

DECISION-MAKER:	CABINET		
SUBJECT:	SOLENT RECREATION MITIGATION STRATEGY		
DATE OF DECISION:	20 MARCH 2018		
REPORT OF:	LEADER OF THE COUNCIL		
<u>CONTACT DETAILS</u>			
AUTHOR:	Name:	Dawn Heppell	Tel: 023 8083 3828
	E-mail:	dawn.heppell@southampton.gov.uk	
Director	Name:	Mike Harris	Tel: 023 8083 2882
	E-mail:	Mike.harris@southampton.gov.uk	

STATEMENT OF CONFIDENTIALITY	
Not applicable	
BRIEF SUMMARY	
<p>Since 2014, the Council has been applying the interim Solent Disturbance and Mitigation strategy to new residential development, along with all the other Partnership for Urban South Hampshire (PUSH) authorities. This sought either a site specific scheme of work or a financial contribution to mitigate the impacts of recreational disturbance on overwintering birds in the Solent Special Protection Areas (SPAs) arising from new housebuilding. Following further research to develop a mitigation package, a definitive strategy is now put forward for approval. This includes a sliding scale for contributions, based on the number of bedrooms in a property. It was approved by the PUSH Joint Committee in December 2017.</p>	
RECOMMENDATIONS:	
(i)	To approve the adoption of the definitive Solent Recreation Mitigation Strategy, as shown in Appendix 1 to the report, so that new residential development is required to mitigate against the harm caused, by either the submission of their own site specific schemes of work or a payment of £337-880 depending on the number of bedrooms in a property.
(ii)	To use the Solent Recreation Mitigation Strategy in determining planning applications from 1 April 2018.
REASONS FOR REPORT RECOMMENDATIONS	
1.	To continue to meet the Council's requirements as a competent authority to ensure that new development does not cause an unacceptable cumulative impact to protected species.
2.	To ensure that an appropriate mechanism is in place to mitigate against the potential harm on Solent Special Protection Areas, that otherwise would be caused by the increased recreational disturbance from new residential development within the surrounding Solent area.
ALTERNATIVE OPTIONS CONSIDERED AND REJECTED	

3.	One option would be to not implement the strategy. This would lead to possible legal challenge by third parties, including Natural England (who is a signatory to the definitive strategy) on new residential planning permissions issued. In addition developers would be required to submit and implement site specific schemes, acceptable to Natural England, alongside each application for residential development, at a potentially higher cost and without the benefits of a strategic approach to this issue.
DETAIL (Including consultation carried out)	
4.	The Solent is internationally important for its wildlife interest and there are various protective designations including three Special Protection Areas (SPAs). These have been designated predominantly for the protection of the large numbers of wading birds and wildfowl which spend the winter on the Solent. Following research it was identified that additional residential development close to the coast is likely to result in significant effects on a group of SPA designations around The Solent. This is due to recreational disturbance of the bird species for which the sites are designated.
5.	The Conservation of Habitat and Species Regulations (2017) (the Habitat Regulations) include provisions to assess whether planning proposals could result in likely significant effects on certain nature conservation designations, including Special Protection Areas (SPAs). It sets out the steps to follow should such effects be identified. The Solent Recreation Mitigation Strategy provides a strategic solution to ensure these requirements are met with regard to the in-combination effects of increased recreational pressure on the Solent SPAs.
6.	Southampton City Council is one of fifteen Solent local authorities comprising the Solent Recreation Mitigation Partnership (SRMP), along with Natural England, the Royal Society for the Protection of Birds, Hampshire & Isle of Wight Wildlife Trust, and Chichester Harbour Conservancy. The Partnership has been working to develop a strategic mitigation package to enable residential development to come forward, avoiding the likely significant effects identified, to satisfy the requirements of the Habitats Regulations.
7.	In 2014 the Partnership introduced an interim strategy as a temporary measure while further research was undertaken on a full mitigation package. In August 2014, Cabinet approved this interim strategy with a 'flat rate' developer contribution of £181 per dwelling, or the opportunity for developers to submit their own site specific mitigation proposals.
8.	The Partnership has considered the specific measures required to address the potential impacts on the SPAs and the balance between rangers and other staff; initiatives; and site-specific projects. This has been informed by further research including the experience of rangers funded by contributions from the interim strategy. The Partnership has also considered whether this package of measures should continue to be funded as a flat rate across all residential development or alternatively as a sliding scale.
9.	The Partnership has now published a full strategy and mitigation package which has been approved by the PUSH Joint Committee. It covers the period to 2034 and includes an in perpetuity funding element continuing over the lifetime of the development. The strategy aims to prevent disturbance through a series of measures which encourage all coastal visitors to enjoy

	their visits in a responsible manner.
10.	Mitigation measures include a team of rangers operating along the coast; initiatives to encourage responsible dog walking; communications, marketing and education initiatives; and small scale site specific projects. A program of long term monitoring is in place to evaluate the impact of these measures and the strategy will be reviewed regularly. New and enhanced strategic greenspaces are part of the strategy, but would be funded from Solent LEP funding rather than contributions.
11.	The contributions in the strategy would rise from £181 per dwelling in the interim scheme to an average cost of £564 per dwelling (subject to indexing). Instead of a flat rate, the full strategy includes a sliding scale contribution based on the number of bedrooms in a property. This is considered a fair approach to mitigating impact as larger properties can accommodate more people and therefore the potential is for more visitors to the coast and a higher level of disturbance. This reduces the impact of the increase in Southampton where a large proportion of new properties are one or two bedroom properties.
12.	From 1 st April 2018, the contributions required 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
13.	Appendix 2 provides transition guidance covering outline permissions, reserved matters and lapsed permissions. Where mitigation was secured at the outline stage prior to the introduction of the strategy on 1 April, a further payment will not be required.
14.	The strategy applies to all development within 5.6km of the Solent SPA. This includes all residential development in Southampton.
15.	The Partnership held seminars with the development industry prior to publishing the strategy for consultation in July 2017. Positive responses were received from developers who felt it was a simple effective mechanism and accepted the rise in developer contributions. Minor changes were made to the draft strategy to take into account responses received during the consultation.
16.	The updated Strategy was endorsed by the Partnership for Urban South Hampshire (PUSH) Joint Committee on 5 December 2017. In order to apply revised contributions, each local planning authority who are members of the partnership are approving the strategy individually.
RESOURCE IMPLICATIONS	

<u>Capital/Revenue</u>	
17.	There are no direct revenue implications. The adoption of this definitive policy on recreation migration can be managed within existing budgets and resources following the processes put in place under the interim policy.
18.	Developers will pay the increased contributions to the Council as the local planning authority but the contributions will then be transferred to the Solent Recreation Mitigation Partnership to be pooled with contributions from the other partners and utilised in line with the Partnership's strategy. Therefore there is no impact on revenue income at the Council despite the higher charge.
<u>Property/Other</u>	
19.	There are no property implications arising from the adoption of the Solent Recreation Mitigation Strategy.
LEGAL IMPLICATIONS	
<u>Statutory power to undertake proposals in the report:</u>	
20.	The council has the necessary powers to approve this draft Strategy in accordance with s.111 Local Government Act 1972 (the power to do anything calculated to facilitate the delivery of primary functions).
<u>Other Legal Implications:</u>	
21.	The Strategy provides a strategic solution to ensure the requirements of the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) are met with regard to the in-combination effects of increased recreational pressure on the Solent Special Protection Areas. This applies to planning applications for residential development and with regard to the Local Plan.
RISK MANAGEMENT IMPLICATIONS	
22.	None identified
POLICY FRAMEWORK IMPLICATIONS	
23.	The adoption of the SRMS will help deliver development identified in the Local Plan.

KEY DECISION?	Yes
WARDS/COMMUNITIES AFFECTED:	All
<u>SUPPORTING DOCUMENTATION</u>	
Appendices	
1.	Solent Recreation Mitigation Strategy
2.	Transition Guidance SRMP

Documents In Members' Rooms

1.	Equality and Safety Impact Assessment
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2.		
Equality Impact Assessment		
Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.		Yes
Privacy Impact Assessment		
Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.		No
Other Background Documents		
Other Background documents available for inspection at:		
Title of Background Paper(s)		Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)
1.		
2.		