



## Solent Recreation Mitigation Partnership

# Solent Recreation Mitigation Strategy - Consultation Responses

### **Background**

1. The Solent Recreation Mitigation Partnership (SRMP) has been operating under an Interim Strategy which was agreed in 2014 to mitigate the recreational impact of new housing on the Solent Special Protection Areas (SPAs). This Interim Strategy enabled initial mitigation measures to be put in place so that councils in the Solent area could continue to grant permission for new housing, whilst a long term Strategy and full mitigation package was developed for the long term.
2. This Strategy has now been drafted and will provide the necessary mitigation for proposed new housing up until 2034 and an in-perpetuity fund will continue to mitigate against the impacts (calculated on a further 80 year basis). A public consultation exercise was undertaken on this Draft Strategy and the responses and outcomes of that survey are detailed in this report.

### **Overview and publicity**

3. A public consultation exercise took place on the Solent Recreation Mitigation Strategy between 17<sup>th</sup> July and 17<sup>th</sup> September. The consultation took the form of an online questionnaire on the Bird Aware website ([www.birdaware.org](http://www.birdaware.org)) and to make it more accessible paper responses were also made available for sending to a postal address if necessary.
4. The consultation was actively promoted on the Bird Aware twitter account, in press releases and through partner organisations. Additionally an email was sent to around 1,600 contacts with a known interest in development (land owners, developers, land agents, planning consultants) informing them of the consultation and inviting them to participate. These contacts had previously been invited to attend seminars in February 2017 to help shape the Draft Strategy.
5. The press releases were used in two national publications which were Planning Resource (specifically targeted at planners) and the ENDS Report (covering a wider range environmental and sustainability issues).
6. Partner organisations also used various means of promoting the consultation including articles in newsletters, parish magazines and social media posts.
7. The Bird Aware Partnership Manager and Lead Ranger also promoted it at various public engagement activities throughout the summer.

## Responses

8. A total of 49 responses were received. The respondents were asked to identify the capacity in which they (or their organisation) were commenting and the breakdown of this information is as follows: 19 residents, 7 planning consultants, 8 conservation interest, 5 public sector organisations, 3 developers and 7 used the category of 'other'.
9. The responses and the Solent Recreation Mitigation Partnerships consideration of the points raised are detailed in full in Appendix A. Names of individual respondents have been kept out of the report but in some cases it is possible to identify individual respondents by the wording of their response.

## Nature of responses

10. As expected from such a wide variety of interest groups responding, the responses varied considerably, with some seeming to be 100% in favour whilst others commented it was '*misconceived*' and '*should be scrapped*'.
11. As the Strategy has been created to provide a strategic approach to managing the recreational pressure on overwintering birds in the Solent from an increasing population arising from additional housebuilding, it is anticipated that its main user will be developers and local authority planners. Therefore it is worth noting that a developer commented 'Providing a contribution is simpler than having to provide our own mitigation package, which can be both time consuming and costly. The Strategy allows us to understand what our contribution will be from the outset and to plan accordingly.'
12. The written responses are reported in full in Appendix A, but the main thrust of the feedback provided is set out below:
  - The charge per development housing is extremely low and could do with being tenfold the proposed cost.
  - The approach is helpful to the development industry as a means of discharging their statutory duty to mitigate the impact of their developments.
  - It is considered that the approach taken to ensure that appropriate mitigation measures are in place to protect birds on the Solent are reasonable, in that for the majority of sites, developers would be required to make one off payments rather than provide on-site (or find land for) mitigation. The document is up front in providing the required sum and as such developers will be able to incorporate this cost into initial viability work.
  - The proposed financial level of mitigation per dwelling is modest.
  - The Strategy is misconceived, expensive, inefficient and should be scrapped.
  - Great work! Love it. Well done.

## Key themes raised

13. The responses brought up several key themes. These and the Solent Recreation Mitigation Partnership's response to them are summarised here:

- **Viability and affordability issues:**

Concerns were raised that in some areas (particularly the Isle of Wight) the increased payment level may affect the viability and affordability of housing. The SRMP believes that setting the developer contribution level as variable depending on bedroom numbers of proposed dwellings is more sympathetic to viability and affordability issues rather than one set levy for all property sizes. Providing mitigation costs up-front should also allow developers opportunity to factor this in when purchasing land for housing and when designing schemes. It should be remembered that the Habitats Regulations place a legal duty on the local authorities to ensure that development proposals do not adversely affect the SPAs. The SRMP provides an opportunity for developers to mitigate the in-combination effects of recreational disturbance to the SPAs arising from new housing in the area, allowing the local authorities to meet these legal requirements and ensuring that sustainable housing delivery can continue around the Solent. Furthermore, it is understood that for the majority of cases, the Strategy provides a cheaper option for the developer than them providing a bespoke mitigation scheme.

- **When developments might require additional mitigation:**

There was a call for more clarity surrounding the issue of what size or location of development might require additional mitigation measures over and above the SRMP developer' contribution level. However, the SRMP consider that there are too many factors that influence whether additional disturbance over the 'in-combination effects' is likely. For example, existing access to intertidal and frontage - beach, sea walls, design of the scheme, type of adjacent habitats - deep mud or shingle/sand, the height of the site in relation to the intertidal level and so on. Therefore even very modest housing schemes could have a greater impact, whilst larger schemes may have comparatively less effect depending upon their location. Thus developers are still encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. **The rationale behind not providing trigger points has been explained within paragraphs 6.7 and 6.8 of the Strategy.**

- **Site Specific Project Selection:**

The Strategy refers to funding available for site specific projects. There were calls for more information about how projects are put forward and assessed for eligibility. **Additional information relating to this process has been added to paragraphs 4.13 to 4.19 of the Strategy.**

- **Ranger's costs:**

The Draft Strategy did not provide enough clarity that the budgeted costs of the Rangers covered all their employment costs such as pension and national insurance contributions, desk space, line management and uniform. **This has been made clearer within Appendix C of the Strategy.**

- **Calculations of housing figures:**

Several queries were raised about the methodology surrounding how the housing figures were calculated. The housing figures were based on the PUSH Spatial Position Statement and the latest assumptions from non-PUSH authorities. The methodology for the variable rate by number of bedrooms was based around one developed for the Thames Basin Heath mitigation scheme. **This is now noted in paragraph 6.15 of the Strategy.**

- **Dog control issues:**

There were repeated suggestions of locations dogs should be excluded or their access restricted or controlled in certain areas, such as being kept on leads or only being allowed access in the summer. The Solent Recreation Mitigation Partnership is based around education and positive behaviour change methods, not authoritarian controls and measures. The Strategy includes the employment of a Dog Initiatives Officer to specifically work with dog owners and walkers to find ways of meeting their needs whilst also protecting the overwintering birds. **The effectiveness of this approach will be closely reviewed as part of the monitoring process and the focus may change over time if necessary.**

- **Are the measures proposed robust enough?:**

Some respondents (especially those identifying themselves as residents and/or having nature conservation interests) indicated concern that the mitigation measures proposed would not be firm enough to bring about behaviour change. They felt that educating people and encouraging best practice, with no recourse to enforce these behaviours wouldn't be effective in bringing about the required changes. The Solent Recreation Mitigation Partnership is committed to a positive behaviour change approach, without authoritarian measures being imposed. **The effectiveness of this will be closely studied as part of the monitoring work and if it is not successful in achieving its objectives then a review of other possible behaviour change tools/techniques will be undertaken.**

- **Access Management Assessments:**

It became clear that the role of this piece of work had not been fully conveyed in the Draft. **Further information clarifying their purpose has been included in paragraph 4.19 of this revised version.**

- **Regular Reviews:**

There were several comments made that led to the **Strategy being strengthened by a commitment in paragraph 7.12 to regular reviews.** The review period has been set as 5 yearly or sooner if changes in legislation or evidence necessitate.

### **Next Steps**

14. The Draft Strategy has now been reviewed in light of the consultation responses received and an updated Strategy has been produced. This will be consulted on internally within the Partnership and then presented to the PUSH Joint Committee on 5<sup>th</sup> December for endorsement.
15. Assuming the Strategy is endorsed, it will then need to be adopted and ratified before the end of March 2018 by all the constituent councils of the SRMP.

## Appendix 1 - Consultation Responses

For this Report, the consultation responses have been broken down into the category of how each respondent identified themselves.

Names of individuals have been kept out of the report, but in some cases it is still possible to identify organisations that responded due to the wording of their response. SRMP responses to the points raised are in blue italics.

### **Part A - Local Residents (Total of 19 responses)**

**Question: Were you aware of the Interim Mitigation Strategy?**

**Responses:** 9 'Yes', 10 'No'

**Question: Would you use this scheme as opposed to providing your own mitigation package?**

**Responses:** 8 'Yes', 10 'Not Applicable', 1 left blank

**Question: Are there any mitigation measures currently proposed that you feel should not be included in the Strategy?**

**Responses:**

Are current coastal organisations and businesses included in plans and discussions, sailing clubs, walking and running clubs, dog training centres, marinas, etc.? *The Strategy includes plans to work with a wide range of coastal users and businesses including those mentioned.*

I don't think the areas should be over developed by the provision of too many facilities (e.g. excessive picnic tables, notice boards etc.)

*Noted. Educational interpretation boards and notices may be used in consultation with local stakeholders.*

Building on green or coastal sites should not take place.

*This is a matter dealt with under local and national planning policies.*

Loading costs on to new housing to provide wardens who will be of no practical use.

*The level of Ranger provision has been arrived at following the results of the baseline monitoring and in discussion with the 15 local Councils, Natural England, Hampshire and Isle of Wight Wildlife Trust and the RSPB. The effectiveness of the Rangers will be monitored at regular intervals and changes may be made to staffing levels throughout the lifetime of the Strategy.*

The defined areas should exclude public beaches in common use. *As part of the Habitats Regulations all of the SPA must be protected. Sections of the coastline have been prioritised for mitigation measures depending on the amount of birds present, the level and types of use and their ease of access. It is important to spread the Bird Aware messages and facilitate mitigation along the whole coastline so that human*

*disturbance impacts are minimised and awareness is raised of how simple behaviour changes can reduce impacts on the overwintering birds.*

Mitigation should not be an open cheque book and a reporting system of benefit against cost should be mandatory in considering if the scheme is successful.

*The monitoring schedule provides for regular checks on the effectiveness of the mitigation measures implemented and annual accounts are published. However, as a starting point, the mitigation measures chosen were carefully evaluated to ensure that they provided the necessary mitigation using the most affordable methods.*

**Question: Are there any additional measures you feel should be included in the Definitive Strategy?**

**Responses:**

There's no clear adequate base-line assessment of the current position, nor firm strategy for monitoring on-going success (or otherwise) of the mitigation strategy. An over-optimistic emphasis on education when difficulties changing habits is clear, even when the likely impacts are explained. More robust protection for winter waders is obviously essential, especially in areas where conflicts already occur (dogs off leads, runners very near feeding sites, pleasure water crafts too close etc.

*The baseline was established during the research as part of the Solent Disturbance Mitigation Project. This work is noted in paragraphs 2.4 to 2.9 and the ongoing monitoring of the effectiveness of the scheme is noted in paragraph 4.20 of the Strategy. The Partnership is leading on a positive messaging and educational programme to encourage behaviour change rather than a strategy based upon behaviour restrictions and bylaws prohibiting certain behaviours. The Rangers will be promoting the importance of the birds and informing coastal users of appropriate Bird Aware behaviours.*

The development at Selangor will bring many more people down to walk along the coast - especially using Selangor path. I suggest possibly putting up notices about SPA in understandable terms explaining the delicate situation with overwintering birds and the absolute necessity to keep dogs on the lead in sight of the water. (Other areas in the UK have beaches where dogs must be on the lead in summer - why not have dogs on the lead in Autumn/Winter along stretches of shore in this area??)

*A Dog Initiatives Officer will be employed under the Strategy and their role will be to work with dog owners and walkers to minimise their impacts on the overwinter birds.*

I want to see a strategy for the development, delivery and ongoing maintenance of suitable nearby mitigation sites to compensate for sites already designated for development (HBC Site BD11) that are known to be significant for over wintering birds that will be lost. This is not to provide SANGS per se. Such sites might be closed during winter but suitably cultivated and laid out could provide nature walks during the summer.

*There are parcels of land that fall outside of the SPA boundary but form part of an important network of sites used by over-wintering waders and Brent geese. Any impacts on these sites will require mitigation in line with legislation. This does not form part of the Solent Recreation Mitigation Strategy which covers indirect impact of recreational disturbance on the SPA but is covered by the Solent Wader and Brent Goose Strategy.*

Clearer signage for all water sports activities with jet skis being the clearest example of noise and on water disturbance. Dog walkers and coastal walkers should be encouraged to consider the impacts of their actions. Gaining their participation would be more effective than enforcing restrictions.

*The Strategy includes for the development of access management assessments which will review the activities of all users groups along the coast. These will be undertaken in stages and recommended mitigation measures will be considered and acted upon where appropriate. A Dog Initiatives Officer will also be employed under the Strategy and their role will be to work with dog owners and walkers to minimise their impacts on the overwinter birds. This role will focus on building positive relationship with dog owners and walkers and ensuring that their needs are met whilst the needs of the overwintering birds are also met. The Rangers will be promoting the importance of the birds and informing coastal users of appropriate Bird Aware behaviours.*

#### Improvement of water quality

*This issue falls outside the scope of the Solent Recreation Mitigation Strategy. The Partnership for Urban South Hampshire (PUSH) has commissioned a water study, which includes consideration of water quality.*

Coastal paths should be maintained to encourage public to stick to them, in particular the Hayling billy track.

*The Strategy provides for site specific projects (put forward by the Partner organisations - Any party wishing to suggest a site-specific project should make the local authority within which it is sited aware of the project and ask that they consider putting it forward for potential funding) to be funded if they are considered to provide appropriate mitigation. The Strategy also includes for the development of access management assessments which will review recreational access to the coast the activities of all users groups along the coast. These will be undertaken in stages and recommended mitigation measures will be considered and acted upon where appropriate.*

Ideally the levy on new developments should be payable (at least a proportion) at the time of planning approval to encourage development of a site and to allow mitigation measures to be implemented sooner.

*This is a matter for each determining authority to decide within their local policies and charging mechanisms. However as the effects of development don't usually start until houses are occupied it will normally be acceptable to require contributions be made when development begins on site.*

Consideration might be given to how people go to these areas e.g. use of public transport rather than cars

*This is a matter for Local Plan policies and falls largely outside the scope of the Strategy.*

Too many houses are being built on green land. Build on brown sites first. Thought should be given to ALL living things.

*This matter is covered within national and local planning policy, such that each Local Authority has to produce a Brown Field Register to focus new development towards previously developed land.*

Difficult to enforce I know but dogs to be kept under close control during the winter months.

*A Dog Initiatives Officer will be employed under the Strategy and their role will be to work with dog owners and walkers to minimise their impacts on the overwinter birds. This role will focus on building positive relationship with dog owners and walker and ensuring that their needs are met whilst the needs of the overwintering birds are also met. The Rangers will be promoting the importance of the birds and informing coastal users of appropriate Bird Aware behaviours.*

Have you considered putting up hides to encourage safe birdwatching and help provide education to visitors on the species they are likely to see? Maybe a 'birds of the day' notice board?

*The Strategy provides for site specific projects which could include bird hides (put forward by the Partner organisations - any party wishing to suggest a site-specific project should make the local authority within which it is sited aware of the project and ask that they consider putting it forward for potential funding) to be funded if they are considered to provide effective mitigation.*

Overall a strategy to make people aware of the potential harm to our coastal birds is fine, but doesn't solve the problem. Surely the only way to solve the problem is to remove the risk in the first place.

*The proposed Strategy is based on the studies undertaken as part of the Solent Disturbance Mitigation Project (referred to in paragraphs 2.4 to 2.9) and represents the best available evidence.*

I appreciate some measures will be unpopular at first, but given the world important of our coast to migrating birds, and the long-term damage that could be caused without effective measures, I do urge the following for vulnerable sites such as the Emsworth to Warblington section of the Solent Coast. 1) Physically changing the path from the Maisemore Gardens (elevated section) to avoid the shingle low water line, the mini promontory on the west side of the water flowing from the reed beds into Nore Rithe, and the shingle water line towards Conigar Point. These muddy areas are a favourite feeding site for many species including Red and Green Shanks, Brent Geese, Wigeons, Oyster Catchers, Godwits and mute swans. There is currently a picnic bench on the promontory which should perhaps be relocated away from the feeding grounds and the valuable wild flowers on land (Sea Aster, Yellow Samphire and Scurvy Grass.) 2) A dogs-on-lead policy from Warblington Road to Conigar Point if within sight of the sea. This need only be from Oct-March. 3) A similar dogs-on-leads policy on the field paths south and east of Warblington Church, especially Fields H23E, H23D and H23C. Large flocks of Brent Geese Assemble in these fields, but are frequently panicked by chasing dogs. Again, this strategy will apply Oct-March only. 4) An exclusion margin should be marked out to reduce disturbance to birds on Fowley Island by water crafts of various sorts. Of course I understand dog walkers, used to the current freedoms, will find this hard (I have two dogs myself) but hope increased understanding about our wader

visitors and how they add to the pleasures of visiting our coast will in time lead to more responsible habits.

