

Bird Aware Solent Revised Strategy

Report of the Planning Portfolio Holder

Recommended:

- 1. That the Bird Aware Solent Revised Strategy, as shown in the Annex to the report, be approved, replacing the current Solent Recreation Mitigation Strategy.**
- 2. That the Head of Planning and Building be authorised, in consultation with the Planning Portfolio Holder, to determine the commencement date for the Bird Aware Solent Revised Strategy and replacement of the Solent Recreation Mitigation Strategy.**

SUMMARY:

- The Bird Aware Solent Revised Strategy (the Revised Strategy) is put forward for approval to provide an updated mechanism to deliver mitigation for recreational impacts as a result of certain new residential development and other forms of overnight accommodation within the southern part of Test Valley on the Solent Special Protection Areas (SPAs).
- The Revised Strategy would continue to provide developers with the option of providing a financial contribution towards the mitigation package to be delivered by the Revised Strategy in order to address the potential effects from new residential development on the Solent Special Protection Areas. There would be no obligation for developers to use the Strategy and it would remain open for applicants to provide their own bespoke mitigation as part of their planning proposals.
- The current Strategy has enabled the Council to grant planning permission for new homes in the part of the borough within 5.6km of the boundaries of the SPAs as a means to meet the requirements of the Habitat Regulations and to conserve bird populations in the Solent.
- Governance for the current Strategy is provided via the Partnership for South Hampshire and this arrangement would continue for the Revised Strategy.

1 Introduction

- 1.1** This report is seeking the approval of the Bird Aware Solent Revised Strategy for use in assessing and determination of planning applications. This document provides a strategic mitigation package which will help to facilitate the delivery of new housing and other overnight accommodation within the identified zone where recreational impacts on these designations could occur.

This includes part of the south of the borough and affects all such development that lie within 5.6km of the boundary of the Solent Special Protection Areas (SPAs).

- 1.2 Each of the partner local planning authorities is being asked to endorse this latest iteration of the strategic mitigation strategy to ensure a joined up, consistent, and comprehensive approach is taken to this cross-boundary matter which would enable new residential development to be delivered.

2 Background

- 2.1 The Conservation of Habitats and Species Regulations 2017 (as amended) (referred to as the Habitats Regulations) include provisions that seek to ensure that plans and projects (including applications for planning permission) are not approved where they could harm the integrity of certain designated sites, including Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).
- 2.2 Policy E5 (Biodiversity) of the adopted Local Plan (2016) establishes that development likely to result in a significant effect on certain designations would need to satisfy the Habitat Regulations. The Solent coastline includes a number of rare habitats and species, as such parts are designated as a Special Area of Conservation (SAC), Special Protection Areas (SPAs) and Ramsar sites. It has been recognised for some time that additional residential development that could generate recreational activity along the coastline of the Solent has the potential to cause adverse effects when considered in-combination with other development proposals within the identified zone of influence.
- 2.3 A Solent Recreation Mitigation Strategy was approved by Cabinet in January 2018 and came into operation in April 2018. This replaced an interim strategy that had been in operation since 2015, following Cabinet approval in May 2014. These strategies focused on mitigating for in-combination recreational disturbance impacts on the overwintering birds which form part of the basis for the SPA designations in the Solent.
- 2.4 The current strategy, which originated in 2017, is well established and annually delivers in excess of 650 ranger patrols talking to over 8,000 people, over 50 community events allowing the rangers to speak with a further 1,500 people and over 30 guided walks with a total of over 400 people taking part. This outreach work is extended with effective communication tools such as leaflets, site signage and targeted social media posts. Feedback shows that 97% of people who hear their messaging receive it positively. Through this work and other measures, mitigation is provided for a significant scale of development that could otherwise contribute to an in-combination significant effect on the SPAs.

- 2.5 As part of the current strategy, it was identified that regular reviews would be needed to ensure the approach remains effective in delivering appropriate mitigation. An independent review¹ was undertaken in 2023. This was generally positive in its findings but also highlighted some areas for review that have been taken into account in preparing the Revised Strategy.
- 2.6 Additionally, a review of the likelihood of impacts on breeding birds (present during the summer months) around the Solent from increasing recreational disturbance from new residential development was undertaken in 2023. This indicated that it would be difficult to rule out adverse effects without adequate protection. As such, the Revised Strategy proposes a proportionate response to address this matter in addition to the overwintering birds.
- 2.7 The Revised Strategy, appended to this report, has a number of similarities to the existing mitigation framework, taking account of the conclusions of the independent review and operational experience. For example, the emphasis of the strategy remains on managing the way visitors interact with the coastal environment, rather than trying to prevent access to it *per se*, in order to avoid harmful impacts on nature conservation interests. It continues to focus on informing and educating all users of the coast so as to influence how they behave when visiting the Solent.
- 2.8 The key changes of the Revised Strategy are summarised below.
- The duration of the strategy has been extended from 2034 to 2050, with the in-perpetuity period now running until 2130 (was previously 2114). This allows the Strategy to support emerging local plans with a period beyond 2034.
 - Based upon this extended operating period, the number of predicted dwellings has been remodelled. This requires the revised strategy to be capable of providing mitigation for around 5,700 dwellings per annum across the whole strategy area, where previously it had been meeting the needs of closer to 2,500 per annum. This means that over the lifetime of the strategy, it is predicted to mitigate for just over 147,000 new dwellings.
 - As indicated above, the strategy has been extended to provide a proportional response to meet the needs of breeding birds, by supporting the work of organisations already active in that area of work. This means that rangers will provide an element of site visits for the entire year, not just the winter period as has been the case to date.
 - The core team of dedicated staff delivering this mitigation strategy will be increased from 10 to 19. This is in response to the findings of the independent review, and allows for the additional workload associated with breeding bird mitigation to be adequately accommodated.

¹ Available at: <https://birdaware.org/solent/wp-content/uploads/sites/2/2023/03/Bird-Aware-Solent-Strategy-Review-FINAL.pdf>

- Increased resources allocated to the dog initiative 'Coast and Country Canines' (three of the additional staff members and an uplift to the annual budget) based on the implementation of this initiative so far and an ongoing awareness that this user group remains a key target audience.
- Increased resources allocated to communications and engagement workstreams (two of the additional staff members and an uplift to the annual budget) in recognition of the role this work plays in reaching the relevant audiences and amplifying the messaging in all interactions.
- Increased resources allocated to monitoring (one of the additional staff members) to ensure that the resources are allocated as efficiently as possible and to make sure that changes in coastal use patterns are quickly identified and appropriately responded to.

2.9 The Strategy review was accompanied by a full financial re-appraisal, and recreating the supporting financial model which underpins the mitigation work. This considered the extended timeline for the operation of the strategy, the expected rise in dwelling numbers coming forward and predicted future costs, including those associated with expanding the team and resources available to them. The modelling accounted for a number of parameters, such as interest and inflation rates, so that the resulting model and outputs are as robust as possible for such an extensive timeline. There remains an ongoing commitment for regular reviews to ensure the approach remains fit for purpose.

2.10 The results of the financial model indicated that there is no need to amend the payment structure associated with the existing Strategy, in relation to the proposed Revised Strategy, despite the fact that it would include mitigation for breeding (summer) birds. This means that there is no proposal to alter prices for new residential development outside of the established annual inflationary adjustment. The proposed payment rates are set out in the Revised Strategy appended to this report – ranging from £465 to £1,207 per dwelling, depending on the number of bedrooms, within the identified zone of influence (subject to annual inflationary adjustments as cited above).

3 Corporate Objectives and Priorities

3.1 The Council's Corporate Plan 2023-27 sets out the five strategic priorities based on the results of community engagement. The Environment priority relates to a greener borough for our communities. As part of this, it is noted that the Council will take opportunities to further invest in and nurture the natural environment and biodiversity.

3.2 While the key driver behind the preparation of the Revised Strategy has been the legal requirements through the Habitat Regulations to provide a mechanism to enable planning permissions for new homes to be granted, the scheme offers benefits through the positive management of the coastline for a range of users, as well as for the species that are dependent on the habitats it provides.

4 Consultations/Communications

- 4.1 The Council is a member of the Bird Aware Solent Partnership, which was established to enable a joint, co-ordinated approach to mitigation for recreational impacts on the bird species for which the Solent Special Protection Areas (SPAs) are designated. Officers are represented on the Steering Group and Project Board. The Partnership for South Hampshire (PfSH) provides governance for the project in terms of oversight and makes decisions on the implementation of the mitigation strategy through the Joint Committee. For clarity, it should be noted that all local authority partners of Bird Aware Solent who are not members of PfSH are invited to participate in PfSH meetings when matters related to Bird Aware Solent are discussed.
- 4.2 On 30 September 2024, the Partnership for South Hampshire (PfSH) endorsed the Revised Bird Aware Strategy, prior to it being considered for approval by all relevant local planning authorities. This report recommends that Test Valley Borough Council approves the Revised Strategy.
- 4.3 As a partner of Bird Aware, Natural England has been regularly consulted during this review period and has provided support and guidance throughout.
- 4.4 There has been no public consultation on the Revised Strategy, however, the Partnership will be notifying developers, residents and other identified stakeholders of the changes to the strategy and the rationale behind them.

5 Options and Option Appraisal

- 5.1 The options available are in practice two-fold, i.e. to approve the Revised Bird Aware Solent Strategy (as appended to this report) or not to approve it. There is no scope to amend specific elements of the appended Revised Strategy as it has been endorsed by the PfSH Joint Committee and there is a need for consistency across all partner authorities. The implications of continuing with the existing Strategy are also covered below.
- 5.2 The Revised Strategy continues to aim to provide a mechanism for developers to meet their obligations under the Habitats Regulations so that local planning authorities can grant planning permission. It was developed taking account of the latest evidence / review, operation of the existing approach to mitigation, and the advice of Natural England. On this basis, no alternative mitigation packages are presented or currently available. A strategy just focusing on the borough of Test Valley would need to be developed and managed by the Council and would be unlikely to deliver the economies of scale of the joint approach, or be as effective in addressing potential impacts on the full extent of the designated sites. Developing such an option is not recommended.
- 5.3 The Revised Strategy would continue to allow developers to mitigate the in-combinations impacts of their developments without having to provide bespoke mitigation measures, which may be difficult in practical terms and potentially far more expensive. However, it remains an opt-in scheme and there is no obligation for a developer to make contributions to the Strategy. It is open for them to pursue other ways to mitigate the effects of their scheme.

