to remaining wastewater treatment works in the Itchen

31. The backlog of applications will continue to increase whilst there is an absence of a suitable scheme that can provide strategic phosphorus mitigation. The current unmet demand for phosphorus mitigation draining to the remaining waste water treatment works in the Itchen is around 565Kgs/TP/Yr.

Supply and demand of phosphorus mitigation for development draining to remaining waste water treatment works in the Itchen Catchment – proposed 2030 upgrades

32. Figure 11 shows the impacts of the proposed 2030 upgrades to waste water treatment works in the Itchen Catchment. Although Harestock is programmed in for an upgrade in 2025, both Morestead and New Alresford will receive substantial improvements as part of the requirements under the LURB.

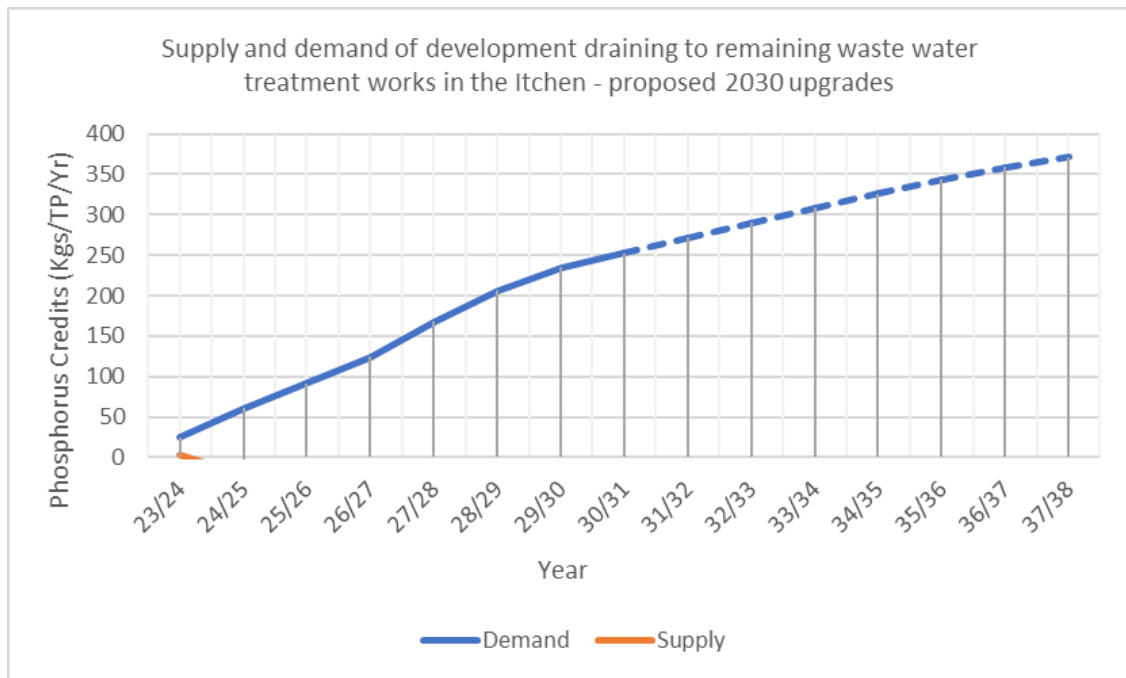


Figure 11 – Supply and Demand of Phosphorus for Development Draining to remaining wastewater treatment works in the Itchen – Proposed 2030 upgrades

33. Due to the extremely low availability of phosphorus mitigation there is no impact on the anticipated demand in the Itchen. However, the proposed 2030 upgrades would reduce the forecast demand for phosphorus mitigation to around 372Kgs/TP/Yr.

Emerging Strategic Phosphorus Mitigation Schemes

34. There are currently three potential sources of strategic phosphorus mitigation in the Itchen Catchment at various stages of development. These mitigation sources schemes are currently in the process of being considered by DLUHC in a funding bid that was submitted by the Strategic Environmental Planning Manager reported at Joint Committee on the 11th July 2023¹². The potential schemes include:
- a) The retrofitting of Council owned housing stock with water efficiency measures. The reduction of water use has an associated effect on the amount of phosphorus entering the relevant waste water treatment works. This reduction can be used to mitigate new development.
 - b) Winchester City Council, supported by the Partnership for South Hampshire Strategic Environmental Planning Team are in the process of undertaking work to investigate the potential to upgrade council owned package treatment

¹² [\(Public Pack\)Agenda Document for Partnership for South Hampshire \(PfSH\) Joint Committee, 11/07/2023 18:00 \(push.gov.uk\)](#)

plants to generate a reduction of phosphorus. This reduction can then be used to mitigate new development.