*The Strategy deals with these points through a variety of measures, firstly it provides for site specific projects (put forward by the Partner organisations - any party wishing to suggest a site-specific project should make the local authority within which it is sited aware of the project and ask that they consider putting it forward for potential funding) to be funded. Secondly a Dog Initiatives Officer will also be employed under the Strategy and their role will be to work with dog owners and walkers to minimise their impacts on the overwinter birds. This role will focus on building positive relationships with dog owners and walkers so they are able to continue to enjoy the coast responsibly and avoid impacts to the overwintering birds. Also, the Strategy includes for the development of access management assessments which will review the activities of all users groups along the coast. These will be undertaken in stages and recommended mitigation measures will be considered and acted upon where appropriate.*

**Question: Any other Comments?**

**Responses:**

One strategy for the entire Solent seems unrealistic given the widely differing areas involved - some areas offer much better protection for feeding birds naturally because of the isolation or difficult access to visitors. Others, such as at Emsworth, are intensively used, and birds are much more often disturbed. Many species of over-wintering birds are declining here, and I have serious doubts that the measures as proposed will do anything to either protect the remaining birds from on-going disturbance, or even halt the incremental declines.

The proposals offered for consultation are not supported by published evidence of likely effectiveness, nor of the base-line from which measures might be made of effectiveness in the future.

These are faults which must be remedied if the Mitigation Strategy is to be more than just a hopeful exercise.

I would like to have seen a much more robust intention to change the habits of visitors, and more active support the needs of our coastal eco-structure.

*The proposed Strategy is based on the studies undertaken as part of the Solent Disturbance Mitigation Project (referred to in paragraphs 2.4 to 2.9) and represents the best available evidence. Having a geographical spread of the Solent allows for a strategic approach to this issue, not piecemeal approaches conducted by smaller parties such as each local authority individually. Local rangers can adapt engagement methods and activities to suit local situations. Access management assessments will review recreational access to the coast in local areas; these will be undertaken in stages and recommended mitigation measures will be considered and acted upon where appropriate.*

*The Strategy is focusing on positive behaviour change in the first instance, and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point.*

Having experience as a volunteer recorder of Winter Migrant birds as part of the SRMP interim strategy, I welcome this proposal for mitigation in perpetuity.

However, the strategy places too strong an emphasis on education and the encouragement

of responsible visiting, and while this is good as far as it goes, I am doubtful that this can prevent the harm likely from highly increased numbers of visitors to certain sections of the coast.

There are important bird feeding sites along the Solent coast that are already particularly vulnerable to disturbance, and for which robust site-specific measures should be put in place as soon as possible.

In Emsworth, for example, there is a multiplicity of informal walks from Warblington Road slip-way to Conigar Point. One of these is along the shingle exposed at low tide, and the resulting disturbance level to feeding birds from dogs, children and runners is extreme. This is a double whammy in terms of the proposed mitigation as many wading birds can feed only for the 2 hours each side of low tide – and yet this is exactly when visitors can cause the greatest disruption by being too close to them.

Existing notice boards and requests for moderated behaviour are routinely ignored, and while visits from a Coastal Ranger would be welcome, they cannot be expected to greatly impact on the everyday incidence of dogs chasing birds, and loud noises or sudden movements from increasingly large numbers of visitors on land and water.

It is unfortunate that there are so few local places within easy reach that children and dogs can play and run freely. Apart from the rather uninspiring recreation grounds, there is no wooded or field places for imaginative play or walkers enjoyment within walking distance of Emsworth, (both Brook Meadow and Nore Barn Wood should continue to be regarded as primarily nature reserves).

I note the proposal from PUSH proposing additional green spaces to take pressure off the coast – this is good news, providing what is ultimately offered is not margins at the edges of future housing development sites, (e.g. as at the future Denvilles) where the same area tries to perform as cycle route, informal play, dog walking and wildlife green corridor.

*The Strategy is focusing on positive behaviour change in the first instance, and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point. The Rangers will be promoting the importance of the birds and informing coastal users of appropriate Bird Aware behaviours. They will be supported by a dog initiatives officer, a communications officer, access management plans, and site specific projects. A Dog Initiatives Officer will also be employed under the Strategy and their role will be to work with dog owners and walkers to minimise their impacts on the overwinter birds. This role will focus on building positive relationship with dog owners and walkers and ensuring that their needs are met whilst the needs of the overwintering birds are also met. Also, the Strategy includes for the development of access management assessments which will review the activities of all users groups along the coast. These will be undertaken in stages and recommended mitigation measures will be considered and acted upon where appropriate.*

*The Strategy also includes for the development of Strategic Alternative Natural Greenspaces (SANGs) for people to use. These are noted throughout the Strategy and Appendix B sets out the site selection criteria used.*

There need to be well-publicised sanctions taken against those who disturb wildlife. (Maybe three strikes and you are out). If dogs are photographed chasing swans/waders more than twice then the dog owner gets an order that dogs must be kept on lead.

But anything like this needs to be well publicised. Many dog owners don't even realise that

bits of our coast are European level protected - and that abusing the coast is damaging to the natural environment.

Positive publicity ideas:

Maybe run some exemplar dog walks - with a Ranger with a dog leading the walk. Contact any dog clubs with information. Reward dog owners who do the right things - with a badge of coast-carer. Run some sessions for dog owners in community centres (some really don't know that it is not acceptable for dogs to chase waders. They regard it as just a bit of fun...) Get short punchy articles into local papers (Po9/PO10 will publish anything you write.... The EMS is also open to articles. Fliers in the library etc. on walking your dog and caring for the environment. Dog walker champion of the year. There's a dog show at the Emsworth Horticultural Society show every year (in August). Run a session called dogs at the seaside there. Hand out little prizes for those who complete a quiz on safe dog walking... etc. etc.

*The Strategy is focusing on positive behaviour change in the first instance, and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point. A Dog Initiatives Officer will also be employed under the Strategy and their role will be to work with dog owners and walkers to minimise their impacts on the overwintering birds. This role will focus on building positive relationship with dog owners and walker and ensuring that their needs are met whilst the needs of the overwintering birds are also met. Their scope of work will include such measures as leading dog walks, promoting the dog walking code and working with puppy training classes to include Bird Aware Messaging. They will be heavily supported in this role by strong positive messaging and communications materials produced within the partnership.*

Timing is critical. A more all embracing strategy is needed before EiPs take place on draft local plans in 2018.

*The proposed timeline is for this Strategy to be considered for endorsement by the Partnership for Urban South Hampshire by the end of 2017 and by relevant local planning authorities by the end of the 2017/18 financial year.*

Relies on Rangers to police. About as useless as PCSOs if they have no power of arrest or enforcement. Recommend from personal experience they have helmet- mounted cameras. Water companies/sewerage company involvement on getting people NOT to put litter down the loo that gets into our seas and onto our beaches. Liked the positive dog owner stance - agility/ dog wash pool/ hand washing provision after picking up poo. Litter prevention and disposal?

*The Strategy is focusing on positive behaviour change in the first instance, and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point. The Dog Initiatives Officer will focus on working with dog owners and walkers to ensure Bird Aware behaviours are encouraged, whilst dog walker's needs are considered. Matters relating to water quality fall outside the scope of this Strategy. Litter prevention is also outside the scope of the strategy.*

I feel the charge per development housing is extremely low and could do with being tenfold the proposed cost, to encourage developers to look else where and to assist the interim / definitive strategy.

*The proposed monitoring schedule will ensure that the level of developer contribution charges is mitigating the impact of development taking place.*

On housing development in Havant the developer should have sown an adjacent field with winter wheat to mitigate a site for wintering birds but has failed to do so and the council has failed to enforce it. ( Havant Planning in 2014 APP/14/00232 201 Portsdown Hill, west of Glebe Park Avenue and north of Bedhampton Hill, Havant).

I believe no housing should be built on greenfield sites close to bird habitats.

*This matter is covered within national and local planning policy, such that each Local Authority has to produce a Brown Field Register to focus on prioritising previously developed land.*

*The individual site issue should be taken up with Havant Borough Council.*

It is important that our shore line is properly policed and patrolled.

*The delivery of the Strategy relies heavily upon the use of Rangers patrolling the coast and positively engaging with coastal users to inform them of the importance of the birds and of the need to be Bird Aware in their behaviour when using the coast. The Strategy allows for 7 Rangers in the winter months, and 5 in the summer. They will be supported by a strong communications programme to help them best spread the Bird Aware messages.*

The Strategy is misconceived, expensive, and inefficient and should be scrapped.

*Opinion noted.*

Great work! Love it. Well done.

*Opinion noted.*

## **Part B - Planning Consultants (Total of 7 responses)**

**Question: Were you aware of the Interim Mitigation Strategy?**

**Responses:** 5 'Yes', 2 left blank

**Question: Would you use this scheme as opposed to providing your own mitigation package?**

**Responses:** 2 'Yes', 2 'Not Applicable', 2 left blank, 1 request that fees are regularly reviewed and monitored.

**Question: Are there any mitigation measures currently proposed that you feel should not be included in the Definitive Strategy?**

**Responses:** Yes.

Whilst the shortcomings of the current strategy are understood, our view is that a number of the additional costs underpinning the Draft Definitive Strategy are unnecessary and/or overstated.

For example the Draft Definitive Strategy suggests the need for five full time ranger posts at £40k, with an additional cost of £5k per annum for 'branded vehicles' each. Given that the impact of concern is disturbance to wintering birds the need for 5 yr-round posts is clearly questionable.

*The cost of the Rangers represents their whole employment cost, including pay, national insurance contributions, uniform, line management, office space and other such costs. The Strategy recognises the increased need for Rangers in winter and as such allows for 2 additional Rangers during that period. The rationale behind keeping 5 Rangers through the summer is that they can contribute towards delivering other parts of the Strategy during summer months (such as producing access management plans, assisting with the inception of consultants monitoring winter activities, developing projects to engage specific user groups, maintaining stakeholder and Partner relationships and building local connections. This work is essential to the delivery of the Strategy. Year round staff also enables us to retain knowledgeable, trained staff with local connections which is essential for the role. As has been shown in other mitigation schemes considerable costs are involved in training and inducting new seasonal staff each year who often leave before the end of the contract. The Branded vehicles have been costed as similar to the costs of reimbursing the Rangers for business mileage undertaken in private vehicles (due to the distances they cover in their line of work) and have the added benefit of being a visible presence as they travel between sites and are parked in coastal locations. Therefore they will remain in the Strategy costings.*

Costs are going to be too high

*The contribution level has been set to meet the necessary costs of delivering the strategic package of measures as agreed in full consultation with the Partnership including representatives from Natural England. The effectiveness of the Strategy will be reviewed regularly and the cost level may change as a result of the review.*

**Question: Are there any additional measures you feel should be included in the Definitive Strategy?**

**Responses:** It is considered that the approach taken to ensure that appropriate mitigation measures are in place to protect breeding birds on the Solent are reasonable, in that for the majority of sites developers would be required to make one off payments rather than provide on site (or find land for) mitigation. The document is up front in providing the required sum and as such developers will be able to incorporate this cost into initial viability work. The document states that for some sites bespoke mitigation packages may be needed.

For large scale strategic development, on site mitigation and/or the provision of SANG will be necessary. A review of the SANG criteria has been carried out in consultation with an ecologist. It is considered that the requirements meet national standards and are therefore reasonable in their expectations.

Whilst no specific additional measures are suggested, what is less clear within the document is the trigger point for when a bespoke mitigation package may be required. This should be clarified with details of what such a package may look like. Will this be related to a number of dwellings, site area etc? The timing of delivery also needs more clarification. Providing case studies in the strategy that have occurred over the past couple of years would be

useful. Clarification is also required that such bespoke solutions will only apply to new planning permission granted after the date of any adoption of the strategy, not reserved matters schemes.

*With regard to proposed development requiring bespoke or additional mitigation measures, it is not possible to create a set framework of trigger points and expected additionality. It is noted in paragraph 6.8 that the local planning authority, with advice from Natural England, considers the mitigation measures for proposals on a case-by-case basis. As the circumstances relating to each application are unique, an overall judgement will be made by those parties as to whether additional mitigation is required or not.*

*Additional mitigation for the impact of any individual proposal (i.e. its impact alone) is on a case by case basis and cannot be defined solely by number of houses or proximity to the SPA. There are too many factors that influence whether additional disturbance over the 'in-combination effects' (which the Strategy mitigates) is likely. For example, existing access to intertidal and frontage – beach, sea wall etc, the potential increase in recreational disturbance depends on the design of the scheme, type of adjacent habitats – deep mud or shingle / sand, the height of the site in relation to the intertidal etc. Therefore, even very small housing schemes could have an impact, whilst larger schemes may be less sensitive depending on their location. As also covered in paragraph 6.8, developers are encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. This potential need for additional mitigation is not new, and 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 Habitats 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. Again, this is in line with the planning policy and the requirements of the legislation, rather than an outcome of this Strategy.*

We have a very different housing market to the rest of the Solent SPA region and have pockets of some of the highest deprivation in the country. We also have geographical limitations to development, including a lack of inward investment, high cost of materials, unmet housing needs (market and affordable) as well as some of the most expensive ferry transport costs in the world and low wages. We also of course rely on tourism to provide jobs for many residents and keep our local shops and svcs.

*The requirement for mitigation is necessary due to the Conservation of Habitats and Species Regulations 2010 (which will be updated on the 30<sup>th</sup> November 2017 to the Conservation of Habitats and Species Regulations 2017) which protects the international nature conservation interest in the area. This legislation places a legal duty on the local authorities to ensure that development proposals do not adversely affect the SPAs. The SRMP provides an opportunity for developers to mitigate the in-combination effects of recreational disturbance to the SPAs arising from new housing in the area, allowing the local authorities to meet these legal requirements and ensuring that sustainable housing delivery can continue around the Solent. This Strategy provides a mechanism for developers to meet their mitigation needs, but they may seek an alternative approach (in consultation with their local planning authority and Natural England). By providing up-front costs of mitigation developers should be able to factor this in when buying housing sites and designing schemes.*

No

Given the lack of breakdown and justification for the overall cost figures presented, there is not confidence that the overall approach is fair and reasonable, rather it appears unnecessarily burdensome on development. The most significant concern with the strategy is the major step change in costs from the existing interim strategy.

*The increased level of developer contribution represents the costs associated with the more comprehensive scope of the Strategy which is needed to mitigate the likely effects of planned housing development. The costs have been noted in paragraph 5.13 and in more detail in Appendix C. They represent the cost of undertaking the measures recommended following the Solent Disturbance Mitigation studies that are noted in paragraphs 2.4 to 2.15 and were agreed as necessary by the Partnership, including representatives from Natural England to satisfactorily provide the necessary mitigation under the Habitats Regulations.*

Overall the approach of the SRMS in addressing potential impacts on the SPA across the study area is supported. One of the key purposes of the strategy is to plan for mitigation at the strategic level which, in most instances, can then be funded through a straightforward transparent tariff approach. This provides advantages in terms of cost and time efficiency and consistency between developments across the area. It also ensures that there are agreed methods of mitigating the impacts, so removing the potential barrier of seeking agreement for bespoke and ad hoc mitigation on a case-by-case basis. The approach is helpful to the development industry as a means of discharging their statutory duty to mitigate the impact of their developments. Nevertheless, the detail of how the strategy will be applied does lead to a number of queries and concerns. These form the basis of the submitted representations...

#### Calculating the charge

The following section considers the method of calculating the mitigation charge.

##### *Planned housing*

The aim of this strategy is to prevent any net increase in bird disturbance as a result of additional recreational pressures arising from the new residential dwellings which are planned around the Solent SPAs up to 2034.

The total cost of the mitigation covered by the strategy has been divided by the number of dwellings assumed to be delivered during the study period to arrive at an average mitigation cost of £564 per dwelling. This is then split down by size of dwelling to provide a sliding scale, as set out below:

- £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

Paragraph 6.11 of the Strategy states that '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.' However, the method of how the proposed cost by unit type has been determined is ambiguous and this should be clarified within the document.

Regarding overall housing delivery expectations in the PUSH area, Appendix A of the

strategy clarifies that this is calculated on number of units set out in the PUSH Spatial Position Statement (SPS), adjusted to reflect the level of housing planned inside the 'zone of influence' (5.6km from the SPA areas). The strategy acknowledges that this process involved some 'guestimation' to arrive at the level of housing. However, the approach is considered flawed in that the level of housing planned for in the SPS does not represent the Objectively Assessed Housing Needs (OAHN) for the area, which is set out in the PUSH SHMA (January 2014, as updated).

The annual housing requirements within the two documents are set out below for comparison:

- PUSH SPS - 4,537 dpa (for period 2011- 2034)
- PUSH SHMA - 4,860 dpa (for period 2011 - 2036)

National planning policy requires LPAs to plan to deliver the up-to-date housing requirements which should be set out within local plans or, failing that within the most recent demographic trend-based household projections. The SPS is simply a policy statement and is not a local plan, nor has it been subjected to any formal examination. Furthermore, LPAs in the PUSH are not bound to adhere to the SPS. It is our view therefore that the use of the housing requirement from the PUSH SPS is not appropriate or robust and that the most up-to-date objectively assessed housing figure should instead be used. If this change was made, it would result in a reduction in the required mitigation contribution per dwelling.

In the areas outside of PUSH (i.e. Chichester District, New Forest National Park and South Downs National Park), the document assumes an annual rate of delivery of 343 dwellings per annum. With reference to Chichester, planned delivery as set out in the local plan falls short of the OAHN by a significant degree. CDC is in the process of reviewing their local plan, which is likely to require an increased in the planned delivery of housing. It will be important that the proposed biannual review of the Strategy picks up on increases in planned housing provision, and this should be reflected in the cost per dwelling set out in the strategy.

#### *Site Specific Projects*

The summary of annual costs set out in the consultation documents (para 5.13) sets out a figure £400,000/annum to fund 'site specific visitor management projects'. This represents circa 50% of the overall annual mitigation cost (excluding 'in perpetuity' investments).

Paragraph 4.11 of the consultation document indicates that an initial tranche of potential projects have been evaluated for implementation as soon as funding becomes available. However, it is not clear what projects have been identified, whether they have been costed accurately and ultimately whether they will be effective. Given the significant proportion of the overall cost (and the links with the cost of the 'in perpetuity funding' element), greater transparency on the derivation of this cost is required.

#### Ensuring certainty

##### *Proximity*

Paragraph 1.6 of the strategy indicates that the approach of the strategy is to provide clarity and certainty for both developers and local authorities. However, the strategy highlights that new dwellings that are 'close to' the SPA may require mitigation in addition to the developer contribution (para 6.4). This will be assessed on a case-by-case basis by the local planning authority. A similar test is proposed for hotel uses in 'close proximity' to the SPA. Notwithstanding this intention, the clarity of the strategy would be greatly improved if it set out what distance from the SPA might be considered to be in 'close proximity'.

Suitable Available Natural Greenspace (SANG)

Unlike near the New Forest SPA, the provision of Suitable Accessible Natural Greenspace (SANGs) is not the primary means of mitigation for the Solent SPAs. The provision of coastal wardens and initiatives to manage the behaviour or visitors to the coast has been determined to be more effective than seeking to divert people to new SANGs. Nevertheless, the provision of new SANGs does form a part of the overall approach to mitigation.

Paragraph 1.6 of the strategy indicates that the approach of the strategy is to provide clarity and certainty for both developers and local authorities. However, the strategy sets out that some housing schemes (described in places as 'large' and in other places as 'very large') may need to provide new SANG areas and potentially other forms of mitigation, in addition to making the financial contributions.

Notwithstanding the intention that such development proposals will be considered on a case-by-case basis, the strategy would be clearer if it set out what was meant by 'large' or 'very large' development schemes.

In instances where the provision of a new SANG area is being sought, in addition to financial contributions, the strategy should recognise the very significant commitment and burden that is being imposed on the scheme. Therefore it is essential that there is clarity on the circumstances in which this will be required and that those are related clearly to the impacts of the scheme on the SPA sites. In the absence of a convincing case for the provision of both contributions and additional SANG capacity the strategy should allow for the off-setting of the financial contribution against the costs of providing the new SANG area.

There is reference in the strategy (paragraph 5.8) to the potential for site specific mitigation (i.e. new SANG areas) to benefit both the New Forest SPA and the Solent SPA sites. This pragmatic approach can be supported. However, caution is needed as Appendix B of the strategy sets out a range of 'essential' specification criteria for SANG areas that are intended to mitigate impact on the Solent SPAs and these are very different to the criteria adopted by New Forest District Council and the National Park Authority. For example, Appendix B refers to 5 km circular walks as being essential, whereas for the New Forest SPA only 2.3 km walks are required. In addition, Appendix B seeks opportunities for dogs to swim, whereas this is not an essential criterion for SANGs mitigating impacts on the New Forest SPA.

#### *Brownfield sites*

There is also a concern that there is no provision within the strategy for staged payments of the mitigation costs. This could be an issue for marginal sites such as brownfield redevelopment proposals where upfront remediation/abnormal costs may be very high and an upfront payment could be prohibitively expensive. It is recommended that there should be a staged approach to development where payment is triggered in relation to the occupation of a certain amount of development. This would improve the link between payments and mitigation of SPA impacts and would aid development cash flow and ultimately the viability of development.

Furthermore, it is possible that the build-out may extend beyond the life of the mitigation strategy, set at 2034. This will likely be more of an issue for development sites coming forward toward the end of the strategy period. The strategy should therefore take a more flexible approach to payment with respect to large sites, accounting for the number of dwellings that are likely to be occupied within the strategy period and clarifying that those delivered after 2034 will not be required to contribute.

Consideration in the strategy should also be given to the degree of disturbance that may already arise as a result of the existing uses at the site. For example, at many of the MDLs sites activity, and the potential for disturbance already exists. The introduction of additional

residential would, in such instances, have a minimal impact on the SPA over and above the baseline position.

#### *Hotel accommodation*

The strategy also proposes possible mitigation for hotel uses. However, new hotel accommodation outside of the city centres, where demand is greatest, is likely to be limited. The potential for SRDM receipts to be raised through this type of development is considered limited, and should be excluded from the charge.

Notwithstanding our overriding objection to hotel charging, if this type of accommodation is to be included, the quantum of hotels bedrooms expected to come forward in the strategy period should be factored into the calculation of the overall charge. This would effectively reduce the overall cost per dwelling.

Paragraph 6.7 of the Strategy sets out that 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 6.2 above.'

No charge is referenced in paragraph 6.2 of the Strategy, but it is assumed that this is supposed to refer to the charge set out in the preceding paragraph (i.e. £564 / dwelling). This average charge does not reflect the sliding scale upon which other types of residential development will be charged. The hotel charge should be capped at the 1-bed rate of £337 (or at the very least the 2-bed rate) which would also recognise trend for under occupancy of many hotels bed-spaces (i.e. where single customers book a double room).

With regards to a proportional approach, this is supported and should reflect the fluidity of hotel occupancy. The Future Hotels Study (2010) undertaken on behalf of the Partnership for Urban South Hampshire (PUSH) and Tourism South East, demonstrated that average occupancy of hotels in the period 2007-09 was between 60-80%. A discount of 70% would be considered a reasonable discount to be applied to the hotel charge.

It is noted that the strategy does not reference contributions for other types of holiday accommodation such as caravan parks, lodges, and camp sites. The Strategy should be explicitly set out that such types of new development will not be liable to pay the charge to avoid any future uncertainty regarding the implementation of the strategy going forward.

#### *Monitoring*

The proposal to review the strategy every 2 years is considered appropriate. However, in addition to monitoring the effectiveness of the mitigation proposals and reviewing these where necessary, it is also essential to monitor the planned housing provision within the study area to ensure that the charge is calculated correctly, based on the most appropriate level of planned housing provision within the area (and if hotel bed spaces if this element is carried forward).

#### *Charging Mechanisms*

Paragraph 7.1 states that each authority decides which mechanisms to use to secure the developer contributions from schemes in its area. However, a consistent method of charging across the study area would be helpful or where different mechanisms are favoured, providing some ability for the developer to choose would be supported. For example, Southampton City Council operates two methods of payment; a Unilateral Undertaking Framework or a 'Habitats Mitigation Contribution Agreement'.

The strategy does not provide any guidance about the relationship between the financial contributions being sought and the Community Infrastructure Levy (CIL) which has been adopted by most if not all affected LPAs. If the contributions are to be sought outside of (and in addition to) CIL payments, this needs to be clearly reflected within the infrastructure

planning and viability evidence base used to inform the introduction or review of CIL rates across the area.

*The Methodology behind the calculations for the costs per dwelling was based upon the methodology developed for the Thames Basin Heath mitigation scheme.*

*Each development needs to satisfy the Habitats Regulations and therefore those dwellings proposed within the zone of influence of the SPA (5.6km) will need to provide mitigation. If more housing is required and forthcoming, then it is likely that greater pressures will be perceived by the birds, therefore more mitigation will be required. So should housing numbers increase, so will the need for mitigation. The Solent Recreation Mitigation Strategy is designed to be scalable, which means (as noted in paragraph 5.15) that the amount of mitigation provided can be scaled up or down dependent upon actual housing development levels. It does not therefore follow that the mitigation cost per dwelling would necessarily decrease as housing numbers increase.*

*The Strategy is formulated to provide mitigation for new dwellings up until 2034 because that coincides with the date of planned housing within the PUSH Spatial Position Statement. At present, PUSH has not agreed on the amount or distribution of housing beyond that date. Also, delivery of the mitigation package will be scaled in relation to the level of developer contributions received (paying into this Strategy is optional for developers, but each development must provide mitigation). If higher income streams are received, this will be from a greater than modelled housing provision and more mitigation will be necessary as a result of the greater impact on the use of the coastline. The financial calculations will be reviewed every second year and the Strategy itself will be reviewed every 5 years unless a change in legislation or local conditions necessitates a sooner review.*

*More information has been added to the Strategy in relation to the site specific projects and can be found in paragraphs 4.13 to 4.19. This includes information about the criteria against which they are assessed and how information about the successful projects will be made publically available.*

*Additional mitigation for the impact of any individual proposal (i.e. its impact alone) is on a case by case basis and cannot be defined solely by number of houses or proximity to the SPA. There are too many factors that influence whether additional disturbance over the 'in-combination effects' (which the Strategy mitigates) is likely. For example, existing access to intertidal and frontage – beach, sea wall etc, the potential increase in recreational disturbance depends on the design of the scheme, type of adjacent habitats – deep mud or shingle / sand, the height of the site in relation to the intertidal etc. Therefore, even very small housing schemes could have an impact, whilst larger schemes may be less sensitive depending on their location. As also covered in paragraph 6.8, developers are encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. This potential need for additional mitigation is not new, and 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 Habitats 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. Again, this is in line with the planning policy and the requirements of the legislation, rather than an outcome of this Strategy*

*The SANGs criteria have been drawn up in agreement with all members of the Solent Recreation Mitigation Partnership. Their effectiveness is being monitored to determine the*

*extent that they can provide mitigation at the coast. The results of the monitoring will further inform the SANG criteria and consideration of SANGs in this context going forward. It is recognised that there are some differences in these to the criteria of those related to the New Forest SPA, but they are still considered complimentary. Developers are not obliged to opt into this mitigation scheme and are able to provide their own mitigation in consultation with their local planning authority and Natural England. In cases where the developer considers the redevelopment of a site for residential use to be of lesser impact to the SPA than its existing use, then again, they are not obliged to opt into this scheme and may discuss their bespoke mitigation package with their relevant planning authority and Natural England.*

*Hotels remain within the Strategy and will continue to be assessed on a case-by-case basis as explained in paragraph 6.10. As the Strategy is scalable (see note above) the inclusion or otherwise of hotel accommodation does not have an impact on the cost level of other developments.*

*Paragraph 6.4 notes that other forms of dwelling are included in the Strategy and will be considered on a case-by-case basis by the local planning authority in consultation with Natural England.*

*The charging mechanism will remain a matter for each local authority to decide and administer individually.*

*For clarification, these payments do not form part of the Community Infrastructure Levy (CILs). Local authorities will need to take this into account when reviewing CILs.*

In light of the emphasis placed on viability in national planning policy and guidance, the SRMP must ensure that its revised charging schedule would not represent an unacceptable burden on the ability to achieve sustainable development, taking account of the suite of other planning obligations and Community Infrastructure Levy contributions likely to be levied on developers. Whilst acknowledging the financial implications of funding the Partnership's proposed mitigation measures up to 2034 and in perpetuity, it should ensure that its definitive mitigation strategy has proper regard to the effects on development viability. Gladman are concerned that the burden of funding the Partnership's mitigation measures is being unfairly placed on the shoulders of the house building industry, when in reality the issue of recreational disturbance on the Solent SPA sites is likely to be a universal, caused by the existing population and other factors that could attract visitors to the coastline. The Partnership should ensure that it has taken these factors into account when determining whether it would be appropriate to the cost of mitigation now expected from new residential development. It should also ensure that it has fully explored other available funding streams that could provide revenue to implement the Partnership's mitigation proposals.

*The Partnership has considered viability in producing this Strategy, insofar as the measures contained within it are considered to be sufficient, but not over-generous, to ensure development can proceed without an in-combination impact under the Habitats Regulations. It remains open to scheme promoters to put forward their own bespoke mitigation package to secure planning permission.*

*The Strategy is seeking assist developers to meet the legal requirement to mitigate any net increase in disturbance resulting from new housing development. As noted in paragraph 1.7,*

*addressing the impact of existing activities is the role of the separate Solent European Marine Sites (SEMS) initiative. Close working between the two groups is envisaged which may mean that shared messaging is used. This Strategy is helping facilitate new housing to meet its obligations under the Habitats Regulations.*

The strategy needs to consider offsetting more of the costs beyond 2034. Whilst we recognise that some degree of long term funding is required due to consideration of perpetuity a more appropriate strategy would recognise that development is likely to happen beyond this period. We consider that it is possible to reduce the in perpetuity costs, which form the majority of the annual costs of the project in recognition that some of the future costs will be supported at that time.

LPAs that are required to implement this strategy will need to clearly set out in the Local Plan or Supplementary Planning Document how these additional costs relate to development and other infrastructure funding. There will need to be a clear separation between this funding and any CIL payments to ensure the effective monitoring of pooling restrictions as set out in the CIL Regulations 2010 (as amended). LPAs must be clear as to when these charges will apply and to what development. We have been made aware that LPAs have been placing these requirements in retrospect on applications. This is wholly inappropriate and should cease until mitigation measures have been adopted as part of a Local Plan or through SPD.

*The Strategy looks to provide mitigation for new dwellings up until 2034 because that coincides with the date of planned housing within the PUSH Spatial Position Statement. At present, PUSH has not agreed on the amount or distribution of housing beyond that date. The Strategy will be subject to review every 5 years or sooner if changes in legislation or evidence necessitate. It is recognised that in all likelihood development will continue after this date, but it may be the case that mitigation associated with those developments will require a different focus. If this is the case, then a new strategic scheme to deal with that may emerge in future.*

*This Strategy does not form part of CIL (it is not funding infrastructure) and is focused on providing a strategic approach to mitigation required under the Habitats Regulations.*

It is considered that the approach taken to ensure that appropriate mitigation measures are in place to protect breeding birds on the Solent are reasonable, in that for the majority of sites developers would be required to make one off payments rather than provide on site (or find land for) mitigation. The document is up front in providing the required sum and as such developers will be able to incorporate this cost into initial viability work. The document states that for some sites bespoke mitigation packages may be needed.

For large scale strategic development, on site mitigation and/or the provision of SANG will be necessary. A review of the SANG criteria has been carried out in consultation with an ecologist. It is considered that the requirements meet national standards and are therefore reasonable in their expectations.

Whilst no specific additional measures are suggested, what is less clear within the document is the trigger point for when a bespoke mitigation package may be required. This should be clarified with details of what such a package may look like. Will this be related to a number of dwellings, site area etc? The timing of delivery also needs more clarification. Providing case studies in the strategy that have occurred over the past couple of years would be useful. Clarification is also required that such bespoke solutions will only apply to new

planning permission granted after the date of any adoption of the strategy, not reserved matters schemes.

*The mitigation measures are in place to protect the overwintering birds for which the SPAs are designated.*

*Additional mitigation for the impact of any individual proposal (i.e. its impact alone) is on a case by case basis and cannot be defined solely by number of houses or proximity to the SPA. There are too many factors that influence whether additional disturbance over the 'in-combination effects' (which the Strategy mitigates) is likely. For example, existing access to intertidal and frontage – beach, sea wall etc, the potential increase in recreational disturbance depends on the design of the scheme, type of adjacent habitats – deep mud or shingle / sand, the height of the site in relation to the intertidal etc. Therefore, even very small housing schemes could have an impact, whilst larger schemes may be less sensitive depending on their location. As also covered in paragraph 6.8, developers are encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. This potential need for additional mitigation is not new, and 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 Habitats 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. Again, this is in line with the planning policy and the requirements of the legislation, rather than an outcome of this Strategy*

**Question: Any other Comments?**

**Responses:** Para 4 of the Summary (page 4): Final para states that 'Some developments may require additional mitigation due to their size or proximity to a SPA'. This statement takes away some of the certainty for developers that the rest of the strategy seeks to provide. In line with our comments in response to Question 2, it would be helpful to provide guidance as to the sort of developments that may require additional mitigation and a justification as to why the developer contribution is not sufficient. It would also be helpful to provide examples of the sorts of mitigation that would be appropriate in these instances. If proximity to the SPA has the potential to be an issue, is there a further zone internal to the 5.6km zone that needs to be recognised? This is the case in other areas such as the Thames Basin.

*With regard to proposed development requiring bespoke or additional mitigation measures, it is not possible to create a set framework of trigger points and expected additionality. It is noted in paragraph 6.8 that the local planning application, with advice from Natural England, considers the mitigation measures for proposals on a case-by-case basis.*

*Additional mitigation for the impact of any individual proposal (i.e. its impact alone) is on a case by case basis and cannot be defined solely by number of houses or proximity to the SPA. There are too many factors that influence whether additional disturbance over the 'in-combination effects' (which the Strategy mitigates) is likely. For example, existing access to intertidal and frontage – beach, sea wall etc, the potential increase in recreational disturbance depends on the design of the scheme, type of adjacent habitats – deep mud or shingle / sand, the height of the site in relation to the intertidal etc. Therefore, even very*

*small housing schemes could have an impact, whilst larger schemes may be less sensitive depending on their location. As also covered in paragraph 6.8, developers are encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. This potential need for additional mitigation is not new, and 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 Habitats 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. Again, this is in line with the planning policy and the requirements of the legislation, rather than an outcome of this Strategy*

Para 1.4 (page 5): How is it intended that these other impacts should be mitigated? Would be helpful to include pointers to other strategies or approaches and clarification of whether a Nitrogen Reduction Strategy, as seen in relation to the Poole Harbour Natura 2000 sites, is anticipated.

