



BIRD AWARE

Moving to the Strategy

Guidance note on charges

Context

1. The move from the Interim Solent Recreation Mitigation Strategy to the Definitive Strategy will bring about a step change in the level of developer contribution charged.
2. For the vast majority of planning applications, it will be evident what level of developer contribution should be charged, but it is foreseen that there may be a transition period during which a number of scenarios could arise which make it less clear. These guidelines have been prepared to assist councils dealing with applications during this transition period so a consistent approach is followed by all members of the Partnership.
3. As is the case with all planning applications the council making a decision will need to be satisfied that a development will meet the requirements of the Habitat Regulations before permission is granted seeking legal and other advice as required. In most cases a development where a mechanism is agreed for payments to be made in accordance with the strategy will be sufficient to satisfy these requirements. However, occasionally, it is possible that development schemes will come forward where other/additional measures will need to be secured before planning permission is given.

Point at which higher charge becomes applicable

4. It is expected that the Definitive Strategy will be reported to PUSH on 5th December 2017.
5. Assuming PUSH endorse the new Strategy, it will need to be ratified and formally adopted by the individual local authorities, using whatever approval procedure is appropriate within each authority.
6. Immediately following the adoption of the Definitive Strategy by a given local authority, the higher developer contribution rate will apply to all applications within the 5.6km zone determined from 1st April 2018 onwards.

Dealing with reserved matters for applications charged the lower rate.

7. Mitigation should have been dealt with at the outline stage when permission for the principle of the development was agreed. However Local Planning Authorities must conduct Habitat Regulations Assessment screening at the reserved matters stage, or where a condition requires that later permission is required in relation to a phased delivery, to ensure that the mitigation secured remains sufficient to offset impacts.
8. If no mitigation was secured at the outline stage, then it would be anticipated that a contribution would need to be secured at the reserved matters stage at the rates set out in the definitive strategy. If mitigation was covered at the outline stage during the Interim Strategy, then the payment would still be at the lower contribution level as it relates to the mitigation level in operation when the scheme was approved. Where, under conditions which require separate permissions on a phased scheme, at the point each successive consent is

issued, the rate should apply as at the date of the decision takes place unless mitigation was secured because it was assessed at the point the permission in principle was issued.

9. The move from the Interim to the Definitive Strategy would not trigger the need for an additional payment.

(Re)Permitting a previously lapsed outline planning permission

10. If a planning permission has lapsed, then any new application (identical to or modified from the original) would be subject to the higher rate, as it should effectively be considered to be starting from scratch.
11. If renewal is being sought before a planning permission has lapsed, then the higher contribution rate should be applied.