- c) Two parcels of land have been identified by separate landowners in the Winchester City Council administrative area with the potential to provide phosphate mitigation. Work is ongoing to identify the suitability of the sites.
- 35. Due to the current uncertainty of these schemes and assessment has not been made of the potential impact on supply and demand. However, this may be included in the next reporting period should they be sufficiently progressed.

Conclusions from analysis of supply and demand of phosphorus mitigation from development draining to the remaining waste water treatment works in the Itchen

- 36. The emerging strategic phosphorus mitigation schemes are all at various stages of development. However, work that has been undertaken to date suggest that the emerging solutions could unlock the backlog of planning applications and provide phosphorus mitigation in the short to medium term. The Partnership for South Hampshire Strategic Environmental Planning Team are continuing work on these solutions to aid the delivery of phosphorus mitigation as soon as practically possible.
- 37. It is currently estimated that there are over 1,000 dwellings unable to proceed due to a lack of available solutions for phosphorus in Winchester. This has a significant impact on both the sub-regional economy and the availability of market and affordable housing.

New Forest Rivers Catchment Supply and Demand

- 38. All development draining to the Pennington waste-water treatment works, as well as the smaller wastewater treatment works within the New Forest National Park area¹³, is considered to be demand in the New Forest catchment, as shown in Figure 12.

¹³ Including Ashletts Creek.

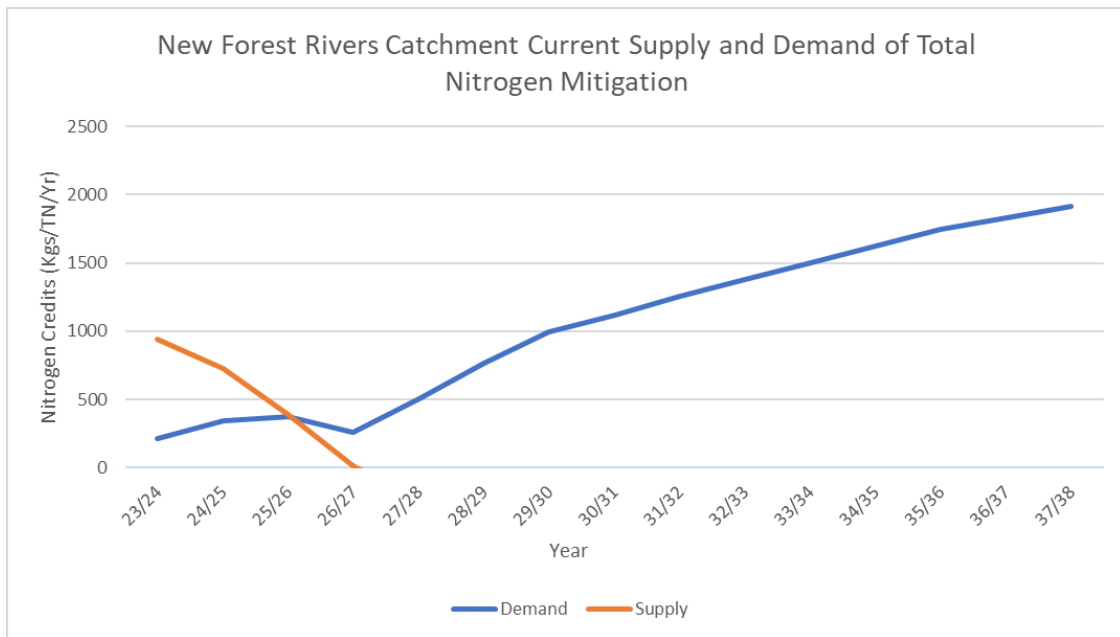


Figure 12 – Supply and Demand of Total Nitrogen in the New Forest Rivers Catchment - A figure of 1kg/TN/Per Year per dwelling was used to calculate demand

39. Figure 12 shows that the strategic supply of mitigation serving the New Forest Rivers catchment will be exhausted at the beginning of the 26/27 year. The estimated unmet need equating to approximately 1900Kg/TN/Yr.