*This falls outside the scope of the Strategy.*

Para 1.6 (page 5): Is there a threshold size of scheme for when a bespoke mitigation package would be required? It would also be helpful to refer to the possibility of a hybrid mitigation scheme, whereby on-site mitigation is provided and 'topped up' by a partial developer contribution. Whilst this will depend on individual site characteristics, noting this as an acceptable solution would be worthwhile.

*See answer to point raised about Paragraph 4 of Summary above.*

Para 1.6 (page 5): Needs to confirm that payment of 100% developer contribution addresses all requirements of the Conservation of Habitats & Species Regulations 2010, for all schemes where such a payment is relevant (i.e. not large enough to require a bespoke solution).

*See answer to point raised about Paragraph 4 of Summary above.*

Para 3.5 (page 9): Clarification on the mechanisms and timescales for review needed – will there be bi-annual reviews or 2 or 3 over the life of the strategy? This is critical when it comes to the viability of scheme so developers and land owners can forward plan as accurately as possible.

*A watching brief will be kept of this situation throughout the lifetime of the Project. Locally gained intelligence may instigate a review at any point throughout the delivery of the Strategy. The financial calculations will be reviewed every second year and the Strategy itself will be reviewed every 5 years unless a change in legislation or local conditions necessitates a sooner review.*

Para 4.5 (page 11): By making the financial contribution, do developers have access to / use of any communication material produced? On a large scale multi phased residential development with a mitigation package of £ and land, would the SRMP deliver focused comms?

*Cooperation from developers to disseminate key messages would be appreciated and there is an intention to develop a Bird Aware information leaflet suitable for use in all new dwellings; targeted communications could be considered on a case by case basis.*

Para 4.13 (page 12): An indication on the size of ‘very large housing scheme’ is needed for developers to understand the likelihood of needing to provide SANG, i.e. 1,000 dwellings+. *Please see response to comments related to paragraph 4 of Summary.*

Para 5.12 (page 15): Is there scope for a developer to provide land for strategic SANG alongside development which is then funded by contributions by other developments? *Developers are not obliged to opt into this strategy and may provide their own bespoke mitigation package in consultation their local planning authority and Natural England. This Strategy is not in a position to comment on what arrangements these may cover.*

Para 5.15 (page 16): The package of mitigation measures are noted as being ‘scalable’ should housing delivery increase or decrease – will financial contributions also reflect this given the £564 per dwelling is based on predicted net additional dwellings. What is the review / trigger mechanism for scaling mitigation measures up or down?

*The delivery of the mitigation package will be scaled in relation to the level of developer contributions received (paying into this Strategy is optional for developers, but each development must provide mitigation). If higher income streams are received, this will be from a greater than modelled housing provision and more mitigation will be necessary as a result of the greater impact on the use of the coastline. The financial calculations will be reviewed every second year and the Strategy itself will be reviewed every 5 years unless a change in legislation or local conditions necessitates a sooner review.*

Para 6.2 (page 17): Re-iterate previous comments: guidance as to the type of development requiring additional mitigation to the development contribution would be helpful. This paragraph also needs to recognise the scope for hybrid schemes, whereby some on-site mitigation is provided alongside a partial payment of the developer contribution.

*Please see response to comments about paragraph 4 of Summary and paragraph 5.12 above.*

Para 6.3 (page 17): ‘Self-contained student accommodation’ is listed – does this include Halls of Residence (Class C1) or would these fall under paragraph 6.5 ‘other types of residential accommodation’ and assessed on a case by case basis?

*The Strategy has been modified to better clarify this position and the new text can be found in paragraphs 6.5 and 6.6. of the document.*

Para 6.10 (page 19): The sliding scale presented for residential properties does not include any clarification in relation to student halls of residence – how will these be defined? For example a student halls with a 10 x 4 bedroom clusters with individual bathrooms but sharing a kitchen – would this be classed as a 10 x 4-bed dwellings (£7,490) or 40 x 1-bed dwellings (£13,480)? Greater clarification is needed in this respect.

*The Strategy has been modified to better clarify this issue, the new text can be found in paragraphs 6.5 and 6.6. of the document.*

Appendix A para A2: This notes that part of the predicted annual housing figure used is a ‘guestimation’ when calculating the number of homes to be delivered and covered by the

strategy. This figure in turn generates the financial contributions. There does not seem to be a review mechanism within the strategy for this annual housing figure. Significant changes up or down may then impact the level of contributions that should be sought.

*The contribution is based upon mitigating against the impact of each development, and the Strategy is scalable, such that if more or less than modelled housing is forthcoming, then the mitigation measures can be adapted to reflect this. As each development must meet the Habitat Regulations, each one wishing to opt into the scheme will pay the contribution. Paragraph 6.15 notes that every 2 years a review of the housing mix will also take place.*

General comment: It would be helpful to include a paragraph setting out the timescales for when these new tariffs will become 'live' through Local Authorities' adopting as SPD. At what date are these tariffs expected to become chargeable - is there a cut off date for LPA's to adopt this by? If the definitive strategy is approved as a final document following consultation but not yet adopted by an LPA, how would the SRMP respond to a planning application – seeking the interim contributions or the new, higher contributions?

*Following the approval of the Strategy by a given local authority, the higher developer contribution rate will apply to all relevant applications within the 5.6km zone determined after that date within that authority's area. The Strategy has been modified to reflect this and the new information is contained within Paragraph 6.2.*

General comment: Clarification on whether payment relates to affordable housing provision needs to be included within the document. As affordable housing can obtain relief from CIL, a similar assumption may be made about SPA mitigation. Clear and precise confirmation that the pooling of contributions accords with relevant legislation should also be included.

*All development must satisfy the Habitats Regulations in order to gain planning permission. These developer contribution falls outside of the CIL payments.*

General comment: Whilst the Habitat Regs are embedded in UK Law, given the long life of the strategy it is possible that the environmental framework behind the strategy could alter - as such the strategy should remain flexible through regular review to accommodate any such changes in law.

*Noted.*

As a point of principle, it seems wrong to tax only the delivery of new homes to deal with an existing issue. It is a disproportionate approach with new homes forming only a small amount of this existing stock. A charging regime based upon the total amount of homes and/or population would be a fairer way of dealing with the ecological issues.

*As noted in paragraph 1.6, this strategy is to prevent the net increase in bird disturbance as a result of additional recreational pressures arising from new residential development. Addressing the impact of existing activities is the role of the separate Solent European Marine Sites (SEMS) initiative and this is noted in paragraph 1.7.*

These are not large profit making developments and the profit margins (if any) are very sensitive to market fluctuations, including contributions payable. Please also remember that alongside the £564, our clients also need to pay our Council's Legals Fees of around £150 per SPA Unilateral Undertaking. That is a dent in any profits for a developer and will have an effect on land prices and house sale prices for small scale schemes. When

considering a family self-building a new dwelling in the garden for their grown-up children, which is quite common here, it may completely put them off investing as the fees upfront are becoming unviable. Another point that I do not quite understand is why the impact on birds seems to be focussed on new housing projects. The people that we are providing housing for already live on the Island, normally local to the house that is being proposed, but are 'hidden households'. They already visit the beaches and coastal areas for recreation. Rather than essentially taxing existing residents, isn't it better to target the collection of monies on the commercial enterprises such as ferry companies who have a direct impact and use the Solent. Although I would not want to reduce tourists coming to the Island, I would also argue that they are one of the main users of the coastline during the summer season. Why should the residents have to pay for this impact? I would ask that our Council can decide the level of contributions as appropriate.

*The Habitats Regulations place a legal duty on the local authorities to ensure that development proposals do not adversely affect the SPAs. The SRMP provides an opportunity for developers to mitigate the in-combination effects of recreational disturbance to the SPAs arising from new housing in the area, allowing the local authorities to meet these legal requirements and ensuring that sustainable housing delivery can continue around the Solent. The method used for collecting the developer's contributions is a matter for each individual local authority to consider. As noted in paragraph 1.6, this strategy is to prevent the net increase in wintering bird disturbance as a result of additional recreational pressures arising from new residential development in line with the Habitats Regulations. Addressing the impact of existing activities is the role of the separate Solent European Marine Sites (SEMS) initiative and this is noted in paragraph 1.7. The Bird Aware website ([www.birdaware.org](http://www.birdaware.org)) will be promoted to tourists so they can learn about the important local birds and how to be Bird Aware. Hotels are included in the Strategy.*

The costs of those posts appear well above typical full time ranger salaries. The figures would appear more realistic if inclusive of an allowance for uniform, personal protective equipment, equipment, vehicle rent/use, maintenance and fuel. In this context the suggested £5k per annum cost for branded vehicles is superfluous.

*The cost of the Rangers represents their whole employment cost, including pay, pension and national insurance contributions, uniform, line management, office space and other such costs. The Branded vehicles have been costed as similar to the costs of reimbursing the Rangers for business mileage undertaken in private vehicles (due to the distances they cover in their line of work) and have the added benefit of being a visible presence as they travel between sites and are parked in coastal locations. Therefore they will remain in the Strategy costings.*

There is no indication how the roles of the SRMS rangers and other existing ranger services operating in the area will coexist and whether this offers opportunities for cost saving through shared responsibilities etc.

*Dedicated Bird Aware Rangers will deliver specific messaging related to the project in order to achieve the necessary mitigation, but they will continue to liaise with other relevant Rangers as part of building relationships with stakeholders and spreading best practice.*

The SRMP current monitoring plan is based on advice provided by consultants Footprint Ecology and sets out ten monitoring methods (including recommendations on the design of

such monitoring). It is divided into elements to be undertaken by the SRMP (presumably within the scope of the roles of the ranger team/support staff) and those elements being undertaken by an external consultancy. Based on the external monitoring effort (estimated days per annum) suggested within the Footprint Ecology report, expenses and potential one off investments necessary (e.g. Automatic car/person counters), it is not clear that the allocated £30,000 per annum up to 2034 can be justified.

*This figure represents the best available information we have at this time based upon the Footprint Ecology reports and the experience of tender prices for the 2016/17 and 2017/18 winter monitoring work.*

Site-specific visitor management projects (costed at £400,000 pa up to 2034) focus on implementing new projects (as opposed to annual maintenance which is provided for separately) but no details are given as to what projects are being considered. Given the lack of breakdown and justification for the overall figures presented, there is not confidence that the overall approach is fair and reasonable, rather it appears unnecessarily burdensome on development.

*Noted. More information on selection process has also been provided within the Strategy.*

Paragraph 6.11 of the Strategy states that '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.' However, the method of how the proposed cost by unit type has been determined is ambiguous and this should be clarified within the document. Regarding overall housing delivery expectations in the PUSH area, Appendix A of the strategy clarifies that this is calculated on number of units set out in the PUSH Spatial Position Statement (SPS) adjusted to reflect the level of housing planned inside the 'zone of influence' (5.6km from the SPA areas). The strategy acknowledges that this process involved some guesstimation to arrive at the level of housing. However the approach is considered flawed in that the level of housing planned for in the SPS does not represent the Objectively Assessed Housing Needs for the area, which is set out in the PUSH SHMA (Jan 2014.) The annual housing requirements within the two documents are set out for comparison: PUSH SPS = 4537 dpa (2011-2034), PUSH SHMA = 4860 dpa (2011-2036). National planning policy requires LPA's to plan to deliver the up-to-date housing requirements which should be set out within local plans or, failing that within the most recent demographic trend-based household projections. The SPS is simply a policy statement and is not a local plan, nor has it been subjected to any formal examination. Furthermore, LPA's in the PUSH are not bound to adhere to the SPS. It is our view therefore that the use of the housing requirement from the PUSH SPS is not appropriate or robust and that the most up-to-date objectively assessed housing figure should instead be used. If this change was made, it would result in a reduction in the required mitigation contribution per dwelling. In the areas outside of PUSH (e.g. Chichester District, New Forest National Park, Southdowns National Park) the document assumes an annual rate of delivery of 343 dwellings per annum. With reference to Chichester, planned delivery as set out in the local plan falls short of the OAHN by a significant degree. CDC is in the process of reviewing their local plan, which is likely to require an increase in the planned delivery of housing. It will be important that the proposed biannual review of the Strategy picks up on the increases in planned housing provision, and this should be reflected in the cost per dwelling set out in the strategy. The summary of annual costs set out in the consultation documents

(paragraph 5.13) sets out a figure £400,000/annum to fund 'site specific visitor management projects.' This represents circa 50% of the overall annual mitigation cost (excluding 'in perpetuity' investments). Paragraph 4.11 of the consultation document indicates that an initial tranche of potential projects have been evaluated for implementation as soon as funding becomes available. However, it is not clear what projects have been identified, whether they have been costed accurately and ultimately whether they will be effective. Given the significant proportion of the overall cost (and the links with the cost of the 'in perpetuity funding' element), greater transparency on the derivation of this cost is required. Paragraph 1.6 of the strategy indicates that the approach of the strategy is to provide clarity and certainty for both developers and local authorities. However, the strategy highlights that new dwellings that are 'close to' the SPA may require mitigation in addition to the developer contribution (para 6.4). This will be assessed on a case-by-case basis by the local planning authority. A similar test is proposed for hotel uses in 'close proximity' to the SPA. Notwithstanding this intention, the clarity of the strategy would be greatly improved if it set out what distance from the SPA might be considered to be in 'close proximity'. Unlike near the New Forest SPA, the provision of Suitable Accessible Natural Greenspace (SANGs) is not the primary means of mitigation for the Solent SPAs. The provision of coastal wardens and initiatives to manage the behaviour of visitors to the coast has been determined to be more effective than seeking to divert people to new SANGs. Nevertheless, the provision of new SANGs does form a part of the overall approach to mitigation. Paragraph 1.6 of the strategy indicates that the approach of the strategy is to provide clarity and certainty for both developers and local authorities. However, the strategy sets out that some housing schemes (described in places as 'large' and in other places 'very large') may need to provide new SANG areas and potentially other forms of mitigation, in addition to making the financial contributions. Notwithstanding the intention that such development proposals will be considered on a case-by-case basis, the strategy would be clearer if it set out what was meant by 'large' or 'very large' development schemes. In instances where the provision of a new SANG area is being sought, in addition to financial contributions, the strategy should recognise the very significant commitment and burden that is being imposed on the scheme. Therefore it is essential that there is clarity on the circumstances in which this will be required and that those related clearly to the impacts of the scheme on the SPA sites. In the absence of a convincing case for the provision of both contributions and additional SANG capacity the strategy should allow for the off-setting of the financial contribution against the costs of providing the new SANG area. There is reference in the strategy (para 5.8) to the potential for site specific mitigation (i.e. new SANG areas) to benefit both the New Forest SPA and the Solent SPA sites. This pragmatic approach can be supported. However, caution is needed as Appendix B of the strategy sets out a range of 'essential' specification criteria for SANG areas that are intended to mitigate impact on the Solent SPAs and these are very different to the criteria adopted by New Forest District Council and the National Park Authority, For example, Appendix B refers to 5km circular walks as being essential, whereas for the New Forest SPA only 2.3km walks are required. In addition, Appendix B seeks opportunities for dogs to swim, whereas this is not an essential criterion for SANGs mitigating impacts on the New Forest SPA. There is also a concern that there is no provision within the strategy for staged payments of the mitigation costs. This could be an issue for marginal sites such as brownfield redevelopment proposals where upfront remediation/abnormal costs may be very high and an upfront payment could be prohibitively expensive. It is recommended that there should be a staged approach to

development where payment is triggered in relation to the occupation of a certain amount of development. This would improve the link between payments and mitigation of SPA impacts and would aid development cash flow and ultimately the viability of development. Furthermore, it is possible that the build-out may extend beyond the life of the mitigation strategy, set at 2034. This will likely be more of an issue for development sites coming forward toward the end of the strategy period. The strategy should therefore take a more flexible approach to payment with respect to large sites, accounting for the number of dwellings that are likely to be occupied within the strategy period and clarifying that those delivered after 2034 will not be required to contribute. Consideration in the strategy should also be given to the degree of disturbance that may already arise as a result of the existing uses at the site. For example, at many of the MDLs sites activity, and the potential for disturbance already exists. The introduction of additional residential would, in such instances, have a minimal impact on the SPA over and above the baseline position. The strategy also proposes possible mitigation for hotel uses. However, new hotel accommodation outside of the city centres, where demand is greatest, is likely to be limited. The potential for SRDM receipts to be raised through this type of development is considered limited, and should be excluded from the charge. Notwithstanding our overriding objection to hotel charging, if this type of accommodation is to be included, the quantum of hotels bedrooms expected to come forward in the strategy period should be factored into the calculation of the overall charge. This would effectively reduce the overall cost per dwelling. Paragraph 6.7 of the Strategy sets out that 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 6.2 above." No charge is referenced in paragraph 6.2 of the Strategy, but it is assumed that this is supposed to refer to the charge set out in the preceding paragraph (i.e. £564 per dwelling). This average charge does not reflect the sliding scale upon which other types of residential development will be charged. The hotel charge should be capped at the 1-bed rate of £337 (or at the very least the 2-bed rate) which would also recognise trend for under occupancy of many hotels bed-spaces (i.e. where single customers book a double room.) With regards to a proportional approach, this is supported and should reflect the fluidity of hotel occupancy. The Future Hotels Study (2010) undertaken on behalf of PUSH and Tourism South East, demonstrated that average occupancy of hotels in the period 2007-9 was between 60-80%. A discount of 70% would be considered a reasonable discount to be applied to the hotel charge. It is noted that the strategy does not reference contributions for other types of holiday accommodation such as caravan parks, lodges and camp sites. The Strategy should be explicitly set out that such types of new development will not be liable to pay the charge to avoid any future uncertainty regarding the implementation of the strategy going forward. The proposal to review the strategy every 2 years is considered appropriate. However, in addition to monitoring the effectiveness of the mitigation proposals and reviewing these where necessary, it is also essential to monitor the planned housing provision within the study area to ensure that the charge is calculated correctly, based on the most appropriate level of planned housing provision within the area (and if hotel bed spaces if this element is carried forward.) Paragraph 7.1 states that each authority decides which mechanisms to use to secure the developer contributions from schemes in its area. However, a consistent method of charging across the study area would be helpful or where different mechanisms are favoured, providing some ability for the developer to choose would be supported. For example, Southampton City Council operates two methods of payment; a Unilateral

Undertaking Framework or a 'Habitats Mitigation Contribution Agreement.' The strategy does not provide any guidance about the relationship between the financial contributions being sought and the Community Infrastructure Levy which has been adopted by most if not all affect LPAs. If the contributions are to be sought outside of (and in addition to) CIL payments, this needs to be clearly reflected within the infrastructure planning and viability evidence base used to inform the introduction or review of CIL rates across the area. The overall approach to the Strategy is supported. However, further work is required regarding the deviation of the overall charge and how this will be implemented for sites close to the SPA to ensure certainty to landowners and developers. Further refinement of the Strategy is required in relation to brownfield development opportunities; the charge for hotel uses should be removed or, as a minimum, adjusted to better reflect the nature of occupancy. The overall approach to the Strategy is supported. However, further work is required regarding the deviation of the overall charge and how this will be implemented for sites close to the SPA to ensure certainty to landowners and developers. Further refinement of the Strategy is required in relation to brownfield development opportunities; the charge for hotel uses should be removed or, as a minimum, adjusted to better reflect the nature of occupancy. We would of course be happy to discuss any of the comments set out of above and would welcome any further opportunities to input into the strategy going forward.

