

**Report to: Norfolk Strategic Planning Member Forum January 2021**

**Report of: Planning Policy Manager, North Norfolk District Council**

**Subject: Green Infrastructure (GI) and Recreation Avoidance Mitigation Strategy (RAMS)**

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### **Purpose**

To provide an overview of a strategy to manage the potential impacts of recreational visitors to designated Natura 2000 wildlife sites. A presentation will be given at the meeting.

### **Recommendation**

That the strategy is recommended to the Member Planning Authorities for approval and that they consider its introduction to assist in the implementation of an existing up to date adopted Local Plan or for other authorities, ahead of the adoption of the current round of Local Plans being prepared in the County.

### **Financial implications**

Introduction of the Strategy will necessitate new processes for the collection, spending and monitoring of contributions. This will result in some modest additional costs to Authorities which can be recovered from the recommended tariff payments.

### **Contact officers**

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### **Further Information**

None

## Report

### 1. Introduction

- 1.1 It is a legal requirement that all Local Plans are subject to Habitat Regulation Assessment. These Assessments are undertaken to ensure that the Plans policies and proposals will not result in any significant adverse impacts on internationally recognized wildlife sites and, where the potential for such impacts arises, there is an agreed process of mitigation.

Evidence indicates that the proposed housing growth in Norfolk will increase the number of recreational visitors to many of the important wildlife sites in the County. If left unmitigated this has the potential to have significant adverse impacts resulting from recreational disturbance.

- 1.2 This is an issue which affects all Local Plans in Norfolk and working under the Duty to Co-operate the member Authorities have been considering a single shared approach to address potential impacts. This report explains the emerging approach (the development of a Recreational Avoidance Mitigation Strategy – RAMS). The report does not seek final endorsement of the RAMs strategy or associated policies for inclusion in Local Plans as these remain matters for each planning authority to consider.
- 1.3 In the past, HRAs for Norfolk authorities have concluded that significant impacts were only likely where protected sites were within, or in close proximity to, the districts themselves. However, more recent evidence indicates that effects on some sites are likely to arise from developments located beyond individual authority boundaries and, as it is not possible to rule out residual effects, a County wide mitigation strategy is desirable.
- 1.4 A strategy has been produced to support Local Planning Authorities (LPAs) in Norfolk in their statutory requirement to produce ‘sound’ i.e. legally compliant Local Plans for their administrative areas and as such form part of the evidence base for Local Plans. It builds on earlier work by Footprint Ecology which was principally concerned with establishing the number, and behaviour, of visitors at the designated sites as well as distance travelled, and frequency of use at different times of the year. As such it helped establish the links between new housing development and recreational use at designated sites and provides evidence to inform Local Plans including the development of appropriate policies, monitoring and mitigation measures.
- 1.5 The survey data showed the European sites in the County might expect to see an average of a 14% increase in visitors arising from the combined residential growth in the County. However there are variations with the most marked increase in the Brecks at 30%. (Breckland). This is due to a combination of high levels of growth and short distance travelled to access the sites. By contrast access to European sites over the remaining locations were reported as: Valley Fens 28%, Royden & Dersingham, 15%, The Broads 14%, East Coast 11%, & the Wash, 6%.
- 1.6 The survey data also showed a range of different use and recreational draw for the different sites which ranged from recreational walking, dog walking, to holiday use

which accounted for nearly half of all visitors surveyed. In terms of frequency of use 36% of the people interviewed visited daily, 12% 1 to 3 times a week, 24% 1 to 3 times per month, 16% less than once a month, with 12% first visits.

- 1.7 Since then the HRA work undertaken for the individual Local Plans across Norfolk has identified a common theme regarding the potential for recreational activities to conflict with the protection objectives of Habitats Sites in and around Norfolk. This is related to the level of growth in each Local Plan, specifically an increase in population resulting from identified new housing requirements that are within the 'Zone of Influence' (ZOI) for likely significant effects regarding recreational disturbance at Habitats Sites. i.e the extent to which residents and visitors will travel to Habitat Sites for recreational activities.

## 2. The Strategy

- 2.1 The GI and RAMs is a costed per unit (dwelling/unit of holiday accommodation) tariff based strategy that identifies a detailed programme of county wide mitigation measures aimed at delivering the necessary mitigation to avoid adverse effects on the integrity of the Habitats Sites. It is not designed to deal with existing recreational impact issues just that of future predicted impacts. The strategy has been prepared in collaboration with all Norfolk Planning Authorities including the County Council, NCC, and Natural England, with the assistance of other stakeholders such as the Forestry Commission and Norfolk Wildlife Trust. Place Services were commissioned to undertake the detailed work. A steering group comprising of representatives of the Local Planning Authorities, Norfolk County Council, and Natural England guided the project.

- 2.2 The strategy proposes three types of mitigation:

- The provision of enhanced green infrastructure on development sites providing for on-site informal recreation and countryside access.
- Improvements to specifically identified existing visitor destinations which are not designated as internationally important wildlife sites (funded via tariffs).
- Specific visitor management measures (rangers, signage, car parks etc) on the designated sites themselves.(funded via tariffs).

- 2.3 Contributions towards the strategy will not remove the need for project level HRAs to justify individual development proposals and the Strategy recommends the adoption of a standard templated approach for such Assessments.

- 2.4 The recommended per dwelling tariff has been calculated based on the costed package of measures relevant to the impacts and the total number of houses/development still to come forward over the Local Plan(s) period. As such the approach seeks to mitigate the additional recreational pressure in a way that ensures that those responsible for it, pay to mitigate it, at a level consistent with the level of potential harm and consequently allows the emerging Plans that plan for growth to be HRA compliant. The costs are subject to final checks and clarification of overall plan numbers but are set to be in the region of £7.9m for the mitigation package which represents a planning contribution that must be **paid for each net new dwelling delivered across the District and County, this amount to be confirmed.** In relation

to different Use Class such as tourism accommodation specialist accommodation and student accommodation the tariff is split into bed space unit equivalents with the study recommending developer contributions on a 'per six bed space ratio' of the tariff identified for residential growth. As each LPA represents the competent authority in terms of its own obligations to the HRA, each LPA will be responsible for collecting the tariff from all qualifying dwellings that fall under its jurisdiction and for monitoring the tariff contributions that they receive from developers.

- 2.5 In terms of implementation the study recommends that a project Steering Group is set up of LPA partners and other specialist bodies in order to manage the ongoing project and that a project officer be employed to deliver the mitigation and manage the wardens. Each LPA would pool contributions collected. It is anticipated that this next stage of the project will be considered via the existing Duty to Co-operate Framework and through the Norfolk Strategic Framework Members Forum.
- 2.6 Mechanisms already exist for collecting contributions from housing developments in the form of 'Section 106' agreements, 'Section 111' (up-front payment) agreements, or 'Unilateral Undertakings'. The study recommends that the Council adopt an approach of both S106 and S111 agreements advising that contributions be sought through S106 agreements where there are other contributions to be collected and through S111 agreements only where this is the sole developer contribution.
- 2.7 For the purpose of clarity S111 are legal obligations between developers and the LPA based around upfront payment at planning application stage, with monies being returned if an application is subsequently refused. Their use would allow for determination in the normal time frames and not slow down the issuing of any decision notice in this regard.
- 2.8 **Without such contributions, planning permission should not be given** as the payment is towards a mitigation package which is required to make all residential development acceptable in planning terms as per section 106 of the 1990 Town and Country Planning Act.

### 3. Recommendations

**The strategy is recommended to the Member Planning Authorities for approval and that they consider its introduction to assist in the implementation of an existing up to date adopted Local Plan or for other authorities, ahead of the adoption of the current round of Local Plans being prepared in the County.**