New Forest Rivers Catchment – proposed upgrades to wastewater treatment works and emerging supply and demand of Total Nitrogen Mitigation

40. Pennington wastewater treatment works already employs levels of technology comparable to the technical achievable limit described in the LURB. However, some development, particularly in the New Forest National Park, drains to smaller waste water treatment works. Although some of the works may be considered for upgrades through the LURB, the impact of these upgrades is negligible.
41. The projections shown in Figure 13 are supported by two emerging total nitrogen mitigation schemes. The first emerging mitigation scheme is the constructed wetland at Shalfleet sewage treatment works which also serves development draining to Peel Common wastewater treatment works in the East Hampshire Catchment and Pennington wastewater treatment works in the New Forest Rivers Catchment. The second emerging mitigation scheme is Keyhaven which includes the cessation of inputs on site. The two emerging strategic mitigation schemes are expected to be delivered in the 2023/2024 financial year. Both schemes are initially likely to provide approximately 1,500/Kgs/TN/Yr.

42. Figure 13 shows the impact of the proposed upgrade and the additional emerging supply from Keyhaven and Shalfleet.

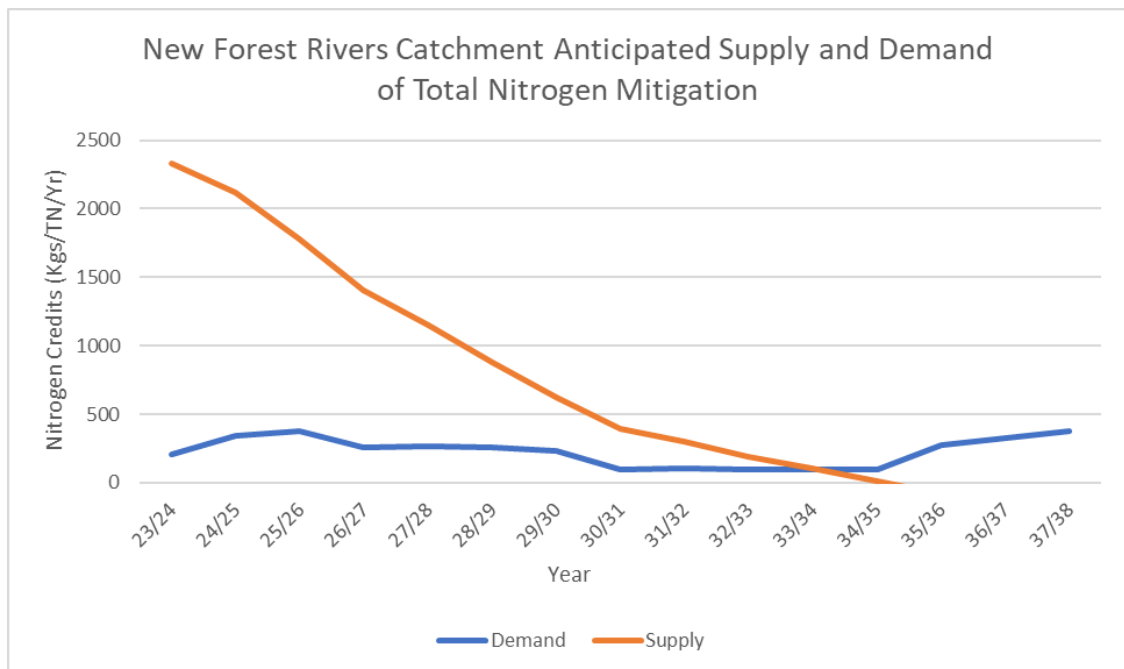


Figure 13 – Supply and Demand of Total Nitrogen in the New Forest Rivers Catchment – Proposed wastewater treatment upgrades

43. As can be seen in Figure 13 the emerging supply of strategic mitigation will be exhausted at the beginning of the 2034/2035 year. The unmet need equating to approximately 380Kgs/TN/Yr.

Conclusions for New Forest Catchment Supply and Demand Analysis

44. There is currently sufficient supply within the New Forest Rivers Catchment to satisfy demand in the short to medium term.

