

Title of meeting:	The Leader with responsibility for Planning, Regeneration and Economic Development
Date of meeting:	28 February 2018
Subject:	Solent Recreation Mitigation Strategy
Report by:	Assistant Director City Development
Wards affected:	All
Key decision:	No
Full Council decision:	No

1. Purpose of report

- 1.1 To consider and approve the Solent Recreation Mitigation Partnership's (SRMP) finalised Solent Recreation Mitigation Strategy (December 2017) as the framework for identifying recreational mitigation options for the Solent Special Protection Areas prepared by the SRMP and endorsed by the PUSH Joint Committee on 5 December 2017, and to subsequently withdraw the Portsmouth City Council's Solent Special Protection Areas Supplementary Planning Document (SPD) (2014).

2. Recommendations

- 2.1 It is recommended that the Leader with responsibilities for Planning Regeneration and Economic Development:
- A. Approves and agrees the Solent Recreation Mitigation Partnership's *Solent Recreation Mitigation Strategy* (December 2017) for subsequent implementation from 1 April 2018.
 - B. Agrees the revocation of the Portsmouth City Council *Solent Special Protection Areas Supplementary Planning Document* (SPD) (2014) (Appendix B) from 1 April 2018.

3. Background

- 3.1 Large areas of the Solent coastline in and around Portsmouth are internationally recognised for their habitat value as Special Protection Areas (SPAs) particularly for overwintering coastal birds, which need to be able to feed and rest undisturbed. Research has shown that new homes in proximity to these areas lead to more people visiting the coastline for recreation, potentially causing additional disturbance to the birds. For Portsmouth this can lead to disturbance on the

Portsmouth Harbour SPA, Chichester and Langstone Harbours SPA and the Solent and Southampton Water SPA.

- 3.2 To mitigate the recreational impact of new housing on the Solent SPAs, and to meet the statutory requirements of the Habitat Regulations, the *Solent Recreation Mitigation Partnership* (SRMP)¹ has operated under an Interim Strategy since 2014 to enable initial mitigation measures to be put in place so local authorities could continue to grant permission for new housing, whilst a Definitive Strategy and full mitigation package was developed. The interim mitigation framework gave applicants the option to pay a contribution towards the delivery of the mitigation package or develop their own bespoke mitigation for their proposal. Mitigation was sought from new residential development within 5.6km of the SPAs.
- 3.3 The interim framework was detailed in Portsmouth City Council's *Solent Special Protection Areas Supplementary Planning Document* (SPD) adopted on 16 April 2014. The SPD provides further detail on the implementation of *Portsmouth Core Strategy* (2012) Policy PCS13: A Greener Portsmouth, which refers to need to take into account any emerging evidence from the SRMP. The SPD also expanded upon the Use Class of dwellings that contributions apply to and the appropriate legal mechanisms for applicants to secure the habitat mitigation package.
- 3.4 A 'Definitive Strategy' for the long term was drafted and consulted upon from 17th June to 17th September 2017.² 49 comments were received from residents, public and private sector bodies. Following a number of revisions for clarity as a result of the consultation responses, the finalised *Solent Recreation Mitigation Strategy* was endorsed by the PUSH Joint Committee on 5th December 2017 with a commitment to implement a three year review cycle.
- 3.5 The Definitive Strategy will provide the necessary mitigation for proposed new housing up to 2034. Some of the money received will be set aside to fund the measures 'in-perpetuity' (calculated on an 80 years basis). The Strategy consists of the following mitigation measures:
- A team of 5-7 rangers operating along the coast advising visitors on how to avoid bird disturbance, as well as liaising with landowners and undertake other events with the public;
 - Initiatives to encourage responsible dog walking;
 - Preparation of codes of conduct for a variety of coastal activities;
 - Small scale site specific projects to better management visitors and provide secure habitats for the birds;
 - Providing alternative new / enhanced strategic greenspaces;
 - Communication, marketing and education initiatives; and
 - Providing new/enhanced greenspace as an alternative for visitors; and
 - A Partnership Manager to co-ordinate and manage the above.

¹ A Partnership of 15 local councils (inc. Portsmouth City Council), Natural England, the Royal Society for the Protection of Birds, Hampshire & Isle of Wight Wildlife Trust and the Chichester Harbour Conservancy. Their initiatives are promoted through 'Bird Aware Solent'.

² Endorsed for consultation by the PUSH Joint Committee on 27 June 2017.

- 3.6 The implementation and monitoring of the above measures will be funded by developer contributions for each net additional dwelling within the retained radius of 5.6km. This will rise from the Interim Strategy flat rate contribution of £181 per dwelling to an average cost per dwelling of £564³, on a new sliding scale according to the number of bedrooms as set out in the table below:

Solent Recreation Mitigation Strategy charges

Dwelling size	Charge per dwelling
1 bedroom	£337
2 bedroom	£487
3 bedroom	£637
4 bedroom	£749
5 bedrooms +	£880

- 3.7 The developer contributions will be collected by the local authorities and transferred to the Partnership which will implement the measures. There will remain an option for developers to put forward alternative mitigation packages (which would need to be agreed with Natural England), but for the vast majority it will be simpler, quicker and less costly to pay the developer contributions.
- 3.8 Council leaders will steer and oversee the Partnership's activities and expenditure. Progress on implementation and financial accounts will be published in an annual report.
- 3.9 It is anticipated that all of the Solent local authorities will have adopted the Strategy by the end of March 2018.

