



Report to the Partnership for Urban South Hampshire Joint Committee

Date: **25th March 2014**

Report of: **Steve Lees, Head of Planning Policy and Transport
Test Valley Borough Council**

Subject: **Solent Disturbance Mitigation Project Interim Framework Draft
Proposal March 2014**

SUMMARY

In bringing forward development adjoining the Solent, the impact of it on the natural environment is a key consideration. The Solent Disturbance Mitigation project (SDMP) has provided the local planning authorities with a basis for developing in partnership with others an interim and longer term strategy. The approach set out in paragraphs 23-29 of this paper sets out the principles on which further more detailed work can be based.

RECOMMENDATION

It is RECOMMENDED that the Joint Committee NOTE and APPROVE:

1. The proposed approach set out in paragraphs 23-29 of this paper for taking forward the work of the Solent Disturbance Mitigation Project (SDMP).

INTRODUCTION

1. The PUSH Chief Executives received a report on the SDMP at its meeting on the 8th November 2013 which set out the broad framework for a way forward. The proposed approach was approved in principle by the meeting and tasked the PUSH Chief Planning Officers with leading on a solution that met the necessary legislative requirements and respect the particular characteristics of the Solent.

BACKGROUND

2. The SDMP was initiated by the Solent Forum and PUSH to inform the delivery of the development proposed around the Solent in respect of its impact on its ecological importance.
3. The study area comprises approximately 250km of shoreline from Hurst Castle in the west to Chichester Harbour in the east and the north shoreline of the Isle of Wight. Within this area are three internationally important areas for wildlife, the Special Protection Areas (SPAs) of; the Solent and Southampton Water, Chichester and Langstone Harbours and Portsmouth Harbour.
4. The project comprised three phases; Phase One comprised a review of the issues; Phase Two fieldwork and modelling and Phase Three identifying avoidance and mitigation measures.
5. Natural England (NE) commissioned a peer review of Phase Two given the complexity and novel nature of the evidence and implications for future development. The peer review highlighted a number of issues and recommended further work be undertaken to develop a greater understanding of the relationship between the impact of the public and the disturbance of birds.
6. NE's advice to the local planning authorities (dated 31 May 2013), taking account of the comments of the peer review, is that the SDMP work represents the best available evidence. In respect of planning applications it is understood that NE will advise local planning authorities that all new development, in combination, within the proposed 5.6km boundary could lead to a likely significant effect. Therefore avoidance measures are required from new housing development around the Solent. Phase Three of the project has examined the merits of various mitigation measures and identified a number which should be taken forward.
7. NE recognised that it would take some time to put in place a comprehensive package of measures. As a consequence, NE has suggested a phased approach comprising of an interim scheme which includes securing developer contributions to fund projects in the short term with the aim of having in place a comprehensive strategy by 2016/17.
8. In response to that advice the SDMP project group undertook a piece of work to prepare an interim mitigation framework based on a number of measures. The outcome of that work, based on the Phase Three report, was a proposal comprising a project initiation officer and four rangers. The cost, in perpetuity, of

the interim measure was estimated based on a per dwelling figure of £170 (as at 5th Nov 2013, revised to £172). Hampshire County Council advised that it was prepared to host the ranger posts as they compliment work that the County currently undertakes in its country parks in the area. Portsmouth City Council has agreed to host the initiation post which has secured funding from PUSH and a number of authorities. An appointment has been made with a start date of the 10th March 2014.

9. In response to the advice of NE last year a number of PUSH authorities have or are putting in place interim arrangements to secure developer contributions towards mitigation based on the initial work undertaken by the SDMP project group.

PREPARATION OF AN INTERIM SCHEME

10. The principle of securing mitigation measures and the merits of an interim scheme has been accepted by the local planning authorities.
11. Planning officers (comprising a steering group set up by the Hampshire Chief Planning Officers (HIPOG), Chichester District Council and NE representatives have been working on proposals which would enable both a short term interim scheme to be put in place and a longer term strategy to be developed (see paragraphs 23-29). The short term scheme would comprise an initiation post, for a fixed term, to provide a resource to develop the details of the interim scheme and the longer term strategy and a number of ranger posts. These posts would have as their focus developing the public's understanding of the impact they have on over-wintering birds and projects to reduce that impact.

FUNDING FOR THE INTERIM SCHEME

12. The funding for the scheme would be via developer contributions on a per dwelling basis. The precise form of securing the contributions is a matter for each authority to determine i.e. via section 106 agreements, unilateral undertakings or Community Infrastructure Levy (CIL). The initial financial contribution per dwelling has been based on a number of assumptions including the rate of delivery of housing within the agreed zone and the initial form of the mitigation. In developing a longer term approach those assumptions will need to be revisited.
13. To satisfy the requirements of the Habitats Regulations any mitigation required for the impact of development will need to be in place in perpetuity. The interim scheme has in respect of the proposed financial contribution, taken that requirement into account.
14. There is also an additional source of funding. The Solent LEP has sought to identify and secure funding for the SDMP as part of a wider bid for Government funding to facilitate development. A decision on the bid should be known later this year; if successful the funding would be available in 2015. It is not considered that the bid would replace the need for contributions from new development.