ENDS



Report to the Partnership for South Hampshire Overview and Scrutiny Committee

Date: 20 September 2023

Report of: David Illsley, Policy & Conservation Manager, New Forest National Park Authority

Subject: NEW FOREST RECREATION MITIGATION - pressures from planned new development on the New Forest's internationally designated nature conservation sites

SUMMARY

The report to Joint Committee outlines the key evidence and work undertaken to date by planning authorities within the 13.8km 'zone of influence' of the New Forest's internationally designated sites. It will seek endorsement for continued joint working on mitigating recreational pressures arising from planned development in South Hampshire through a package of 'Strategic Access Management & Monitoring' (SAMM) measures delivered within the New Forest's designated sites, complementing measures delivered within the local planning authority's own jurisdictions. Natural England are supportive of a SAMM strategy for the New Forest that is be consistent and proportionate across the zone of influence.

RECOMMENDATION

It is RECOMMENDED that the Overview and Scrutiny Committee:-

- a) NOTES the contents of this report;
- b) NOTES that Joint Committee will be asked to NOTE the key evidence base studies and joint working undertaken to date by local planning authorities within the zone of influence of the New Forest's internationally designated sites (SAC, SPA and Ramsar);
- c) NOTES that Joint Committee will be asked to ENDORSE the principle of planning authorities continuing to work together to develop an agreed package of mitigation measures to be implemented within the New Forest's internationally designated sites, complementing the measures being delivered within surrounding local authority areas; and
- d) consider any comments to be passed to the Joint Committee for consideration.

BACKGROUND

1. The New Forest's internationally designated nature conservation sites

1.1 The New Forest is a unique ancient landscape, one of the largest tracts of accessible semi-natural vegetation in the country and one of our most important wildlife sites. The area hosts three international nature conservation designations:

- The New Forest was designated as a Special Protection Area (SPA) in 1992 for its breeding and over-wintering bird species of European importance. The New Forest SPA covers circa 28,000 hectares and is entirely within Hampshire.
- The New Forest is also designated as a Special Area of Conservation (SAC) for its habitats and non-avian species of European importance. This designation reflects the New Forest's unique mosaic of habitats, including eight heathland, grassland, woodland, wetland, bog and open water habitats. The New Forest SAC covers 29,000 hectares, predominantly within Hampshire.
- Also relevant is the New Forest's listing as a Ramsar site, under the Ramsar Convention. This designation covers 28,000 hectares of the New Forest and recognises the international importance of the site as a wetland, supporting wetland flora and fauna of international importance.

1.2 These international nature conservation designations are distinct – and designated under separate legislation – from the area's National Park status. The 57,000 hectare New Forest National Park was designated in 2005 and the New Forest SAC, SPA and Ramsar designations fall within the National Park boundary. The issues set out in this report are triggered by the New Forest's international nature conservation designations, rather than its National Park status per se.

1.3 The protection of these sites is set out in the Conservation of Habitats & Species Regulations 2017 (as amended), commonly referred to as the 'Habitats Regulations.' Ramsar sites are wetlands of international importance and through national Government policy are treated as designated nature conservation sites.

1.4 Public bodies, including planning authorities, have specific duties under these Regulations to avoid deterioration of habitats and species for which sites are designated; and stringent tests must be met before plans and projects (including development) can be permitted. Importantly, the combined effects of individual plans or projects must be taken into account. This means the combined effects of individual development proposals need to be assessed for their cumulative impact on the nature conservation sites, as well as on an individual basis.

2. Evidence base for recreational impacts from planned new development

2.1 Concerns regarding recreational impacts on the New Forest date back to the 1970s, when fears regarding the lack of restrictions on camping and vehicular access led to the provision of 140+ dedicated car parks, several campsites and restrictions on where people could drive. More recently, the Habitat Regulations Assessments of various local plans (e.g. New Forest National Park Authority, New Forest District Council, Test Valley Borough Council, Eastleigh Borough Council) have highlighted potential impacts on the integrity of the New Forest's internationally protected sites from increased recreational pressures associated with planned new development.

2.2 With increasing levels of housing planned in and around the New Forest, in 2018 a group of planning authorities¹ were successful in a bid for Government funding to support a comprehensive update to the evidence base. The work was carried out by the specialist consultants Footprint Ecology, who have undertaken similar research in protected habitats across the UK (including the Solent Coast). The research focused on understanding the impacts of recreation arising from planned development on the New Forest's international nature conservation sites and the potential for mitigation. The research aimed to inform the preparation of a strategic approach to mitigating recreational impacts, to enable planned development to proceed and meet the legal requirements of the Habitats Regulations. This is in the best interests of planning authorities, communities and developers and is supported by Natural England. The Footprint Ecology work is the most comprehensive survey of recreational use of the New Forest since 2004/5 when Tourism South-East surveyed visitors to the area. The Footprint Ecology survey work included:

- 2,000 telephone interviews with people living in and around the New Forest (within 25km of the designated area).
- Counts of parked vehicles, on 15 dates spread through the year, at 270 parking locations across the designated area.
- Over 5,000 face-to-face interviews, and counts of people, at 60 car parks and other access points.
- A review of planned housing development in the respective local plans. This indicated that circa 130,000 new dwellings were planned within 25km of the New Forest SAC/SPA/Ramsar over the period to 2036 (an increase of 16.4%).

2.3 The research reports were published in 2020 and can be viewed at [Research into recreational use of the New Forest's protected habitats - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/research-into-recreational-use-of-the-new-forest-protected-habitats). Key headlines from the research include:

- 70% of people interviewed in the telephone surveys had visited the New Forest at least once in the previous 12 months. 84% of interviewees in the closer (5km) distance band had visited the New Forest in the previous 12 months; the percentage declined to 54% beyond 15km.
- 83% of the face-to-face interviewees were on a short visit directly from home that day. Those staying away from home on holiday accounted for 14% of interviewees and a further 2% were staying with friends or family.
- For most face-to-face interviewees the main activity was given as either dog walking (55%) or walking (26%).
- Planned housing development within 25km of the New Forest's designated sites will result in an increase of around 11.4% in the number of recreational visits to the designated sites. This level of change solely relates to an increase in recreational visits from new housing within the 25km and additional visitors may come from further afield – for example tourist visits.
- There are many benefits of recreation, including physical and mental health and well-being and connectedness to nature. However, there are also potential impacts on protected habitats and species, including disturbance (causing reduction in the breeding of rare birds), fire (destruction of habitats and mortality

¹ Eastleigh Borough Council, New Forest District Council, New Forest National Park Authority, Southampton City Council, Test Valley Borough Council and Wiltshire Council, together with Natural England and Forestry England

of wildlife), contamination (of habitats and water courses), trampling/wear (erosion of species and loss of breeding sites) and impacts on grazing animals.

- Mitigation options include alternative recreational greenspace sites and routes outside the New Forest's designated sites; access management within the designated sites; educational and communications activities, monitoring, and the siting of development to avoid/reduce impacts.

3. Footprint Ecology report recommendations and the 'Zone of Influence'

3.1 The Footprint Ecology research reports represent a vast body of evidence and are endorsed by Natural England as the best available evidence to inform the work of planning authorities as 'competent authorities' under the Habitats Regulations.

3.2 In addition to the research reports outlined above, the steering group² commissioned further work from Footprint Ecology on the relevant 'zone of influence' for the New Forest's designated sites. Partnership for South Hampshire members will be aware that the equivalent zone for the Solent Coast's designations is 5.6km and this defines the catchment area within which additional housing is likely to have significant effects on the integrity of the designated sites from recreation and where mitigation would be legally required.

3.3 The New Forest 'Zone of Influence' report (2021, available via the link in paragraph 2.3) adopts the same principle as similar studies of using the 75th percentile (derived from the straight-line distance from the interviewee postcode to the designated sites) to define a zone around the New Forest. The zone of influence for those visiting from home was 13.8km, applied from the SAC/SPA/Ramsar boundary (see Appendix 1 – the same approach as that adopted for the Solent, Thames Basin Heaths and Dorset Heaths 'zones of influence'). This zone of influence highlights the appeal of the New Forest as a visitor destination and the need for authorities to work across administrative boundaries to address impacts.

3.4 The evidence base studies conclude that increased housing around the New Forest will exacerbate issues from recreational impacts and result in a marked increase in use. Having identified the range of impacts associated with increased recreational pressures – and the area within which planned development will result in such pressures – the research reports set out a series of key recommendations.