*These points have already been addressed in response to the two questions above.*

Do not think this should apply to residential development.

*The Habitats Regulations apply to all development. As increasing residential development within 5.6 km of the Solent SPAs has been identified as having potential for causing harm to the overwintering birds, this approach has been designed to mitigate against that harm.*

Whilst Gladman recognise the merits of a comprehensive mitigation strategy to address the effects of increased recreational pressure on the group of internationally designated sites form the Solent Special Protection Areas, we are concerned that the charging schedule currently proposed in the strategy is overly onerous, and query whether it represents the most appropriate strategy for funding the SMRP proposed mitigation strategy in its current form. The charging rate of £564 per dwelling now proposed represents a significant increase on the £172 per dwelling contribution contained within the Interim Solent Mitigation Strategy (now £181 in line with inflation). This figure would further increase to a maximum of £880 for a dwelling with five bedrooms or more, on the basis of the partnership's sliding scale of contribution requirements, as discussed in paragraph 6.10 of the draft definitive document. Whilst the Foreword to the draft definitive strategy records that 'the majority of development industry representatives who attend three seminars in February 2017 indicated that the higher development contribution would not hinder the delivery of homes', Gladman are concerned that this increase has not been definitely tested for its effects on development viability, in accordance with the requirements of national planning policy and guidance. In this regard paragraph 173 of the National Planning Policy Framework states: 'Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as

requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer, to enable to development to be deliverable.' The need to ensure plans and decisions are based on a broad understanding of viability is further emphasised in the Government's Planning Practice Guidance on Viability, with PPG ID: 10-007 stating that: 'Plan-makers should consider the range of costs on development. This can include costs imposed through national and local standards, local policies and the Community Infrastructure Levy, as well as a realistic understanding of the likely cost of section 106 planning obligations and section 278 agreements for highway works. Their cumulative cost should not cause development types or strategic sites to be unviable. Emerging policy requirements may need to be adjusted to ensure that the plan is able to deliver sustainable development.'

*Housing viability per se is outside the scope of the strategy. Suitable mitigation must be provided in line with Habitats Regulations in order for a scheme to proceed. The strategy has been planned and costed to achieve that mitigation at the most affordable price. It remains open to developers to propose their own bespoke mitigation rather than using the Strategy to mitigate their proposals impacts.*

The scheme has not considered the effects of the Duty to Cooperate. The Isle of Wight Council has commented that it preferred a fixed rate rather than a sliding scale but seems to have changed its mind at the PUSH meeting when it could have abstained. The viability of development on the Isle of Wight is already under strain and as such additional financial pressure will have the effect of constraining land supply meaning that other LPAs within Hampshire (and more pertinently PUSH members) will have to plan for additional housing growth due to meet the undersupply from the island. I'm not sure that this has been modelled in the approach but consider that full weight needs to be given to this as it may lead to challenges to local plans in the future.

*Due to the size of the Partnership and the working relationship within it, this is an exemplar project regarding Duty to Cooperate. The sliding scale for developer contributions (based on bedroom size) makes viability issues easier than a one price fits all development sizes contribution. All development has to adhere to the legal requirements of the Habitats Regulations and this Strategy provides a mechanism for them to do that, but ultimately it will be for developers to decide whether to deal with mitigation by means of a contribution towards the Strategy or to seek alternative arrangements.*

#### Part C - Conservation Interest (Total of 8 responses)

**Question: Were you aware of the Interim Mitigation Strategy?**

**Responses:** 7 'Yes', 1 'No'

**Question: Would you use this scheme as opposed to providing your own mitigation package?**

**Responses:** 4 'Yes', 4 'Not Applicable',

**Question: Are there any mitigation measures currently proposed that you feel should not be included in the Definitive Strategy?**

**Responses:** Alternative staffing options should be considered to reduce overall costs. These could include temporary and/or seasonal warden arrangements supporting permanent staff.

*The current staffing levels reflect those needed to undertake the agreed mitigation work and include 2 Seasonal Rangers as an additional resource during the particularly busy season. The Partnership recognises the benefit of being able to offer permanent contracts to assist in the recruitment and retention of quality staff and there is significant workload which is envisaged for the summer period to support the strategy. Alternative staffing options have been considered and the proposed level has been allocated to achieve mitigation required at the lowest cost.*

The word mitigation, like sustainable, has become fairly meaningless especially among developers and planners. Once the land has been developed resulting in species loss/reduction there can be no lasting mitigation. Once gone it has gone forever.

*The Habitats Regulations require that all new development provides mitigation to offset impacts and this Strategy provides a strategic programme for the Solent area to address the impacts from indirect recreational disturbance resulting from new housing. Other impacts from development such as direct loss of habitat, direct loss of ecological features are outside the scope of the strategy and will need to be assessed and as necessary mitigated separately.*

Additionally, 5 respondents either left this answer blank or responded 'No'.

**Question: Are there any additional measures you feel should be included in the Definitive Strategy?**

**Response:** There appears to be no reference to whether paid parking has been considered, and if so the reasons for not including it. This would provide a source of income to assist with the long-term costs of mitigation mentioned in the strategy. Effects of paid parking on existing residents could be mitigated through a parking clock or similar system, which have been successfully implemented by many local authorities.

*Parking charges as a tool has been considered and this will be reviewed as part of the Access Management Assessments and recommendations may be made. It would then be a matter for the relevant local authorities to consider. Income would not come to the SRMP.*

Specific dogs on leads orders in places such as Nore Barn.

*The Strategy is focusing on positive behaviour change in the first instance, and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point. The Dog Initiatives Officer will focus on working with dog owners and walkers to ensure Bird Aware behaviours are encouraged, whilst dog walker's needs are considered.*

We would like to see a base line against which to measure effectiveness of the measures proposed. The Emsworth section is greatly used with access routes intrusive to overwintering birds. We need measures to reduce the impact of visitors on plants (sea asters, scurry grass and yellow samphire etc.) are damaged by visitor activity. Conigar /

Warblington Road is not defined above water level. Dogs in particular are a problem here so screening, path management and enforcing dogs on leads. [Oct/March]

*A baseline situation was established during the research as part of the Solent Disturbance Mitigation Project. This work is noted in paragraphs 2.4 to 2.9 and the ongoing monitoring of the effectiveness of the scheme is noted in paragraph 4.20 of the Strategy. The Strategy is focusing on positive behaviour change in the first instance, and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point. The Dog Initiatives Officer will focus on working with dog owners and walkers to ensure Bird Aware behaviours are encouraged, whilst dog walker's needs are considered. Site Specific projects and the Access Management Assessments will be ways in which effective measures such as screening and path remediation will be identified and considered for funding.*

The measures being proposed to protect habitats against intrusions that could impact local bird life appear to be mostly land based. We would like to see additional measures designed to protect birds from intrusive leisure activity from the seas around coastal areas.

*The proposed Assess Management Assessments will be looking at effective measures and ways of working for all coastal user groups. Much work in the interim strategy has focused on land based users as these were identified within the research as having the largest overall negative impact on the birds. Under the strategy more staffing and resourcing availability will allow us to begin working with water-based coastal user groups. This focused work could be an example project led by one of the year round rangers.*

In an ideal world, closing sections of the beach would be beneficial to the birds, especially as there's areas of beach in the Solent that don't form part of the SPA. More research into the impact of bait diggers (or cockles?) and perhaps a limitation or control on their numbers? Recently at Hill Head, 24+ were counted one evening between HH Sailing Club & Salterns. The main group come every low tide and each person fills a big bucket.

*Bird Aware Solent does not seek to restrict access to the coast but to influence behaviour of visitors so that the birds are not disturbed. Southern IFCA is leading a project on liaising with bait diggers, and we will be working with them to use their lessons learnt and share their messaging. Furthermore, the SEMS management scheme is addressing the existing pressure on these European Sites.*

Not sufficiently aware to make a contribution

*Noted.*

The disturbance of breeding birds along the coastal habitat should be recognised in the policy and appropriate mitigation provided. A greater number of people can be expected along the coastal zone during the summer months when these birds are breeding. Examples of these birds are the Little Tern, the Skylark and the Dartford Warbler.

*These SPAs have been designated predominantly for the protection of the large numbers of waders and wildfowl which spend the winter on the Solent. Whilst the focus of this work is on the overwinter birds, it is expected that the general messaging about being more 'Bird Aware' and making responsible choices when using the coast will be to the benefit of all coastal birds.*

The policy should address the impacts of discarded litter particularly plastics and fishing tackle which has been shown to be ingested by sea birds and mammals.

*This issue is outside the scope of the strategy.*

The policy should address the importance of not feeding wild birds, particularly gulls. This should be addressed in the educational measures addressed in the policy.

*This issue is outside the scope of the strategy however the strategy focuses on overwintering birds and therefore beyond the scope but it is anticipated that education / engagement on the coastal birds and how people can behave responsibly at the coast should have wider positive benefits on birds using this habitat.*

The impacts of dogs off lead are stated as high as 47% of all bird disturbance (section 2.5). While some dog owners will respond to the initiatives to encourage responsible dog owners, the Footprint report provides clear examples of dog owners acting in a responsible manner only when rangers are present. Therefore, the policy must address the additional measures required in areas of high disturbance. These should include dog exclusion zones as already in place on recognised nature reserves.

*The Strategy is focusing on positive behaviour change in the first instance, and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point. The Dog Initiatives Officer will focus on working with dog owners and walkers to ensure Bird Aware behaviours are encouraged, whilst dog walker's needs are considered. Furthermore, the access management assessments may look at zoning areas with regards to access for dogs if appropriate in a local area.*

The policy should address the importance of using only established footpaths, tracks and car parks and the damage caused by erosion in the coastal zones. The strategy document states an increase in visitor numbers of up to 84% in popular areas; clearly unless controlled these numbers will result in permanent damage to the biodiversity in the coastal zone.

*This issue is outside the scope of the strategy.*

The policy should address the issue of dog waste collection and disposal. This should include responsibilities for the collection and disposal of the waste bins provided for this waste.

*Collection and disposal of waste falls outside the scope of the Strategy. However the Rangers and the Dog Initiatives Officer will be working with dog owners/walkers to promote best practices when dog walking.*

The policy should address the impacts of shore-based and small boat fishing in sensitive bird feeding and roosting areas and the mitigating actions required to reduce these impacts.

*Rangers will be working with all coastal users to promote Bird Aware behaviours.*

#### **Question: Any other Comments?**

#### **Responses:**

There is no evidence in the strategy to support the significant proposed increase in developer contributions. It states in the introduction that further assessment was undertaken to inform a more comprehensive, definitive strategy – however no studies or papers related to the Solent coast are referenced in the strategy since those in 2013 which

informed the Interim Strategy. The strategy states that it has been calculated to mitigate for any net increase in recreational disturbance up to 2034 (3.1). It also states in 5.15 that the measures are scalable and mitigation can be increased or decreased in line with actual housebuilding. However, in 6.4 it states that some schemes may also require additional mitigation due to size or location, for example due to a disproportionate impact on particular sections of coast. It seems unreasonable that the increased per unit contribution should not mitigate recreational disturbance in these cases (although mitigation for other effects may be required). A large site would generate a larger contribution which could then be used to provide suitable local mitigation measures as part of the proposed program of site-specific schemes as stated in 5.7.

*The evidence set upon which this Strategy is based is still considered valid and the best available information. More time was needed between the formulation of the Interim Strategy and the Strategy to fully develop the approach now proposed and to start gaining first-hand experience of how effective certain measures have been to date, The Interim Strategy was acceptable to Natural England for a limited time whilst a more comprehensive approach was worked up. This more comprehensive approach forms the Strategy and covers a wider range of mitigation measures, which is reflected in the higher contribution rate The Ranger team was launched during the Interim Strategy which facilitated a better understanding of the resource/team size requirements to cover the coastline and the importance of the other roles such as the Communications Officer and the Dog Initiatives Officer.*

*Additional mitigation for the impact of any individual proposal (i.e. its impact alone) is on a case by case basis and cannot be defined solely by number of houses or proximity to the SPA. There are too many factors that influence whether additional disturbance over the 'in-combination effects' (which the Strategy mitigates) is likely. For example, existing access to intertidal and frontage – beach, sea wall etc, the potential increase in recreational disturbance depends on the design of the scheme, type of adjacent habitats – deep mud or shingle / sand, the height of the site in relation to the intertidal etc. Therefore, even very small housing schemes could have an impact, whilst larger schemes may be less sensitive depending on their location. As also covered in paragraph 6.8, developers are encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. This potential need for additional mitigation is not new, and 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 Habitats 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. Again, this is in line with the planning policy and the requirements of the legislation, rather than an outcome of this Strategy.*

Para 1.4 (pge5): how should other impacts be mitigated? Include refs to other strategies and clarification of whether a Nitrogen Reduction Strategy is anticipated.

*As these fall outside the scope of the strategy, they will not be specifically listed.*

Page 4: Final para: Some developments may require additional mitigation due to their size or proximity to a SPA. This removes some of the certainty provided by the strategy. Include guidance for developments requiring additional mitigation of appropriate mitigation.

Para 1.6 (pge5): Is there a threshold size for a bespoke mitigation package? Needs ref to the possibility of a hybrid mitigation scheme (contribution+onsite SANG).

Para 1.6 (pge5): confirm that payment of 100% developer contribution addresses all requirements of Habs Regs

Para 5.12 (pge15): can developers provide strategic SANG for funding by other developments?

Para 6.2 (pge17): same point as above re pge 4.

*With regard to proposed development requiring bespoke or additional mitigation measures, it is not possible to create a set framework of trigger points and expected additionality. It is noted in paragraph 6.7 and 6.8 that the local planning application, with advice from Natural England, considers the mitigation measures for proposals on a case-by-case basis. As the circumstances relating to each application are often unique, an overall judgement will be made by those parties as to whether additional mitigation is required or not.*

*Additional mitigation for the impact of any individual proposal (i.e. its impact alone) is on a case by case basis and cannot be defined solely by number of houses or proximity to the SPA. There are too many factors that influence whether additional disturbance over the 'in-combination effects' (which the Strategy mitigates) is likely. For example, existing access to intertidal and frontage – beach, sea wall etc, the potential increase in recreational disturbance depends on the design of the scheme, type of adjacent habitats – deep mud or shingle / sand, the height of the site in relation to the intertidal etc. Therefore, even very small housing schemes could have an impact, whilst larger schemes may be less sensitive depending on their location. As also covered in paragraph 6.4, developers are encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. This potential need for additional mitigation is not new, and 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 Habitats 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. Again, this is in line with the planning policy and the requirements of the legislation, rather than an outcome of this Strategy*

*It is also important to remember that developers are not required to opt in to paying the developer contribution and may well wish to develop a bespoke mitigation plan to meet their Habitats Regulations requirements in consultation with their local planning authority and Natural England.*

General: include timescales for roll out and for LPA adoption as SPD.

*The timeline is that the LPAs are anticipated to adopt this Strategy by the end of the 2017/18 financial year. This is made clearer in paragraph 6.2.*

General: Overall the strategy is constructive and enables development within the context of a strong regulatory framework. Its value to developers is the certainty it gives by setting out a clear mechanism for negotiation of the Habs Regs acceptable to LPAs and regulators alike. BDL considers that scaling of contribution according to unit size is fair, as is the level of tariff set.