- 5.4 If the Revised Strategy were not approved by members of the Bird Aware Solent partnership, and there was a decision to continue with the existing Strategy, there would be a risk of a number of negative outcomes, the most relevant of which are summarised below:
- With Natural England acknowledging the new evidence base related to breeding birds, it is possible that developers may be required to provide their own mitigation for these birds as they are not covered by the current Strategy.
 - With more housing coming forward, the existing scheme will not remain fit for purpose over time, as it will not have the required scale of resources to deal with the scale of the issues it is mitigating against.
 - The period covered by the current Strategy would not cover the full plan period for the draft Local Plan and so would be unable to help to reduce the risk of this not being fully compliant with the Habitat Regulations.
 - There will be an increasing risk that the condition of the SPAs will deteriorate over time, resulting in increased mortality of the birds.
- 5.5 In this context, it is considered that it would not be appropriate to continue to rely on the existing Strategy going forwards and this may in any event not be practical if other members of the Bird Aware Solent partnership agree to approve the Revised Strategy.
- 5.6 If the Revised Strategy is not approved as recommended, it would be necessary for any planning application for development that may contribute to an in-combination significant effect on the Solent SPAs to provide bespoke mitigation measures in order to satisfy the Habitat Regulations, which would then mean the Council could grant planning permission. This is likely to be challenging and more costly for applicants and more resource intensive for the Council in assessing the adequacy of such measures. Therefore, the recommended option is to approve the Revised Strategy.

6 Risk Management

- 6.1 An evaluation of the risks indicates that the existing risk controls in place mean that no significant risks have been identified at this time.

7 Resource Implications

- 7.1 Council officers have been involved in the preparation of the Revised Strategy as part of the Bird Aware Solent Partnership. This involvement is likely to continue through the implementation of the Revised Strategy and its future review.
- 7.2 Planning officers and specific consultees would be able to draw on the Strategy as part of the consideration of relevant planning applications in order to aid the consideration of the requirements in relation to policy E5 of the adopted Local Plan and the requirements of the Habitat Regulations. This would reflect the existing approach as has been applied with the current Strategy.

- 7.3 There are no direct implications on the Council's budget as a result of the recommendations in this report. Contributions are sought from developers which are then used to deliver the mitigation set out in the Revised Strategy.

8 Legal Implications

- 8.1 The proposed approach would help the Council to satisfy its obligations through the Habitat Regulations in determining planning applications and with regard to the Local Plan (adopted and emerging).

9 Equality Issues

- 9.1 The Equalities Impact Assessment has not identified any potential for discrimination or adverse impacts.

10 Other Issues

- 10.1 Community Safety – none.
- 10.2 Environmental Health Issues – none.
- 10.3 Sustainability and Addressing a Changing Climate – the Revised Strategy provides an updated mitigation framework to ensure that new development does not contribute to an in-combination adverse effect on the Solent Special Protection Areas.
- 10.4 Property Issues – none.
- 10.5 Wards/Communities Affected – the areas directly affected by the need to provide mitigation covers all or part of the Wards of Blackwater; Chilworth, Nursling and Rownhams; North Baddesley; Romsey Abbey; and Romsey Tadburn.

11 Conclusion

- 11.1 The Bird Aware Solent Revised Strategy has been prepared taking account of the most up to date evidence regarding the impact of new development on the Solent SPAs, the operation of the existing mitigation strategy, and the input of Natural England. The Revised Strategy has expanded in scope to address the issue of the impact of new housing on breeding (summer) birds but without increasing the cost to developers. It is therefore proposed that this Revised Strategy is approved and used in the assessment and determination of planning applications, as it provides a useful, sound, and effective mechanism to address recreational impacts arising from relevant new residential development on the Solent SPAs.

Background Papers (Local Government Act 1972 Section 100D)

[Test Valley Borough Revised Local Plan DPD Adopted Local Plan 2011-2029 \(2016\)](#)

[Solent Recreation Mitigation Strategy \(2017\)](#)

[Partnership for South Hampshire Joint Committee papers for 30 September 2024](#)

Confidentiality

It is considered that this report does not contain exempt information within the meaning of Schedule 12A of the Local Government Act 1972, as amended, and can be made public.

No of Annexes:

1

File Ref:

Pt4.1

(Portfolio: Planning) Councillor P Bundy

Officer:

Karen Eastley

Ext:

8258

Report to:

Cabinet

Date:

20 November 2024