- Mitigation options fall under the broad headings of alternative recreational greenspace provision and routes outside of the designated sites; access management within the designated sites; education and communications activities; monitoring; and the siting of development to avoid/reduce impacts.
- Together, the measures identified could form a 'package' of avoidance and mitigation measures that should resolve the cumulative impacts from recreation associated with housing growth around the New Forest. Such a package should enable local authorities to be able to rule out adverse effects on integrity to the New Forest SAC/SPA/Ramsar as a result of increased recreation associated with Local Plans (and, therefore, allow housing development to proceed).

² The project steering group currently comprises BCP Council, Dorset Council, Eastleigh Borough Council, Fareham Borough Council, New Forest District Council, New Forest National Park Authority, Southampton City Council, Test Valley Borough Council and Wiltshire Council, alongside Natural England and Forest England

- Given the broad geographic scope and need for measures to dovetail, it will be important that there is a strategic, proportionate and co-ordinated approach, requiring partnership working across a range of authorities and stakeholders.

3.5 This last recommendation is key, with the approach taken to mitigating recreational impacts on other internationally designated sites nationally (e.g. the Dorset Heathlands, the Thames Basin Heaths and the Solent Coast) highlighting the significant benefits gained from authorities working together on a more strategic approach to addressing impacts. Natural England support the benefits a strategic approach can deliver compared to individual mitigation strategies.

4. Current approaches to mitigating recreational impacts

4.1 Unlike some other issues that have recently arisen in South Hampshire linked to the requirements of the Habitats Regulations (e.g. nutrient neutrality), several South Hampshire authorities within the identified 13.8km New Forest 'zone of influence' have local schemes in place to mitigate recreational impacts on the New Forest. Local planning authorities have acknowledged that impacts on the New Forest need to be addressed and have either established or are working on 'interim' mitigation schemes while the preparation of a more strategic solution takes place. The current approaches are summarised below. It should be noted that Natural England have significant concerns regarding the rationale used to justify the level of greenspace provision in specific interim mitigation schemes.

Planning authority	Mitigation approach	Summary of measures
Eastleigh Borough Council	Eastleigh Borough Council approved an interim New Forest mitigation strategy in March 2022	Delivery of proportionate SANG within the borough (both new provision and improvements to existing) and contributions to access management measures in the New Forest.
Fareham Borough Council	Interim mitigation scheme focusing on New Forest recreational disturbance agreed in December 2021	Focus on greenspace provision and enhancements in the borough, supported by the transfer for contributions to the NFNPA for access management measures within the New Forest's designated sites.
New Forest District Council	Habitat mitigation scheme for recreational impacts first adopted by the Council in 2014, revised scheme adopted 2021	Focus on new and enhanced greenspace provision and rights of way improvements in the district. Also funds a full-time ranger working within the New Forest's designated sites.
New Forest National Park Authority	Habitat mitigation scheme for recreational impacts first adopted in 2012, revised scheme adopted July 2020	Focus on measures within the designated site, such as increased ranger provision and education/awareness raising.

Southampton City Council	Proportion of CIL contributions ring-fenced for New Forest mitigation	Ring-fenced CIL contributions for mitigation to deliver greenspace improvements in the city and contributions to access management measures within the New Forest's designated sites.
Test Valley Borough Council	Interim New Forest mitigation framework adopted 2014, in the process of being updated to reflect the latest evidence	Interim mitigation measures being applied to the 13.8km zone of influence. Focus on alternative natural green space provision for recreational use.

4.2 In addition, Footprint Ecology recommended that larger developments just outside the zone of influence should be subject to HRA and that mitigation may be required. The need for mitigation should be assessed on a case-by-case basis and would potentially be relevant for any site of around 200 or more dwellings, particularly those within 15km of the SAC/SPA/Ramsar boundary. Natural England have supported this recommendation, which is relevant for South Hampshire planning authorities with developments on the edge of the defined zone of influence.

5. Future approach to mitigation recreational pressures

5.1 As illustrated above, there is a significant level of mitigation being delivered locally by authorities to address the recreational impacts of planned development on the New Forest. This is predominantly focused on new greenspace provision and enhancements within planning authority areas close to the New Forest. The project steering group overseeing the New Forest project do not want to lose these important elements of the overall mitigation package.

