

## REPORT TO CABINET

<b>Open</b>		Would any decisions proposed:			
<b>Any especially affected Wards</b>	Mandatory	Be entirely within Cabinet's powers to decide:		YES	
		Need to be recommendations to Council:		NO	
		Is it a Key Decision:		YES	
Lead Member: Cllr Richard Blunt E-mail: <i>cllr.richard.blunt@west-norfolk.gov.uk</i>			Other Cabinet Members consulted: Cllr Paul Kunes		
			Other Members consulted:		
Lead Officer: Alan Gomm E-mail: <i>alan.gomm@west-norfolk.gov.uk</i> Direct Dial: 01553 616237			Other Officers consulted:		
Financial Implications YES	Policy/ Personnel Implications YES	Statutory Implications YES	Equal Impact Assessment NO	Risk Management Implications YES	Environmental Considerations YES

Date of meeting: 15 June 2021

### **Norfolk Green Infrastructure (GI) and Recreational impact Avoidance and Mitigation Strategy (RAMS)**

#### **Summary**

To provide a strategy to manage the potential impacts of recreational visitors to designated Natura 2000 wildlife sites.

#### **Recommendation**

**1) That the Norfolk Green Infrastructure (GI) and Recreational impact Avoidance and Mitigation Strategy (RAMS) is approved to assist in the implementation of the existing adopted Local Plan and to support the current Local Plan Review.**

**2) to delegate authority for implementation of the GIRAMS to the Executive Director, Development Services in consultation with the Portfolio Holder - Development.**

#### **Reason for Decision**

To support the Local Plan process and meet our statutory requirements in respect of the Habitat Regulations.

## **1 Background**

1.1 It is a legal requirement that all Local Plans be subject to Habitat Regulation Assessment (HRA). These Assessments are undertaken to ensure that the Plan's policies and proposals will not result in any significant

adverse impacts on internationally recognised wildlife sites and, where the potential for such impacts arises, there is an agreed process of mitigation. Evidence shows 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 impact Avoidance and Mitigation Strategy – RAMS).

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 shows 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 showing 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 show 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. A copy of the Strategy is included at Appendix X.

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%, Roydon and Dersingham, 15%, The Broads 14%, East Coast 11%, and 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 Green Infrastructure and Recreational impact Avoidance and Mitigation Strategy (GIRAMS) is a costed per unit (dwelling/unit of holiday accommodation) tariff-based strategy that gives 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 and Natural England, with the help of other stakeholders such as the Forestry Commission and Norfolk Wildlife Trust. Place Services were commissioned to undertake the detailed work. A steering group including 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 supporting 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 (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 looks to mitigate the added 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 so allows the emerging Plans that plan for growth to be HRA compliant. The costs are in the region of £7.9m for the mitigation package which is a planning contribution that must be **paid for each net new dwelling delivered across the districts and County, this amount to be £185.93**. 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 is 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 authority 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 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 expected that this next stage of the project will be considered via the existing Duty to Co-operate Framework and through the Norfolk Strategic Planning 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 recommending 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 later 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. In King's Lynn and West Norfolk a tariff of £50 per dwelling/unit of holiday accommodation has been charged since 2016 (this increased in April 2021 to £55 through index-linking).

The new rate of £185.93 would replace our existing £55 charge following approval of this Strategy.

### **3 Options Considered**

The Council could continue with its current, individual approach to recreational mitigation developed at the 2015/16 Local Plan Examination. However, the strategic mitigation approach advocated in the GIRAMS enables a more efficient, co-ordinated delivery and avoids 'displacement' effects between local authority areas. This reduces case by case assessment which is resource heavy for developers, local authorities and statutory consultees and typically results in limited environmental outcomes when compared with a more strategic approach such as that being developed.

Having no approach to this issue would risk the legal consequences outlined at section 8 below.

### **4 Policy Implications**

The Norfolk GIRAMS will support existing policy in the form of the Adopted Local Plan (Core Strategy and SADMP (Site Allocations & Development Management Policies)) and the emerging Local Plan Review, which will combine and update these documents (the Local Plan Review is also presented for approval on this Cabinet agenda).

### **5 Financial Implications**

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

### **6 Personnel Implications**

None.

### **7 Environmental Considerations**

There are opportunities for the strategic mitigation to deliver habitat creation, integrating GIRAMS with Local Nature Recovery by enhancing biodiversity beyond designated sites. This would support the Borough Council's delivery of wider Net Gain, contributing to the Government's 25-year Plan, the Environment Bill and Norfolk's Local Nature Recovery Strategy to collectively reverse the decline of nature.

### **8 Statutory Considerations**

Habitat assessment is a legal requirement for local plans. The delivery of the Norfolk GIRAMS will fulfil the Council's duty to produce a Local Plan which is legally compliant with the Conservation of Habitats and Species Regulations 2017 (as amended). Natural England expects that under the duty to

cooperate Norfolk Authorities will adopt a strategic approach to mitigating recreational disturbance at designated sites.

## **9 Equality Impact Assessment (EIA)**

(Pre screening report template attached)

Attached.

## **10 Risk Management Implications**

Not following HRA requirements risks formal intervention by Natural England. Natural England would be likely to consider the emerging Local Plan Review document to be unsound and be unable to support project level development i.e., the Council may be prevented from approving planning applications for residential and tourism-related developments.

## **11 Declarations of Interest / Dispensations Granted**

None.

## **12 Background Papers**

(Definition: Unpublished work relied on to a material extent in preparing the report that disclose facts or matters on which the report or an important part of the report is based. A copy of all background papers must be supplied to Democratic Services with the report for publishing with the agenda)

**Pre-Screening Equality Impact Assessment**

Borough Council of  
**King's Lynn & West Norfolk**



Name of policy/service/function	Norfolk Green Infrastructure (GI) and Recreational impact Avoidance and Mitigation Strategy (RAMS)				
Is this a new or existing policy/service/function?	New				
Brief summary/description of the main aims of the policy/service/function being screened.  Please state if this policy/service is rigidly constrained by statutory obligations	To provide a strategy to manage the potential impacts of recreational visitors to designated Natura 2000 wildlife sites. This Strategy will enable the Council to meet its statutory requirements regarding habitat regulations.				
<b>Question</b>	<b>Answer</b>				
<p><b>1. Is there any reason to believe that the policy/service/function could have a specific impact on people from one or more of the following groups <b>according to their different protected characteristic</b>, for example, because they have particular needs, experiences, issues or priorities or in terms of ability to access the service?</b></p> <p>Please tick the relevant box for each group.</p> <p>NB. Equality neutral means no negative impact on any group.</p>		Positive	Negative	Neutral	Unsure
	Age			x	
	Disability			x	
	Gender			x	
	Gender Re-assignment			x	
	Marriage/civil partnership			x	
	Pregnancy & maternity			x	
	Race			x	
	Religion or belief			x	
	Sexual orientation			x	
	Other (e.g... low income)			x	

