

Wiltshire Council

2 August 2023

North Meadow SAC Mitigation Strategy

Cabinet Member: Councillor Nick Botterill

**Cabinet Member for Finance, Development Management
and Strategic Planning**

Key Decision: No

Purpose of Report

1. To approve the adoption of the North Meadows Recreational Mitigation Strategy and to approve the use of agreements under section 111 of the Local Government Act 1972, as well as agreements and unilateral undertakings under section 106 of the Town and country Planning Act 1990, to secure developer contributions for this mitigation strategy.
2. To delegate responsibility of the approval of the details of the mitigation strategy, finalise subsequent matters as required and take all necessary steps to the Director for Environment in consultation with the Corporate Director Place and Cabinet Member for Finance, Development Management and Strategic Planning.

Relevance to the Council's Business Plan

3. This strategy allows the Council to take responsibility for the environment by improving and protecting biodiversity and ensuring access to the natural environment for as many as possible, as well as promoting and encouraging sustainable development.

Background

4. North Meadow Site of Special Scientific Interest and National Nature Reserve is notified as an exceptional example of lowland meadow and is subject to strict legal protection. It is a component site of the North Meadow and Clattinger Farm Special Area of Conservation (SAC). The SAC is part of a network of European sites (Habitat sites) that are of international importance. Natural England has advised that in view of existing visitor levels, any additional residential dwelling, or overnight accommodation within a zone of influence is likely to lead to a loss of site integrity. Mitigation is needed to allow development to proceed, and this is most effective, and cost efficient, when delivered by a strategic approach.
5. The North Meadow NNR/SSSI is in the northern part of Wiltshire, however its integrity as a nature conservation site is also affected by development in neighbouring authorities. An Interim 5 year Strategy has been jointly prepared and agreed by Cotswold District Council, Swindon Borough Council and Wiltshire Council in partnership with Natural England (NE).
6. Recreational mitigation strategies have been used successfully at several internationally important sites across the UK to enable new developments to come forward without increasing recreational impacts.
7. Because the exact level and type of adverse recreational impacts on North Meadow NNR has not been determined, it has been concluded, following the precautionary approach, that an interim 5 year Mitigation Strategy is the appropriate way forward. Data collected as part of the monitoring elements of the Interim Mitigation Strategy will enable the approach to be reviewed after 5 years.

Main Considerations for the Council

8. A visitor survey undertaken by consultants in 2023 identified two main user groups of the North Meadow NNR – year round, local users, and those that come to see the fritillaries during the flowering period. There are two zones of influence with different levels of mitigation being appropriate to each (Appendix 1).
9. The two zones are:
 - Inner Zone (local users arriving on foot and by car all year round) is set at 0 - 4.2km from the boundary of the SAC.
 - Outer Zone (fritillary visitors) is set at 4.2 - 9.4km from the boundary of the SAC

10. The main type of development affected by the strategy is net increases in overnight accommodation. This includes residential units, holiday accommodation and student lets, tourist accommodation including caravan and campsites and sites for Gypsy, Roma, Travellers and Travelling Showpeople.
11. The mitigation strategy will be funded by developer contributions. The costs per development unit are based on estimated housing delivery and costs of the package of mitigation measures (Appendix 2). The charge equates to £803 per unit as set out in in inner zone (0 to 4.2km) and £323 per unit in outer zone (4.2 km to 9.4km). The strategy is based on estimated planned growth within the Zone of Influence; however, it is scale-able should other development come forward.
12. Each Local Planning Authority (LPA) will be responsible for securing developer contributions and ensuring that they are spent on the relevant mitigation as set out in the Mitigation Strategy. A Steering Group will be set up with the Local Planning Authorities and Natural England to facilitate this work.
13. Contributions will be secured by section 106 agreements or unilateral undertakings with planning applications. Applicants can also submit an agreement utilising the powers in section 111 of the Local Government Act 1972 agreeing to make the relevant payment on receipt of the appropriate invoice, prior to determination.

Overview and Scrutiny Engagement

14. No matters for Overview and Scrutiny Engagement have been raised.

Safeguarding Implications

15. No safeguarding implications have been raised.

Public Health Implications

16. The mitigation strategy helps to secure responsible access to protected sites. This safeguards biodiversity and allows people to continue to benefit from visiting important wildlife sites.

Procurement Implications

17. Any procurement of further research or evidence or other works will be undertaken in accordance with Council policy.

Equalities Impact of the Proposal

18. No equalities impacts are raised by adopting this mitigation strategy.

Environmental and Climate Change Considerations

19. The strategy protects and safeguards an internationally important nature conservation site. The strategy meets the Council's business plan objectives of taking responsibility for the environment and protecting biodiversity.

Workforce Implications

20. This interim 5 year strategy will involve officer time when progressing planning applications through the system and representation on the Steering Group with Cotswolds District, Swindon Borough and Natural England. This will be supported by existing workforce capacity within the planning and environment service.
21. The mitigation strategy also includes the provision of a part-time warden post. The full costs of the post will be recovered by development contributions, and the position will only be recruited when sufficient funding has been received from developments across the three local authorities. This post will likely be hosted by Wiltshire Council, though funding a post with an outside organisation or charity is an alternative option that can be considered by the Steering Group.

Risks that may arise if the proposed decision and related work is not taken

22. Without a suitably robust strategy, the local authorities will not be able to legally permit further development within the Zones of Influence, because those developments would not meet legal requirements as there would be a risk of further

degradation of the protected site. There is a risk that planning applications will continue to stall.

23. Implementation of a partnership strategy reduces the risk of legal challenge to the local authority and is more cost effective and robust than Wiltshire Council progressing its own bespoke mitigation approach.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

24. The interim strategy requires officer resource, but an agreed strategic approach allows efficiencies in the system to be adopted. Guidance to developers and the planning team will be progressed to provide information on the steps and process and help address any questions.
25. A new warden post will be created which will have financial implications for the Council. To manage any funding gaps, this post will only be recruited when sufficient funding has been accrued. Alternative wardening options will be considered on an interim basis if needs be.
26. Contributing to a strategic mitigation approach is more cost effective and easier for developers – especially on small scale development. However, the option remains for developers to deliver bespoke mitigation provided this has been agreed with Natural England.

Financial Implications

27. The mitigation measures proposed by the Interim Strategy will be fully recovered by developer contributions. The recruitment of the post will only be progressed when sufficient funding is available, and the timing will be agreed by the Steering Group.
28. A mechanism to transfer developer contributions between local authorities to fund the different mitigation measures such as the warden, commissioning the evidence reports and the communications strategy will be agreed prior to the projects being delivered. As with other similar mitigation strategies this detail will be progressed between the local authorities in due course, with legal team involvement as necessary.

Legal Implications

29. Strategic mitigation approaches are used by the Council for other pressures to protected sites in order to meet the requirements of the Conservation of Habitats and Species Regulations (2017 as amended). Legal advice will be sought as needed as the strategy progresses.
30. Advice from the Council's Legal Services has been sought to confirm that the use of Section 111 of the Local Government Act 1972 Agreements as a suitable approach to collect developer contributions. This approach has been confirmed as possible by the legal team.

Options Considered

31. The main option considered was for Wiltshire Council to work in partnership with the other local authorities and Natural England to progress a joint strategy rather than progressing a single-authority approach. A joint strategy is more robust, cost effective and efficient in resource terms.

Conclusions/Proposal

32. The conclusions reached having taken all of the above into account include:
- (a) To adopt the North Meadows Recreational Mitigation Strategy
 - (b) To approve the use of Section 111 agreements, as well as Section 106 and Unilateral Undertakings, to secure developer contributions for this mitigation strategy is sought.

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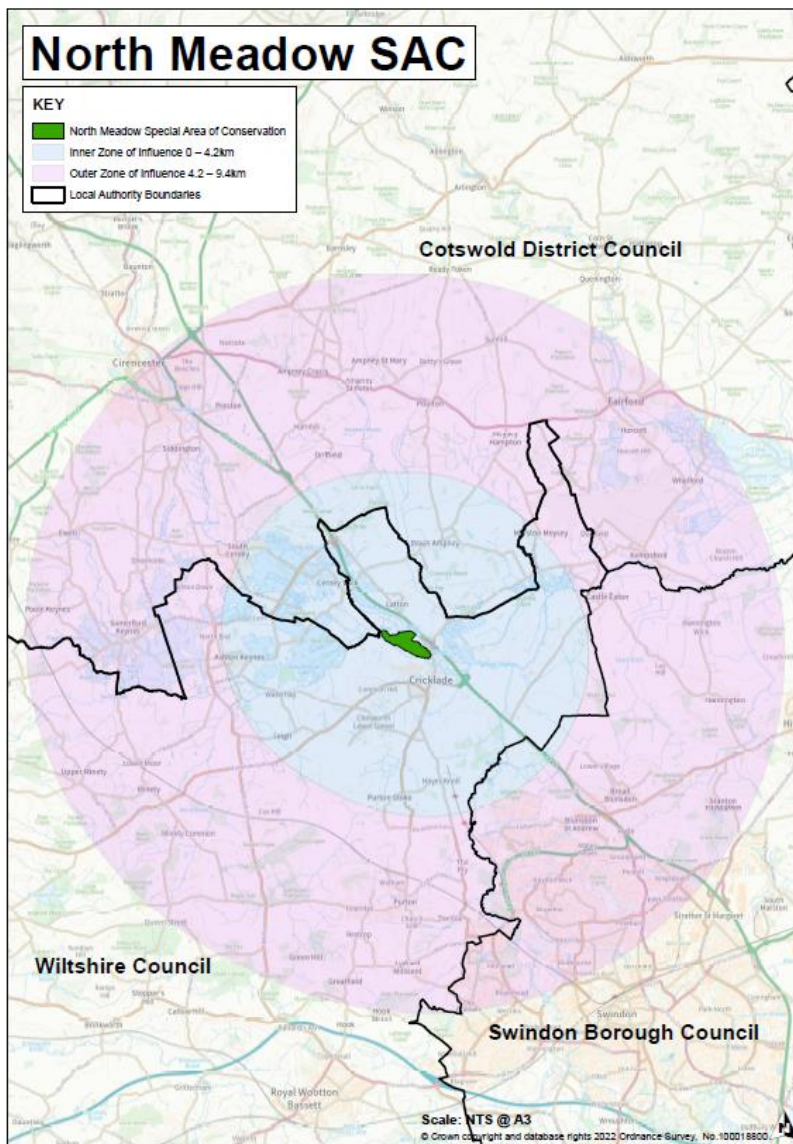
Appendices –

Appendix 1 Map to show the two Zols and the administrative boundaries

Appendix 2 – Mitigation Financial Contributions Table

Appendix 3 - North Meadows Interim Mitigation Strategy Final Report 2023

Appendix 1 Map to show the two Zols and the administrative boundaries



Appendix 2 – Mitigation Financial Contributions Table

Zone	SAMM contribution per unit*	Infrastructure Mitigation Projects/SANG contribution per unit	Total financial contribution to delivery of the Strategy/ per unit
Inner zone (0 – 4.2km) Relevant developments under 50 units*	£323	£480	£803
Inner zone (0 – 4.2km) Relevant developments over 50 units*	£323	Normally provided within the development site ie SANG	£323
Outer zone (4.2 – 9.4 km) All relevant developments	£323	N/A (except for larger developments (eg those that trigger the EIA Regulations), which will be considered on a site by site basis)	£323

**The definition of a unit is as set out in the North Meadows Recreational Mitigation Strategy (see Appendix 3).*