5.2 However, it is also acknowledged that alone, new (or enhanced) greenspace provision will not be effective in deflecting all recreational pressures on the New Forest. While it undoubtedly has a role as part of a wider package of mitigation measures, the draw of the New Forest's internationally designated sites – covering over 100 square miles of open access land, with 140+ public car parks and over 100 miles of off-road cycle paths – will mean recreational visits will inevitably still be made. This is recognised in several existing local mitigation strategies (e.g. Eastleigh Borough Council, New Forest District Council), which include the delivery of mitigation measures within the New Forest's designated sites to complement measures being implemented closer to planned new housing development.

5.3 Natural England advise that a package of measures – both within the designated sites and in surrounding local authority areas – is required to ensure impacts are mitigated. The current approach of local authorities to the delivery of measures within the New Forest itself is a little piecemeal, with proposals for cross-boundary mitigation being discussed and agreed on an individual, case-by-case basis.

5.4 To help place this work onto a more consistent foundation, the steering group has commissioned a further piece of work from Footprint Ecology on the broad approach by which mitigation measures within the New Forest itself can address recreational impacts from new housing. This work focuses specifically on 'Strategic Access Management and Monitoring' (SAMM) measures within the New Forest, rather than

greenspace provision in surrounding areas. The latter forms a separate, discrete mitigation thread that will remain primarily the responsibility of the relevant planning authority in whose area the development is located.

- 5.5 Strategic Access Management and Monitoring measures typically include: (i) ranger provision – a key component of mitigation schemes such as those on the Solent Coast and the Dorset Heaths; (ii) changes to recreational infrastructure – such as access routes, parking provision, signage and interpretation materials; and (iii) monitoring – both the visitors and key habitats and species. The latest work commissioned will advise on the mechanism for securing appropriate contributions towards New Forest SAMM measures and a reasonable approach for apportioning costs. The earlier Footprint Ecology evidence base studies indicate that recreational visits to the New Forest’s designated sites decline with distance from the boundary of the sites to the edge of the 13.8km catchment area. Contributions should therefore be proportionate to visit rates and there should be flexibility for each planning authority to vary the tariff according to dwelling type (e.g. flats vs houses) or number of bedrooms as is relevant to the authority.
- 5.6 The latest SAMM work will cover the recommended monitoring regime for both visitors to the New Forest’s designated sites and the condition of the sites (including changes in breeding bird numbers). Monitoring will allow any changes to be picked up or hotspots flagged, enabling interventions (e.g. ranger time) to be targeted as necessary. At this stage it is envisaged monitoring would be undertaken every 2 – 3 years to inform the implementation of the mitigation package.
- 5.7 This latest report is due to be completed by the end of 2023 and will form an important part of the evidence base. Natural England are supportive of this latest research and the preparation of a SAMM strategy for the New Forest’s designated sites that is consistent and proportionate across the 13.8km zone of influence. Planning authorities will continue to take the lead on delivering mitigation measures within their respective areas, with a focus on new and enhanced greenspace provision. This contributes towards the objectives of the Partnership for South Hampshire to improve the environment and quality of life for residents, with new greenspace provision also being able to deliver multi-functional benefits (e.g. biodiversity net gain) alongside recreation mitigation.
- 5.8 The experience of operating multiple individual mitigation schemes in recent years has highlighted that planning authorities need a consistent and transparent approach to the delivery of SAMM measures within the designated sites. Partnership for South Hampshire members are therefore asked to endorse the principle of planning authorities within the New Forest’s 13.8km zone of influence continuing to work together to progress a robust and equitable package of SAMM measures that will form a key part of the overall mitigation package for addressing recreational impacts on the New Forest from planned new development.

RECOMMENDATIONS

It is RECOMMENDED that the Overview and Scrutiny Committee:-

- a) NOTES the contents of this report;
- b) NOTES that Joint Committee will be asked to NOTE the key evidence base studies and joint working undertaken to date by local planning authorities within the zone of influence of the New Forest's internationally designated sites (SAC, SPA and Ramsar);
- c) NOTES that Joint Committee will be asked to ENDORSE the principle of planning authorities continuing to work together to develop an agreed package of mitigation measures to be implemented within the New Forest's internationally designated sites, complementing the measures being delivered within surrounding local authority areas; and
- d) consider any comments to be passed to the Joint Committee for consideration.

Appendices: Appendix 1 - Map showing the New Forest SAC, SPA and Ramsar sites and the 13.8km zone of influence

Background Papers: The evidence base studies referenced in the report can all be viewed at [Research into recreational use of the New Forest's protected habitats - New Forest National Park Authority \(newforestnpa.gov.uk\)](https://www.newforestnpa.gov.uk/research-into-recreational-use-of-the-new-forest-protected-habitats)

Reference Papers: None

Enquiries: For further information on this report please contact:

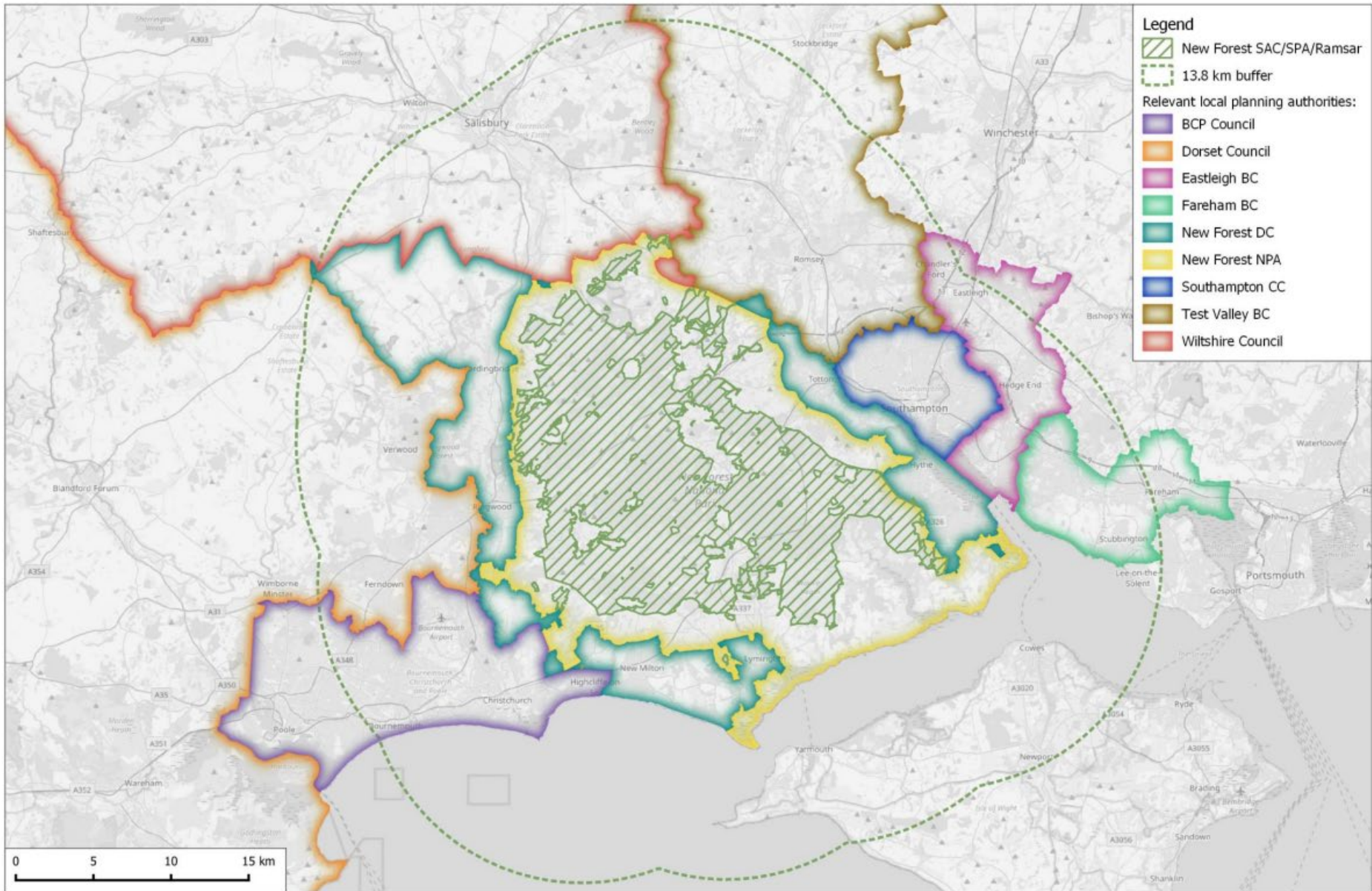
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Map 1: New Forest SAC/SPA/Ramsar and 13.8 km zone of influence.



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