General: Whilst the Habs Regs are embedded in UK Law, the underlying legal framework could alter. The strategy must remain able to accommodate through regular review.

*The Strategy will be reviewed every 5 years or more frequently if changes to legislation or evidence require. This has been made clearer in the strategy and can be found in paragraph 7.12.*

The whole strategy seems to be to stop things getting worse. No initiatives are focussed on correcting the existing situation. For example, Nore Barn suffers from frequent dog attacks on swans. Apart from the very occasional Ranger visit, nothing has been done to correct this. It is being left to residents to sort out the problem with the Police.

*The Strategy is seeking to mitigate any net increase in disturbance resulting from new housing development. As noted in paragraph 1.7, addressing the impact of existing activities is the role of the separate Solent European Marine Sites (SEMS) initiative. Close working between the two groups is envisaged which may mean that shared messaging is used. A Dog Initiatives Officer will be employed under the Strategy and will work with dog owners and walkers to promote Bird Aware practices whilst dog walking. With more rangers in place under the Strategy it is envisaged that rangers will have the capacity to provide more assistance with local issues such as this, however, community involvement will still be sought and in extreme cases such as this the police may still be required to assist due to the nature of issue. These SPAs have been designated predominantly for the protection of overwintering birds but it is expected that the general messaging about being more 'bird aware' and making responsible choices when using the coast will be to the benefit of all coastal birds.*

The problems around Conigar/Warblington Rd require strong mitigating measures in the near future and measure for this and other vulnerable areas of the coastline should be included in the consultation draft. We would like to see a reduction in the access routes in and around Nore Barn Woods to encourage tranquillity for visitors and wild life alike. The PUSH proposal that new green spaces could be created to accommodate the expanding population should include green corridors and nature reserves similar to Brook Meadow in Emsworth. This will encourage residents to learn more about biodiversity. We would not be in favour of tourist facilities along the coastline such as cafes or toilets etc. encourage greater visitor numbers, increased waste and visual intrusion. Thank you.

*The research to date shows that behaviour change through positive engagement and education is more successful than restrictive measures. The proposed Access Management Assessments will look at specific localised issues and recommend actions. These may be accompanied site specific projects being funded to deliver additional mitigation measures. All new facilities will be assessed at the point of planning application or change of use application.*

How does the Strategy connect with biodiversity action plans that some PUSH members have produced?

*In 2012 the UK Biodiversity Action Plan was succeeded by the 'UK Post-2010 Biodiversity Framework'. As the UK BAP developed, the most important species and habitats that it identified for action were referred to as 'priority species' and 'priority habitats', and associated action plans have been developed on this basis. Biodiversity Action Plans have therefore evolved to focus on priority species and priority habitats through Section 41 of the NERC Act 2006.*

*This work is separate to the Strategy which is focusing on avoiding the impact of recreational pressure from additional housing on the wider Solent SPAs. However, there is some overlap*

*where priority species and priority habitats are located within the SPA boundaries and could be affected by recreational pressure.*

Work ought to begin earlier and finish later (or be all year round) to include passage waders and terns. Maybe somehow an update to the SPA is needed (?), as substantial numbers of terns gather to roost at Hill Head, although numbers are lower than they used to be. Their peak coincides with the summer holidays. I've always found it surprising that the Solent and Southampton Water SPA doesn't factor passage migration in.

*These SPAs have been designated predominantly for the protection of the large numbers of waders and wildfowl which spend the winter on the Solent. Following on from advice from Footprint Ecology (who conducted the initial research) and agreement from Natural England, the strategy focusses on the months October – March as this is the time with the greatest number of birds, when competition for food is highest, temperatures are the lowest, and daylight hours the shortest. Whilst the focus of this work is on the overwintering birds, it is expected that the general messaging about being more 'bird aware' and making responsible choices when using the coast will be to the benefit of all coastal birds. Having an all year Ranger team will help keep the messaging 'fresh' all year. Two out of three of the SPAs do include breeding birds such as tern.*

Anything that protects our coastline and wild life would be appreciated  
*Comments noted.*

*Comments on item 3: Overall approach and benefits.*

The overall approach of the policy as stated in 3.2 is to address people's behaviour rather than the number of visitors, or as stated in 3.5 managing rather than preventing activity at the coast. However, when visitor numbers are expected to increase by up to 84% in some areas then this approach is clearly not going to prevent a net increase in bird disturbance. Therefore, the Likely Significant Effect as stated by Natural England in 2.9 will not be offset by this policy unless a more pro-active strategy is adopted in the most sensitive bird feeding, roosting and breeding areas.

*Natural England is a Partner of the Solent Recreation Mitigation Partnership and is supporting this Strategy as capable of providing the necessary mitigation.*

*Comments on item 4.10: Site Specific Visitor Management and Bird Refuge Projects:*

The policy document completely fails to address the selection and management processes of site-specific visitor management and bird refuge projects. The wording of sections 4.10 and 4.11 is vague and not precise in any way. The budget estimates £400k will be available for these projects yet the policy provides no real detail of any specific project nor any explanation of how these projects will be selected or managed. The implementation of significant and meaningful projects to prevent bird disturbance should form the basis of the mitigation measures required to avoid the Likely Significant Effect as stated by Natural England however the policy fails to provide sufficient detail on these matters.

*More information has been added to the Strategy in relation to the site specific projects and can be found at paragraphs 4.13 to 4.19.*

The policy document should recognise the need for expert input from RSPB and the Wildlife Trust in the selection and management of the bird refuge projects.

*The RSPB and the Hampshire and Isle of Wight Wildlife Trust are members of the Bird Aware Solent Partnership. More information has been added to the Strategy in relation to the site specific projects and can be found at paragraphs 4.14 to 4.19.*

**Comments on item 4.14: The Monitoring Plan:**

The policy recognises in section 3.4 the importance of monitoring to help adjust the mitigation measures as necessary and that monitoring is integral to the mitigation package (section 4.14). The Monitoring Plan (separate document) in section vii recognises that bird numbers will fluctuate for a number of reasons and the analysis of the data will highlight where mitigation is success or not working. This is key to the whole strategy of the project however the plan only calls for the bird data and distribution on 2 occasions during the 5-year timescale. The Policy should call for this analysis to be conducted each year particularly in the early years to allow adjustments to the mitigation measures to be conducted in a timely and effective manner. The Policy document should address the benefits of close liaison on bird monitoring data with the WeBS coordinator as outlined in the Footprint report. The WeBS coordinator should be able to provide details of bird disturbance as reported by the WeBS observers; information that can included into the Monitoring Plan and mitigation package.

*WeBs data will be used to monitor change in bird distribution and abundance, however, this is influence by a range of factors in addition to recreational disturbance for example food availability, breeding productive at the breeding grounds etc. which are beyond the scope of this study. Therefore, emphasis has been placed on the monitoring on bird disturbance as this is the specific impact that this strategy looks to address. Monitoring funding for bird data is included to provide bird data in addition to the WeBs which could be needed to supplementary areas which are not covered sufficiently by WeBs or inform site specific projects.*

**Part D - Public Sector Organisations (Total of 5 responses)**

**Question: Were you aware of the Interim Mitigation Strategy?**

**Responses:** 4 'Yes', 1 left blank

**Question: Would you use this scheme as opposed to providing your own mitigation package?**

**Responses:** 4 'Not Applicable', 1 left blank

**Question: Are there any mitigation measures currently proposed that you feel should not be included in the Definitive Strategy?**

**Responses:** The Conservancy does not believe that there are currently any proposals that should be removed from the Definitive Strategy

*Noted*

*All other respondents left this question blank*

**Question: Are there any additional measures you feel should be included in the Definitive Strategy?**

**Response:** The option to purchase land for conversion to a Suitable Alternative Natural Green Space (SANG).

*As explained in paragraph 2.12, Footprint Ecology recommended caution in using SANGS for the Solent SPAs as a survey showed that many people visit the 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 them. That said, some SANGS are being provided to support and enhance this Strategy through funding from the Solent LEP as it is recognised that SANGs provide a valuable alternative recreational resource for dog walkers, walkers, runners and other groups.*

A dedicated Bird Aware Solent Ranger for the Chichester and Langstone Harbours SPA.  
*The Bird Aware Rangers will be able to work across the entire coastline, but will be developing local knowledge and connections allowing them to prioritise areas where they can be most effective.*

Funds to replace bird hides and install new bird hides.  
*Projects including these can be put forward (via local authorities) for consideration for site specific project funding.*

Funding for habitat creation schemes (e.g. high tide roosts away from people).  
*Projects including these can be put forward (via local authorities) for consideration for site specific project funding.*

The option to introduce dog control orders e.g. dogs on leads, or bylaws if needed in particular problem areas. A dog walking friendly club, with shows and recognised dog friendly routes/walks. Educational work with water based activities (e.g. canoeing, kayaking, paddleboards, etc.).

*The Strategy is focusing on positive behaviour change in the first instance, and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point. The Dog Initiatives Officer will focus on working with dog owners and walkers to ensure Bird Aware behaviours are encouraged, whilst dog walker's needs are considered. Codes of conduct will be worked up for all a wide range of coastal users including those mentioned. Much work in the interim strategy has focused on land based users as these were identified within the research as having the largest overall negative impact on the birds. Under the Strategy with more staff and resources available, rangers will be able to begin working with other coastal user groups including those mentioned here.*

Funds should be set-aside for research projects with local universities. This may include a bursary for a Ph.D.

*The phase three research specifically scrutinized a number of mitigation options looking at effectiveness and viability; the strategy has been developed based on this research. Funding research such as Ph.D. projects did not score favourably, so has not been included in this Strategy. Natural England supports the Strategy as satisfactory in providing the necessary mitigation under the Habitats Regulations.*

Rather than banning dogs which may be unpopular, create 'Dog on lead' zones with associated bylaws and fines.

*The Strategy is focusing on positive behaviour change in the first instance and the effectiveness of this will be closely monitored. Should this not prove to be effective, then other more prescriptive measures may be considered later, but these will not be used as a starting point. A coastal dog project such as that recommended in the Phase 3 research is envisaged. A Dog Initiatives Officer will be employed under the Strategy and their role will be to work with dog owners and walkers to minimise their impacts on the overwinter birds. This role will focus on building positive relationship with dog owners and walkers and ensuring that their needs are met whilst the needs of the overwintering birds are also met.*

Tern / bird nesting raft project.

*These SPAs have been designated predominantly for the protection of the large numbers of waders and wildfowl which spend the winter on the Solent. The evidence base upon which this Strategy was derived was based on the impacts from recreational disturbance on overwintering birds. However, whilst the focus of this work is on the overwinter birds, it is expected that the general messaging about being more 'bird aware' and making responsible choices when using the coast will be to the benefit of all coastal birds. This will be enhanced by a larger year round Ranger team that will be able to assist in keeping the messaging 'fresh' all year. The SEMS management scheme is addressing the existing pressure on these European Sites.*

Eel grass enhancement project. Create off shore islands, consider using old anchored boats moored off shore. Grants made available for other organisations to enhance the environment for birds.

*Projects including these can be put forward (via local authorities) for consideration for site specific project funding and these projects would be evaluated as to the contribution to mitigating recreational disturbance.*

Increase 'No Bottom Trawling' zones to protect important ecosystems.

*This issue falls outside the scope of the strategy which deals with the recreational impacts resulting from housebuilding. It is a matter for the Marine Management Organisation to consider.*

Monitor/record 'food available for birds' rather than just monitor bird numbers. Lack of fish in the Solent also affects coastal birds.

*Tackling the physical source of this issue falls outside the scope of the Strategy. Concerns related to this should be referred to the Solent European Marine Sites Group.*

Japanese wireweed monitoring / removal project to protect the foreshore. Lack of fish in the Solent also affects coastal birds not just fish availability and the price of fish in the supermarkets, this needs to be communicated.

*This issue falls outside the scope of the strategy.*

Thought should be given to securing roost and feeding sites for birds which would escape development proposals in the future

*High tide roosts are specifically covered within the Solent Wader and Brent Goose Strategy which is currently being updated. The SPA is a protected area and this Strategy forms a mechanism to ensure increased recreational pressure from new residential development is mitigated. Projects for particular sites such as these can be put forward (by the Partner organisations - any party wishing to suggest a site-specific project should make the local authority within which it is sited aware of the project and ask that they consider putting it forward for potential funding) for consideration for site specific project funding.*

The council (Isle of Wight) supports the proposed move from the current interim strategy to a full strategy that takes a variable rate approach determined upon the size of each net additional unit (based upon number of bedrooms). The council agrees to move to a sliding scale approach for the collection of payments to mitigate impacts. The council also agrees to an increase in the project costs that then needs to be reflected in the contributions collected.

However, account needs to be given to local housing markets, both in terms of land values and construction costs and how viability for different types of housing stock is likely to be affected by the charges (contributions for mitigation) proposed. The council feel that a local weighting should be applied to reflect the profitability and ultimately viability of building new homes in a particular housing sub-market area. Our ongoing working relationship with the development industry indicates that previously the severance factor of the Solent has resulted in a 7% uplift in build costs in comparison to construction on the mainland. More recently this has been estimated by industry as being anywhere between 10 and 20% increase in build costs. In particular, the council are concerned the impact the proposed schedule of charging could have on the deliverability of affordable housing. As set out in paragraph 7.1, the council supports the approach of the mechanisms for implementation to be adopted and to be determined by each individual LPA, but a single agreed template for consistency may be useful.

*All new development needs to comply with the Habitats Regulations and provide mitigation where appropriate. The impact from the new dwellings will be related to their development, not their price point. The charges have been scaled to dwelling sizes in order to help address viability concerns. The costs of mitigation will be clear to the developers up-front so that they can factor this in when acquiring land for development and designing their schemes. The Strategy has been designed to provide a satisfactory level of mitigation whilst minimising the costs to the developer.*

**Question: Any other comments?**

**Responses:** Ryde Town Council has no objections to the proposal but would like to be assured that a fair amount of the budget is spent in our region.

*To date, a higher proportion of contributions has been spent on the Isle of Wight than collected from it.*

The proposed financial level of mitigation per dwelling is modest. The Conservancy strongly believes the figure should be much higher.

*Noted. The Strategy has been designed to provide a satisfactory level of mitigation whilst minimising the costs to the developer.*

The Strategy should be reviewed every 5 years, in the same way that the Management Plan for Chichester Harbour is reviewed every 5 years. This has been found to be a suitable duration for the implementation phase before reviewing progress and reassessing targets for the next 5 years, and so on. A review of the boundary should be planned for at a suitable point in the future.

*Agreed, this has been included in the Strategy and can be found in paragraph 7.12.*

A 'State of the SPAs' report should also be published every 5 years, either prepared or commissioned by Natural England, so as to assess the condition and impact of the Strategy. *Part of this assessment would be covered by the SEMS work which assesses the existing condition of the SPAs and how this evolves over-time. This work would help monitor the impact of the strategy on the condition of the SPAs. The Strategy also includes regular monitoring to assess the effectiveness of the strategy. The results of this work will be published on the website.*

At the earliest opportunity, the Partnership should publish a position statement on Brexit and acknowledge that this is likely to have implications in years to come, with the full impact assessed at a later date.

*The Strategy seeks to provide mitigation for increased recreation pressure on the Solent SPAs until 2114 in line with the UK legislation – the Conservation of Habitats and Species Regulations 2010. Throughout this period, there will be regular strategic reviews of the strategy every 5 years or more frequently if changes in the legislation or evidence necessitate. If Brexit leads to amendments to UK legislation then these changes will be addressed through a review of the Strategy.*

The Conservancy notes that Chichester Harbour is typified by large dwellings with 4 or 5 bedroom houses. This will result in a greater number of visitors than elsewhere, with higher levels of people pressure. For this reason, the Conservancy would like to see a dedicated Bird Aware Solent Ranger.

*Is it important that the strategy aims to mitigate recreational disturbance on the SPAs, the overwintering birds do not recognise authority boundaries and therefore as a strategic approach resource is deployed where it can be most effective to address the impacts. The Bird Aware Rangers will be able to work across the entire coastline, but will be developing local knowledge and connections.*

There is slight confusion on page 15 by referring an "in-perpetuity" period of 80 years. By definition, in-perpetuity means 'forever', therefore the language may need to be reconsidered. The Conservancy suggests replacing in-perpetuity with 'long-term'.

*The use of the phrase 'in-perpetuity' will remain as it is common practice for similar mitigation schemes to set a similar time limit on the mitigation they provide yet still refer to it as in-perpetuity as a way of meaning for the lifetime for the development.*

The Conservancy notes that West Sussex County Council is an omission from the Partnership, despite being a Solent local authority. It is assumed that there is an explanation for this since every other local authority is represented.

*Hampshire County Council are a member of the partnership due to their roles as the employing the Bird Aware Rangers (through a service level agreement), a coastal landowner and the manager of some country parks along the coast. West Sussex County Council does not hold similar roles within the partnership area, and as such are not a Partner to the project.*

The Strategy would benefit from an accompanying Action Plan, which will provide the implementation detail.

*Noted.*

Page 4 suggests the sliding scale may be influenced by proximity to the shoreline. This point is expanded in section 2.7 and 6.4. This explanation would benefit from being cross-referenced.

*Noted, but to keep the summary concise, no cross referencing has been made. Plus the two paragraphs referred to are not directly linked, i.e. a small development close to a quiet, sensitive part of the SPA may have a proportionally bigger impact on visitor numbers over a certain stretch than a larger development close to a busier stretch of the coastline. A sliding scale of charges, based on bedroom sizes has been developed for all other cases.*

In paragraph 1.2 the 'in-combination' effects should also include increases in the number of bedrooms in existing dwellings and increases in the number of bedrooms in replacement homes.

*Local planning authorities are required to consider how each planning application meets the Habitats Regulations and do so on a case-by-case basis. The Strategy provides a mechanism for mitigating new development.*

At the end of paragraph 1.4, a sentence should be added to say that the other impacts on the SPAs are managed by other means, e.g. Local Plans, Management Plans, Supplementary Planning Documents, etc.

*Agreed and added.*

In Section 5 the Strategy should include funds for replacement vehicles.

*This has been considered unnecessary as these costs are explained in more detail in Appendix C which is referred to in Section 5.*

With reference to 6.3, it would be worth clearly setting out the text for the exact legal position so that it is reproduced in the Strategy as a point of reference, i.e. Part 3 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). This relates back to EIA Regulations and Habitats Regulations where even permitted development can be subject to an Environmental Assessment or appropriate assessment.

*Agreed, this has been included in the Strategy and can be seen in paragraphs 1.3 and 1.4.*

The Strategy would benefit from clearly defining 'self contained student accommodation' to explain whether or not the developer must pay per bedroom created.

*Agreed, more information related to this has been included in the Strategy and can be seen in paragraphs 6.5 and 6.6.*

In 6.4, using terminology like “very large” without quantifying exactly what it means should be avoided. In this instance, the Conservancy suggests the following thresholds could be applied to the Strategy so as to define ‘large’:

0-1km from the SPA

6+ houses

1-3km from the SPA

20+ houses

3-5km from the SPA

100+ houses

5-7km from the SPA

300+ houses

Mitigation measures, in addition to the financial contribution, will be needed for developments that are within these thresholds.

*With regard to proposed development requiring bespoke or additional mitigation measures, it is not possible to create a set framework of trigger points and expected additionality. It is noted in paragraph 6.7 and 6.8 that the local planning application, with advice from Natural England, considers the mitigation measures for proposals on a case-by-case basis. As the circumstances relating to each application are often unique, an overall judgement will be made by those parties as to whether additional mitigation is required or not.*

*Additional mitigation for the impact of any individual proposal (i.e. its impact alone) is on a case by case basis and cannot be defined solely by number of houses or proximity to the SPA. There are too many factors that influence whether additional disturbance over the ‘in-combination effects’ (which the Strategy mitigates) is likely. For example, existing access to intertidal and frontage – beach, sea wall etc, the potential increase in recreational disturbance depends on the design of the scheme, type of adjacent habitats – deep mud or shingle / sand, the height of the site in relation to the intertidal etc. Therefore, even very small housing schemes could have an impact, whilst larger schemes may be less sensitive depending on their location. As also covered in paragraph 6.8, developers are encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. This potential need for additional mitigation is not new, and 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 Habitats 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. Again, this is in line with the planning policy and the requirements of the legislation, rather than an outcome of this Strategy*

*It is also important to remember that developers are not required to opt in to paying the developer contribution and may well wish to develop a bespoke mitigation plan to meet their Habitats Regulations requirements in consultation with their local planning authority and Natural England.*

With hotel development cited in 6.6, there should be more transparency about the ‘tests’ that local authorities will apply. Furthermore, the Strategy should be clear what ‘close to a SPA’ means since it also vague. Consider using the distances in the above table to better define ‘close’.

*Noted, but again each will be assessed on a case-by-case basis and prescribing a framework of trigger points to be avoided for this reason.*

The Definitive Strategy makes no mention of other development that may increase disturbance to the Solent shore i.e. marinas or the impact of the proposed England Coastal Path. Both factors, although not addressed by the Strategy, should be referred to as they will effect the ability of the Partnership to implement the Strategy and effect how disturbance is monitored.

*The Strategy is clear that it seeks to provide a mechanism for mitigation to address recreational disturbance associated with new dwellings. Each new development proposal will have to satisfy the Habitats Regulations to be granted planning permission.*

*Any plan or project which has the potential of adverse effects on the integrity of the SPAs will be subject to a Habitats Regulations Assessment (HRA), for example, The England Coastal Path is being assessing potential impacts for the sections it proposes. All other planning applications for different land uses will have their own HRAs too.*

Where page 4 states “Council leaders will steer and oversee the Partnership's activities and expenditure.” how is this intended to be carried out, is it through the PUSH chief executives/leaders board?

*Page 4 is a summary. More information on this point is already included in section 7, Implementing, governance and reporting.*

The council support the flexibility provided for in the approach detailed in paragraphs 6.5 and 6.6, i.e. the application of the ‘tests’ e.g. proximity to the SPA and the likelihood of the proposed development generating additional recreational visits to the SPA, with these to be determined on a case-by-case basis where applicable, by the relevant LPA.

*Noted*

In Appendix C: Resource costs, the council is unsure what these are based upon, but we do feel they are unnecessarily high, for example £40,000 for an ‘all-year ranger’ appears excessive.

*The cost of the Rangers represents their whole employment cost, including pay, pension and national insurance contributions, uniform, line management, office space and other such costs. All other costs are based upon the experience gained whilst operating under the Interim Strategy and from advice from Partner members about similar 3<sup>rd</sup> party scheme costs. This info has been added to the strategy to make it clearer.*

In conclusion, while the council (Isle of Wight) is happy to continue in the partnership using the proposed new approach, the monetary level of contribution is critical for the Island, given the viability issues and therefore the council suggests that consideration is given to this and factored into the proposed costs, per LPA area. The council does not have any further comments to make with regards to this consultation at this time.

*Noted.*

Whilst we fully appreciate that mitigation must be in place to protect the Solent Protect Areas we also fully appreciate the need to deliver new homes. The increase in fees from

£171 to £564 is considered to be unviable. The current arrangements are felt to be adequate.

*Noted.*

Part E - Developers (Total of 3 responses)

**Question: Were you aware of the Interim Mitigation Strategy?**

**Responses:** 3 'Yes'

**Question: Would you use this scheme as opposed to providing your own mitigation package?**

**Responses:** 2 'Yes', 1 'Not Applicable'

**Question: Are there any mitigation measures currently proposed that you feel should not be included in the Definitive Strategy?**

**Responses:** We are not opposed to this contribution but are to such a huge increase. We also believe the contribution figure should be different and appropriate per area, like social housing contributions.

*All new development needs to comply with the Habitats Regulations and provide mitigation where appropriate. The impact from the new dwellings will be related to their development, not their price point. The charges have been scaled to dwelling sizes in order to help address viability concerns.*

**Question: Are there any additional measures you feel should be included in the Definitive Strategy?**

**Response:** The Isle of Wight has always been regarded as the poorer relation to the mainland. With regards to development the IOW have lower house prices, less demand, higher material costs and labour due to a shortage of skilled workers. As developers we already contribute a vast amount to the council, community and organisations such as this mitigation strategy.

*All new development needs to comply with the Habitats Regulations and provide mitigation where appropriate. The impact from the new dwellings will be related to their development, not their price point. The charges have been scaled to dwelling sizes in order to help address viability concern.*

**Question: Any Other Comments?**

**Response:** (6.2) It will be key to ensure that Developers are able to provide alternative mitigation packages outside of the contribution. In some instances the provision of land in lieu of the contribution could well be a far more effective way of mitigating impact.

*The package of mitigation included within the Strategy is what the evidence to date determines to be the most effective measures. Developers are not obliged to opt into the Strategy in order to meet their mitigation requirements under the Habitats Regulations; instead they may develop their own bespoke mitigation package in consultation with the relevant local planning authority and Natural England.*

(6.4) We strongly disagree with the notion that large schemes may need to provide additional measures alongside the contribution. The current wording is ambiguous and

could lead to unnecessary confusion, which is the opposite of what the Strategy is trying to achieve.

*With regard to proposed development requiring bespoke or additional mitigation measures, it is not possible to create a set framework of trigger points and expected additionality. It is noted in paragraphs 6.7 and 6.8 that the local planning application, with advice from Natural England, considers the mitigation measures for proposals on a case-by-case basis, to assess scale of anticipated development and therefore mitigation required to address this impact. As the circumstances relating to each application are often unique, an overall judgement will be made by those parties as to whether additional mitigation is required or not.*

*Additional mitigation for the impact of any individual proposal (i.e. its impact alone) is on a case by case basis and cannot be defined solely by number of houses or proximity to the SPA. There are too many factors that influence whether additional disturbance over the 'in-combination effects' (which the Strategy mitigates) is likely. For example, existing access to intertidal and frontage – beach, sea wall etc, the potential increase in recreational disturbance depends on the design of the scheme, type of adjacent habitats – deep mud or shingle / sand, the height of the site in relation to the intertidal etc. Therefore, even very small housing schemes could have an impact, whilst larger schemes may be less sensitive depending on their location. As also covered in paragraph 6.8, developers are encouraged to hold early discussions with Natural England and the local planning authority on mitigation if they are proposing large schemes or developments close to the SPA boundary. This potential need for additional mitigation is not new, and 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 Habitats 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. Again, this is in line with the planning policy and the requirements of the legislation, rather than an outcome of this Strategy*

In terms of implementation, there needs to be more specific guidance on how and when the increased figures will be introduced into Policy. It is unfair to developers to introduce this overnight without prior warning, as the viability assessments of most current and emerging projects will be based on the existing rate. There therefore needs to be sufficient advanced warning between the announcement that the Local Authorities will be introducing the rate, and the time when the rate actually applies to developments.

*It was always made clear that the Interim Strategy was a temporary arrangement and therefore the anticipation of a Strategy and potential change in cost has been transparent. Immediately following the adoption of the Strategy by a given local authority, the higher developer contribution rate will apply to all applications within the 5.6km zone determined after that date within that authority's area (in each case, this is expected to be before the end of March 2018). Seminars were hosted in February 2017 to inform the development industry about our proposals for the Strategy, which included announcing indicative new fees. Over 1000 individuals with known interest in development (developers, land owners, planning consultants) were invited and around 90 attended.*

The cut-off date of the project (2034) seems to be born out of convenience from a housing

numbers point of view, when clearly the issue will be unresolved and will carry on past this point. It should be recognised that development post 2034 can also contribute, which reduces the need for such high levels of in-perpetuity funding, and reduces the overall costs. *The Strategy looks to provide mitigation for new dwellings up until 2034 because that is the date of planned housing within the PUSH Spatial Position Statement. At present, PUSH has not agreed on the amount or distribution of housing beyond that date. The Strategy will be subject to review every 5 years or sooner if changes in legislation or evidence necessitate. The purpose of in-perpetuity funding is to mitigate the ongoing impact of housing built up until 2034. It is recognised that in all likelihood development will continue after this date and that housing may also require mitigation. However, it may be the case that mitigation associated with those new developments will require a different focus. If this is the case, then a new strategic scheme to deal with that may emerge in future.*

Continued increases in contributions from developers will reduce the number of houses being delivered to an already massive housing shortage. Surely it is better to have the current contribution than none at all!

*The requirement for mitigation is necessary to secure planning permission which accords with the requirements of the Conservation of Habitats and Species Regulations 2010 (which will be updated on the 30<sup>th</sup> November 2017 to the Conservation of Habitats and Species Regulations 2017) which protects the international nature conservation interest in the area. Natural England supports the Strategy as satisfactory in providing the necessary mitigation under the Habitats Regulations. The charges have been scaled to the size of property proposed to assist with viability issues.*

With the exception of new housing constructed within an SPA, the first point we would make is that the physical development of new housing has no impact on an SPA. The impacts that the Partnership are seeking to mitigate relate to the activities of people and their pets (notably dogs where the partnership highlights 47% of birds taking flight from disturbance are as a result of dogs) that occupy both existing and any new housing. When the partnership was established it was agreed amongst the participating local authorities that it would be funded by developer contributions from new development. It was and remains open to the authorities to fund the Partnership activities through council tax across all properties rather than imposing a tax on new build homes. The partnership proposes a 312% increase on the current applied charge, from an average of £181 per new dwelling to £564 per new dwelling (2016 prices) per unit, indexed linked, annually applied, based upon the Retail Price Index. There is no apparent justification for using the RPI index as opposed to Consumer Price Index for example. From the 2011 census, the combined number of households in Hampshire, Isle of Wight, Southampton and Portsmouth was 855,000 housing, a population of just under 2 million, giving an average 2.34 persons per household. There has been approximately a 1% increase in households between 2011 and 2016, suggesting 864,000 households in 2016. Hampshire County Council's published Hampshire, Portsmouth and Southampton combined population forecast statistics suggest a population growth of 122,105 between 2016 and 2023, supported by a growth of 63,847 dwellings or an average of 9121 dwellings per annum. Published estimates from the Isle of Wight Council, extrapolated for this same period, suggest there would be an increase of 3449 households there. So overall 2016 to 2023 household projections from the partnership area

(Basingstoke included) are predicted to increase by 67,300 in 2016 from 864,000 to 931,000. That's a 7.8% increase, or an 8.8% increase from 2011. However, DCLG predict that between 2014 and 2039 actual household size will fall to an average of 2.21 nationally from a 2014 average of 2.32, reflecting more single person households etc. That's a 0.0044 persons per dwelling reduction per year, which when extrapolated gives 0.05 persons per dwelling reduction between 2011 and 2023. In other words, although housing numbers projected to increase 7.8% in this period, population is only expected to increase to 2,111,144; a 5.5% increase. In summary, new housing increases 8.9% between 2011 and 2023 but population only increases 5.5%. The mitigation strategy is promoted to run to 2024. Predicting household and population growth becomes increasingly unreliable over greater time periods. However, extrapolating the 2011 to 2023 figures to extend to 2034 would suggest 114,450 dwellings increase (13.4%) 2011 to 2034 and a population increase of 152,179 (7.6%). The proposal seeks to raise c£33.84mil (2016 prices) from 64,000 proposed houses. A council tax rise alternative, from the 2016 existing stock would equate to some £39 per household, rising at RPI, albeit reduced by new housing delivered. The pressure on the SPA's relates to recreational use by the resident population, where the vast majority of the population, some 96% in the period 2011 to 2034, is already resident in existing housing stock, benefitting from the facilities but without contributing. The strategy suggests its aim is to prevent any net increase in bird disturbance as a result of pressure from new residential development. There is no evidence supplied that the measures and resources proposed are related to new build as opposed to general pressure on the bird habitats. Either the model assumes that the existing residents have no adverse impact or they have an equal impact per head of population and as a result the funds sought from developers of new units are presumably met proportionately from contributions from the local authorities from general council tax revenues from existing residents. If the latter, then post construction, purchasers of the new flats will have incurred a double dipping which is unjustified. The strategy also indicates that the mitigation measures need to be in place for the duration of the impact, suggesting an 80 year horizon. The strategy and funding proposal (and thus developer contributions) are set at a level the partnership estimates would meet interim costs of running the mitigation measures and generate enough capital for a long term fund to produce ongoing annual revenue for continuing a number of those measures after 2034, albeit at that time it is indicated that some costs would be transferred to being funded from local authority budgets (i.e. council tax). The proposed "in perpetuity" fund anticipates a £1,110,000 per annum contribution (2016 prices) whereas the actual annual cost estimate for the mitigation measures between 2016 and 2034 is estimated at £885,000 which, if fully funded by new housing would mean 1570 new homes per annum at the average charge, whereas close to 5000 new homes per annum are actually predicted. If annual costs were to be covered from new housing alone (ignoring long term fund aspirations) that would mean a charge of some £177 per unit, basically in line with the current charge. Reference is made to "extensive research during 2009 and 2013" but this research support is not made available, That research suggests visitor increase of 13% across the Solent SPA's yet from the analysis above, population is only likely to increase by 7.6% between 2011 and 2034. Thus approximately half of the estimated increase in recreational visits must be from existing housing stock or the extent of measures required are twice that which is necessary. The proposed charges therefore cannot be fairly and reasonably related in scale and kind to any new development, failing the key national test for planning obligation. There has only been 1 year's baseline survey of ranger activity,

which suggests little impact of the current rangers. No revision in fee should be considered until a longer period monitoring is in place and there is clear evidence to consider making changes to the approach. For example there is no clear justification of employing five full time rangers over the summer when the key disturbance period is October to February. The underlying conclusion we make therefore is that the proposed increase in charge is driven by an aspiration to create a sustainable public service by 2034, financed annually by interest earned on the amassed fund value, amassed through unjustified additional charges between 2016 and 2034 on new build developments, without the political risk and responsibility that would come from a modest increase in council tax. However, creating a sustainable public service based upon several uncertain outcomes, outlined below, is not considered sensible. 1) New housing delivery is predicted upon macro and micro economic influences and can vary significantly from year to year. There is no guarantee that the predicted units will arise. Only 11,000 new units were added between 2011 and 2016. That's 2200 per year not the 5000 now predicted. 2) A significant driver for new housing demand is inward migration to the UK, where recent national political decisions are likely to significantly reduce that inward pressure. Population and housing need projections pre-dating the Brexit referendum decision are likely to over-estimate. 3) The Governments help to buy scheme is proposed to end 2019. This may dampen demand for new housing and thus developer output. 4) Wages in the UK are now declining relative to living costs, which again likely to reduce pressure on new build housing. 5) Fund value is reliant upon the initial predicted capital injection from housing completions occurring. 6) Fund value is also subject to broader macro-economic factors affecting stock market fluctuations, sterling fluctuations and bank saving rates. 7) The skill of the fund manager in selecting positive income or capital enhancing investments as opposed to loss making is a factor. Fund values can go up and down as many UK pension funds are all too aware. 8) Income generation from any fund is reliant on that funds performance and so is subject to downward risk. 9) Future cost inflation (wages etc.) may exceed fund value growth creating an annual deficit. There is also a wider issue. The cost of construction of residential units varies significantly between greenfield suburban housing and brownfield mixed use apartment schemes. Blanket rates that fail to distinguish the different economic pressures, like CIL, can adversely affect proposals. Sales pricing is linked to market demand. House prices are not elastic and cannot simply move to reflect cost increases. Consequently, cost increases drive directly at viability and that drives to the ability to meet affordable housing requirements or other beneficial but not value generating elements of a proposal. On a 600 unit scheme for example, the difference between the current charge and the proposed charge is the equivalent cost of providing two affordable housing units. The NPPF is clear that where obligations are being revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled. In conclusion, we consider the proposed rise and funding mechanism is not justified on the evidence, that the negative consequences of the charge increase has not been fully assessed and that the proposal long term funding mechanism is inadequate and prone to forced readjustment through additional charges should housing construction fail to meet predictions. The principal beneficiaries of this proposal would be the fund managers not the birds.

*The research is available via an external link on the research section of our website [www.birdaware.org/research](http://www.birdaware.org/research).*

*RPI is used in the financial calculations following guidance from our Finance Advisor. They also support the use of our current in-perpetuity calculations. These will also be subject to the 5 yearly reviews.*

*The research showed that the level of human disturbance to overwintering coastal birds on the Solent was at a threshold where any additional increase in visitor numbers to the coast would negatively impact the SPA birds. Hence all new residential development needs to mitigate its impact (this includes in combination impact) to comply with the Habitats Regulations and secure planning permission. This scheme has been made scalable to dwelling size to assist with viability issues. The Strategy is seeking to mitigate any net increase in disturbance resulting from new housing development. As noted in paragraph 1.7, addressing the impact of existing activities is the role of the separate Solent European Marine Sites (SEMS) initiative. Close working between the two groups is envisaged which may mean that shared messaging is used. The end of Appendix E includes a web link for the research that this Strategy is based upon.*

*The Strategy recognises the increased need for Rangers in winter and as such allows for 2 additional Rangers during that period. The rationale behind keeping 5 Rangers through the summer is that they can contribute towards delivering other parts of the Strategy during summer months (such as producing access management plans, assisting with the inception and settling in of consultants monitoring winter activities, maintaining stakeholder and Partner relationships and building local connections.) This work is considered important to the delivery of the Strategy.*

*Delivery of the Strategy is scalable, such that if more or less housing arises than modelled, the scheme can be tailored accordingly. It is noted that factors such as the mix of housing and the interest rate may have an impact on the income stream and therefore paragraph 6.15 notes the intention of 2 yearly reviews of the developer contribution level.*

#### Part F -Other (Total of 7 responses)

**Question: Were you aware of the Interim Mitigation Strategy?**

**Responses:** 3 'Yes', 1 'No', 3 left blank

**Question: Would you use this scheme as opposed to providing your own mitigation package?**

**Responses:** 1 'Yes', 3 'Not Applicable', 3 left blank

**Question: Are there any mitigation measures currently proposed that you feel should not be included in the Definitive Strategy?**

**Responses:** While codes of conduct are useful in setting out where the most sensitive areas are, risks, and best practice, they will only be effective if they are in an accessible format for use by the right audience and then coupled with an effective outreach programme developed in partnership with the relevant governing bodies such as the RYA and sector specific environmental organisations, such as The Green Blue. Codes of conduct should be consistent, locally relevant, engaging and targeted.

*Noted.*

The price increase from £172 to approx. £600 a 350% rise is outrageous

*Noted, but this increase is needed to fund the minimum level of mitigation required.*

*It should also be noted that 2 responded 'No' and 3 left this blank.*

**Question: Are there any additional measures you feel should be included in the Definitive Strategy?**

**Response:** The strategy includes monitoring as part of its measures. While we support the proposal to monitor whether measures are working, we feel that this monitoring package could be broader. Monitoring could be used to understand whether the predicted increases in activity (and disturbance) are in fact occurring. Further research could also be carried out to understand the capacity of the Solent for watersports e.g. berths, moorings, facilities etc, to understand current and future activity trends.

*We are confident that the proposed monitoring schedule is robust and it already includes monitoring of visitor numbers to the coast over time and specific 'Disturbance Monitoring' repeated at set intervals.*

In terms of messaging about wanted behaviours, we suggest a better starting point in leaflets etc. would be the Dog Walking Code that was agreed in 2015 between ourselves, HCC, Natural England and a wide range of other partners to ensure accurate, consistent and easy to comply messages were given by all partners. For example, the little understood message about any public waste bin being acceptable for bagged dog waste is key but is missing from the SRMP leaflet.

*The current Bird Aware leaflet is for general information and is aimed at all coastal users. The Dog Initiatives Working Group and the Communications Support Role are already aware of the leaflet referred to and wording from this as well as other best practice examples have been used in developing text specific to dog walkers. Dog waste is not a key message for the strategy but our messaging about being more 'bird aware' and making responsible choices when using the coast will have a positive impact on issues such as this. Cleaning up after your dog is already promoted on our website. We will continue to incorporate relevant parts of the code into future Bird Aware literature, as well as promoting the Code in its own right.*

Regarding any measures proposed, it would be useful to have a published a Base Line against which it would be possible to measure the effectiveness of measures adopted through on-going evaluations, and publication of those results and any necessary additions or modifications.

*The baseline information and the studies that informed the creation of the strategy are accessible through the Bird Aware website, together with the annual monitoring reports. [www.birdaware.org/research](http://www.birdaware.org/research) and [www.birdaware.org/monitoring](http://www.birdaware.org/monitoring)*

While generally supporting the aim to educate and thus encourage visitor responsibility, we are concerned about the absence of area-specific strategies necessary to raise the likely level of success in minimising the impact of increased visitor numbers locally.

We are aware that the "Emsworth" stretch of coast (from Warblington Road to north of Conigar Point) is not only an internationally important wader feeding ground, but heavily-used by various groups of visitor all year round.

We are also aware that this stretch of coast is especially vulnerable to disturbance: this is largely because there are several pathways to choose from, including a route that gives direct access to the low-tide shingle. This route gives no protection to feeding birds. It is not elevated (as, e.g. on Thorney Island), nor is it at a distance from feeding/roosting sites (as, e.g. on the oyster beds on the Billy Trail), and birds are frequently disturbed or put to flight. As a result, there is a clear tension between the needs of people for leisure & recreation, and those of our wildlife. But if the bullet has to be bitten to effectively operate such a strategy, then it may have to be bitten! (Brook Meadow in Emsworth is largely successful in relying on some fencing and voluntary restraints to ensure dogs enter the Ems only where ecologically acceptable.)

In a similar way, we request similar site-specific measures to be introduced along the local stretch of coast in order to maintain a healthy balance while the slow process of changing visitor behaviour takes effect.

The measures that could be effective, (and make the Wardens' patrols more successful), include:

**Screening:** to ensure visitors who walk the path on the southern edge of Nore Barn Wood are not seen by feeding birds, and to discourage dogs/children from running down off the path towards the water/mud line.

**Dogs on leads between October-March**, especially if walking anywhere along the shingle low water line.

**Exclosures:** to reduce some of the multiple informal routes into and across Nore Barn Wood to encourage tranquillity for visitors and wildlife alike.

*Projects including these can be put forward (via local authorities - any party wishing to suggest a site-specific project should make the local authority within which it is sited aware of the project and ask that they consider putting it forward for potential funding) for consideration for site specific project funding. The proposed Access Management Assessments will look at specific localised issues and recommend actions.*

*It should also be noted that 3 responded 'No'*

#### **Question: Any Other Comments?**

**Responses:** Site specific projects could also include slipway construction (or other formalised access arrangements) and associated educational signage etc.

*Projects including these can be put forward (by the Partner organisations - any party wishing to suggest a site-specific project should make the local authority within which it is sited aware of the project and ask that they consider putting it forward for potential funding) for consideration for site specific project funding.*

The Governance section should also include how the strategy will involve with user groups and governing bodies in the development of mitigation. This could be improved and ensure that outputs of the strategy are effective and appropriate for their audience.

*A full list of Partners is provided at the beginning of the Strategy. The Rangers roles will involve networking and liaison with user groups; further details are available in the Phase 3 report. This will also form part of work covered by the Assess Management Assessments.*

We are generally concerned regarding the assumption that recreational boating activity will go up as population increases. While this may be the case for some less formal activities,

there are currently indications of a downward trend in recreational boating activities. The RYA carries out regular surveys of recreational boating participation, and the Strategy could call on this data to more accurately consider participation as population changes. Further details can be found in the following report summaries (more detail is available from the RYA: <http://www.rya.org.uk/about-us/what-we-do/Pages/participation.aspx> <http://www.rya.org.uk/SiteCollectionDocuments/sportsdevelopment/Web%20Documents/Club%20Membership%20Census/RYA%20Club%20Membership%20Census%202016%20Insights%20England%20Final.pdf>)

*Thank you for making us aware of this information set.*

The RYA and British Marine have recently refreshed their environmental partnership project, The Green Blue, to focus on educational awareness programmes in MPAs. For more information please contact [kate.fortnam@rya.org.uk](mailto:kate.fortnam@rya.org.uk).

*Noted. With more rangers and resources available under the Strategy it is envisaged that there will be capacity to link with projects such as this.*

I don't feel that developers on the Isle of Wight (especially) to the South of the Island should be paying contributions to safeguard birds along the South Coast. This is totally unnecessary and unreasonable.

Only new developments within 5.6km of the inland boundary of the SPA will be required to mitigate against their impact. The map in Section 6 shows that this zone does not reach the south coast of the Isle of Wight.

The Dorset Dogs project that almost abuts the SRMP area won a KC award for good practice a few years ago, and remains a leading and evaluated example of how best to influence where dog owners go and what they do. Initially the work of the Urban Heaths Partnership in the same area tried to influence dog owners solely based on messages around the underlying nature conservation designations which did not work; in essence they found out the hard way that engaging with your audience's aspirations and interests is the best way to influence behaviour, rather than just promoting the underlying nature conservation designations. However, the SRMP material produced on the website and leaflet seems not to be applying the latter good practice from Dorset Dogs and elsewhere, and we see this as a significant flaw. It may be this will be addressed in the future but at present we are not reassured by what's been provided thus far. We are concerned that despite the strategy's good intentions, its outcomes will be undermined due to a lack of an integrated approach by other parts of the partnership organisations. For example, while many of the measures introduced by Gosport Borough Council (such as the need to pick up after dogs, and on-lead by direction) are good practice, the ban on people having more than 4 dogs on any public place in the area will without doubt displace such people to walk in other areas, including Natura 2000 sites that they have not used before, are little supervised, or wildlife areas not legally classed as public spaces. Our advice to the council is attached and we have seen no evidence that the council's PSPO team and committee members considered its wider separate statutory responsibilities toward nature conservation in making the PSPO decision. Thus we feel the strategy must apply policy to much wider areas of the partners' activities (such as PSPOs, car parking) to ensure the strategy is not undermined, or disturbance made worse (and so harder for the SRMP to address) by their own actions. Apart from that, we believe the strategy will be vulnerable to legal challenge by developers if SRMP partners are,

by action or omission, causing problems for protected species themselves. In short, the strategy appears to exist in isolation of very many influences (such as the above, and the introduction of conservation grazing on areas of public access) that can derail its outcomes and make developers question the legitimacy of funding mitigation measures that council are not facing up to themselves.

From knowing the resources of both the Dorset Dogs project and the established work on the Thames Basin Heaths SPA, the SRMP work seems to be significantly underfunded. For example, at the latter a figure of around £4k to £10k per dwelling has been used, yet the SRMP figures are around a tenth of the latter. Given that the latter figure includes both capital and in perpetuity funding, each SRMP dwelling would seem to only provide enough funding for, e.g., a couple of footpath signposts.

From the description of the interventions already taking place and the sequencing of future works, it appears that existing local residents are now being asked by rangers to not exercise their dogs off-lead (the single-most important amenity for around 90% of dog walkers) in places where they have done so for decades without challenge, without alternative or enhanced greenspace provision being provided elsewhere. Given that this seems to be happening before the houses are built, apparent underfunding by developers, and incompatible action by some of the SRMP partners (e.g. Gosport Borough Council) it appears that the local dog owners (who are generally around half of all greenspace visitors) are being told in effect to subsidise the building of new homes, by accepting significant restrictions on their most value amenity, without alternatives being provided, and no guarantee about if, where and when, they will be provided. Moreover, the approach has we feel very real potential to displace off-lead dog walking onto farmland, meaning that farmers and other private landowners also in effect end up subsidising the construction of new homes, which could become a highly sensitive and political issue. To us the most ethical and effective way to support the well-documented human health and well-being benefits of dog ownership (that support wider government policies) and minimise any impacts on wildlife, farmland or other people, is for less sensitive areas for dog walking being provided before, or at the same time as restrictions or restraint is requested elsewhere.

It also appears as if developer contributions, as modest as they already seem, are also being used to put right longstanding insufficient management and investment in sensitive sites. While attempting to put right deficiencies in management is a laudable aim, in practice this can only serve to further dilute the impact of already in our view unduly modest developer contributions, and also make the project open to legal challenge from developers, if they see that mitigation works are not, directly or indirectly, address the impacts arising from proposed developments themselves.

*At present Bird Aware Solent is focusing efforts on all land based users and so our communications to date have been intended for a broad audience. We are working both with Dorset Dogs and the Thames Urban Heaths Partnership to share best practice and lessons learnt. In order to tailor a dog initiatives project specific to the Solent area we have commissioned research which can be seen on our website at [www.birdaware.org/research](http://www.birdaware.org/research). A Dog Initiatives Officer will be employed under the Strategy and their role will be to work with dog owners and walkers to minimise their impacts on the overwinter birds. This role will focus on building positive relationship with dog owners and walker and ensuring that their needs are met whilst the needs of the overwintering birds are also met. The current approach of the Partnership is to positively engage with coastal users to encourage*

*responsible use (i.e. dogs under control) so as to avoid having to restrict access, and the associated health and wellbeing benefits.*

*The Partnership welcomes ongoing dialogue with the Kennel Club throughout the life of the Strategy and will use it to inform the Dog Initiatives and the communications initiatives that are forthcoming.*

*Our evidence base is that the costing structure is adequate to provide this proposed strategic approach to dealing with the in combination effects of new residential development. The costs are lower than those for inland heathland schemes, as the research indicates that SANGs will not be as effective at diverting coastal visits, as many users choose to visit specifically for the proximity to the sea. However, SANGs are being delivered too, with funding from the Solent LEP and specific selection and design criteria incorporated to meet the requirements of dog owners and walkers (see Appendix B).*

*Other comments are noted and may form part of the ongoing dialogue hoped to be continued with the Kennel Club.*

We have noted that the Solent Forum has not been mentioned at all. We would like it to be acknowledged that it was the Solent Forum who managed the SDMP research on behalf of Solent European Marine Sites (SEMS) Scheme of Management, to identify the need for mitigation. All of the studies you mentioned were commissioned by the Solent Forum.

*Agreed - Additional information referencing the work of Solent Forum is now noted in paragraph 2.4.*

The area immediately south of South Downs College, Crookhorn - I have been logging the Brent and Wader winter feeding activity on the site for the last four winters and submitting spreadsheets to Hampshire & IOW Wildlife Trust who forward them to HBIC. The fields and ancient woodland in this area has been designated as suitable for 450 dwellings in Havant's Local Plan 2036. Site surveys and clearance work was carried out earlier this year including the felling of eight mature oak trees.

*This is an issue that should be taken up with Havant Borough Council. Direct loss of habitat is not within the scope of this mitigation strategy.*

South Moor, Langstone seawall breach proposal. Proposed seawall access should be curtailed.

*Any concerns related to this proposal should be directed to Havant Borough Council as the relevant Local Planning Authority.*

Para 4.3 - Havant Borough Council is currently working on Local Plan 2036, should the Definitive Strategy not also extend to that date?

*The Strategy covers the period of the PUSH Position Statement on housing, and will be reviewed at regular intervals.*

We are very interested in and supportive of the PUSH proposal that further/new green spaces could be secured to cater for the increasing pressure for recreation activities locally. We hope these might be additional to the green margins proposed around development sites such as Selangor Avenue and Strategic Site 2. Adventurous play areas for children and natural dog walking areas are in particularly short supply locally. The only open spaces

available without driving to Hollybank Woods or Hampshire Farm Meadow are the 2 nature reserves of Brook Meadow and Nore Barn Wood (where visitor restraint is desirable), or the formal space of recreation grounds.

*The Strategy has identified a series of selection criteria for SANGs to support the Solent Recreation Mitigation Project. These are noted within appendix B of the document.*

Lastly, we feel it is important to avoid the setting up of tourist facilities for the coastal paths. Facilities such as public toilets, cafes and information kiosks will not only increase visitor numbers but introduce visual intrusion and allied problems such as increased waste disposal.

*All new facilities will be assessed at the point of planning application or change of use application.*