4. Reasons for recommendations

Recommendation A: Approves and agrees the Solent Recreation Mitigation Partnership's Solent Recreation Mitigation Strategy (December 2017) for subsequent implementation from 1 April 2018

- 4.1 It is proposed to approve, and subsequently implement, the *Solent Recreation Mitigation Strategy* in the Portsmouth City Council area from 1 April 2018, in-line with the other local planning authorities in the SRMP. Once adopted by Portsmouth City Council, the new developer contribution rate would apply to all relevant applications within the 5.6km zone determined from 1st April 2018.
- 4.2 The direction and content of the strategy has been publically consulted on, revised accordingly, and endorsed by the PUSH Joint Committee which includes representatives from Portsmouth City Council. Bringing the Strategy into effect on 1st April with the other Solent local authorities would ensure equality in the developer contribution requirements across the sub region.

³ All rates would increase annually on 1st April to take into account of inflation.

- 4.3 Failure to approve and implement the Strategy would significantly impede development in the city.

Recommendation B: Agrees the revocation of the Portsmouth City Council *Solent Special Protection Areas Supplementary Planning Document (SPD) (2014)* from 1 April 2018

- 4.4 A local planning authority may revoke any Supplementary Planning Document⁴.
- 4.5 While the Interim Strategy was brought into force in the Portsmouth City Council area by a related SPD in 2014 in order to help guide residential development in the city, an SPD on the topic is no longer considered necessary for the following main reasons:
- The endorsed Strategy explains all aspects of the mitigation framework for applicants;
 - Amending or adopting a new SPD would involve further public consultation on an approach which has already been approved; there would be little scope or meaningful opportunity to shape the Council's approach;
 - To maintain a uniform approach in the implementation arrangements of the Strategy across the sub region.
 - The choice of appropriate legal mechanisms to secure developer contributions (which the Strategy delegates to each authority) can continue to be detailed on Portsmouth City Council website.
- 4.6 The intention is to update the existing webpage⁵ with information on the endorsed Strategy (including a copy of the document), the new charging schedule and the dates for implementation. There would also be notice on the webpage stating that the Solent Special Protection Areas SPD is no longer in force.

5. Equality impact assessment

- 5.1 A *Preliminary Equalities Impact Assessment* (November 2017) was carried out on the Definitive Strategy by the SRMP; no negative impacts were identified on any of the equalities groups.

6. Legal implications

- 6.1 The Habitats Regulations prevent the council giving permission to developments which individually or in combination are likely to have a significant effect on a Special Protection Area. This would place a severe limitation on development and regeneration in the city unless a mitigation package can be agreed. Adopting the Strategy would help the Council satisfy its obligations with regard to the Portsmouth Plan Core Strategy Policy PSC13: A Greener Portsmouth and the requirements of the Habitat Regulations.

⁴ The Town and Country Planning (Local Planning) (England) Regulations 2012, S.15 (2) (as amended)

⁵ <https://www.portsmouth.gov.uk/ext/development-and-planning/planning/solent-special-protection-areas>

7. Director of Finance's comments

- 7.1 The recommendations within this report to adopt the Solent Recreation Mitigation Partnership's Solent Recreation Mitigation and revoke the existing Portsmouth City Council Solent Special Protection Areas Supplementary Planning Document (SPD) (2014) (Appendix B) does not result in any adverse financial implications for Portsmouth City Council.
- 7.2 The mitigation measures within the Strategy referred in paragraph 3.5 are anticipated to funded from developer contributions. As a member of the Partnership, the City Council contributes by hosting the Solent Recreation and Mitigation Manager and providing the necessary procurement services. The Partnership Project Board have appointed Fareham Borough Council as the administrator of the Partnership's funds, and to provide advice and guidance on all Partnership financial matters.

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Signed by:

Appendices:

Appendix A: SRMP (December 2017) *Solent Recreation Mitigation Strategy*

Appendix B: Portsmouth City Council (2014) *Solent Special Protection Areas SPD*

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
SRMP (Dec 2014) Interim Solent Recreation Mitigation Strategy	http://www.birdaware.org/CHttpHandler.ashx?id=27309&p=0
Solent Recreation Mitigation Partnership, Solent Recreation Mitigation Strategy Consultation Responses Report	http://www.birdaware.org/CHttpHandler.ashx?id=29158&p=0
SRMP (Dec 2017) Item 9 Briefing Note to the PUSH Joint Committee - Solent Recreation Mitigation Partnership Strategy	http://www.push.gov.uk/item_9_-_srmp.pdf
SRMP (Dec 2017) Briefing Note to the PUSH Joint Committee Item 9 Appendix 1: Principal Issues Raised and Responses Given/Changes made to the Strategy.	http://www.push.gov.uk/item_9_-_appendix_1.pdf

Minutes of the Partnership for Urban South Hampshire (PUSH) Joint Committee 05 December 2017	http://www.push.gov.uk/171205_final_push_minutes.pdf
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The recommendation(s) set out above were approved/ approved as amended/ deferred/
rejected by on

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Signed by: