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23 January 2018

S U M M O N S

MEETING: Economic Development Board
DATE: 31 January 2018
TIME: 6.00pm
PLACE: Committee Room 1, Town Hall, Gosport
Democratic Services contact: Lisa Young

MICHAEL LAWTHER
BOROUGH SOLICITOR

MEMBERS OF THE BOARD

The Mayor (Councillor Mrs Batty) (ex officio)
Chairman of the Policy and Organisation Board (Councillor Hook) (ex officio)

Councillor Philpott (Chairman)
Councillor Beavis (Vice Chairman)

Councillor Ms Ballard
Councillor Bateman
Councillor Mrs Cully
Councillor Ms Diffey
Councillor Edgar
Councillor Farr

Councillor Mrs Forder
Councillor Mrs Furlong
Councillor Mrs Huggins
Councillor Miss Kelly
Councillor Mrs Prickett
Councillor Raffaelli

FIRE PRECAUTIONS

(To be read from the Chair if members of the public are present)

In the event of the fire alarm sounding, please leave the room immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.

IMPORTANT NOTICE:

- If you are in a wheelchair or have difficulty in walking and require access to the Committee Room on the First Floor of the Town Hall for this meeting, assistance can be provided by Town Hall staff on request

If you require any of the services detailed above please ring the Direct Line for the Democratic Services Officer listed on the Summons (first page).

NOTE:

- i. Councillors are requested to note that, if any Councillor who is not a Member of the Board wishes to speak at the Board meeting, then the Borough Solicitor is required to receive not less than 24 hours prior notice in writing or electronically and such notice shall indicate the agenda item or items on which the member wishes to speak.
- ii. Please note that mobile phones should be switched off or switched to silent for the duration of the meeting.

AGENDA

1. APOLOGIES FOR NON-ATTENDANCE
2. DECLARATIONS OF INTEREST

All Members are required to disclose, at this point in the meeting or as soon as possible thereafter, any disclosable pecuniary interest or personal interest in any item(s) being considered at this meeting.

3. MINUTES OF THE MEETING OF THE BOARD HELD ON 15 NOVEMBER 2017
4. DEPUTATIONS – STANDING ORDER 3.5

(NOTE: The Board is required to receive a deputation(s) on a matter which is before the meeting of the Board provided that notice of the intended deputation and its object shall have been received by the Borough Solicitor by 12 noon on Monday, 29 January 2018. The total time for deputations in favour and against a proposal shall not exceed 10 minutes).

5. PUBLIC QUESTIONS – STANDING ORDER 3.6

(NOTE: The Board is required to allow a total of 15 minutes for questions from Members of the public on matters within the terms of reference of the Board provided that notice of such Question(s) shall have been submitted to the Borough Solicitor by 12 noon on Monday 29 January 2018).

6. SOLENT RECREATION MITIGATION STRATEGY
To consider and approve the Solent Recreation Mitigation Strategy, prepared by the Solent Recreation Mitigation Partnership and endorsed by the PUSH Joint Committee of 5th December 2017.
7. ANY OTHER ITEMS

Contact
Jayson
Grygiel

**A MEETING OF THE ECONOMIC DEVELOPMENT BOARD
WAS HELD ON 15 NOVEMBER 2017**

The Mayor (Councillor Mrs Batty) (ex-officio), Councillors Hook, Ms Ballard (P), Bateman, Beavis (P), Mrs Cully (P), Ms Diffey, Edgar, Farr (P), Mrs Forder, Mrs Furlong (P), Mrs Huggins (P), Miss Kelly (P), Philpott (P), Mrs Prickett (P), Raffaelli (P).

It was reported that in accordance with Standing Order 2.3.6 Councillors Burgess, Scard and Earle had been nominated to replace Councillor Bateman, Edgar and Ms Diffey respectively for this meeting.

22. APOLOGIES

Apologies for inability to attend were received from the Mayor, Councillor Bateman, Ms Diffey, Edgar and Mrs Forder,

23. DECLARATIONS OF INTEREST

There were none.

24. MINUTES OF THE MEETING OF THE BOARD HELD ON 20 SEPTEMBER 2017

RESOLVED: That the minutes of the Economic Development Board meeting held on 20 September be approved and signed by the Chairman as a true and correct record.

25. DEPUTATIONS

There were no deputations.

26. PUBLIC QUESTIONS

There were no public questions.

PART II

27. PROPOSED CONSERVATION AREA, HASLAR BARRACKS (FORMER IMMIGRATION HOLDING CENTRE)

Consideration was given to the report of the Head of Conservation and Design requesting that consideration be given to a proposal to carry out a public consultation exercise to ascertain the views of the local community and relevant organisations with regard to a proposed Haslar Barracks Conservation Area as detailed in the attached Draft Haslar Barracks Conservation Area Appraisal.

The Board was advised that consideration had been given by Historic England to listing the site, but they had not considered it to qualify, this had been appealed by the Council.

The Board was advised that the site was significant and rare and unique as it was believed to be the only remaining Napoleonic barrack in England.

Members were advised that the Ministry of Justice were the current owners and that the Boundary of their land extended to include the adjacent road and the sea wall up to high water point.

The Board was advised that the Ministry of Justice had indicated that the land was surplus to requirements and that it would be sold. Members were advised that any potential development on the site would be subject to planning permission.

The Board was advised that the proposed questions for the consultation were

1. Do you support the proposed designation of the Haslar Barracks Conservation Area?
2. Do you agree with the proposed extent of the Conservation Area?
3. Do you have access to any historic or architectural information that would increase our understanding of the site in order to ensure that the proposed Conservation Area Appraisal is as accurate as possible?
4. Do you have any other comments?

Members were advised that it was hoped that the consultation would allow members of the public to offer forward any additional information they may hold about the site.

Members welcomed the proposal and welcomed the level of detail that the appraisal provided.

Members were advised that the boundary of the Conservation Area was clearly defined and were advised of the buildings that the proposed area comprised.

Members expressed concern that the proposal was not to designate the Conservation Area immediately and felt they may be a risk to the site and the proposed area if there was a delay in designation.

Members were advised that it was standard practice to hold a consultation period prior to designating an area and that this would allow for any additional information that the Council may not be aware of to be brought forward. Members were also advised that the consultations were valued documents in the event of any planning application appeal.

It was clarified to the Board that the designation of a conservation area was the responsibility of the Local Authority and that there was no right to appeal the designation.

The Board was advised that the Ministry of Justice, as current land owners had been advised of the proposal.

Members reiterated their concerns regarding action being taken on the site prior to the designation being confirmed. Members felt that there was a degree of risk from not designating the site immediately and felt that work could be undertaken to the site that could prove damaging, concern was also expressed that land was also being marketed without Conservation Area Status.

Members were advised that the Board was designated white land and that the Ministry of Justice was aware of the proposal and that any legal matters relating to the sale of the land would be for the consideration of the Solicitors for the parties concerned.

Members expressed concern at the risk that a delay in designation would present and were concerned about a quick sale or a demolition attempt on the site.

In answer to a Members question, the Board was advised that it would be possible to remove the designation on the area should an earlier decision on the site be made and the public disagree with it.

Members felt that the consultation was a valid exercise but felt that the designation of the Conservation area should be made immediately rather than waiting until the end of the consultation period. Members agreed that the consultation should still be undertaken with the questions revised to reflect the immediate designation of the Conservation Area

Members were advised that the Ministry of Justice had been approached with regard to allowing Members to visit the site and this was being considered by them.

It was proposed, and agreed that Conservation Area be designated immediately.

RESOLVED: That the Proposed Haslar Barracks Conservation Area Boundary be designated a Conservation as a Conservation Area and that the Draft Haslar Barracks revised Conservation Area Appraisal, be approved for consultation purposes.

The meeting concluded at 6.46pm

CHAIRMAN

AGENDA ITEM NO.6

Board/Committee:	Economic Development Board
Date of Meeting:	31 st January 2018
Title:	Solent Recreation Mitigation Strategy
Author:	Deputy Head of Planning Services (Policy)
Status:	For Decision

PURPOSE

To consider and approve the Solent Recreation Mitigation Strategy, prepared by the Solent Recreation Mitigation Partnership and endorsed by the PUSH Joint Committee of 5th December 2017.

RECOMMENDATION

That this Council

- Approves the Solent Recreation Mitigation Strategy (SRMS)
- Amend its Bird Disturbance Mitigation Protocol to reflect the SRMS
- Collects the revised developer contributions for new residential development permitted from the 1st April 2018.

1 **Background**

- 1.1 The SRMS replaces the Interim Mitigation Strategy currently used by Gosport Borough Council (GBC) and the other partners of the SRMP. It aims to provide housebuilders with a package of measures that are funded by developer contributions to mitigate recreational disturbance impacts on internationally protected habitats around the Solent caused by new residential developments.
- 1.2 The importance of the Solent coastline for wildlife has been recognised by international protective designations including three Special Protection Areas (SPAs) – the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA. These SPAs have been designated predominantly for the protection of the large numbers of waders and wildfowl which spend the winter on the Solent.
- 1.3 The protection afforded by the SPA designations has particular consequences. Under the Habitats Regulations¹ any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.

¹ The Conservation of Habitats and Species Regulations 2017 which consolidates all the various amendments made to the Conservation and Habitats and Species Regulations 2010 and the Conservation (Natural Habitats, &c.) Regulations 1994.

- 1.4 In accordance with these Regulations, Policy LP42 of the adopted Gosport Borough Local Plan 2029 (GBLP) relates specifically to the issue of recreational disturbance. It states,
- ‘All new residential development will be required to avoid or mitigate likely significant ‘alone’ and ‘in-combination’ effects on internationally important habitats caused by recreational disturbance.’
- 1.5 The justification text of the GBLP policy refers to the requirement for mitigation measures and references the work of the SRMP. It also refers to the Council’s Gosport Bird Disturbance Mitigation Protocol which describes how ‘in-combination effects’ can be mitigated by a financial contribution.
- 1.6 It is estimated that 60,000 new homes are planned around the Solent up to 2034. Research has shown that these will lead to more people visiting the coast for recreation which will potentially create additional disturbance to these birds and have a detrimental impact on the protected species of the SPAs. In order to understand the issue of recreational disturbance and its potential impact on internationally important habitats extensive detailed research has been undertaken as part of the Solent Disturbance and Mitigation Project (SDMP). This work was coordinated by the Solent Forum and has involved a number of organisations including Natural England, Environment Agency, all the local authorities around the Solent, relevant harbour groups and the RSPB. The work has concluded that existing and new residential development is likely to have an adverse impact on protected bird species that use the internationally important sites as a result of recreational disturbance generated by local residents.
- 1.7 In 2013 Natural England² made it clear that the SDMP work represents the best available evidence and therefore avoidance and mitigation measures are required in order to ensure a significant effect, arising from new housing development around the Solent, is avoided. It therefore expects that all residential development contributes towards the avoidance and mitigation measures.
- 1.8 As a result of this requirement the relevant authorities including GBC formed the Solent Recreation Mitigation Partnership (SRMP). The SRMP now also adopts a public-friendly brand name called ‘Bird Aware Solent’ which it uses for its day to day work and public engagement.
- 1.9 Due to the complexity of understanding what mitigation measures would be effective, Natural England agreed that an Interim Mitigation

² NE’s letter dated 31 May 2013 Planning application affecting Solent Special Protection Areas’
See Document LP/E2/2 on the Council’s Local Plan evidence page
<https://www.gosport.gov.uk/sections/your-council/council-services/planning-section/local-development-framework/gosport-borough-local-plan-2029/gosport-borough-local-plan-2011-2029-adopted-october-2015/evidence-studies/>

Strategy could be implemented until 31st March 2018 and that this would need to be replaced by a definitive long-term strategy. The Interim Strategy has been in operation since October 2014 and Gosport Borough Council and the other partners have been collecting a financial contribution for each new dwelling permitted within a 5.6km zone of the SPAs³, which includes the whole of Gosport Borough.

- 1.10 The SRMP has now prepared the definitive SRMS which was endorsed by PUSH at the Joint Committee on 5th December 2017 and key elements are detailed below.

2 The Strategy

- 2.1 A copy of the SRMS is included in Appendix 1 of the report. The Strategy aims to prevent bird disturbance from recreational activity which it seeks to do through a series of management measures which actively encourage all coastal visitors to enjoy their visits in a responsible manner rather than restricting access to the coast or preventing activities that take place there.
- 2.2 The Strategy has been drafted to provide the necessary mitigation for planned new development up to 2034 with an in-perpetuity fund to continue to mitigate against the recreational impacts of this additional house building for a further 80 years (2114). The Strategy deals with all new residential development including those requiring planning permission and those permitted through the Town and Country Planning (General Permitted Development) (England) Order 2015 where provision is made to ensure that such proposals need to comply with the Habitats Regulations.
- 2.3 A public consultation exercise was undertaken on a draft strategy between July and September 2017 with a number of workshops involving housebuilders taking place prior to this. The responses and outcomes of this strategy have been reported to PUSH Joint Committee and are available in the Members' Room and on the PUSH website⁴. Where considered appropriate the Strategy has been amended to address points raised by the representations.
- 2.4 The Strategy includes the following elements.
- An overview of the legislation;
 - The need for mitigation including an overview of the extensive research undertaken and its key findings;

³ This zone has been determined from the evidence studies which demonstrated that this is where the majority of coastal visitors live.

⁴ Joint Push Committee 5th December 2017- Item 9 http://www.push.gov.uk/item_9_-_srmp.pdf and Appendix 1 relating to key issues arising from consultation http://www.push.gov.uk/item_9_-_appendix_1.pdf

- The overall approach and benefits of having a joint Strategy;
- The mitigation measures;
- Resources and funding;
- Developer contributions; and
- Implementation, governance and reporting.

2.5 The Strategy proposes:-

- A team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, as well as liaising with landowners, hosting school visits and undertaking other events with the public;
- Communications, marketing and education initiatives and an officer to implement them;
- Initiatives to encourage responsible dog walking and an officer to implement them;
- Preparation of codes of conduct for a variety of coastal activities;
- Site specific projects to better manage visitors and provide secure habitats for the birds;
- Providing new/enhanced greenspaces as an alternative to visiting the coast.
- A partnership manager to coordinate and manage all the above.

2.6 Implementation of these measures and monitoring their effectiveness will be funded by developer contributions calculated according to the number of bedrooms of each property. This is equivalent to an average of £564 per dwelling, increased annually to take into account of inflation. Some development may require additional mitigation due to their size and proximity to the SPA to address non-recreational impacts and specific 'alone' recreational impacts rather than the largely 'in-combination' recreational impacts covered by the SRMS. The proposed rate for each size of dwellings is as follows:

1 bed dwelling	£337
2 bed dwelling	£487
3 bed dwelling	£637
4 bed dwelling	£749
5 bed dwelling or more	£880

2.7 The developer contributions will be collected by the local authorities and transferred to the SRMP which will implement the measures.

Some of the money received will be set aside to fund the measures in-perpetuity (calculated on an 80 years basis after 2034). The local planning authorities in the SRMP have considered that it would be sensible to introduce the new level of contributions at the same time and that 1st April 2018 would be an appropriate date to commence as it is the start of the financial year and also because Natural England has made it clear that the Interim Strategy should be replaced by the definitive SRMS by 31st March 2018.

2.8 It is proposed that the local arrangement for collecting the developer contributions for the SRMS will be set out in a revised Gosport Bird Disturbance Mitigation Protocol (Appendix 2) which would update the current protocol used to implement the SRMP's Interim Mitigation Strategy.

2.9 It is proposed by the SRMS that the Council leaders will continue to steer and oversee the Partnership's activities and expenditure through the PUSH Joint Committee with progress on implementation and financial accounts being published in an annual report.

3 **Officer Comment**

3.1 The new Strategy builds on the initial encouraging work delivered by the Interim Strategy and is considered an effective mechanism to mitigate the increased recreational pressure on the internationally important habitats as a result of new housebuilding planned around the Solent area. The Strategy will therefore enable planning permissions to be granted in accordance with the requirements of Habitats Regulations and Policy LP42 of the GBLP.

3.2 It provides a convenient way for developers to mitigate the impacts of their developments without having to provide bespoke measures which may be difficult in practical terms. Such measures would also potentially be more costly and time-consuming to evidence and deliver than those proposed by the SRMS.

3.3 It is recognised that the average £564 per dwelling figure is higher than the current £181 per dwelling however it is considered that as a proportion of development costs including other contributions that the proposed sum would still be comparatively small. It is also relatively inexpensive when compared to other similar schemes such as the one in the Thames Basin Heath which ranges from £2,000 to £15,000 depending on the property size and exact location, or the New Forest scheme which ranges between £2,050 and £5,050, depending on the property size. Based on the feedback received from public consultation including those within the property industry it seems unlikely that it will render development economically unviable bearing in mind the mitigation costs will be clear up-front costs which in most cases can be factored-in when land is acquired and proposals designed. Incorporating a sliding scale in the new Strategy based on the size of proposed dwellings is also likely to

make it easier to manage viability issues.

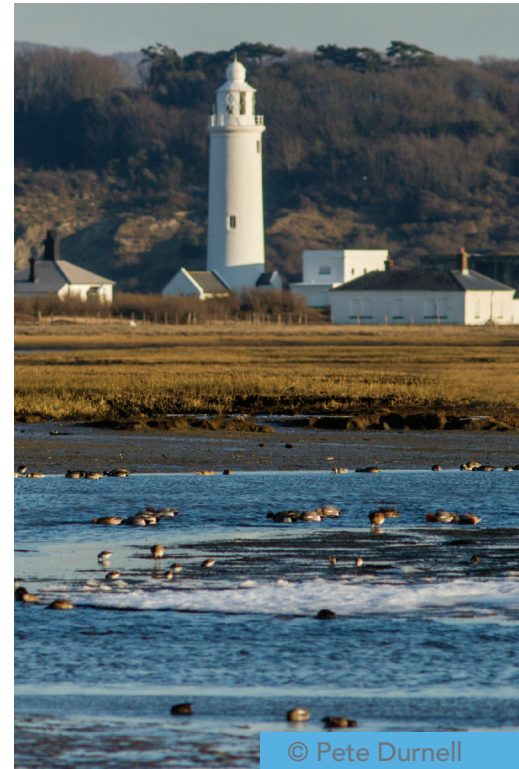
- 3.4 It is important to recognise that, as with the case with the current Interim Strategy, there is no obligation for a developer to make contributions towards the new strategy and it is open to them to pursue other ways to mitigate the effects of their scheme.
- 3.5 The SRMS is aiming to deliver a positive management approach to mitigate the recreational disturbance issue on the coast rather than trying to prevent access to it. It focusses on informing and educating all users of the coast so as to influence how they behave when visiting the Solent.
- 3.6 In addition to being part of a good example of a strategic and collaborative project, the Council has also benefitted from funding secured by a PUSH-SRMP bid to the Government's Growth Fund. This resulted in £205,000 of funds towards the design and construction of the Western and Eastern Gateways in the Alver Valley Country Park which represents an example of providing a Suitable Alternative Natural Greenspace (SANG) away from internationally important sites. The Council will look for further opportunities to bid for funds through the SRMP work as opportunities arise.
- 3.7 In conclusion, the SRMS provides a practical approach to deal with the 'in-combination' effects of new house building on the Solent SPAs which will assist in the delivery of the necessary housing requirement set out in the GBLP.

4 Risk Assessment

- 4.1 Failure to approve and implement the Solent Recreation Mitigation Strategy would significantly impede development in the Borough by causing unnecessary delay and cost to developers. It could also represent a failure in the Council's Duty to Cooperate with adjoining local authorities in addressing a sub-regional issue which would harm internationally protected habitats.

Financial comments:	Services	None
Legal comments:	Services	No further comment
Equality and Diversity		An Equalities Impact Assessment screening has been undertaken (Appendix 3) and identifies no unlawful discrimination has taken place. It identifies that it will be necessary to ensure effective equality monitoring is in place to regularly assess the actual impact on different groups. It advises that communications, marketing and educational initiatives funded by this scheme must

	be inclusive so that all protected groups have information and opportunity to enjoy these sites responsibly.
Council Plan:	The implementation of the SRMS will assist in developing the economy by providing an effective mitigation package for developers to meet their responsibilities to mitigate impacts on internationally important sites. It will thereby enable the development of suitable sites for residential and mixed use schemes. It will assist in protecting and enhancing the environment by safeguarding important nature conservation features within Gosport and the wider Solent area.
Risk Assessment:	See Section 4
Background papers:	Report to PUSH Joint Committee (5/12/2017) and supporting documents. Copies in the Members' Room.
Appendices	Appendix 1: Solent Recreation Mitigation Strategy Appendix 2: Revised Gosport Bird Disturbance Mitigation Protocol Appendix 3: Equalities Impact assessment-Screening Assessment Form
Report author/ Lead Officer:	Jayson Grygiel, Deputy Head of Planning Services (Policy)



Solent Recreation Mitigation Strategy

Foreword by Cllr Seán Woodward - Chairman, PUSH



The value of good partnerships cannot be overstated. Clear thinking, practical application and professional commitment really can change the world.

The Partnership for Urban South Hampshire (PUSH) has been proud of its involvement with the Solent Recreation Mitigation Partnership (SRMP) from its very inception. True concern about protecting the coastline of the wider Solent region, backed up by valid research and a pragmatic approach to dealing with developers and the public alike has led to some ground-breaking progress, with the work of the SRMP being regarded nationally as best practice.

The existence of the SRMP means that our coastline can remain evolving and vibrant, benefitting from considered and relevant development whilst also ensuring ecological needs are duly met. With a public-facing brand - Bird Aware – the SRMP has achieved unprecedented success in engaging with the wider public and is developing into a major and positive force for behaviour change.

I am proud to present to you the Solent Recreation Mitigation Strategy – a document that embodies a progressive way of thinking and an opportunity to ensure our landscape is developed to meet the needs of society and our unique ecological assets. I look forward to seeing the many benefits that will arise as a result of this strategy and I invite you all to take steps to become more bird aware when visiting our beautiful coastline.

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The Solent Recreation Mitigation Partnership was established to formulate, implement and monitor the strategy using developer contributions transferred from the local planning authorities. The Partnership comprises the fifteen Solent local authorities, Natural England, the Royal Society for the Protection of Birds, Hampshire & Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy. The authorities are: Chichester District Council, East Hampshire District Council, Eastleigh Borough Council, Fareham Borough Council, Gosport Borough Council, Hampshire County Council, Havant Borough Council, Isle of Wight Council, New Forest District Council, New Forest National Park Authority, Portsmouth City Council, Southampton City Council, South Downs National Park Authority, Test Valley Borough Council, Winchester City Council.

Further information about the Partnership and its work including answers to frequently-asked questions is available at: www.birdaware.org

Summary

Tens of thousands of coastal birds fly from as far as Arctic Siberia to spend the winter on the Solent. They need to be able to feed and rest undisturbed, if they are to survive the winter and fly back to their summer habitats. Three Special Protection Areas (SPAs) have been designated to safeguard the birds.

Over 60,000 new homes are planned around the Solent up to 2034. Research has shown that these will lead to more people visiting the coast for recreation, potentially causing additional disturbance to these birds.

The strategy set out in this document, aims to prevent bird disturbance from recreational activities. It seeks to do this through a series of management measures which actively encourage all coastal visitors to enjoy their visits in a responsible manner rather than restricting access to the coast or preventing activities that take place there. Prepared by the Solent Recreation Mitigation Partnership of local authorities and conservation bodies, the strategy was published for consultation in July 2017 and changes incorporated as a result.

The Strategy proposes:-

- a team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, liaise with landowners, host school visits, etc;
- communications, marketing and education initiatives and an officer to implement them;
- initiatives to encourage responsible dog walking and an officer to implement them;
- preparation of codes of conduct for a variety of coastal activities;
- site-specific projects to better manage visitors and provide secure habitats for the birds;
- providing new/enhanced greenspaces as an alternative to visiting the coast;
- a partnership manager to coordinate and manage all the above.

Implementation of these measures and monitoring of their effectiveness, will be funded by 'developer contributions' calculated according to the bedroom numbers of the property, equivalent to an average of £564 per dwelling (increased annually to take into account inflation). This applies to new homes built within 5.6 kilometres of the SPAs. (This 5.6 kilometre zone is where the majority of coastal visitors live.) Some developments may require additional mitigation due to their size or proximity to a SPA.

The developer contributions will be collected by the local authorities and transferred to the Partnership which will implement the measures. Some of the money received will be set aside to fund the measures 'in-perpetuity' (calculated on an 80 years basis) after 2034.

Council leaders will steer and oversee the Partnership's activities and expenditure. Progress on implementation and financial accounts will be published in an annual report.

Further information about the Partnership is at: www.birdaware.org

Introduction

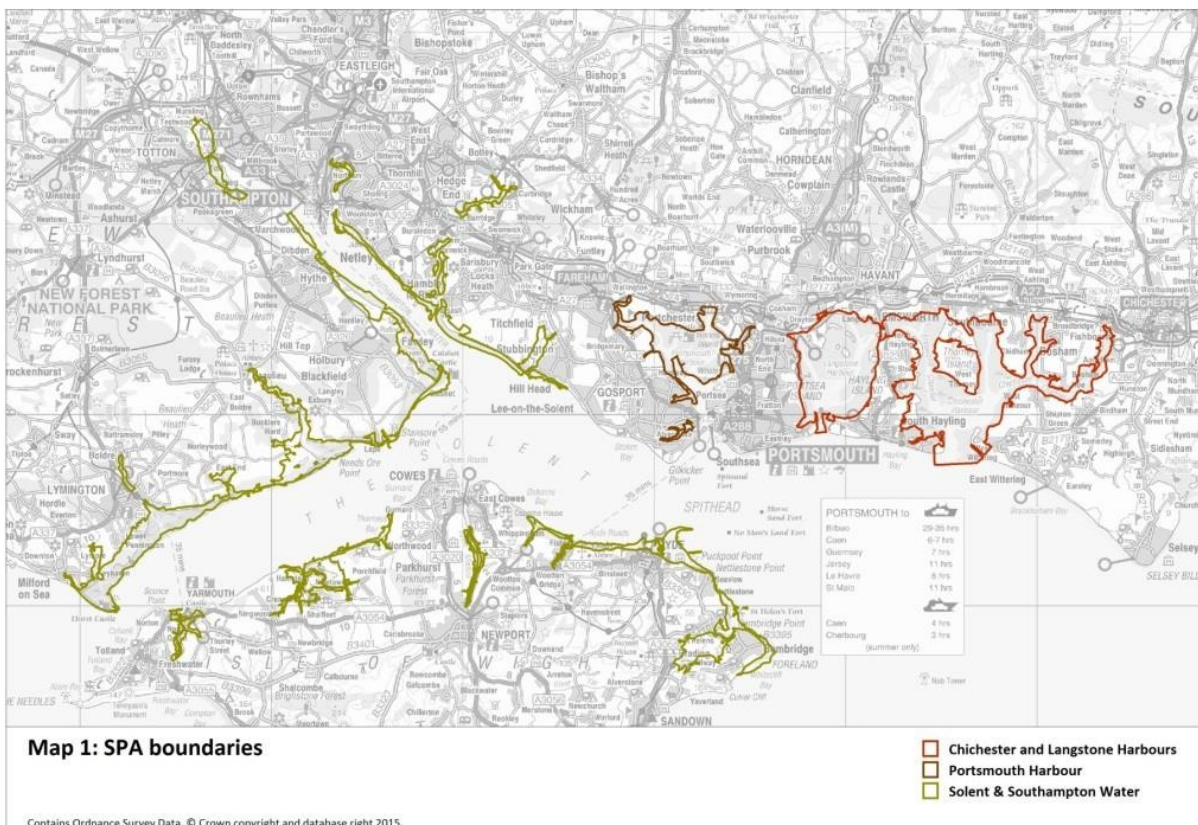
- 1.1. The Solent is internationally important for its wildlife. Each winter, the Solent hosts over 90,000 waders and wildfowl including 10 per cent of the global population of brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. Three Special Protection Areas (SPAs) were designated by the Government predominantly to protect these over-wintering birds (see map on page 6).
- 1.2. Legislation requires mitigation for any impact which a proposed development, in combination with other plans or project, is likely to have on a SPA. It requires local planning authorities before they grant planning permission for the project, to ensure the necessary mitigation will be provided. In practice this means that that development proposals cannot be consented or proceed unless there are no impacts on the integrity of European sites. If significant effects are predicted to occur, suitable measures for mitigation are required to reduce impacts to acceptable levels.
- 1.3. The Strategy provides a strategic solution to ensure the requirements of the Conservation of Habitats and Species Regulations 2010 (as amended) (the Habitats Regulations) are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs arising from new residential development.
- 1.4. The Conservation of Habitats and Species Regulations 2017 consolidate all the various amendments made to the Conservation of Habitats and Species Regulations 2010 and the [Conservation \(Natural Habitats, &c.\) Regulations 1994](#) in respect of England and Wales. The 1994 Regulations transposed Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive) into national law. Further details are available [here](#).
- 1.5. The Strategy seeks to provide mitigation for the duration of the impact (in-perpetuity) in line with the Habitats Regulations. Throughout this period, regular strategic reviews will take place every 5 years or more frequently if changes in the legislation or evidence necessitate.
- 1.6. A development can have various impacts, but one which is likely to arise from all new housing around the Solent SPAs is the impact of additional recreational visits, and therefore potential bird disturbance to the SPAs. Although the developer has the legal duty to provide the mitigation, the local authorities and conservation groups have devised a strategic approach to the provision of the mitigation for recreational impacts in order to facilitate delivery and ensure a consistent approach.
- 1.7. This document sets out that strategic approach, the mitigation measures to be implemented, and the arrangements for governance, reporting, and monitoring. It provides mitigation for the impact of in-combination recreational visits arising from housing which is planned around the Solent up to 2034. It does not address the impact of existing activities, which is the role of the separate Solent European Marine Sites (SEMS) initiative. It should also be noted that the Strategy does not deal with any other impacts on the SPAs such as loss of habitat, increased noise, effect on water quality etc - which may arise from new housing, or the potential impact of other types of development such as new employment sites. Separate mitigation may be required to address these additional impacts on the SPAs that arise from new development. These will be assessed by the local planning authorities, with advice from Natural England, at the planning application stage.

1.8. The strategy enables a housebuilder to make a monetary 'developer contribution' for the strategic mitigation of recreational pressures that would otherwise occur over a wide area, instead of needing to provide bespoke mitigation themselves. A developer can still provide their own mitigation, if they have the ability to do so, but for the vast majority it will be simpler, quicker and less costly to make a contribution towards the Strategy. This approach provides clarity and certainty for both developers and local authorities. It helps to deliver coordinated and effective mitigation, whilst simultaneously speeding up the development approval process and reducing the costs for all parties. It also provides a means for mitigating the impact of small developments for which it would not be practical to provide bespoke mitigation for.

2 The need for mitigation

- 2.1. The Solent coast, particularly its mudflats, shingle and saltmarshes, provide essential winter feeding and roosting grounds for birds that spend the winter here. The wide range of recreational activities which take place on this coast can result in disturbance to the birds, albeit often unintentional.
- 2.2. Human disturbance of the birds can have several impacts. Birds may be more alert, resulting in a reduction in the amount of food eaten, or they may move away from the disturbance. A bird which moves away forgoes valuable feeding time whilst in the air and also uses energy in flying - a double impact on the bird's energy reserves. If the disturbance is substantial, then food-rich areas may be little used by the birds or avoided altogether, leading to other areas hosting a higher density of birds and intensifying the competition for the available food.
- 2.3. Ultimately, the consequence of human disturbance can be increased bird mortality or a reduction in the amount of energy which the individual bird has available at the end of the winter period to fly back to its breeding grounds. If as a consequence the birds are unable to complete their migratory journey or are not in sufficiently good condition to breed when they arrive, then this would lead to a reduction in the bird population.

The Solent Special Protection Areas



- 2.4. Extensive research was undertaken during 2009-2013 to assess the impact of recreational activity on wintering birds on the Solent coast. This work was known as the Solent Disturbance Mitigation Project and formed part of the Solent European Marine Sites (SEMS) Scheme of Management. The research was coordinated by the Solent Forum, who coordinated it. This work included recording the response of birds to disturbance, face-to-face surveys of visitors at the coast, and a postal survey of households living around the Solent. Computer modelling using that information predicted the number of additional recreational visits which would be generated by planned housebuilding.
- 2.5. By far the most popular activity taking place at the coast is walking, with jogging and cycling also proving popular. The research shows that these account for 91% of all recreational activity¹. The same research also highlighted that dogs off lead were a cause of 47% of all 'major flights' i.e. bird(s) flying more than 50 metres to escape disturbance². This is why understanding the needs of dog walkers and proactively working with them is a priority for the Partnership.
- 2.6. Although other types of recreational use such as surfing, horse riding and rowing only amount to a total of 9% of activities carried out, each occurrence can create substantial disturbance³. Therefore the Partnership has longer term goals to work with each of these groups too.
- 2.7. The research predicted a 13% increase in visitor numbers at the Solent coast as a result of planned new housing, with the change on individual sections varying from 4% to 84%⁴. This highlights that the planned new housing will mean a large increase in coastal visits with a likely impact on the birds unless mitigation measures are put in place.
- 2.8. The research showed that how people behave, and how access is managed at each location determines the extent of disturbance⁵.
- 2.9. On the basis of this research, Natural England - the Government's advisor on the natural environment - issued formal advice to the Solent local planning authorities in March 2013. Their letter⁶ stated: *"This follows the completion of Phase II of the Solent Disturbance and Mitigation Project (SDMP), which reported that there is a Likely Significant Effect associated with the new housing planned around the Solent. Natural England's advice is that the SDMP work represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided."*
- 2.10. Ecological consultants Footprint Ecology were then commissioned to recommend a package of appropriate mitigation measures. Drawing on an evaluation of measures used elsewhere in the UK and the expert opinion of leading academics and practitioners, they recommended⁷:-
- A delivery officer
 - A team of wardens/rangers
 - A coastal dog walkers project
 - A review of parking
 - A review of watersport zones/watersport access
 - Codes of conduct pack
 - Series of site specific projects
 - Watersport permits & enforcement
 - Suitable Alternative Natural Greenspaces/additional green

- 2.11. Of these, the main recommendation (in terms of resource allocation) would be the team of wardens/rangers. Footprint Ecology recommended that around 5-7 rangers would form a core team, supplemented with casual staff if necessary⁸. The main ranger presence would be required from September through to the end of March, they advised, but that summer tasks - such as delivering projects, liaison with local landowners and stakeholders - might make it appropriate for some staff to be employed all year.
- 2.12. Suitable Alternative Natural Greenspaces (SANGs) are a key mitigation measure at some other Special Protection Areas, but Footprint Ecology recommended caution in using them for the Solent SPAs⁹. In large part this was because a survey showed that many people visit the Solent coast for the sea views and the feeling of 'being beside the sea': 34% of those surveyed stated that nothing could be done to make an alternative site more attractive to them¹⁰. A subsequent study¹¹ concluded that SANGs may have a role to play in providing mitigation if they are closely linked to management at the coast, are targeted in the right locations, and are accompanied by active promotion of their existence.
- 2.13. The evidence¹² showed that mitigation should be required from all dwellings built within 5.6 kilometres of the boundaries of the SPAs. This is the zone from which 75% of coastal visitors live. The zone boundary is defined by using straight line distances from the SPA boundary. This approach is the same as that adopted for Thames Basin Heaths and Dorset Heathlands SPAs.
- 2.14. Two research studies were commissioned to help identify which measures would be the most effective in encouraging responsible dog walking. The first was market research with dog walkers¹³ involving interviews at the coast and an on-line survey.
- 2.15. The second study¹⁴ reviewed measures which have been successfully used elsewhere in the UK and would be relevant to the circumstances of the Solent. It recommended the use of a website, social media and other initiatives to raise dog walkers' awareness of bird disturbance and to promote alternative inland greenspaces. The study emphasised that these initiatives would require adequate resourcing and this has been taken into account with the staffing numbers to carry out this Strategy. They allow for a full time dedicated resource to work with dog walkers and dog interest groups to achieve a way forward that fully considers their needs.

NB: References for the documents mentioned above are in Appendix E.

3 Overall approach and benefits

- 3.1. The aim of this strategy is to prevent any net increase in bird disturbance as a result of additional recreational pressures arising from the approximately 64,000 new dwellings which are planned around the Solent SPAs up to 2034 (see Appendix A for the derivation of this figure). This will be achieved by:-
- raising awareness and encouraging behavioural change of coastal visitors;
 - implementing projects to better manage visitors and provide secure habitats for the birds;
 - providing and promoting new/enhanced greenspaces in less sensitive areas as an alternative to visiting the coast.
- 3.2. This overall approach of better managing visitors at the coast, rather than attempting to restrict access through bylaws, permits, etc, reflects the research (paragraph 2.4 above) which found that the level of disturbance is determined more by peoples' behaviour than purely by the number of visitors.
- 3.3. Public access to the coast provides benefits including health, education, inspiration, spiritual and general well-being. Visitor access is also important in the management of the sites for nature conservation, because people are more likely to want to be involved with and protect local sites if they have close links with them. So by maintaining public access but with measures to ensure that recreational activity and nature conservation interests are not in conflict, the coast can be managed for the benefit of both wildlife and the public.
- 3.4. Based on the findings on the level of disturbance caused by various recreational activities (paragraphs 2.5 and 2.6 above), this strategy places a particular focus on walkers, cyclists, and dog walkers, but with proportionate mitigation measures for other recreational activities. So the package of mitigation measures comprises:-
- A team of rangers
 - Communications, marketing and education initiatives
 - Initiatives to facilitate and encourage responsible dog walking
 - Codes of conduct
 - Site-specific visitor management and bird refuge projects
 - New/enhanced strategic greenspaces
 - A delivery officer (called 'Partnership Manager' from here on)
 - Monitoring to help adjust the mitigation measures as necessary.
- 3.5. These measures are described in more detail in the next section. The package echoes the recommendations of consultants Footprint Ecology (paragraph 2.10 above) except for their proposal for watersport permits and enforcement. The latter would be contrary to the Partnership's overall approach which is aimed at managing rather than preventing activity at the coast. The consultants' recommendations for a review of watersports zones and parking may be considered again if monitoring of the Strategy's effectiveness suggests additional steps are required and these actions are judged likely to assist with providing further mitigation.
- 3.6. Implementation of these measures will help avoid disturbance to the birds which fly thousands of miles to spend the winter here. There will be benefits for people too, with a wider range of greenspaces and better facilities at many of them. It will be a win-win outcome: an enhanced range of quality recreational opportunities **and** safeguarding of the birds which are such an important feature of our shores.