15. The HIPOG group support the principle of the financial contributions being held in a single account. The details of the management of the contributions will need to be agreed. It is envisaged that it would be administered by one authority on behalf of all the authorities involved.

MANAGEMENT OF THE INTERIM AND LONGER TERM APPROACH

16. The development of an interim approach and a longer term strategy are two closely related but distinct pieces of work. The SDMP group of the Solent Forum to date has steered the first three phases of the project. In taking the project forward it is considered that new arrangements are appropriate.
17. It is proposed that new arrangements should take the form of a project board, officer steering group and a small officer working group to deal with technical issues. The project board would provide the strategic lead and be the link to the relevant PUSH delivery panel and the LEP, if funding is secured. The steering group would focus on delivery of the interim scheme and long term strategy. The composition of the project board and representation on the officer groups can be developed and agreed as part of the work of the project initiation officer. However, it is proposed that they should reflect a range of interests eg:the PUSH local authorities, Chichester District Council and NE, Chichester Harbour Conservancy, the RSPB and Hampshire & Isle of Wight Wildlife Trust
18. There are examples of joint working across authority boundaries on similar issues and there is scope to learn the lessons from them areas such as Thames Basin Heathlands, Dorset Heathlands. Draft arrangements are proposed to be reported to a future meeting of the committee.
19. The SDMP has focused on the impact of disturbance of wildlife arising from the public's use of the coast and identified arrange of potential measures. There are a number of initiatives which are looking at different but related aspects which need to be drawn into the discussion regarding a mitigation strategy to make the most out of the public resources available e.g. Solent European Marine Site (SEMS) Shoreline Management Plans, the CCATCH project, the implementation of the Marine and Coastal Access Act 2009 for which Natural England is the lead organisation, work on the Hampshire section is due to start in 2016/17. A key role for the project board and steering group will be to ensure that these various initiatives are delivered in a co-ordinated manner.

APPLICATION OF THE MITIGATION CONTRIBUTION

20. The requirement for mitigation measures arises from the impact of an increase in population arising from new development. It is proposed that all new residential development should be assessed and unless there is justification for an exemption should make the proposed contribution. It would be for the local planning authority to be satisfied that mitigation was not required under the Habitats Regulations.

21. The proposed approach focusses on developing an interim approach comprising the development of a long term strategy and introduction of rangers. To inform the development of that strategy and the role that alternative recreation opportunities can play in reducing the impact of disturbance of birds it is proposed to undertake a pilot project. The Alver Valley Country Park Group is being developed by Gosport Borough Council as a key Green Infrastructure (GI) asset. Its location adjacent to the coast and close to existing residential areas offers considerable potential as a pilot study project. The Council are seeking to fund the project from developer contributions and have suggested that they should form its contribution to the proposed SDMP
22. It is that the Alver Valley Country park should form part of the proposed SDMP by providing a pilot study and to be funded by developer contributions sought by the borough council. The project could play an important role within the SDMP of testing the effectiveness of new GI as part of the long term mitigation strategy for the Solent. It is also one of the strategic GI projects identified by PUSH.

PROPOSED INTERIM FRAMEWORK

23. The proposed interim approach comprises a number of elements, the details of the framework to be reported back to a future meeting of the committee
24. Project Initiation Officer
 - Brief for post has been agreed and appointment made, managed by Portsmouth City Council the post will focus on developing the long term strategy
 - Funding for a period of 22 hours per week for 11 months has been secured
 - Funding for additional hours/extended period would be funded from the proposed developer contributions.
25. Ranger project
 - Phased introduction dependent upon availability of funding, commencing with a full time post with additional posts subject to funding being available
 - Management of posts by Hampshire County Council Countryside Service
 - Job descriptions to be agreed (including remit for wider education role)
 - Geographic areas covered to be agreed, in principle concentrate resources in specific areas where visitor pressure having most impact on wildlife
 - Operational budget
26. Monitoring
 - Programme of monitoring to be agreed with NE
 - Annual reports to be prepared
27. Development contributions
 - Scale £172 per dwelling, index linked
 - Development liable to contribute, exceptions be justified, area apply policy 5.6km zone

- Contributions to be paid on commencement of development
- Mechanisms for securing contributions to be determined locally within an overall framework
- Pooling of contributions, one authority to hold the contributions
- Process for release of funding to be agreed

28. Project Management

- Project board(membership to be agreed) to provide strategic lead and to receive regular (quarterly) reports and reporting to PUSH delivery panel
- Officer Steering group, (membership to be agreed) to include non LPA representatives e.g.
- Officer working group(membership to be agreed)

29. Period of interim proposals

- 2014-2017

CONCLUSION

30. The work undertaken by the SDMP has concluded that the development proposed in south Hampshire in combination is likely to have a significant effect on the natural environment which would need to be mitigated to comply with the Habitat Regulations. The proposed interim framework provides the basis for developing a long term strategy and working relationship with a range of partners. Further work is required to develop the detailed delivery of the key aspects of the framework and will be reported back to this committee for approval.

RECOMMENDATIONS

31. It is RECOMMENDED that the Joint Committee NOTE and APPROVE:

- The proposed approach set out in paragraphs 23-29 of this paper for taking forward the work of the Solent Disturbance Mitigation Project (SDMP).

Background Papers:

None.

Reference Papers:

None

Enquiries:

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