4 The mitigation measures

- 4.1. This section sets out the mitigation measures required. How they will be resourced is dealt with in section 5.

Rangers

- 4.2. The rangers are the key mitigation measure. A small interim team was established in late 2015. They have begun to establish themselves and their presence has generally been well received. However, a larger team is needed in order to a satisfactory minimum Ranger presence along the 250 kilometer Solent coastline and build the necessary profile amongst people who regularly visit the coast, local communities, land owners and partner organisations.
- 4.3. During the winter period (1 October - 31 March), a team of seven rangers will focus their time on engaging with visitors at the coast, explaining the vulnerability of the birds, and advising people how they can avoid bird disturbance.
- 4.4. Five of the seven will be employed all-year. During the summer period (1 April - 30 September), the five will undertake tasks for which there is insufficient time during the winter period or which are best done during better weather. Those tasks will include meeting with landowners and stakeholders, installing/maintaining signs and interpretation panels, assisting with dog walking initiatives, staffing a stand at outdoor shows/events; hosting school visits, and preparing codes of conduct in consultation with local clubs (see paragraph 4.9 below). Once the enlarged ranger team is in place, they will prepare the Access Management Assessments described in paragraph 4.18 below.
- 4.5. The Ranger programme seeks to bring positive changes in behavior through promoting a better understanding and appreciation of the Solent's birds and the threats they face. If the monitoring or new research suggests that this approach is not working or needs to be adjusted, the Ranger programme will be adapted to improve its effectiveness.

Communications, marketing and education initiatives

- 4.6. The overall approach of this strategy is to secure behavioural change through awareness raising. Communications, marketing and education are central to that mission. The 'Bird Aware Solent' brand name, a presence on Twitter and Facebook, and a high quality website provide sound foundations for further communications and education initiatives. Those further initiatives are likely to include further development of the website, regular press releases, longer articles for magazines, educational materials for schools, and a range of leaflets targeted at different coastal visitor groups. A gazebo or a mobile display vehicle would enable key messages to be disseminated at local events/shows events.

Initiatives to encourage responsible dog walking

- 4.7. Key messages for dog walkers will be part of the general communications, marketing and education initiatives described above, but online and printed materials specifically targeted at dog walkers will also be produced.
- 4.8. A dedicated member of staff for dog walker engagement will roll out a series of positive measures to actively work with this group and will draw from measures that have been successful in other areas.

Codes of conduct

4.9. Codes of conduct will be developed, in conjunction with user groups, as the mitigation measure for activities such as horse-riding and water-based recreation (sailing, rowing, kite surfing etc). This measure is proportionate to the impact of these activities which is small compared to walking, jogging and cycling.

4.10. Codes of conduct are particularly effective for club-based activities, but their availability - via smartphone access to the Partnership's website for example - can also be promoted to casual visitors through signs at locations where the activities take place. Preparing the codes in conjunction with local clubs/user groups will ensure that appropriate language is used and will help secure buy-in as a result of the clubs being signatories to the codes.

New/enhanced strategic greenspaces

4.11. The research showed that some coastal visitors would be prepared to visit alternative greenspaces for at least some of their recreational trips. That would help moderate the predicted increase in visitors at the coast and thus the potential for bird disturbance. It will be done through a combination of an enhanced portfolio of alternative greenspaces plus increased promotion of them by the rangers and through on-line/printed media.

4.12. The creation of two completely new strategic greenspaces and enhancements to other existing greenspaces is already underway^a. In the medium-longer term, there may be a need for additional strategic greenspaces - known as Suitable Alternative Natural Greenspaces (SANGs). These could be created by a developer as part of a very large housing scheme or alternatively will be implemented through the Solent Recreation Mitigation Partnership. (NB: funding for these will not be from developer contributions – see paragraph 5.12 below.) Whether delivered by developers or the Partnership, new SANGs should be sited and be laid out in accordance with the guidelines in Appendix B.

Site-specific visitor management and bird refuge projects

4.13. These projects could include small scale minor works which are designed to help manage the impact of recreational visits on the coast: signs and interpretation boards, provision of a low wall/fence/planting to discourage coastal users from accessing particularly sensitive spots, screening to reduce visual and noise disturbance to birds (but low enough to enable people to still see the birds and the sea), bird roosts to make them more secure, improving an inland footpath to encourage walkers to skirt around a vulnerable site. Such measures may reduce the need for the rangers to visit the stretches of coast so frequently where they have been implemented.

4.14. Any party wishing to suggest a project within an identified site should make the local authority within which it is sited aware of the project and ask that they assess it and consider putting it forward for potential funding.

4.15. The projects put forward by local authorities are then assessed on their proposal in relation to the mitigation objectives of the Strategy and the evidence base that supports their ability to alleviate pressure on sensitive parts of the coast. Assessment factors relate

^a At Alver Valley Country Park; Manor Farm Country Park; Horsea Island Country Park; Shoreburs Greenways.

to the project scale, deliverability, effectiveness, monitoring and cost. Projects are assessed by a team that includes representatives from Natural England, the RSPB, Hampshire and Isle of Wight Wildlife Trust, the New Forest National Parks Authority and the Partnership Manager.

- 4.16. Once assessed, the projects are then prioritised based on their overall score for the factors listed above and where possible funding will be recommended for those with the highest scores, in the annual budget report to PUSH.
- 4.17. The Partnership has evaluated an initial tranche of potential projects for implementation. These projects were identified by Partnership members as having the potential to contribute to the mitigation aims of the Strategy. This work will be refreshed/reviewed closer to the funding being available (anticipated to be 2020) and repeated annually thereafter. Once funding is available, the site specific projects and their scores will be published annually on the Bird Aware website.
- 4.18. Further projects will emerge from a detailed assessment of each section of coast, of the recreational uses, bird numbers, and what might be done to resolve any current and future potential bird disturbance. This work will form an Access Management Assessment. The first of those Access Management Assessments will be undertaken during 2017/18: the rest will follow once the enlarged ranger team is in place.
- 4.19. The Access Management Assessments will seek to review the activities of all coastal users and make recommendations about how their needs can be accommodated without causing recreational pressures and disturbance on the overwintering birds. These will include the identification of site specific projects (such a screening and creating all weather surfaces, re-routing of small stretches of footpath) as well as further establishing links with stakeholders.

Monitoring

- 4.20. Monitoring will help confirm that mitigation measures are working as anticipated, and whether refinements or adjustments are necessary. Monitoring is therefore integral to the mitigation 'package'. In the longer term, it will establish whether the mitigation strategy is being effective. The monitoring is explained further on the Partnership's website at <http://www.birdaware.org/article/28103/Monitoring>

5 Resource costs and funding

- 5.1. Implementation of the mitigation measures set out in the preceding section will require resources - a mix of staff and funds for projects, communications, monitoring etc.

Rangers

- 5.2. The cost of the ranger team (five all-year and two winter-only rangers - see section 4) is based on the rangers who are currently employed on the Partnership's behalf. It also includes the higher salary which will be paid to the lead ranger who will manage the team and reflects the cost of vehicles. Further details are in Appendix C.

Other staff and operating budget

- 5.3. The volume of communications, marketing and education initiatives and the specialist skills required justify a dedicated part-time communications post.
- 5.4. Drawing on the experience of the other established projects (see paragraph 2.13 and 2.14 above), a dedicated full-time officer will liaise with dog walkers to devise initiatives to encourage responsible dog walking.
- 5.5. A dedicated Partnership Manager post is crucial to successful delivery of this mitigation strategy. The post will coordinate implementation of the mitigation measures, procure and manage the required staff and other resources, and provide the necessary reporting.
- 5.6. An operating budget will fund the procuring of graphic design skills, IT staff time to maintain/expand the website, leaflet printing etc. and any consultancy support which may be needed from time to time. A small contingency is provided for the possibility of some unforeseen essential but incidental expenditure.

Site-specific visitor management projects

- 5.7. The site-specific visitor management projects will be implemented through a rolling five-year programme with a budget of £400,000 per year. The completed projects will need routine maintenance: a 5% per annum figure for ongoing maintenance is included in the £420,000 figure in the table below.
- 5.8. It should be noted that a number of local planning authorities in the zone of influence of the New Forest Special Protection Area (SPA) / Special Area of Conservation (SAC) have adopted habitat mitigation strategies in place; and are liaising to explore opportunities to develop a co-ordinated strategic approach in the future to ensure significant adverse effects on these New Forest designated sites are avoided. In the vicinity of the New Forest, Bird Aware site-specific projects will provide mitigation for the Solent designated sites, but some may be able to also give some additional benefit to the New Forest SPA/SAC.

In-perpetuity

- 5.9. This strategy mitigates the recreational impact of new housing up to 2034, but the mitigation measures need to be in place for the duration of the impact. The Partnership has decided that this 'in-perpetuity' payment should be calculated on an 80 year basis and this has been accepted by Natural England. This is the same time period as that adopted for South East Devon European Site Mitigation Strategy for example.

- 5.10. So this strategy includes a mechanism for funding the mitigation measures after 2034 when the developer contributions from those planned new homes will come to an end. That mechanism is described in more detail in Appendix D, but in summary, a proportion of the money received each year from developer contributions will be transferred into an investment fund. That 'in-perpetuity fund' will grow each year through those annual cash transfers and the interest earned. By 2034, the fund will be sufficiently large to fund the mitigation measures in-perpetuity.
- 5.11. Some of the mitigation measures will not continue after 2034 or will be resourced at a reduced level. The programme of site specific visitor management projects will end, the dog walking initiatives post and the communications & education post will be combined, the operating budget will reduce, monitoring will continue at a reduced scale, and the Partnership Manager post will cease. The work of the latter will be much diminished after 2034; the local authorities have agreed to take on the remaining tasks in-perpetuity.

Funding

- 5.12. The current strategic greenspace projects (paragraph 4.12 above) are funded through the Solent Local Growth Deal with complementary local funding from the local authority which is implementing it. Funding for the further strategic greenspaces will be sought from future local growth deals or other similar sources, unless the greenspace is provided as part of a large housing scheme in which case the developer will fund it. PUSH has produced a Green Infrastructure Strategy which may be able to help secure funding for further greenspace enhancements.
- 5.13. The other resource costs need to be funded from developer contributions. Those costs are summarised in the table below and are set out in greater detail in Appendices C and D.

Summary of annual costs up to the year 2034

	£thousands per annum
Rangers	272
Other staff	93
Operating budget and monitoring	90
Site specific visitor management projects	420
Contingency	10
In-perpetuity funding	1111
Total annual cost	1996

All figures are at 2016 prices because the developer contribution is index linked and will automatically rise with inflation.

- 5.14. This total cost when divided amongst the number of new dwellings to be mitigated each year (estimated as 3,538 - see Appendix A), means that an average developer contribution of £564 per dwelling is required (These figures will be increased on 1 April each year in line with the Retail Price Index (RPI) rounded to the nearest whole pound.)
- 5.15. Although that figure is the best estimate of the number of planned new homes, the number actually constructed could be different to the estimate. However, the package of mitigation measures in this strategy is 'scalable', which means that the amount of mitigation can be increased or decreased in line with actual housebuilding.

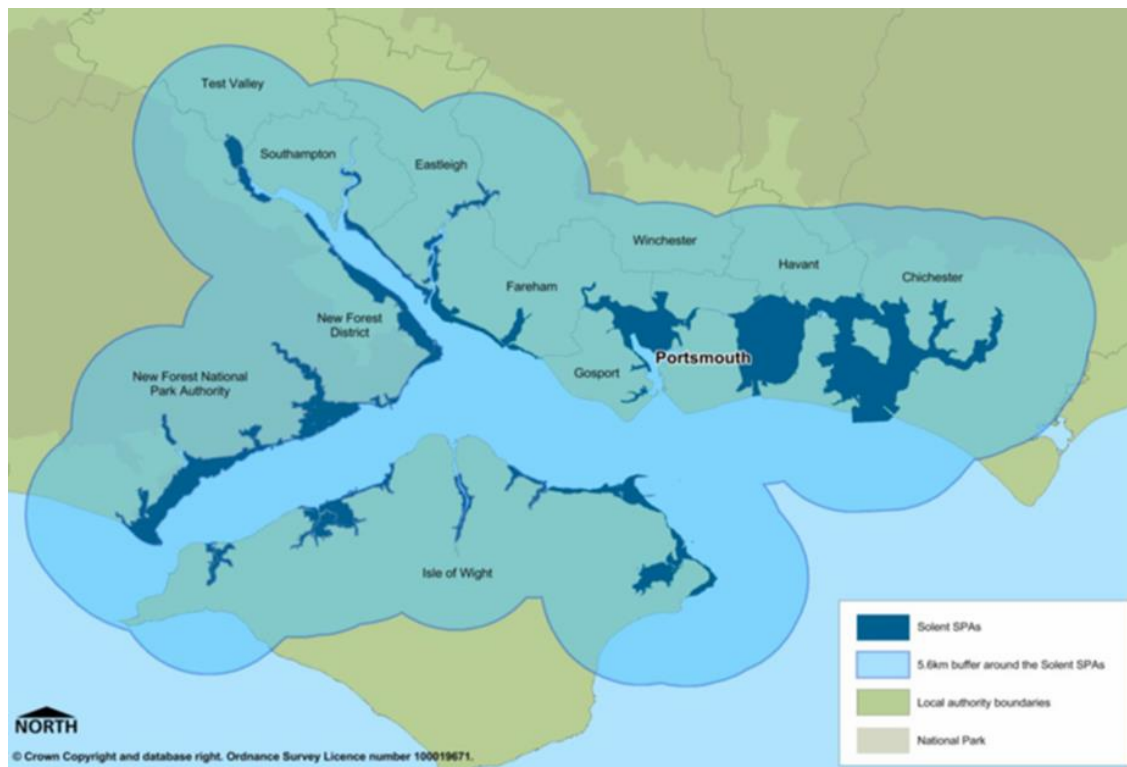
For PUSH consideration on 5th Dec 2018

6 Developer contributions

- 6.1. As explained in the previous section, the baseline developer contribution is the equivalent of £564 per dwelling (though in practice this will be charged on a sliding scale based upon bedroom numbers per dwelling). These figures will be increased on 1 April each year in line with the Retail Price Index (RPI) rounded to the nearest whole pound.
- 6.2. Immediately following the adoption of the Strategy by a given local authority, the new developer contribution rate will apply to all relevant applications within the 5.6km zone, determined after that date within the authority's area. It is anticipated that all Solent local authorities will have adopted the Strategy by the end of March 2018.
- 6.3. That developer contribution will be required for every net additional dwelling within 5.6 kilometres of the boundaries of the Solent Special Protection Areas (see map below) unless the developer can demonstrate to the satisfaction of the local planning authority and Natural England that it will provide alternative 'bespoke mitigation' which will fully mitigate the recreational impact of the development.
- 6.4. In this context, 'dwelling' includes net new dwellings created through the sub-division of existing dwellings, second homes, dwellings to be used as holiday accommodation, self-contained student accommodation, and new dwellings created as a result of approval granted under the General Permitted Development Order e.g. change of use from office to residential (including houses and flats). It includes permanent accommodation for gypsies and travellers; temporary/transit pitches will be assessed on a case-by-case basis by the local planning authority in consultation with Natural England.
- 6.5. In the case of self-contained student accommodation, a case by case approach is taken because it is recognised that due to the characteristics of this kind of residential development, specifically the absence of car parking and the inability of those living in purpose built student accommodation to have pets, the level of disturbance created, and thus the increase in bird disturbance and associated bird mortality, will be less than dwelling houses (use class C3 of the Use Classes Order^b). The SDMP research showed that 47% of activity which resulted in major flight events was specifically caused by dogs off of a lead. As such, it is considered that level of impact from purpose built student accommodation would be half that of C3 housing and thus the scale of the mitigation package should also be half that of traditional housing.
- 6.6. Whilst these units of accommodation are assessed on a case by case basis, not purely on their numbers of bedrooms, a general model for calculation follows: As the average number of study bedrooms in a unit of purpose built student accommodation is five, for the purposes of providing SPA mitigation, every five study bedrooms will be considered a unit of residential accommodation and charged accordingly (i.e. 50% of the rate of the 5 bedroom property charge). However, the final figure will be derived in consultation with Natural England and the local planning authority and developers are urged to hold early discussions with them on this matter.

^b https://www.planningportal.co.uk/info/200130/common_projects/9/change_of_use

The 5.6 kilometre zone around the Solent Special Protection Areas



6.7. Some housing schemes, when accounting for their scale or relationship with the SPAs, may need to provide bespoke mitigation measures in addition to making the financial contribution in order to ensure effective avoidance/mitigation of impacts on the SPA. A very large scheme could have a disproportionate impact on particular sections of coast compared to the dispersed impact of smaller schemes providing the same overall number of new homes. Similarly, mitigation in addition to the standard developer contribution may be needed for new dwellings which are close to the SPAs because the occupants are much more likely to visit the coast with the potential for a greater impact.

6.8. Other influencing factors that might be considered in the need for additional mitigation could include (but are not be limited to), existing access to inter-tidal areas, type of frontage - beach, sea wall, adjacent habitats - deep mud or shingle/sand, the height of the site in relation to the inter-tidal level and proposed design of the new scheme. Therefore even very modest housing schemes could have a greater impact, whilst some larger schemes may have less of an impact due to their specific location. The assessment as to whether a particular scheme will require additional mitigation is complex and will depend on a range of factors so it is not possible to say, as part of Strategy, when development will need to provide further measures. The local planning authority, with advice from Natural England, will consider the mitigation requirements for such housing proposals on a case-by-case basis. Developers are encouraged to hold early discussions with Natural England and the local planning authority on the mitigation which will be needed for such schemes.

6.9. The need for mitigation for the recreational impact of other types of residential accommodation will be assessed on a case-by-case basis by the local planning authority. The key 'test' is based around the likelihood of the proposed development generating additional recreational visits to the SPA(s). For example, in respect of residential

accommodation designed specifically for elderly people, a developer contribution (or bespoke mitigation) will be required for apartments for the active elderly, but not for secure accommodation such as a residential nursing home for people who are unable to independently leave that accommodation and which does not provide residents parking or allow pets (this would also apply to people living with conditions that limit their mobility). However, mitigation may be required for any staff living on-site. Retirement properties designed for independent living with parking provision and which allow pets will be treated the same as C3 residential properties.

- 6.10. New hotels and other holiday/tourist accommodation - defined as both wholly new establishments and extensions of existing ones - is a residential-related use with the potential to generate additional recreational visits to the SPA(s). The need for mitigation for new hotel accommodation will be assessed on a case-by-case basis by the local planning authority in relation to the 'tests' set out in the paragraph above. Mitigation is unlikely to be required for new hotel accommodation in a city centre for example, if the guests will predominantly be business people or those visiting the built heritage rather than the coast. On the other hand, mitigation is more likely to be required for new hotel accommodation close to a SPA where guests will probably spend some time walking or pursuing other recreational activities at the coast.
- 6.11. Where mitigation is deemed to be necessary for new hotel and other holiday/tourist accommodation, the mitigation may take the form of a developer contribution calculated on the basis of the number of new bedrooms and the monetary contributions (or a proportion thereof) in paragraph 6.1 above. Such contributions will be pooled and spent on mitigation measures in the same way as developer contributions from new dwellings.
- 6.12. This scope of this strategy is mitigating the recreational impact of new residential-related accommodation on the Solent Special Protection Area(s). Separate mitigation may be required for other impacts which may arise from new housing, e.g. impacts on water quality, noise disturbance, high buildings obstructing bird flight lines, loss or damage to supporting habitats. Those will be assessed by the local planning authorities, with advice from Natural England, at the planning application stage to identify whether, and if so what, mitigation is required. However, developers are encouraged to hold early discussions with Natural England and the Local Planning Authority

A sliding scale of developer contributions?

- 6.13. Currently, the same developer contribution is paid irrespective of property size - a 'flat rate' contribution. However, larger properties can accommodate more people, with the potential for a larger number of visitors to the coast, creating a higher level of impact so a sliding scale of contributions has been developed to reflect this. There are practical difficulties with trying to vary it by floorspace or sale price, but for some SPA mitigation strategies elsewhere in the UK, it has been determined fairest that the developer contribution varies according to the number of bedrooms in the new property.
- 6.14. So instead of a £564 flat rate, the Partnership will use a sliding scale of contributions. This will be:-
- £337 for 1 bedroom dwelling
 - £487 for 2 bedroom dwelling
 - £637 for 3 bedroom dwelling
 - £749 for 4 bedroom dwelling
 - £880 for 5 bedrooms or more

6.15. The figures above are based on an estimate of the mix of housing that will be proposed and the need to secure a total income level that is equivalent to that which would be raised through charging a flat fee. The methodology used to calculate the figures is based on that developed by LPA's within the Thames Basin Heaths mitigation scheme. It accounts for the existing occupancy of properties and the projected mix going forward based on a sample of authorities within this area. These will be reviewed every two years throughout the duration of the Strategy.

For PUSH consideration on 5th Dec 2018

7 Implementation, governance and reporting

Implementation

- 7.1. The developer contributions are paid to local planning authorities. Each authority decides which legal mechanisms to use to secure the developer contributions from schemes in its area and the potential for phased / staged payments in relation to specific proposals.
- 7.2. The authorities pool the developer contributions received and implement the mitigation measures through the Solent Recreation Mitigation Partnership. The contributions received by the authorities are transferred quarterly to the Partnership.
- 7.3. The Partnership sets a budget for each year, including the amount to be transferred that year into the in-perpetuity fund (see paragraph 5.13). Some money will be held in reserve at all times to cushion against variations in the amount of developer contributions received each quarter: such variations are inevitable due to market-driven fluctuations in the number of sites/development phases on which construction begins. The value of the contributions received by the Partnership each year and details of all expenditure, are set out in an annual statement of accounts.
- 7.4. The higher developer contribution will mean increased funding for mitigation. However, many developer contributions are only paid on the commencement of development, so there is a time delay between a planning permission being granted and the money being paid to the authority. For some schemes this can be a matter of weeks; for others it can be several years. So that time delay will mean that the amount of money received by the Partnership will increase only gradually over the next 2-3 years. This will constrain the implementation of mitigation measures in the short term: so, for example, it will probably not be possible to have the full ranger team in place until 2019 or 2020.

Governance

- 7.5. The Partnership's management structure comprises a small Project Board of senior officers and a Steering Group which includes an officer from each of the nineteen partner organisations. The Project Board sets the Partnership's overall direction and budget. Working within those, the Steering Group manages the operational tasks. The Partnership Manager has delegated responsibility for managing day-to-day activities.
- 7.6. Further details of the composition and roles of the Project Board and Steering Group are in the Partnership's Terms of Reference, which can be seen at: <http://www.birdaware.org/CHttpHandler.ashx?id=27311&p=0>
- 7.7. The governance, political steer and oversight of the Solent Recreation Mitigation Partnership (SRMP) is provided by the Partnership for Urban South Hampshire (PUSH) with the involvement of representatives of the three local planning authorities which are not members of PUSH - Chichester District Council, New Forest National Park Authority, and South Downs National Park Authority. This is done through reports to the PUSH Joint Committee, which comprises the Leader of each PUSH authority supported by their Chief Executive. A representative from each of the three non-PUSH authorities is invited to participate in the Joint Committee meeting whenever there is discussion of a SRMP-related matter.

Reporting

- 7.8. Normally, the SRMP presents two reports each year to the PUSH Joint Committee: one to seek approval for the proposed SRMP budget and Project Board membership for the ensuing year, and the other to seek approval of the SRMP's Annual Report. Those reports to the PUSH Joint Committee can be seen at: http://www.push.gov.uk/work/latest_joint-committee.htm
- 7.9. The Annual Report records the progress made in implementing the mitigation measures and summarises the conclusions of completed monitoring. It also contains the statement of accounts for the preceding year and the budget for the coming year. It is published immediately after approval by the PUSH Joint Committee.
- 7.10. Partnership reports on research and monitoring are published as soon as they have been completed.
- 7.11. All those reports, this strategy, and a range of other documents/information can be seen on the SRMP's website at: www.birdaware.org

Review

- 7.12. The Strategy seeks to provide mitigation for development planned until 2034. In order to keep the Strategy relevant throughout this period, regular strategic reviews will take place every 5 years from implementation (or more frequently if changes in legislation or evidence necessitate). This will allow for lessons learnt, new best practices and variations over time to be incorporated into the Strategy, making it more relevant for longer. Following each review, an update report will be made available on the website.

Appendix A: Calculation of number of new dwellings mitigated

- A1. This strategy has been prepared to mitigate the 63,684 new dwellings which are planned between 2016 and 2034 - an average of 3,538 per annum. This estimate is derived from the PUSH Spatial Position Statement which looks to 2034^c and an assumed continuation to 2034 of the currently planned building rate in the three non-PUSH authority areas.
- A2. The PUSH Spatial Position Statement envisages an average of 4,537 new dwellings each year in the whole PUSH area. It is estimated that around 3,195 of these could be located within 5.6km of the Special Protection Areas. This estimate is based on information provided by the local planning authorities for a sub-regional transport model which uses localised zones and thus provides a reasonably good basis for calculating development within 5.6km. Working from these figures has provided the best available estimate.
- A3. In the three non-PUSH authority areas - Chichester District, New Forest National Park, South Downs National Park - the currently planned building rate is a combined 343 dwellings per annum. The adopted Local Plans for those three areas only look ahead to varying dates between 2026 and 2031, so for the purpose of this strategy it is assumed that the currently planned rate of 343 dwellings per annum will continue to 2034.
- A4. Therefore, the figure for the whole Partnership area is 3,538 per annum - a total of 63,684 between 2016 and 2034.

^c View at: www.push.gov.uk/work/planning-and-infrastructure/push_spatial_position_statement_to_2034-2.htm

Appendix B: Criteria for Suitable Alternative Natural Greenspaces (SANGs)

The following guidelines have been created to reflect responses to Solent specific research and may further evolve over time as more research is undertaken.

These guidelines are focused towards strategic SANGs, rather than bespoke mitigation packages for individual developments and include locational criteria for siting wholly new sites, and criteria for their design and facilities. The latter criteria are also relevant to projects to enhance existing strategic sites: they set out the priorities for new facilities to be provided, and the improvements to be made to the layout and design. The guidelines take account of the research findings¹³ on the features/facilities which would make an alternative site attractive to people seeking places for recreation. Monitoring is being undertaken at the strategic SANGs which will further inform future SANG design.

Locational criteria

Essential

- a wholly new site or an enhancement of existing public open space if the site is currently underused and has substantial capacity to accommodate additional recreational activity or could be expanded, taking into account the availability of land and its potential for improvement;
- be in a location where it will divert visitors especially dog walkers away from sections of SPA coast which are sensitive to additional human disturbance and where a significant increase in visitors is predicted;
- be located where it will attract visitors who would otherwise have gone to those sections of coast ^d;
- be large enough to include a variety of paths which enable at least one circular walk of at least 5 km (approx. a 60 min walk);
- be in a location where a SANG would be acceptable in terms of planning policy and traffic generation, and would not have an unacceptable impact on biodiversity e.g. a nature conservation site protected under a local or national designation;
- be sufficiently large to be perceived as a cohesive semi-natural space, offering tranquility, with little intrusion of artificial structures (except in the immediate vicinity of car parks) and with no unpleasant intrusions of other kinds e.g. wastewater treatment odours;

Desirable

- has views of the sea which are not too distant or includes a sizeable water feature;
- has a varied topography with some gentle slopes, a mix of open and wooded areas, and a focal point such as a viewpoint, monument etc.

Criteria for design and facilities

Essential

- includes a variety of paths which enable at least one circular walk of at least 5km (approx. a 60 min walk);

^d Generally, proposals will be within the Partnership area but sites located just outside might be considered.

- includes adequate car parking for visitors with that car parking being well located in relation to the road network;
- be clearly signed at access points and at key junctions on the surrounding road network, with an information panel at each access point which explains the layout of the SANG and the routes available to visitors.
- access points for visitors arriving on foot must be well located in relation to nearby residential areas;
- designed so that the SANG is perceived by users as a cohesive semi-natural space which is safe and easily navigable;
- paths must be clearly discernible, well signposted/waymarked, and have firm, level, well drained surfaces (albeit unsealed to avoid any 'urban feel') in order to be useable throughout the winter;
- movement within the SANG must be largely unrestricted, with plenty of space away from road traffic;
- Dogs are welcome and the majority of the sites is suitable for safe off-lead dog exercise.
- Dog swimming area.
- Dog waste bins.

Desirable

- car parking would be free of charge in the winter and preferably all year round;
- has multiple access points and with car parking at each rather than in a single location;
- incorporates innovative and attractive dog walking facilities such as dog activity trails, agility courses, enclosed off-lead training/exercise areas, dog washing facilities.

Appendix C: Resource costs

The table below sets out the estimated annual costs of each expenditure item, for the period up to 2034 and during the in-perpetuity period thereafter.

Expenditure item	Up to 2034	After 2034	Notes
All-year rangers	200,000	200,000	5 posts @ £40k pa ^e
Extra salary payment for Lead Ranger	5,000	5,000	
Branded vehicles for all-year rangers	25,000	25,000	£5k pa each (all-year rangers only)
Winter-only rangers	42,000	42,000	2 posts @ £21k pa
Sub-total	272,000	272,000	
Communications & education post and Dog Walking Initiatives Post	63,000	-	Total of 7.5 days per week
Combined communications, education and dog walking initiatives post	-	21,000	2.5 days per week
Partnership Manager	30,000	-	3 days per week
Operating budget	60,000	30,000	
Monitoring	30,000	15,000	
Site specific visitor management projects	400,000	-	
Maintenance of capital projects	20,000	20,000	5% of the £400k projects funding
Contingency	10,000	5,000	
Total expenditure	885,000	363,000	
In-perpetuity funding for expenditure beyond 2034	1,111,000		See Appendix D
Grand total	1,996,000		
Divided by number of new dwellings	3,538		See Appendix A
Developer contribution - £ per dwelling	564		

Notes

All the figures are at 2016 prices: the developer contribution is index linked, so that annual increase will cover inflation-related rises in the above figures.

The winter-only rangers costs provide for their employment for seven months from 1 September, in order to allow one month for training and familiarisation ahead of winter patrols between 1 October and 31 March.

Each all-year ranger will have a small van to transport equipment for displays to local events etc. The seasonal rangers will use their own vehicles to get to sites.

All the staff cost figures include the employer's national insurance and pensions contributions, office accommodation, IT costs, as well as the individual's salary.

The operating budget will cover website development and maintenance, graphic design and printing costs, display/exhibition materials, consultancy support. for all communications/education, dog walking initiatives and generic Partnership activities.

^e This cost does not represent the Rangers salary level as it also includes other employment costs such as uniform, office space, national insurance and pension contributions.

Appendix D: In-perpetuity funding

D1. Paragraphs 5.9 - 5.10 explained the need to fund the key mitigation 'in- perpetuity' - defined in agreement with Natural England as 80 years beyond 2034 i.e. to the year 2114. In summary, a proportion of the money received each year from developer contributions will be transferred into an investment fund. That 'in- perpetuity fund' will grow each year through those annual cash transfers and the interest earned, such that by 2034 it will be sufficiently large to fund the mitigation measures every year thereafter. This Appendix provides more details of methodology and assumptions used in the in-perpetuity funding calculations.

Creating the in-perpetuity fund

D2. The amount of money which needs to be transferred into the in-perpetuity fund each year to 2034 is determined by the annual cost of the mitigation measures during the ensuing in-perpetuity period (£363,000 - see Appendix C) and predicted interest rates during that same period. Capita - a leading expert body which provides financial advice to many of the Solent local authorities - predicts that interest rates will rise from 0.25% in 2018/19 to 2.50% in 2024/25, and thereafter remain at 2.50%.

D3. As explained in paragraph 7.4, the amount of money received by the Partnership will only increase gradually over the next 2-3 years. Taking that into account, the £122,000 which was transferred into the in-perpetuity fund in 2016/17 needs to rise to £1,110,000 in 2020/21 and each year thereafter, in order that the value of the fund in 2034 is sufficiently large to fund the planned expenditure during the ensuing in-perpetuity period.

D4. The table below shows the situation in 2016/17 and 2017/18, and the predicted situation in the final year 2033/34. All the figures are at 2016 prices because the developer contribution is index linked and will rise with inflation. There is only space here to show three years, but full calculation for all 18 years is in an Excel spreadsheet which can be seen at: www.birdaware.org/faqs

		2016/17	2017/18						2033/34
a	Fund value at year start	£0	£122,000						£18,790,302
b	Interest rate	0.25%	0.25%						2.50%
c	Interest generated	£0	£305						£469,758
d	Money transferred in	£122,000	£267,000						£1,111,000
e	Fund value at year end	£122,000	£389,305						£20,370,060

row (a) = (e) of previous year row

(b) = forecast interest rate row (c) =

row (a) x row (b)

row (d) = amount transferred into the fund in that year rom

(e) = (a)+(c)+(d)

Funding the mitigation measures during the in-perpetuity period

D5. At the start of the in-perpetuity period in 2034/35, the fund is predicted to have a capital value of around £20million. Spending on mitigation measures during the 80 year in-perpetuity period will be funded partly by drawing on that capital and partly from the interest earned on the remaining balance. So at the end of the in-perpetuity period in 2113/14, the capital will have reduced to around zero.

D6. This calculation incorporates an assumed inflation rate of 2% per annum during the in-perpetuity period. (That 2% rate is based on the latest OECD forecast which looks to 2060.) Factoring in that 2% assumption over an 80 year period has a big impact on the calculations. The planned spending during the in-perpetuity period is £363,000 at 2034 prices. Increasing that figure by 2% per annum means it becomes £1.74million by 2113/14.

E7. The table below shows the first and last years of the 2034-2114 in-perpetuity period. The full calculation for all 80 years is in an Excel spreadsheet which can be seen at: www.birdaware.org/strategy

		2034/5						2113/4
a	Fund value at year start	£20,370,060						£1,888,146
b	Spent during year	£363,000						£1,735,083
c	Amount left in fund	£20,007,060						£153,064
d	Interest earned	£500,176						£4,592
e	Fund value at year end	£20,507,236						£157,656

row (a) = (e) of previous year

row (b) is the cost of the in-perpetuity mitigation measures, increased by 2% each year to allow for inflation

row (c) = (a) - (b)

row (d) = (c) x 2.5%

row (e) = (c) + (d)

Appendix E: References

1. Liley D, Stillman R & Fearnley H (2011) Solent Disturbance & Mitigation Project Phase II Results of bird disturbance fieldwork 2009/10. Paragraph 3.7
2. Ibid. Paragraph 3.15
3. Ibid. Figure 8
4. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraph 2.9
5. Liley D, Stillman R & Fearnley H (2011) Solent Disturbance & Mitigation Project Phase II Results of bird disturbance fieldwork 2009/10. Paragraph 3.18
6. Natural England (31 May 2013). Letter from to all local authorities
7. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 5.1 - 5.66
8. Ibid. Paragraph 5.6
9. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 5.61 - 5.63
10. Fearnley H, Clarke R T & Liley D (2010) Solent Disturbance & Mitigation Project Phase II On-site visitor survey results. Paragraph 2.26
11. Panter C & Liley D (2015) Alver Valley SANG Study
12. Liley D & Tyldesley D (2013) Solent Disturbance & Mitigation Project Phase III Towards an Avoidance and Mitigation Strategy. Paragraphs 7.28 – 7.30
13. Clarke C (2016) Market research relating to initiatives to encourage responsible dog walking
14. Jenkinson S (2016) Mitigation options for influencing the behaviour of walkers with dog in the Solent area
15. Ibid. Paragraph 9.4.2.1

All these documents can be accessed via:

<http://www.birdaware.org/article/28102/Research>

Appendix 2:

Solent Special Protection Areas

Gosport Bird Disturbance Mitigation
Protocol

April 2018

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- 1. Introduction**
- 2. The Special Protection Areas**
- 3. Research**
- 4. Interim Mitigation Measures**
- 5. Implementation**
- 6. How do I make a mitigation contribution**
- 7. Appendix 1 – How the mitigation figure is derived**

1. INTRODUCTION

- 1.1 The Solent coastline is internationally important for its wildlife interest. This importance has been recognised by international protective designations including three Special Protection Areas (SPAs) – the Portsmouth Harbour SPA, the Solent and Southampton Water SPA and the Chichester and Langstone Harbours SPA. These SPAs have been designated predominantly for the protection of the large numbers of waders and wildfowl which spend the winter on the Solent.
- 1.2. It is estimated that 60,000 new homes are planned around the Solent up to 2034 and this new housing can have potential impacts on the SPAs. One of these potential impacts is increased recreational activity at the coast resulting from population increases associated with the new homes. Extensive research has quantified this impact and recommended measures - known as 'mitigation measures' - to ensure that the additional recreational activity would not result in harm to the SPAs.
- 1.3. The protection afforded by the SPA designations has particular consequences. Under the Habitats Regulations¹ any plan or project can only lawfully go ahead if it can be shown that the development, either on its own or in combination with other plans or projects, will have no adverse effect on the integrity of the SPAs.
- 1.4 Research has shown that these will lead to more people visiting the coast for recreation which will potentially create additional disturbance to these birds and have a detrimental impact on the protected species of the SPAs. In order to understand the issue of recreational disturbance and its potential impact on internationally important habitats extensive detailed research has been undertaken as part of the Solent Disturbance and Mitigation Project (SDMP). This work was coordinated by the Solent Forum and has involved a number of organisations including Natural England, Environment Agency, all the local authorities around the Solent, relevant harbour groups and the RSPB. The work has concluded that existing and new residential development is likely to have an adverse impact on protected bird species that use the internationally important sites as a result of recreational disturbance generated by local residents.
- 1.5 In 2013 Natural England² made it clear that the SDMP work represents the best available evidence and therefore avoidance and mitigation measures are required in order to ensure a significant effect, arising from new housing development around the Solent, is avoided. It therefore expects that all residential development contributes towards the avoidance and mitigation measures.
- 1.6 As a result of this requirement the relevant authorities including GBC formed the Solent Recreation Mitigation Partnership (SRMP). The SRMP now also adopts a public-friendly brand name called 'Bird Aware Solent' which it will use for its day to day work and public engagement.
- 1.7 Due to the complexity of understanding what mitigation measures would be effective Natural England agreed that an Interim Mitigation Strategy could be implemented until 31st March 2018 and that this would need to be replaced by a definitive long-term strategy. The Interim Strategy has been in operation since October 2014 and Gosport Borough Council and the other partners have been collecting a financial contribution for each new dwelling permitted

¹ The Conservation of Habitats and Species Regulations 2010 (and subsequent amendments)

² See Document LP/E2/2 on the Council's Local Plan evidence page

<https://www.gosport.gov.uk/sections/your-council/council-services/planning-section/local-development-framework/gosport-borough-local-plan-2029/gosport-borough-local-plan-2011-2029-adopted-october-2015/evidence-studies/>

within a 5.6km zone of the SPAs³, which includes the whole of Gosport Borough. The original Gosport Bird Disturbance Protocol was prepared to link with the Interim Strategy.

- 1.8 The SRMP has now prepared the definitive Solent Recreation Mitigation Strategy (SRMS) which covers the period to 2034. A copy of the SRMS can be viewed on the Bird Aware Solent website <http://www.birdaware.org/strategy>. Consequently it has now been necessary to update the Council's Gosport Bird Disturbance Protocol

2. THE SPECIAL PROTECTION AREAS

- 2.1 The Solent shoreline stretches from Hurst Castle (near Lymington) in the west to West Wittering in the east and includes the northern shore of the Isle of Wight from Warden Point (near Colwell) to Whitecliffe Bay (near Bembridge). This 250 kilometres shoreline includes the tidal sections of the rivers which flow into the Solent as well as Chichester, Langstone and Portsmouth Harbours. The Solent is internationally important for its wildlife interest and there are various protective designations including three Special Protection Areas (SPAs).
- 2.2. The three SPAs on the Solent are: Chichester & Langstone Harbours SPA; Portsmouth Harbour SPA; and Solent & Southampton Water SPA. The SPAs were designated principally for the protection of internationally significant numbers of over-wintering waterfowl (different at each) that include geese, ducks and wading birds. The Solent supports over 90,000 waders and over 10 per cent of the global population of Brent Geese. Many of these birds travel thousands of miles to over-winter on the Solent. The intertidal habitats, particularly the mudflats, shingle and saltmarshes, provide essential winter feeding and roosting grounds for these species.
- 2.3. The Solent coast, including the coastline within the SPAs, is popular with local people and enjoyed for a wide range of recreational activities. The wildlife interest is part of the specific draw for many people, and some travel quite long distances to access the coast. However, recreation and the presence of people in and around the SPAs can result in disturbance to the birds, albeit often unintentional.
- 2.4. Human disturbance of the birds can have several impacts. Birds may be more alert, resulting in a reduction in the amount of food eaten, or they may fly away from the disturbance. A bird which flies away forgoes valuable feeding time whilst in the air and also uses energy in flying - a double impact on the bird's energy reserves. If the disturbance is substantial, then food-rich areas may be little used by the birds or avoided altogether, leading to other areas hosting a higher density of birds and intensifying the competition for the available food. Ultimately, the consequence of human disturbance can be increased bird mortality or a reduction in the amount of energy which the individual bird has available at the end of the winter period to fly back to its breeding grounds. If as a consequence the birds are unable to complete their migratory journey or are not in sufficiently good condition to breed when they arrive, then this would lead to a reduction in the bird population.

3. RESEARCH

- 3.1. Housebuilding around the SPAs will result in an increase in the number of local residents and thus the number of people visiting the coast for recreation, with a consequential risk of increased disturbance to the birds. Extensive research into this matter was undertaken during 2009-2013 through the Solent Disturbance & Mitigation Project⁴ which preceded the SRMP. It included:

³ This zone has been determined from the evidence studies which demonstrated that this is where the majority of coastal visitors live.

⁴ The research can be seen at:
http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/

- a desktop review of existing national and local research;
- a survey of visitors at the Solent SPAs asking them about their visit;
- a survey of households living close to the Solent SPAs about their use of the coast;
- bird disturbance fieldwork at the SPAs to assess how birds respond to potential disturbance events;
- computer modelling to establish whether the patterns of activity which were observed at the Solent SPAs could lead to increased bird disturbance;
- recommendations on the mitigation measures that could be used to prevent housing development affecting the integrity of the SPAs.

3.2. Based on the research, it is estimated that around 52 million visits are made by households to the Solent coast each year, of which just over half are made by car. The majority of visitors make trips to the coast specifically to see the sea and enjoy the coastal scenery.

3.3. Dog walking was the most frequently observed activity, with walking, cycling and jogging being other common recreational activities. Most activities involved people staying on the shore/sea wall rather than being on the intertidal areas or in the water. Human activity that took place on the intertidal areas was more likely to result in bird disturbance; on those areas dog walking was particularly common and resulted in a disproportionate amount of the observed bird disturbance. The research found that disturbance tended to occur when the human activity was relatively close to the birds i.e. within 50 metres, and that birds tended to respond less the further the human activity was from them.

3.4. The Solent area is heavily populated and it is estimated that over 1.4 million people live within a ten minute drive of a car park on the Solent shoreline. Substantial additional housing is planned and much of this will be within a short distance of the coast. Based on studies elsewhere in the country, it is considered new development would have an impact if it was built within a zone of 5.6km from the SPAs. This zone would include the whole of Gosport Borough.

3.5. The research predicted that while some birds will be able to compensate for increased disturbance by altering their feeding habits, a number of species will suffer increased mortality as a consequence of the additional recreational visits generated by housing development. The number of current visitors to each section of coast varies widely, as does the predicted future increase. These variations reflect differences in the attractiveness and accessibility of different parts of the coast; the variations in the predicted increase also reflect the geographical pattern of housing development foreseen by the planning authorities.

3.6. A key finding of the research is that the level of disturbance is determined more by how people behave and where they go, rather than purely by the number of people. Consequently, mitigation measures should focus on visitor management rather than simply curtailing access to the coast.

3.7. The research undertaken for the Solent considered a range of potential mitigation measures, from initiatives which will influence visitor behaviour (publicity, signage, rangers etc.) to access management and enforcement measures. The creation of new greenspace - Suitable Alternative Natural Greenspace (SANGs) - in less environmentally-sensitive locations was also seen as having the potential to deflect recreational pressure away from the SPAs. Although most people visit the coast specifically to see the sea and enjoy the coastal scenery, having a short travel time from home is also important to them and for dog walkers it is of equal importance. So the research concluded that some people may be persuaded to

visit a SANG instead of going to a section of coast within the SPAs, provided that the SANG is attractive and close to their homes.

- 3.8. Overall, the research concluded that there is likely to be a significant effect on the Solent SPAs from the additional recreation which will result from new housing development. Natural England - the Government's advisor on wildlife matters - has advised that the research *"represents the best available evidence, and therefore avoidance measures are required in order to ensure a significant effect, in combination, arising from new housing development around the Solent, is avoided"*⁵

4. INTERIM MITIGATION MEASURES

- 4.1. Based on the research and the principles above, as well as additional work relating to appropriate measures, the SRMP have now proposed a package of mitigation measures for the definitive SRMS. These are as follows:

- A team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, as well as liaising with landowners, hosting school visits and undertaking other events with the public;
- Communications, marketing and education initiatives and an officer to implement them;
- Initiatives to encourage responsible dog walking and an officer to implement them;
- Preparation of codes of conduct for a variety of coastal activities;
- Site specific projects to better manage visitors and provide secure habitats for the birds;
- Providing new/enhanced greenspaces as an alternative to visiting the coast.
- A partnership manager to coordinate and manage all the above.

- 4.2 The additional coastal recreational activity generated from new housing development will be a permanent feature, so the measures to prevent that increased activity having an impact on the birds must also be in place for the lifetime of the new homes. The funding contributions as set out below must therefore provide for the mitigation measures to be continued in perpetuity which has been calculated on an 80 years basis after 2034. This approach is acceptable to Natural England. The SRMS therefore has a mechanism for funding the mitigation measures after 2034 and is described in detail in the SRMS.

5. IMPLEMENTATION

- 5.1. The SRMS calculates that the annual costs of the mitigation measures including the in-perpetuity funding is £1,996,000 (see Appendix 1 for details). When this is divided by the proposed 3,538 homes per annum proposed across the Solent area, this equates to an average contribution per dwelling of £564. The contribution is calculated according to the number of bedrooms of each property and is set out below:

⁵ This advice letter can be seen at:
http://www.solentforum.org/forum/sub_groups/Natural_Environment_Group/Disturbance_and_Mitigation_Project/Advice_to_PU_SH_and_Solent_Forum%20310513.pdf

1 bed dwelling	£337
2 bed dwelling	£487
3 bed dwelling	£637
4 bed dwelling	£749
5 bed dwelling	£880

- 5.2 The authorities will pool these contributions and implement the mitigation measures through SRMP. At regular intervals Gosport Borough Council (GBC) will transfer monies collected from developments that have commenced to the SRMP so that the mitigation measures can be implemented.
- 5.3 The cost of implementing the mitigation measures will rise in line with inflation on 1 April each year in line with the Retail Price Index.

Planning Applications

- 5.4 GBC will require a contribution for every net additional dwelling unless the developer can demonstrate to the satisfaction of the local planning authority and Natural England that it will provide alternative measures which fully mitigate the impact of the development on the SPAs.
- 5.5 GBC has prepared a Planning Obligations and Developer Contributions Strategy which was approved by the Council's Economic Development Board on 9th September 2014. This strategy indicates that SRMP payment is required in accordance with the Habitats Regulations and to meet the requirements of policy LP42 in Gosport Borough Local Plan 2011-2029 in order to demonstrate appropriate mitigation and that a proposal will not cause significant 'in combination effects' on internationally important habitats in terms of recreational disturbance. The developer will pay the contribution directly to GBC in its role as the 'competent authority' as defined by the Habitats Regulations. Without this contribution, the planning application would be unacceptable. It should be noted that some residential developments may have to mitigate significant 'alone' effects on internationally important habitats in terms of recreational disturbance. In addition to these 'in combination' impacts, certain developments may be required to mitigate impacts directly associated with the development.

Permitted Changes to Class 3 Dwellinghouses

- 5.6 The Town and Country Planning (General Permitted Development) (England) Order 2015 permit certain changes of use to Class C3 Dwellinghouses (which includes flats), subject to the submission of a Prior Notification to the Local Planning Authority.
- 5.7 The GPDO requires compliance with the Habitats Regulations in addition to the other specific provisions. The Habitats Regulations state that, where a development which is likely to have a significant effect on a relevant site, must not be begun until the developer has received written notification of the approval of the local planning authority under Regulation 77 (approval of local planning authority) of the Habitats Regulations.
- 5.8 It has been confirmed that the 'in combination' impact of additional residential development is likely to have a significant effect on the protected sites. There will, therefore be a significant effect unless evidence can be provided to demonstrate otherwise. A SRMP payment is appropriate mitigation for the significant effect on the protected sites and the relevant contribution set out in the SRMS and this Protocol similarly applies.
- 5.9 In the event that a payment is not made through the consideration of the Notification, applicants will be reminded that, in accordance with the Habitats Regulations it is a condition

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of a permission granted by GPDO that development must not be begun until approval under the Regulations has been granted by the Competent Authority.

- 5.10 Once the harm has been mitigated, by the payment of the SRMP payment GBC as the Competent Authority will confirm in writing, on receipt of the application under Habitats Regulations and payment of the required fee (currently £30) that the development may begin.

6. HOW DO I MAKE A HABITATS REGULATIONS CONTRIBUTION

6.1 The developer will make a payment directly to Gosport Borough Council. This should be paid at the same time as a planning application/notification is submitted. The form set out below should be completed indicating how many dwellings are proposed to be created and the total contribution towards mitigation measures. It should be noted that:

1. The funds will be cashed immediately on receipt by Gosport Borough Council.
2. A refund will only be made if the application does not result in positive outcome:
 - a. The total amount refunded will be the same as that paid to Gosport Borough Council.
 - b. No interest accrual will be refunded.
 - c. for planning applications, the money will only be refunded on withdrawal/refusal and not until the time period for appeal has passed or an appeal has been dismissed.
 - d. If an appeal is made and the appeal is allowed the money will not be refunded.
 - e. For notifications, the money will only be refunded if the development has not been begun within the timescales set out within the legislation.

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HABITATS REGULATIONS MITIGATION CONTRIBUTION FORM

Application Reference Number (office use) _____

Form to accompany payment at the time a planning application /notification is submitted.
This form is only appropriate for residential dwelling developments,

Development consists of _____ (Number of) Dwellings

A: Number of bedrooms	B: Number of properties proposed	C: Contribution as at 1 st April 2018	Total (column B x C)
One-Bed		£337	
Two-Bed		£487	
Three- Bed		£637	
Four-Bed		£749	
Five-Bed or more		£880	

Address of Development _____

Please find attached a cheque for £ _____ as a contribution towards measures to mitigate the impacts of the Development on the Solent Special Protection Areas.

I understand that:-

1. This cheque will be cashed immediately on receipt by Gosport Borough Council.
2. A refund will only be made if the application/notification does not result in a positive outcome:
 - a. The total amount refunded will be the same as that paid to Gosport Borough Council;
 - b. No interest accrual will be refunded;
 - c. for planning applications, the money will only be refunded on withdrawal/refusal and not until the time period for appeal has passed or an appeal has been dismissed;
 - d. If an appeal is made and the appeal is allowed the money will not be refunded;
 - e. For notifications, the money will only be refunded if the development has not been begun within the timescales set out within the legislation.

Full Name of Applicant _____

Signature of Applicant _____

Date _____

Appendix 1 showing the calculation of the developer contribution

The table below sets out the estimated annual costs of each expenditure item, for the period up to 2034 and during the in-perpetuity period thereafter.

Expenditure item ⁶	Up to 2034 £	After 2034 £	Notes
All-year rangers ⁷	200,000	200,000	5 posts @ £40k pa
Extra salary payment for Lead Ranger	5,000	5,000	
Branded vehicles for all-year rangers	25,000	25,000	£5k pa each (all year rangers only)
Winter-only rangers ⁸	42,000	42,000	2 posts @ £21k pa
Sub-total⁹	272,000	272,000	
Communications & education post and Dog Walking Initiatives Post	63,000	-	Total of 7.5 days per week
Combined communications, education and dog walking initiatives post	-	21,000	2.5 days per week
Partnership Manager	30,000	-	3 days per week
Operating budget	60,000	30,000	
Monitoring	30,000	15,000	
Site specific visitor management projects	400,000	-	
Maintenance of capital projects	20,000	20,000	5% of the £400k projects funding
Contingency	10,000	5,000	
Total expenditure	885,000	363,000	
In-perpetuity funding for expenditure beyond 2034	1,111,000		See Appendix D of the SRMS
Grand total	1,996,000		
Divided by number of new dwellings	3,538		See Appendix A of the SRMS
Developer contribution - £ per dwelling	564		

⁶ All the figures are at 2016 prices: the developer contribution is index linked, so that annual increase will cover inflation-related rises in the above figures.

⁷ This cost does not represent the Rangers salary level as it also includes other employment costs such as uniform, office space, national insurance and pension contributions.

⁸ The 'winter-only rangers' costs provide for their employment for seven months from 1 September, in order to allow one month for training and familiarisation ahead of winter patrols between 1 October and 31 March.

⁹ Each all-year ranger will have a small van to transport equipment for displays to local events etc. The seasonal rangers will use their own vehicles to get to sites. All the staff cost figures include the employer's national insurance and pensions contributions, office accommodation, IT costs, as well as the individual's salary. The operating budget will cover website development and maintenance, graphic design and printing costs, display/exhibition materials, consultancy support, for all communications/education, dog walking initiatives and generic Partnership activities

April 2018

Appendix 3: EQUALITIES IMPACT ASSESSMENT Screening Assessment Form

<p>Name of policy___/strategy_✓_/function___ being assessed. Please ✓ what it is. The Solent Recreation Mitigation Strategy (SRMS)_has been prepared by the Solent Recreation Mitigation Partnership and endorsed by the partnership of Urban South Hampshire (PUSH)</p>
<p>1. Is this policy, strategy or function new ___ or an existing_✓_ one? Please ✓ what it is. The SRMS replaces the Interim Mitigation Strategy used by GBC since October 2014</p> <p>1a. Briefly describe the reasons for developing or reviewing this? Eg: change in legislation or requirements, results of consultation, part of a regular review cycle, etc. The Interim Strategy was viewed by Natural England as a temporary solution by which each local authority could use to provide a mitigation package for developers to mitigate the impact of new residential development on internationally important habitats known as Special Protection Areas (SPA). The definitive SRMS replaces the Interim Strategy and includes additional research regarding the most appropriate mitigation measures for the Solent area to 2034.</p>
<p>2a. Describe the main aim or purpose of this item? Who will it benefit? Why is it needed? The main aim of the SRMS is to provide a set of mitigation measures which can be used by developers to mitigate the impact of new residential development on internationally important habitats around the Solent predominantly used by waders and wildfowl which spend the winter on the Solent. This is a requirement the Habitats Regulation (now 2017 which consolidates all previous versions) and is specifically covered by Point 2 of Policy LP42 of the adopted Gosport Borough Local Plan (2029) (GBLP). The GBLP itself including Policy LP42 has been subject to an Equalities Impact Assessment and examined by a Government Planning Inspector. Issues covered by an Equalities Impact Assessment have also been addressed by a Sustainability Appraisal which accompanied the GBLP.</p> <p>People accessing the new homes that will be built or visiting the area as the result of the new developments will benefit from the definitive SRMS as it will enable developers to contribute towards an agreed set of mitigation measures rather than develop their own bespoke scheme which will be more costly and time consuming to research and implement. The SRMS is aiming to deliver a positive management approach to mitigate the recreational disturbance issue on the coast rather than trying to prevent access to it. It focusses</p>

on informing and educating all users of the coast so as to influence how they behave when visiting the Solent.

3a. The Public Sector Equality Duty is part of the Equality Act 2010. The Duty requires the Council to have due regard to the following three aims:

- eliminate unlawful discrimination, harassment and victimisation;
- advance equal opportunities between people from different groups
- foster good relations between people from different groups.

Having due regard means considering how this policy, strategy or function has or will advance equal opportunities for each of the protected groups below.

3b Identify how this item demonstrates due regard to the three aims above for each of the protected groups below.

(For marriage and civil partnership, legislation requires you only need to demonstrate how you would eliminate unlawful discrimination, harassment and victimisation)

Protected characteristic	This item demonstrates due regard by: Describe how it furthers equal opportunities. You can cite examples of any disadvantage this item removes or minimises, how it meets the specific needs of any groups, how it encourages participation, promotes understanding or integration between groups	Describe any negative impact or potentially negative impact of this item for any group. For any negative impact identified, describe actions already taken to address it. Any planned actions must be identified in section 4.	List data sources/ evidence used to assess impact and whether this item furthers the aims of the Equality Duty. Insert links to data used where possible
ALL Characteristics	Without the SRMS the delivery of much-needed housing in the Borough would	A potentially negative impact could result if the communications, marketing	Proportionate consultation was undertaken by the SRMP to local stakeholders, ecological groups, the development industry and the

	be impeded as each developer would need to prepare a bespoke set of mitigation measures to meet the requirements of the Habitats Regulations. It will thereby enable the development of suitable sites for residential and mixed use schemes. It will assist in protecting and enhancing the environment by safeguarding important nature conservation features within Gosport and the wider Solent area.	and education initiatives funded by developers as the result of the SRMS are not inclusive enough so that residents and visitors from all protected characteristics have the opportunity to access and enjoy these habitats responsibly and understand the importance of them.	<p>general public between 17th July and 17th September 2017. Details of the consultation can be viewed at http://www.birdaware.org/CHttpHandler.ashx?id=29158&p=0 and reported to PUSH on the 5th December http://www.push.gov.uk/item_9_-_srmp.pdf and associated Appendix 1 http://www.push.gov.uk/item_9_-_appendix_1.pdf</p> <p>Policies within the Development Plan including Policy LP42 have been subjected to a Sustainability Appraisal which provides an assessment of the policies against a set of objectives relating to social inclusion, equality and poverty.</p> <ul style="list-style-type: none"> ▪ Sustainability Appraisal (see Documents LP/A2/1 at the following link) <p>https://www.gosport.gov.uk/sections/your-council/council-services/planning-section/local-development-framework/gosport-borough-local-plan-2029/gosport-borough-local-plan-2011-2029-adopted-october-2015/evidence-studies/</p> <p>The Strategy proposes:-</p> <ul style="list-style-type: none"> • A team of 5-7 coastal rangers to advise people on how to avoid bird disturbance, as well as liaising with landowners,
Age	See comment under 'All Characteristics'.	None identified	
Disability	See comment under 'All Characteristics'.		
Gender reassignment	See comment under 'All Characteristics'.		
Marriage and Civil Partnership	See comment under 'All Characteristics'.		
Pregnancy and Maternity	See comment under 'All Characteristics'.		
Race (ethnic or national origin, colour,	As above under all See comment under 'All Characteristics'.		

nationality)			
Religion or Belief (and lack of belief)	See comment under 'All Characteristics'.		hosting school visits and undertaking other events with the public;
Sex	See comment under 'All Characteristics'.		<ul style="list-style-type: none"> • Communications, marketing and education initiatives and an officer to implement them;
Sexual Orientation	See comment under 'All Characteristics'.		<ul style="list-style-type: none"> • Initiatives to encourage responsible dog walking and an officer to implement them; • Preparation of codes of conduct for a variety of coastal activities; • Site specific projects to better manage visitors and provide secure habitats for the birds; • Providing new/enhanced greenspaces as an alternative to visiting the coast. • A partnership manager to coordinate and manage all the above
3c. Are there any other groups in addition to those above which could be impacted (e.g. socially or financially excluded) by this item? no			

Group	This item demonstrates due regard by:	Describe any negative impact or potentially negative impact of this item for any group	List data sources/ evidence used to assess impact and whether this item furthers the aims of the Equality Duty
N/a			
4. Please Identify any further actions you will take resulting from this assessment. N/A			
Action		Officer Responsible	Completion date
N/A			
5. Do you have any additional comments? If so, please add.			
None			
6. Date of screening January 2018		Officer(s) completing assessment Jayson Grygiel	Section Date Approved 2/1/18
7. Name of Section Head Debbie Gore		Date review completed. 2/01/18	
8. Date submitted to E &D Lead:		Date review completed 9/01/18	

3/1/18

EDSG Recommendation:

- ☐ This assessment form is incomplete and requires additional information for its review by EDSG.
-

This assessment has been successfully reviewed with the following outcome:

- ☐ **No major change** – The assessment of this policy/strategy/function shows no potential for discrimination and the aims of the Equality Duty have been met.
- ☐ **Adjust the policy/strategy or function** – This item will meet the aims of the Equality Duty if actions identified in Sections 3 and 4 to remove barriers or to better advance equality are implemented.
- ✓ **Continue the policy/strategy/function** – There is some small potential for adverse impact or missed opportunities to promote equality, but no unlawful discrimination has been identified. Ensure effective equality monitoring is in place to regularly assess the actual impact on different groups
- ☐ **Stop and Rethink** – Adverse equality impacts have been identified/ may not be justified and have not been sufficiently mitigated. Unlawful discrimination could be taking place. Do not adopt or continue until a full equality investigation has been completed.